

108th Congress }
2nd Session }

JOINT COMMITTEE PRINT {

COUNTRY REPORTS ON HUMAN RIGHTS PRACTICES FOR 2003

VOLUME I

R E P O R T

SUBMITTED TO THE

COMMITTEE ON INTERNATIONAL
RELATIONS

U.S. HOUSE OF REPRESENTATIVES

AND THE

COMMITTEE ON FOREIGN RELATIONS
U.S. SENATE

BY THE

DEPARTMENT OF STATE

IN ACCORDANCE WITH SECTIONS 116(d) AND 502B(b) OF THE
FOREIGN ASSISTANCE ACT OF 1961, AS AMENDED



APRIL 2004

Printed for the use of the Committees on International Relations of the
U.S. House of Representatives and Foreign Relations of the U.S. Senate,
respectively

U.S. GOVERNMENT PRINTING OFFICE

92-389PDF

WASHINGTON : 2004

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FOREWORD

The *Country Reports on Human Rights Practices* contained herein were prepared by the Department of State in accordance with sections 116(d) and 502B(b) of the Foreign Assistance Act of 1961, as amended. They also fulfill the legislative requirements of section 505(c) of the Trade Act of 1974, as amended.

The reports cover the human rights practices of all nations that are members of the United Nations and a few that are not. They are printed to assist Members of Congress in the consideration of legislation, particularly foreign assistance legislation.

HENRY J. HYDE,

Chairman, Committee on International Relations.

RICHARD G. LUGAR,

Chairman, Committee on Foreign Relations.

LETTER OF TRANSMITTAL

U.S. DEPARTMENT OF STATE,
Washington, DC, February 25, 2004.

Hon. HENRY J. HYDE,
Chairman, Committee on International Relations.

DEAR MR. CHAIRMAN: On behalf of Secretary Powell, we are pleased to transmit to you the *Country Reports on Human Rights Practices for 2003*, prepared in compliance with Section 665 of P.L. 107-228, the Foreign Relations Authorization Act for Fiscal Year 2003, and Sections 116(d) and 502B(b) of the Foreign Assistance Act of 1961, as amended.

We hope this report is helpful. Please let us know if we can provide any further information.

Sincerely,

PAUL V. KELLY,
Assistant Secretary, Legislative Affairs.

Enclosure:
As stated.

PREFACE

HUMAN RIGHTS REPORTS

The expansion of democracy and respect for human rights throughout the world is at the core of U.S. foreign policy. The yearly release of the *Country Reports on Human Rights Practices* is an occasion to assess the state of human freedom around the world and the challenges faced by those seeking to improve it.

Putting together the *Country Reports* is a multi-stage process. Throughout the year, our embassies collect the data contained in it through their contact with human rights organizations, public advocates for victims, and others fighting for human freedom in every country and every region of the world. Investigating and verifying the information requires additional contacts, particularly with governmental authorities. Such inquiries reinforce the high priority we place on raising the profile of human rights in our bilateral relationships and putting governments on notice that we take such matters seriously. Compiling the data into a single, unified document allows us to gauge the progress that is being made. The public release of the *Country Reports* sharpens our ability to publicize violations and advocate on behalf of victims. And submission of the reports to the Congress caps our year-round sharing of information and collaboration on strategies and programs to remedy human rights abuses—and puts us on the path to future progress.

We have found that reporting on human rights is useful not only for addressing violations by governments in power, but also for the recovery and reconstruction of societies where a repressive regime has departed the scene. We learned this in the early 1990s as we assisted the new governments emerging from the collapse of the Soviet Union and its satellites in Eastern Europe. Today, we are helping the people of Iraq and Afghanistan, long oppressed by despotic leaders, to establish the rule of law, guarantee basic freedoms, and build democratic institutions. Our experience of monitoring human rights abuses in those and other countries has given us a richer understanding of the challenges faced by peoples struggling for democracy and human rights. Decades of reporting violations and voicing concerns signal our continued commitment to fulfill the promise of freedom for ourselves and for the world around us.

With confidence that we have upheld our high standards of accuracy and comprehensiveness, which have made past breakthroughs possible and future gains within our grasp, I am pleased to submit the Department of State's *Country Reports on Human Rights Practices for 2003* to the U.S. Congress.

COLIN L. POWELL,
Secretary of State.

OVERVIEW AND ACKNOWLEDGMENTS

HUMAN RIGHTS REPORTS

WHY THE REPORTS ARE PREPARED

This report is submitted to the Congress by the Department of State in compliance with Section 665 of P.L. 107-228, the Foreign Relations Authorization Act for Fiscal Year 2003, and Sections 116(d) and 502B(b) of the Foreign Assistance Act of 1961 (FAA), as amended. The law provides that the Secretary of State shall transmit to the Speaker of the House of Representatives and the Committee on Foreign Relations of the Senate by February 25 “a full and complete report regarding the status of internationally recognized human rights, within the meaning of subsection (A) in countries that receive assistance under this part, and (B) in all other foreign countries which are members of the United Nations and which are not otherwise the subject of a human rights report under this Act.” We have also included reports on several countries that do not fall into the categories established by these statutes and that thus are not covered by the congressional requirement.

The responsibility of the United States to speak out on behalf of international human rights standards was formalized in the early 1970s. In 1976 Congress enacted legislation creating a Coordinator of Human Rights in the Department of State, a position later upgraded to Assistant Secretary. In 1994 the Congress created a position of Senior Advisor for Women’s Rights. Congress has also written into law formal requirements that U.S. foreign and trade policy take into account countries’ human rights and worker rights performance and that country reports be submitted to the Congress on an annual basis. The first reports, in 1977, covered only the 82 countries receiving U.S. aid; this year 196 reports are submitted.

HOW THE REPORTS ARE PREPARED

In August 1993, the Secretary of State moved to strengthen further the human rights efforts of our embassies. All sections in each embassy were asked to contribute information and to corroborate reports of human rights violations, and new efforts were made to link mission programming to the advancement of human rights and democracy. In 1994 the Bureau of Human Rights and Humanitarian Affairs was reorganized and renamed as the Bureau of Democracy, Human Rights and Labor, reflecting both a broader sweep and a more focused approach to the interlocking issues of human rights, worker rights and democracy. The *2003 Country Reports on Human Rights Practices* reflect a year of dedicated effort by hun-

dreds of State Department, Foreign Service and other U.S. Government employees.

Our embassies, which prepared the initial drafts of the reports, gathered information throughout the year from a variety of sources across the political spectrum, including government officials, jurists, armed forces sources, journalists, human rights monitors, academics, and labor activists. This information-gathering can be hazardous, and U.S. Foreign Service Officers regularly go to great lengths, under trying and sometimes dangerous conditions, to investigate reports of human rights abuse, monitor elections and come to the aid of individuals at risk, such as political dissidents and human rights defenders whose rights are threatened by their governments.

After the embassies completed their drafts, the texts were sent to Washington for careful review by the Bureau of Democracy, Human Rights and Labor, in cooperation with other State Department offices. As they worked to corroborate, analyze and edit the reports, the Department officers drew on their own sources of information. These included reports provided by U.S. and other human rights groups, foreign government officials, representatives from the United Nations and other international and regional organizations and institutions, experts from academia, and the media. Officers also consulted with experts on worker rights issues, refugee issues, military and police topics, women's issues and legal matters. The guiding principle was to ensure that all relevant information was assessed as objectively, thoroughly and fairly as possible.

The reports in this volume will be used as a resource for shaping policy, conducting diplomacy and making assistance, training and other resource allocations. They also will serve as a basis for the U.S. Government's cooperation with private groups to promote the observance of internationally recognized human rights.

The *Country Reports on Human Rights Practices* cover internationally recognized individual, civil, political and worker rights, as set forth in the Universal Declaration of Human Rights. These rights include freedom from torture or other cruel, inhuman or degrading treatment or punishment, from prolonged detention without charges, from disappearance or clandestine detention, and from other flagrant violations of the right to life, liberty and the security of the person.

Universal human rights seek to incorporate respect for human dignity into the processes of government and law. All persons have the inalienable right to change their government by peaceful means and to enjoy basic freedoms, such as freedom of expression, association, assembly, movement and religion, without discrimination on the basis of race, religion, national origin or sex. The right to join a free trade union is a necessary condition of a free society and economy. Thus the reports assess key internationally recognized worker rights, including the right of association, the right to organize and bargain collectively, prohibition of forced or compulsory labor, the status of child labor practices and the minimum age for employment of children, and acceptable work conditions.

Within the Bureau of Democracy, Human Rights and Labor, the editorial staff of the *Country Reports* Team consists of: *Editor in Chief*: Cynthia R. Bunton; *Deputy Editor-in-Chief*: LeRoy G. Potts;

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INTRODUCTION TO THE COUNTRY REPORTS ON HUMAN RIGHTS PRACTICES FOR THE YEAR 2003

Promoting respect for universal human rights is a central dimension of U.S. foreign policy. It is a commitment inspired by our country's founding values and our enduring strategic interests. As history has repeatedly shown, human rights abuses are everybody's concern. It is a delusion to believe that we can ignore depredations against our fellow human beings or insulate ourselves from the negative consequences of tyranny. The United States stands ready to work with other governments and civil society to prevent the abuses of power and the proliferation of dehumanizing ideologies that produce misery and desperation and lead to devastating international political, economic and humanitarian consequences.

Threats to human rights can take various forms. They range from large-scale abuses like genocide, slaughter of innocents and forced migration to chronic, systemic problems that deny citizens the basic rights of freedom of religion, speech and assembly, and protections against the arbitrary exercise of state power. The United States cannot afford to ignore either type of human rights problem, or to excuse them as cultural differences.

Begun in 1977, the annual *Country Reports on Human Rights Practices* are designed to assess the state of democracy and human rights around the world, call attention to violations, and—where needed—prompt needed changes in our policies toward particular countries. They are an expression of U.S. vigilance in monitoring other countries and holding leaders accountable for their treatment of fellow citizens.

Each year's *Country Reports* identify gaps between principles and practice, between espoused standards on the one hand, and actual performance on the other. Examined retrospectively, a quarter century of reporting shows that many countries have begun to close those gaps and turned horror stories into success stories. Their examples have helped us understand how gains can be made in protecting human rights and expanding freedom.

For the last two and a half years, we have taken those lessons and applied them to a new world. After September 11, 2001, some observers questioned whether the United States could afford the "luxury" of concern about human rights and democracy abroad, and whether we might sacrifice our principles for expediency in the global war on terrorism. Within days, National Security Advisor Condoleezza Rice provided a clear answer:

"We are not going to stop talking about the things that matter to us—human rights and religious freedom and so forth. We're

going to continue to press those issues. We would not be America if we did not.”

In his January 2002 State of the Union Address, President George W. Bush underscored the unequivocal U.S. commitment to human rights:

“. . . America will always stand firm for the non-negotiable demands of human dignity: the rule of law; limits on the power of the state; respect for women; private property; free speech; equal justice; and religious tolerance. America will take the side of brave men and women who advocate these values around the world, including the Islamic world, because we have a greater objective than eliminating threats and containing resentment. We seek a just and peaceful world beyond the war on terror.”

Later that year, Secretary of State Colin Powell backed these words by unveiling the U.S.-Middle East Partnership Initiative (MEPI), a program designed to assist political, economic and social reforms in that region. Henceforth, those seeking freedom in the Middle East can count on the same support long provided to Latin Americans, Central Europeans, Asians, Africans and others. The United States is now working across the Middle East to enhance the skills and opportunities of men and women who wish to compete for office, administer elections, report on political events and influence them as members of civil society. We have reinforced MEPI programming with unprecedented diplomacy to remedy problems described frankly in the *Country Reports*.

Some worried that our new focus on the Arab world would leave us without time to address human rights and democracy elsewhere. In early 2002, the President announced creation of the Millennium Challenge Account,

“a new compact for global development, defined by a new accountability for both rich and poor nations alike. Greater contributions from developed nations must be linked to greater responsibility from developing nations.”

Nations that invest in their people’s education and health, promote economic freedoms and govern justly—defined by the prevalence of civil liberties, political rights, rule of law and a government’s accountability and effectiveness—will be rewarded. The Millennium Challenge Account (MCA) will rely on sound human rights reporting to evaluate conformity with basic standards of democratic governance and economic freedom. MCA will also provide another vehicle for reducing the gap between human rights ideals and actual practices.

Other efforts to remedy problems outlined in the *Country Reports* have intensified. For the first time, the United States has a substantial program to assist structural changes, promote human rights awareness, and support legal and administrative reform in China. In Central Asia, we have mounted an unprecedented effort to support the development of representative political parties, human rights organizations and independent media. The United States has also worked more actively to contribute to the promotion of freedom in Burma, Zimbabwe, Cuba, Belarus and elsewhere.

These efforts to advance freedom have often been enhanced by partnerships with other members of the Community of Democracies, a growing organization composed mainly of nations that over the past quarter century have made the transition from dictatorship to democracy.

America's post-9/11 foreign policy has increased our scrutiny and activism in whole regions on the issues of human rights and democracy. Not surprisingly, some authoritarian governments—from the Middle East to Central Asia to China—have attempted to justify old repression by cloaking it as part of the new “war on terror.” Knowledgeable observers note that authoritarianism existed in such areas before September 11, 2001. American policymakers rejected and rebuked, often publicly, such attempts to label those peacefully expressing their thoughts and beliefs as “terrorists.” In some but not all instances, we were able to contribute on a case-by-case basis to freedom for such individuals. Over time, the increased activism described above will help change national structures that allow such abuses, and will contribute to freedom for all.

THE YEAR IN REVIEW: DEMOCRACY, HUMAN RIGHTS AND LABOR

Where we are vigilant, through such actions as compiling these reports and implementing an agenda that make the *Country Reports* more than a rote recitation of evidence, we advance U.S. interests. In 2003, we saw many developments covering the whole range from the dramatically uplifting to the disappointing. The countries and concerns mentioned below represent areas that define our engagement with human rights issues worldwide.

In Afghanistan, the Constitutional Loya Jirga (CLJ) brought together 502 delegates, including 89 women, to craft a new constitution. This process culminated in the adoption of a new, moderate constitution in January 2004. Key social issues that were debated in the CLJ included the rights of women and minorities, the role of religion, education, jobs and security. In addition to encouraging responsible implementation of the new constitution, in 2004 we are dedicated to expanding and continuing our commitment to helping Afghans realize their vision for a country that is stable, democratic and economically successful after 30 years of war. The last two years have seen dramatic improvements in democracy and human rights since the days of the Taliban. However, terrorist attacks and severe violence, including a reviving drug trade, add to the sense of lawlessness and insecurity, slowing the process of reconstruction.

The liberation of Iraq by Coalition forces in April ended years of grave human rights violations by Saddam Hussein's regime. Hussein's rule resulted in a climate of fear and repression in which arbitrary arrests, killings, torture and persecution were daily facts of life. Since April, the world has discovered overwhelming evidence of a totalitarian and capricious brutality that terrorized individuals in unimaginable ways. One indication, in a nation of 24 million people, are mass graves in which as many as 300,000 Iraqis are buried. The record of horror under Saddam Hussein is still unfolding. Building democracy and a culture of respect for human rights after 36 years of tyranny will be an arduous task, but it is an effort that has the support of the overwhelming majority of the Iraqi people.

We began 2003 with hopes that the incremental but unprecedented progress in China seen in 2002 would be continued and expanded; however, throughout the year, we saw backsliding on key human rights issues. Arrests of democracy activists, individuals discussing subjects deemed sensitive by the Government on the Internet, HIV/AIDS activists, protesting workers, defense lawyers advocating on behalf of dissidents or the dispossessed, house church members and others seeking to take advantage of the space created by Chinese reforms increased. Harsh repression of the Falun Gong continued, and the Chinese Government used the war on terror to justify its continuing crackdown on Muslim Uighurs.

The Chinese Government's record in Tibet remains poor and ongoing abuses include execution without due process, torture, arbitrary arrest, detention without public trial, and lengthy detention of Tibetans for peacefully expressing their political or religious views. In January 2003, Tibetan Lobsang Dondrub was executed for alleged involvement in a series of bombings in Sichuan Province in 2002. The death sentence of Buddhist teacher Tenzin Deleg Rinpoche on the same charge was deferred for two years. The trials of the two men were closed to the public on "state secrets" grounds, and they were reportedly denied due process of law. Lobsang Dondrub's execution the same day he lost his appeal to the Sichuan Provincial Higher People's Court, as well as the failure of the national-level Supreme People's Court to review the case as promised to foreign officials, raised serious concerns in the international community.

After the stunning July 1 demonstrations in Hong Kong by approximately 500,000 people and intense public debate about civil liberties and fundamental freedoms, the Government of the Hong Kong SAR withdrew proposed national security legislation in September. The people of Hong Kong took advantage of their right to free speech and assembly as guaranteed under the Basic Law and urged the Government to abide by democratic processes. Public demands also increased for the implementation of universal suffrage in the 2007 Chief Executive election and the 2008 Legislative Council election. However, following consultations with the PRC Government, Hong Kong did not announce a timetable for public consultations on democratization by year's end.

Reports from North Korea continue to paint a bleak picture of one of the world's most inhumane regimes. Rigid controls over information, which limit the extent of our report, reflect the totalitarian repression of North Korean society. Basic freedoms are unheard of, and the regime committed widespread abuses of human rights. This year's report details—among other abuses—killings, persecution of forcibly repatriated North Koreans, and harsh conditions in the extensive prison camp system including torture, forced abortions and infanticide.

Burma's extremely poor human rights record worsened in 2003. On May 30, government-affiliated forces attacked a convoy led by National League for Democracy (NLD) party leader Aung San Suu Kyi, leaving several hundred NLD members and pro-democracy supporters missing, under arrest, wounded, raped or dead. Egregious abuses of ethnic minority civilians continued.

In Cuba, human rights abuses worsened dramatically: 75 peaceful dissidents were sentenced to prison terms averaging 20 years for trying to exercise their fundamental rights, while the Castro regime ignored petitions containing thousands of signatures which organizers of the Varela Project had collected from Cuban citizens exercising their constitutional right to petition for a referendum on political and economic reform.

The Government of Zimbabwe continued to conduct a concerted campaign of violence, repression and intimidation. This campaign has been marked by disregard for human rights, the rule of law and the welfare of Zimbabwe's citizens. Torture by various methods is used against political opponents and human rights advocates.

In Russia, the Government manipulated the October presidential polls in Chechnya and parliamentary elections held on December 7; both failed to meet international standards. The OSCE monitoring mission's assessment of the parliamentary elections criticized extensive use of the state apparatus and media favoritism that biased the campaign. Government pressure on the media continued, resulting in the elimination of the last major non-State television network. Criminal prosecutions and threats of prosecutions against major financial supporters of opposition parties and independent NGOs undermined the parties' ability to compete, weakened civil society, and raised questions about the rule of law in Russia. A series of "alleged espionage" cases continued to raise concerns about the rule of law and influence of the FSB (the federal security service). The conflict in Chechnya continued to have serious human rights implications. Reports of continued violence and human rights abuses in Chechnya persisted. These reports included evidence that some among the federal and local security forces, as well as some of the separatists, are still resorting to unacceptable methods of resolving the conflict.

Many republics of the former Soviet Union have mixed or poor human rights records. We continue to work with governments and nongovernmental organizations in the region to identify areas where our assistance can have significant impact. The threats to stability are varied, and our insistence on accountability for human rights violations and adherence to democratic norms is bringing progress to the region, as demonstrated by the developments in Georgia.

The Government of Georgia allowed several major protests to proceed without violence or arrests. President Eduard Shevardnadze resigned on November 23 allowing for new leadership to assume power and the Supreme Court subsequently annulled the results of the proportional parliamentary contests. Georgia's January 4, 2004 presidential election showed significant improvements over previous contests. But elsewhere in the Caucasus, fraud and serious irregularities marred the other presidential and parliamentary elections held during the year. In Armenia and Azerbaijan, authorities arrested and harassed hundreds of opposition party demonstrators protesting the conduct of these elections. There were credible reports that Azerbaijan authorities also tortured a number of opposition members to coerce confessions.

Progress in Central Asia continued to come from dedicated activists and nongovernmental organizations. Governments were mov-

ing slowly, but have shown signs of recognizing the importance of human rights. The Media Support Center in the Kyrgyz Republic, which was registered in 2002, opened an independent printing press on November 14. The Turkmenistan Government intensified its harsh crackdown on political opponents and their families with widespread reports of abuses, including torture, arbitrary arrests of hundreds of relatives of suspected plotters of the November 2002 armed attack on the president's motorcade, and lack of fair trials and freedom of movement. Restrictions on freedom of religion, speech, association and assembly became more severe. In Uzbekistan there were at least three new torture deaths in custody during the year and continued reports of torture with impunity and unfair trials. Harassment and arrests of political opponents, including independent journalists and activists, continued, as did registration problems for opposition political parties and nongovernmental organizations. Prominent opposition leaders remain imprisoned in Kazakhstan and Kyrgyzstan.

In Belarus, the Lukashenko Government continued to restrict freedom of speech and press and took further measures to restrict freedom of association and assembly. The Government increased pressure on human rights and other NGOs, interfering with their work and closing many down. The Government failed to suspend or take any other action against senior regime officials implicated in the disappearance of opposition and press members. Addressing abuses in Belarus became a priority for the United States as we returned as a member of the U.N. Commission on Human Rights (UNCHR).

During its 2003 session, the UNCHR adopted a U.S.-sponsored resolution on Belarus for the first time, as well as resolutions on Turkmenistan and North Korea. A resolution on Cuba was also adopted by a formal vote, and resolutions on Burma and the Democratic Republic of the Congo were approved by consensus. In addition, the Commission decided not to hold a special sitting on the situation in Iraq during the height of military action.

With Libya in the Chair and such countries as Zimbabwe, Cuba, Sudan, China and Syria, which fail to protect their own citizens' rights, as members, the 2003 session of the UNCHR fell short in several respects. Resolutions on the human rights situations in Zimbabwe, Sudan and Chechnya were defeated. The United States continued to emphasize the need to improve the functioning of the Commission, primarily by supporting the membership of countries with positive human rights records. We began to discuss the formation of a democracy caucus with interested governments. We envision this as a group of like-minded countries that would coordinate more closely in multilateral settings to advance goals consistent with democratic values.

The United States was deeply saddened by the death of U.N. High Commissioner for Human Rights Sergio Vieira de Mello in August 2003. Mr. Vieira de Mello assumed this position on July 22, 2002, and during his tenure, he undertook important reforms of the Office of the High Commissioner. He was well respected in the international community for his extensive work within the United Nations and for his humanitarian fieldwork. Secretary Powell noted on August 19, 2003,

“Sergio Vieira de Mello was a consummate professional who devoted his life to helping others, particularly in his decades of distinguished service to the U.N. . . . In my book, Mr. Vieira de Mello was a hero, who dedicated his life to helping people in danger and in difficulty. His loss is a terrible blow to the international community.”

Institutional changes:

Notable progress in Africa included the beginning of the second half of a three-year transitional power-sharing government in Burundi: Domitien Ndayizeye, a Hutu, succeeded Pierre Buyoya, a Tutsi, as president in April. In addition, the Transitional Government negotiated a future power-sharing agreement with the main rebel group; however, another rebel group remained outside negotiations and continued to conduct attacks on civilians and government forces. Madagascar stabilized after a 2002 political crisis in which the presidency was disputed, and President Ravalomanana has continued his anti-corruption campaign, which resulted in the suspension of 18 mayors and the conviction of 12 magistrates.

In the Democratic Republic of the Congo, various armed groups continued to commit massacres and other atrocities, but the poor human rights situation improved slightly. After five years of war, a Transitional Government was inaugurated, a vital step in starting the country on a path toward democracy. Uganda withdrew its forces by June, and, following the adoption of a transitional constitution, a transitional power-sharing government was established on June 30. In Liberia, a cooperative transitional power sharing agreement emerged between civil society, former government forces and the rebel groups, “Liberians United for Reconciliation and Democracy” (LURD) and “Movement for Democracy in Liberia” (MODEL), with elections scheduled for October 2005. However, numerous abuses occurred in the context of the conflict, and sporadic fighting, looting and human rights violations continued in remote areas where peacekeepers from the U.N. Mission in Liberia (UNMIL) have not yet reached.

Change continued across much of the Arab world. In Qatar, voters approved a new constitution by popular referendum held in April. That same month, Yemen successfully held open parliamentary elections for the second time in its history. In Oman, approximately 74 percent of registered voters participated in October elections for the 83 seats in the Consultative Council. In Jordan, King Abdullah appointed a new 55-member Senate in November, increasing the number of women members from three to seven. In Morocco, 2002 voting for a parliament was followed up with 2003 elections for municipal councils.

Turkey passed extensive human rights reform packages that covered a broadening of laws on torture, impunity, access to attorneys, fair trials and freedom of speech, although not all of these reforms were fully implemented during the year. As part of a wide-ranging judicial reform program, Bosnia and Herzegovina adopted new Criminal Codes and Criminal Procedure Codes at the state and entity levels. For the first time, the Bosnian police forces were fully accredited under the U.N. accreditation program. A European Union Police Mission, responsible for developing professional stand-

ards and accountability in senior police ranks, began operating on January 1, 2003.

In Egypt, State Security Courts were formally abolished in May; however, the Government retained and continued to use Emergency Courts, and most observers noted that this was not a substantial improvement. The Emergency Law, extended in February for an additional three years, continued to restrict many basic rights. The Government passed legislation establishing a National Council for Human Rights; initially dismissed as window dressing, the naming of a number of independent thinkers to the Council led to hopes in early 2004 that the Council could contribute to a betterment of Egypt's civil life. Security forces continued to torture prisoners, arbitrarily arrest and detain persons, and occasionally engaged in mass arrests.

Political rights:

Six nations in the Western Hemisphere—Argentina, Barbados, Belize, Grenada, Guatemala and Paraguay—held elections for their chief of state or government that were deemed to be free and fair. The Organization of American States promoted democracy, observed elections and used the principles of its Inter-American Democratic Charter to ensure broad, free and fair access to the democratic process in Venezuela, Haiti and Bolivia.

Positive signs in Africa included developments in Kenya, where the new Government acted to establish an autonomous national human rights commission to investigate abuses and educate citizens. A ministry of gender affairs was also set up; three bills to protect women's rights were submitted to the parliament but they still await passage. The Government also took several steps to curb corruption, including the establishment of an anti-corruption authority to investigate and prosecute cases of corruption and the dismissal of 38 magistrates and transfer of 40 others on official accusations of corruption. In Rwanda, a new constitution was adopted, ending a nine-year transitional period, and the country held its first post-genocide presidential and legislative elections in August and September. However, the right of Rwandan citizens to change their government was effectively restricted, and government harassment of the political opposition continued.

Elsewhere in Africa, international and domestic election monitors reported that in some states during the Nigerian presidential elections, they witnessed widespread voting irregularities, as well as procedural flaws, particularly in the collation and counting of votes. However, election-related violence at the levels predicted did not occur. An attempted coup occurred during the year in Mauritania, and the presidential election held in November generally was not considered free and fair by many international observers.

In Saudi Arabia, citizens do not have the right to change their government. In October, the Government announced that it would hold elections within the year for half the members of municipal councils; however, it has not yet provided specific information about the conduct of the elections. There were credible reports that security forces continued to torture and abuse detainees and prisoners, arbitrarily arrest or detain persons, and hold them incommunicado. The Government restricted freedom of assembly, asso-

ciation, religion and movement. Violence and discrimination against women, discrimination against ethnic and religious minorities, and strict limitations on workers rights continued. The Government established a National Dialogue Center intended to address religious extremism and problems facing women and the country's Muslim minorities. Government officials also met with organized groups of reform advocates and permitted Human Rights Watch to visit the Kingdom for the first time.

The Syrian Government's human rights record remained poor and it continued to commit serious abuses. The Government used its vast powers to prevent any organized political opposition activity. Security forces committed serious abuses, including the use of torture and arbitrary arrest and detention. The Government significantly restricted freedom of speech and the press. Freedom of assembly does not exist under the law, and the Government restricted freedom of association. The Government also placed some limits on freedom of religion and suppressed worker rights. In Tunisia, although the Government continued to improve the economy and provide opportunities for women, continuing abuses included torture of detainees by security forces, violations of privacy rights, significant restrictions on freedoms of speech and press, and harassment of judges as well as human rights and civil society activists.

The Iranian Government's poor human rights record worsened, and it continued to commit numerous, serious abuses. The Iranian people's ability to assert their democratic will continued to be hindered by a structure that exerts undue influence on the electoral and legislative processes by regime hardliners. The clerical regime stifles open debate through such tactics as intimidation, violence and imprisonment of opposition activists, on matters ranging from freedom of expression to appropriate social behavior. Reformist members of Parliament were harassed, prosecuted and threatened with jail for statements made under parliamentary immunity. Last summer the Government beat student protestors and arrested thousands. The Government arrested several journalists, banned reformist publications, and beat a Canadian-Iranian photographer to death while in custody.

Cambodia's record remained poor. During the National Assembly elections in July, politically motivated violence, including killings, was lower than in previous elections and political parties and candidates' access to the media was greater in these than in previous elections; however, voter intimidation by local officials in addition to technical problems with the registration process and preparation of voter lists effectively disenfranchised many citizens. A coalition government had failed to form by year's end.

Concerns about the path to democracy and stability in East Timor, now known as Timor Leste, are raised by numerous reports of excessive use of force and abuse of authority by police. Prolonged pretrial detention was a problem. Due process and fair trials often were denied or restricted, largely due to severe shortages of resources and lack of trained personnel in the legal system. Countries in the Balkans continue to become more stable and further their efforts to protect the human rights of their citizens. The OSCE and other international observers judged Albania's local

elections in October to be an improvement over previous elections, with a few isolated incidents of irregularities and violence.

Internal and other conflicts:

Abuse caused by both government and rebel forces marked the internal conflict in Côte d'Ivoire. There were numerous reports of politically motivated killings by pro-government death squads during the first half of the year. The rebels agreed to join the Government and declared the war officially over in July, but an end to violence has proved elusive as the rebels pulled out of the Government in October. By mid December, both the Government and the New Forces took positive steps toward ending the violence, and New Forces ministers noted they would attend the first government meeting in 2004.

Far more encouraging are developments in Sierra Leone, where the Government continued efforts to stabilize the country and repair the damage caused by 11 years of civil war. During the year, the Truth and Reconciliation Commission held public hearings to air the grievances of victims and the confessions of perpetrators, and the Special Court of Sierra Leone indicted 13 persons.

Although there was considerable progress in the peace negotiations in Sudan between the Government and the rebels in the south, the conflict in Darfur resulted in numerous human rights violations by government and government-supported militias, including the killing of civilians, the destruction of villages and large-scale displacement of persons.

Israel's human rights record in the occupied territories included continuing abuses, the use of excessive force by security forces, the shelling, bombing and raiding of Palestinian civilian areas, and demolitions of homes and property. Israel continued to impose strict closures and curfews on the occupied territories.

Many members of Palestinian security services and the FATAH faction of the PLO participated with civilians and terrorist groups in violent attacks against Israeli civilians inside Israel, Israeli settlers, foreign nationals and soldiers. Palestinian extremists targeted Israelis in drive-by shootings and ambushes, suicide and other bombings, mortar attacks, and armed attacks on settlements and military bases. Palestinian security forces used excessive force against Palestinians during demonstrations, abused prisoners and arbitrarily arrested and detained persons, and provided poor prison conditions.

Indonesia experienced improvements in some regions, but conditions in Aceh Province deteriorated rapidly. Various reports indicate that Indonesian security forces murdered, tortured, raped, beat and arbitrarily detained civilians in Aceh, under martial law since May 2003, as government forces sought to defeat the separatist Free Aceh Movement (GAM) following failed peace negotiations. GAM rebels also carried out grave abuses including murder, kidnapping and extortion. During most of the year, inter-religious violence subsided in the provinces of Maluku and North Maluku, although there were brief but dramatic upsurges in violence in Central Sulawesi at the end of the year. Two hundred thousand civilians remain displaced due to violence in these three provinces.

Political and drug-related violence continued in Colombia, but kidnappings, killings and forced displacements declined. The Government offered formal peace negotiations to disband the various terrorist groups and several factions entered into talks. The Government captured guerrilla leaders, and former military commanders were prosecuted and convicted of human rights abuses.

The political impasse continued in Haiti, where President Aristide frustrated efforts to form a legitimate Provisional Electoral Council, and his supporters, henchmen and civilian attaches associated with the national police killed members of opposition parties and violently disrupted their demonstrations. Elections planned to take place during the year were not held.

On October 17, protesters forced elected Bolivian President Gonzalo Sanchez de Lozada to resign from office. After a vote in Congress, Vice President Carlos Mesa Gisbert assumed office and restored order. Mesa appointed a nonpolitical cabinet and promised to revise the Constitution through a constituent assembly.

In Guatemala, the Government accepted a proposal developed by the Human Rights Ombudsman and nongovernmental organizations to create a U.N. commission to investigate clandestine groups. Work to conclude the agreement was coming to completion at year's end. On October 29, in compliance with the Peace Accords of 1996, Guatemalan President Portillo completed the demobilization of the Presidential Military Staff (EMP), which had been implicated in serious human rights violations during the civil conflict and its aftermath. In Peru, the Truth and Reconciliation Commission released its final report, with recommendations to heal the wounds suffered during nearly 20 years of internal conflict.

Nepal's human rights record remained poor throughout 2003. More than 8,000 people have been killed since the Maoist campaign to unseat the monarchy began in 1996. Numerous credible reports of human rights abuses by Nepalese security forces elicited condemnation and calls for accountability; the Maoists committed worse abuses in their campaign of torturing, killing, bombing, forcibly conscripting children and other violent tactics.

Integrity of the person:

Libya, despite welcome cooperation in reducing weapons of mass destruction, continued to deprive citizens of the right to be secure in their home or their person. Torture and incommunicado detention were widespread, and security forces maintained the authority to pass sentences without trial. The Algerian Government failed to investigate, account for and bring justice in as many as 18,000 cases of missing persons resulting from the darkest days of the 1990s. In Turkey, torture and impunity remained serious problems, as did harassment of journalists.

In Pakistan, abuse by members of the security forces, ranging from extrajudicial killings to excessive use of force, is widespread. The Government intimidated and arrested opposition figures. The overall credibility of the judiciary remained low. In December, Pakistan's Parliament and President Pervez Musharraf approved a package of amendments to the Constitution that consolidated Musharraf's power, included his agreement to step down as Chief of the Army Staff by the end of 2004, confirmed his presidency

until 2007, and gave him authority to dismiss Pakistan's national and provincial assemblies provided the Supreme Court agrees with the dissolution.

In sub-Saharan Africa, the Ethiopian Government security forces were implicated in the killing of 93 mostly Anyuaks in Gambella in December. In Uganda, brutal attacks by the cult-like Lord's Resistance Army increased significantly during the year, resulting in the deaths of approximately 3,000 persons, including children, thousands of internally displaced persons, numerous rapes, and the abduction of an estimated 6,800 children and young girls between January and June alone, for training as guerrillas and to be used as sex slaves, cooks and porters.

In the Solomon Islands, a once-worrisome situation began to turn around due to international intervention. The Regional Assistance Mission to Solomon Islands (RAMSI), organized by Australia to address the continuing violence in that country stemming from ethnic conflict between Malaitans and Guadalcanese, arrived in the country in July and made substantial progress during the remainder of the year in restoring law and order. RAMSI removed approximately 3,700 weapons from circulation, began reform of the police, and arrested and charged numerous persons implicated in human rights abuses and other criminal acts.

In many places, violence was perpetrated, condoned or went unchecked by government authorities. In the Philippines, local government leaders at times appeared to sanction extrajudicial killings and vigilantism as expedient means of fighting crime and terrorism. In Thailand, the security forces were responsible for numerous instances of extrajudicial killings. According to press reports, more than 2,000 alleged drug suspects were killed during confrontations with police during a three-month "War on Drugs" from February to April, while the Government reported that out of a total of 2,598 homicide cases during this three-month period, there were 1,386 narcotics-related deaths.

Freedom of the press:

Respect for freedom of speech and press in Sudan appeared to decline during the year. Government detentions, intimidation, surveillance of journalists and an increased number of suspensions of newspapers continued to inhibit open public discussion of political issues.

Freedom of the press suffered in Tanzania, significantly restricted on Zanzibar by the Government's indefinite ban of *Dira*, the only independent newspaper on the archipelago, and by the Zanzibar News Act, which allowed authorities to harass and detain journalists.

Controls on the press and public expression of political opinions continued in Kazakhstan, as the Government selectively prosecuted political opponents in trials with serious irregularities. The Government's harassment of independent media included the conviction, with no due process, of two prominent independent journalists. In Turkmenistan, the Government completely controlled the media, censored all newspapers and access to the Internet, and never permitted independent criticism of government policy. In Kyrgyzstan,

honor and dignity lawsuits filed by government officials against newspapers bankrupted two leading independent newspapers.

In Ukraine, authorities continued to interfere with news media by intimidating journalists and taking a direct role in instructing the media on what events and issues should be covered. The Government failed to render justice for murdered journalists Heorhiy Gongadze and Ihor Aleksandrov. After new developments in the investigation of the Gongadze case, which had been deemed credible by the Council of Europe and had led to an arrest of a government official, the Government fired the prosecutor general and released the accused.

In Venezuela, threats against the media continued, and government pressure against the media increased, as did legislative efforts to limit the media's exercise of freedom of expression.

Political expression remains significantly curtailed in Malaysia, where the Government acknowledges that it restricts certain political and civil rights in order to maintain social harmony and political stability.

Freedom of religion:

These issues are discussed in depth in the *Annual Report on International Religious Freedom*, published in December 2003, but the *Country Reports* also highlight and update important developments.

The status quo in Vietnam remained poor. The Government restricted freedom of religion and operation of religious organizations other than those approved by the State. Many Protestants active in unregistered organizations, particularly in the Central Highlands and Northwest, faced harassment, pressure to renounce their faith and possible detention by authorities. Incidents of arbitrary detention of citizens for religious views continued. In Burma, the Government imposed restrictions on certain religious activities and promoted Buddhism over minority religions.

Kazakhstan's President Nazarbayev began an initiative to promote dialog among religions; an international conference drawing regional dignitaries and religious figures was held in February. No further attempts have been made to incorporate restrictive amendments into Kazakh law. Elsewhere in Central Asia, the Government of Turkmenistan continues to restrict all forms of religious expression and interpret the laws in such a way as to discriminate against those practicing any faith other than government-controlled Sunni Islam or Russian Orthodox Christianity. In Uzbekistan, the Government permitted the existence of mainstream religions but invoked the Law on Freedom of Conscience and Religious Organizations, which is not in keeping with international norms, to restrict the religious freedom of other groups.

In Saudi Arabia, freedom of religion still does not exist by any internationally recognized standard. The Government continued to enforce a strictly conservative version of Sunni Islam and suppress the public practice of other interpretations of Islam and non-Muslim religions.

The Government in Eritrea continued to seriously restrict religious freedom. The Government harassed, arrested and detained members of non-sanctioned Protestant religious groups locally re-

ferred to collectively as “Pentes,” reform movements from and within the Coptic Church, Jehovah’s Witnesses and adherents of the Baha’i faith.

Treatment of minorities, women and children:

Morocco enacted a new family code that revolutionizes the rights of women. By raising the age of marriage for women, strengthening their rights to divorce, child custody and inheritance, and placing stringent restrictions on polygamy, the new law sets an example for the African Continent and the Arab world.

Emerging from Rwanda’s transition, the Rwanda Women’s Leadership Caucus (RWLC) is becoming an increasingly powerful voice for women in the political process. Several members serve on the constitution drafting committee and were the impetus for the 30 percent increase in representation by women in the legislative branch and executive branch. President Kagame has responded by appointing several women to “non-traditional” roles in the Cabinet.

Human rights abuses in North Korea take many particularly severe forms. Among the violations in this area of concern, pregnant female prisoners underwent forced abortions and, in other cases, babies reportedly were killed upon birth in prisons. There also were reports of trafficking in women and young girls among refugees and workers crossing the border into China, and children appear to have suffered disproportionately from famine.

Egyptian police have continued to target homosexuals using Internet-based sting operations.

In November, the Chinese Government relaxed its policy of tightly controlling information about the extent of the HIV/AIDS epidemic and announced plans to provide antiretroviral drugs to millions of people, including rural residents and the urban poor. New Chinese treatment efforts, however, have brought the issues of stigma and discrimination to the forefront as obstacles to long-term success in prevention or treatment. The effective delivery of AIDS messages and drug treatment programs will depend on effective protection of legal and civil rights for all those affected by the disease. It remains to be seen whether the PRC authorities will recognize and effectively address these issues.

Worldwide, violence against children continued to be a problem and trafficking in persons claimed many women and children as victims, forced to engage in sex acts or to labor under conditions comparable to slavery. These problems are discussed in depth in the annual *Trafficking in Persons Report* issued in June 2003, but they are also covered by the individual country reports in this volume.

Worker rights:

China’s global economic presence continues to focus attention on worker rights as a priority in bringing China into compliance with international standards. Economic and social changes affecting workers produced a growing number of labor-related disputes, most of them directed at state-owned enterprises, regarding conditions of work or management corruption. The Government responded by arresting and prosecuting labor activists. Freedom of association, the right to organize and collective bargaining continued to be denied

to Chinese workers. Trade unions at all levels were required to affiliate with the All-China Federation of Trade Unions, which is controlled by China's Communist Party.

In Cambodia, there were improvements in compliance with laws on wages and hours, greater respect for freedom of association, improvements in labor-management relations, fewer illegal dismissals of union leaders, fewer illegal strikes, the successful establishment of Cambodia's first labor arbitration council for resolving industrial disputes, and the negotiation of the garment sector's first true collective bargaining agreement.

In the Americas, obstacles for worker rights persist in several key countries. Seven independent trade unionists were among the 75 peaceful human rights advocates tried for "provocations" and "subversion" by the Cuban Government in April. Conditions for organized labor deteriorated in Venezuela, where the Government refused to recognize the elected leaders of the Confederation of Venezuelan Workers and ordered the arrest of its Secretary General, forcing him to flee the country. Colombia remained the most dangerous country in the world for trade unionists, although fewer trade unionists were killed in 2003 than in 2002.

In Russia, the Moscow representative of the American Center for International Labor Solidarity continued to be denied permission to return to her work after being denied reentry to the country in December 2002. With respect to neighboring Belarus, the Governing Body of the International Labor Organization decided in November to appoint a Commission of Inquiry to investigate allegations of government violations of freedom of association and the right to organize and bargain collectively.

In Zimbabwe, representatives of organized labor continued to be targeted for harassment, detention, beatings and other harsh treatment. The response of the Government to worker demands has been to place limits on the ability of unions to communicate or meet with their own constituencies, to make it virtually impossible to have a legal strike, and to arrest labor activists who demonstrate their disagreement with policies. On October 8, police arrested more than 150 ZCTU members at protest gatherings in several cities throughout the country. Most of those detained were released the same day; however, many were forced to sign admissions of guilt and were fined.

AFRICA

ANGOLA

Angola is a constitutional republic in transition after the end of its 27-year civil war in 2002. The Government is highly centralized and dominated by the Presidency. The Popular Movement for the Liberation of Angola (MPLA) has ruled the country since its independence from Portugal in 1975. President Jose Eduardo Dos Santos of the MPLA, who assumed power in 1979, won a plurality of the votes cast in a 1992 election that U.N. observers considered free and fair. The Government was formed in 1997 after the National Union for the Total Independence of Angola (UNITA) and 10 smaller opposition parties joined the ruling MPLA in a government of national unity and reconciliation. The National Assembly was weak; while opposition deputies held about 43 percent of National Assembly seats, few mechanisms exist to check the power of the MPLA majority or defeat legislation supported by the executive branch. Poor governance, including endemic corruption, continued to limit the provision of basic services to most citizens. The judiciary was subject to executive influence, functioned only in parts of the country, and did not ensure due process.

The most recent period of civil war ended after the Government and UNITA signed the Luena Agreement ceasefire in April 2002; the Luena Agreement provided for disarming and disbanding all UNITA military forces and implementation of the remaining provisions of the 1994 Lusaka Protocol under U.N. supervision. The official peace agreement concluding the war and completing the Lusaka Protocol was signed in November 2002. UNITA has transitioned into an opposition political party. Consultations among the MPLA, opposition parties, and civil society on a new constitution, electoral law, and a timetable for national elections were underway at year's end.

The Ministry of Interior, through the Angolan National Police (ANP), is responsible for internal security. The internal intelligence service is directly answerable to the Office of the Presidency. The Armed Forces of Angola (FAA) is responsible for external security but also has domestic responsibilities; the FAA conducted counterinsurgency operations against the Front for the Liberation of the Enclave of Cabinda-Armed Forces of Cabinda (FLEC-FAC). The civilian authorities maintained effective control of the security forces. Security forces continued to commit serious human rights abuses.

The mixed economy, dominated by oil exports, grew by 4 percent during the year, but most of the country's wealth remained concentrated in a few hands. Corruption, nontransparent contracting practices, and unfair enforcement of regulatory and tax regimes favored the wealthy and politically influential. Although commercial and agricultural activity in urban and rural areas increased with the end of the war, 80 percent of the population of approximately 13 million continued to live in poverty. Annual per capita income was \$865. Approximately 80 percent of the population were employed in agriculture, mostly on a subsistence level. The Government took some steps to improve its management of the economy, including increasing transparency of oil sector accounts and reducing the estimated 50 percent of state expenditures not reflected in the official budget, but its commitment to reform remained uncertain. The Government began to repair infrastructure damaged or destroyed during the war, but the poor state of roads, bridges, schools, hospitals, and other government facilities impeded economic recovery and development. In September, the U.N. Office for the Coordination of Humanitarian Affairs (OCHA) reported that 3.1 million citizens had returned. Although conditions were gradually improving in most parts of the country, OCHA estimated that 2.7 million citizens were still at risk of food insecurity and 10 percent of the population depended on humanitarian aid at year's end.

The Government's human rights record remained poor; although there were improvements in a few areas, serious problems remained. The right of citizens to

change their government remained restricted due to the postponement of elections. Members of the security forces committed unlawful killings, were responsible for disappearances, and tortured, beat, raped, and otherwise abused persons. Impunity remained a problem. Prison conditions were harsh and life threatening. The Government continued to use arbitrary arrest and detention, and lengthy pretrial detention was a problem. The Government at times infringed on citizens' privacy rights. The FAA employed forced movements of rural populations as part of its counterinsurgency operations against FLEC. Unlike in previous years, there were no reports of forced recruitment of military-age males. The Government at times restricted freedom of speech and of the press, and harassed, beat, and detained journalists. The Government restricted freedom of assembly, association, and movement; however, it allowed peaceful public protests and opposition party meetings. The number of persons displaced by the conflict decreased significantly during the year. In some instances, internally displaced persons (IDPs) were forced, or otherwise induced, to return home to unsafe conditions. Violence and discrimination against women, as well as adult and child prostitution, was common. Children and persons with disabilities continued to suffer as a result of poor economic conditions and limited protections against discrimination. The Government continued to dominate much of the labor movement and did not always respect worker rights. Child labor was a problem. There were reports of trafficking in persons.

Following the cessation of the war in 2002, there were no reports that UNITA committed human rights abuses.

RESPECT FOR HUMAN RIGHTS

Section 1. Respect for the Integrity of the Person, Including Freedom From:

a. Arbitrary or Unlawful Deprivation of Life.—There were no political killings by security forces during the year. After the end of the war with UNITA in April 2002, reports of extrajudicial killings by the FAA ceased in most of the country but continued primarily in Cabinda. Police were cited as the primary human rights abusers by local human rights organizations during the year, and were responsible for unlawful killings (see Section 1.c.). Impunity remained a serious problem. Since the April 2002 ceasefire provided for the amnesty of FAA and UNITA forces, there is unlikely to be any further investigation of killings related to the conflict during previous years.

In Cabinda province, periodic reports that security forces executed civilians for supporting FLEC continued.

Citizens widely believed that police resorted regularly to unlawful killings, especially of known criminal gang members, as an alternative to the country's ineffective judicial system. For example, according to independent media reports, on February 28, police killed four individuals stopped for questioning about a car theft.

In April, residents of the Boa Vista neighborhood of Luanda filed a complaint for the shooting death of a 4-year-old child killed when police fired on youths who refused to pay a bribe.

In August, independent media reported the existence of a site on the outskirts of Luanda reportedly used by police for unlawful killings. Residents confirmed reports that bodies were often dumped at the site. Authorities strongly denied the report, while human rights organizations launched investigations. No investigative findings had been reported by year's end.

On November 22, members of the Presidential Guard (UGP), a security unit under the authority of the Office of the Presidency, detained, tortured, and then drowned Arsenio Sebastiao, a car washer the guards overheard singing a popular song with lyrics critical of the Government. After widespread public outcry and coverage in the independent media, an investigation was launched into the killing, but no arrests had been made by year's end.

There were no developments, nor were any likely, in the November 2002 robbery and killing of 17 persons in Malange (or confirmation of alleged police involvement), or in the 2001 police killing of two residents of Boa Vista.

Prisoners died in official custody (see Section 1.c.).

With the cessation of hostilities with UNITA in April 2002, the Government intensified its military operations against separatists in Cabinda. Reports of civilians killed in the fighting in Cabinda continued during the year. There were reports that government forces shelled and burned civilian villages and were employing similar counterinsurgency tactics against FLEC-FAC as they used against UNITA. The failure of the Government to provide adequate protection for civilians contributed to the number of civilian casualties. The Government never responded to the detailed list of nine alleged arbitrary killings by government forces included in a December 2002 report from the Ad-Hoc Commission for Human Rights in Cabinda. The second re-

port by the Commission was released in November and detailed numerous alleged killings by government forces during the year.

Unlike in the previous year, there were no reports that undocumented workers in the diamond fields, including ex-UNITA soldiers and Congolese workers, were targeted in government efforts to retain control of alluvial diamond mining operations. There were no further developments in the September 2002 killing of undocumented diamond miners in Uige.

Eight provinces, which encompass approximately 50 percent of the country's land, contained areas that were heavily mined. The U.N. Development Program (UNDP) estimated that there were 2 million unexploded munitions in the country; however, international nongovernmental organizations (NGOs) conducting landmine clearance operations in the country estimated the number of landmines at 500,000. According to the National Institute for Demining, 44 persons were killed and 182 injured as a result of 95 mine-related incidents during the year. The U.N. Security Office registered 103 landmine incidents during the year, killing at least 36 persons (including 3 children) and injuring at least 142 persons (including 4 children). There were more than 80,000 disabled landmine victims.

Following the April 2002 ceasefire, killings attributed to UNITA ceased, and because the ceasefire provide for an amnesty, there is unlikely to be an investigation into killings from previous years.

FLEC-FAC forces reportedly tortured and killed civilians in Cabinda. For example, FLEC guerrillas executed one person in May for collaboration with the Government. There were no developments in the August 2002 case in which FLEC guerrillas decapitated a woman accused of collaborating with the Government.

b. Disappearance.—Persons taken into police custody disappeared in some cases, particularly in rural areas. Local human rights organizations in Cabinda reported several disappearances of persons detained by government forces during the year for alleged ties to FLEC insurgents.

In July, human rights activists reported that two young subsistence farmers in Huambo province disappeared after police took them into custody for protesting seizures of communal lands by large landowners. The status and whereabouts of the two men were unknown at year's end (see Section 1.f.).

There were no developments in the March 2002 disappearance, and subsequent death, of three teenagers in the municipality of Cazenga outside of Luanda; the December 2002 detention by government forces of seven Zambians; or in the 2001 disappearance of civilians abducted from Zambian territory.

There were no reports that UNITA abducted persons after the 2002 ceasefire, and there were no developments in the 2001 cases of kidnappings by UNITA rebels.

There were no developments in the September 2002 abduction by unidentified armed men of a traditional chief in Huambo province.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The Constitution and the Penal Code prohibit all forms of mistreatment of suspects, detainees, or prisoners; however, security forces tortured, beat, raped, and otherwise abused persons. Local and international human rights organizations reported that these abuses were widespread.

FAA personnel were responsible for torture and other forms of cruel and degrading treatment, including rape, in Cabinda during the year. Police were frequently accused of using torture and coerced confessions during investigations and often beat and released suspects in lieu of trials. Persons suspected of ties to FLEC were allegedly subjected to brutal forms of interrogation. The Ad-Hoc Commission for Human Rights in Cabinda reported numerous such incidents in Cabinda. In one case reported by independent media, FAA soldiers beat up a family in Cabinda, near Zenze, because they were accused of collaborating with FLEC.

Police also frequently participated in acts of intimidation, robbery, harassment, and killings (see Section 1.a.). For example, in March, the police and Luanda provincial authorities raided a street market in Luanda, where they reportedly assaulted a number of vendors and arbitrarily confiscated large quantities of merchandise. In July, several subsistence farmers in Huambo and Kwanza Sul were illegally detained, beaten, and tortured by landowners with police complicity (see Section 1.f.).

During the year, police beat journalists (see Section 2.a.).

Police injured persons while forcibly dispersing demonstrations on at least one occasion (section 2.b.).

Police harassed NGO workers during the year, extorted money from travelers, and harassed and abused refugees (see Sections 2.d. and 4.).

There were no developments in the 2002 and 2001 cases of police torture and other cruel, inhuman, or degrading treatment by security forces.

The November report by the Ad-Hoc Commission on Human Rights in Cabinda alleged that individual government soldiers continued to rape women and girls and practice sexual slavery in areas of counterinsurgency operations. For example, on August 10, four soldiers raped a girl coming out of the Catholic Mission Parish School.

Landmines laid by both sides during the conflict resulted in a continued high number of fatalities and injuries (see Section 1.a.).

No action was taken against UNITA members that attacked a commercial convoy in May 2001 or tortured and mutilated a truck owner in June 2001.

FLEC-FAC forces tortured and killed civilians in the Cabinda region.

Prison conditions were harsh and life threatening. During the year, human rights activists reported that prison officials routinely beat and tortured detainees. The prison system held approximately 5 times the number of prisoners that it was built to hold and in some jails up to 10 inmates were held in cells built for 2 inmates. In August, there were approximately 1,750 inmates in the Luanda prison designed for 800. Warehouses in Bengo, Malange, and Lunda Norte provinces were used as prison facilities during the year. Many prisons, lacking financial support from the Government, were unable to supply prisoners with basic sanitary facilities, adequate food, and health care. Prisoners depended on families, friends, or international relief organizations for basic support, including food. There were credible reports from local NGOs that prisoners died of malnutrition and disease. At the Luanda prison, malnutrition and disease were pervasive problems.

Local human rights organizations reported that conditions were considerably worse outside the Luanda prison system. Many rural prisons, such as Chitato in Lunda Norte, were cited by local human rights organizations for not having toilets, beds, mattresses, water, or medicines.

Unlike in previous years, there were no reports that prisoners were used as laborers.

Prison officials, who chronically were unpaid, supported themselves by stealing from their prisoners and extorting money from family members. For example, prison guards continued to demand that prisoners pay for weekend passes that they were entitled to receive. In one case during the year, a prison official reportedly accepted a bribe to give one inmate's release order to another inmate.

Female prisoners were held separately from male prisoners; however, there were reports that prison guards sexually abused female prisoners. Juveniles, often incarcerated for petty theft, were housed with adults and suffered abuse by guards and inmates. Pretrial detainees frequently were housed directly with sentenced inmates, and prisoners serving short-term sentences often were held with inmates serving long-term and life sentences for violent crimes.

The Government permitted foreign diplomatic personnel and local and international human rights observers to visit prisons during the year; however, the Government did not consistently report the arrest of foreign nationals to the appropriate consular authorities. Local human rights observers were permitted to visit some individual prisoners. There were reports that NGO officials were temporarily denied access or limited access to some prisons.

d. Arbitrary Arrest, Detention, or Exile.—The law prohibits arbitrary arrest and detention; however, security forces did not always respect these provisions in practice. Persons were denied due process. The National Police were the primary source of abuses during the year; however, reports of arbitrary detentions by the FAA continued in Cabinda.

Police are responsible for internal security and law enforcement. The National Police are under the Ministry of the Interior. Other than those personnel assigned to elite units, police were poorly paid, and the practice of supplementing their income through the extortion of the civilian population was widespread. Impunity remained a serious problem, but there were reports of security forces removed from their positions for alleged violations, but no reported prosecutions.

During the year, NGOs provided human rights and professional training to police. Police also participated in professional training with foreign law enforcement officials from several countries in the region. In March, the National Command of the ANP opened a complaints office for the public to report police conduct. In May, more than 200 police officers were separated from service as part of an administrative restructuring.

Under the law, a person caught in the act of committing a crime may be arrested and detained immediately. Otherwise, the law requires that a judge or a provincial magistrate issue an arrest warrant. Arrest warrants also may be signed by members of the judicial police and confirmed within 5 days by a magistrate; however, security forces did not always procure an arrest warrant before placing individuals under detention.

The Constitution provides for the right to prompt judicial determination of the legality of the detention. Under the law, the prosecution and defense have 90 days before a trial to prepare their case, although both sides generally have the right to request an extension of this deadline under extenuating circumstances. The Constitution also provides prisoners with the right to receive visits by family members; however, such rights were sometimes ignored in practice or made conditional upon payment of a bribe. There was a scarcity of personnel and resources and a lack of official determination to ensure these rights. Although the Ministry of Justice was nominally in charge of the prison system, the police continued to arrest and detain persons without bringing the detainees to trial.

Under the criminal law, a person may not be held for more than 135 days without trial. The National Security Law provides for a maximum of 180 days of investigative detention; however, in practice, these limits were commonly exceeded. Investigative detention is allowed when an individual is caught in the act of committing a crime punishable by a prison sentence.

The law permits detainees access to legal counsel; however, this right was not always respected in practice. Although bail is permitted under the law, there was no functioning bail system in practice.

Although illegal detention continued to be a problem, government and NGO attention to the problem increased. The Ministry of Justice instituted new case management procedures designed to decrease the delays in bringing detainees to trial; however, in September, the local human rights organization Association for Justice, Peace, and Democracy (AJPD) reported six cases of individuals being held illegally, including one individual who remained in detention 6 months after the completion of his sentence.

According to the independent media, the security forces continued to illegally detain individuals in Cabinda accused of collaborating with FLEC. On October 2, 3 young men were detained and held for 2 weeks, during which time they claimed to have met 17 other detainees at the same site in Necuto. In a separate case, three men, including one Congolese citizen, were detained in the village of Tandu-Macuco. There was no information on their status at year's end.

During the year, the Government temporarily detained human rights activists (see Section 4).

Police sometimes arrested persons holding demonstrations (see Section 2.b.).

An insufficient number of judges and poor communications between various authorities led to prolonged detention. During the year, approximately 300 new cases were added to the caseloads of each of the 5 judges in the Luanda court, in addition to the existing backlog. More than 60 percent of inmates were awaiting trial and inmates who have been awaiting trial for 2 or 3 years were common. In many cases, police beat and then released detainees rather than prepare a formal court case (see Section 1.e.). Local human rights organizations, such as Maos Livres and AJPD, were successful in securing the release of some detainees during the year.

All 35 ex-UNITA gathering areas set up under the April 2002 ceasefire to voluntarily quarter demobilized UNITA troops were closed by June. According to government figures, a total of 377,511 persons were housed in the camps, including 91,693 demobilized soldiers and 285,818 dependents. Unlike in the previous year, there were no reports that camps were forcibly emptied; however, Human Rights Watch (HRW) criticized the demobilization process for not adequately including women and child soldiers.

The Constitution prohibits forced exile, and the Government did not use forced exile as a form of punishment. Several prominent UNITA members returned to the country during the year following the transition of UNITA to solely a political party.

e. Denial of Fair Public Trial.—The Constitution provides for an independent judiciary; however, the judiciary, where it functions, was subject to executive influence. In practice, the court system lacked means, experience, training, and political backing to assert its independence. The judicial system largely was destroyed during the civil war and did not function in large areas of the country. The International Bar Association reported that only 23 of 168 municipal courts were operational. During the year, the Government continued to rebuild courts; however, where provincial courts existed, there was often only one judge to cover all cases, civil and criminal, in the province (see Section 1.d.).

The court system consists of the Supreme Court at the appellate level plus municipal and provincial courts of original jurisdiction under the nominal authority of the Supreme Court. The Supreme Court serves as the appellate division for questions of law and fact. The President has the power to appoint Supreme Court justices without confirmation by the National Assembly. The Constitution provides for judicial review of constitutional issues by the Supreme Court until the Constitutional Court provided for in the 1991 Constitution is established. There were long delays

for trials at the Supreme Court level. Trials for political and security crimes are supposed to be handled exclusively by the Supreme Court; however, there were no known cases of such trials. The criminal courts, in particular, have a large backlog of cases that caused major delays in scheduling hearings. The legal code and rules of procedure remained outdated, although some steps toward modernization had begun.

The law provides defendants with the presumption of innocence, the right to a defense; the right to appeal; the right to public trials; a system of bail; and recognizes the accused's right to counsel; however, the Government did not always respect these rights in practice. Trials are open to the public; however, each court has the discretion to close proceedings arbitrarily. Defendants do not have the right to confront their accusers. Judges were often not licensed lawyers; however, the Ministry of Justice increased efforts during the year to recruit and train lawyers to serve as magistrates. The judge and two lay persons elected by the full court act as the jury.

During the year, the Human Rights Division of the U.N. Mission in Angola (UNMA) continued to support human rights training of municipal magistrates begun in 2002 by the Ministry of Justice. Approximately 100 magistrates to work in municipal police stations and intervene to protect the rights of individuals in police custody.

Government corruption was endemic, and accountability was limited. The Anti-Corruption Tribunal (Tribunal de Contas) was created in 2001 and was headed by a judge who also was a deputy in the National Assembly. The Tribunal claimed to be investigating senior members of the Government; however, it had still not tried any cases by year's end.

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home or Correspondence.—The Constitution prohibits such actions; however, the Government infringed on citizens' privacy rights. Citizens widely believed that the Government maintained surveillance, monitoring, and wiretapping of certain groups, including opposition party leaders and journalists. Legal requirements for search warrants routinely were disregarded, most often in police searches for illegal vendors and period sweeps of public markets.

There were reports by local human rights organizations that army units burned villages, destroyed crops, and terrorized civilians in Cabinda to suppress separatists (see Section 1.a.). Government forces in Cabinda reportedly attacked women in their homes, while they were working in the fields, near military camps, and during searches of homes.

During the year, there continued to be reports that the Government forced or otherwise induced IDPs back to their places of origin before resettlement areas were declared free of mines and accessible to continued food deliveries or otherwise met standards adopted by the Government as preconditions to return (see Section 2.d.).

According to Amnesty International, persons from more than 5,000 households were evicted and their homes demolished in 3 mass evictions in Luanda between 2001 and year's end. Approximately 2 years after the Government evicted 4,200 families from their homes in the Boa Vista neighborhood in Luanda as a part of an urban renewal project, the Government had built only half of the promised replacement houses and replaced none of the demolished public buildings. Many of the houses the Government built lacked plumbing and electricity. Approximately 2,100 residents still were living in temporary shelters at an isolated camp outside Luanda without sanitation or public services. In September, authorities reportedly detained preemptively one community organizer for the displaced Boa Vista families before a high-level delegation, including foreign dignitaries, visited the area. Journalists were able to report on the camp.

During the year, there were reports that the Government continued to demolish housing used by the poor. Independent media reported that police carried out evictions and demolitions in the Luanda neighborhoods of Golfo II, Benfica, and Cambamba II during the year. Approximately 1,100 residents of Soba Kapassa neighborhood of Luanda were evicted from their homes and the buildings demolished between October 2001 and February; the evictions were carried out without due process and the Government offered no compensation to the former residents.

In July, there were reports that subsistence farmers in Huambo, Huila, and Kwanza Sul provinces were forcibly moved from traditional lands by large landowners, including senior government officials and military officers. Local human rights groups and government authorities were investigating allegations that landowners illegally detained at least 17 individuals at year's end (see Sections 1.b. and 1.c.).

Under the law, military service is obligatory. However, unlike in previous years, there were no reports of the armed forces and police conducting forced conscription drives.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution provides for freedom of expression and of the press and specifically provides that the media cannot be subject to ideological, political, or artistic censorship; however, the Government at times restricted this right in practice. There were fewer restrictions on journalists during the year; however, the Government continued to harass, beat, and detain journalists. There were reports that the Government paid journalists to publish pro-government stories. During the year, there was increasing private media attention to corruption, economic mismanagement, and opposition politics, and there were reports that journalists were placed under investigation for reporting on sensitive issues. There were reports that the Government limited access by independent journalists to certain events and interviews, and journalists acknowledged that they exercised self-censorship when reporting on highly sensitive matters.

The largest media outlets were state-run and carried very little criticism of the Government. While the Government tolerated increasing criticism of its policies and actions in the independent media, prominent government officials sometimes criticized independent outlets for their coverage. Specific harassment of independent media diminished during the year in most areas of the country. There were seven private weekly publications with circulation in the low thousands. The Government owned and operated *Jornal de Angola*, the only daily newspaper.

There were five commercial radio stations, including the Catholic Radio Ecclesia and Radio Lac Luanda, which openly criticized government policies and highlighted poor socioeconomic conditions. In February, the Minister of Social Communication strongly criticized Radio Ecclesia for airing listeners' criticism of government policies and officials during call-in shows. During the year, the Government refused to approve nationwide FM broadcast authority for Radio Ecclesia despite the station's previous authorization for shortwave broadcasts and publicly criticized the international community's support for the independent media. Government owned and operated Angolan National Radio was the only radio station with the capacity to broadcast throughout the country. The only television station is the state-controlled Angola Public Television (TPA) that is limited to Luanda and a few provincial capitals.

The Government did not restrict the activities of foreign media, including the British Broadcasting Corporation (BBC) and Voice of America (VOA). Foreign journalists must obtain authorization from the Ministry of the Interior to obtain access to government officials or to travel within the country. In September, the Government announced that foreign journalists are required to have work visas issued in their home countries to enter and report on the country. The Government did not restrict the topics foreign journalists could report.

In July, after more than a year of inaction, the Government created a new technical committee to draft a new press law to regulate press activities in the country. The committee included members from the Bar Association of Angola, the Presidency, representatives of the Union of Angolan Journalists, and independent experts on media issues. The committee had not published its findings by year's end.

Government authorities harassed, beat, and detained independent journalists on at least three occasions during the year. In February, police detained and beat a TPA journalist filming an angry crowd of local soccer fans. Also in February, the police beat and detained a journalist from the Angolan New Agency as he was investigating a homicide; despite showing his press credentials, the journalist was detained for 14 hours. In March, after an altercation between police and street vendors, police assaulted a cameraman and reporter on the scene for filming the incident.

There were no developments in the 2001 cases in which government authorities harassed journalists.

The state press often criticized independent journalists and opposition leaders, but limited access for these journalists to respond.

A committee composed of the Minister of Social Communication, the spokesman of the Presidency, and the directors of state-run media organizations controlled policy and censorship authority. The Government used its control of the state-owned media to influence local and international public opinion.

Defamation against the President or his representatives is a criminal offense, punishable by imprisonment or fines. Truth is not a defense to defamation charges; the only allowable defense is to show that the accused did not produce the actual material alleged to have caused harm.

The Government arrested journalists on charges of slander. On February 24, a journalist from *Folha 8* was detained in connection with a story on malfeasance in a government ministry and released after 5 weeks in jail.

In February, the police summoned a journalist for questioning and placed him under investigation after publishing an article in the independent weekly *Semanario Angolense* that detailed the fortunes of prominent government officials. In May, a formal complaint was lodged by at least one official identified in the article, and the case was still pending at year's end.

The 2002 Law on State Secrecy provides the executive branch broad authority to classify public information and impose criminal penalties on individuals who publicize information that the Government views as damaging. Under the law, the Government has authority to censor reports from international financial institutions or international press stories that criticize the Government or expose official corruption. The Government also can prosecute international oil companies under the law for releasing data on their transactions with the parastatal oil company; however, the law had not been used by year's end.

Internet access was available in Luanda and several other provincial capitals. The Government did not restrict access to the Internet.

The Government did not restrict academic freedom, and academics actively criticized government policy and participated in civil society-based advocacy campaigns. Academics did not practice self-censorship and frequently served as commentators for independent media and spoke at public forums in Luanda. Students were permitted to speak and read freely; however, the Government tightly controlled student and other protests or demonstrations (see Section 2.b.).

b. Freedom of Peaceful Assembly and Association.—The Constitution provides for the right of assembly; however, the Government at times restricted this right in practice. There were fewer reports than in previous years that demonstrations were dispersed or applications for assemblies denied. The law requires a minimum of 3 days' prior notice before public or private assemblies are to be held, and makes participants liable for "offenses against the honor and consideration due to persons and to organs of sovereignty." Applications for pro-government assemblies were granted routinely without delay; however, applications for protest assemblies were sometimes denied. In at least one case, a court subsequently sided with the protesters after they appealed the denial of permission to hold their event. During the year, official tolerance for public protest increased.

Police used excessive force to break up demonstrations during the year. For example, on March 17, police in Zaire province violently broke up a demonstration, in which bystanders were reportedly injured as well.

Opposition supporters were detained after holding demonstrations on at least one occasion. On June 3, five members of the opposition political party Democratic Aid and Progress Party of Angola, including party president Carlos Leitao, were arrested and detained for 3 days after holding a authorized, peaceful rally in a Luanda public area. All five individuals, who were held on charges of disturbing the peace, were released after a Luanda court determined that the demonstration had been legally organized and lawfully carried out.

The Constitution provides for the right of association; however, the Government sometimes restricted this right in practice. During the year, there were fewer reports than in previous years that groups were unable to operate without government interference. Legislation permits the Government to deny registration to private associations on security grounds. Although the Government approved most applications, including those for political parties, the Ministry of Justice continued to block the registration of the local human rights group AJPD by not taking action on its application originally filed in 2000. At year's end, AJPD was awaiting a Supreme Court decision on its suit against the Ministry of Justice for not processing the organization's registration application. In spite of this uncertain legal position, AJPD continued to function throughout the year without government interference.

The Government also arbitrarily restricted associations that it considered anti-government, by refusing to grant licenses for organized activities and through other means, such as police or other official harassment. Opposition parties were permitted to organize and hold meetings during the year; however, many reported facing harassment from local authorities outside Luanda (see Section 3). In August, UNITA members complained of a series of beatings by thugs in Huambo working in complicity with local authorities.

Independent labor activists reportedly also encountered difficulty with provincial government authorities in registering branch associations; however, vigils and demonstrations took place during the year (see Section 6.b.).

c. Freedom of Religion.—The Constitution provides for freedom of religion, and the Government generally respected this right in practice.

Religious groups must register with the Ministry of Justice and the Ministry of Culture. Colonial-era statutes ban all non-Christian religious groups from the country; while those statutes still exist, they no longer were enforced. In 2002, the colonial-era law granting civil registration authority to the churches was put back into effect. In May, the Council of Ministers sent a draft law to the National Assembly to establish stricter criteria for registering as a religious organization. Consideration was still underway at year's end.

A total of 17 religious groups remained banned during the year in Cabinda on charges of practicing medicine on the groups' members. In October, five ministers in Cabinda were sentenced to 35 days in jail for disobeying local authorities' orders to desist from holding services in private residences and places of business.

For a more detailed discussion, see the 2003 International Religious Freedom Report.

d. Freedom of Movement within the Country, Foreign Travel, Emigration, and Repatriation.—The Constitution provides for freedom of movement and residence, and freedom of exit from and entry into the country; however, the Government sometimes restricted these rights in practice. There were fewer reports than in previous years that extortion and harassment at government security checkpoints in rural and border areas interfered with the right to travel. Police routinely harassed returning refugees at border checkpoints. The Government restricted access to areas of Cabinda that were deemed insecure or beyond the administrative authority of the Government. During the year, increasing stretches of previously inaccessible areas were opened to transit and a growing number of persons were able to travel around the country. Poor infrastructure and landmines were the principal obstacles to free movement of persons throughout the country.

Extortion at checkpoints was routine in Luanda and pervasive on major commercial routes and served as a principal source of income for many of the country's security service personnel. During the year, independent media reported that ANP officers systematically extorted money from truck and taxi drivers in Bengo province at checkpoints on roads linking surrounding municipalities with the provincial capital.

Police forcibly moved poor residents from central neighborhoods in Luanda to outlying areas as part of urban revitalization programs (see Section 1.f.).

Landmines remaining from the civil war were a major impediment to the freedom of movement (see Section 1.a.). There were no reports of new landmines planted during the year.

Foreign journalists must obtain authorization from the Ministry of the Interior to obtain access to government officials or to travel within the country. In September, the Government announced that foreign journalists must receive a work visa before entry in the country (see Section 2.a.).

The Government did not place restrictions on emigration and repatriation; however, there were reports that immigration officials harassed and extorted money from travelers. The Ministry of Assistance and Social Re-Insertion (MINARS) reported that as of December, 3.8 million IDPs returned to their areas of origin. At year's end, more than 830,000 IDPs, including some ex-UNITA soldiers and their family members, were still waiting resettlement (see Section 1.d.). Approximately half were expected to remain in their current areas of residence. Many registered IDPs were located in Bie, Huambo, and Malange provinces in the interior of the country. A large number of IDPs remained in Lunda Norte province. There continued to be reports that police officers and soldiers harassed IDPs and stole donated supplies.

MINARS has primary responsibility for IDPs and implemented housing and resettlement programs; however, these efforts remained inadequate. Provincial governments have primary responsibility for IDP resettlement and set forth guidelines to ensure the safe, voluntary resettlement of IDPs to areas cleared of mines and with access to water, arable land, markets, and state administration; however, during the year there were reports of forced relocations of IDPs to resettlement sites that did not meet the published standards. There also were credible reports of government efforts to force IDPs to return home without respect to conditions at their places of origin or even to MINARS' own standards. In August, the U.N. estimated that more than 65 percent of returnees did not have access to primary health care, 65 percent had no potable water, and 75 percent had no basic sanitation. HRW reported that local authorities prevented IDPs from settling in Luanda.

During the process, many returnees were brought to provincial transit centers for onward transportation to their areas of origin. Conditions in several of the transit centers were life threatening at times due to overcrowding and inadequate sanita-

tion. In some cases, returnees were sent to provincial transit centers before local authorities were notified. In one case in August, the return of IDPs from Luanda to Malange was not coordinated with local authorities. Some of the returnees reportedly died due to a lack of adequate preparations at the reception site.

In 2002, the U.N. estimated that there were 435,000 Angolan refugees in neighboring countries as a result of the conflict. The largest number of them sought refuge in the Democratic Republic of the Congo (DRC), with smaller numbers in Namibia and Zambia. Spontaneous returns began after the April 2002 ceasefire and continued throughout the year. In March, independent media reported returning refugees were required to pay illegal taxes at border posts and alleged that officials had raped some refugee women. HRW reported that uniformed soldiers beat a man and raped a woman of a refugee couple returning to the country from Zambia. In light of the reports, U.N. High Commissioner for Refugees (UNHCR) officials urged Angolan refugees to delay their return until the initiation of the official repatriation process in June. The Government also took steps to address the problem, including transferring police accused of harassing refugees.

According to the UNHCR, by December more than 43,300 refugees had returned from DRC, Namibia, and Zambia as part of an organized repatriation program. The Government estimated that a total of 75,000 Angolan refugees returned home during the year.

The law provides for the granting of refugee status and asylum to persons who meet the definition in the 1951 U.N. Convention Relating to the Status of Refugees or its 1967 Protocol. In practice, the Government provided protection against refoulement and granted refugee status and asylum. The Government also provides temporary protection to certain individuals who fall outside of the definition of the 1951 U.N. Convention Relating to the Status of Refugees or its 1967 Protocol. The Government cooperated with the UNHCR. An eligibility committee to evaluate asylum claims, under the authority of the Ministry of Justice, met once a week to evaluate asylum requests if there were cases to consider, and approved the petitions of 13 asylum-seekers during the year. According to the UNHCR, the country had approximately 12,000 refugees, most of whom were from the DRC.

Refugees in the country were generally well-treated; however, the approximately 300 Congolese refugees resettled in May to the Sungui camp in Bengo province were harassed by local residents during the year. In October, uniformed armed men harassed the refugees and supplies were stolen from a local assistance program. There were two similar incidents between June and October.

Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government

The Constitution provides citizens with the right to change their government peacefully; however, in practice, this right remained restricted due to the delay in scheduling elections. Opposition parties complained of harassment and intimidation by the Government. In 1992, the first multiparty presidential elections were held. MPLA president Jose Eduardo Dos Santos won a plurality of votes cast (49 percent), and UNITA leader Jonas Savimbi finished second (40 percent). Although local and international observers declared the election to be generally free and fair and called on UNITA to accept the results, UNITA claimed that the elections were fraudulent, rejected the results, and returned the country to civil war. The runoff election between Dos Santos and Savimbi never was held. The Lusaka Protocol stated that it would take place following a U.N. determination that requisite conditions exist. Upon conclusion of the latest peace agreement in November 2002, all parties, including UNITA, agreed that the primary tasks outlined under the Lusaka Protocol had been completed and a runoff election would not be held.

Active civil society discussions and political party activity for elections were underway during the year. The Constitutional Committee of the National Assembly continued to work on a new constitution and a new electoral law, although the draft had not been made available for public consultation by year's end. No steps were taken during the year to prepare for elections. Most opposition parties agreed that elections should be held within the next 2 years, while the ruling MPLA had not adopted a public position by year's end. During the year, several of the final political tasks of the Lusaka Protocol, including the naming of UNITA officials to government ministries, provincial governorships, and ambassadorial posts, were completed.

The President is elected by an absolute majority. If no candidate wins a majority, a runoff must take place between the two candidates with the most votes. Of the 220 deputies in the National Assembly, 130 are elected on a national ballot, and 90 are elected to represent the provinces. The Electoral Law also calls for the election of three additional deputies to represent citizens living abroad; however, those positions were not filled in the 1992 elections.

Ruling power is concentrated in the President and other members of the Council of Ministers, through which the President exercises executive power. The Council can enact decree-laws, decrees, and resolutions, which means it can assume most functions normally associated with the legislative branch. Although the Constitution establishes the position of Prime Minister, it was filled by the President from 1998 to 2002. In December 2002, the President named former Interior Minister Fernando Dias dos Santos "Nando" as Prime Minister. Since its inception, the National Assembly has been subservient to the Council of Ministers. While opposition deputies held approximately 43 percent of National Assembly seats and substantive debates sometimes took place, few mechanisms existed to check the power of the MPLA majority or defeat legislation supported by the executive branch. Laws such as the Law on State Secrecy and the Law on National Security further strengthen executive authority and limited legislative oversight (see Section 2.a.).

There were more than 120 registered opposition parties, of which 11 received a public subsidy calculated based on their respective representation in the National Assembly. The majority of opposition parties have limited national coverage. The two historical opposition parties that date back to independence, UNITA and the National Liberation Front of Angola (FNLA), traditionally derived support from the Ovimbundu and Bakongo ethnic groups, respectively. Opposition parties complained of harassment and intimidation by the Government outside Luanda. On January 18, individuals dressed in MPLA shirts attacked and beat five UNITA members in Huambo province. The victims reported the incident to authorities; however, no arrests were made. In August, UNITA members from Huambo presented three cases in which local MPLA members allegedly beat UNITA party members with police complicity. In September, UNITA's national leadership complained of increased harassment by local MPLA members and municipal officials in several other provinces, including Lunda Sul. During the year, Social Renovation Party (PRS) members also complained of harassment by MPLA members and local officials in Lunda Norte, Lunda Sul, and Moxico provinces. In March, traditional leaders in Cuango municipality in Lunda Norte complained about MPLA members, with police support, cutting down PRS flags and threatening violence to those who display the flags.

During the year, UNITA progressed significantly in its internal reunification and transition to a demilitarized political organization and the largest opposition party. UNITA maintained a sporadic dialogue with the Government on the reintegration of its demobilized soldiers and disarmament of the civilian population. In June, the party elected a new president, Isaias Samakuva, to succeed Jonas Savimbi in a secret ballot election conducted by an independent commission and observed by members of the civil society and diplomatic community. The party's splinter wing, UNITA-Renovada, ceased to exist, and the Government transferred the party's official state subsidy to UNITA. In July, UNITA participated in multi-party consultations with the President on establishing a date for national elections. In September, the party announced its proposal for an electoral calendar to prepare the country for elections in 2005.

There are no legal barriers to the participation of women in the political process. There were 35 women in the 220-seat National Assembly, and there were 10 women in the 61-member Cabinet, including 3 ministers.

There were 7 members of minorities in the 220-seat National Assembly. There were 3 members of minorities in the 61-member Cabinet.

Section 4. Governmental Attitudes Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A variety of domestic and international human rights groups operated in the country, investigating and publishing their findings on human rights cases. The Government does not prohibit independent investigations of its human rights abuses; however, it failed to cooperate and often used security conditions as a justification to deny access to Cabinda.

There were more than 100 international NGOs operating in the country and approximately 350 domestic NGOs, of which an estimated 100 worked on human rights activities. The Ad-Hoc Commission on Human Rights in Cabinda helped organize a conference in Cabinda in July to discuss a framework for peace and continued to report on human rights in the province. In November, the Commission released its second report detailing human rights violations in Cabinda; however, some independent observers questioned the objectivity of the Commission's work. The Government did not meet with the Commission during the year or issue an official response to the second report. Local NGOs actively promoted human rights during the year by documenting and exposing prison conditions and providing free legal counsel; however, the Government continued to be suspicious of local NGOs receiving

international support. During the year, the Ministry of Justice blocked the registration of AJPD by continuing not to respond to its application (see Section 2.b.).

In May, NGO workers in Bengo province were ordered out of their vehicle and detained while their vehicle and possessions were searched.

In August, police summoned for questioning prominent human rights lawyer and founder of the local NGO Maos Livres, David Mendes, from overseas medical treatment. When he appeared for questioning in Luanda, authorities refused to interview him or explain any charges against him (see Section 1.d.). Mendes was released after being held for 3 hours at the police station.

In October, there were reports of individuals dressed in FAA uniforms stealing humanitarian supplies from an NGO in Bengo.

Several international organizations have a permanent presence in the country, including the International Committee of the Red Cross (ICRC) and the U.N. Human Rights Division. HRW visited the country in August and released a report on the protection of human rights of the country's IDPs. The Government strongly disagreed with much of the substance of the HRW report.

Human rights organizations had increased access to the country following the April 2002 ceasefire. During the year, U.N. humanitarian activities maintained large-scale operations in response to an acute food security and IDP crisis. In February, the UNMA closed with the final implementation of the Lusaka Protocol, and oversight for U.N. operations was transferred to the UNDP.

The National Assembly has a Committee on Human Rights, which conducted visits to prisons and held hearings on human rights issues during the year.

Section 5. Discrimination Based on Race, Sex, Disability, Language, or Social Status

Under the Constitution, all citizens are equal before the law and enjoy the same rights and responsibilities regardless of color, race, ethnicity, sex, place of birth, ideology, degree of education, or economic or social condition; however, the Government did not have the ability to enforce these provisions effectively.

Women.—Violence against women was widespread. Credible evidence indicated that a significant proportion of homicides were perpetrated against women, usually by spouses. The Ministry of Women and Family deals with violence against women and reported receiving an average of 40 domestic violence cases a month. The Government continued its project to reduce violence against women and improve the status of women. Domestic violence is prosecuted under rape and assault and battery laws. Rape is defined as a forced sexual encounter and is punishable by up to 8 years in prison. The law treats sex with a minor under the age of 12 as non-consensual; however, limited investigative resources and an inadequate judicial system prevented prosecution of most cases.

Due to poor economic conditions, an increasing number of women engaged in prostitution. Prostitution is illegal under the Constitution; however, the prohibition was not enforced and prostitutes were treated as victims, not offenders. During the year, independent media carried stories on the increasing prevalence of prostitution and complaints by prostitutes of police harassment.

There is no specific legal provision regarding sexual harassment; however, such cases may be prosecuted under assault and battery and defamation statutes. Sexual harassment was a problem, and the official media publicized cases during the year.

The Constitution and Family Code provide for equal rights without regard to gender; however, societal discrimination against women remained a problem, particularly in rural areas. In addition, a portion of the Civil Code includes discriminatory provisions against women in the areas of inheritance, property sales, and participation in commercial activities. There were no effective mechanisms to enforce child support laws, and women carried the majority of responsibilities for raising children. The law provides for equal pay for equal work; however, in practice women rarely were compensated equally with men. Some women held senior positions in the armed forces (primarily in the medical field) and civil service, but women mostly were relegated to low-level positions in state-run industries and in the small private sector. Under the law, adult women may open bank accounts, accept employment, and own property without interference from their spouses. Upon the death of a male head of household, the widow automatically is entitled to 50 percent of the estate with the remainder divided equally among legitimate children. In much of the country, women constituted a growing percentage of persons with disabilities, as they were most likely to become victims of landmines while foraging for food and firewood in agricultural areas.

A series of national conferences on women's rights continued during the year and called for the Government to amend the Civil Code to end women's legal inequality, create a social welfare program, and strengthen enforcement mechanisms for existing legislation.

In September, the Government submitted its first treaty report under the U.N. Convention to Eliminate Discrimination Against Women.

Children.—Approximately 50 percent of the population was believed to be under the age of 15; however, the Government continued to give little attention to children's rights and welfare. The Ministry of Education and Culture (MEC) barely functioned due to a lack of resources and poor administration. Nevertheless, the MEC, together with UNICEF, launched a program to provide informal learning and life skills for vulnerable children outside of the formal education system. The program intended to reach a total of 50,000 children by year's end. In addition, the MEC created a Back-to-School campaign in two of the poorest provinces to increase education access for all school-aged children. The National Institute for Children has daily responsibility for children's affairs, and in June, a Court for Children's Affairs, under the Ministry of Justice, was established as part of Luanda's provincial court system.

Although primary and secondary education was free and compulsory until the sixth grade, students often had to pay significant additional expenses. Teachers were chronically unpaid and often demanded unofficial payment or bribes from students. During the year, teachers engaged in strikes throughout the country (see Section 6.b.). Most of the educational infrastructure was damaged either partially or completely and lacked basic equipment and teaching materials. There were not enough schools, and many children had to work to support their families. The net enrollment rate of school-age children was 40 percent; however, while 55 percent of children 5 to 14 years of age were in school, only 30 percent of children remain in school after fifth grade. There was a significant gender gap in the enrollment rate, favoring boys over girls. More than 1 million children were estimated to be out of school, with no prospect of integrating them into the education system. Only 42 percent of the population was literate, and the illiteracy rate for women was almost twice that of men.

Some children reportedly continued to be recruited into the armed forces as a result of the absence of civil registration and the inability to prove dates of birth. According to Ministry of Justice, 2,182,902 children were registered between August 2001 and July; however, at least 1 million more remained unregistered. HRW criticized the Government for excluding children who served as soldiers and "wives" during the war from the demobilization process, and for not providing children adequate reintegration assistance and other benefits promised to former soldiers. Between January and October, the UNICEF-supported National Family Tracing and Reunification Program successfully reunited 1,479 separated children with their families and trained 539 tracing activists in 10 provinces.

There were reports of trafficking in children (see Section 6.f.).

Child prostitution is prohibited by a general criminal statute; however, an international NGO estimated in June that there were as many as 1,000 underage prostitutes in Luanda. The age of sexual consent is 12 years, and sexual relations with a child under 12 years of age is considered rape. Sexual relations with a child between the ages of 12 and 15 may be considered sexual abuse. Convicted offenders may be sentenced for up to 8 years in prison.

The Government provides free medical care for children at the pediatric hospital in Luanda, in addition to supporting child immunization programs and general medical care at public hospitals and clinics around the country; however, in practice, such care was limited at many facilities. According to UNICEF, the mortality rate for children under 5 years of age was 250 per 1,000 live births. Local NGOs estimated that 100,000 children were abandoned or orphaned as a result of the civil war, and malnutrition was a problem. During 2002, MINARS trained 1,070 child protection monitors who assisted 43,000 children that were separated from their families. Landmine explosions continued to kill and injure children (see Section 1.a.).

According to a government report released in June, there were approximately 3,000 street children in Luanda; other estimates were as high as 5,000. As many as another 30,000 children worked or begged on Luanda's streets and approximately 100,000 children throughout the country have been separated from their families. Some were orphans or abandoned, while others ran away from their families or government facilities that were unable to support them. Living conditions in government youth hostels were so poor that the majority of homeless children preferred to sleep on city streets. Street children shined shoes, washed cars, and carried water, but many resorted to petty crime, begging, and prostitution in order to survive. The government-sponsored National Institute for Children was responsible for child protection, but it lacked the capacity to work adequately with international NGOs. The Government publicized the problems of street and homeless children

during the year and held a conference in May on the plight of street children. No program had been implemented by year's end.

There were no active domestic private children's rights advocacy groups; however, several international organizations promoted children's rights in the country.

Persons with Disabilities.—The number of persons with physical disabilities included more than 80,000 landmine survivors. Handicap International estimated that up to 10 percent of the population have physical disabilities. While there was no institutional discrimination against persons with disabilities, the Government did little to improve their physical, financial, or social conditions. There is no legislation mandating accessibility for persons with disabilities in public or private facilities, and, in view of the degradation of the country's infrastructure and high unemployment rate, it was difficult for persons with disabilities to find employment or participate in the education system.

Indigenous People.—The population included 1 to 2 percent of Khoisan and other linguistically distinct hunter-gatherer tribes. At least 3,400 San people lived in 72 small dispersed communities in Huila, Cunene, and Kuando Kubango provinces. According to a July study commissioned by Trocaire Angola and the Working Group of Indigenous Minorities, many San communities suffered from social exclusion, discrimination, and economic exploitation. Greatly reduced access to land and natural resources and insecure and very limited land rights have eroded the San's former hunter-gatherer livelihoods and exacerbated ethnic tensions with neighboring groups. Hunter-gatherer communities as a whole did not participate actively in the political or economic life of the country, and they had no ability to influence government decisions concerning their interests.

There continued to be a lack of adequate protection for the property rights of traditional pastoral indigenous communities in general. While the Government's draft land tenure law was still pending at year's end, reports of illegal land grabs in Huila province by former and current government officials were increasing. In 2002, as part of a government project, 10 leases of 45-year duration were given to pastoral communities in Bengo and Huila provinces.

Section 6. Worker Rights

a. The Right of Association.—The Constitution provides for the right to form and join trade unions and engage in union activities; however, the Government did not respect these rights consistently in practice. The Government dominated the National Union of Angolan Workers (UNTA), which claimed to have more than 400,000 members and was affiliated with the ruling MPLA party; however, there were two prominent independent unions, the General Center of Independent and Free Labor Unions of Angola (CGSILA), with approximately 50,000 members, and the small Independent Union of Maritime and Related Workers (SIMA). There continued to be division and pending legal suits between member unions of CGSILA over accusations of administrative malfeasance. Independent unions did not have a particular political affiliation. Restrictions on civil liberties potentially prevent any labor activities not approved by the Government; however, the major impediment to labor's ability to advocate on behalf of workers was the 60 percent formal sector unemployment rate. The Government dominated the economy through state-run enterprises.

The law requires that the Government recognize labor unions. Nevertheless, SIMA has encountered difficulty with provincial government authorities in registering branch associations and organizing dock and rig workers.

Legislation prohibits discrimination against union members and calls for worker complaints to be adjudicated in regular civil courts. Under the law, employers found guilty of anti-union discrimination are required to reinstate workers who have been fired for union activities. In practice, neither the Labor Code nor the judicial system were capable of defending or enforcing these rights. For example, when train drivers from the Luanda Railways Company persuaded colleagues to leave the UNTA for the CGSILA, they were fired.

Unions have the right to affiliate internationally. CGSILA cooperated with the American Federation of Labor-Congress of Industrial Organizations (AFL-CIO) and participated in the International Labor Organization (ILO). Individual trade unions maintained relations with counterpart unions in other countries.

b. The Right to Organize and Bargain Collectively.—The Constitution provides for the right to organize and for collective bargaining; however, the Government did not respect these rights in practice. The Government did not facilitate a positive environment for constructive labor management negotiations. The Ministry of Public Administration, Employment, and Social Security set wages and benefits on a semi-annual basis (see Section 6.e.).

The Constitution provides for the right to strike, and the law strictly regulates such actions. The law prohibits lockouts and worker occupation of places of employment and provides protection for nonstriking workers. It prohibits strikes by armed forces personnel, police, prison workers, and fire fighters. The law does not effectively prohibit employer retribution against strikers; it permits the Government to force workers back to work for breaches of worker discipline and participation in strikes. During the year, numerous strikes over wages took place, including in the health, judicial, and public works sectors. Teachers also engaged in strikes during the year (see Section 5). The number of strikes over wages and working conditions increased during the year, including, for the first time, strikes in the judicial sector and walk-outs in the health sector.

SIMA continued an organized protest begun in 2000 to demand severance compensation from Angonave. Participants in the vigil reportedly were subject to government harassment during the year.

On June 12, the university professors' union, a member union of CGSILA, began a 45-day strike at Agostino Neto University over salaries and lack of compliance with previous agreements on pay and work conditions. After the MEC and university administration refused to agree to the terms set by the professors' union, the strike was called off in July. Union members complained of being threatened with dismissal and receiving physical threats during the strike.

There are no export processing zones.

c. Prohibition of Forced or Bonded Labor.—The law prohibits forced or bonded labor, including by children; however, the Government was unable to enforce these provisions effectively. In addition, the law permits the Government to force workers back to work for breaches of worker discipline and participation in strikes, and the ILO has cited it as an example of forced labor in violation of ILO conventions. Unlike in previous years, there were no reports that the FAA forcibly conscripted persons. There were independent media reports that a prison director in Huambo used prisoners as laborers in his house.

d. Status of Child Labor Practices and Minimum Age for Employment.—Child labor was a problem during the year. The legal minimum age for employment is 14 years. Children between the ages of 14 and 18 may not work at night, in dangerous conditions, or in occupations requiring great physical effort, and children under 16 years of age are prohibited from factory work; however, these provisions generally were not enforced. The Inspector General of the Ministry of Public Administration, Employment, and Social Security is responsible for enforcing labor laws, and child labor law enforcement is under the jurisdiction of the courts; however, in practice, the court system did not provide adequate protection for children. In June, a Court for Children's Affairs, under the Ministry of Justice, was established as part of Luanda's provincial court system. Child labor violations are punishable with fines and restitution. There is no formal procedure for inspections and investigations into child labor abuses outside of the family law system, although private persons can file claims for violations of child labor laws.

The Ministry maintains employment centers where prospective employees register, and the center screens out applicants under the age of 14; however, many younger children worked on family farms, as domestic servants, and in the informal sector as street vendors. Family-based child labor in subsistence agriculture was common. Children under 12 years of age worked for no reimbursement for their families and in apprenticeships. Poverty and social upheavals have brought large numbers of orphaned and abandoned children, as well as runaways, into unregulated urban employment in the informal sector.

e. Acceptable Conditions of Work.—In May, the minimum wage was held by the Ministry of Public Administration, Employment, and Social Security at the equivalent of \$50 (4,000 Kwanza) per month despite widespread calls for an increase. Many urban workers earned less than \$20 (1,600 Kwanza) per month. Neither the minimum wage nor the average monthly salary, which was estimated to be between \$40 and \$150 (3,200 to 12,000 Kwanza) per month, were sufficient to provide a decent standard of living for a worker and family. As a result, most wage earners held second jobs or depended on the informal sector, subsistence agriculture, corruption, or support from abroad to augment their incomes. The Government pegged the minimum wage to inflation but did not consistently adjust the rate quarterly. Employees receiving less than the legal minimum wage have the right to seek legal recourse; however, it was uncommon for workers to do so.

A government decree limits the legal workweek to 44 hours; however, the Ministry was unable to enforce this or occupational safety and health standards. Workers cannot remove themselves from dangerous work situations without jeopardizing their continued employment.

Foreign workers (legal or illegal) are not protected under the labor law. They receive legal protection only if they work under contract; otherwise, they receive protection only against criminal acts.

f. Trafficking in Persons.—The Constitution prohibits human bondage; however, no laws exist to combat trafficking in persons, and there were reports of trafficking.

There were limited and conflicting reports that women and children were trafficked during the year, primarily to Europe and South Africa, for labor and sexual exploitation.

The Ministry of Justice continued its campaign to register children, provide them with identity papers, and protect them against potential trafficking. In June, the Ministry of Justice announced that more than 2.1 million children had been registered since August 2001—almost 70 percent of the initial goal. The Government operated facilities throughout the country for abandoned and abducted children. However, the facilities were underfunded, understaffed, and overcrowded in many cases. No special service was provided for victims of trafficking.

Unlike in previous years, there were no reports that the Government or UNITA forcibly recruited persons for military service (see Section 1.f.).

BENIN

The Republic of Benin is a constitutional democracy headed by President Mathieu Kerekou, who was inaugurated in April 2001, after elections that observers generally viewed as free but not entirely fair. The March parliamentary elections, which were generally free, fair, and transparent, resulted in a loss of seats by the opposition. One opposition party joined the government coalition; as a result, the opposition holds 18 of 83 seats. The Government generally respected the constitutional provision for an independent judiciary; however, the executive has important powers in regard to the judiciary, and the judiciary was inefficient and susceptible to corruption at all levels.

The civilian-controlled security forces consist of the armed forces, headed by the State Minister in charge of Defense Matters, and the police force under the Ministry of Interior, Security, and Decentralization. The Ministry of Defense supervises the Gendarmerie, which exercises police functions in rural areas, while the Ministry of Interior supervises other police forces. The armed forces continued to play an apolitical role in government affairs despite concerns about lack of morale within its ranks. Civilian authorities maintained effective control of the security forces. Members of the security forces committed some human rights abuses.

The country was extremely poor with average yearly per capita income below \$400; its population was approximately 6.5 million. The economy was mixed and some state enterprises were being privatized. The economy was based largely on subsistence agriculture, cotton production, regional trade (including transshipment of goods to neighboring countries), and small-scale offshore oil production. The Government maintained the austerity program; continued to privatize state-owned enterprises; reduced fiscal expenditures; and deregulated trade. The Government estimated the growth rate at 5 percent for the year; however, approximately 2 percent of this growth can be credited to major infrastructure projects, such as road construction, that were funded by foreign aid.

The Government generally respected the human rights of its citizens; however, there were problems in several areas. There were credible reports that police sometimes beat suspects, and at times the authorities arbitrarily arrested and detained persons. Police detained and allegedly beat some journalists. During the year, police forcibly dispersed demonstrations. The most serious human rights problems continued to be the failure of police forces to curtail acts of vigilantism and mob justice; harsh and unhealthy prison conditions; serious administrative delays in processing ordinary criminal cases; judicial corruption; violence and societal discrimination against women; and trafficking and abuse of children. The practice of female genital mutilation (FGM) and, to a lesser extent, infanticide also remained problems. Child labor, including forced and bonded child labor, continued to be a problem. Trafficking in persons was a serious problem.

RESPECT FOR HUMAN RIGHTS

Section 1. Respect for the Integrity of the Person, Including Freedom From:

a. Arbitrary or Unlawful Deprivation of Life.—There were no reports of the arbitrary or unlawful deprivation of life committed by the Government or its agents.

During the year, incidents of mob justice continued to occur nationwide. Most often these were cases of mobs killing or severely injuring suspected criminals, particularly thieves caught in the act. For example, in August, a mob publicly set fire to a man who allegedly had killed a watchman during a dispute. Although a number of these incidents occurred in urban areas and were publicized in the press, the Government apparently made no concerted attempt to investigate or prosecute anyone involved, and police generally ignored vigilante attacks.

In August, vigilante leader "Colonel Devi" was released on bail; Devi was arrested in 2002 in connection with the killing of two persons at his home in 2001.

There was no known action taken against persons responsible for mob killings in 2002 and 2001.

b. Disappearance.—There were no reports of politically motivated disappearances.

During the year, hundreds of children were kidnapped from their families and trafficked to Nigeria, where they worked in mines, quarries, and farms (see Section 6.f.).

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The Constitution prohibits such practices; however, there were credible reports that police sometimes beat those in custody. Unlike in the previous year, there were no reports of torture.

The Government continued to make payments to victims of torture under the military regime, and some persons have received payment for property they lost under the regime.

Police also detained and allegedly beat journalists during the year (see Section 2.a.).

On January 2, in the district of Zogbodome, approximately 40 paratroopers attacked civilians with knives, bottles, machetes, and other types of weapons in retaliation for the injury to one of their colleagues the previous day in a bar fight; approximately 100 persons were injured. The paratroopers also destroyed mopeds and ransacked bars. Defense Minister Pierre Osho promised that guilty soldiers would be punished, medical expenses for civilians paid, and compensation to civilians made no later than February 11. The soldiers appeared before a disciplinary council, and some were imprisoned or removed from their units.

Mob justice resulted in serious injuries to a number of persons (see Section 1.a.).

Prison conditions continued to be extremely harsh. Overcrowding and lack of proper sanitation and medical facilities posed a risk to prisoners' health. The prison diet was inadequate; malnutrition and disease were common. Family members were expected to provide food for inmates to supplement prison rations. Prisoners were allowed to meet with visitors such as family members, lawyers, and others.

According to the Justice Ministry, the country's eight civil prisons at times were filled to more than three times their capacity; the prison in Natitingou in Atacora Province was the only one below full capacity. Funding problems delayed the completion of the new 1,000-person prison under construction in Akpro-Misserete in Oueme Department.

Women were housed separately from men; however, juveniles at times were housed with adults. Pretrial detainees were held with convicted prisoners; however, they were not held with the most violent convicts or those subject to the death penalty.

The Government permitted prison visits by human rights monitors, and non-governmental organizations (NGOs) and other agencies continued their prison visits.

d. Arbitrary Arrest, Detention, or Exile.—The Constitution prohibits arbitrary arrest and detention; however, at times the authorities arbitrarily arrested and detained persons.

The police were criticized for corruption and ineffectiveness. The Government attempted to address these problems by changing the police leadership in October.

On February 7, police arrested student demonstrators at the University of Abomey-Calavi (see Section 2.b.).

The Constitution prohibits detention for more than 48 hours without a hearing by a magistrate whose order is required for continued detention. However, there were credible reports that authorities exceeded this 48-hour limit in many cases, sometimes by as much as a week, using the common practice of holding a person indefinitely "at the disposition of" the public prosecutor's office before presenting their case to a magistrate. Approximately 75 percent of persons in prison were pretrial detainees.

The Constitution prohibits the forced exile of citizens, and it was not practiced.

e. Denial of Fair Public Trial.—The Constitution provides for an independent judiciary, and the Government generally respected this provision in practice; however, the executive branch has important powers with regard to the judiciary, and the ju-

diciary remained inefficient in some respects and susceptible to corruption at all levels. On April 1, the Union of the Judiciary began a 72-hour strike to protest pay and personnel issues; tribunals throughout the country were closed as a result (see Section 6.b.).

The President appoints career magistrates as judges in civil courts, and the Constitution gives the Ministry of Justice administrative authority over judges, including the power to transfer them. Inadequate facilities, poorly trained staff, and overcrowded dockets delayed the administration of justice. Low salaries made magistrates and clerks susceptible to corruption. Inefficiency and corruption particularly affected the judiciary at the trial court and investigating magistrate levels. The arrest of numerous judges on corruption charges further strained the overburdened court infrastructure.

The trial of the approximately 80 judges charged in December 2002 with bribery and corruption had not started by year's end; 23 of the judges remained in prison at year's end.

A civilian court system operated on national and provincial levels. There was only one court of appeals. The Supreme Court was the court of last resort in all administrative and judicial matters. The Constitutional Court was charged with deciding on the constitutionality of laws, disputes between the President and the National Assembly, and disputes regarding presidential and legislative elections. Its rulings in past years against both the executive and legislative branches, which were respected by both branches, demonstrated the Court's independence; however, it was accused of bias in favor of the President during the 2001 presidential elections (see Section 3). A High Court of Justice, whose membership was renewed in August and is scheduled to be installed in 2004, deals with crimes committed by the President or government ministers against the state. Military disciplinary councils deal with minor offenses by members of the military services, but they have no jurisdiction over civilians.

The legal system is based on French civil law and local customary law. The Constitution provides for the right to a fair public trial. A defendant enjoys the presumption of innocence and has the right to be present at trial and to representation by an attorney, at public expense if necessary. In practice, the court provided indigent defendants with court-appointed counsel upon request. A defendant also has the right to confront witnesses and to have access to government-held evidence. Trials were open to the public, but in exceptional circumstances the president of the court may decide to restrict access to preserve public order or to protect the parties. Defendants who were awaiting a verdict may request release on bail; however, the courts granted such requests only on the advice of the Attorney General's office.

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home or Correspondence.—The Constitution prohibits such actions, and the Government generally respected these prohibitions in practice. Police were required to obtain a judicial warrant before entering a private home, and they usually observed this requirement in practice.

Results from the National Assembly's 2001 investigation into alleged governmental wiretapping were not released publicly by year's end.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution provides for freedom of speech and of the press, and the Government generally respected these rights in practice; however, during the year, police allegedly beat and held for several hours four journalists who spoke out against the police inspector.

The law provides for sentences of imprisonment involving compulsory labor for certain acts or activities related to the exercise of the right of free expression. The law concerns threats to public order or calls to violence but is loosely worded and susceptible to abuse.

There was a large and active privately-owned press composed of more than 20 daily newspapers. These publications criticized the Government freely and frequently, but the effect on public opinion was limited because of their urban concentration. A nongovernmental media ethics commission (ODEM) continued to censure some journalists during the year for unethical conduct such as reporting falsehoods or inaccuracies or releasing information that was still under embargo. ODEM also commended some journalists for adherence to professional standards.

Privately owned radio and television stations were popular sources of information. Programs critical of the Government were broadcast without interference during the year, and "call-in" and other talk shows often were used for public discussion of various topics.

The Government continued to own and operate the media that were most influential in reaching the public because of broadcast range and infrastructure. The major-

ity of citizens were illiterate and lived in rural areas; they largely received their news via radio. The Benin Office of Radio and Television (ORTB) transmitted on the FM and AM frequencies and by short wave in French and local languages. Radio France International and the British Broadcasting Corporation broadcast in Cotonou. Fifteen rural radio stations, which were governed by local committees and received support from the ORTB, broadcast several hours a day exclusively in local languages.

The ORTB television station broadcast more than 12 hours per day on a signal that was easily received in urban areas. Approximately 80 percent of the ORTB's television programming was in French. Several private television stations broadcast, including TV5 and LC-2. Although neither television station broadcast partisan programs in support of, or unduly critical of, the Government, the vast majority of news programming centered on government officials' activities, government-sponsored conferences, and international stories provided by French television or other foreign sources.

On April 1, Cotonou police allegedly detained for several hours, beat, and interrogated Etienne Houessou, the director of the newspaper *Le Telegramme*; the editor, Blaise Fagnihoun; and journalists Norbert Houessou and Casimir Assogba for publishing an unsigned letter complaining of improper management of police at police headquarters. On April 10, 300 union leaders and journalists held a peaceful demonstration to protest police actions. The Director General of the police reportedly threatened other arrests if the newspaper published similar articles. *Le Telegramme* protested to the Supreme Court, and in October, the Government dismissed the Director of the National Police Raymond Fadonougbo.

The government entity with oversight responsibility for media operations was the High Authority for Audio-Visual Media and Communications, which required broadcasters to submit weekly lists of planned programs and required publishers to deposit copies of all publications with it; however, the media did not comply with these requirements in practice. The information was used for administrative purposes; however, journalists often complained that it was an attempt at censorship.

Internet service was available in cities, and there were no governmental restrictions on its use.

The Government did not restrict academic freedom.

b. Freedom of Peaceful Assembly and Association.—The Constitution provides for freedom of assembly, and the Government generally respected this right in practice. Unlike in the previous year, there were no reports that government officials refused to allow marches or demonstrations. The Government requires permits for use of public places for demonstrations and generally granted such permits.

In February, students from the University of Abomey-Calavi called a strike to demand that students expelled after the May 2002 demonstrations be reinstated. On February 7, police arrested students protesting poor living and working conditions and the lack of scholarships at the University of Abomey-Calavi and used tear gas to disperse the crowd. Some students were slightly injured during the arrests. The students were released after a short time without charge.

The Constitution provides for freedom of association, and the Government generally respected this right in practice. The Government requires associations to register and routinely granted registrations.

c. Freedom of Religion.—The Constitution provides for freedom of religion, and the Government generally respected this right in practice.

Persons who wish to form a religious group must register with the Ministry of the Interior. There were no reports that any group was refused permission to register or was subjected to unusual delays or obstacles in the registration process.

For a more detailed discussion, see the 2003 International Religious Freedom Report.

d. Freedom of Movement within the Country, Foreign Travel, Emigration, and Repatriation.—The Constitution provides for these rights, and the Government generally respected them in practice; however, the presence of police, gendarmes, and illegal roadblocks impeded domestic movement. Although ostensibly meant to enforce automotive safety and customs regulations, many of these checkpoints served as a means for officials to exact bribes from travelers. The Government maintained previously implemented measures to combat such corruption at roadblocks; however, they were not always effective and extortion occurred.

On August 9, Nigeria closed its western border with the country to protest the Government's lack of action against cross-border banditry and trafficking in drugs and persons. The border reopened 1 week later after a summit in which Presidents Kerekou and Obasanjo pledged cooperation in efforts to deter such practices (see Section 6.f.).

The Government maintained documentary requirements for minors traveling abroad as part of its continuing campaign against trafficking in persons (see Section 6.f.).

The Government's policy toward the seasonal movement of livestock allowed migratory Fulani herdsmen from other countries to enter freely; the Government did not enforce designated entry points. Disputes arose between the herdsmen and local landowners over grazing rights.

The law provides for the granting of refugee status or asylum to persons who meet the definition in the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. In practice, the Government provided protection against refoulement and granted refugee status or asylum. The Government cooperated closely with the U.N. High Commissioner for Refugees (UNHCR) and other humanitarian organizations in assisting refugees, including those in need of temporary protection. The UNHCR estimated that, as of September, there were 5,068 refugees of various nationalities in the country and that approximately 958 persons residing in the country were requesting asylum. During the year, a number of citizens of Togo continued to enter the country and were granted refugee status or given temporary protection; however, many returned to Togo. As of September, there were 1,213 Togolese refugees in the country. Despite severe economic pressures that limited its ability to provide education for children, the Government allowed these Togolese to enroll their children in local schools and permitted their participation in some economic activities.

In contrast, the UNHCR estimated that 235 Ogoni refugees from Nigeria were at a disadvantage because they did not speak French and could not work nor could their children attend schools. UNHCR officials directed them to remain within the confines of the Kpomasse refugee camp to avoid potential confrontations with local inhabitants and maintained administrative control over their activities.

Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government

The Constitution provides citizens with the right to change their government peacefully, and citizens exercised this right in practice through periodic, free, and generally fair elections held on the basis of universal suffrage. Observers viewed the March National Assembly and December 2002 municipal elections as generally free and fair; however, opposition parties charged that there were some irregularities. The Constitution provides for a 5-year term of office for the President (who is limited to two terms) and 4-year terms for National Assembly members (who may serve an unlimited number of terms). The Constitution limits candidates for the presidency to persons between the ages of 40 and 70 years. Municipal terms are for 4 years. There were 12 political parties and coalitions represented in the unicameral, 83-member National Assembly.

The March National Assembly elections resulted in the loss of seats by the opposition, notably the Rebirth of Benin (RB), the primary opposition party led by former president Nicephore Soglo. A second opposition party, that of the former Prime Minister Adrien Houngbedji, joined the government coalition, leaving only Soglo's party and the minor Star Alliance (AE) party in the opposition. The RB held 15 of the National Assembly's 83 seats; AE held 3 seats. Although it took the Government several days to certify the results of the elections, only two seats were contested.

Opposition parties criticized the National Election Commission's handling of the country's first-ever municipal elections in December 2002 and charged that the pro-Kerekou coalition engaged in vote-buying, forged voter cards, and other types of fraud. Despite these charges, the opposition won the majority of seats on the municipal councils in the large cities.

President Kerekou was inaugurated in April 2001. Observers viewed the reelection of Kerekou as free but not entirely fair because of the apparent judicial manipulation of the presidential electoral counts, the intimidation of opposition deputies, and the unprecedented scope of the campaign expenditures made by the President's coalition. When opposition candidates challenged the preliminary, first-round presidential vote tallies, the Court initially affirmed those results despite the electoral commission's concession that computer failures and other irregularities made those tallies unreliable. Following extensive public criticism, the Court reviewed the evidence in more detail, modified the tallies, and gave some of the numerous opposition candidates marginally higher total votes. No members of the opposition were in the President's cabinet or in the National Assembly's Executive Committee.

Women participated actively in political parties. Following a Cabinet reshuffle during the year, there were 4 women in the 21-member Cabinet. There were 6 women in the 83-member, unicameral National Assembly, including the leader of

the largest opposition party. The President of the Constitutional Court was a woman.

The major ethnic groups are well represented in government agencies, civil service, and the military.

Section 4. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A number of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials generally were cooperative and responsive to their views.

Section 5. Discrimination Based on Race, Sex, Disability, Language, or Social Status

The Constitution prohibits discrimination based on race and sex, but societal discrimination against women continued. Persons with disabilities were disadvantaged.

Women.—Domestic violence against women, including wife beating, was common. The maximum penalty ranges from 6 to 36 months' imprisonment. NGO observers believed that women remained reluctant to report cases. Judges and police also were reluctant to intervene in domestic disputes; society and law enforcement considered such cases to be an internal family matter. In March, a local chapter of a regional NGO, Women in Law and Development-Benin, opened to offer social, legal, medical, and psychological assistance to victims of domestic violence.

FGM was practiced on females ranging from infancy through 30 years of age and generally took the form of excision. Surveys reliably estimated that the number of women who had undergone FGM at approximately 50 percent. FGM was outlawed in March, and the new law provides for penalties for performing the procedure, including jail sentences of up to 10 years in prison and \$10,000 (6 million CFA francs); however, the Government generally was unsuccessful in preventing the practice. There was a strong profit motive in the continued practice of FGM by those who performed the procedure, usually older women. The efforts of NGOs and others to educate rural communities about the dangers of FGM and to retrain FGM practitioners in other activities continued during the year. A prominent NGO, the local chapter of the Inter-African Committee, made progress in raising awareness of the dangers of the practice, and the Government cooperated with its efforts. The press reported that the number of girls and women undergoing FGM decreased significantly each year since 1996. During the year, the Ministry of Family launched an education campaign that included conferences in schools and villages, discussions with religious and traditional authorities, and banners. NGOs also addressed this issue in local languages on local radio stations.

Although the Constitution provides for equality for women in the political, economic, and social spheres, women experienced extensive societal discrimination, especially in rural areas where they occupied a subordinate role and were responsible for much of the hard labor on subsistence farms. In urban areas, women dominated the trading sector in the open-air markets. By law, women have equal inheritance and property rights; however, local custom in some areas prevented them from inheriting property.

In December 2002, the Constitutional Court ruled that some provisions of the 2002 Family Code were unconstitutional, including the request that the decision for monogamy or polygamy be clearly expressed at the time of marriage and the right for a woman to keep her maiden name after marriage. Critics charged that the Code, which strengthened inheritance, property, and other rights for women, would give women unfair advantages.

Children.—The Ministry of Family was responsible for the protection of children's rights, primarily in the areas of education and health. The National Commission for Children's Rights and the Ministry of Family had oversight roles in the promotion of human rights issues with regard to children and their welfare.

Primary education was tuition-free but not compulsory. In some parts of the country, girls received no formal education. The Government implemented programs such as offering books at reduced prices to promote children's access to primary schools and to enhance the quality and relevance of schooling received. Primary school enrollment was approximately 90 percent of boys and approximately 60 percent of girls nationwide during the 2001–02 school year; only 26 percent of boys and 12 percent of girls were enrolled in secondary school. Girls did not have the same educational opportunities as boys, and female literacy was approximately 18 percent (compared with 50 percent for men). However, recent elementary school pass rates for girls have increased. Strikes by teachers in 2002 and during the year disrupted the school years (see Section 6.b.).

There was a tradition in which a groom abducts and rapes his prospective child bride (under 14 years of age). The practice was widespread in rural areas, but the Government worked to end it through information sessions on the rights of women and children.

Criminal courts meted out stiff sentences to criminals convicted of crimes against children; however, many such crimes never reached the courts due to lack of education and access to the courts or fear of police involvement in the problem.

FGM was commonly performed on young girls (see Section 5, Women).

The Constitution and the law prohibit child prostitution; however, enforcement was frequently lax. Child prostitution mainly involved young girls whose poor families urged them to become prostitutes to provide income. They were abused sexually by teachers who sought sex for better grades and lured to exchange sex for money by older men who acted as their “protectors.” There were street children who became prostitutes to support themselves. There were reports of sexual tourism and reports that adult males preferred young girls because they were viewed as less demanding and less likely to have HIV/AIDS. The Government organized assistance to child prostitution victims and worked jointly with NGOs and international organizations on prevention programs.

Some traditional practices inflicted hardship and violence on children, including most prominently the custom of “vidomegon,” whereby poor, often rural, families placed a child, primarily a daughter, in the home of a more wealthy family to avoid the burden the child represented to the parental family. The children worked, but the arrangement was voluntary between the two families. There was a considerable amount of abuse in the practice, including one case where a girl was chained up and fed on the floor. The woman responsible was arrested and sentenced to 6 months in prison. In other cases, children were forced to work long hours without adequate food. There also were instances of sexual exploitation. Approximately 90 to 95 percent of the children in vidomegon were young girls. Children were sent from poorer families to Cotonou and then some of the children were sent to Gabon, Cote d’Ivoire, and the Central African Republic to help in markets and around the home. The child received living accommodations, while income generated from the child’s activities was split between the child’s parents in the rural area and the urban family that raised the child.

Trafficking in children for purposes of forced labor or prostitution in other countries remained a problem (see Section 6.f.).

Other traditional practices included the killing of deformed babies, breech babies, and one of two newborn twins (all of whom were thought to be sorcerers in some rural areas). There were numerous press reports of infanticide during the year, and some NGOs were combining their anti-infanticide efforts with programs to counter FGM.

Persons with Disabilities.—The Constitution provides that the State should care for persons with disabilities; however, there were no legal requirements for the construction or alteration of buildings to permit access for persons with disabilities.

The Government operated a number of social centers for persons with disabilities to assist their social integration. Nonetheless, many were unable to find employment and resorted to begging to support themselves.

The Labor Code includes provisions to protect the rights of workers with disabilities, which was enforced with modest effectiveness during the year.

Section 6. Worker Rights

a. The Right of Association.—The Constitution provides workers with the freedom to organize, join unions, and meet, and the Government generally respected these rights in practice. The labor force of approximately 2 million was engaged primarily in subsistence agriculture and other primary sector activities, with less than 2 percent of the population engaged in the modern (wage) sector.

Although approximately 75 percent of the wage earners belonged to labor unions, a much smaller percentage of workers in the private sector were union members. There were several union confederations, and unions generally were independent of government and political parties. The Economic and Social Council, a constitutionally mandated body, included four union representatives.

The Labor Code prohibits employers from taking union membership or activity into account regarding hiring, work distribution, professional or vocational training, or dismissal; however, there were reports of individuals being dismissed for union activity. The Government levied substantial penalties against employers who refused to rehire workers dismissed for lawful union activities.

There were no developments in the cases of three labor leaders dismissed in 2001 for alleged theft and distribution of confidential accounting documents.

There were no known instances of efforts by the Government to retaliate against union activity; however, the International Confederation of Free Trade Unions alleged that hostility to trade unions persisted and that union members were intimidated.

Unlike in the previous year, there were no reports that the mayor of Cotonou prohibited labor demonstrations.

Unions may form freely or join federations or confederations and affiliate with international bodies. The two major labor confederations were affiliated with the Brussels-based International Confederation of Independent Unions.

b. The Right to Organize and Bargain Collectively.—The Labor Code generally allows workers the freedom to organize and administer their own unions. The Labor Code provides for collective bargaining, and workers freely exercised these rights. Wages in the private sector were set in negotiations between unions and employers. The Government sets wages in the public sector by law and regulation.

Strikes were permitted, and workers must provide 3 days advance notice; however, the authorities can declare strikes illegal for stated causes, such as threatening to disrupt social peace and order, and can requisition striking workers to maintain minimum services. The Government may not prohibit any strike on the grounds that it threatens the economy or the national interest. A company may withhold part of a worker's pay following a strike. Laws prohibit employer retaliation against strikers, and the Government enforced them effectively.

There were numerous strikes during the year. Teachers demanding back pay and higher wages conducted strikes throughout the year, which disrupted schools from the primary through university levels. Teachers resumed work after the Government agreed to meet their demands.

On March 18, workers of the Water and Electricity public company (SBEE) observed a warning strike throughout the country to protest the SBEE's planned reorganization and the lack of modern working equipment. SBEE management negotiated an agreement with the workers.

On April 1, the Union of the Judiciary began a 72-hour strike to protest pay and personnel issues; tribunals throughout the country were closed as a result. The union demanded an adjustment of the judiciary's status as "temporary" and severely criticized the lack of dialogue between the Ministry of Justice and its workers. After the strike, the Government agreed to revise the status of the judiciary staff.

Labor unions continued to oppose the Government's merit-based promotion scheme.

There are no export processing zones.

c. Prohibition of Forced or Bonded Labor.—The Labor Code prohibits forced or bonded labor, including by children; however, there were reports that such practices occurred, and trafficking was a problem (see Sections 6.d. and 6.f.). The law provides for sentences of imprisonment involving compulsory labor for certain acts or activities related to the exercise of the right of free expression (see Section 2.a.); no such sentences were imposed during the year.

d. Status of Child Labor Practices and Minimum Age for Employment.—The Labor Code prohibits the employment or apprenticeship of children under 14 years of age in any enterprise; however, child labor remained a problem. The Ministry of Labor enforced the Labor Code in only a limited manner (and then only in the modern sector) due to the lack of inspectors. To help support their families, children of both sexes—including those as young as 7 years old—continued to work on rural family farms, in small businesses, on construction sites in urban areas, in public markets as street vendors, and as domestic servants under the practice of *vidomegon* (see Section 5). A majority of children working as apprentices were under the legal age of 14 for apprenticeship.

Some financially desperate parents indentured their children to "agents" recruiting farm hands or domestic workers, often on the understanding that wages for the children would be sent to the parents. According to press reports, in some cases, these agents took the children to neighboring countries for labor (see Sections 5 and 6.f.). Also, many rural children were sent to cities to live with relatives or family friends, often on the understanding that in return for performing domestic chores, they would receive an education. Host families did not always honor their part of the bargain, and the abuse of child domestic servants occurred.

The Government took steps to educate parents and to prevent such placing of children in bonded labor. The Government undertook media campaigns, regional workshops, and public pronouncements on child labor problems. The Government works with a network of both public and private journalists to educate the population on the issues of child labor and child trafficking.

The Labor Ministry organized a seminar for labor inspectors to ensure that businessmen complied with labor rights. The Ministry of Family, in conjunction with the Labor Ministry and the Justice Ministry, implemented a pilot program to fight child labor in major cities.

e. Acceptable Conditions of Work.—The Government administratively sets minimum wage scales for a number of occupations. In 2000 the Government raised the minimum wage to approximately \$34 (25,000 CFA francs) per month. However, the minimum wage did not provide a decent standard of living for a worker and family. Many workers must supplement their wages by subsistence farming or informal sector trade. Most workers in the wage sector earned more than the minimum wage, although many domestics and other laborers in the informal sector earned less.

The Labor Code establishes a workweek of between 40 and 46 hours, depending on the type of work, and provides for at least one 24-hour rest period per week. Domestic and agricultural workers frequently worked 70 hours or more per week. The authorities generally enforced legal limits on workweeks in the modern sector.

The Code establishes health and safety standards, but the Ministry of Public Service, Labor, and Administrative Reform did not enforce them effectively. The law does not provide workers with the right to remove themselves from dangerous work situations without jeopardy to continued employment. The Ministry has the authority to require employers to remedy dangerous work conditions but did not enforce this authority effectively.

The law protects legal but not illegal foreign workers.

f. Trafficking in Persons.—Although no law specifically prohibits trafficking in persons, the Government interprets its laws as prohibiting trafficking in persons in general and in underage girls in particular; however, there were reports of trafficking in children. The Criminal Code prohibits kidnapping. The country was a source, transit, and destination for trafficked persons, primarily children.

The Government publicized various arrests of potential traffickers; however, there were no reports of subsequent legal action against the alleged traffickers.

On September 26, 116 boys, who had been kidnapped from their families to work in mines, quarries, and farms in Nigeria, were repatriated to the country; 3 other children reportedly died in transit. On October 15, 74 children, aged 4 to 13 years old, were repatriated to the country from Nigeria and reunited with their families. The Ministry of Family coordinated efforts with donors and NGOs to assist with emergency support and reintegration, and subsequently placed the children in educational and vocational programs. Nine persons were arrested in connection with the trafficked children, and they remained in prison awaiting trial at year's end. Several more small groups of children were repatriated from Nigeria during the year, and they continued to receive food, shelter, and medical treatment from the Government and NGOs before being reunited with their families.

None of the persons arrested in connection with the MV *Etireno*, a ship suspected of carrying trafficked children in 2001, have yet been brought to trial.

Internal trafficking of children within the country took place in connection with the forced servitude practice called “vidomegon.” The children worked, but the arrangement was voluntary between the two families (see Section 5).

Children were trafficked to Ghana, Nigeria, and Gabon for indentured or domestic servitude, farm labor, and prostitution. In addition, hundreds of children were taken across the border to Togo and Cote d'Ivoire to work on plantations. Children from Niger, Togo, and Burkina Faso have been trafficked to the country for indentured or domestic servitude. Most victims leave home with traffickers who promise educational opportunities or other incentives. The 2000 ILO-IPEC report “Combating Trafficking in Children for Labor Exploitation in West and Central Africa” noted that 3,061 children were known to have been trafficked in the country between 1995 and 1999.

The ILO and UNICEF reported that trafficking originated mainly in the depressed rural areas. UNICEF also reported that trafficked persons originated primarily from the country's southernmost provinces, those with the easiest access to the paved coastal highway that links Cote d'Ivoire, Togo, Benin, and Nigeria.

According to UNICEF, four distinct forms of trafficking occur in the country. “Traffic-don” was when children were given to a migrant family member or stranger, who turned them over to another stranger for vocational training or education. “Traffic-gage” was a form of indentured servitude, in which a debt was incurred to transport the child, who was not allowed to return home until the debt was repaid. “Traffic-ouvrier” involved children aged 6 years to 12 years, and they worked as artisans, construction laborers, or agricultural or domestic workers. This was the most common variant, estimated to be 75 percent of the total traffic of the three provinces UNICEF surveyed in 2000. Finally, “traffic-vente” was the outright sale of children.

According to a survey of child labor conducted in 1999, 49,000 rural children, constituting 8 percent of the rural child population between the ages of 6 and 16, work abroad, primarily as agricultural workers on plantations in Cote d'Ivoire and as domestic workers in Gabon. Only children who had been trafficked explicitly for labor purposes were counted among the 49,000 children that were estimated to be victims of trafficking. However, the children who left "for other reasons" may conceal an additional number of trafficked children and bring the number close to 80,000. Of the trafficked children in this child labor study, 61 percent were boys and 39 percent were girls. Organized child traffickers particularly have victimized certain villages, and there were villages where up to 51 percent of children were trafficked.

On August 14, President Kerekou and Nigerian President Olusegun Obasanjo held an emergency summit and pledged to cooperate to identify, investigate, and prosecute agents and traffickers, and to protect and repatriate trafficking victims. The two countries also established joint border patrols to crack down on smuggling and banditry. During the year, the Government implemented several measures to combat child labor and child trafficking.

The Brigade for the Protection of Minors, under the jurisdiction of the Interior Ministry, fought crimes against children. The Chief of the Minor Brigade noted that from January 1 to September 1, various security agencies, including gendarmes and police, intercepted 136 trafficked children in the country. The Ministry of the Family also opened centers in urban areas to provide education and vocational training to victims of *vidomegon*. The Government also worked with NGOs to combat trafficking in children, taking measures that included media campaigns and greater border surveillance; however, police complained that they lacked equipment to monitor trafficking adequately.

The Government has bilateral agreements with Togo, Gabon, and Nigeria, which focus on border control and repatriation of trafficking victims.

BOTSWANA

Botswana is a longstanding multiparty democracy. Constitutional power is shared between the President and a popularly elected National Assembly. Festus Mogae became President in 1998 and continued to lead the Botswana Democratic Party (BDP), which has held a majority of seats in the National Assembly continuously since independence. The 1999 elections generally were regarded as free and fair, despite initial restrictions on opposition access to radio and press reports of ruling party campaign finance improprieties. The Government generally respected the constitutional provisions for an independent judiciary.

The civilian Government maintained effective control of the security forces. The Botswana Defense Force, which is under the control of the Defense Council within the Office of the President, has primary responsibility for external security, although it assisted with domestic law enforcement on a case-by-case basis. The Botswana National Police has primary responsibility for internal security. Some members of the security forces, in particular the police, occasionally committed human rights abuses.

The economy of the country, which had a population of 1.7 million, was market-oriented with strong encouragement for private enterprise through tax benefits. Approximately 32 percent of the labor force worked in the informal sector, largely subsistence farming and animal husbandry. Rural poverty remained a serious problem, as did a widely skewed income distribution. Per capita gross domestic product decreased to \$3,523 from \$3,956 in 2001, according to the Bank of Botswana. Diamond exports provided approximately 80 percent of the export income and 50 percent of government revenues.

The Government generally respected the human rights of its citizens; however, there were problems in several areas. Police sometimes beat or otherwise mistreated criminal suspects to obtain evidence or coerce confessions. Authorities took action in some cases against officials responsible for such abuses. Prison conditions were poor and in some cases life-threatening. The judicial system did not provide timely fair trials due to a serious and increasing backlog of cases. The Government continued to dominate domestic broadcasting and limited freedom of the press. Some citizens, including groups not numbered among the eight ethnic groups of the majority Tswana nation, remained marginalized in the political process. Violence and discrimination against women remained serious problems. Societal discrimination against ethnic Basarwa was a problem. Trade unions continued to face some legal restrictions, including those against the right to strike, and the Government did not always ensure that labor laws were observed in practice.

RESPECT FOR HUMAN RIGHTS

Section 1. Respect for the Integrity of the Person, Including Freedom From:

a. Arbitrary or Unlawful Deprivation of Life.—There were no reports of the arbitrary or unlawful deprivation of life committed by the Government or its agents.

During the year, the Botswana Center for Human Rights (BCHR) protested the executions of four convicted murderers, whose families and attorneys had not received prior notice of the executions, and criticized the secrecy surrounding executions.

b. Disappearance.—There were no reports of politically motivated disappearances.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The Constitution explicitly prohibits such practices, and the Government generally respected this prohibition in practice; however, instances of abuse occurred. There were reports that on occasion, police used beatings and other forms of intimidation to obtain evidence or elicit confessions. In some cases, the authorities took disciplinary or judicial action against persons responsible for abuses. Coerced confessions and evidence gathered through coercion or abuse are inadmissible in court.

Customary courts continued to impose corporal punishment in the form of lashings on the buttocks, generally against young offenders in villages for crimes such as vandalism, theft, and delinquency. Customary courts also administered corporal punishment to illegal immigrants from Zimbabwe.

There were unconfirmed reports that security forces used excessive force in repatriating illegal immigrants from Zimbabwe (see Section 2.d.).

Prison conditions remained poor, and in some cases life-threatening. The 24 prisons across the country had a capacity of 3,786 inmates, but held 6,120 at year's end. Overcrowding, which was worse in men's prisons, constituted a serious health threat because of the country's high incidence of HIV/AIDS and tuberculosis. The Government and prison authorities were aware of this health threat and cooperated fully with the Centers for Disease Control and Prevention in a 2002 study on the prevalence of tuberculosis in the prisons. HIV/AIDS testing and U.N. Development Program (UNDP) peer counseling were available to all prisoners. The Prison Commissioner has the authority to release terminally ill prisoners who were in the last 12 months of their sentences and to allow citizen prisoners with sentences of 12 months or less to perform "extramural" labor. From January through September, the Government released 1,392 prisoners under the extramural labor program. Foreign prisoners were required to serve their entire sentences.

The Prisons Act makes it illegal for prison officials to mistreat prisoners. The Department of Prisons is required to forward to police allegations of the mishandling of prisoners by prison officials.

Men were held separately from women, and juveniles were held separately from adults; however, pretrial detainees were held in the same facilities as convicted prisoners. A new prison for male juveniles was scheduled to open in 2004.

Prison violence was a problem. There were reports that prisoners were raped by other inmates, and some prisoners died in custody of HIV/AIDS-related illnesses. During the year, a violent incident between Botswana and Zimbabwean prisoners at a maximum security prison in Francistown resulted in the death of two inmates; two other inmates were seriously injured.

The Prisons Act provides for a governmental visiting committee for each prison, the members of which are appointed by the Minister of Labor and Home Affairs. Members of these committees serve 3-year terms, must visit their prison four times a year, and issue a report both to the Commissioner of Prisons and the Minister of Labor and Home Affairs. These reports normally were not released to the public. During the year, the committees visited each prison quarterly.

The Prisons Act grants relatives, lawyers, magistrates, and church organizations the right to visit prisoners for "rehabilitative purposes;" however, the Commissioner of Prisons has the authority to decide whether domestic and international human rights organizations may visit. Independent monitoring of prison conditions by human rights groups, the media, or the International Committee of the Red Cross (ICRC) generally was allowed if these organizations sought permission from the Commissioner of Prisons; however, sometimes permission was denied. The BCHR was denied access to visit Lehlohonolo Bernard Kobedi, a Lesotho national sentenced to death for the murder of a police officer, following the organization's criticism of the executions of four convicted murderers (see Section 1.a.). The ICRC visited some prisons in September.

d. Arbitrary Arrest, Detention, or Exile.—The Constitution prohibits arbitrary arrest and detention, and the Government generally observed these prohibitions in practice.

There were 6,497 police officers in the country. National and local police do not carry firearms; only a small specially trained unit was armed. Corruption was not common. Impunity generally was not a problem. During the year, 45 police officers were dismissed for failure to adhere to the police code of conduct or for involvement in criminal activities, and 569 officers were reprimanded for various acts of indiscipline.

Suspects must be informed of their legal rights upon arrest, including the right to remain silent. Detainees must be charged before a magistrate within 48 hours. A magistrate may order a suspect held for 14 days through a writ of detention, which may be renewed every 14 days. Detainees have the right to contact a family member and to hire attorneys of their choice, but in practice, most were unable to afford legal counsel. Poor police training and poor communications in rural villages made it difficult for detainees to obtain legal assistance, and authorities did not always follow judicial safeguards. The Government did not provide counsel for the indigent, except in capital cases. Most citizens charged with noncapital offenses were released on their own recognizance; some were released with minimal bail. Detention without bail was highly unusual, except in murder cases, where it is mandatory. Incommunicado detention was rare, except for prisoners awaiting execution (see Section 1.c.). Constitutional protections were not applied to illegal immigrants, although the constitutionality of denying them due process has not been tested in court.

Pretrial detention was prolonged in numerous cases. In Gaborone Central Prison, the average wait in prison before trial was 1 year. The Government attempted to alleviate the backlog of cases by temporarily hiring more judges; however, the backlog of cases persisted.

Unlike in previous years, the Government did not hold newly arrived refugees and asylum seekers in local jails, but rather in the newly constructed Center for Illegal Immigrants in Francistown, a holding center administered by the Department of Prisons in the Ministry of Labor and Home Affairs (see Section 2.d.).

The law prohibits forced exile, and the Government did not use it.

e. Denial of Fair Public Trial.—The Constitution provides for an independent judiciary, and the Government generally respected this provision in practice.

The judiciary consists of both a civil court (including magistrates' courts, a High Court, and a Court of Appeal) and a customary (traditional) court system.

The law provides for the right to a fair trial; however, the civil courts remained unable to provide timely, fair trials due to severe staffing shortages and a backlog of pending cases. Most trials in the regular courts were public, although trials under the National Security Act may be held in secret. There was no jury system. Those charged with noncapital crimes were tried without legal representation if they could not afford an attorney. As a result, many defendants were not informed of their rights in pretrial or trial proceedings. There is a presumption of innocence, and defendants have the right to appeal. The BCHR provided free legal services, but its capacity was limited. The University of Botswana Legal Assistance Center provided free legal services in civil, but not criminal, matters.

The two Basarwa (also known as San or Bushmen) convicted of a 1995 murder were still awaiting retrial at year's end.

Most civil cases were tried in customary courts, under the authority of a traditional leader. These courts handled minor offenses involving land, marital, and property disputes. During the year, the Government amended the law so that foreigners may be tried in customary courts. In customary courts, the defendant does not have legal counsel, and there were no precise rules of evidence. Tribal judges, appointed by the tribal leader or elected by the community, determine sentences, which may be appealed through the civil court system. The quality of decisions reached in the customary courts varied considerably. In some cases, tribal judges may mete out sentences such as public lashings (see Section 1.c.). In communities where chiefs and their decisions were respected, plaintiffs tended to take their cases to the customary court; otherwise, persons sought justice in the civil courts.

There is a military court system; civilians are not tried in military courts.

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home or Correspondence.—The Constitution prohibits such actions, and the Government generally respected these prohibitions in practice; however, in 2002, the Government forcibly resettled the Basarwa out of the Central Kalahari Game Reserve (CKGR).

At year's end, ethnic Basarwa remained in resettlement camps after the Government forced them to abandon their ancestral communities within the CKGR in 2002 (see Section 5). Government officials maintained that the resettlement program was voluntary and necessary to reduce the cost of providing public services and to mini-

mize human impact on wildlife. During the year, the Government made no effort to relocate the few Basarwa who returned to the CKGR.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution provides for freedom of speech and of the press, and the Government generally respected freedom of speech in practice; however, the Government attempted to limit freedom of the press and continued to dominate domestic broadcasting. The Government occasionally censored stories or news sources that it deemed undesirable.

The Botswana Press Agency, owned and operated by the Government, provided most of the information found in the media through the Daily News newspaper (distributed nationwide at no cost), Botswana Television (BTV), and two FM radio stations, Radio Botswana and Radio Botswana 2. News coverage in the state-owned media supported government policies and actions. The Daily News also published general coverage of current events and issues and included a second front page in Setswana, the most commonly spoken language.

The independent press was small but vigorous and had a long tradition of candid discourse. Reporters actively covered the political arena and frequently criticized the Government and the President without fear of closure. The circulation of privately owned print media continued to be limited primarily to the main cities and towns. By year's end, seven privately owned weekly newspapers were published in Gaborone and distributed to main cities and towns. One privately owned weekly newspaper was published in Francistown, the country's second-largest city. A total of 11 privately owned monthly magazines were published nationally.

Radio remained the most important medium of public communication. Two private radio stations, Yarona FM and Gabz FM, broadcast in 5 of the country's 10 largest towns; state-owned radio continued to be the only domestic radio service broadcasting to the rest of the country. Neither private radio station had a discernible policy of supporting a particular political party. The law provides for the issuance of broadcast licenses to private companies and provides copyright protection of broadcast material; the National Broadcast Board granted the licenses routinely.

BTV began broadcasting with technical and programming assistance from the British Broadcasting Corporation. Transmission extended south from Gaborone to Lobatse, north to Serowe and Francistown, and was scheduled to be available throughout the country within a few years.

The privately owned Gaborone Broadcasting Company (GBC) broadcast mostly foreign programming and was the only other television station operating in the country. GBC broadcasts reached viewers only in the capital area.

Independent radio and television broadcasts from neighboring South Africa were received easily in border areas. Satellite television from a South African-based company was available readily, although its cost prevented many persons from subscribing to the service.

In November, Minister of Communications, Science, and Industry Boyce Sebetela objected to the content and use of profanity during a call-in program called "Masa-a-sele" on the government-owned radio station and suspended the program indefinitely. Other government ministers criticized the independent media for failure to observe "sound journalistic practices."

The Court was unlikely to render a decision on whether the Government's 2001 ban on advertising in the Botswana Guardian and Midweek Sun constituted an unconstitutional suppression of speech and of the press.

Government officials sometimes complained of bias in the private press; however, government officials and other public figures have recourse to the courts if they believe that they have been libeled. Libel is a civil law matter; there are no criminal libel laws.

Internet access continued to spread, and there were 13 Internet service providers (ISPs). The Government did not restrict Internet usage. Private ISPs were at a competitive disadvantage due to the larger bandwidths dedicated to Botsnet, the commercial arm of the parastatal Botswana Telecommunications Corporation.

The Government did not restrict academic freedom.

b. Freedom of Peaceful Assembly and Association.—The Constitution provides for freedom of assembly and association, and the Government generally respected these rights in practice.

c. Freedom of Religion.—The Constitution provides for freedom of religion, and the Government generally respected this right in practice.

For a more detailed discussion, see the 2003 International Religious Freedom Report.

d. Freedom of Movement within the Country, Foreign Travel, Emigration, and Repatriation.—The Constitution provides for these rights, and the Government generally respected them in practice.

In 2002, the Government required the Basarwa to relocate from the CKGR to one of three designated settlements outside of the reserve (see Sections 1.f. and 5.). The Government did not allow Basarwa who relocated to enter the CKGR without a permit, which was required of all visitors to enter the reserve; however, roadblocks around the CKGR were ineffective, and during the year, a few Basarwa reoccupied the territory.

The law provides for the granting of refugee status or asylum to persons who meet the definition in the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol, and also provides protection to certain individuals who fall outside the definition of the Convention. In practice, the Government generally provided protection against refoulement and granted refugee status or asylum. The Government held newly arrived refugees and asylum seekers in the Center for Illegal Immigrants in Francistown until the Refugee Advisory Committee, a governmental body whose Chairperson is the District Commissioner of Francistown, interviewed them. The United Nations High Commissioner for Refugees (UNHCR) is present with observer status at such interviews. Once persons were granted refugee status, the Government transferred them to the Dukwe Refugee Camp until their resettlement or voluntary repatriation. Refugee applicants who were unsuccessful in obtaining asylum also were allowed to remain at Dukwe until the Government referred their cases to the UNHCR for resettlement.

The Center for Illegal Immigrants, which has a capacity of 504, held approximately 200 illegal immigrants at year's end. The UNHCR opposed the detention of asylum seekers at the Center on the grounds that asylum seekers should not be held in detention facilities. During the year, approximately 1,500 to 1,700 illegal immigrants from Zimbabwe were repatriated to Zimbabwe each week. There were unconfirmed allegations that security forces used excessive force in repatriating Zimbabweans; however, the Zimbabwean High Commissioner and the local Police Service refuted the allegations. The small number of Zimbabweans who requested asylum or refugee status were allowed to apply for official status.

There were approximately 3,800 refugees at Dukwe by year's end, primarily from Namibia, Angola, and Somalia. Refugees are permitted to reside outside Dukwe Refugee Camp with a permit from the Office of the President. An estimated 500 refugees, including a number of students, were living elsewhere in the country.

More than 2,500 refugees from the Caprivi Strip in neighboring Namibia have fled to the country since 1998. Many were armed and linked to the ethnically-based opposition groups based in the Caprivi Strip. During the year, 13 Namibian refugees were voluntarily repatriated; approximately 1,000 were repatriated in 2002. The decrease in repatriations resulted in part from flooding in the Caprivi region and refugees' fear to return. A total of 1,235 Namibian refugees remained at the Dukwe refugee camp at year's end.

In July, the Namibian Government applied to appeal the 2002 High Court decision to reject Namibia's request to have 13 alleged Caprivi secessionists extradited to face charges of murder and high treason. There were no further developments by year's end.

In December, the Government forcibly returned a separate group of eight Namibian refugees to Namibia, where seven of the eight were arrested on charges of high treason for their alleged role in the 1999 Caprivi uprising. Human rights groups protested the repatriations.

Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government

The Constitution provides citizens with the right to change their government peacefully, and citizens exercised this right in practice through periodic, free, and fair elections held on the basis of universal adult (18 years of age) suffrage. The President is elected by the National Assembly and is limited to two 5-year terms in office. The BDP has held a majority of seats in the National Assembly and has controlled the presidency continuously since independence. Membership in the dominant BDP confers some advantages, mostly in the form of government employment or provision of government services, such as water and utilities.

The House of Chiefs, an advisory body with limited powers, was restricted constitutionally to the eight principal ethnic groups of the majority Tswana ethnic group and four elected chiefs representing smaller ethnic groups, including the Bakalanga, Balozi, Hambukushu, and Bakgalagadi; other groups such as the Basarwa, Ovaherero, or Bayei consequently were not represented. Given the limited authority of the House of Chiefs, the impact of excluding other groups of citizens

largely was symbolic, but some non-ethnic Tswana viewed it as important in principle. No action to change this policy had been taken by year's end.

The 1999 National Assembly elections generally were regarded as free and fair by domestic and international observers; however, BDP candidates had preferential access during much of the campaign to state-owned media, including state-owned radio, the sole domestic source of news for most of the rural population (see Section 2.a.), and there were press reports of large anonymous campaign contributions to the ruling party, reportedly by international diamond interests. The BDP increased its majority in the National Assembly from 31 to 37 of 44 seats, thereby ensuring the election of its incumbent presidential candidate, President Mogae. Of the seven seats won by opposition parties in 1999, the Botswana National Front won six, and the Botswana Congress Party won one.

There were 406 district governments with elected councilors, but they had no fiscal autonomy and relied on the central Government for revenue.

There were 8 women in the 44-seat National Assembly, 6 women in the 20-seat Cabinet, and 3 female justices in the 13-seat High Court. In 2002, Mosadi Seboko became the first female paramount chief in the country's history. In August, Seboko was elected chairperson of the House of Chiefs, the first woman to serve in this position. Another woman, Keatile Moremi, became regent of the Batawana tribe during the year.

The Constitution recognizes only the eight principal ethnic groups of the Tswana nation; however, members of ethnic groups not recognized in the Constitution participated actively in the Government, particularly members of the Kalanga and Bakalagadi ethnic groups. During the year, 13 members of minority ethnic groups held seats in the National Assembly, and 7 held seats in the Cabinet. Members of minority groups such as the Basarwa (San, Bushmen), Ovaherero, or Bayei were not represented in the Parliament.

Section 4. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A number of domestic and international human rights groups, including the BCHR, generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials usually were cooperative and responsive to their views; however, some groups complained that the Government's cooperation was designed mainly to mute criticism and did not result in improved human rights conditions.

The Government cooperated with the UNHCR and UNICEF, as well as other international organizations.

There is an independent, autonomous ombudsman who handles human rights and other issues; the Government generally cooperated with the ombudsman.

Section 5. Discrimination Based on Race, Sex, Disability, Language, or Social Status

The Constitution forbids governmental discrimination on the basis of ethnicity, race, nationality, creed, sex, or social status, and the Government generally respected these provisions in practice. However, neither the Constitution nor the law prohibits discrimination by private persons or entities. Women faced societal discrimination, and there was societal discrimination against minority ethnic groups, particularly the Basarwa, who live in remote locations, where access to education, public services, employment, and land is extremely limited.

There is strong societal discrimination against persons with HIV/AIDS. Some employers fired HIV-positive employees after learning of their status, according to the Botswana Confederation of Commerce, Industry and Manpower. In October, an employee of the Botswana Building Society sued her employer for terminating her services after she refused to undergo an HIV test; the case was ongoing at year's end.

The Government funded community organizations that ran programs to reduce the stigma of HIV/AIDS. President Mogae, who has repeatedly encouraged senior government officials to speak out about HIV/AIDS, announced publicly in May that he tested negative for HIV.

Women.—Domestic violence against women remained a serious problem. Under customary law and in common rural practice, men have the right to "chastise" their wives. Greater public awareness and improved legal protection have resulted in increased reporting of domestic violence and sexual assault; however, police rarely were called to intervene in such cases. Half of the murders of women were linked to histories of domestic violence. Human rights activists estimated that 60 percent of women were victims of domestic violence at some time in their lives. The Police Service expressed concern that many women declined to prosecute their abusers, but there is no legal provision that empowers police and prosecutors to take action. National police officers were trained to handle domestic violence cases.

Rape was another serious problem, especially given the high incidence of HIV/AIDS. During the year, 1,184 incidents of rape were reported. By law, the minimum sentence for rape is 10 years increasing to 15 years with corporal punishment if the offender is HIV-positive, and to 20 years with corporal punishment if the offender knew his or her HIV-positive status. A person convicted of rape is required to undergo an HIV test before being sentenced; however, the test did not determine if the person was HIV positive at the time of the crime. Police lacked basic investigative techniques in rape cases. The law does not address marital rape; however, in August, a magistrate dismissed a case of alleged marital rape on the grounds that the marriage contract implies consent, making rape impossible unless a husband and wife were legally separated. The plaintiff, who had sought refuge in a women's shelter, had been abducted and raped repeatedly by her husband.

Prostitution is illegal, but was widespread throughout the country.

Sexual exploitation and harassment continued to be problems with men in positions of authority, including teachers, supervisors, and older male relatives who pressured women and girls to provide sexual favors.

Women legally enjoyed the same civil rights as men; however, in practice, societal discrimination persisted. A number of traditional laws enforced by tribal structures and customary courts restricted women's property rights and economic opportunities. A woman married under traditional law or in "common property" was held to be a legal minor and required her husband's consent to buy or sell property, apply for credit, and enter into legally binding contracts. Under the law, women married under an intermediate system, referred to as "in community of property," were permitted to own immovable property in their own names; however, their husbands still retained considerable control over jointly held assets of the marriage. Moreover, the law also stipulates that neither spouse can dispose of joint property without the written consent of the other party. Women increasingly exercised the right to marriage "out of common property," in which case they retained their full legal rights as adults. Polygyny was legal under traditional law with the consent of the first wife, but it rarely was practiced.

The Government and local nongovernmental organizations (NGOs) focused on constructive methods to address discrimination against women in the areas of marital power, legal disabilities, and proprietary consequences of marriage under common law, customary law, and the Married Persons Property Act. Marriage laws, which set the marriage age for both men and women at 18 with parental consent and 21 without such consent, were generally respected.

Well-trained urban women enjoyed growing entry-level access to the white collar job market, but the number of opportunities decreased sharply as they rose in seniority. Discrimination against women was most acute in rural areas, where women engaged primarily in subsistence agriculture had few property rights.

Young women did not have access to military or national service training.

The Government and NGOs met regularly to implement the long-term plan of action described in the National Policy on Women. The Women's Affairs Department of the Ministry of Labor and Home Affairs, in conjunction with the UNDP, developed the Program Support Document in 1997, which provides a framework for implementation of the national policy on women. The Women's Affairs Department helped support a number of NGOs during the year, and the Department provided financial assistance for legal aid in cases of domestic violence and defilement.

Children.—The rights of children are addressed in the Constitution and the Children's Act, and the Government remained committed to the protection of these rights. Under the law, the country has a court system and social service apparatus designed solely for juveniles.

The Government provided 7 years of free primary education for children, although attendance was not compulsory. Government estimates of the proportion of children who never attended school ranged from 10 to 17 percent, and fewer than 20 percent of children completed secondary school. Girls and boys attended school at similar rates. School attendance and completion rates were highest in urban areas, and lowest in remote rural areas, especially those inhabited chiefly by Basarwa. The Government continued to allocate the largest portion of its operating expenditures to the Ministry of Education, and the second largest portion to the Ministry of Local Government, which distributed books, food, and materials for primary education. The literacy rate was 80 percent: 82 percent for females and 77 percent for males. There were no credible reports during the year that girls were denied schooling.

UNAIDS estimated that 39 percent of persons between the ages of 15 and 49 were infected with HIV/AIDS; UNICEF reported there were 78,000 orphans in the country, due largely to deaths from HIV/AIDS. However, 28 percent of babies born from HIV positive mothers were protected from the virus, largely as a result of the Prevention of Mother to Child Transmission Program. The Government has registered

approximately 41,000 orphans. Once registered, orphans may receive food baskets and school uniforms. Many children, mostly believed to be orphans, became beggars in urban areas, and some became prostitutes. Relatives increasingly denied inheritance rights to orphans.

Sexual abuse of students by teachers was a problem. Reports of rape and sexual assault of young women, and cases of incest and defilement of young girls appeared with greater frequency in the news. The age of sexual consent was 16. Child prostitution and pornography were criminal offenses, and the law stipulates a 10-year minimum sentence for defilement of persons under 16 years of age. In view of the belief held by some persons in southern Africa that intercourse with a virgin is a cure for HIV/AIDS, intergenerational sex (sexual relations between older men and girls) and the problems of teenage pregnancy caused by older men continued to receive extensive media attention during the year.

Persons with Disabilities.—There was some discrimination against persons with disabilities, and employment opportunities remained limited. The Government has a national policy that provides for integrating the needs of persons with disabilities into all aspects of government policymaking; however, the Government did not mandate access to public buildings or transportation for persons with disabilities. The Government funded NGOs that provided rehabilitation services and supported small-scale work projects by workers with disabilities.

Indigenous People.—The Basarwa, who now chiefly inhabit the Kalahari Desert, are the earliest known inhabitants of the country. They were linguistically, culturally, and often morphologically distinct from the rest of the population; however, they were not a homogenous group. The Basarwa remained economically and politically marginalized, have lost access to their traditional land in fertile regions of the country, and were vulnerable to exploitation by their non-Basarwa neighbors. Their isolation, ignorance of civil rights, and lack of political representation have stymied their progress. The estimated 52,000 to 65,000 Basarwa represented approximately 3 percent of the country's population. Although the Basarwa traditionally were hunter-gatherers, most employed Basarwa worked as agricultural laborers on cattle ranches that belonged to other ethnic groups. During the year, a substantial proportion of the Basarwa resided in government-created Remote Area Dweller settlements and subsisted on government social welfare benefits.

The colonial government established the 20,000 square mile CKGR in 1961 to protect the food supply of some Basarwa groups still pursuing a subsistence hunter-gatherer livelihood; however, in 1995, the Government began to relocate the Basarwa to two settlements just outside the CKGR. In 2001, the Government delivered an ultimatum declaring that all current residents of the CKGR would be removed and relocated. The Government continued to provide the Basarwa with water, healthcare services, and old age, orphan, and destitute benefits until January 2002, when all public services were terminated, and subsistence hunting licenses were revoked. In April 2002, the Government forcibly resettled all Basarwa from the CKGR to the government-created settlement areas of Kaudwane, New Xade, and Xere, where the facilities had to cope with a doubling of population without an increase in resources. During the year, the Basarwa continued to struggle with the lack of services and opportunities in the relocation areas. Basarwa groups have called for the Government to recognize their land use system and to grant them land rights.

A number of NGOs have made efforts to promote the rights of indigenous people; however, the programs have had limited impact. In September, an international conference was held to address the needs of the Basarwa, particularly the educational needs of the children.

Section 6. Worker Rights

a. The Right of Association.—The Constitution provides for the right of workers' association, and in practice, all workers except government employees were free to join or organize unions of their own choosing. The industrial or wage economy was small, and unions were concentrated largely in mineral extraction and to a lesser extent in the railway and banking sectors. There was only one major confederation, the Botswana Federation of Trade Unions (BFTU), but there were no obstacles to the formation of other labor federations. Some labor laws were not yet compliant with the International Labor Organization. In August, the Employer's (Amendment) Act, which protects wage claims in the event of employer insolvency, became law.

Unions were independent of the Government and were not closely allied with any political party or movement. Unions may employ full-time administrative staff, but the law requires elected union officials to work full-time in the industry that the union represents. This rule severely limited union leaders' professionalism and effectiveness and was criticized by the International Confederation of Free Trade

Unions (ICFTU). In July, Parliament passed a law eliminating this requirement; the law was awaiting signature by the President at year's end.

Workers may not be fired for union-related activities. Dismissals on other grounds may be appealed to civil courts or labor officers, which rarely ordered more than 2 months' severance pay.

Unions may join international organizations, and the BFTU was affiliated with the ICFTU. The Minister of Labor must approve any affiliation with an outside labor movement; however, unions may appeal to the courts if an application for affiliation is refused.

b. The Right to Organize and Bargain Collectively.—The Constitution provides for collective bargaining for unions that have enrolled 25 percent of a labor force; however, only the mineworker and diamond sorter unions had the organizational strength to engage in collective bargaining.

The law severely restricts the right to strike. Legal strikes theoretically are possible only after an exhaustive arbitration process. Sympathy strikes are prohibited.

The Government did not establish a separate pay structure for teachers, reversing a pledge made in 2001. Unlike in the previous year, there were no strikes by University of Botswana staff and students or by the Botswana Unified Local Government Service Association.

The country has only one export processing zone, located in the town of Selebi-Phikwe, and it was subject to the same labor laws as the rest of the country.

c. Prohibition of Forced or Bonded Labor.—The Government does not prohibit forced and bonded labor, including by children; however, there were no reports that such practices occurred.

d. Status of Child Labor Practices and Minimum Age for Employment.—Child labor is addressed in the Children's Act; however, some child labor occurred. Only an immediate family member may employ a child age 13 or younger, and no juvenile under age 15 may be employed in any industry without permission from the Commissioner of Labor. No organization has petitioned the Commissioner for such permission. Only persons over age 16 may be hired to perform night work, and no person under age 16 is allowed to perform hazardous labor, including mining.

District and municipal councils had child welfare divisions, which were responsible for enforcing child labor laws; however, no systematic investigation has occurred. The Labor Commissioner; officials of the Ministry of Local Government, Lands, and Housing; and UNICEF generally agreed that child labor was limited to young children in remote areas who worked as cattle tenders, domestic laborers, and child care providers.

The law provides that adopted children may not be exploited for labor and protects orphans from exploitation or coercion into prostitution; however, HIV/AIDS has resulted in numerous orphans who were forced to leave school to care for sick relatives and who were vulnerable to such exploitation.

e. Acceptable Conditions of Work.—The minimum daily wage for most full-time labor in the private sector was \$3.15 (17 pula), which remained less than 50 percent of what the Government calculated as necessary to provide a decent standard of living for a worker and family. The Cabinet determined wage policy based on recommendations made by the National Economic, Manpower, and Incomes Committee, which consists of government, BFTU, and private sector representatives. The Ministry of Labor was responsible for enforcing the minimum wage, and each of the country's districts had at least one labor inspector. Civil service disputes were referred to an ombudsman for resolution. Private labor disputes were mediated by labor commissioners; however, an insufficient number of commissioners resulted in 1 to 2 year backlogs in resolving such disputes.

Formal sector jobs generally paid well above minimum wage levels. Informal sector employment, particularly in the agricultural and domestic service sectors, where housing and food were included, frequently paid below the minimum wage. There was no mandatory minimum wage for domestic workers, and the Ministry of Labor did not recommend a minimum wage for them.

The law permits a maximum 48-hour workweek, exclusive of overtime, that is payable at time and a half for each additional hour. Most modern private sector jobs had a 40-hour workweek; however, the public sector had a 48-hour workweek.

The law provides that workers who complain about hazardous conditions may not be fired; however, the Government's ability to enforce its workplace safety legislation remained limited by inadequate staffing and unclear jurisdictions among different ministries. Nevertheless, employers generally provided for worker safety, with an occasional exception in the construction industry.

Illegal immigrants from poorer neighboring countries, primarily Zambians and Zimbabweans, were exploited easily in labor matters, since they would be subject to deportation if they filed grievances against their employers.

f. Trafficking in Persons.—The law does not prohibit trafficking in persons, although penal code provisions cover such related offenses as abduction and kidnapping, slave trafficking, compulsory labor, and procuring women and girls for the purpose of prostitution; however, there were unconfirmed reports that women were trafficked through the country to other destinations. There were reports that some children who were orphaned by HIV/AIDS became prostitutes in urban areas (see Section 5).

In December, police, in cooperation with South African police, launched an intensive program to increase control at certain border points, including efforts against trafficking.

BURKINA FASO

Burkina Faso is a parliamentary republic. President Blaise Compaore continued to dominate the Government of the Fourth Republic, assisted by members of his party, the Congress for Democracy and Progress (CDP), despite gains made by the opposition in the May 2002 legislative elections. In 1998, President Compaore was reelected to a second 7-year term with 88 percent of the vote. International observers considered the May 2002 legislative elections to have been substantially free and fair, although a collective of 14 local nongovernmental organizations (NGOs) cited voter list irregularities and cases of fraud. The judiciary was subject to executive influence.

The security apparatus consists of the armed forces and the gendarmerie, which are controlled by the Ministry of Defense; the national police, controlled by the Ministry of Security; and the municipal police, controlled by the Ministry of Territorial Administration. The Presidential Guard is an autonomous security force, although technically it is subject to the jurisdiction of the armed forces and part of the army. Civilian authorities, under the direct control of the President, effectively controlled the military. Some members of the security forces committed serious human rights abuses.

The economy was market-based; an estimated 80 percent of the population of approximately 12.2 million engaged in subsistence agriculture. Frequent drought, limited communication and transportation infrastructures, and a 77 percent illiteracy rate were longstanding problems. The Government's antipoverty strategy to open the economy to market forces while shifting resources to the education and health sectors continued during the year. The September 2002 military rebellion in Cote d'Ivoire and the subsequent closing of the border until September negatively affected the economy. Gross national product per capita was \$350.

The Government's human rights record remained poor; although there were some improvements in a few areas, serious problems remained. The continued dominance of President Compaore and his ruling party limited citizens' right to change their government. Security forces were responsible for numerous killings of criminal suspects; however, there were fewer reports of such killings than in previous years. Security forces continued to abuse detainees, which at times resulted in death. Prison conditions remained harsh. Arbitrary arrest and detention were problems, and authorities on occasion did not provide detainees with due process. Impunity remained a problem. At times authorities restricted media activity, and the media practiced some self-censorship, although less than in previous years. Unlike in previous years, the Government did not restrict freedom of assembly. Violence and discrimination against women, including female genital mutilation (FGM); violence against children; child labor; and child trafficking continued to be problems. The Government took steps to combat FGM, child labor, and trafficking in persons. Social discrimination against persons with disabilities was widespread. Trafficking was a problem. Unlike in previous years, there were no reports that vigilante mobs killed or beat criminal suspects.

RESPECT FOR HUMAN RIGHTS

Section 1. Respect for the Integrity of the Person, Including Freedom From:

a. Arbitrary or Unlawful Deprivation of Life.—There were no political killings; however, security forces were responsible for numerous killings during the year. Four persons died under suspicious circumstances following incarceration or contact with security forces, and the Burkinabe Movement for Human Rights (MBDHP), the

country's largest human rights organization and a vocal critic of the Government, alleged that security forces committed 18 killings of criminal suspects during the year. The Security Minister denied that security forces were responsible for any such killings. In May, the National Assembly passed a national internal security law that provides security forces with wide latitude in fighting criminality; human rights groups charged that the new law would give public and some private security organizations an uncontrolled role in maintaining public order.

During the year, there were reports of executions. For example, according to MBDHP and the Collective against Impunity, in March, in the village of Godin, Boulkiemde Province, the bodies of six young men were found with their hands tied behind their backs. In June the MBDHP reported that the bodies of 12 men with their hands tied behind their backs were found in the eastern city of Fada N'Gourma. Human rights organizations claimed that security forces were responsible for the killings, and MBDHP demanded an investigation; however, no action had been taken by year's end.

Several persons died after being in police custody. For example, on March 9, MBDHP reported that 14-year-old Sylvain Ilboudo died at the Ouagadougou central police station after being arrested for theft.

On April 24, gendarmes of Baskuy Gendarmerie in Ouagadougou arrested Jean-Baptiste Balima on charges of petty theft; Balima died the same day of injuries inflicted while he was in custody. Police subsequently discovered that Balima was not responsible for the theft; however, no action was taken against the gendarmes responsible for his death. On April 29, another person reportedly died after being detained for 5 days by gendarmes in Sequenega. One of the gendarmes in charge was transferred to another district, and an investigation was being conducted at year's end.

On June 19, police arrested self-proclaimed clairvoyant and minor television personality Mor Alim Kabore on charges of trying to defraud President Compaore; Kabore subsequently died in police custody. The police claimed that Kabore had "some sort of fit" and died after being taken to the hospital in Ouagadougou. Human rights groups and Kabore's family demanded an autopsy; however, the autopsy, which police reportedly cleared, had not been released publicly by year's end.

There were no developments in the following 2002 cases: The March discovery of the bodies of four persons believed to be criminals killed by security forces, the May death of a prisoner in police custody, or the August killing by unknown assailants of former Cote d'Ivoire Minister of Higher Education Balla Keita.

There was no action in the 2001 killings by security forces.

On November 27, retainers of the Naaba Kiiba of Yatenga, a traditional chieftain, allegedly beat to death Assami Tonde, who reportedly was trespassing on sacred ground prior to a traditional ceremony. No arrests had been made in connection with the incident, which was being investigated at year's end.

On August 26, the King of Po and his retainers were tried for the 2001 death of petty theft suspect Jules Nankouly. The King received a 3-year suspended sentence; 11 of his retainers were sentenced to from 8 to 20 years imprisonment. They also were required to compensate the family of the victim for approximately \$176,000 (10 million CFA francs).

There were no further developments reported in the investigation of the 1998 death of respected journalist Norbert Zongo.

Unlike in previous years, there were no reports that vigilante mobs and self-styled militias committed killings during the year.

b. Disappearance.—There were no reports of politically motivated disappearances.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The law prohibits such practices; however, members of the security forces continued to abuse persons, and suspects often were subjected to beatings, rough handling, and threats, frequently to extract confessions. The Government was not known to have taken any disciplinary action against those responsible for abuses, and the climate of impunity created by the Government's failure to prosecute abusers remained the largest obstacle to ending abuses.

Security forces commonly beat suspected criminals; some died from such abuse (see Section 1.a.).

Unlike in the previous year, there were no reports that gendarmes forcibly dispersed student demonstrations.

There were no developments in the December 2002 case in which soldiers beat police and civilians in the town of Kaya.

No action was taken against security forces responsible for beating or otherwise abusing persons in 2001.

Prison conditions were harsh and could be life threatening. The federal prison in Bobo-Dioulasso, built in 1947, housed approximately 1,000 prisoners, although it was designed to hold less than half that number. The prison diet was poor, and inmates often relied on supplemental food from relatives. There were separate facilities for men, women, children, and high-profile persons; however, these facilities typically were crowded, common rooms rather than individual cells. Pretrial detainees usually were not held separately from convicted prisoners.

Prison visits were granted at the discretion of prison authorities; however, permission generally was granted, and advance permission was not required. Prison observers visited prisons during the year, and numerous human rights organizations and the International Committee of the Red Cross (ICRC) were permitted to visit the 16 detainees accused of participating in an alleged coup plot in October (see Section 1.d.).

d. Arbitrary Arrest, Detention, or Exile.—The Constitution prohibits arbitrary arrest and detention; however, the Government did not observe these prohibitions in practice.

The national police, under the Ministry of Security, and the municipal police, under the Ministry of Territorial Administration, are responsible for public security; gendarmes reporting to the Ministry of Defense also are responsible for some aspects of public security. Corruption was widespread, particularly among lower levels of the police. In March, the national police created a Committee Against Corruption to address corrupt practices within the police.

The Constitution provides for the right to expeditious arraignment and access to legal counsel after a detainee has been charged before a judge; however, authorities did not ensure due process. The law limits detention for investigative purposes without charge to a maximum of 72 hours, renewable for a single 48-hour period; however, police rarely observed these provisions in practice. The average time of detention without charge was 1 week, and the law allows judges to impose an unlimited number of 6-month preventive detention periods. It was not unusual for defendants without access to legal counsel to be detained for weeks or months before appearing before a magistrate. In some cases, prisoners were held without charge or trial for a longer period than the maximum sentence that they would have received if convicted of the alleged offense. There was a pretrial release system; however, it was unknown how often it was used.

In early October, security forces arrested 17 military and civilian persons in connection with an alleged October coup plot; one detainee hung himself in his cell shortly after his arrest. Charges against the detainees, who were held in separate facilities at a gendarme station in Ouagadougou, were not filed for 4 weeks, which delayed access to legal counsel; the detainees also were denied access to their families. During the year, numerous human rights groups and the ICRC were allowed to visit the detainees and reported that detention conditions were better than in the country's prisons. The 16 detainees were awaiting trial at year's end.

During the year, police detained a journalist (see Section 2.a.).

Unlike in the previous year, there were no reports that gendarmes arrested students during the year;

The law prohibits forced exile, and the Government did not use it.

e. Denial of Fair Public Trial.—The Constitution provides for an independent judiciary; however, in practice the judiciary was subject to executive influence. The President has extensive appointment and other judicial powers. The Constitution stipulates that the Head of State also is the President of the Superior Council of the Magistrature, which can nominate and remove high-ranked magistrates and can examine the performance of individual magistrates.

Systemic weaknesses in the justice system include removability of judges, outdated legal codes, an insufficient number of courts, a lack of financial and human resources, and excessive legal costs.

There are four operational higher courts: The Supreme Court of Appeal, the Council of State, the Audit Court and Office, and the Constitutional Council. Beneath these higher courts were 2 Courts of Appeal and 10 provincial courts. There also was a High Court of Justice, with jurisdiction to try the president and senior government officials for treason and other serious crimes. The military court system, which tried only military cases, was subject to executive influence.

No further action was taken in the wrongful death case of former Chief Executive Captain Thomas Sankara.

The Constitution provides for the right to public trial, access to counsel, a presumption of innocence, and has provisions for bail and appeal. While these rights generally were respected, the ability of citizens to obtain a fair trial remained restricted by their ignorance of the law and by a continuing shortage of magistrates.

In addition to the formal judiciary, customary or traditional courts presided over by village chiefs handled many neighborhood and village problems, such as divorce and inheritance disputes. Citizens generally respected these decisions, but also could take a case to a formal court.

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home or Correspondence.—The Constitution prohibits such actions, and the Government generally respected these prohibitions in practice. However, in national security cases, a law permits surveillance, searches, and monitoring of telephones and private correspondence without a warrant. By law and under normal circumstances, homes may be searched only with the authority of a warrant issued by the Attorney General.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution and the law provide for freedom of speech and of the press; however, the Government at times restricted these rights and intimidated journalists into practicing self-censorship. There were fewer such cases than in previous years. The President and his Government remained sensitive to criticism. Journalists charged with libel may defend themselves in court by presenting evidence in support of their allegations. The independent press, particularly the written press, continued to exercise greater freedom of expression.

The official media, including the daily newspaper Sidwaya, and the national radio and television, displayed pro-government bias. The independent press included three daily and approximately a dozen weekly newspapers; some newspapers appeared only occasionally. There were numerous independent radio stations and a religious television station. These media outlets included stations that were critical of the Government. Voice of America, Radio France International, Africa Number 1, and the British Broadcasting Corporation broadcast without government interference.

All media were under the administrative and technical supervision of the Ministry of Information. The audiovisual media were regulated further by the Superior Council of Information.

Despite some self-censorship, independent newspapers and radio stations often criticized the Government, reported allegations of corruption and mismanagement by authorities, and accused the Government of human rights violations. The independent media also reported the opposition's and human rights associations' criticism of the Government's failure to investigate and prosecute human rights violations.

On February 18, gendarmes in Bobo-Dioulasso detained for several hours Mountamou Kani, Chief Editor of the independent daily paper, L'Express Du Faso for refusing to give the source of a story he wrote about gendarmes of that city. Bobo-Dioulasso was released without any formal charges after other publications protested.

There are regulations for private and independent radio and television. Radio stations were held responsible if their call-in programs threatened the public order or the rights of any third party.

In late November, the Minister of Information reportedly ordered the cancellation of Presse Dimanche, a popular television talk show on the government-owned Burkina National Television network; the show went off the air immediately. No official reason was given by the Government or the national television network for the cancellation; however, human rights groups alleged it was in response to the show's coverage of controversial issues, such as discussions of the interest-free loans granted to members of the Government earlier in the year.

The Government did not restrict access to the Internet.

The Government did not restrict academic freedom, and the Government generally tolerated peaceful student strikes to protest government education policy or demand better school conditions. Unlike in the previous year, security forces did not disrupt meetings of striking students by threatening violence or arrest, detain, or abuse student leaders and protesters.

b. Freedom of Peaceful Assembly and Association.—The Constitution provides for freedom of assembly; unlike in previous years, the Government did not restrict this right in practice.

Political parties and labor unions were allowed to hold meetings and rallies without requesting government permission. However, the law also requires that authorities be notified in advance of planned demonstrations and allows the authorities to invoke the need to preserve public order to forbid demonstrations. Penalties for violation of the advance notification requirement include 2 to 5 years' imprisonment. Permits must be obtained from municipal authorities for political marches. Applicants must indicate the date, time, duration, and itinerary of the march or rally, and authorities may alter or deny requests on grounds of public safety; however, no

such denials were reported during the year. Denials or modifications may be appealed before the courts.

Unlike in the previous year, police did not forcibly disperse student demonstrations.

On January 3, the students who had been arrested and sentenced in connection with the November 2002 demonstrations were released. Appeals of the sentences, which had been filed by the students' attorneys, were pending at year's end.

The Constitution provides for freedom of association, and the Government generally respected this right in practice. Political parties and labor unions were permitted to organize without seeking government permission.

c. Freedom of Religion.—The Constitution provides for freedom of religion, and the Government generally respected this right in practice.

The Government required that religious groups register with the Ministry of Territorial Administration. There were no penalties for failure to register. All groups were given equal access to licenses, and the Government approved registrations in a routine fashion.

For a more detailed discussion, see the 2003 International Religious Freedom Report.

d. Freedom of Movement within the Country, Foreign Travel, Emigration, and Repatriation.—The Constitution provides for these rights, and the Government generally respected them in practice. Gendarmes and police agents routinely stopped travelers for identity checks and the levying of road taxes on turnpikes. Customs agents stopped travelers for customs checks. There were no restrictions on foreign travel; however, the border with Cote d'Ivoire, which was closed following the 2002 military unrest in Cote d'Ivoire, did not reopen until September 10.

Unlike in previous years, there were no reports that human rights activists were forced to flee from cities.

The law provides for the granting of refugee status or asylum to persons who meet the definition in the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. In practice, the Government provided protection against refoulement and granted refugee or asylum status. The Government cooperated with the office of the U.N. High Commissioner for Refugees (UNHCR) and other humanitarian organizations in assisting refugees. The Government also provided temporary protection to certain individuals who fall outside of the definition of the 1951 U.N. Convention Related to the Status of Refugees or its 1967 Protocol. There were 449 persons with refugee status and 488 persons who had requested refugee status residing in the country. Most were nationals of Rwanda, Burundi, the Democratic Republic of the Congo, and the Republic of the Congo; others were from Chad, Liberia, and Sierra Leone. Almost all the refugees and applicants lived in Ouagadougou.

During the year, the UNHCR continued its efforts to respond to the needs of the refugees. The refugees continued to receive some assistance for fees. Some refugees asked the UNHCR to send them to third countries; these requests were still being evaluated at year's end.

There was a surge in voluntary repatriation of Burkinabe nationals from Cote d'Ivoire in 2002 and during the year as a result of the ongoing crisis in Cote d'Ivoire. Burkinabe returnees reported harassment from Ivoirian police officials, usually in the form of demands for money but also in the form of physical abuse.

Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government

The Constitution provides citizens with the right to change their government peacefully through multiparty elections; however, in practice citizens were unable to exercise this right fully due to the continued dominance of the President and his ruling party. In the 1998 presidential election, President Compaore won 88 percent of the vote; 56 percent of the eligible voters went to the polls. The two candidates who opposed the President provided only token opposition and reportedly were persuaded by the Government to run for the presidency to help create the appearance of a contested election. National observers identified a number of systemic weaknesses in the electoral code that precluded a totally regular and transparent vote, and a coalition representing a number of opposition parties boycotted the election. Nevertheless, neither of the two candidates opposing President Compaore contested the results.

The Compaore Government included a strong presidency, a Prime Minister, a cabinet presided over by the President, a one-chamber (formerly two-chamber) National Assembly, and the judiciary. The legislature was independent, but it remained susceptible to influence from the executive branch. The cabinet includes four members from small opposition parties; however, the major opposition bloc, the Group of 14 February (G-14), refused to participate.

In 2001, the Constitution was amended to provide that the presidential term of office be 5 years, renewable once, starting in 2005. The provision was not retroactive, and the National Assembly has determined that this provision will not be applied retroactively to President Compaore. Previously the Constitution allowed the President to run for an unlimited number of terms.

The government-funded Independent National Electoral Commission (CENI) has full responsibility for managing its budget and was the only organization responsible for monitoring elections and referendums. Five representatives of opposition parties, including the G-14 coalition, served on the CENI, in addition to five representatives of pro-government parties (including the CDP) and five representatives of civil society.

In May 2002, the Government held parliamentary elections. For the first time in the country's history, multiple political parties, including opposition parties, participated in the elections. The ruling CDP won 57 out of the 111 parliamentary seats. The opposition parties unified to compete in the elections and won 54 seats. Domestic observers characterized the elections as generally free and fair. Independent observers characterized CENI's conduct during the elections as generally fair.

Following the May 2002 legislative elections, the Government was reorganized, and the 2000 protocol, which ceded one-third of cabinet posts to the opposition and which the Prime Minister and opposition had signed, was voided by the ruling party. Of the 30 cabinet members, there were 6 ministers from parties other than the ruling CDP.

There were no restrictions in law or practice on the participation of women or minority group members in politics. There were 12 women in the 111-seat National Assembly, and there were 3 female ministers in the 30-member Cabinet.

Section 4. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A number of human rights groups, including the MBDHP, the Association of Christians for the Group for Study and Research on Democracy and Economic and Social Development in Burkina Faso, the Burkina Movement for the Emergence of Social Justice, and Christian Action for the Abolition of Torture generally operated without government restriction, and the Government was responsive to their views. Unlike in previous years, there were no reports that government-paid informers infiltrated groups that were critical of the Government.

The Government permitted international human rights groups to visit and operate in the country. The MBDHP was affiliated with the Inter-African Human Rights Union UIDH.

The Government failed to honor repeated requests for information from the African Union about alleged human rights abuses that occurred between 1983 and 1997. The Government did not prosecute the perpetrators of these offenses; however, in 2002, it established a \$9 million fund to compensate families of the victims of political violence. By year's end, the Government had distributed over \$5 million (approximately 3 billion CFA francs) of the fund.

The National Commission on Human Rights serves as a permanent framework for dialogue on human rights concerns. Commission members included representatives of human rights NGOs, union representatives, government officials, and representatives from professional associations. In 2001, the Commission adopted a plan of action to promote human rights. From August 12 to 14, the Ministry for the Promotion of Human Rights held a workshop on its programs and identified six priorities: Informal education in human rights; strengthening the human rights legal framework; humanizing prisons and other detention centers; strengthening political and civil rights; strengthening cultural, social, and economic rights; and promoting and strengthening differential/category rights.

Section 5. Discrimination Based on Race, Sex, Disability, Language, or Social Status

The Constitution prohibits discrimination on the basis of race or ethnic origin, and the Government enforced this prohibition. Various ethnic groups were represented in the inner circles of the Government, and government decisions did not favor one group over another.

Women.—Domestic violence against women, especially wife beating, occurred frequently. Cases of wife beating usually were handled through customary law and practice. There were no statistics on rape, although it was recognized as a crime. Spousal rape was not discussed. There were organizations that counseled rape victims, including Catholic and Protestant missions, the Association of Women Jurists in Burkina, the MPDHP, the Association of Women, and Promofemmes—a regional network that works to combat violence against women. The Government has attempted to change attitudes toward women, using education through the media. The

Penal Code explicitly prohibits sexual harassment; however, there are no special laws protecting women against violence other than general laws dealing with violence.

FGM was practiced widely, especially in many rural areas, and usually was performed at an early age. Up to 70 percent girls and women have undergone this procedure. The Government has made a strong commitment to eradicate FGM through educational efforts, and the National Committee for the Fight Against Excision campaigned against the practice. FGM is a crime, with strict punishments for those involved in its practice. Perpetrators were subject to imprisonment of 6 months to 3 years and a significant fine. The Government continued its sensitization campaign regarding the deleterious effects of this practice.

The Government prosecuted those who performed FGM during the year. For example, on March 8, gendarmes arrested Tongdo Sonde and five accomplices for practicing FGM on seven young girls in Kaya; those arrested were sentenced to 4 to 10 months' imprisonment. On September 19, gendarmes in Boulsa arrested six women for practicing FGM on eight young girls; those arrested were placed in investigative detention and subsequently were sentenced to between 2 and 6 months' imprisonment.

Scarification of the faces of both boys and girls of certain ethnic groups, gradually was disappearing.

There were occasional reports of trafficking in women (see Section 6.f.).

The law prohibits forced marriage, with specific penalties under the Penal Code for violators. Polygyny was permitted, but both parties must agree to it prior to a marriage, and the woman maintained the power to oppose further marriages by her husband if she could provide evidence that he abandoned her and her children. Either spouse could petition for divorce; custody of children was granted to either parent based on the children's best interests.

Although the law provides equal property rights for women and some inheritance benefits depending on other family relationships, in practice, customary law prohibits women from the right to own property, particularly real estate. In rural areas, land belonged to the family of the man whom a woman married. Women still did much of the subsistence farming work. Customary law does not recognize inheritance rights for women and regards the woman as property that can be inherited upon her husband's death.

There were no specific constitutional provisions or laws protecting women, who faced extensive discrimination. In general, women continued to occupy a subordinate position and experienced discrimination in such areas as education, jobs, property, and family rights. Overall, women represented 45 percent of the workforce. In the modern sector, women comprised one-fourth of the government workforce, although usually they were found in lower paying positions. The Ministry of Women's Affairs actively promoted women's rights during the year; the Minister was a woman.

Children.—The Constitution nominally protects children's rights. The Government demonstrated its commitment to improve the condition of children by continuing efforts, in cooperation with donors, to revitalize primary health care by focusing on care for nursing mothers and infants; vaccination campaigns for measles, meningitis, and other illnesses; and health education.

The Government allotted approximately 25 percent of the national budget to education, and the law provides for free compulsory education; however, the Government lacked the means to provide universal, free primary education. If a child qualified on the basis of grades and social condition (that is, the family was "poor"), tuition-free education could continue through junior high and high school. In practice the family condition requirement often was ignored, giving many children a tuition-free education through high school. Children still were responsible for paying for school supplies, and many parents could not afford to lose a child's labor in the fields or at other remunerative jobs; as a result, overall school enrollment was only 42 percent, and 37 percent for girls. The Government has taken steps to promote primary education for girls through encouragement of donor scholarships, school feeding programs, and information campaigns to change societal attitudes toward educating girls. Girls made up slightly more than one-third of the total student population in the primary school system. Schools in rural areas had even lower percentages of female students than schools in urban areas, and illiteracy for girls in the rural areas ran as high as 95 percent. The rate of male literacy was approximately 30 percent, and female literacy was 9 percent.

FGM was performed commonly on young girls (see Section 5, Women).

Trafficking of children was a problem (see Section 6.f.).

Persons with Disabilities.—There was no legislation to protect persons with disabilities from discrimination. There was no government mandate or legislation con-

cerning accessibility for persons with disabilities. Programs to aid persons with disabilities were limited, and their advocates reported that such persons often faced social and economical discrimination. Persons with disabilities who were willing and able to work frequently found it difficult to find employment, including in government service, because of deeply entrenched societal attitudes that persons with disabilities should be under the care of their family and should not enter the workforce.

Section 6. Worker Rights

a. The Right of Association.—The Constitution and the Labor Code provide workers, including civil servants, the right of association, and workers exercised this right. Essential workers, such as police, could not join unions. Approximately 85 percent of the workforce was engaged in subsistence agriculture. Of the remainder, approximately 50 percent of private sector employees and 60 percent of public sector employees were union members. There were 4 major labor confederations and 12 autonomous trade unions linked by a national confederate committee. They represented a wide ideological spectrum; the largest and most vocal member espoused a socialist doctrine.

The Labor Code prohibits antiunion discrimination. The Labor Ministry handled complaints about such discrimination, which the plaintiff may appeal to a labor tribunal. If the tribunal sustains the appeal, the employer must reinstate the worker. Union officials believed that this system functioned adequately.

Labor unions may affiliate freely with international trade unions. Both the National Confederation of Burkinabe Workers and the National Organization of Free Trade Unions were affiliated with the International Confederation of Free Trade Unions.

b. The Right to Organize and Bargain Collectively.—Unions have the right to bargain for wages and other benefits, both directly with employers and with industry associations. Collective bargaining was extensive in the modern wage sector, but it encompassed only a small percentage of workers. These negotiations are governed by minimums on wages and other benefits contained in the Inter-professional Collective Convention and the Commercial Sector Collective Convention, which were established with government participation. If no agreement is reached, employees can exercise their right to strike. Either labor or management can refer an impasse in negotiations to labor tribunals. Appeals can be pursued through the Court of Appeal to the Supreme Court, whose decision is binding on both parties.

The Constitution provides for the right to strike, and workers used strike actions to achieve labor goals. On May 27, all the major trade union federations and autonomous unions called a strike to protest the privatization of parastatal organizations and the Government's decision to grant \$27,235 (15 million CFA francs) free of charge and interest to cabinet members; and to demand an increase in salaries and pensions and a decrease in taxes. None of these demands were met by year's end. Some public institutions and private enterprises were closed. Labor organizations called many strikes in 2002 and one during the year to advance worker objectives, such as opposing the privatization of state-owned enterprises and demanding salary and pension increases. During the year, the collective of Mass Organizations and Political Parties called rallies to press for justice in the 1998 Zongo Killings. There was no governmental interference in these demonstrations and strikes.

The International Labor Organization (ILO) Committee of Experts has expressed concern about the right to strike of public servants, particularly the law that allows the authorities to requisition striking civil servants and state officials. The ILO has been critical of the law for defining essential services too broadly and allowing for abuse by the authorities.

There are no export processing zones.

c. Prohibition of Forced or Bonded Labor.—The law prohibits forced or bonded labor, including by children; however, there were reports of household employment of children outside their own families without any status or formal remuneration as well as the procurement of young girls (see Sections 5 and 6.d.). Trafficking of women and girls was a problem (see Section 6.f.).

d. Status of Child Labor Practices and Minimum Age for Employment.—The Labor Code sets the minimum age for employment at 14 years; however, child labor was a problem. In the domestic and agricultural sectors, the law permits children under the age of 14 to perform limited activities for up to 4½ hours per day; however, many children under the age of 14 years worked longer hours. According to a pamphlet published by the Ministry of Labor in 2000, more than 50 percent of children worked, largely as domestic servants or in the agricultural or mining sectors. Children commonly worked with their parents in rural areas or in family-

owned small businesses in villages and cities. Most children actually began working at an earlier age on small, family subsistence farms, in the traditional apprenticeship system, and in the informal sector. There were no reports of children under the age of 14 employed in either state or large private companies.

The Ministry of Employment, Labor, and Youth, which oversees labor standards, lacked the means to enforce work safety and age limit legislation adequately, even in the small business sector. In cooperation with UNICEF, the ILO, and local NGOs, the Government developed a national plan of action on child labor, which awaited National Assembly approval at year's end. The Coalition in Burkina Faso for Children's Rights conducted, in conjunction with IPEC, a sensitizing campaign on child labor to develop and strengthen children's rights. The campaign targeted at least 30,000 working children in various sectors, 3,000 employers, 5,000 business and social leaders, and 250 associations. The Government also has organized workshops and produced films and a television series on the problem of child labor. In cooperation with donors, the Government has undertaken many sensitization programs to inform children and parents of the dangers of sending children away from home to work.

e. Acceptable Conditions of Work.—The Labor Code mandates a minimum monthly wage of approximately \$40 (28,811 CFA francs) in the formal sector, unchanged since 1996, that did not apply to subsistence agriculture. The minimum wage did not provide a decent standard of living for an urban worker and family. Wage earners usually supplemented their income through reliance on the extended family, subsistence agriculture, or trading in the informal sector. The Labor Code also mandates a standard workweek of 40 hours for nondomestic workers and a 60-hour workweek for household workers, and establishes safety and health provisions.

A system of government inspections under the Ministry of Employment, Labor, and Youth and the labor tribunals was responsible for overseeing occupational health and safety standards in the small industrial and commercial sectors, but these standards did not apply in the subsistence agricultural sector. The Government paid social security benefits on a sliding scale according to an employee's length of service and pay, up to a ceiling established by presidential decree in January of \$1,051 per month (580,000 CFA francs). The Government's Labor Inspector Corps did not have sufficient resources to fulfill its duties adequately. Every company was required to have a work safety committee. If a workplace was declared unsafe by the Government's Labor Inspection Office for any reason, workers had the right to remove themselves from the dangerous work without jeopardy to continued employment. In practice there were indications that this right was respected, but such declarations by the Labor Inspection Office were relatively rare.

Foreign workers, both legal and illegal, were protected by the law governing working conditions in the formal sector.

f. Trafficking in Persons.—The Constitution specifically prohibits slavery, inhumane treatment, and mistreatment of children and adults, and the Penal Code prohibits kidnapping, violence, and mistreatment of children; however, trafficking of children and women was a problem. On May 27, the National Assembly adopted an anti-trafficking law that punishes child traffickers with 1 to 10 years' imprisonment and fines of \$525 (300,000 CFA francs) to \$2,600 (1.5 million CFA francs). The new law had not yet been applied by year's end. The country was a source, transit, and destination country for internationally trafficked persons, including children. The sexual exploitation of children was a problem (see Section 5).

The Ministry of Social Affairs and the Directorate of Labor Health and Security, Child Labor, and Trafficking Division of the Ministry of Labor implement and enforce child labor laws and regulations; however, the Government only has limited resources to combat trafficking in women and children.

The country was an occasional source country for women who traveled to Europe to work as domestics but upon their arrival were exploited sexually. The country was a transit point for trafficked children, notably from Mali, who often were trafficked to Cote d'Ivoire. Malian children also were trafficked into the country. Destinations for trafficked Burkinabe children included Cote d'Ivoire, Ghana, and Nigeria.

Trafficked children were subject to violence, sexual abuse, forced prostitution, and deprivation of food, shelter, schooling and medical care. Organized child trafficking networks existed throughout the country. One study identified eight networks in Ouagadougou and seven in Bobo-Dioulasso. Child trafficking networks cooperated with regional smuggling rings.

In the past, some children voluntarily traveled to Cote d'Ivoire to work as agricultural laborers to escape poverty at home. In other cases, children were lured to plantation work in Cote d'Ivoire by false promises of generous remuneration, only to be

forced to work under very harsh conditions for little or no payment. Some children were forced to work long hours without pay, allegedly to repay costs of their transport to Cote d'Ivoire and the costs of food and housing on the plantation.

However, according to Lutrena, a local NGO that collaborates with both the International Program for Elimination of Child Labor (IPEC) and ILO to fight against child trafficking, the flow of Burkinabe working children going to Cote d'Ivoire for work purposes declined significantly because of the closing of the border following the September 2002 military rebellion in Cote d'Ivoire. Many of these working children reportedly headed for Mali either to work in rice plantations or study in Islamic schools or for coast countries like Benin. There were no statistics available about the magnitude of child trafficking by year's end.

The Government worked with international donors and the ILO to address child trafficking, in part by organizing seminars against child trafficking for customs officers. During the year, similar workshops and seminars were organized for gendarmes and civil society. The Government also started establishing watch committees in certain provinces in which child trafficking and labor were problems. The watch committees included representatives of industries usually implicated in child labor (cotton growers, for example), the police, NGOs, and social welfare agencies. These committees continued their work during the year. An IPEC program of action to prevent child trafficking for work purposes on cotton plantations continued during the year.

BURUNDI

Burundi is a republic ruled by a Transitional Government established under the Arusha Peace and Reconciliation Accord (Arusha Accord) in November 2001. On April 30, the second half of the 3-year Transitional Government began as Domitien Ndayizeye, a member of the Hutu ethnic group, succeeded Pierre Buyoya, a member of the Tutsi ethnic group, as President. In 2001, a Transitional Constitution was adopted, providing for power to be shared between the Tutsi minority, which has traditionally ruled the country, and the Hutu majority. A presidential decree suspended elections in 1998; however, the Transitional Constitution provides for elections following the completion of the 3-year Transitional Government. The country remained engaged in a low-intensity civil conflict, and for most of the year, the conflict involved two armed opposition groups, the National Council for Defense of Democracy-Forces for the Defense of Democracy (CNDD-FDD) faction led by Pierre Nkurunziza, and the Palipehutu/National Liberation Front (FNL) faction led by Agathon Rwasa. Smaller factions of both groups had signed and implemented ceasefire agreements with the Transitional Government in October 2002. In December 2002, the largest armed opposition group, the Nkurunziza faction of the CNDD-FDD, also signed a ceasefire with the Transitional Government. In October, the Transitional Government and the CNDD-FDD faction led by Nkurunziza signed a protocol on power-sharing, and in November, the CNDD-FDD entered the Transitional Government, assuming four cabinet positions and other posts. However, the FNL remained outside the peace process and launched attacks on Bujumbura and its environs throughout the year. Although the security situation in most parts of the country improved, in Bujumbura Rural province, which surrounds the capital, fighting continued throughout the year. Human rights violations resulting from the conflict continued to occur primarily in the countryside, although fighting reached the capital city of Bujumbura in April, July, and November. The Transitional Constitution provides for an independent judiciary; however, the judiciary was subject to political manipulation and was inefficient in practice.

The security forces were controlled by the Transitional Vice President in consultation with the Transitional President, and consisted of the Burundian Armed Forces (FAB) and the gendarmerie under the Ministry of Defense, the judicial police under the Ministry of Justice, and the intelligence service under the presidency. The Guardians of the Peace, armed paramilitary civil defense units, served in the Bujumbura area and the provinces of Bujumbura Rural, Ruyigi, Rutana, and Bururi. In June, pursuant to the Arusha Accord, a South African-led African Union Mission to Burundi (AMIB) was deployed. Civilian authorities did not maintain effective control of the security forces. Members of the security forces committed numerous serious human rights abuses.

Following the signing of the November power-sharing protocol, the Transitional Government allowed the CNDD-FDD to conduct military operations against the FNL. In December, outside of Bujumbura, the Transitional Government reportedly

also allowed CNDD–FDD forces to operate an armed police force parallel to that of the Transitional Government.

The country, which has a population of 6.7 million, was extremely poor, and approximately 90 percent of the population was dependent on subsistence agriculture. The Transitional Government controlled the price of commodities and rates of exchange; government-owned enterprises were predominate in the economy. The civil conflict caused severe economic disruption, and internally displaced persons (IDPs) were dependent on international humanitarian assistance. The country's gross domestic product dropped from \$4.1 billion in 1998 to \$695.3 million in 2002. Wages did not keep pace with inflation.

The Transitional Government's human rights record remained poor, and it continued to commit numerous serious human rights abuses. Citizens did not have the right to change their government. Security forces continued to commit numerous arbitrary and unlawful killings, including unarmed civilians, many of whom were killed during reprisal attacks on those suspected of cooperating with the insurgents. There were credible reports of disappearances, and the security forces continued to torture, beat, rape, and otherwise abuse persons. Despite some improvements, prison conditions remained very poor in general and sometimes life threatening. Impunity and the continuing lack of accountability for those who committed past abuses remained serious problems. Arbitrary arrest and detention, and lengthy pretrial detention were problems, and there were reports of incommunicado detention. The court system did not ensure due process or provide citizens with fair trials. The Transitional Government infringed on citizens' privacy rights. The Transitional Government controlled the media and restricted freedoms of speech, the press, assembly, association, and movement. Since 1993, the civil war has caused thousands of civilian deaths and massive internal population displacement. The armed forces sometimes limited access to certain areas by human rights observers, citing security conditions. Violence and discrimination against women continued. Commercial sexual exploitation of children and the use of child soldiers were problems. Discrimination against persons with disabilities, indigenous Twa populations, and state discrimination against Hutus remained serious problems. Societal discrimination between the Hutus and Tutsis continued. Incidents of ethnically motivated property destruction and killing occurred throughout the country. Child labor, including forced labor, was a problem. Trafficking in persons was a problem.

Rebels also continued to commit numerous serious human rights abuses against civilians, including killings, kidnappings, rapes, theft, extortion, the forcible recruitment and employment of children as child soldiers, and forced labor.

RESPECT FOR HUMAN RIGHTS

Section 1. Respect for the Integrity of the Person, Including Freedom From:

a. Arbitrary or Unlawful Deprivation of Life.—There were reports that security forces committed political killings during the year, although no exact figures were available. On October 24, police arrested senior police officials suspected of the 2001 killing of Kassi Manlan, the local representative of the World Health Organization. By year's end, no trial had been scheduled.

The FAB regularly committed unlawful killings, often with impunity, of Hutu and Tutsi civilians following fighting with rebels, in reprisal for rebel attacks, and for suspected collaboration with rebels (see Section 1.g.).

On February 9, in the Kinama suburb of Bujumbura, approximately 30 FAB soldiers broke into Abraham Nshimirimana's house and looted it. His corpse, along with the body of a neighbor, was found the next morning in a nearby field. There were no reports of any investigation or prosecutions in these cases, and the motive was unknown.

No actions were taken against government soldiers responsible for the 2001 killings of 11 civilians in Kiriri, Bujumbura Rural Province; the 2001 case in which police in Gitega tortured to death Methode Nkurunziza; and the 2001 beating to death of Emmanuel Ntikarahera in Bweru Commune, Ruyigi Province.

Unlike in the previous year, there were no reports that security forces killed demonstrators.

On June 28, in Bweru Commune, Ruyigi Province, FAB soldier Mathias Nkurunziza was tortured by his commander following an argument with colleagues. He died as a result of being beaten, bound, denied food and water, and imprisoned. The military was investigating the case at year's end, according to a local NGO.

There were no new developments in the July 2002 killing by the FAB of one of its soldiers.

Civilians were killed during fighting between government and rebel forces, and women died as a result of being raped (see Section 1.g.).

There were reports of deaths and injuries caused by landmines laid by both government and rebel forces (see Section 1.g.).

Although no exact figures were available, there were numerous political killings by unidentified assailants during the year.

On February 28, armed men in military uniforms entered the home of Leonard Masengo, an employee of the Social Security Administration in charge of real estate management, and shot and killed him. The killers reportedly told Masengo's wife that killing her was not their mission. Colleagues of Masengo told investigators in the case that Masengo had refused to approve the overvalued purchase of a building owned by a prominent politician. The case remained under investigation.

On May 17, unidentified assailants killed Sangwe Pader political party committee member Jean Nkurikiye while he was at home in Gatumba, Bujumbura Rural Province. On September 20, Raphael Nzinahora, Mayor of Giheta, Gitega Province, was killed by unidentified assailants. There were no developments in either case by year's end.

On November 7, unidentified assailants shot and killed Philbert Nsengiyumva, a World Food Program employee, at his home in Ngozi. There were no developments in the case by year's end.

There were no new developments in connection with the following killings by year's end: the January 2002 killing of Elvis Makhado, a civilian member of the South African Protection Force; and the September 2002 killing of Samuel Nimubona, leader of World Outreach Initiatives.

Members of the Guardians of the Peace killed some civilians during the year. For example, on August 26, in Murwi Commune, Cibitoke Province, a member of the Guardians of the Peace shot and killed a civilian after persons disregarded an order to stop. No action was taken against those responsible for the killing.

Rebels killed numerous persons during the year and committed serious abuses against the civilian population (see Section 1.g.).

Unlike in the previous year, there were no reports of mob violence or lynchings. No actions were taken against perpetrators of lynchings that occurred in 2002.

During the year, the local press reported numerous incidents in which individuals threw hand-grenades into pubs or other public gathering places, resulting in deaths and injuries (see Section 1.c.). For example, on October 11, in Ngozi Province, a woman and her 14-year-old daughter were killed after an unidentified assailant threw a grenade into their home.

b. Disappearance.—Although precise numbers were unavailable, there were frequent reports of kidnappings during the year. Rebels were responsible for many of the disappearances.

In June, rebels kidnapped and held for ransom Etienne Bigirimana, the Rusaka Commune administrator in Mwaro Province. Bigirimana was released shortly afterward, although no ransom had been paid.

On June 29, CNDD–FDD rebels kidnapped three members of parliament (M.P.s) and seven citizens in the eastern province of Ruyigi. The rebels released the citizens shortly following the abduction, and the M.P.s on July 26.

On July 10, bandits kidnapped an employee of the International Rescue Committee (IRC) and demanded a ransom of \$20,000 (21.5 million francs). The victim was released on July 18, although the ransom reportedly had not been paid.

There were no developments in the May 2002 case in Buhonga, Bujumbura Rural Province, where two persons disappeared during a rebel ambush, or the 2001 case of two persons abducted by rebels in Rumonge commune.

In November 2002, Human Rights Watch (HRW) reported that numerous children between 14 and 16 years of age had been kidnapped and were serving as soldiers with the CNDD–FDD.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The Transitional Constitution prohibits such practices; however, members of the security forces continued to torture and otherwise abuse persons. There were reported deaths resulting from torture during the year (see Section 1.a.).

During the year, League Iteka, a local human rights group, reported that torture continued to be a problem. Between January and May, the League documented 30 cases of torture by government agents, the FAB, and rebels. Noting that human rights observers did not have access to illegal detention centers, state intelligence services, and rebel camps, the League estimated that the actual number of torture victims was much higher.

Amnesty International (AI) has reported that the torture of children in prisons was widespread. Based upon interviews conducted in 2002, the report detailed beatings using electric flexes, sticks and other weapons, beatings on the soles of feet and joints, and being tied in excruciating positions for long periods of time.

In 2001, the Burundian Association for the Defense of the Rights of Prisoners, a local NGO, reported that prison officials and security forces used beatings with batons and pipes, electrocution, burning, bayonets, and needles to torture prisoners.

AI reported that in July, security forces tortured and mistreated two men after they arrested the men on suspicion of involvement in attacks by the FNL on Bujumbura. On July 11, the Public Security Police arrested Emmanuel Niyongabo and reportedly handcuffed him to an iron gate and prevented him from sitting for at least 8 days in a cell. Members of the security forces reportedly tortured Ezechiel Ncitiyinisalaba in military barracks in Kamenge before he was transferred to the PSP.

In August, at a detention center in Makamba province, an international human rights observer reported that guards tortured three prisoners. No action was taken against those responsible.

AI reported that on December 26, members of CNDD–FDD forces detained and severely beat four women suspected of witchcraft in Ndava Zone, Cibitoke Province; the women were beaten on their legs, arms, and feet and were fined between \$2 and \$10 (2,000 and 10,000 francs) after their release.

No action was taken in the June 2002 torture of two persons by soldiers in the town of Buhiga, Karuzi Province.

Unlike in the previous year, there were no reports that security forces beat journalists (see Section 2.a.).

Unlike in the previous year, security forces did not use excessive force to disperse demonstrations during the year (see Section 2.b.).

There were credible reports that members of the Guardians of the Peace beat, raped, harassed, and extorted money from civilians.

Although precise figures remain unavailable, there were frequent reports that members of the FAB raped women with impunity (see Section 1.g.).

No action was taken by year's end against the soldiers responsible for several cases of rape during 2001.

There were frequent reports that both FNL and CNDD–FDD rebels raped women (see Section 1.g.).

Government troops used excessive force in areas where there were civilians and often targeted Hutu civilians (see Section 1.g.).

Several persons were injured during the year by landmines laid by government and rebel forces (see Section 1.g.).

Rebels beat and stole from civilians, and raped women (see Sections 1.g.).

In September, in the Ngagara neighborhood of northern Bujumbura, three persons were injured, one seriously, after a grenade was thrown into a pub. By year's end, there were no developments in this case.

Prison conditions remained harsh and sometimes life threatening. Severe overcrowding persisted. According to government officials and human rights observers, prisoners suffered from digestive illnesses, dysentery, and malaria, and diseases resulted in deaths, although the Government rarely, if ever, recorded the cause of death as disease. The Transitional Government provided sufficient food, and families were permitted to supplement prisoner rations. Unlike in the previous year, there were no reports that prisoners died from malnutrition.

According to the Ministry of Justice, 7,914 inmates were held in facilities built to accommodate a maximum of 3,650 persons during the year. Of this number, 3,433 were serving sentences, and 4,481 were pretrial detainees. Human rights nongovernmental organizations (NGOs) lobbied the Transitional Government during the year for the release of prisoners who were held for long periods of time without charge. The Transitional Government agreed in principle to release some of these prisoners; however, in practice, few were released.

According to the Ministry of Justice, women were detained separately from men. There were 153 children in prisons during the year: 106 serving sentences and 47 accompanying their convicted mothers. Juvenile prisoners were held with and often treated as adults. Unlike in the previous year, there were no reports that children in prisons were subjected to torture or sexual exploitation. Political prisoners often were held with convicted prisoners. Pretrial detainees were held in communal lock-ups, but some were also incarcerated with convicted prisoners.

During the year, the Government permitted visits by international and local human rights monitors, and there were no reports that groups were denied access during the year. NGOs continued their efforts to monitor and improve sanitation, hygiene, medical care, food, and water.

The ICRC was allowed access to prisoners and detained persons, including persons detained for "reasons relating to the conflict," and conducted visits regularly during the year.

d. Arbitrary Arrest, Detention, or Exile.—The criminal code prohibits arbitrary arrest, arbitrary detention, and exile; however, security forces arbitrarily arrested and detained persons.

Impunity for those who committed serious human rights violations, and the continuing lack of accountability for those who committed past abuses, remained key factors in the country's continuing instability. The security forces did not always cooperate with civilian prosecutors or magistrates, including in investigations involving their members. Members of the Guardians of the Peace were unpaid and poorly trained; some were coercively recruited. A representative of the police force said in December that corruption, abuse of the criminal code's standards on the duration of detentions, and mistreatment of prisoners remained problems.

The law requires arrest warrants, and presiding magistrates were authorized to issue them. Police and gendarmes could make arrests without a warrant but were required to submit a written report to a magistrate within 48 hours. Few aspects of the code were respected, and the section that requires that detainees be charged and appear in court within 7 days of their arrest was violated often. A magistrate could order the release of suspects or confirm charges and continue detention, initially for 15 days, then subsequently for periods of 30 days, as necessary to prepare the case for trial. The police were required to follow the same procedures as magistrates; however, the police have regularly detained suspects for extended periods without announcing charges, certifying the cases, or forwarding them to the Ministry of Justice as required. Human rights organizations, the U.N., the press, and lawyers of the detained reported that incommunicado detention existed, although the law prohibits it. Bail was permitted in some cases. Limits on the length of pre-trial detention were not respected, and a magistrate's strike seeking judicial independence, more resources, and increased pay brought the already dysfunctional justice system to a standstill from September 1 through October 20 (see Sections 1.e. and 6.b.).

There were numerous arbitrary or politically motivated arrests, including the arrest of several opposition politicians, some demonstrators, and one journalist (see Sections 2.a. and 2.b.). There were no reports that union members were arrested during the year.

On October 17, security officers arrested Charles Mukasi, leader of the pro-Tutsi Union for the National Progress (UPRONA) political party, 1 day after he was placed under house arrest and following his receipt of a warrant accusing him of sedition. Police had arrested Mukasi on at least two previous occasions during the year (see Sections 2.a. and 2.b.). In the past, Mukasi had criticized the Transitional Government for creating a culture of impunity and negotiating with rebel groups. On October 24, Mukasi was released.

On April 30, the November 2002 house arrest imposed on former president Jean-Baptiste Bagaza, leader of the PARENA political party, was lifted.

Many of the persons arrested on criminal charges since 1993 remained in pretrial custody. According to the Ministry of Justice, 4,481 prisoners were awaiting trial. There were 400 communal lockups where those who were arrested were supposed to be held no longer than 1 week; however, in practice, detainees were regularly kept in these facilities for much longer periods of time. Family members were required to provide all food for these detainees. Once detainees were transferred to larger detention facilities, the Government provided food.

The law does not provide for forced exile, and the Transitional Government did not use it as a means of political control; however, many persons remained in self-imposed exile in Belgium, Kenya, Tanzania, the Democratic Republic of the Congo (DRC), and elsewhere.

e. Denial of Fair Public Trial.—The Transitional Constitution provides for an independent judiciary; however, in practice the judiciary was not independent of the executive and was dominated by members of the minority Tutsi community. The judicial system was inefficient and subject to bribes and other forms of corruption; many citizens had no confidence in its ability to provide even basic protection. Judicial reform was a priority of the Arusha Accord, and some progress was made. According to the Ministry of Justice, 70 percent of the reforms provided for in the Arusha Accord had been implemented by year's end.

During the year, the Transitional Government instituted three major judicial and administrative reforms that were provided for in the Arusha Accord, including efforts to reduce the President's influence over the judiciary and to correct ethnic imbalances in it. First, on September 22, the Transitional Government began decentralizing the judiciary to allow citizens wider access to the appeals process and prevent citizens from having to travel more than 30 miles to reach a court of law. Second, the Transitional Government ended the practice by which members of the High Council of Magistrates were named by the President and allowed the members to

be elected by judges, the National Assembly, and the President; in addition, the High Council's seats must be ethnically and regionally balanced. Finally, the seven judges of the Constitutional Court must be nominated by the President and confirmed by the Senate in consultations with the National Assembly. The Constitutional Court must also be ethnically balanced. By year's end, the judiciary had not been fully decentralized or ethnically balanced. The lack of Hutu judges and lawyers remained a problem.

The judicial system consisted of civil and criminal courts with the Supreme Court at the apex. In all cases, the Constitutional Court has the ultimate appellate authority; however, in practice few cases of lower-ranking offenders reached this level.

Citizens generally did not have regular access to court proceedings and often had to travel more than 30 miles to reach a court of law. All trials were conducted before a jury. Defendants, in theory, are presumed innocent and have a right to counsel and to defend themselves; however, in practice, few had legal representation. Authorities sometimes were unable to carry out their investigations or transport suspects and witnesses to the appropriate court because of lack of resources and poor security conditions. According to the law, all defendants, except those in military courts, have the right to appeal their cases up to the Supreme Court, and in capital cases, to the President for clemency; however, in practice, the inefficiency of the court system extended the duration of the appeals process, effectively limiting the possibility of appeals, even by defendants accused of the most serious crimes.

The traditional system of communal arbitration under the guidance of elders, the "Bashingantahe," stressed settlement and reconciliation of disputes and was officially recognized by the Transitional Government. A Bashingantahe opinion often was necessary before access was granted to the formal civil court system. The Bashingantahe was limited to civil and minor criminal matters and had no jurisdiction over serious criminal matters. Community elders presided over deliberations under this system.

The law provides for an independent military court system, which in practice was influenced by the executive and higher ranking military forces. Courts of original jurisdiction for lower ranking military offenders were called "War Councils," and one existed in each of the five military districts. A court martial tribunal of appeals heard appeals of War Council decisions and also had trial jurisdiction for mid-ranking military offenders up to the rank of colonel. Military courts had jurisdiction over military offenders and civilians accused of offenses implicating members of the military. Defendants were not provided attorneys to assist in their defense, although NGOs have provided some defendants with attorneys in cases involving serious charges. Trials generally were open to the public; however, they could be closed for compelling reasons, such as national security or "scandalous accusations against prominent people."

Procedures for civilian and military courts were similar; however, military courts reached decisions more quickly, and trials generally failed to meet internationally accepted standards for fair trials. In addition, defendants in military courts are allowed only one appeal.

The detention of political prisoners remained a problem during the year. According to the U.N., the Government held approximately 4,000 political prisoners during the year. However, the Government stated that there were no political prisoners and that each person in detention had been convicted of a specific crime. The Arusha Accord recommended the creation of a commission to define political prisoners, but by year's end, no definition had been agreed upon. Charges against defendants convicted for nonpolitical crimes sometimes were politically motivated. In April and again in September, the Special Representative of the U.N. Secretary General called for the immediate release of all political prisoners and for politicians to establish a definition for political prisoners.

f. Arbitrary Interference with Privacy, Family, Home or Correspondence.—The Transitional Constitution provides for the right to privacy; however, these rights were not respected in practice. Authorities rarely respected the law requiring search warrants.

There were numerous reports during the year that the army looted and destroyed houses whose occupants were accused of harboring and aiding rebels (see Section 1.g.). It was widely believed that security forces regularly monitored telephones.

Unlike in the previous year, there were no reports that the army forcibly relocated civilians into "protection camps."

There were numerous reports of looting by rebel forces (see Section 1.g.).

g. Use of Excessive Force and Violations of Humanitarian Law in Internal and External Conflicts.—The ongoing conflict resulted in numerous serious abuses against the civilian population by government and rebel forces; generally no actions were

taken against perpetrators. The FAB killed numerous civilians following fighting with rebels, in reprisal for rebel attacks, and for suspected collaboration with rebels. Abuses included massacres, the looting and burning of houses, attacks on non-combatants, the displacement of large numbers of civilians, and the rape of women. Security forces prevented international humanitarian aid agencies and human rights observers from reaching some areas of the country (see Section 2.d.).

While no definitive countrywide casualty figures were available, reports from media and NGOs estimate that more than 250,000 persons, mostly civilians, may have been killed in conflict-related violence since 1993. Much of the unlawful killing and property destruction during the year was concentrated in the province around the capital and in the southern and eastern provinces of Bururi, Makamba, Rutana, and Ruyigi, as well as in the central and western provinces of Muramvya, Mwaro, and Cibitoke. In November and December, in Bujumbura Rural Province, there were reports of a significant increase in the killing and rape of civilians and the destruction of homes by FAB soldiers following their relocation to the province.

There were numerous reports of deliberate killings. For example, in March, in Makamba Province, a FAB lieutenant invited three senior CNDD–FDD members to pay a courtesy call on the local FAB commander; they were immediately arrested and executed. There were no reports that anyone was punished for these executions.

There were numerous reports of civilians killed as a result of the conflict. For example, according to press reports, on January 12, after an ambush that killed two soldiers, the FAB killed nine civilians suspected of collaborating with rebels. Two soldiers were arrested and were tried by a military court. One soldier was sentenced to life imprisonment and another to a term of 20 years. Both sentences were under appeal at year's end.

On January 19 and 20, in Ruyigi province, FAB soldiers killed between 32 and 89 civilians, including children, the leader of Esebu church, and several church members who were conducting a prayer vigil; the soldiers reportedly suspected them of collaborating with rebels. The soldiers also looted and burned at least 400 homes, raped women and girls, and denied humanitarian aid agencies access to the population displaced by fighting, according to numerous NGO and humanitarian agency reports. Several of the victims were killed by clubs and bayonets. There were no reports of any investigation or punishment of those responsible for these killings.

According to HRW, on April 23, members of the FAB reportedly shot and killed approximately 20 civilians suspected of collaborating with FNL rebels in Kabezi Commune, Bujumbura Rural. There were also unconfirmed reports that members of the FAB killed civilians suspected of collaborating with FNL rebels in September in Ruziba and Muyira.

On February 21, a military court acquitted two FAB officers of responsibility for the September 2002 killing of approximately 189 civilians in Itaba, Gitega Province, an area that had been vacated by rebels; however, the court convicted the two officers for failing to obey orders and sentenced them to 4 months in prison. There were reports that the two officers convicted were not present at the massacre; however, the military refused to investigate the case further.

No other actions were taken against members of the security forces responsible for killings reported in 2002 or 2001.

In January, the governor of Muyinga Province refused to allow food distribution to 6,000 IDPs, saying that local officials, not NGOs, should decide who received humanitarian relief supplies.

Many reports detailed systematic aggression by the FAB and the CNDD–FDD against the civilian population. In many cases, it was unknown whether government or rebel forces were responsible for the killings of civilians during the course of fighting.

Between January and April, approximately 440 civilians reportedly were killed during fighting between government security forces and CNDD–FDD rebels in the eastern province of Ruyigi.

There were numerous other reports of civilians displaced by fighting (see Section 2.d.).

Landmines placed by government and rebel forces continued to cause civilian deaths and injuries. There were no reports that any parties to the conflict laid mines during the year; however, in December, approximately four persons were killed per day in the southern provinces of Makamba, Bubanza, and Bururi, according to press reports.

During the year, soldiers and rebels systematically raped women and girls, and the number of rapes increased compared with that of the previous year, according to U.N. and NGO information. An NGO reported that 91 cases of rape were registered in Ruyigi from April to November, 60 cases in Muramvya from June to November, and 86 cases in Bujumbura from January to August. The NGO attributed

the increase in rape to the conflict. In addition, League Iteka reported that from January to September, 20 women and young girls were raped in Rumonge, in Bururi Province. There were numerous clashes between the FAB and the CNDD–FDD in these regions during these periods, but it was not known who was responsible for the rapes committed.

Rebels killed, beat, kidnapped, and stole from civilians, and raped women (see Section 1.b.). On occasion, Hutu rebels deliberately targeted Tutsi citizens.

In January, during FAB operations in Ruyigi Province, unidentified assailants reportedly raped several women following fighting between the FAB and CNDD–FDD members. Two women reportedly died after being raped in these incidents. By year's end, no action had been taken against those responsible.

Rebel forces often killed civilians who refused to comply with extortion. There were numerous reports that rebel forces regularly ambushed minibuses on national highways, and robbed and killed the occupants. U.N. security officials reported numerous other ambushes during the year.

Between April 17 and 19, CNDD–FDD rebels shot and killed 9 civilians and injured 41 in Bujumbura.

Between July 7 and 12, the FNL launched sustained attacks on Bujumbura. An international newspaper reported that child soldiers as young as 9 or 10 participated (see Section 5). The attacks resulted in several dozen civilian deaths. Following the attack, there were reports that the FAB killed seven civilians; however, the FAB claimed it killed seven rebels.

In July, foreign officials visited a reported mass grave in Kinanira, a southern suburb of Bujumbura. There was no visible evidence of human remains. Local observers reported that rebels had killed 17 civilians and had thrown them into the grave. Local radio reported the alleged killings on July 11.

On August 24, FNL rebels killed 13 civilians, mainly women and children, in Rusabagi, South Kivu Province, in the DRC. There were no reports that rebel forces prosecuted or punished members of their groups who were responsible for abuses.

On September 10, an unidentified armed group reportedly killed 17 civilians following the ambush of a bus in Mabayi Commune in the Cibitoke Province. Security forces claimed the killings were committed by rebels active in the area; however, armed gangs had reportedly committed similar killings in the area.

During the year, security forces restricted access by humanitarian organizations to certain areas; although authorities said insecurity in those areas made delivery of aid impossible, commercial traffic was sometimes not restricted, particularly in the eastern provinces. For example, from mid-January until late February, military authorities prevented humanitarian agencies from delivering assistance to persons deemed by the U.N. to be at risk in the Meso area of Ruyigi Province. Authorities said insecurity in the area made delivery impossible; however, according to HRW and other NGOs, authorities appeared to be withholding aid from civilians to punish those whom the FAB believed had supported CNDD–FDD rebels, or to prevent civilians from diverting aid to the rebels.

Security forces and rebel groups used or recruited children during the year (see Section 5).

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Transitional Constitution provides for freedom of speech and of the press, despite a law requiring journalists to submit articles for government approval prior to publication; however, the Transitional Government restricted these rights in practice. The Transitional Government harassed and detained journalists. The Transitional Government and security forces frequently prevented journalists from going to rural areas where crimes occurred, making it difficult to gather information about perpetrators or victims. According to Reporters Without Borders, journalists practiced self-censorship.

The Government restricted freedom of speech. For example, on January 21, Charles Mukasi, leader of the pro-Tutsi UPRONA political party, was arrested for criticizing the December 2002 cease-fire agreement between the Transitional Government and the CNDD–FDD. He was released unharmed on March 17. However, in both May and June, police arrested Mukasi again, along with three collaborators, after he wrote on his party's website that the Transitional Government under President Ndayizeye was a "puppet government." The four men were released in June.

On July 9, MSP-Inkizo political party leader Alphonse Rugambarara was arrested for advocating that the Transitional Government consider peace negotiations with the FNL. He was released unharmed on July 16.

The Transitional Government controlled the major media. The Transitional Government owned the only regularly published newspaper, the country's only television station, and two radio stations, and exercised strong editorial control. The

government-owned newspaper *Le Renouveau* was published three times a week. Political tracts circulated by independent sources, and two private faxed news sheets, *Azania* and *NetPress*, were published regularly and represented primarily Tutsi perspectives. There were seven privately owned radio stations, including Radio Isanganiro, Bonesha FM, and African Public Radio (RPA).

Radio remained the most important medium of public information. The government-owned radio broadcast in Kirundi, French, and KiSwahili, and offered limited English programming. The private radio stations broadcast in French, Kirundi, and KiSwahili, and some stations received funding from international donors. Listeners could receive transmissions of foreign news organizations. Citizens were allowed to work and report for foreign news organizations.

On February 15, unidentified assailants fired shots at the home of Alexis Sinduhije, the director of private radio station African Public Radio (RPA), and killed his night watchman; Sinduhije believed it was an attempt on his life, in an effort to silence his investigation into the 2001 killing of World Health Organization representative Kassi Manlan.

Unlike in the previous year, there were no reports that security forces beat journalists.

Security forces harassed and intimidated journalists during the year and arrested at least one journalist. For example, on July 5, Jean Claude Kavumagubu of the *Net Press* news sheet was arrested for hosting a banned link on his publication's website. He was released on July 10.

No action was taken against security forces who beat journalist Aloys Niyoyita in March 2002.

The Transitional Government continued to restrict, through direct and indirect means, reporting on the country's internal conflict and continued to threaten independent radio stations with closure if they broadcast reports that contradicted government accounts. On March 4, President Buyoya summoned the editors of the country's private radio stations and ordered them to stop broadcasting and indirectly quoting statements made by leaders and spokespersons of rebel groups that had not signed a cease-fire agreement with the Transitional Government. HRW reported that in July, Minister of Communication Albert Mbonerane prohibited the public and private media from publishing the number of persons killed or injured in a rebel attack on Bujumbura; a few days later, he and the Minister of Defense prohibited the press from reporting any information on the extent of army losses. According to the British Broadcasting Corporation, as a result of government pressure, journalists practiced self-censorship.

Unlike in the previous year, there were no reports that the Transitional Government banned newspapers.

A press law requires that newspaper articles undergo review by a government censor 4 days before publication; journalists viewed the law as a form of intimidation.

The Transitional Government suspended the broadcasting rights of radio stations that reported opinions about the April 30 transfer of the Presidency, which were deemed harmful to national security; aired interviews with rebel leaders; or reported on other sensitive matters. For example, on September 13, the Transitional Government imposed an indefinite suspension on Radio Isanganiro for broadcasting an interview with a spokesman of the FNL. The Government accused the station of "endangering national unity." Following protests by other privately owned stations and newspapers, the suspension was lifted on September 20.

On September 16, the Transitional Government closed RPA after the station aired an interview with a rebel spokesperson and reactions to the closure of Radio Isanganiro. The Government accused the station of "vilifying the Government and disseminating propaganda of the country's enemy." The ban was lifted on September 19 and the station began broadcasting again on September 20.

Unlike in the previous year, there were no reports that the Transitional Government jammed the transmissions of privately owned radio stations.

The Transitional Government did not limit academic freedom. Unlike in previous years, there were no reports of tensions between Hutu and Tutsi students.

According to Reporters Without Borders, the Transitional Government continued to closely monitor certain websites and enforce an August 2002 ban prohibiting websites from posting material from opposition political groups that "incite hatred and violence." In July, the Transitional Government censored the *Net Press* news sheet by forcing it to remove a banned link from its website, after arresting a member of its staff.

Unlike in the previous year, there were no reports that journalists were killed during fighting between government forces and rebels.

b. Freedom of Peaceful Assembly and Association.—The Transitional Constitution provides for freedom of assembly; however, the Transitional Government at times restricted this right in practice. The law requires permits for public meetings and demonstrations, and applications were sometimes denied to groups, including those that criticized or opposed the Transitional Government. There were fewer reports that such applications were denied during the year.

In March, communal authorities in Makamba Province denied a women's group permission to stage a protest march against domestic violence. During the year, PA Amaskanya, the private militia of politician Diomede Rutamucero, was denied permission to demonstrate on several occasions.

Security forces also broke up meetings and demonstrations during the year; however, unlike in the previous year, there were no reports that security forces killed demonstrators. On January 18, security forces broke up a meeting of the UPRONA party wing that opposed the Arusha reconciliation process.

No action was taken against security forces responsible for using excessive force during demonstrations and marches in 2002 and 2001.

Unlike in the previous year, police did not arrest demonstrators.

The Transitional Constitution provides for freedom of association; however, the Transitional Government restricted this right in practice and arrested members of organizations and political parties (see Sections 1.d. and 2.a.). Registration was required for private organizations and political parties. Private organizations were required to present their articles of association to the Ministry of Interior for approval; however, the Transitional Government routinely failed to complete the approval process for private organizations whose purposes the Transitional Government opposed. The Transitional Constitution permits political parties to operate; however, the Transitional Government placed restrictions on groups that criticized its policies. For example, it did not allow groups to advocate negotiations with the FNL rebel group. On May 7, the Transitional Government lifted a 6-month-old ban on all activities by the Party for National Recovery (PARENA).

c. Freedom of Religion.—The Transitional Constitution provides for freedom of religion, and the Transitional Government generally respected this right in practice.

The Transitional Government required religious groups to register with the Ministry of Internal Affairs, which kept track of their leadership and activities. The Government required religious groups to maintain a headquarters in the country.

In January, the FAB killed a church leader suspected of collaborating with rebels (see Section 1.g.).

On December 29, unidentified armed assailants in Minago, Bururi Province, shot at the vehicle in which Monsignor Michael Courtney, the Papal Nuncio in the country, was traveling. Courtney was shot three times and died shortly afterwards. It was not clear whether he was the victim of a targeted attack. Shortly after the killing, Archbishop Simon Ntamwana accused the FNL of killing Courtney. An FNL spokesperson denied that the group was responsible for the killing, threatened Ntamwana, and ordered him to leave the country within 30 days.

There were no developments in the August 2002 killing of parish priest Peter Tondo.

For a more detailed discussion, see the 2003 International Religious Freedom Report.

d. Freedom of Movement within the Country, Foreign Travel, Immigration, and Repatriation.—The Transitional Constitution provides for these rights; however, the Transitional Government restricted them in practice. The Transitional Government imposed a curfew in parts of the country. During fighting between the FAB and rebel forces, local populations were routinely displaced and their movements were restricted by checkpoints established by the FAB, violence, and the threat of violence, including from the FAB. Citing insecurity, security forces sometimes restricted humanitarian relief agencies' access to local populations. For example, on April 25, the international medical NGO Doctors Without Borders (MSF) suspended operations after government health authorities prevented its team from gaining access to medical supplies.

The majority of citizens could travel legally in and out of the country. Travel within the country was possible but often hazardous in areas of rebel activity, particularly in parts of Bujumbura Rural, Bururi, Rutana, Ruyigi, and Makamba Provinces.

On November 12, the mayor of Bujumbura banned bicycle taxis entering the city center as a security measure to prevent rebel infiltration of the city following mortar attacks by FNL rebels. The ban primarily affected persons, particularly poor peasant farmers, who could not afford public transportation. The ban did not affect those using bicycles for other purposes. The ban remained in effect at year's end.

Civilians were displaced as a result of frequent fighting between government forces and rebel groups. During January, in Ruyigi Province, an estimated 47,000 civilians were displaced during fighting between government forces and CNDD-FDD rebels. In April, up to 80,000 persons were displaced following attacks by the CNDD-FDD in Bujumbura Rural Province. In addition, in September, 2 weeks of fighting between rival rebel forces resulted in the displacement of approximately 47,500 civilians around Mubimbi Commune, in Bujumbura Rural Province; and in Mpanda Commune, in Bubanza Province. Throughout the year, security forces restricted the movement of the country's approximately 400,000 internally displaced persons (IDPs) and humanitarian relief agencies. Timely relief was sometimes denied to populations in need (see Section 1.g.). The Government cited insecurity as grounds for denying human rights observers access to some areas of the country (see Section 4).

According to the U.N. High Commissioner for Refugees (UNHCR), between 300,000 to 400,000 IDPs lived in more than 200 sites by year's end. The majority were Tutsis who were displaced in 1993 because of violence and never returned home. Soldiers provided a measure of protection to camp inhabitants; however, security forces prevented access by international humanitarian aid agencies to some of the IDPs in remote sections of Bujumbura Rural and Ruyigi Provinces during periods of instability. There were reports that camp inhabitants sometimes were required to perform labor for the soldiers without compensation (see Section 5).

There were approximately 280,000 IDPs, the vast majority of whom lived with friends or families outside displacement sites, beyond the reach of humanitarian relief programs. Security forces reportedly killed some persons who remained outside the sites on suspicion of collaborating with the rebels. Hutu rebels also reportedly killed IDPs for allegedly collaborating with government authorities (see Section 1.g.). For example, in February, CNDD-FDD rebels reportedly attacked an IDP camp in Muhuza, in central Gitega Province, killing several civilians.

The law does not provide for the granting of refugee status or asylum to persons who meet the definition of the 1951 U.N. Convention Relating to the Status of Refugees or its 1967 Protocol. However, there was a special ad hoc administrative body in the Transitional Government that coordinated refugees. In practice, the Government generally provided protection against refoulement and granted asylum status. The Government cooperated with the UNHCR and other humanitarian organizations assisting refugees. During the year, approximately 39,000 refugees were residing in the country, including 27,000 citizens of the DRC, of whom 3,800 were registered with the UNHCR, and 1,000 Rwandan refugees.

According to the U.N., more than 324,000 Burundian refugees, most of them Hutus, remained in UNHCR camps in Tanzania. The total number of Burundian refugees living throughout Tanzania at year's end was estimated to be 800,000. Approximately 170,000 "old caseload" refugees, many of whom fled as early as 1972 or following the October 1993 assassination of former president Ndadaye, were residing in Tanzania and were not assisted by the UNHCR. An additional 23,000 refugees, most of them Hutus, resided in Angola, Cameroon, the DRC, the Republic of the Congo, Kenya, Malawi, Rwanda, and Zambia. By year's end, approximately 100,000 Burundian refugees had registered to repatriate from Tanzania; the UNHCR had facilitated 35,699 voluntary repatriations, and there were 44,964 known spontaneous repatriations.

During the year, the Transitional Government provided protection to certain individuals who did not fit the definition of the 1951 U.N. Convention Related to the Status of Refugees or its 1967 Protocol.

Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government

Citizens do not have the right to change their government. The Transition Constitution, which established executive, legislative, and judicial government branches, makes no specific provision for elections; however, the Arusha Accord obliges the Transitional Government to hold communal and legislative elections in time for a newly elected National Assembly to select the post-transitional president before November 1, 2004. Under the Arusha Accord, all future presidents are required to be elected by direct ballot.

Following a 1996 coup, the Buyoya military regime suspended the 1992 Constitution and 1994 Convention of Government, dissolved the National Assembly, and banned political parties. Approximately 3 weeks after the coup, President Buyoya announced the restoration of the National Assembly and political parties with certain restrictions. In 1998, multiparty peace talks to end the civil conflict began. In 2000, the Arusha Peace and Reconciliation Accord, which provided for a 3-year transitional period, was signed and ratified by the National Assembly. On November 1,

2001, the transition period began, and President Buyoya was sworn in as president, and Domitien Ndayizeye, then secretary general of FRODEBU, was sworn in as vice president.

On April 30, President Ndayizeye succeeded former President Buyoya to begin the second half of a 3-year transitional government in accordance with the peace agreement; the 10 predominantly Tutsi parties selected Alphonse Kadege as Vice President. The Vice President and 14 of the 26 cabinet ministers were members of the 7 predominantly Hutu parties. The cabinet also included 12 Tutsis, including the Ministers of Defense and Foreign Affairs.

The Arusha Accord, the Transitional Constitution, and the agreements between the Transitional Government and the CNDD–FDD comprise a formula for the restoration of democracy. Majority rule is to be accomplished through communal and legislative elections, and the protection of minority rights is to be reflected in a senate and armed forces that have a higher percentage of Tutsis than the population at large.

A portion of the Transitional Government's revenues and expenditures remained off-budget, allowing the Transitional Government to use monies collected from taxes on things such as beer, gas, and to fund military expenditure. This practice contributed to the problem of corruption.

The Transitional Constitution stipulated that the National Assembly shall consist of 186 parliamentarians: Those elected in 1993 who sat in the previous National Assembly (or substitutes from the same political party, if some of the original parliamentarians had died), and 40 additional members. Members of the Tutsi community filled 22 of the 40 new seats.

There were 22 recognized political parties by year's end. UPRONA and FRODEBU were the largest political parties and, in coalition, controlled most transitional government positions. Political parties operated under significant constraints. Police often prevented or disrupted political demonstrations and arrested opposition politicians (see Sections 1.d. and 2.b.).

On April 16, the Transitional Government voted into law measures against genocide, crimes against humanity, and war crimes; it was promulgated on May 8.

At year's end, the National Assembly continued to refuse the demands of human rights groups calling for the repeal of a provisional immunity law that the Assembly approved on August 27. The law grants provisional immunity to political leaders who return from exile to take part in the transitional government institutions. The law covers "crimes with a political aim" committed from July 1, 1962, to the date of the law's promulgation.

There were no laws that restricted the participation of women in the political process. There were 17 women in the 186-seat National Assembly and 9 women in the 54-seat Senate. Of the 26 cabinet seats, women held 4 portfolios: Social Affairs; Reintegration of Refugees; Development, Planning and Reconstruction; and HIV/AIDS. Two of the nine members of the Supreme Court were women, as were three of the seven Constitutional Court members, including its president.

There were no laws that restricted the participation of minorities in the political process. Approximately 1 percent of the population was Twa; although there were no Twa in the Cabinet, one Twa was appointed to the National Assembly, and three were members of the Senate.

Section 4. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A number of local and international NGOs, including human rights groups, generally operated without government restrictions; however, the Government cited insecurity in rural areas in denying journalists, international relief workers, and human rights observers access to some areas of the country (see Sections 1.g. and 2.d.). Government officials, although limited by capacity and resources, cooperated with these groups by providing access to information and other resources.

Domestic human rights groups received varying degrees of cooperation from government ministries; the ministries provided them at times with information and facilitated visits to areas of interest. While well-established groups with international linkages and a presence in Bujumbura had a measure of protection from government harassment, indigenous NGOs in the countryside were more susceptible to government pressure. In addition, government security services—even if willing—were unlikely to be able to protect NGO members from private reprisals. Although the Transitional Government did not directly take action based on local NGO recommendations, local NGOs continued to engage in advocacy. The most prominent local human rights group, League Iteka, continued to operate and publish a newsletter.

The FAB frequently denied human rights observers access to areas where it was accused of committing human rights violations. Human rights NGOs frequently were unable to investigate reports of killings because of these restrictions, which they said were arbitrary. Many areas of the country, particularly near Bujumbura and the borders with the DRC and Tanzania, remained off limits for humanitarian operations.

The U.N. Special Rapporteur for Human Rights visited the country from May 11 through 19 and made a report to the U.N. General Assembly outlining specific recommendations to the rebel groups, the Transitional Government, and the international community. The report called on rebel groups to cease hostilities, and it called for rebel groups and the Transitional Government to respect human rights. The office of the U.N. High Commissioner for Human Rights maintained a three-person observer team in the country.

The Arusha Accord committed the Transitional Government to ask the U.N. to establish an International Judicial Commission of Inquiry, and an international tribunal if the commission of inquiry deemed it warranted. In July 2002, President Buyoya asked the U.N. to establish the commission of inquiry; however, the U.N. made no decision by year's end. The Arusha Accord also called for the establishment of a National Truth and Reconciliation Commission (NTRC) to investigate other crimes; however, by year's end, legislation establishing an NTRC had not been passed.

Section 5. Discrimination Based on Race, Sex, Disability, Language, or Social Status

The Transitional Constitution provides equal status and protection for all citizens, without distinction based on sex, origin, ethnicity, or opinion; however, the Transitional Government failed to implement effectively these provisions, and discrimination persisted. The Tutsi-dominated FAB discriminated against Hutu members by denying them promotion into the officer corps. Discrimination against persons with disabilities was a problem; this was due in part to a lack of government resources to ensure access to buildings and services. There was no overt discrimination against persons with HIV/AIDS.

Women.—Domestic violence against women was common; however, no credible statistics were available. Wives had the right to charge their husbands with physical abuse, but rarely did so. Police normally did not intervene in domestic disputes, and the media rarely reported incidents of violence against women. The law does not specifically prohibit domestic violence; however, persons accused of domestic violence could be tried under assault provisions of the law. No known court cases have dealt with the abuse of women. The Transitional Government rarely investigated such cases. According to League Iteka, women have been beaten by their husbands, forced out of their homes, denied basic food necessities, and denied freedom of movement.

The law prohibits rape, which is punishable by up to 20 years' imprisonment. The FAB and rebel forces raped women during the year (see Section 1.g.). According to AI, domestic rape (outside the context of the conflict) was common, including rape of young girls, committed with the belief that it would prevent or cure HIV/AIDS. According to an NGO, this belief may explain why the majority of rapes committed during the year involved victims younger than 18 years old, and in one case, involved a 2-year-old girl. However, information on rape has only recently begun to be recorded. Few cases of rape were reported to the authorities, and many rape victims did not receive medical care due to the intimidation caused by certain cultural attitudes. Men have often abandoned their wives following the abuse, and women and girls were ostracized. In some instances, police and magistrates have reportedly ridiculed and humiliated women who have alleged that they were raped; according to AI, in one case, a victim was instructed to deliver a judicial summons to her alleged rapist. According to an NGO, those who have sought judicial redress faced the weaknesses of the judicial system, including some judges who did not regard rape as a serious crime, and a lack of medical facilities for gathering important medical evidence. In the limited number of cases that have been investigated, successful prosecutions of rapists were rare.

Civil society and religious communities have attacked the stigma of rape to help victims be reintegrated into families that reject them. Domestic human rights groups League Iteka and APRODH continued to encourage women to press charges and seek medical care, and international NGOs have increasingly provided free medical care in certain areas. The Transitional Government has also raised awareness of the problem's extent through seminars and local initiatives on the kinds of medical care available.

The law prohibits prostitution; however, it was a problem. There were reports that soldiers and rebels sexually exploited women and young girls residing near

military installations and rebel camps. According to the Women's Commission for Refugee Women and Children, the ongoing conflict has forced many women into prostitution to feed their children. Increased prostitution has contributed to the growing incidence of HIV/AIDS.

Women faced legal and societal discrimination. Discriminatory inheritance laws, marital property laws, and credit practices continued. By law, women must receive the same pay as men for the same work, but in practice they did not. Women were far less likely to hold mid-level or high-level positions. In rural areas, women performed most of the farm work, married and had children at early ages, and had fewer opportunities for education than men.

Several local groups worked in support of women's rights, including the Collective of Women's Organizations and NGOs of Burundi, and Women United for Development.

Children.—The law provides for children's health and welfare, but the Transitional Government could not satisfy adequately the needs of children, particularly the large population of children orphaned by violence since 1993 and by HIV/AIDS.

According to the Ministry of Education, the maximum age up to which public schooling was provided was 22. Schooling was compulsory up to age 12; however, in practice this was not enforced. The Transitional Government provided primary school at nominal cost, but it was increasingly unaffordable due to the declining economy brought about by the continuing conflict. The U.N. International Children's Fund (UNICEF) reported that the net primary school enrollment/attendance rate for children was 49 percent, with 44 percent of girls enrolled/attending and 49 percent of boys. Sixth grade is the highest level of education attained by most children, and less than 10 percent of children of secondary school age attended school.

Female illiteracy was a problem. Approximately 40 percent of women were literate compared with 56 percent of men.

An estimated 550,000 children of school age did not attend school for many reasons, including an inability by their families to afford school fees and materials, frequent displacement due to civil war, ill health, and the deaths of their parents as a result of HIV/AIDS, which left children orphaned, homeless, or both. More than 25 percent of primary schools have been destroyed in the war, and many teachers have been killed. On February 20, CNDD–FDD rebels reportedly burned down the Gahabura primary school in Cibitoke Province and used students' desks and chairs for firewood. Teacher training has been interrupted, and it was difficult to find qualified teachers to work in the provinces most affected by fighting.

Under the law, the country's minimum age for military recruitment is 16, although the Transitional Government has stated that no one under 18 was recruited. However, according to UNICEF, approximately 14,000 children had carried, since 1993, or were still carrying arms in the ranks of government forces or armed opposition groups. During the year, there continued to be reports that security forces, including the FAB, and rebel groups recruited, pressured, and employed child soldiers. Local NGOs reported that an estimated 4,500 children were serving as soldiers in the FAB, 2,000 in the Guardians of Peace, and 3,500 serving rebel groups.

On October 31, U.N. Secretary General Kofi Annan reported that both security forces and rebel groups continued to recruit or use children. Most of the children serving in the army were not in combat units, although some were, according to the head of the army's demobilization program. There were also reports that soldiers guarding refugee camps and military bases forced children to perform labor. HRW reported that security forces routinely enlisted children as young as 12 years old as "doriya," or "ear agents," to work for the Transitional Government as intelligence gatherers, looters, lookouts, scouts, and porters.

HRW reported that the Guardians of the Peace recruited and armed children to provide a quasi-police presence in public places such as markets; some of these children reportedly were sent to the frontlines.

Children voluntarily attached themselves to military units. Most of these children were orphans or IDPs who had no independent means of survival. Some observers believed the FAB allowed these children to perform menial tasks such as cooking in army encampments. Some children joined the military voluntarily by using fraudulent documents such as birth certificates.

According to the Coalition to Stop the Use of Child Soldiers, there continued to be reports that a CNDD–FDD faction with bases in eastern DRC forcibly recruited children to be combatants, looters, porters, and laborers; some of the children were as young as 8 years old. There were also reports of rebel forces that abducted primary school-age children and teachers for forced labor, both as combatants and as camp followers or servants. These reported abductions occurred in the provinces of Makamba, Gitega, Muyinga, and Ruyigi.

In July, several girls and boys aged 10 to 14 years old fought as soldiers in an FNL attack on Gitoke, a neighborhood in Bujumbura, according to AI. At the conclusion of the battle, residents found the bodies of between 10 and 20 children among the dead.

The Transitional Government worked to demobilize and protect children serving in the armed forces and rebel groups during the year. For example, in March, the Transitional Government established a Permanent Committee for the Execution of Demobilization and Reintegration of Child Soldiers to accommodate and demobilize children in the service of rebel groups and the army. The government demobilization program was formally launched in October; however, at year's end, no child soldiers had formally been demobilized under the government program. By year's end, the program had begun verifying lists of child soldiers and had identified partner NGOs and church groups to sensitize communities and ensure that children would be rehabilitated. UNICEF described the Transitional Government as "very cooperative" on working to eliminate the use of children in or around military or rebel camps.

Child labor was a problem (see Section 6.d.).

According to UNICEF, HIV/AIDS infection rates in girls aged 15 to 19 were four times greater than in boys of the same age. The ongoing conflict and increasing prevalence of HIV/AIDS has increased the number of orphans, which has resulted in an increase in the number of street children. There were an estimated 230,000 children orphaned by HIV/AIDS in the country.

Persons with Disabilities.—The Government has not enacted legislation or otherwise mandated access to buildings or government services for persons with disabilities. There were few job opportunities for persons with physical disabilities.

Indigenous People.—The Twa (Pygmies), who were believed to be the country's earliest inhabitants, comprised approximately 1 percent of the population and generally remained marginalized economically, socially, and politically (see Section 3). Most Twa lived in isolation, without formal education, and without access to government services, including health care and the judicial system. A Refugees International report released during the year noted that the popular perception of the Twa as barbaric, savage, and subhuman had seemingly legitimized their exclusion from mainstream society.

National/Racial/Ethnic Minorities.—The principal national problems continued to be ethnic conflict between the majority Hutus and the minority Tutsis and the regional inequities between southern Bururi Province and much of the rest of the country. Almost 4 decades of violence and systematic societal discrimination have exacerbated tensions between Tutsis and Hutus. Tutsis claimed to have been the targets of genocide carried out in 1993 by Hutus angered by the assassination of democratically elected Hutu president Ndadaye. The Tutsis, particularly southern Tutsis from Bururi, historically have held power, dominated the economy, and controlled the security forces.

State discrimination against Hutus, who constituted an estimated 85 percent of the population, affected every facet of society, but most strikingly in higher education and certain branches of the Government, such as the armed services and the judicial system. Northern and eastern Tutsis also had a more difficult time acceding to positions of power.

Section 6. Worker Rights

a. The Right of Association.—The Labor Code protects the right of workers to form and join unions; however, the army, gendarmerie, and foreigners working in the public sector were prohibited from union participation. The Ministry of Labor does not have the authority to refuse the registration of a new union.

According to the International Confederation of Free Trade Unions (ICFTU), less than 10 percent of the formal private sector workforce was unionized, and only 50 percent of the public sector was unionized. However, most citizens worked in the unregulated informal economy, in which unrecognized workers have little or no legal protection of their labor rights.

Tutsis continued to dominate the formal economy and unions; however, Hutus became more involved in the formal economy and unions during the year.

Individual unions received funding from the labor confederations; the confederations were funded by voluntary salary deductions of 0.5 percent. The Confederation of Burundi Labor Unions (COSYBU) represented 17 of 18 unions; the Confederation of Free Unions in Burundi (CSB) represented 1 union. The Labor Code permits the formation of new confederations. When settling disputes in which more than one labor union was represented, the law stipulates that the Minister of Labor must choose the union representing the greatest number of workers to participate

in the negotiations; unlike in the previous year, the Transitional Government generally respected this provision.

The Government has interfered in the COSYBU's selection process by refusing to recognize union leaders selected by members in union congresses. Unlike in the previous year, the Transitional Government permitted a representative of the COSYBU to deliver a May 1 workers' day address during official celebrations.

The Labor Code prohibits employers from firing or otherwise discriminating against a worker because of union affiliation or activity, and the Transitional Government generally respected this right in practice. In cases where employers dismiss employees because of their union affiliation, the Ministry of Labor can order an employee reinstated; if the employer fails to comply, the Ministry refers the case to the Labor Court, which makes a determination of the severance pay and indemnification that the employer must pay.

Unions were permitted to affiliate with international organizations. The International Labor Organization (ILO) has cited the government for several violations of the ILO Convention 87 on freedom of association. The Committee of Experts expressed specific concern about the denial of trade union rights for public servants and juveniles; the election of trade union leaders; and the rights of unions to organize, administer activities, and defend the interests of their members.

b. The Right to Organize and Bargain Collectively.—The Labor Code recognizes the right to collective bargaining; however, wages are excluded from the scope of collective bargaining in the public sector. Since most workers were civil servants, government entities were involved in almost every phase of labor negotiations. Both COSYBU and CSB represented labor in collective bargaining negotiations in cooperation with individual labor unions.

The Labor Court can pass down binding rulings on labor disputes. The Labor Council arbitrates labor disputes. Only if arbitration fails in the Labor Council will the Labor Court pass judgment on a labor dispute. All labor disputes could be settled by arbitration within the Labor Council. The Council represented government, labor, and management, and was presided over and regulated by the Minister of Labor. The Labor Code provides workers with a conditional right to strike. All other peaceful means of resolution must be exhausted prior to the strike action; negotiations must continue during the action, mediated by a mutually agreed upon party or by the Government; and 6 days' notice must be given. The Ministry of Labor must determine if strike conditions have been met. The Labor Code prohibits retribution against workers participating in a legal strike, and unlike in the previous year, there were no reports of retribution against striking workers.

In March and April, teachers went on strike to collect promised wage and benefit increases, and they received them. From March to May, non-teaching staff at Burundi University struck for wage and benefit increases commensurate with those won by teachers. The strike was settled by arbitration.

In August, civil and criminal court judges and state prosecutors began a strike seeking independence of the judiciary, wage increases, and better working conditions. On September 24, the Minister of Justice declared the strike illegal and proclaimed that magistrates did not have the right to form a union; the strike ended on October 19.

There are no export processing zones.

c. Prohibition of Forced or Bonded Labor.—The law prohibits forced or bonded labor, including by children; however, there were reports that it occurred (see Sections 5 and 6.f.). There were reports that security forces continued to use persons, including children, to perform menial tasks without compensation, and the use of child soldiers remained a problem (see Section 5).

Rebel groups forced rural populations to perform uncompensated labor such as the transport of supplies and weapons. Rebels also recruited children for labor (see Section 5).

d. Status of Child Labor Practices and Minimum Age for Employment.—The Labor Code states that children under the age of 16 cannot be employed by "an enterprise," except for the types of labor the Ministry of Labor determines to be acceptable, which includes light work or apprenticeships that do not damage their health, interfere with normal development, or prejudice their schooling; however, child labor remained a problem. Children under the age of 16 in rural areas regularly performed heavy manual labor in the daytime during the school year. According to the ICFTU, the vast majority of children in the country worked during the year.

Children were prohibited legally from working at night, although many did so in the informal sector. Most of the population lived by subsistence agriculture, and children were obliged by custom and economic necessity to participate in subsistence

agriculture, family-based enterprises, and the informal sector. Child labor also existed in the mining and brick-making industries. The use of child soldiers and child prostitution continued to be problems (see Sections 5 and 6.f.).

The country ratified ILO Convention 182 on the worst forms of child labor in 2001.

The Transitional Government enforced labor laws only when a complaint was filed; there were no reports of complaints filed during the year.

e. Acceptable Conditions of Work.—The legal minimum wage for unskilled workers remained at \$0.15 (160 francs) per day in the cities of Bujumbura and Gitega, and \$0.10 (105 francs) everywhere else. These amounts did not provide a decent standard of living for a worker and family, and most families relied on second incomes and subsistence agriculture to supplement their earnings. Unionized employees, particularly in urban areas, generally earned significantly more than the minimum wage. Public sector wage scales were set by agreement between the Government and either the CSB or COSYBU; however, an individual employee's position on the wage scale was determined by individual negotiation between the employer and the employee. The government wage scale has remained unchanged since 1992, but allowances, such as the one for housing, have increased.

The Labor Code stipulates an 8-hour workday and a 45-hour workweek, except where workers were involved in activities related to national security. Supplements must be paid for overtime. Alternative work schedules were negotiable.

The Labor Code establishes health and safety standards that require safe workplaces. Enforcement responsibility rests with the Minister of Labor, who was responsible for acting upon complaints; there were no reports of complaints filed with the Ministry during the year. Health and safety articles in the Labor Code did not directly address workers' rights to remove themselves from dangerous tasks.

Foreign workers, including undocumented workers, are protected by law and were not subject to discrimination; however, they were prohibited from union participation.

f. Trafficking in Persons.—The law does not specifically prohibit trafficking in persons, and there were reports of trafficking. Traffickers could be prosecuted under existing laws against assault, kidnapping, rape, prostitution, and fraud. The Transitional Government had not investigated or prosecuted any cases of trafficking.

There was a lack of reliable and comprehensive data on trafficking during the year. However, according to a June interview conducted by HRW in Bujumbura, Guardians of the Peace were forced into military trucks and taken away to participate in military operations. In addition, according to the Coalition to Stop the Use of Child Soldiers, CNDD–FDD rebels abducted children from refugee camps and schools in Tanzania and subsequently trafficked them across the Tanzania border into the country; the CNDD–FDD also reportedly trafficked children to bases in the DRC to be trained for combat and to rest after combat operations. According to AI, these children were forced to carry supplies, fetch water, cook, march in front of troop columns, and serve as combatants.

In addition, the trafficking of child soldiers by both the CNDD–FDD and the FNL within the country was a problem. The Transitional Government has acknowledged the need to address this practice.

The Ministry of Reinsertion, Repatriation, and Reintegration and the Ministry of Institutional Reform, Human Rights, and Parliamentary Relations were responsible for combating trafficking. The Transitional Government supported public awareness campaigns and programs to prevent trafficking, and by year's end, it had instituted a program for the demobilization of child soldiers (see Section 5).

CAMEROON

Cameroon is a republic dominated by a strong presidency. Despite the country's multiparty system of government, the Cameroon People's Democratic Movement (CPDM) has remained in power since the early years of independence. In 1997, CPDM leader Paul Biya won re-election as President in a vote boycotted by the three main opposition parties. Marred by a wide range of procedural flaws, the election was generally considered by observers not to be free and fair. The 2002 legislative and municipal elections, which were dominated by the CPDM, largely reflected the will of the people; however, there were widespread irregularities. The President retains the power to control legislation or to rule by decree and has used his legislative control to change the Constitution and extend the term lengths of the presidency. The Constitution provides for an independent judiciary; however, the judici-

ary was subject to significant executive influence and suffered from corruption and inefficiency.

The national police (DGSN), the National Intelligence Service (DGRE), the Gendarmerie, the Ministry of Territorial Administration, Military Security, the army, the civilian Minister of Defense, the civilian head of police, and, to a lesser extent, the Presidential Guard are responsible for internal security; the DGSN and Gendarmerie have primary responsibility for law enforcement. The Ministry of Defense, including the Gendarmerie, DGSN, and DRGE, are under an office of the Presidency, resulting in strong presidential control of internal security forces. Although civilian authorities maintained effective control of the security forces, there were frequent instances in which elements of the security forces acted independently of government authority. Members of the security forces continued to commit numerous serious human rights abuses.

The majority of the population of 15.5 million resided in rural areas; agriculture accounted for 24 percent of gross domestic product. Gross national product growth has averaged 4 to 5 percent annually with less than 3 percent inflation. However, a rather large parastatal sector, excessive public-sector employment, and the Government's inability to deregulate the economy inhibited private investment and further economic recovery. Widespread corruption within the business sector and the Government also impeded growth. Members of the Beti ethnic group, including the Bulu subgroup, figured prominently in the Government, civil service, and the management of state-owned businesses.

The Government's human rights record remained poor; although there were some improvements in a few areas, serious problems remained. Citizens' ability to change their government remained limited. Security forces committed numerous unlawful killings and were responsible for torture, beatings, and other abuses of persons, particularly detainees and prisoners. Unlike in previous years, security forces were not responsible for disappearances. Impunity remained a problem. Prison conditions remained harsh and life threatening. Security forces continued to arrest and detain arbitrarily various opposition politicians, local human rights monitors, and other citizens, often holding them for prolonged periods without charges or trials, and, at times, incommunicado. The Government regularly infringed on citizens' privacy. The Government continued to impose limits on freedom of speech and press and harassed and threatened journalists. The Government restricted freedom of assembly and association. Security forces limited freedom of movement. Violence and discrimination against women remained serious problems. Discrimination against indigenous Pygmies continued. Societal discrimination based on religion and against ethnic minorities continued. The Government continued to infringe on worker rights and restricted the activities of independent labor organizations. Child labor remained a serious problem. There were reported incidents of slavery and forced labor, including forced child labor. There were reports of trafficking in persons, primarily children, for the purposes of forced labor.

RESPECT FOR HUMAN RIGHTS

Section 1. Respect for the Integrity of the Person, Including Freedom From:

a. Arbitrary or Unlawful Deprivation of Life.—There were no confirmed reports of politically motivated killings; however, the security forces continued to use excessive, lethal force against private citizens and in some instances committed unlawful killings.

There continued to be reports that security forces in the remote North and Far North Provinces committed unlawful killings; however, the number of reported incidents has declined over the past 2 years. During the year, the security situation in the Anglophone provinces appeared to have improved; however, there were occasional unsubstantiated reports that security forces summarily executed suspected criminals. Local human rights groups noted that local authorities, including the special anti-gang units, paid more attention to due process than in previous years.

Prisoners died in custody during the year, due to abuse by security forces, harsh prison conditions, and inadequate medical treatment (see Section 1.c.). In late July, alleged thief Emmanuel Banye died in the custody of Kumbo police in the North West Province. Banye's mother and local human rights organizations claimed Banye's death resulted from police torture (see Section 1.c.). By year's end, there was no investigation, and no action had been taken against the officers responsible for his death.

Police used excessive force during the year. For example, on July 9, a policeman in Douala hit Yeyena Ayouba, a motorcycle taxi driver who was attempting to flee a roadside checkpoint. Ayouba died instantly. Taxi drivers in the area, who began demonstrating in protest, attacked the policeman, badly injuring him. Nearby police

officers fired shots at the crowd, killing Charles Awome, a 23-year-old security agent; Jacobs Funwang; Yanoussa Abdoulaye, an 18-year-old restaurant employee; and Harouna Hamsa, a 27-year-old nightwatchman. An investigation was ongoing at year's end, but no action had been taken against the officers responsible for the deaths.

On July 11, the anti-gang police unit of Kumba shot and killed university student David Nesoe as he tried to escape during a police search for suspects in the 2002 killing of a pregnant woman. By year's end, no action had been taken in the case.

During the year, the Government investigated and prosecuted a few cases of security personnel accused of violating the law. For example, on February 24, the Yaounde Military Tribunal sentenced Barthelemy Angandi to a 25-year prison term for the 2001 death of Eloi Sanda Aba and ordered that \$90,000 (50 million CFA francs) be paid to the victim's family. By year's end, no money had been paid, and an appeal of the sentence was pending.

On August 26, the Yaounde High Instance Court sentenced three Special Operation Group officers to 5 years in prison in the 2000 death of Edouard Lewat; a fourth officer received a 3-month prison sentence. The Court ordered the Government to pay \$9,200 (5,500,000 CFA francs) in damages to Lewat's family.

There were no new developments in the 2002 deaths of Barthelemy Kengne, Aime Martial Mbong, or Southern Cameroons National Council (SCNC) activist Shiyinyuy Georges, all of whom died in police custody, allegedly as a result of injuries inflicted by torture.

There were no new developments in the following 2002 killings by security forces: The January death of Isidore Usabo and the February death of Pierre Kewe.

There were no new developments in the 2001 cases of killings by security forces.

The Operational Command, which was disbanded by the Government in 2001, had functioned outside the authority of other security forces and summarily executed and killed hundreds of persons. No action was taken against members of the Operational Command who committed abuses.

On August 3, three unknown assailants shot and killed Juvenile Mbanzamihigo, a Rwandan Hutu opposition figure and alleged former official of Rwanda's National Revolution and Development Movement living in exile in the country since 1996. There were reports that Rwandan citizens killed Mbanzamihigo as a result of Rwandan political divisions; however, other reports suggested that the killing was criminally motivated. An investigation was underway at year's end.

Although to a lesser extent than in previous years, mob violence and summary justice against those suspected of theft and the practice of witchcraft reportedly continued to result in deaths and serious injuries. For example, on the night of February 21, an angry mob beat to death a thief in the Douala neighborhood of Bonanjo, across the street from the neighborhood police station. On February 24, a crowd in Bonanjo beat and killed a suspected bandit. On the night of July 16, an angry mob beat to death Olivier Kassi, who was suspected of banditry and belonged to a gang that terrorized the inhabitants of the Douala neighborhood of Mboppi. Although gendarmes eventually extricated Kassi from the crowd, he died shortly after arrival at the Gendarmerie.

b. Disappearance.—There were no reports of politically motivated disappearances.

Unlike in the previous year, there were no reports of disappearances of persons in the custody of security forces. Some prior disappearances may be attributed to summary executions by security forces either in Douala or the northern regions (see Section 1.a.); in these instances, bodies rarely were found, but the suspects were presumed dead.

There were no new developments in the following cases: The March 2002 disappearance of nine youths detained in the Bafoussam Gendarmerie brigade; the appeal of the acquittal of six army officers charged with the execution of nine youths in Bépanda; and the January 2001 kidnapping of Hortense Toukam.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—

The law prohibits such practices; however, there were credible reports that security forces continued to torture, beat, and otherwise abuse prisoners and detainees. In the majority of cases of torture or abuse, the Government rarely investigated or punished any of the officials involved. There were reports that security forces detained persons at specific sites where they tortured and beat detainees (see Sections 1.a. and 1.d.). Security forces also reportedly subjected women, children, and elderly persons to abuse. Numerous international human rights organizations and some prison personnel reported that torture was widespread; however, most reports did not identify the victim because of fear of government retaliation against either the victim or the victim's family. Most victims did not report torture for fear of government reprisal, or because of ignorance and lack of confidence.

In New Bell and other non-maximum security penal detention centers, prison guards inflicted beatings, and prisoners were reportedly chained or at times flogged in their cells. Authorities often administered beatings in temporary holding cells within a police or gendarmerie facility. Two forms of physical abuse commonly reported by male detainees were the “bastonnade,” where authorities beat the victim on the soles of the feet, and the “balancoire,” during which authorities hung the victim from a rod with his hands tied behind his back and beat him, often on the genitals. There were reports that some nonviolent political activists have experienced this abuse during brief detentions that followed participation in opposition party activities.

Security forces continued to subject prisoners and detainees to degrading treatment, including stripping, confinement in severely overcrowded cells, and denial of access to toilets or other sanitation facilities. Police and gendarmes often beat detainees to extract confessions or information on alleged criminals. Pretrial detainees were sometimes required, under threat of abuse, to pay “cell fees,” a bribe paid to prison guards to prevent further abuse.

In April 2002, Bamenda police arrested Ousman Haman, a member of the M'Bororo ethnic group in the North West Province, after Haman and three other youths raided the ranch of a prominent businessman and member of the ruling party in part of a 17-year land feud (see Section 5). According to Amnesty International, gendarmes reportedly beat the soles of his feet 150 times using a cane and flogged him while they forced him to jump on sand. In 2002, Haman and the other three youths were sentenced to 10 years' imprisonment; at year's end, they were in prison awaiting a ruling on an appeal filed during the year.

One death reportedly resulted from police torture (see Section 1.a.).

Security forces beat and harassed journalists during the year (see Section 2.a.).

On January 19, after an altercation between police officer Jean Yougnou and Douala taxi driver Jules Temeze Nsangou, Yougnou and four others broke into Temeze's house and assaulted him. When Temeze attempted to resist the assault, Yougnou shot him in the shoulder. Temeze filed a complaint with the Douala Provincial Judicial Police office, and an investigation was ongoing at year's end.

On August 11, a Capital Yaounde Mobile Intervention Unit (GMI) police officer shot Desire Mbeng in the leg as police officers attempted to arrest fleeing non-registered street vendors. Mbeng, a bystander, was caught in the crossfire. Police officers did not attempt to assist Mbeng. There was no action taken against the officer and no reports of an investigation by year's end.

There were no further developments in the following 2002 cases of abuse by security forces: The March beating of Narcisse Kouokam; the April beating of men and women in Noun Division, West Province; and the June arrest and severe torture of Jean Rene Ndouma.

There were no new developments in the 2001 cases of torture and cruel, inhuman, or degrading treatment by security forces.

Some illegal immigrants were subjected to harsh treatment and imprisonment. Communities of Nigerians and Chadians often were the targets of police and gendarme harassment. During raids, members of the security forces often extorted money from those who did not have regular residence permits or those who did not have valid receipts for store merchandise.

Prison conditions remained harsh and life threatening. Prisons were seriously overcrowded, unsanitary, and inadequate, especially outside major urban areas. Due to a lack of funds, serious deficiencies in food, health care, and sanitation were common in almost all prisons, including “private prisons” in the north operated by traditional rulers. Prisoners were kept in dilapidated colonial-era prisons, where the number of detainees was four to five times the intended capacity. To relieve the worst of the overcrowding, prisoners were being transferred to less crowded prisons. Health and medical care were almost nonexistent, and prisoners' families were expected to provide food for their relatives in prison. Douala's New Bell Prison contained 7 water taps for a reported 3,500 prisoners, contributing to poor hygiene, illness, and death. Prison officials regularly tortured, beat, and otherwise abused prisoners with impunity. Several prisoners died due to harsh prison conditions and inadequate medical treatment.

Corruption among prison personnel was widespread. Prisoners sometimes could bribe wardens for special favors or treatment, including temporary freedom.

In September 2002, the U.N. Special Rapporteur on Prisons and the Conditions of Detention in Africa, Vera Mlangazuwa Chirwa, visited a sample of prisons in the country and personally interviewed 150 detainees. In her assessment of the visit, the Rapporteur said that overcrowding, poor nutrition, and lack of adequate health care were principal problems in the prisons; however, she noted that there was a productive prisoner work program.

Overcrowding was exacerbated by the large number of long pretrial detentions and the practice of "Friday arrests" (see Section 1.d.). In June, a penitentiary administration official estimated that 13,000 of the 20,000 inmates in the country's prisons were pretrial detainees.

There were few detention centers for women, who routinely were held in prison complexes with men, occasionally in the same cells. Mothers often were incarcerated with their children or babies. The law specifies that, after an investigation has concluded, juveniles should not be detained without trial for longer than 3 months; however, in practice, the Government detained juveniles for longer periods of time. Juvenile prisoners often were incarcerated with adults, occasionally in the same cells or wards. There were credible reports that adult inmates sexually abused juvenile prisoners. Persons awaiting trial routinely were held in cells with convicted criminals. Some high-profile prisoners were separated from other prisoners and enjoyed relatively lenient treatment.

In recent years, there have been reports that some prisoners remained in prison after completing their sentences or having been released under a court ruling. For example, 58-year-old prisoner Pierre Owono Mvondo was forgotten in prison. After having served 13 extra years in jail, he was released in August 2002 but had not been awarded compensating damages by year's end.

In the north, the Government permitted traditional Lamibe (chiefs) to detain persons outside the government penitentiary system, in effect creating private prisons. Private prisons within the palaces of traditional chiefs Rey Bouba, Gashiga, Bibemi, and Tcheboa had a reputation for serious abuse.

The Government has granted international humanitarian organizations access to prisoners. Both the local Red Cross and the National Commission on Human Rights and Freedoms (NCHRF) made infrequent, unannounced prison visits during the year. The International Committee of the Red Cross (ICRC) continued to visit prisons. Although the ICRC does not release its findings publicly, the Government generally complied with its agreement with the ICRC to allow visits.

d. Arbitrary Arrest, Detention, or Exile.—The law prohibits arbitrary arrest and detention and requires an arrest warrant except when a person is caught in the act of committing a crime; however, security forces continued to arrest and detain citizens arbitrarily.

The DGSN includes the public security force, judicial police, territorial security forces, and frontier police. In rural areas, where there is little or no police presence, the primary law enforcement body is the Gendarmerie. Police officers and members of the Gendarmerie were widely viewed as corrupt and frequently arbitrarily arrested and detained citizens. Police demanded bribes at checkpoints, and influential citizens reportedly paid police to make arrests in personal disputes. Insufficient funding and inadequate training contributed to a lack of professionalism in the DGSN.

Police legally may detain a person in connection with a common crime for up to 24 hours and may renew the detention three times before bringing charges. The law provides for the right to judicial review of the legality of detention only in the two Anglophone provinces. Otherwise, the French legal tradition applies, precluding judicial authorities from acting on a case until the administrative authority that ordered the detention turns the case over to the prosecutor. After a magistrate has issued a warrant to bring the case to trial, he may hold the detainee in administrative or pretrial detention indefinitely, pending court action. Such detention often was prolonged, due to the understaffed and mismanaged court system. The law permits detention without charge by administrative authorities such as governors and senior divisional officers for renewable periods of 15 days ostensibly to combat banditry and maintain public order. Persons taken into detention frequently were denied access to both legal counsel and family members. The law permits release on bail only in the Anglophone provinces; however, in practice, bail was granted infrequently.

Police and gendarmes often arrested persons on spurious charges on Fridays at mid-day or in the afternoon. While the law in the Anglophone provinces provides for a judicial review of an arrest within 24 hours, the courts did not convene sessions on the weekend, so the detainee remained in detention until at least Monday. Police and gendarmes accepted bribes to make such "Friday arrests" from persons who had private grievances. There were no known cases of policemen or gendarmes that were sanctioned or punished for this practice.

The law also stipulates that detainees must be brought promptly before a magistrate; however, arbitrary prolonged detention remained a serious problem, and sometimes persons were held incommunicado for months or even years. For example, Souley Bobo, arrested in 1992 on murder charges, has never appeared before a prosecutor. Michel Sighanou, a juvenile who was transferred from the Yabassi

prison in 1996, has been awaiting trial for more than 7 years. Some persons were detained for several months simply because they were unable to present identification to authorities.

Security forces and government authorities continued to arrest and arbitrarily detain various opposition politicians, local human rights monitors, journalists, union leaders, and other critics of the Government, often holding them for prolonged periods without charges or trials and, at times, incommunicado (see Sections 2.a., 4, and 6.a.). Police also arrested persons during unauthorized demonstrations (see Section 2.b.).

On May 17, the Sub-Prefect of the South West provincial city of Tiko ordered the arrest and detention of activists of the separatist organization Southern Cameroon National Council (SCNC), including Emmanuel Fotso, Yakubu Kitsing, Thomas Sama, Marcel Oben, Cecilia Ngwe Che, Henry Randan, James Shey, Anthony Larry, and Augustine Shyintum. The activists, who had been attending the funeral of former SCNC Chairman Martin Nkeka Luma, were released without charge after several days (see Section 3).

Police frequently arrested persons without identification during sweeps (see Section 1.f.).

In the following 2002 cases, all those implicated were released and awaiting trial: The January detention of opposition political activist Mboua Massok; the March Operation Harmattan detention of 2,792 persons, none of whom had been charged by year's end; and the September arrest of Albert Mukong and 19 other SCNC activists (see Section 3).

In April, the 50 demonstrators and 3 men from Jakiri arrested in 2001 following SCNC demonstrations were released; they were awaiting trial at year's end.

The law prohibits forced exile, and the Government did not use it; however, some human rights monitors or political opponents who considered themselves threatened by the Government left the country voluntarily and declared themselves to be in political exile.

e. Denial of Fair Public Trial.—The Constitution provides for an independent judiciary; however, the judiciary remained highly subject to executive influence. Corruption and inefficiency remained serious problems. The court system was subordinate to the Ministry of Justice, which was part of the Presidency. The Constitution specifies that the President is the guarantor of the legal system's independence. He also appoints all judges with the advice of the Supreme Council of the Magistrature. Some politically sensitive cases were never heard by the courts. However, the judiciary has shown some modest signs of growing independence. For example, following the 2002 municipal elections, the courts declared invalid the votes in certain areas and required a second round of voting. During the year, the courts also found the Government liable for damages in a few human rights cases. The court system includes the Supreme Court, a Court of Appeals in each of the 10 provinces, and courts of first instance in each of the country's 58 divisions.

Military tribunals may exercise jurisdiction over civilians when the President declares martial law and in cases involving civil unrest or organized armed violence. Military tribunals also have jurisdiction over gang crimes, banditry, and highway robbery. The Government interpreted these guidelines quite broadly and sometimes used military courts to try matters concerning dissident groups and political opponents. Military trials often were subject to irregularities and political influence.

The legal system includes both national law and customary law, and many criminal and civil cases can be tried using either one; however, criminal cases are generally tried in statutory courts, and customary court convictions involving witchcraft automatically are transferred to the statutory courts, which act as the court of first instance. Customary law, which is used most frequently in rural areas, is based upon the traditions of the ethnic group predominant in the region and is adjudicated by traditional authorities of that group. Customary law is deemed valid only when it is not "repugnant to natural justice, equity, and good conscience." However, many citizens in rural areas remained unaware of their rights under civil law and were taught that customary laws form the rules by which they must abide. Customary law ostensibly provides for equal rights and status; however, men may limit women's right to inheritance and employment, and some traditional legal systems classify wives as the legal property of their husbands (see Section 5). Customary courts served as a primary means for settling civil disputes in rural areas, primarily in family-related civil cases, such as in matters of succession, inheritance, and child custody. Divorce cases can be brought to customary courts only if the marriage has not been sanctioned by the Government through an official license. Customary courts may exercise jurisdiction in a civil case only with the consent of both parties. Either party has the right to have the case heard by a statutory court and to appeal an adverse decision in a customary court to the statutory courts. For example, a cit-

izen successfully appealed a land dispute case during the year, and was able to claim damages from the area chief who had taken his land. Most traditional courts also permitted appeal of their decisions to traditional authorities of higher rank.

The legal structure is influenced strongly by the French legal system, although in the two Anglophone provinces certain aspects of the Anglo-Saxon tradition apply. In the past, this mixed legal tradition has led to conflicting court action in cases handled in both Francophone and Anglophone jurisdictions. In June, the International Bar Association began to assess ways to harmonize the criminal legal system.

The Constitution provides for a fair public hearing in which the defendant is presumed innocent. Defendants generally were allowed to question witnesses and to present witnesses and evidence on their own behalf. Because appointed attorneys received little compensation, the quality of legal representation for indigent clients often was poor. The Bar Association and some voluntary organizations, such as the Cameroonian Association of Female Jurists, offered free assistance in some cases. The Project for the Improvement of Conditions of Detention was initiated in 2002 to engage lawyers to work on prison cases. Trials normally were public, except in cases with political overtones and cases judged disruptive to social peace.

Political bias often stopped trials or resulted in an extremely long process, with extended court recesses. Powerful political or business interests enjoyed virtual immunity from prosecution; some politically sensitive cases were settled with a payoff. However, in November, a court convicted former Minister of Posts and Telecommunications Mounchipou Seidou and 22 co-conspirators, all of whom were arrested in 1999 on corruption charges.

The Government held political prisoners, including Anglophones; however, there was no reliable estimate of the number being held at year's end. The Government permitted regular access to international humanitarian organizations; during the year, the International Federation of Human Rights visited political prisoners in several prisons.

Titus Edzoa, former Minister of Health and long-time presidential aide who opposed President Biya in the 1997 election, remained incarcerated with Michel Thierry Atangana, his campaign manager, at the maximum-security Gendarmerie headquarters, with very limited access to visitors; Edzoa and Atangana were arrested prior to the 1997 election.

f. Arbitrary Interference with Privacy, Family, Home or Correspondence.—The Constitution prohibits such actions; however, these rights were subject to the “higher interests of the State,” and there were numerous, credible reports that police and gendarmes harassed citizens, conducted searches without warrants, and opened or seized mail. The Government continued to keep some opposition activists and dissidents under surveillance. Police sometimes punished family members and neighbors of criminal suspects.

The law permits a police officer to enter a private home during daylight hours without a warrant if he is pursuing an inquiry and has reason to suspect that a crime has been committed. The officer must have a warrant to make such a search after dark; however, a police officer may enter a private home at any time in pursuit of a criminal observed committing a crime.

An administrative authority may authorize police to conduct neighborhood sweeps, at times involving forced entry into homes, in search of suspected criminals or stolen or illegal goods without individual warrants. Although there were fewer sweeps during the year than in the previous year, these sweeps continued to occur in Yaounde and Douala. Typically, security forces seal off a neighborhood, systematically search homes, arrest persons arbitrarily, and seize suspicious or illegal articles. There were credible reports that security forces used such sweeps as a pretext to loot homes and arbitrarily arrest persons for minor offenses, such as not possessing identity cards (see Section 1.c.). For example, on April 3, the police sealed off Yaounde neighborhoods of Ntaba, Eig-Edzoa, and Etoa-Meki, searched each home, and arrested several individuals who were unable to present proper identification.

Purportedly in efforts to combat highwaymen, the now-suspended Operational Command was known to use informants to identify and accuse persons of taking part in highway robbery (see Section 1.a.). Standards of proof for such accusations were nonexistent. Accusations occasionally were used to pursue private grievances, and informants repeatedly extorted money from persons by threatening to accuse them of being bandits. These informants often were former criminals or prison guards, and reportedly were used to target criminals who then were summarily executed (see Section 1.a.). In 2002, Colonel Pom and his special anti-gang unit committed similar abuses; however, that unit was disbanded and replaced by the Light Intervention Battalion, which has not been accused of such abuses.

At year's end, no compensation had been provided for houses that the Government destroyed along several of Yaounde's main roads in anticipation of the France-Africa Summit in January 2001. The Government also reportedly relocated Yaounde squatters, many of whom had mental disabilities, to the neighboring town of Mbalmayo for the duration of the summit. The squatters returned to Yaounde following the summit but were not allowed to reoccupy the site from which they were removed. No legal action had been taken in the case by year's end.

There have been accusations, particularly in the North and Far North Provinces, of traditional chiefs arbitrarily evicting persons from their land. There also were credible reports that security forces forced Baka out of their homes (see Section 5).

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution provides for freedom of speech and of the press; however, the Government continued to limit these rights in practice. The Government sometimes invoked strong libel laws to silence criticism of the Government and officials. Journalists, particularly broadcast journalists, often practiced self-censorship as a result of significant government intimidation and harassment.

The Government published one of the country's few daily newspapers, the Cameroon Tribune, which did not report extensively on activities or political parties critical of the Government, overtly criticize the ruling party, or portray government programs in an unfavorable light.

While approximately 60 privately owned newspapers were published, only an estimated 20 were published on a regular basis, including Mutations, the country's only privately owned daily newspaper. Newspapers were distributed primarily in Yaounde and Douala, and most continued to criticize the Government and to report on controversial issues, including corruption, human rights abuses, and economic policies. However, the print media were subject to considerable government restrictions, including inhibitive libel laws.

On March 11, the Ministry of Territorial Administration banned the publication, distribution, and sale of La Tribune de l'Est, a private newspaper highly critical of the Government; the ban remained in effect at year's end.

Despite the large number of private newspapers in the country, the influence of print media was minimal. Distribution was problematic outside of Yaounde and Douala, and prices of independent newspapers were high due largely to high government taxes on newsprint. In addition, Government control of newspaper warehouses allowed the seizure of controversial editions of certain newspapers prior to distribution. Consequently, independent print media reached only a tiny percentage of the population, notably the urban elite.

The state-owned CRTV broadcast on both television and radio and was the only officially recognized and fully licensed broadcaster in the country. The Government levied taxes on all registered taxpaying citizens in order to finance CRTV programming, which allowed CRTV a distinct advantage over independent broadcasters.

The Government tightly controlled the broadcast media. With approximately 2 million radios in the country, radio remained the most important medium reaching most citizens. There were approximately 20 privately owned radio stations operating in the country.

Non-profit rural radio stations were required to submit an application to broadcast but were exempt from paying licensing fees. Potential commercial radio and television broadcasters must submit a licensing application and pay a fee when the application is approved. The annual licensing fees potentially were prohibitive. The Ministry of Communication has received more than 100 applications from potential broadcasters; however, few if any have been processed. Radio and television stations were forced to operate illegally because the Communications Ministry has not responded to requests for licenses since broadcasting was opened to the private sector. A small number of radio stations broadcasting illegally, including Radio Soleil, did not apply for licenses, claiming the fees were exorbitant. The Government continued to allow most of these stations to broadcast. However, there were unconfirmed reports that several radio and television stations that did not submit applications were closed down at year's end.

There were several low-power, rural community radio stations funded primarily by foreign countries with extremely limited broadcast range. These stations, which broadcast educational programs to small audiences, were not allowed to discuss politics. The law permits broadcasting of foreign news services but requires the foreigners to partner with a national station. The British Broadcasting Company (BBC) and Radio France International (RFI) broadcast in partnership with state-owned CRTV. During the year, the Government continued to allow the reception of international cable and satellite television broadcasts.

Television was less pervasive but more influential than print media. The three independent television stations largely avoided criticizing the Government and generally relayed government information to the public.

Like the Cameroon Tribune, CRTV provided broad reporting of CPDM activities, while giving relatively little attention to the political opposition. CRTV management repeatedly has instructed CRTV staff to ensure that government views prevailed at all times. CRTV television and radio programming included a weekly program, Direct Expression, which ostensibly fulfilled the Government's legal obligation to provide an opportunity for all political parties represented in the National Assembly to present their views. However, during the program, CRTV continued to restrict the freedom of speech of the opposition party, the Social Democratic Front (SDF), by occasionally censoring and significantly shortening proposed SDF programming.

In September, the Minister of Communications authorized three private radio and four private TV stations, including Canal 2 and RTA, to transmit without being officially licensed; however, the Government continued to control these stations. For example, the stations were given a specific theme for coverage, and the Government monitored thematic content to ensure compliance with the approved format.

Security forces continued to restrict press freedom by arresting, detaining, physically abusing, threatening, and otherwise harassing print-media journalists. The Government seized print runs of private newspapers and interfered with private newspaper distribution.

On April 13, the government printing office SOPECAM refused to publish that day's edition of the Yaounde-based opposition newspaper Mutations. Gendarmes seized the diskette containing the edition, which included articles on potential candidates in the 2004 presidential election. That night, gendarmes abused and detained for 2 hours employees Moise Moundi and Etienne Kenfack. Gendarmes also arrested and detained for several hours the publisher of the paper, Haman Mana. The newspaper was prevented from publishing for 2 days. On April 14, 50 gendarmes surrounded the Mutations' headquarters while others searched the newspaper's offices. On April 15, Mana, editor-in-chief Alain Batongue, and editor Emmanuel Gustave Sannick were arrested, questioned about the articles, and released that evening. When officials found that the April 16 edition contained the same report, police seized copies of the newspaper as it appeared on the streets. The Government subsequently threatened to "suffocate the paper financially."

According to Reporters Without Borders (RSP), Communications Minister Jacques Fame Ndong publicly criticized the media during the year for "interfering in government bodies" and warned broadcast media entrepreneurs that the Government would increase its efforts to collect their back taxes; however, no action was taken by year's end.

There were no new developments in the March 2002 detention and beating of Samuel Mben Mben; the April 2002 seizure of the movie Braquages; and the November 2002 beating of Nyemb Popoli, publisher and cartoonist of Le Messenger Popoli, by 12 policemen.

There were no further developments in the 2001 cases of security forces' harassment of journalists; trials were still pending at year's end.

The Government shut down numerous broadcast stations during the year. For example, on February 18, the Government of the Center Province suspended Canal 2 and RTA, two of the country's three privately owned television channels, at the request of Communications Minister Ndong; the action followed the stations' broadcasting of several political debates that were critical of the Government. The Government subsequently closed both stations for operating illegally and broadcasting original programming when they had only been authorized to carry foreign media programs. Neither station was broadcasting at year's end.

On March 14, the Minister of Communication suspended Magic FM, the largest private radio station in Yaoundé for insulting the President, disseminating false information, and breaching the peace. The closing followed the station's criticism of the Government for mismanagement of public funds and the banning of Tribune de l'Est. On March 24, the station was allowed to resume broadcasts despite the suspension order. However, on December 6, the Government blocked the broadcasting of a 3-hour political call-in show on Magic FM after callers raised concerns about human rights in the country.

On May 23, the Douala police sealed off the premises of Freedom FM, a new FM radio station that Douala-based newspaper, Le Messenger, intended to launch the following morning. According to police, the Minister of Communication ordered the cordon because Le Messenger had not submitted an application for operation. Le Messenger claimed to have submitted its application under a different name but subsequently informed the Ministry of the name change. The Minister of Communication granted the frequency that Freedom FM had applied to use to another private

radio station. Station owner Pius Njawe, who previously has been jailed for criticizing President Biya, initiated legal action to recover his equipment, and the trial was ongoing at year's end.

In November, the Government temporarily closed Radio Veritas, a private radio station established by Cardinal Christian Tumi, an outspoken critic of the Government; the station resumed broadcasting in December.

In December, the Divisional Officer for Oku closed Oku Rural Radio, detained four members of the station's board of directors, and placed three other members under house arrest on charges of embezzlement and misappropriation of funds. The board members reportedly were released; however, the station remained closed at year's end.

As part of a nationwide campaign to encourage local radio stations to apply for licenses, in late December, a Ministry of Communication official issued an ultimatum that radio and television stations operating illegally would have to submit the requisite paperwork or close by December 31. Stations that submitted their applications before the deadline were allowed to continue broadcasting while their applications were under review. There were unconfirmed reports that several radio and television stations operating illegally did not submit applications and were closed down at year's end; four radio stations and one television station closed down on their own initiative before year's end.

The Government prosecuted its critics in the print media through criminal libel laws. These laws authorized the Government, at its discretion and the request of the plaintiff, to criminalize a civil libel suit or to initiate a criminal libel suit in cases of alleged libel against the President and other high government officials; such crimes are punishable by prison terms and heavy fines. Criminal penalties for speech-related offenses resulted in the practice of self-censorship by some journalists. There were no new cases of libel during the year; however, the Government continued to pursue libel cases from previous years.

In July 2002, the Yaounde Court of First Instance sentenced in absentia J. Remy Ngonu, a journalist and commentator on Radio Television Siantou, to 6 months' imprisonment without parole for defamation of character; Ngonu had accused a businessman of corruption. The law stipulates that journalists are to be notified and given up to 5 days to serve documents when accused of press violations; however, these provisions reportedly were not respected in Ngonu's case. In January, due to pressure from the Minister of Communication, Ngonu was suspended from Radio Siantou for unprofessional conduct and unwarranted criticism of the Government. On August 5, police arrested Ngonu, who was subsequently released.

The Internet and e-mail were not widely available or heavily utilized; however, a few cybercafes provided Internet or e-mail access in some urban areas. There were at least six domestic Internet service providers, some of which were privately owned. The Government has not attempted to restrict or monitor these forms of communication.

Although there were no legal restrictions on academic freedom, state security informants operated on university campuses. Professors believed that participation in opposition political parties could affect adversely their professional opportunities and advancement. Free political discussion at Yaounde's universities was hindered by armed government security forces who harassed some students; however, unlike in the previous year, no students were detained.

b. Freedom of Peaceful Assembly and Association.—The law provides for freedom of assembly; however, the Government restricted this right in practice. The law requires organizers of public meetings, demonstrations, or processions to notify officials in advance but does not require prior government approval of public assemblies and does not authorize the Government to suppress public assemblies that it has not approved in advance. However, officials routinely have asserted that the law implicitly authorized the Government to grant or deny permission for public assembly. Consequently, the Government often has not granted permits for assemblies organized by persons or groups critical of the Government and repeatedly used force to suppress public assemblies for which it has not issued permits.

Security forces forcibly disrupted trade unions' and opposition parties' meetings and rallies throughout the year. For example, on February 5, authorities banned a press conference that a legal opposition party, the National Alliance for Democracy and Progress (ANDP), and five former ministers from the Northern provinces intended to hold at a local hotel. Although the ANDP had completed all procedural requirements for the press conference, the Prefect of Mfoundi blocked the event, reportedly because the participants were from the north. The ANDP moved the conference to a private residence; however, gendarmes encircled the home and intimidated participants. The Prefect subsequently banned the group from holding any further meetings.

During the year, police used excessive force to disperse demonstrations, which in one case resulted in numerous deaths (see Section 1.a.).

On September 30, in the South West town of Kumba, police fired guns throughout the night to intimidate persons planning to protest on October 1, the traditional day of protest for Anglophones. Five of the protesters, who threw Molotov cocktails to protest the police presence, were arrested.

No action reportedly was taken against the members of the security forces who forcibly dispersed demonstrations in 2002 or 2001.

The law provides for freedom of association, and the Government generally respected this right in practice; however, there were some exceptions. The 2002 ban on the SCNC remained in effect. In mid-June, the Prefect of Douala's Wouri Division banned all activities of the Front of Alternative Forces, a coalition of opposition parties, NGOs, and private citizens; the Prefect charged that the group was disorderly and had not applied for legal status. The ban remained in effect at year's end.

The conditions for government recognition of a political party, a prerequisite for many political activities, were not onerous. More than 180 political parties operated legally, together with a large and growing number of civic associations.

c. Freedom of Religion.—The Constitution provides for freedom of religion, and the Government generally respected this right in practice; however, there were a few exceptions.

Religious groups must be approved and registered with the Ministry of Territorial Administration to function legally; there were no reports that the Government refused to register any group. The approval process usually takes several years, due primarily to administrative delays. The Government did not register traditional religious groups on the grounds that the practice of traditional religion was a private concern observed by members of a particular ethnic or kinship group or the residents of a particular locality.

Government officials disapproved of and questioned criticism of the Government by religious institutions and leaders; however, there were no reports that officials used force to suppress such criticism.

Unlike in previous years, security forces did not commit abuses against the sites and personnel of religious institutions.

An April 2002 government ban of the Ma'alah, a nontraditional religious body that allegedly was involved in ritual killings, remained in effect during the year.

The practice of witchcraft is a criminal offense under the law; however, individuals generally were prosecuted for this offense only in conjunction with another offense, such as murder. Witchcraft traditionally has been a common explanation for diseases of unknown cause.

There were no new developments in the alleged March 2002 torture of 6-year-old Manuella Cynthia Selam Tiave or the July 2002 arrest of Robert Ndoumbe Elimbi.

There were no developments in the 2001 death of Father Henri Djeneka or the 2001 order to expel seven individuals accused of witchcraft.

Discrimination in the Northern provinces, especially in rural areas, by Muslims against Christians and persons who practiced traditional indigenous was strong and widespread; however, there were no confirmed reports of specific incidents of religious discrimination during the year.

For a more detailed discussion, see the 2003 International Religious Report.

d. Freedom of Movement within the Country, Foreign Travel, Emigration, and Repatriation.—The law provides for these rights; however, in practice security forces routinely impeded domestic travel.

Roadblocks and checkpoints manned by security forces proliferated in cities and most highways making road travel both time-consuming and costly. Extortion of small bribes was commonplace at these checkpoints. Police frequently stopped travelers to check identification documents, vehicle registrations, and tax receipts as security and immigration control measures. During the year, security forces killed at least one person they thought was evading a checkpoint (see Section 1.a.).

There were no new developments in the April 2002 shooting of Francis Akondi Ndanle.

There were credible reports that police arrested and beat individuals who failed to carry their identification cards (see Section 1.f.).

Unlike in the previous years, there were no reports that authorities confiscated the passports of human rights activists.

The law provides for the granting of asylum and refugee status in accordance with the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. In practice, the Government provided protection against refoulement and granted refugee status or asylum. The Government also provided protection to certain indi-

viduals who fell outside of the definition of the Convention or its Protocol. The Government cooperated with the office of the U.N. High Commissioner for Refugees (UNHCR) and other humanitarian organizations in assisting refugees. In June, the UNHCR Yaounde office estimated that the country provided temporary protection to approximately 70,000 refugees, the majority of whom were Chadian and Nigerian. Other refugees mainly were from Rwanda, Burundi, and the Democratic Republic of the Congo, with small numbers from Liberia, Sudan, and Ethiopia. On January 1, the UNHCR reopened its office in Yaounde in response to the inflow of 21,000 Fulanis from Nigeria in February 2002.

Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government

The Constitution provides that citizens have the right to change their government; however, dominance of the political process by the President and his party and electoral intimidation, manipulation, and fraud severely limited the ability of citizens to exercise this right. President Paul Biya, who has controlled the Government since 1982, was re-elected in 1997 elections that international and domestic observers widely criticized and viewed as fraudulent.

In 1996, the Government enacted a revised Constitution, which was being implemented gradually; the 1972 Constitution remained in force in areas where the 1996 revisions had not yet been implemented. The 1996 Constitution's provision extending the presidential term from 5 to 7 years and permitting President Biya to run for another term was in effect; however, the composition of the National Assembly, an elected body, still was being determined by the 1972 Constitution. Since 1991, only government bills proposed by the Presidency have been enacted by the National Assembly; bills cannot be proposed by groups that do not have a representative in the National Assembly.

The President's control over the country's administrative apparatus was extensive. The President appoints all Ministers including the Prime Minister. In August 2002, President Biya reshuffled his cabinet to bring in 18 new ministers, 16 of which were CPDM members. The President also directly appoints the governors of each of the 10 provinces. The governors, in turn, wield considerable power in the electoral process, interpreting and implementing the laws. The President also has the power to appoint important lower level members of the 58 provincial administrative structures, including the senior divisional officers, the divisional officers, and the district chiefs. The governors and senior divisional officers wield considerable authority within the areas under their jurisdiction, including the authority to ban political meetings that they deem likely to threaten public order (see Section 2.b.). They also may detain persons for renewable periods of 15 days to combat banditry and other security threats (see Section 1.d.).

The right of citizens to choose their local governments remained circumscribed. The Government has increased greatly the number of municipalities run by presidentially appointed delegates, who have authority over elected mayors. Delegate-run cities included most of the provincial capitals and some division capitals in pro-opposition provinces; however, this practice was nonexistent in the southern provinces, which tended to support the CPDM. In municipalities with elected mayors, local autonomy was limited since elected local governments relied on the central Government for most of their revenue and administrative personnel.

The June 2002 legislative and municipal elections CPDM increased the CPDM's its number of seats in the 180-member National Assembly from 116 to 149 seats. The main opposition, the Social Democratic Front, won 22 seats, down from 43 it had held previously. Municipal elections, which had been postponed in 2001, were also dominated by the CPDM. The Government maintained that the election results reflected the will of the people, and international observers noted improvements in the electoral system. However, the National Observatory of Elections, whose members were appointed by the President to supervise electoral procedure, observed the elections along with the Catholic Church and reported several election irregularities, including vote-buying, the stuffing of ballot boxes, intimidation, multiple voting, ghost polling, and discriminatory voter registration. After six opposition parties reported massive fraud and boycotted the municipal councils and the National Assembly, the Supreme Court annulled legislative election results in nine divisions, in which the CPDM had won eight seats. The Court rescheduled elections in these divisions for September 2002, when the CPDM won eight seats, and the SDF won one. The Court also annulled the results for municipal elections in 17 districts due to violence, consisting mostly of fighting between political party members and polling station or ruling party officials, looting, and intimidation in those elections that largely were won by the CPDM.

There were more than 180 registered political parties in the country; however, less than 10 were significant, and only 5 had seats in the National Assembly. The ruling CPDM held an absolute majority in the National Assembly; opposition parties included the SDF, based in the Anglophone provinces and the largest of the opposition parties, the Union for Democracy and Progress, the Cameroon Democratic Union (CDU), and the Union of Peoples of Cameroon.

In August, the SDF and CDU created the Coalition for National Reconstruction and Reconciliation. Other smaller opposition coalitions formed during the year.

There were no laws that specifically prohibit women or members of minorities from participating in government, the political process, or other areas of public life. Women held 18 of 180 seats in the National Assembly, 3 of 50 cabinet posts, and a few of the higher offices within the major political parties, including the CPDM.

Many of the key members of the Government were drawn from the President's own Beti/Bulu ethnic group, as were disproportionately large numbers of military officers and CPDM officials.

Section 4. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A number of domestic and international human rights groups generally operated without government restriction, investigating and publishing findings on human rights cases; however, government officials repeatedly impeded the effectiveness of human rights NGOs during the year by limiting access to prisoners, refusing to share information, and threatening and using violence against personnel of human rights NGOs (see Section 1.d.). The activities of virtually all of these groups were limited by a shortage of funds and trained personnel. Observers have criticized the country's NGO laws for giving the Government the opportunity to deny authorization to operate or eliminate NGOs by decree.

Numerous domestic human rights NGOs operated in the country, including, among others, the National League for Human Rights, the Organization for Human Rights and Freedoms, the Association of Women Against Violence, and the Cameroonian Association of Female Jurists.

The Government harassed and arrested NGO members during the year. On June 16, the Maroua Prosecutor ordered the detention of Abdoulaye Math, a human rights activist and President of the Movement for the Defense of Human Rights and Liberties (MDHRL), on debt charges. Math, who was released after several days, claimed the arrest was part of the continuous harassment he had faced since creating MDHRL.

Albert Mukong, who was arrested in September 2002, was released and awaiting trial at year's end.

On January 1, the UNHCR, which ceased operations in the country in 2001, reopened its Yaounde office (see Section 2.d.).

The government-established NCHRF, although hampered by a shortage of funds, conducted a number of investigations into human rights abuses, visited prisons, and organized several human rights seminars aimed at judicial officials, security personnel, and other government officers. On June 10 and 11, the NCHRF organized a national workshop evaluating the human rights situation in the country. Several local NGOs, government officials, and members of the diplomatic community attended. Although the Commission infrequently criticized the Government's human rights abuses publicly, its staff intervened with government officials in specific cases of human rights harassment by security forces, attempted to stop Friday arrests (see Section 1.d.), and sought to obtain medical attention for jailed suspects in specific cases. The law prohibits the NCHRF from publishing information on specific human rights cases; however, it may and does submit reports on specific alleged abuses to the authorities directly involved, along with recommendations for improving conditions or punishing violators.

Section 5. Discrimination Based on Race, Sex, Disability, Language, or Social Status

The Constitution does not explicitly forbid discrimination based on race, language, or social status. The Constitution prohibits discrimination based on sex and mandates that "everyone has equal rights and obligations"; however, the Government did not enforce these provisions effectively.

Women.—Domestic violence against women was common. Women's rights advocates reported that the law does not impose effective penalties against men who commit acts of domestic violence. There were no gender-specific assault laws, despite the fact that women were the predominant victims of domestic violence. Spousal abuse was not a legal ground for divorce. In cases of sexual assault, a victim's family or village often imposed direct, summary punishment on the suspected perpetrator through extralegal means, ranging from destruction of property to beating.

While there were no reliable statistics on violence against women, a large number of newspaper reports indicated that the phenomenon was widespread.

Female genital mutilation (FGM) was not practiced widely. However, it continued to be practiced in isolated cases in 3 of the 10 provinces, including some areas of Far North, Eastern, and Southwest Provinces. Internal migration contributed to the spread of FGM to different parts of the country. The majority of FGM procedures were clitorectomies; however, the severest form of FGM, infibulation, was performed in the Kajifu region of the Southwest Province. FGM usually was practiced on infants and preadolescent girls. The Government has criticized the practice; however, no law prohibits FGM. The Association of Women Against Violence conducted a program in Maroua to assist female victims of FGM and their families and to educate local populations.

Despite constitutional provisions recognizing women's rights, women did not enjoy the same rights and privileges as men. Some points of civil law were prejudicial to women. The law allows a husband to oppose his wife's right to work in a separate profession if the protest is made in the interest of the household and the family; a husband also may end his wife's commercial activity by notifying the clerk of commerce tribunal of his opposition based upon the family's interest. Partly for this reason, some employers required a husband's permission before hiring female employees.

Customary law was far more discriminatory against women, since in many regions a woman customarily was regarded as the property of her husband. Because of the importance attached to customs and traditions, laws protecting women often were not respected. In the customary law of some ethnic groups, husbands not only maintained complete control over family property, but also could divorce their wives in a traditional court without being required to provide either verifiable justification or alimony. Polygyny was permitted by law and tradition. In cases of divorce, the husband's wishes determined the custody of children over the age of 6. While a man may be convicted of adultery only if the sexual act takes place in his home, a female may be convicted without respect to venue.

Traditional law normally governed the extent to which a woman may inherit from her husband in the absence of a will, and traditions varied from group to group. In many traditional societies, custom grants greater authority and benefit to male heirs than to female heirs. Women also faced the issue of forced marriage; in some regions, girls' parents could and did give girls away in marriage without the bride's consent. Often the husband, who could be many years older than his bride, paid his wife's parents a "bride price." Since a price had been paid, the girl was considered the property of the husband. When a married man died, his widow often was unable to collect any inheritance, since she herself was considered part of the man's property. Often the widow was forced to marry one of the deceased's brothers. If she refused, she had to repay the bride price in full and leave the family compound. In the Northern provinces, some Lamibe (traditional rulers) reportedly prevented their wives and concubines from leaving the palace. The lack of a national legal code covering such family issues often left women defenseless against these male-oriented customs.

Children.—The Constitution provides for a child's right to education, and schooling was mandatory through the age of 14 years. The Government took measures during the year to improve access to schools. For example, in May, the Government in conjunction with the World Bank established a committee to promote girl's education. Since parents had to pay uniform and book fees for primary school, and because tuition and other fees for secondary education remained costly, education largely was unaffordable for many children. According to statistics published on September 8 in the Cameroon Tribune, approximately 4.5 million children, or 85 percent of all children, were enrolled in school; however, the cost prevented many of those enrolled from attending. In the Far North Province, it was reported that well below 50 percent of children attended school; the majority of attendees were boys.

Though illegal, in practice girls continued to suffer from discrimination with respect to education throughout the country. The gap in school attendance was 14 percent nationally and 34 percent in the two most northern provinces. This problem, which especially was acute in rural areas, resulted in higher levels of illiteracy among women than men.

The exact degree of familial child abuse was not known; however, the problem was targeted by children's rights organizations. Newspaper reports often cited children as victims of kidnapping, mutilation, and even infanticide. There were several credible stories of mothers (usually young, unemployed, and unmarried) abandoning their newborns in streets, garbage cans, and pit toilets.

Despite the law that fixes a minimum age of 15 years for a bride, many families married young girls by the age of 12 years. Early marriage was prevalent in the Northern provinces of Adamawa and the North, but especially characteristic of the remote Far North Province where many young women faced severe health risks from pregnancies as early as 13. Authorities were becoming increasingly concerned about this situation.

FGM was performed primarily on young girls (see Section 5, Women).

There were reports of child prostitution and trafficking in children during the year (see Section 6.f.).

Child labor remained a problem (see Section 6.d.).

Persons with Disabilities.—The law provides certain rights to persons with disabilities, including access to public institutions, medical treatment, and education. The Government was obliged to bear part of the educational expense of persons with disabilities, to employ them where possible, and to provide them with public assistance when necessary; however, the Government rarely honored these obligations. There were few facilities for persons with disabilities and little public assistance; lack of facilities and care for persons with mental disabilities particularly was acute. Society largely tended to treat those with disabilities as misfits, and many felt that providing assistance was the responsibility of churches or foreign NGOs. The law does not mandate special access provisions to private buildings and facilities for persons with disabilities.

Indigenous People.—A population of approximately 50,000 to 100,000 Baka (Pygmies), a term that encompasses several different ethnic groups, primarily resided (and were the earliest known inhabitants) in the forested areas of the South and East provinces. While no legal discrimination exists, other groups often treated the Baka as inferior and sometimes subjected them to unfair and exploitative labor practices. Unlike in the previous year, there were no reports that logging companies and security forces forced Baka out of their homes. Baka reportedly continued to complain that the forests they inhabit were being logged without fair compensation. Some observers believe that sustained logging was destroying the Baka's unique, forest-oriented belief system, forcing them to adapt their traditional social and economic systems to a more rigid modern society similar to their Bantu neighbors. Local Baka along the proposed path of the Chad-Cameroon pipeline continued to complain that they were not compensated fairly for their land. Others alleged that they had been cheated of their compensation by persons posing as Baka representatives.

An estimated 95 percent of Baka did not have national identity cards; most Baka could not afford to provide the necessary documentation in order to obtain national identity cards, which were required to vote in national elections.

On January 30, the Foundation for the Environment and Development in Cameroon signed two separate conservation conventions to protect the Mbam-Djerem and Campo Ma'an natural parks, which are the traditional territories of Bakola and Bageli Pygmies.

National/Racial/Ethnic Minorities.—The population was divided into more than 200 ethnic groups, among which there were frequent and credible allegations of discrimination. Ethnic groups commonly gave preferential treatment to fellow ethnic group members both in business and social practices.

Members of President Biya's Beti/Bulu ethnic group from southern parts of the country held key positions and disproportionately were represented in government, civil service, state-owned businesses, the security forces, the military, and the ruling CPDM party. The large size and centralized character of the public sector long has been perceived widely to favor this group.

In August, a 17-year land dispute between the M'Bororo herders of the North West province and Alhadji Baba Ahmadou Danpullo, a prominent businessman and member of the ruling party, resulted in the establishment of a special government commission of inquiry. The M'Bororo, a semi-nomadic Fulani people whose main economic activity is cattle raising, were given rights over pastoral land by the British colonial government; however, in 1986, Danpullo established a commercial ranch in Ndawara. The M'Bororo claim that over 17 years, Danpullo has forcibly displaced them, seized their land, cattle, and women; and used his money and influence with the Government to order the beating and false imprisonment of members of the M'Bororo. In April 2002, Bamenda police arrested and imprisoned four M'Bororo youths after torturing one of them severely (see Section 1.c.). Although hundreds of persons have testified before the commission of inquiry, some as recently as August, Danpullo failed to appear following a summons. The commission's investigation has been completed; however, the results were not released by year's end.

Northern areas of the country suffered from ethnic tensions between the Fulani (or Peuhl) and the Kirdi. The Kirdi remained socially, educationally, and economically disadvantaged relative to the Fulani in the three Northern provinces. Traditional Fulani rulers, called Lamibe, continued to wield great power over their subjects, often including Kirdi, sometimes subjecting them to tithing and forced labor. Isolated cases of slavery were reported, largely Fulani enslavement of Kirdi.

Natives of the North West and South West provinces have tended to support the opposition party SDF and have suffered disproportionately from human rights violations committed by the Government and its security forces. The Anglophone community has been underrepresented in the public sector. Anglophones generally believed that they had not received a fair share of public sector goods and services within their two provinces. Some residents of the Anglophone region sought greater freedom, equality of opportunity, and better government by regaining regional autonomy rather than through national political reform and have formed several quasi-political organizations in pursuit of their goals.

At least one Anglophone group, the SCNC, advocates secession from the country. During the year, security forces harassed and arrested the participants of SCNC meetings (see Section 1.d.). The Government also continued to hold some SCNC activists or suspected SCNC supporters in temporary detention without charge. The opposition SDF party, whose base of support resides in the Anglophone provinces, reiterated its commitment to pursue a nonviolent political struggle toward the restoration of a federal republic.

Members of the country's large community of Nigerian immigrants often complained of discrimination and abuse by government officials (see Section 1.c.). Government officials repeatedly have announced crackdowns on undocumented Nigerian immigrants.

Section 6. Worker Rights

a. The Right of Association.—The law allows workers both to form and join trade unions; however, the Government imposed numerous restrictions. The law requires that unions register with the Government, permitting groups of at least 20 workers to organize a union by submitting a constitution, internal regulations, and non-conviction certifications for each founding member. The law does not permit the creation of a union that includes both public and private sector workers.

The Government indicated that it remits certification within 1 month of union application; however, in practice independent unions, especially in the public sector, have found it difficult to register. In addition, the requirement for union registration contradicts the International Labor Organization (ILO) Convention 87, which states that unions have the right to exist through declaration not through government recognition or registration. Registered unions were subject to government interference. The Government chose the unions with which it would bargain; some independent unions accused the Government of creating small non-representative unions amenable to government positions and with which it could negotiate more easily. Some sections of labor law have not taken effect because the presidency had not issued implementing decrees.

There were three trade union confederations: the Confederation of Cameroonian Trade Unions (CCTU), the Union of Free Trade Unions of Cameroon (USLC), and the General Confederation of Free Workers of Cameroon (CGTLC), launched in March by Benoit Essiga, a former president of CCTU.

The law prohibits anti-union discrimination, and employers guilty of such discrimination were subject to fines up to approximately \$1,600 (1 million CFA francs). However, employers found guilty were not required to compensate the workers against whom they discriminated or to reinstate fired workers. The Ministry of Labor did not report any complaints of such discrimination during the year, although there have been credible press reports of union leader harassment.

On February 8, Yaounde Mobile Brigade gendarmes arrested and detained Benoit Essiga, president of the railroad union and 13 of his colleagues on charges of destruction and dangerous activity. The management of CAMRAIL, the railroad company, accused the union leaders of sabotaging the railway. On February 12, the union members were released; however, on April 23, railroad police re-arrested Essiga and six of his colleagues on charges of attempted murder. CAMRAIL's General Manager had filed a complaint against them, alleging that they planned to kill him. Essiga and his colleagues were later released and were awaiting trial at year's end.

On March 4, Donatien Boyomo, the Sub-Prefect of the West provincial city of Fouban, ordered the arrest and detention of Isaac Youbi, a teacher and teachers' union leader, on charges of grand banditry and disturbance of public order. Youbi spent 12 days in the Fouban Central prison. According to credible reports, the

Sub-Prefect ordered Youbi's arrest because the latter refused to resign as union leader. Youbi filed a complaint against the Sub-Prefect, who was fined and sentenced to 6 months in prison. The Sub-Prefect filed an appeal, which was pending at year's end.

There were no developments in the alleged 2002 demotion of an organizer for the Union for Telecommunications Workers.

The CCTU was a member of the Organization of African Trade Unions and the International Confederation of Free Trade Unions. The USLC was a member of the Organization of African Trade Unions. The CGTLC has not yet formed any international affiliations.

b. The Right to Organize and Bargain Collectively.—The law provides for collective bargaining between workers and management as well as between labor federations and business associations in each sector of the economy; however, no formal collective bargaining negotiations have taken place since 1996. When labor disputes arose, the Government chose the labor union with which it would negotiate, selectively excluding some labor representatives. Once agreements were negotiated, there was no mechanism to enforce implementation; some agreements between the Government and labor unions were then ignored by the Government.

In February, the Minister of Employment, Labor, and Social Insurance updated the sector-specific collective bargaining agreements with the insurance, pharmaceutical, maritime transportation, and transit and auxiliary transportation sectors. The conventions were negotiated in a meeting between the Minister and various employers' organizations and labor union confederations.

The Labor Code explicitly recognizes workers' right to strike but only after mandatory arbitration. Arbitration decisions legally were not enforceable and could be overturned or simply ignored by the Government. In March 2002, the Minister of Labor met the Labor National Consultative Committee in an attempt to streamline the proceedings for convoking a strike, which requires amending the Labor Code. Results of this meeting have yet to be made public.

The law provides for the protection of workers engaged in legal strikes and prohibits retribution against them; however, these provisions of the law do not apply to civil servants, employees of the penitentiary system, or workers responsible for national security. Instead of strikes, civil servants were required to negotiate grievances directly with the minister of the appropriate department in addition to the Minister of Labor.

There were strikes by workers in various state-owned companies as well as the public service sector during the year. Secondary teachers observed sporadic strikes throughout the academic year, demanding promised salary bonuses. Typically, the Government promised to pay bonuses but then did not follow through on the promise.

Since May 15, workers of the National Agency for Support to Forestry Development (ANAFOR) began a strike, demanding salary payments 7 months in arrears. In November, the strike was suspended following the payment of 2 months' back pay and the appointment of new ANAFOR management. There were no new developments in the August 2002 arrest of Jacques Ngagnang and Clement Casimir Ewondo for attempting to provoke a strike.

Laws exist permitting companies to set up sites that have industrial free trade zone status, but the Government has not granted approval to any firms to do so.

c. Prohibition of Forced or Bonded Labor.—The law prohibits forced or bonded labor; however, it occurred in practice. The authorities continued to allow prison inmates to be contracted out to private employers or used as communal labor for municipal public works.

There were isolated reports that slavery continued to be practiced in northern parts of the country (see Section 5). In the South and East Provinces, some Baka (Pygmies), including children, continued to be subjected to unfair and exploitative labor practices by landowners, working on the landowners' farms during harvest seasons without payment (see Section 5).

The Government does not expressly prohibit forced and bonded labor by children; there were reports that these practices occurred (see Section 6.f.).

d. Status of Child Labor Practices and Minimum Age for Employment.—The law generally protects children in the fields of labor and education and specifies penalties ranging from fines to imprisonment for infringement; however, child labor remained a problem.

The law sets a minimum age of 14 for child employment, bans night work, and enumerates tasks that cannot be performed legally by children between the ages of 14 and 18 years. These tasks included moving heavy objects, dangerous and unhealthy tasks, working in confined areas, and prostitution. The law also states

that a child's workday cannot exceed 8 hours. Employers were required to train children between the ages of 14 and 18, and work contracts must contain a training provision for minors. The prohibition against night work was not enforced effectively.

According to a 2000 study by the ILO and Ministry of Labor, child labor existed chiefly in urban areas and in the informal sector such as street vending, car washing, agricultural work, and domestic service. Many urban street vendors were less than 14 years of age. An increasing number of children worked as household help and some children were involved in prostitution. In the north, there were credible reports that children from needy homes were placed with other families to do household work for pay. In the nation's major cities of Yaounde, Douala, and Bamenda, the ILO estimated in 2000 that 40 percent of employed children were girls, of whom 7 percent were less than 12 years of age, and 60 percent had dropped out of primary school.

In rural areas, many children began work at an early age on family farms. The cocoa industry also employed child laborers. Parents viewed child labor as both a tradition and a rite of passage. Relatives often employed rural youth, especially girls, as domestic helpers.

The Government does not specifically prohibit forced and bonded labor by children, and there were reports that it occurred in practice (see Section 6.f.).

The Ministry of Social Affairs and the Ministry of Labor were responsible for enforcing existing child labor laws through site inspections of registered businesses; however, the lack of resources have inhibited an effective inspection program. Moreover, the legal prohibitions do not include family chores, which in many instances were beyond a child's capacity. During the year, the Government employed 58 general labor inspectors to investigate child labor cases.

During the year, the Minister of Social Affairs raised awareness of child labor through newspaper interviews and seminars. In addition, the Government continued to collaborate with the national and international partners such as UNICEF and the ILO.

e. Acceptable Conditions of Work.—Under the law, the Ministry of Labor was responsible for setting a single minimum wage nationally applicable in all sectors. The minimum wage was approximately \$40 (23,514 CFA francs) per month. The wage did not provide for a decent standard of living for an average worker and family.

The law establishes a standard workweek of 40 hours in public and private non-agricultural firms and 48 hours in agricultural and related activities. The law mandates at least 24 consecutive hours of weekly rest.

The Government sets health and safety standards. Ministry of Labor inspectors and occupational health physicians were responsible for monitoring these standards; however, they lacked the resources for a comprehensive inspection program. There was no specific legislation permitting workers to extricate themselves from dangerous work situations without jeopardizing continued employment. Illegal foreign workers were not able to claim legal protections.

f. Trafficking in Persons.—The law provides that any person who engages in any form of trafficking in persons shall be punished by 10 to 20 years of imprisonment; however, trafficking remained a problem. The court also may impose a forfeiture penalty on any person who engages in trafficking. The country was a source, transit, and destination point for internationally trafficked persons; trafficking also occurred within the country.

The Ministry of Labor, Employment, and Social Insurance was primarily responsible for fighting trafficking; however, the Ministry was severely underfunded. There were no known cases of prosecution of traffickers or protection of victims by year's end. The Government established an interagency committee to combat trafficking and has developed a program to find and return trafficked children. The Government has not voted a specific budget to combat trafficking, and funding had not been made available by year's end.

Women and children traditionally have faced the greatest risk of trafficking. Most trafficking in children occurred within the country's borders, while most trafficked women were transported out of the country. There have been credible reports of slavery, particularly in the Rey Bouba Division of North Province, inside the closely guarded compound of a local chieftain, where authorities were unable to assert control. Parents sometimes offered their young daughters to the Lamido (chief) of the North Province of the Rey Bouba as gifts.

A 2000 ILO study conducted in Yaounde, Douala, and Bamenda, revealed that trafficking accounted for 84 percent of child laborers (see Section 6.d.). In most cases, intermediaries presented themselves as businessmen, approaching parents with large families or custodians of orphans and promising to assist the child with

education or professional training. The intermediary paid parents an average of \$8 (6,000 CFA francs) before transporting the child to a city where the intermediary would subject the child to forced labor with little remuneration. In 4 out of 10 cases, the child was a foreigner transported to the country for labor. The report also indicated that Cameroon was a transit country for regional traffickers as well, transporting children between Nigeria, Benin, Niger, Chad, Togo, the Republic of the Congo, and the Central African Republic for indentured or domestic servitude, farm labor, and sexual exploitation. Citizens also were trafficked to South Africa.

On April 29, the ILO launched an awareness campaign to eradicate child trafficking in airports. Special anti-trafficking embarkation/disembarkation cards were designed and distributed. The cards described the dangers of trafficking and how to recognize the phenomenon.

While there has been no published extensive study on trafficking in adult persons, anecdotal evidence from the NCHRF and others indicates that trafficking primarily in women also existed. Women were "hired" into hubs of prostitution, often in Europe. The method for trafficking women usually involved a marriage proposition by a foreign businessman. The woman was inducted into servitude upon arrival at a foreign destination.

The results of studies on the level of national trafficking and forced labor were still pending at year's end. The Government worked with local and international NGOs to provide temporary shelter and assistance to victims of trafficking. The Catholic Relief Service worked to combat corruption in local schools that led to child prostitution.

CAPE VERDE

Cape Verde is a multiparty parliamentary democracy in which constitutional powers were shared among the elected Head of State, President Pedro Verona Rodrigues Pires, former president of the African Party for the Independence of Cape Verde (PAICV); the head of government, Prime Minister Jose Maria Neves; and Neves' party, the PAICV. In January 2001, Pires was elected by a margin of 12 votes over the country's former prime minister and Movement for Democracy (MPD) president, Carlos Veiga, in what the National Electoral Commission and international media judged to be free and fair elections. The judiciary generally was independent.

The police have primary responsibility for maintenance of law and order. Civilian authorities maintained effective control of the security forces. Some members of the security forces committed human rights abuses.

The country had a market-based economy but little industry and few exploitable natural resources. In 2002, per capita income was estimated at \$1,300. The country had a long history of economically driven emigration, and remittances from citizens abroad remained an important source of income. The country produced food for only 15 percent of its population of approximately 460,000, which resulted in heavy reliance on international food aid.

The Government generally respected the human rights of its citizens; however, there were problems in some areas. There continued to be credible reports of police abuse. Prison conditions were poor. The judicial system was overburdened, and lengthy delays in trials were common. There were some limitations on press freedom, and there continued to be allegations of media self-censorship. Violence and discrimination against women and mistreatment of children continued to be serious problems.

RESPECT FOR HUMAN RIGHTS

Section 1. Respect for the Integrity of the Person, Including Freedom From:

a. Arbitrary or Unlawful Deprivation of Life.—There were no reports of the arbitrary or unlawful deprivation of life committed by the Government or its agents.

b. Disappearance.—There were no reports of politically motivated disappearances.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The Constitution prohibits such practices; however, there were credible reports that police continued to beat persons in custody and in detention, despite government efforts to stop such practices.

The Government investigated allegations of human rights abuses by police; however, these investigations did not result in any legal action against the perpetrators.

Prison conditions were poor, and facilities were severely overcrowded. Sanitation and medical assistance were poor; however, a doctor and a nurse were available, and prisoners were taken to the public hospitals for serious problems. Psychological

problems among prisoners were common. Although women and men were held separately, juveniles were not held separate from adults, and pretrial detainees were not held separate from convicted prisoners.

The Government permitted both formal visits by human rights monitors to prisons and routine visits to individual prisoners; however, there were no such visits during the year.

d. Arbitrary Arrest, Detention, or Exile.—The law prohibits arbitrary arrest and detention, and the Government generally observed these prohibitions.

The country's police force is organized nationally under the Ministry of Justice and is made up of the Public Order Police, which are responsible for enforcement, and the Judicial Police, which are responsible for investigations. Corruption was not a significant problem, and police were subject to legal and disciplinary measures in cases of misconduct. Logistical constraints, including lack of vehicles, limited communications equipment, and poor forensic capacity, limited police effectiveness.

The law stipulates that a suspect must be charged before a judge within 48 hours of arrest. Police may not make arrests without a court order unless a person is caught in the act of committing a felony. The courts had jurisdiction over state security cases, and there was a functioning system of bail.

The Constitution does not provide for forced exile, and the Government did not use it.

e. Denial of Fair Public Trial.—The Constitution provides for an independent judiciary, and the Government generally respected this provision in practice. The investigation continued in the 2000 case of a former Prime Minister accused of embezzling approximately \$16,250 (2 million Cape Verdean escudos) in the privatization of ENACOL (a parastatal oil supply firm).

The judicial system was composed of the Supreme Court and the regional courts. Of the five Supreme Court judges, one was appointed by the President, one by the National Assembly, and three by the Superior Judiciary Council. This council consisted of the President of the Supreme Court, the Attorney General, eight private citizens, two judges, two prosecutors, the senior legal inspector of the Attorney General's office, and a representative of the Ministry of Justice. Judges were independent and could not belong to a political party.

The Constitution provides for the right to a fair trial. Defendants are presumed to be innocent; they have the right to a public, nonjury trial; to counsel; to present witnesses; and to appeal verdicts. Free counsel was provided for the indigent. Regional courts adjudicated minor disputes on the local level in rural areas. The Ministry of Justice did not have judicial powers; such powers were with the courts. Defendants could appeal regional court decisions to the Supreme Court.

The judiciary generally provides due process rights; however, the right to an expeditious trial was constrained by a seriously overburdened and understaffed judicial system. A backlog of cases routinely led to trial delays of 6 months or more; more than 10,500 cases were pending at the end of 2001.

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home or Correspondence.—The Constitution prohibits such actions, and the Government generally respected these prohibitions in practice.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution provides for freedom of speech and of the press, and the Government generally respected freedom of speech; however, there were some reports of restrictions on freedom of the press. There is a substantial and growing independent press; however, there continued to be criticism by many prominent government and opposition figures of state-controlled television for its failure to properly exercise its role of informing the public regarding political and economic issues. There continued to be reports of media self-censorship.

There were three independent newspapers and one state-owned newspaper; six independent radio stations and one state-owned radio station; and one state-owned television station and two foreign-owned stations. Foreign broadcasts were permitted. Journalists were independent of government control and were not required to reveal their sources; however, there were credible reports that journalists associated with the government-controlled media practiced self-censorship.

The law requires a formal licensing mechanism for mass media, including government authorization to broadcast; however, there were no reports that licenses were denied or revoked or that the Government refused to authorize broadcasts during the year.

In July 2002, former Chief Justice Oscar Gomes filed a criminal complaint against private attorney Rui Aradjo, who had accused the Chief Justice in a local newspaper

of rigging the 2001 Presidential election; the case remained under investigation at year's end.

In November 2002, the Public Prosecutor charged the newspaper *A Semana* with defamation in response to an article alleging that judges and public prosecutors in a local government district had accepted bribes in exchange for favorable judgments, fraternized with plaintiffs and defendants, and indulged in public drunkenness. The court of first instance found the defendants guilty; the case was pending appeal before the Supreme Court at year's end.

Freedom of expression may or may not be used as a defense in cases involving defamation or offense to personal honor. Despite the broadly interpreted criminal libel laws, no independent media outlets reported direct pressure in their daily operations or business activities.

The Government did not restrict Internet access.

The Government did not restrict academic freedom.

b. Freedom of Peaceful Assembly and Association.—The Constitution provides for freedom of assembly and association, and the Government generally respected these rights in practice.

c. Freedom of Religion.—The Constitution provides for freedom of religion, and the Government generally respected this right in practice.

The Catholic majority enjoyed a privileged status in national life. For example, the Government provided the Catholic Church with free television broadcast time for religious services and observed its holy days as official holidays.

To be recognized as legal entities by the Government, religious groups must register with the Ministry of Justice; however, failure to do so did not result in any restriction on religious belief or practice.

The trial of four individuals of the "Sao Domingos Group," who were accused of desecrating a Catholic Church in 1996 began in 2001; however, there was no verdict at year's end.

For a more detailed discussion, see the 2003 International Religious Freedom Report.

d. Freedom of Movement within the Country, Foreign Travel, Emigration, and Repatriation.—The Constitution provides for these rights, and the Government generally respected them in practice.

The law provides for the granting of refugee status or asylum to persons who meet the definition in the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. In practice, the Government provided protection against refoulement and granted refugee status or asylum. The Government cooperated with the U.N. High Commissioner for Refugees and other humanitarian organizations in assisting refugees. The Government also provided protection to certain individuals who fall outside of the definition of the 1951 U.N. Convention Related to the Status of Refugees and its 1967 Protocol.

Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government

The Constitution provides citizens with the right to change their government peacefully, and citizens exercised this right in practice through periodic, free, and fair elections held on the basis of universal suffrage. In January 2001, Pedro Verona Rodrigues Pires, former president of the PAICV, was elected by a margin of 12 votes over the country's former Prime Minister and MPD president, Carlos Veiga. The principal opposition party, the MPD, held power from 1991 until 2001, after defeating the PAICV, which held power in a one-party state from independence in 1975 until 1991. The PAICV won the legislative elections in 2000 and has an absolute majority in the National Assembly. The National Electoral Commission and the international media judged the January presidential elections, as well as legislative and municipal elections in 2000, to be free and fair.

The Constitution provides for the separation of powers. Constitutional powers were shared among President Pires, Prime Minister Jose Maria Neves, and the PAICV party. Cabinet ministers were subject to confirmation by the President. Collectively they must retain the support of a parliamentary majority. The President could dismiss the Government with the approval of the political parties represented in the National Assembly and the Council of the Republic. This council consisted of the President of the National Assembly, the Prime Minister, the President of the Constitutional Court, the Attorney General, the Ombudsman, the President of the Economic and Social Council, the former presidents, and five private citizens appointed by the President. The MPD and the Democratic Renovation Party were the main opposition parties.

There were 11 women among the elected deputies in the 72-seat National Assembly and 4 women in the 17-member Cabinet.

Section 4. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A number of domestic human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials generally were cooperative and responsive to their views.

There are three private human rights groups: The National Commission of the Rights of Man, the Ze Moniz Association, and the Alcides Barros Association.

The powers of the independent Ombudsman, who serves a 5-year term, were defined in July; however, no Ombudsman had been elected by year's end.

Section 5. Discrimination Based on Race, Sex, Disability, Language, or Social Status

The Constitution prohibits discrimination based on race, sex, religion, disability, language, or social status; however, the Government did not enforce these provisions effectively, and not all elements of society, particularly women and children, enjoyed full protection against discrimination.

Women.—Domestic violence against women, including wife beating, was common. The Government and civil society encouraged women to report criminal offenses such as rape and spousal abuse to the police; however, according to the media and a July 2002 report by the Women Jurists' Association, longstanding social and cultural values inhibited victims from doing so. Nevertheless, reporting of such crimes to police continued to increase during the year, and violence against women was the subject of extensive public service media coverage in both government- and opposition-controlled media.

While there were mechanisms to deal with spousal abuse, in practice these mechanisms neither ensured the punishment of all those responsible nor effectively prevented future violence. Women's organizations, like the Women Jurists' Association, continued to seek legislation to establish a special family court to address crimes of domestic violence and abuse; however, there was no such legislation by year's end. The revised Penal Code protects certain rights of the victims of sexual abuse; however, it did not ensure compensation.

Despite constitutional prohibitions against sex discrimination and provisions for full equality, including equal pay for equal work, discrimination against women continued. Although they often were paid less than men for comparable work, women were making inroads in various professions, especially in the private sector.

The Constitution prohibits discrimination against women in inheritance, family, and custody matters; however, women often were reluctant to seek redress of domestic disputes in the courts. The Organization of Cape Verdean Women alleged that there was discriminatory treatment in inheritance matters, despite laws that called for equal rights. For example, some women were pressured to sign judicial agreements detrimental to their statutory inheritance rights.

The Women Jurists' Association provided free legal assistance to women throughout the country suffering from social abuse (both violence and discrimination) and spousal abuse.

Children.—The Government remained committed to children's rights and welfare. The Government provided free, mandatory education for 6 years of primary school for all children, which normally covered children from age 6 to age 12. Education was compulsory until age 16; however, secondary education was free only for children whose families had an annual income below approximately \$1,700 (160,000 Cape Verdean escudos). According to 2001 Ministry of Education statistics, primary school attendance was approximately 98 percent. Attendance rates by boys and girls differed by less than 1 percent.

Students may be suspended from classes during pregnancy or nursing. Individual schools were responsible for enforcing the rule, and according to press reports, one student was suspended during the year.

Child abuse and mistreatment, sexual violence against children, and juvenile prostitution were problems, exacerbated by chronic poverty, large unplanned families, and traditionally high levels of emigration of adult men. The media reported cases of sexual abuse against children and adolescents. The inefficiencies of the judicial system made it difficult for government institutions to address the problem.

Persons with Disabilities.—Although the Constitution mandates "special protection" for the aged and persons with disabilities, the Government did not require access to public buildings or services for persons with disabilities; however, there was no discrimination against persons with disabilities in employment and education. There were no official schools or trained teachers for persons with disabilities, which

disadvantaged children with disabilities. Several nongovernmental organizations (NGOs), including an association for the blind, were active.

Section 6. Worker Rights

a. The Right of Association.—The Constitution provides that workers legally are free to form and join unions without government authorization or restriction. There were two umbrella union associations: The Council of Free Labor Unions, composed of 14 unions with approximately 18,000 members; and the National Union of Cape Verde Workers (UNTC–CS), formed by the former ruling party but operated independently, which included 14 unions with approximately 20,000 members. The Government did not interfere with the activities of these organizations; however, the UNTC–CS claimed that it received less than its share of funds for unions. Both unions suffered from a shortage of funds.

The law provides that if an employer fires a worker without a “just cause,” as defined by the law, such as for union activity, the employer either must reinstate the worker or provide financial compensation to the worker. The law bans antiunion discrimination by employers with fines for offenders. No cases were brought to court during the year.

Unions were free to affiliate internationally and had ties with African and other international trade union organizations.

b. The Right to Organize and Bargain Collectively.—The Constitution provides for the right to organize, to operate without hindrance, and to sign collective work contracts; however, there has been very little collective bargaining. There were no signed collective bargaining agreements. The International Labor Organization (ILO) has cited the Government for its inability to provide examples of signed collective bargaining agreements.

Workers and management in the small private sector, as well as in the public sector, normally reached agreement through negotiations. Although there were no collective labor contracts, workers succeeded in negotiating important issues such as salary increases. However, as the country’s largest employer, the Government continued to play the dominant role in setting wages. It did not fix wages for the private sector, but salary levels for civil servants provided the basis for wage negotiations in the private sector.

The Constitution provides union members with the right to strike, but the Government at times limited this right. In the past, when workers attempted to strike, the Government invoked a “civil request” under which it had the power, in an emergency or if a strike threatened coverage of basic needs, to name a list of minimum services that a union must continue to provide during any strike. Despite numerous ILO requests, the Government continued to requisition workers to curtail strikes and to interpret essential services in the broadest terms. In 2000, the ILO recommended that the law be changed, and during the year, the UNTC–CS submitted to the Government its draft of a new labor code.

The Government took measures to amend its legislation so that if parties disagreed on the minimum services to be provided during strikes, an independent body could resolve the dispute. However, at year’s end, the Government had not created an independent body to resolve such differences.

During the year, there was one legal strike by workers at Interbase, a fishery company, for higher wages. During the year, anti-erosion employees of the Ministry of Agriculture and Fish threatened to strike several times and held peaceful demonstrations. These workers have been negotiating with the Ministry of Finance for unpaid wages for work completed in 1997 and 1999. The case still was pending at year’s end.

Praia has a 30-acre export processing zone (EPZ), which housed two Portuguese companies and a Cape Verdean-Senegalese joint venture. There were no special laws or exemptions from regular labor laws for EPZs.

c. Prohibition of Forced or Bonded Labor.—The law prohibits forced or bonded labor, including by children, and there were no reports that such practices occurred.

d. Status of Child Labor Practices and Minimum Age for Employment.—The law prohibits children under the age of 16 from working at night, more than 7 hours per day, or in establishments where toxic products were produced; however, the Government rarely enforced the law, and child labor occurred. The legal minimum age for employment was 14 years. In practice the Ministry of Justice and Labor enforced minimum age laws only in the urban, formal sectors of the economy, and with limited success.

The Government was working with the ILO and the International Program for the Elimination of Child Labor to eliminate child labor.

e. Acceptable Conditions of Work.—There were no established minimum wage rates in the private sector. Large urban private employers linked their minimum wages to those paid to civil servants. For an entry-level worker, this wage is approximately \$120 (12,000 Cape Verdean escudos) per month. The majority of jobs paid wages insufficient to provide a worker and family with a decent standard of living; most workers relied on second jobs and extended family support.

The maximum legal workweek for adults was 44 hours. While large employers generally respected these regulations, many domestic servants and agricultural laborers worked longer hours.

The Director General of Labor conducted sporadic inspections to enforce the labor code and imposed fines on private enterprises that were not in conformity with the law. However, the Government did not enforce labor laws systematically, and much of the labor force did not enjoy their protection. Few industries employed heavy or dangerous equipment, and work-related accidents were rare.

There is no legal provision for workers to remove themselves from unsafe working conditions without jeopardizing their continued employment.

Foreign workers required both a work permit (granted by immigration authorities) and a work contract (approved by the Ministry of Labor). If in compliance with these requirements, foreign workers were protected fully by the law; however, there were no provisions to protect illegal foreign workers.

f. Trafficking in Persons.—The law does not specifically prohibit trafficking in adult persons; however, the law prohibits child trafficking. There were no reports that persons were trafficked to, from, or within the country. The penalty for child traffickers is 12 to 20 years' imprisonment. The illegal smuggling of economic emigrants to various points in Europe was believed to be a thriving business. This smuggling involved visa and related fraud; however, there were no reports that these persons were transported into forced labor or debt bondage. The country was a transit point for smugglers, and smuggling had become a concern for local authorities. Several press reports noted that the police had arrested some persons, smugglers as well as victims, yet there were no credible reports of actual cases. The Government cooperated with European authorities, neighboring governments, and foreign embassies to deal with the problem.

CENTRAL AFRICAN REPUBLIC

During the first part of the year, the Central African Republic (CAR) continued to be a multiparty state led by President Ange-Félix Patassé, who had been re-elected in 1999. However, on March 15, a 6-month rebellion culminated in a military coup led by former Armed Forces Chief of Staff General François Bozizé, with the assistance of demobilized Chadian soldiers and the tacit involvement of active Chadian soldiers. General Bozizé declared himself President, suspended the Constitution, and dissolved the National Assembly. Between March and June, he appointed a Prime Minister; appointed a transitional cabinet from members of all political parties, including the party of deposed President Patassé, and civil society; and established a National Transitional Council (NTC), a law-advisory body intended to reestablish the rule of law, assist the presidency in drafting a new constitution, and prepare the country for multiparty elections in 2004 and 2005. The suspended Constitution provides for an independent judiciary; however, the judiciary was subject to executive interference, both before and after the March 15 coup.

The National Police are under the direction of the Ministry of Interior and Public Security, while the military forces and the National Gendarmerie are under the jurisdiction of the Ministry of Defense; all shared responsibility for internal security. Civilian authorities did not maintain effective control of the security forces. Following the coup, the Presidential Security Unit (USP) was dissolved on April 30 and reintegrated into the National Army. In addition, President Bozizé ordered the disbandment of the Security Investigation Division (SERD), a military intelligence unit which operated as part of presidential security services, due to accusations that the SERD committed human rights abuses such as torture, rape, and extortion during the year; however, this order had not been carried out by year's end. Former members of the security forces were involved in the coup. In December, President Bozizé signed an order dismissing a number of soldiers from the army because of indiscipline; the soldiers named reportedly were removed from army lists and sent home. As part of its efforts to protect citizens and safeguard property, in May the Bozizé Government launched joint security operations in the capital conducted by the Armed Forces, the Central African Economic and Monetary Community (CEMAC)

force, and French forces. Members of the security forces committed numerous serious human rights abuses.

The economy, already extremely weak because of repeated political-military troubles and a cycle of coup attempts, was in a state of collapse, with approximately 60 percent of the population living at or below the poverty line. The economy was partially market-based and partially government directed, and was dominated by subsistence agriculture. Approximately 80 percent of its 3.8 million inhabitants were farmers. Foreign assistance remained an important source of national income. After the coup, most international donors suspended financial assistance, although by year's end, many had resumed assistance programs. Large-scale looting and vandalism in the wake of the coup devastated not only the state infrastructure and facilities but also the remaining economic and industrial activity of the country. The salary arrears owed to civilian employees and the military continued to impair the functioning of the Bozizé Government and the ability of the State to enforce the rule of law. Before and after the March coup, misappropriation of public funds and corruption in the Government remained widespread. In addition, the large displacement of persons during and following the October 2002 coup attempt and the March 15 coup adversely affected economic productivity during the year.

The Government's human rights record remained poor; although there were some improvements in a few areas, serious problems remained. Citizens did not have the right to peacefully change their government during the year. Security forces continued to commit extrajudicial and other unlawful killings, including government-tolerated executions of suspected bandits, with impunity. The 6-month rebellion in the north, culminating in the March 15 coup, resulted in numerous killings of civilians in Bangui and the northern part of the country by security forces and both pro- and anti-government rebels. During and following the coup, security forces, pro-government rebels of the Movement for the Liberation of Congo (MLC) from the Democratic Republic of the Congo (DRC), and Bozizé's rebels engaged in widespread looting, beating, and raping of civilians. Security forces continued to torture, beat, and otherwise abuse suspects and prisoners. Impunity remained a problem. Other abuses included harsh prison conditions, arbitrary arrest, prolonged detention without trial, and infringements on privacy. The Government restricted freedom of the press, assembly, and association. There were limits on movement. The coup resulted in numerous deaths and abuses, thousands of internally displaced persons (IDPs), and significant numbers of refugees in neighboring countries. Violence and discrimination against women, female genital mutilation (FGM), child prostitution, discrimination against indigenous people (Pygmies), trafficking in persons, and child labor, including instances of forced child labor, continued to be problems. Societal violence also remained a problem.

Between January and the March 15 coup, MLC rebels loyal to the Patassé Government committed numerous killings and abuses of civilians, including acts of torture, numerous rapes, harassment, and widespread looting. Between January and the March 15 coup, pro-Bozizé rebels, including former members of the security forces and Chadian combatants, committed numerous killings and rapes of civilians in the north and in Bangui. Widespread looting by Bozizé's rebels was a serious problem. After March 15, the MLC forces were forced to flee back to the DRC.

RESPECT FOR HUMAN RIGHTS

Section 1. Respect for the Integrity of the Person, Including Freedom From:

a. Arbitrary or Unlawful Deprivation of Life.—There were no reports that security forces committed political killings; however, security forces continued to commit extrajudicial killings with impunity throughout the year. Fighting between government and rebel soldiers in the North and the subsequent March 15 coup in Bangui resulted in numerous killings of civilians.

During the year, the special police Squad for the Repression of Banditry (OCRB) continued to operate and were responsible for extrajudicial killings and torturing civilians. The OCRB committed such abuses with tacit government support and popular approval, partly because the OCRB's actions were seen as an effective means of reducing crime. There were fewer reports that the OCRB killed persons after President Bozizé came into power. The Government did not take action against OCRB members responsible for killings or other abuses committed during the year.

There were credible reports that the security forces continued to commit extrajudicial killings with impunity under President Bozizé's rule. On December 3, members of the security forces reportedly killed three young boys belonging to a local self-defense and anti-poaching unit in the eastern province of Haute Kotto. The boys were reportedly tortured at the headquarters of the SERD in Bangui and later

taken to the Ndres cemetery where they were summarily executed. The Government took no action against the soldiers responsible for the killings.

There were credible reports that security forces committed other unlawful killings, some allegedly in connection with personal disputes or rivalries. For example, on August 18, security forces of General Bozizé killed one student and injured others in front of a high school. The responsible soldier was arrested and demoted.

On September 18, retired Gendarmerie Captain Joseph Koyanao was found dead in Bangui after he had been shot several times; his relatives believe he was killed by or on the orders of an army officer because of a property dispute. The case was under investigation at year's end.

In September, members of the military reportedly killed a Nigerian trader on the road to Boali. By year's end, no action had been taken against the soldiers responsible for the killing.

There were no further developments in the January 2002 killing of two civilians by soldiers or the December 2002 killing of a magistrate by a soldier.

During President Patassé's rule, sporadic border clashes in the north between security forces and rebel soldiers loyal to General Bozizé continued to result in the killing of an undetermined number of civilians.

In addition, from the 2002 coup attempt until the March 15 coup, rebel soldiers loyal to General Bozizé killed numerous civilians in areas under their control. However, no numbers were available because those areas remained inaccessible to non-governmental organizations (NGOs) and humanitarian groups.

During the first part of the year, MLC troops committed numerous extrajudicial killings of civilians, raped numerous women and girls, and engaged in widespread looting of houses and businesses; MLC troops killed civilians with the tacit support of the Patassé Government, including suspected supporters of Bozizé. Following a failed coup attempt by General Bozizé's rebels in October 2002, MLC President Jean-Pierre Bemba sent approximately 1,500 MLC troops to assist President Patassé's security forces in fighting General Bozizé's rebels. Following the March 15 coup, MLC troops returned to the DRC.

From the beginning of the year until the March 15 coup, MLC rebels under Bemba's command reportedly killed and raped numerous persons in Bangui and in the northern part of the country.

During the March 15 coup in Bangui, fighting between pro-government forces and General Bozizé's rebels and the shooting of looters by the rebels resulted in numerous deaths. During the fighting, security forces killed individuals because of their ethnicity or on the suspicion that they were members of Bozizé's rebels. Both sides, particularly the Government, targeted densely populated areas; security forces launched rockets and mortar rounds indiscriminately into neighborhoods suspected of harboring rebels, and both sides committed summary executions.

On March 15, General Bozizé's rebels reportedly killed three Congolese soldiers from the CEMAC peacekeeping force in Bangui at President Patassé's residence.

Following the coup, General Bozizé's rebels and MLC troops before their withdrawal continued to commit massive human rights violations such as killings, beatings, and racketeering.

During and after the March 15 coup, there were reports of killings committed by Chadian combatants who assisted General Bozizé in the coup. Human rights organizations and some political parties called for the repatriation of the armed Chadian forces and for the trial of those accused of crimes. In June, President Bozizé personally conducted a disarmament mission in some police stations in Bangui held by Chadian soldiers. In June, with the assistance of CEMAC peacekeeping forces, most of the Chadian combatants were sent back to Chad.

No action was taken against security forces responsible for killings following the attempted coups in October 2002 and May 2001.

No action was taken against rebel soldiers loyal to General Bozizé responsible for the killing of numerous civilians in the October 2002 attempted coup.

No report had been published by year's end by the 2002 Patassé commission of inquiry into the deaths of 63 Sudanese in May 2002, which were attributed to societal violence.

Civilians continued to take vigilante action against presumed thieves, poachers, and some persons believed to be Chadian combatants. For example, on December 5, vigilantes killed two Chadian combatants; earlier that same day, the two Chadians had reportedly killed Patrick Assombele, a Lieutenant in the Armed Forces, in a Bangui suburb. Perpetrators were generally not prosecuted and received popular support.

Mobs reportedly continued to injure and kill suspected sorcerers or witches during the year.

b. Disappearance.—There were no confirmed reports of politically motivated disappearances by the Government during the year; however, there were reports of disappearances during the months-long rebellion that culminated in the March coup in the North.

During the year, cattle raiders kidnapped, held hostage, and demanded large ransoms for the children of cattle herders. For example, on November 18, a group of cattle raiders demanded \$3,300 (2 million CFA francs) before releasing 10 herders' sons in Boyali.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The Penal Code prohibits torture and specifies sanctions for those found guilty of physical abuse; however, police continued to torture, beat, and otherwise abuse criminal suspects, detainees, and prisoners. The Government did not take effective action to punish police who tortured suspects, and impunity remained a problem. Family members and human rights groups, including the Human Rights League (HRL) Executive Committee, pursued court complaints filed in previous years with the prosecutor regarding the deaths of several prisoners due to police abuse; however, authorities continued not to take action on any of the cases. The HRL did not file any court complaints of police abuse during the year.

Police beat persons while forcibly dispersing demonstrators (see Section 2.b.). No investigation was conducted into the 2001 beating by gendarmes of Assingambi Zarambaud, who had published a series of articles critical of the Government; however, in April, Zarambaud was freed and became a minister in the Government.

In August, a member of the military reportedly raped a woman at Camp Beal in Bangui. In November, the Central African Human Rights League (LCDH) criticized the Government for not taking action against the soldier responsible.

On October 28, five presidential guards gang-raped a woman at the barracks of the SERD in Bangui; the woman had been apprehended in the street by patrolling security forces. Her husband, who went to the SERD barracks and requested her release, was severely beaten and tortured. Shortly after the rape was reported, the five guards and two of their accomplices were arrested and dismissed from the army.

Juvenile Court President Magistrate Brigitte Balipou, head of the Humanitarian Commission, declared during an interview with Radio France Internationale that approximately 400 women and young girls who had been raped by MLC forces, were being cared for by humanitarian organizations that provided psychological assistance and medical care to those infected by HIV/AIDS and sexually transmitted diseases.

Members of the armed forces often committed other abuses against civilians, including armed robbery and racketeering. No action generally was taken against soldiers involved in such abuses.

During the months-long rebellion that culminated in the March coup, soldiers loyal to the Patassé Government and General Bozizé's rebel troops committed serious violations of human rights and humanitarian law, including widespread looting, rape, disappearances, inhuman, cruel and degrading treatment, and the recruitment and use of children as soldiers.

There were reports that pro-Patassé MLC troops based around Bangui committed numerous abuses of civilians, including torture, killings, rape, and harassment.

On May 15, the private newspaper *Le Citoyen* criticized some pro-Bozizé Chadian combatants for committing abuses against taxi and bus drivers, including torture, beatings, and theft of vehicles or goods. Taxi and bus drivers were regularly beaten in the street (see Section 1.d.).

Following the coup, there continued to be reports that Abdoulaye Miskine, a pro-Patassé Chadian ally who led forces against General Bozizé in 2002 and early in the year, continued to commit abuses against civilians in the northwestern part of the country.

No action was taken against members of security forces, rebel groups, and foreign rebels who committed abuses against the population during the year.

Prison conditions were extremely harsh. Prison cells were overcrowded, and basic necessities, including food, clothing, and medicine, were in short supply and often were confiscated by prison officials for their personal use. There were reports that guards tortured prisoners and that women inmates were raped. Prisoners depended on family members to supplement inadequate prison meals and were sometimes allowed to forage for food in areas near the prison. Prisoners frequently were forced to perform uncompensated labor at the residences of government officials and magistrates. Prison conditions outside of Bangui were generally worse, and most of these prisons were completely destroyed during the fighting between January and March.

In October, the Government reopened Ngaragba Prison, the only prison for men in Bangui, after 7 months of closure. Male prisoners who were being held in police and gendarmerie stations were transferred to the facility. The Ngaragba Prison was among the public facilities that were looted, damaged, or destroyed following the 15 March coup, which resulted in the escape of many detainees.

Male and female prisoners were held in separate facilities in Bangui but housed together elsewhere. There were no separate detention facilities for juvenile prisoners, who routinely were housed with adults and often subjected to physical abuse. Pre-trial detainees were not held separately from convicted prisoners.

The Government permitted prison visits by human rights observers. The International Committee for the Red Cross (ICRC) and religious groups routinely provided supplies, food, and clothes to prisoners. The ICRC had unrestricted access to prisoners.

d. Arbitrary Arrest, Detention, or Exile.—The law provides protection against arbitrary arrest and detention and accords the right to a judicial determination of the legality of detention; however, the security forces frequently ignored such provisions, and arbitrary arrest and detention were problems.

Police were not effective, partly as a result of salary arrears owed by the Government and a lack of resources. Many citizens lacked faith in the police, and consequently, mob violence against persons suspected of theft and other offenses remained a problem (see Section 1.a.). The Government did not take effective action to punish abusers, and impunity remained a problem. During the year, the LCDH sharply criticized the police and other security forces, and accused the security forces of terrorizing the population, killing civilians, and committing armed robbery.

Judicial warrants were not required for arrest. The law stipulates that persons detained in cases other than those involving national security must be brought before a magistrate within 96 hours. In practice authorities often did not respect this deadline, in part due to inefficient judicial procedures. By law national security detainees are defined as “those held for crimes against the security of the state” and may be held without charge for up to 2 months; however, in practice persons were held without charge for long periods. The law allows detainees to have access to their family and to legal counsel; however, in cases involving state security, the Government prohibited detainees from consulting legal counsel, pending an investigation. Indigent detainees may request a lawyer provided by the Government. Detainees were allowed to post bail or have family members post bail for them. Lawyers and families generally had free access to detainees.

On January 25, security forces arrested Joseph Bendounga, leader of the Movement for the Rebuilding and Evolution of CAR, at the airport while trying to leave the country. He was released by the court on February 12.

On February 21, members of the Presidential Guard arrested General Bozizé’s son, Socrates, a 23-year-old student. After he was accused of sending sensitive information to his father in Paris, Socrates was publicly beaten in the streets and taken to SERD headquarters. He was later released during the March coup.

On June 8, police arrested eight leaders of the former ruling political party of President Patassé, the Movement for the Liberation of the Central African People (MLPC) during a meeting in Bangui. The eight leaders were accused of organizing “subversive meetings” to destabilize the Government. They were released on June 10.

On November 12, security forces arrested former chief of the Presidential guard, General Ferdinand Bomayeké, after he left his refuge at the French Embassy. According to the General Prosecutor, General Bomayeké was accused of threats, numerous killings of civilians through air bombardments, arbitrary arrests, rape, and destruction of public and private properties. He had not been tried by year’s end.

Security forces arrested journalists during the year (see Section 2.a.).

Police arrested demonstrators during the year (see Section 2.b.).

Colonel Danzoumi Yalo was arrested on December 23 allegedly for plotting a coup. The case was under investigation at year’s end.

On May 14, Chadian soldiers arrested lawyer and human rights activist Emilien Bizon Jr. after he publicly protested the beating of a taxi driver in downtown Bangui. He was freed a few hours later, after a protest by the Bar and human rights organizations.

Prolonged pre-trial detention was a serious problem; however, the number of pre-trial detainees was unknown at year’s end. Detainees were usually informed of the charges levied against them; however, many waited in prison for several months before seeing a judge. Some detainees remained in prison for years because of lost files and bureaucratic obstacles.

The suspended Constitution does not permit the use of exile, and the Government did not employ it in practice. The Government has stated repeatedly that any per-

son in exile for strictly political, rather than criminal, reasons may return without fear of persecution. The April amnesty granted by President Bozizé encouraged thousands of exiles, including former President André Kolingba, members of Kolingba's Yakoma ethnic group, and Rwandan refugees, to return home, mostly from the DRC, and the Republic of the Congo (ROC) (see Sections 1.e. and 2.d.). In addition, approximately 1,000 members of the military who fled following the failed 2001 coup were reintegrated into the army on a case-by-case basis.

On April 9, Jean-Paul Ngoupande, the opposition leader who fled the country after gendarmes invaded his house in January 2001, returned to the country and was appointed as a special advisor to President Bozizé.

On April 22, dignitaries of the former Patassé regime, including former Vice-President Hugues Dobozeni and former President of the National Assembly, Appolinaire Dondon, returned home and were able to move freely throughout the country.

e. Denial of Fair Public Trial.—The suspended Constitution provides for an independent judiciary; however, the judiciary was subject to executive interference, both before and after the March 15 coup. There was inefficient administration of the courts, a shortage of trained personnel, growing salary arrears, and a lack of material resources.

The judiciary consists of a tribunal of first instance, the court of appeal, the cassation court, the High Court of Justice, commercial and administrative courts, a military court, and the Constitutional Court. The highest court is the Constitutional Court, which determines whether laws passed by the National Assembly conform to the Constitution. The Constitutional Court also receives appeals challenging the constitutionality of a law. The Constitutional Court was dissolved after the coup on March 15. Lower courts hear criminal and civil cases and send appeals to the Court of Appeals. Military courts tried only soldiers, not civilians. The courts of justice and the juvenile court barely functioned due to inefficient administration, shortage of trained personnel, salary arrears, and a lack of resources.

In general trial procedures, if the prosecutor believes there is sufficient evidence that an offense has occurred and that the accused committed it, he places the accused under an arrest warrant. If there is insufficient evidence, the case is dropped. Trials are held publicly, and defendants have the right to be present and to consult a public defender. Defendants also have the right to question witnesses, to present witnesses and evidence on their own behalf, and to have access to government-held evidence relevant to their case. Defendants are presumed innocent until proven guilty, and if convicted, defendants have the right to appeal. The Government generally complied with these legal requirements; however, the judiciary did not enforce consistently the right to a fair trial, and there were many credible reports of corruption within the court system. A number of persons were subjected to prolonged detention without trial or were killed summarily and extrajudicially (see Section 1.a.).

The Criminal Court did not resume its activities after the March coup. Many cases remained pending before the Court, including the cases of former Minister of Communication and second Vice-President of the former ruling MLPC party and Patassé's spokesman, Jean-Edouard Koyambounou, who remained in pre-trial detention in the Ngaragba prison. Koyambounou was accused of misappropriation of public funds.

Due to judicial inefficiency, citizens in a number of cities established their own courts to deal with cases through parallel justice.

On April 23, President Bozizé granted amnesty to 800 persons, including former President André Kalinga, who were convicted in August 2002 of involvement in a coup attempt in 2001; there were no reports that they experienced government harassment.

On August 28, the State Prosecutor issued an international warrant for the arrest of former President Patassé, who remained in exile, for embezzlement of public funds, human rights violations, and economic crimes.

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home or Correspondence.—The law prohibits invasion of homes without a warrant in civil and criminal cases; however, on occasion police used provisions of the Penal Code governing certain political and security cases that allow them to search private property without a warrant. Security forces continued to carry out warrantless searches for guns and ammunition in private homes. The increase of banditry in Bangui has become a pretext for the police to carry out warrantless house searches.

During the fighting prior to and during the coup, troops from both sides illegally entered, searched, and looted homes, in some cases killing the residents, and in other cases causing them to flee. Ministries and residences of former dignitaries

were looted and destroyed. Hundreds of vehicles belonging to the Government, private companies, and individuals were also stolen. Bozizé's rebels looted homes, businesses, and church and NGO properties, according to missionary groups, the Central African (Catholic) Episcopal Conference (CAEC), and residents who fled to Bangui.

Following the coup, the joint security forces, supported by CEMAC troops, continued to carry out warrantless searches of entire neighborhoods and seized vehicles, electronic goods, appliances, and other items for which residents could not produce sales receipts, alleging that the property was stolen. Few of these items were returned to the owners.

From April to July, police and gendarmes in Bangui surrounded several neighborhoods and searched houses for arms as part of a mandatory disarmament program.

After the coup, Bozizé's forces conducted massive looting in Bangui and in other parts of the country.

The Government continued to engage in wiretapping without judicial authority.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The suspended Constitution provides for freedom of speech and of the press; however, the Government continued to restrict the freedom of the press, particularly the freedom of the print media to criticize the Government. The law criminalizes offenses such as defamation committed by members of the media, and some journalists and editors were imprisoned during the year. The Government continued to dominate domestic broadcast media. Before the March coup, pressure from the Patassé Government resulted in the self-censorship of journalists in both the public and private press; however, local media observers said there has been greater press freedom since President Bozizé took power.

The law prohibits the Government from censoring the press and defines the rights and responsibilities of private media.

At the beginning of the year, the Patassé Government owned and controlled three newspapers, the *Centrafrique Presse*, the *Agence Centrafricaine de Presse (ACAP)* bulletin, which appeared sporadically, and *Forum de l'Unité*. *Echo de Centrafrique*, a private daily newspaper, was influenced by and treated favorably the ruling party. More than a dozen private newspapers were published at varying intervals and often criticized the President, the Government's economic policies, and official corruption. President Bozizé did not control any newspapers.

Radio was the most important medium of mass communication because the literacy rate was low, and newspapers and television were relatively expensive and rarely found outside urban areas. The Government owned and operated a radio station and a television station. The activities of the President and other senior government officials dominated programming. On January 8, the former National Assembly passed a law creating the CAR Radio and Television Office (ORTCA), making it a parastatal for better management. Private citizens can own shares in this new company. The USP remained in control of the national radio station until the March 15 coup, when they were replaced by the national police force.

There were no privately owned stations that broadcast domestically produced national news or political commentary. *Africa Number One*, a private radio station in Bangui, broadcast national news coverage. *Radio Notre Dame*, which was owned and operated by the Catholic Church, broadcast national news, debates, legal counseling, and human rights education. *Radio-France Internationale (RFI)* also broadcast domestically; its programming included some national news coverage by a correspondent based in the country. The private radio station *N'Deke Luka* broadcast from Bangui on FM with assistance from foreign governments and development organizations.

The Government continued to monopolize domestic television broadcasting. The High Council of Communication was responsible for authorizing private television as well as radio stations, but received no applications to establish a private television station.

During the year, security forces arrested, detained, threatened, or otherwise harassed some journalists. For example, on February 19, police in Bangui detained Joseph Bénamasé, a correspondent for the British Broadcasting Corporation and the Associated Press. The authorities interrogated him about his reports on the presence of Rwandan troops among MLC rebels who were supporting President Patassé; Bénamasé was released later that day.

On February 20, police arrested Marthurin Momet, the editor of the private newspaper *Le Confident*, in Bangui and held him in incommunicado detention. He was accused of threatening internal security and "inciting hatred" after publishing articles in February criticizing the pro-government MLC forces for committing human rights abuses, and President Patassé for failing to control the MLC rebels. On March 3, newspapers in Bangui suspended publication for 48 hours to protest

Momet's detention, and on March 15, following the coup by General Bozizé, Momet was released.

On July 7 and 8, authorities threatened and summoned Faustin Bambou, publication director of the newspaper *Les Collines du Bas-Oubangui*, to the police station in Bangui; police officers interrogated him about a July 3 article in which he criticized the privileges granted by the Government to a Chadian businessman. In the following week, the General Prosecutor also interrogated Bambou.

On May 11, police in Bangui arrested Ferdinand Samba, publication director of the independent daily *Le Démocrate*, on accusations of inciting panic and disseminating "alarming and incorrect information." Police interrogated him about a July 8 article in which he reported that rebels loyal to former President Patassé had launched an attack on the city of Kaga Bandoro. Samba was released on July 15 and was not charged with any offense.

During the first 2 months of the year, authorities censored two international radio stations, RFI and Africa Number One, by forcing them to stop broadcasting for several days because they reported on Bozizé's troops' progress.

On May 18, police arrested and detained Michel Ngokpele, publication director of the privately-owned newspaper *Le Quotidien de Bangui*, in the southwestern city of Mbaiki. The arrest followed the May publication of an article in which he detailed acts of corruption and embezzlement allegedly committed by the head doctor at the Mbaiki hospital, with the complicity of a local prosecutor and a police commissioner. On June 26, a court in Mbaiki sentenced Ngokpele to 6 months' imprisonment with no parole for defamation and "incitement to ethnic hatred." At year's end, Ngokpele remained in prison.

The Government did not limit Internet access.

The Government did not restrict academic freedom. University faculty and students belonged to many political parties and generally expressed their views without fear of reprisal.

b. Freedom of Peaceful Assembly and Association.—The suspended Constitution provides for the right of assembly; however, the Government at times restricted this right. Organizers of demonstrations and public meetings were required to register with the Government 48 hours in advance, and political meetings in schools or churches were prohibited. The Government wanted any association to write a letter to the Ministry of Interior and get the Ministry's approval prior to holding any meeting. In many cases, when associations asked for such approval, the Ministry refused "for security reasons."

On February 15, the Ministry of Interior cancelled a meeting by a political opposition party for security reasons and because of the occupation of part of the country by General Bozizé. Under President Patassé's rule, most of the leaders of the opposition were often accused of supporting the rebellion of General Bozizé.

Police forcibly dispersed several demonstrations during the year by university students and professors protesting the non-payment of scholarships and salaries by the Government. In January, police used tear gas to break up one such demonstration.

In December, police arrested demonstrators of the "pot strike" during a peaceful march. Following the encouragement of opposition leaders, demonstrators used pots to make noise for 2 minutes each day, from December 27 to 31, to protest human rights abuses committed by MLC soldiers and to request the withdrawal of Libyan and MLC soldiers. The demonstrators were released several days after the strike.

No action was taken against members of the security force responsible for the use of excessive force to disperse demonstrations in 2002 or 2001.

The suspended Constitution provides for freedom of association; however, the Government limited it in practice. All associations, including political parties, must register with the Ministry of Interior to enjoy legal status. The Government usually granted registration expeditiously. A variety of associations have registered with the Government following a 3-month background investigation; there were more than 35 registered political parties and a variety of nonpolitical associations. The Government normally allowed them to hold congresses, elect officials, and publicly debate policy issues without interference, except when they advocated sectarianism or tribalism. After March 15, political parties operated freely.

The law prohibiting nonpolitical organizations from coalescing for political purposes remained in place; there were no reports of enforcement of this law.

c. Freedom of Religion.—The suspended Constitution provides for freedom of religion but establishes fixed legal conditions and prohibits what the Government considers religious fundamentalism or intolerance. The Government closed 34 churches during the year. The constitutional provision prohibiting religious fundamentalism was understood widely to be aimed at Muslims, who make up approximately 15 percent of the population.

Religious groups (except for traditional indigenous religious groups) were required by law to register with the Ministry of Interior. The Ministry's administrative police kept track of groups that failed to register; however, the police did not attempt to impose any penalty on such groups. The Ministry could decline to register, suspend the operations of, or ban any organization that it deemed offensive to public morals or likely to disturb the peace. Any religious or nonreligious group that the Government considered subversive was subject to sanctions. The Ministry of Interior also could intervene to resolve internal conflicts about property, finances, or leadership within religious groups. However, the Government imposed no new sanctions on any religious group during the year.

On September 26, the Minister of Territorial Administration issued a decree suspending the activities of 34 churches because they were created with disregard for official rules and regulations. To resume their activities, religious institutions must prove that they have a minimum of 1,000 members; the reverends must bring evidence that they graduated from the highest religious schools and fulfilled official requirements on church creation. This decree was intended to regulate the proliferation of places of worship.

General Bozizé's church was reopened after the March 15 coup.

In general, there was religious tolerance among members of different religious groups during the year; however, there were occasional reports that some villagers who were believed to be witches were harassed, beaten, or sometimes killed by neighbors.

During the fighting in the north, especially in Bossangoa, the Chadian combatants of General Bozizé looted churches and killed two priests. Bandits and rebels of both sides attacked, robbed, and injured missionaries and Muslims during the year.

For a more detailed discussion, see the 2003 International Religious Freedom Report.

d. Freedom of Movement within the Country, Foreign Travel, Emigration, and Repatriation.—The suspended Constitution provides for the right to move freely throughout the country; however, the Government restricted this right during the year. Police, security forces, customs officers, and other officials harassed travelers unwilling or unable to pay bribes or "taxes" at checkpoints along major intercity roads and at major intersections in Bangui (see Section 1.c.). Attacks by bandits on major routes to the north and east sometimes occurred. In addition, a nightly curfew imposed by the Bozizé Government in March remained in effect until October.

During the 6-month rebellion in the North, which culminated in the March 15 coup, traffic was entirely interrupted on the main roads between Bangui and the upcountry cities, restricting the free movement of the population.

The Patassé Government generally allowed opposition leaders to travel abroad or inside the country without restrictions; however, on January 25, two political leaders, Joseph Bendounga of the Democratic Movement for the Rebirth and the Evolution of CAR and Enoch Derant Lakoue of the Democratic and Social Party were prevented from leaving the country prior to the National Dialogue of Reconciliation (see Section 1.d.). Throughout the year, security forces continued to be stationed at the airport. During and immediately following the March 15 coup, the Government closed M'Poko Airport and all border crossings in the country. Private planes were not allowed to fly without permission from the military.

With the exception of diplomats, the Government required that all foreigners obtain an exit visa from the headquarters of the National Police. Travelers could be required to obtain affidavits to prove that they owed no money to the Government or to parastatal companies.

As a result of fighting between General Bozizé's rebels and security forces, an estimated 30,000 CAR refugees and Chad returnees fled to Chad between mid-February and March 14. Chadian officials reported that since February 20, approximately 3,500 Chadians fled the cities of Bozoum, Paoua, and Sibut for Chad following clashes between government forces and Bozizé's rebels. There were many reported cases of looting and abuses committed against civilians suspected of supporting the rebellion.

In June, the Office of the U.N. High Commissioner for Refugees (UNHCR) repatriated at least 2,000 CAR refugees from northern DRC. At least 1,000 former soldiers also returned to the country. On June 9, the Government established a special commission with the assistance of the UNHCR to welcome approximately 3,000 refugees who returned from the DRC and the Republic of the Congo. In August, the UNHCR began the repatriation of approximately 1,700 CAR refugees from Betou in the ROC, where they had resided since 2001.

In December, the Bozizé Government allowed the UNHCR to repatriate refugees from the DRC using the Oubangui river, which had been closed to human traffic

since September. On December 16, a repatriation program facilitated by the UNHCR repatriated approximately 300 refugees from the DRC.

The fighting between the Patassé Government and General Bozizé's rebels resulted in large numbers of IDPs during the year. According to the U.N., between October 2002 and the March 15 coup, an estimated 200,000 persons were internally displaced as the conflict escalated.

The law provides for the granting of asylum or refugee status to persons who meet the definition in the 1951 U.N. Convention Relating to the Status of Refugees or its 1967 Protocol. The Government provided protection against refoulement and granted refugee and asylum status. The Government continued to work with the UNHCR and provided temporary protection to Chadian, Sudanese, Rwandan, and Congolese refugees. Applicants for asylum often were accepted. Almost all refugees were registered with the National Commission for Refugees. According to the UNHCR, by year's end, there were at least 50,000 refugees in the country, among whom 37,000 were from Sudan, and 7,000 from the DRC. Others were from Angola, Burundi, Liberia, and Uganda.

In November, the UNHCR conducted training seminars for gendarmes on basic refugee rights and the refugee-related obligations of security forces. The seminars followed newspaper reports published earlier in the year indicating that some refugees were being recruited as mercenaries. The reports had prompted police and gendarmerie to crack down on refugees from Rwanda, Burundi, and the DRC.

Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government

The suspended Constitution provides citizens with the right to change their government; however, in practice, citizens did not have this right following the March 15 coup.

President Patassé's MLPC won both the Presidency and half of the seats in the National Assembly in the 1998 and 1999 elections. International observers deemed both elections generally free; however, the presidential elections were marred by irregularities in voter registration and distribution of electoral materials. The Government strongly influenced the electoral process, and some of the registration irregularities tended to favor the ruling party.

After seizing power, General Bozizé declared himself President, suspended the Constitution, and dissolved the National Assembly. After ruling by decree for a short period, President Bozizé established new government institutions and governed by two constitutional acts. On March 23, President Bozizé appointed Abel Goumba, a civilian and leader of the opposition coalition, as Prime Minister. On March 31, Prime Minister Goumba named a transitional government, composed of 28 members, including representatives of all political parties and civil society representatives. In December, President Bozizé dismissed Goumba and the transitional government and appointed Celestin Le Roi Gaoumbale, a civilian, as Prime Minister and head of a new transitional government.

During the year, President Bozizé also shared power with the NTC, a legislative body comprised of 96 representatives from civil society and all political parties. In November, a government committee announced that the transition was expected to result in the adoption by referendum of a new constitution by September 2004; in addition, presidential, legislative, and municipal multiparty elections would be held between November 2004 and April 2005. In late December, the NTC authorized the Government to collect taxes and customs fees until February 2004, pending the adoption of a new budget.

Between September 15 and October 27, the Government held a national reconciliation dialogue in Bangui intended to end years of armed conflict, coups, and ethnic rivalries. The dialogue's 350 delegates, who represented different political, social, religious and professional affiliations, adopted recommendations to be implemented by a government committee. Although some former presidents of the country and members of former President Patassé's political party participated in the dialogue, former President Patassé remained in exile and was not invited to participate.

The suspended Constitution provides for multiple political parties, and there were no reports that the Government prevented parties from operating freely during the year.

The state remained highly centralized. The central government appointed all sub-national government officials, and subnational government entities had no significant fiscal autonomy. Provisions in the suspended Constitution provide for municipal elections; however, by year's end, they had not been held. The country's towns continued to be led by mayors appointed by the President.

Until the National Assembly was dissolved in March, 8 of the 109 members were women, and in the former cabinet, 2 of the 24 members were women. Following the

March coup, President Bozizé appointed a woman as governor of Ombella M'poko Province, in which Bangui is located. By year's end, there were 6 women in the 96-member NTC.

President Patassé was a member of the Sara-Kaba ethnic group. Until the March coup, members of northern ethnic groups, including the Sara and Baya, continued to predominate among the President's advisors, in the leadership of the ruling party, and among ruling party members of the National Assembly. There were no Muslims in the Cabinet, but there were at least five Muslims in the National Assembly. President Bozizé was a member of Baya ethnic group. Members of northern ethnic groups, especially the Baya, continued to predominate among the National Army. There were Muslims in the Cabinet and in the National Transitional Council.

Pygmies (Ba'Aka), the indigenous inhabitants of the southern part of the country, represented between 1 and 2 percent of the population; they were not represented in the Government and continued to have little political power or influence (see Section 5).

Section 4. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

Several domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials were somewhat responsive to their views. Several NGOs, including the Movement for the Defense of Human Rights and Humanitarian Action, the Human Rights Observatory, and some religious groups actively monitored human rights problems. The LCDH publicized human rights violations, including those allegedly committed by the army, and pleaded individual cases of human rights abuses before the courts.

In February, the International Federation of Human Rights Leagues (FIDH) released a report accusing Bemba, Miskine, and former President Patassé of committing war crimes in 2002.

In November, government ministerial aides and lawyers attended a U.N.-sponsored 10-day seminar in Bangui on human rights and the techniques of writing human right reports. A U.N. human rights expert instructed the participants on basic human rights principles and different approaches to human rights protection and promotion.

During the year, the Government established a Truth and Reconciliation Commission to identify the causes of crises and unrest that have harmed the country since 1960. In October, the Commission presented its findings to delegates of the national reconciliation conference. It recommended that President Bozize enlarge his transitional government to allow for broader consensus in his administration and criticized Bozizé for failing to manage the post-coup period effectively, highlighting human rights abuses and widespread looting committed after the coup. The Commission also solicited public apologies from politicians, the army, and others for abuses and mistakes committed in the past. In addition, the Commission recommended that ethnic groups be fairly represented in the army, that all army recruits be taught international humanitarian law, and that a center for conflict prevention and resolution be established.

Section 5. Discrimination based on Race, Sex, Disability, Language, or Social Status

The suspended Constitution stipulates that all persons are equal before the law without regard to wealth, race, or sex; however, the Government did not enforce these provisions effectively, and significant discrimination existed.

Women.—Domestic violence against women, including wife beating, reportedly was common; however, inadequate data made it impossible to quantify. Spousal abuse was considered a civil matter unless the injury was severe. Victims seldom reported incidents. The courts tried very few cases of spousal abuse, although litigants cited these abuses during divorce trials and civil suits. Some women reportedly tolerated abuse to retain a measure of financial security for themselves and their children. The Government did not address this problem during the year.

The law prohibits rape; however, it does not specifically prohibit spousal rape. Police sometimes arrested men on charges of rape; however, the social stigma induced many families to avoid formal court action. There were numerous credible reports that security forces and rebels raped women during and following the March coup (see Section 1.c.).

The law prohibits FGM; however, girls continued to be subjected to this traditional practice in certain rural areas, and to a lesser degree in Bangui. According to the World Health Organization, FGM affected more than 40 percent of girls. In addition, according to a study published jointly by UNICEF and the Government in 2001, approximately 36 percent of adult females had undergone FGM.

Trafficking was a problem (see Section 6.f.).

Women were treated as inferior to men both economically and socially. Single, divorced, or widowed women, even those with children, were not considered to be heads of households. Only men were entitled to family subsidies from the Government. Women in rural areas generally suffered more discrimination than did women in urban areas. There were no accurate statistics on the percentage of female wage earners. Women's access to educational opportunities and to jobs, particularly at higher levels in their professions or in government service, was limited.

Polygamy is legal, although this practice faced growing resistance among educated women. The law authorizes a man to take up to four wives, but a prospective husband must indicate at the time of the first marriage contract whether he intends to take additional wives. In practice, many couples never married formally because men could not afford the traditional bride payment. Women who were educated and financially independent tended to seek monogamous marriages. Divorce was legal and could be initiated by either partner.

The law does not discriminate against women in inheritance and property rights, but a number of discriminatory customary laws often prevailed. A family code further strengthened women's rights, particularly in the courts. The Association of Central African Women Lawyers advised women of their legal rights. The organization also published pamphlets in conjunction with the Ministry of Social Affairs on the dangers of FGM. During the year, several active women's groups organized workshops and seminars to promote women's and children's rights and to participate fully in the political process.

Children.—The Government spent little money on programs for children. Churches and NGOs had relatively few programs for youths. The failure of the education system, caused by a meager budget and salary arrears, resulted in a shortage of teachers and an increase in the number of street children. Education was compulsory from ages 6 to 14; however, parents rarely were prosecuted for their children's nonattendance. In practice, the age that a child started school often varied by 2 to 3 years in rural areas. At the primary level, girls and boys enjoyed equal access to education; however, the majority of young women dropped out at age 14 or 15 due to societal pressure to marry and bear children. According to UNICEF, 39 percent of girls of primary school age were enrolled in school, compared with 47 percent of boys. In addition, 35 percent of the country's women were literate compared with 60 percent of men. School enrollment in urban areas generally was significantly higher than in rural areas.

The Government did not provide medical coverage for uninsured children. However, in November, the Government launched a national anti-polio immunization campaign intended to reach at least 650,000 children under 5 years of age.

According to numerous credible reports, male teachers in primary and secondary schools as well as at the university level routinely pressured their female students into having a sexual relationship in exchange for passing grades; the spread of HIV/AIDS was extremely prevalent between teachers and their female students.

The Penal Code forbids parental abuse of children under the age of 15 years. In addition, illegitimate children had the same rights as those born in wedlock. A juvenile court tried cases involving children and provided counseling services to parents and juveniles during the year.

FGM was performed primarily on young girls (see Section 5, Women).

Trafficking and child prostitution were problems (see Section 6.f.).

Child labor was a problem (see Section 6.d.).

There were approximately 5,000 street children between the ages of 5 and 18 residing in Bangui. Many children begged and stole; several charitable organizations provided them with humanitarian assistance.

On February 5, many street children were enrolled in security forces to fight against Bozizé's rebellion. Captain Paul Barril, French mercenary and special advisor to President Patassé, recruited teenagers aged 12 to 15 for military activities on the battlefield, according to various sources. After a few days of military training, they received \$100 and were sent to reinforce the pro-government MLC rebels in Damara and Bossembele. Many of them were killed.

There were several NGOs specifically promoting children's rights, including some which dealt with street children.

Persons with Disabilities.—There was no codified or societal discrimination against persons with disabilities; however, there were no legislated or mandated accessibility provisions for persons with disabilities. There were several government- and NGO-initiated programs designed to assist persons with disabilities, including handicraft training for the blind and the distribution of wheelchairs and carts by the Ministry of Social Services.

Indigenous People.—Despite constitutional protection, there was societal discrimination against Pygmies (Ba'Aka), the earliest known inhabitants of the rain forest in the southern part of the country. Pygmies comprised approximately 1 to 2 percent of the country's population. In general, Pygmies had little input in decisions affecting their lands, culture, traditions, and the allocation of natural resources. Indigenous forest-dwelling Pygmies, in particular, were subject to social and economic discrimination and exploitation, which the Government has done little to prevent. However, on August 23, the Government issued birth certificates to 97 Pygmy children, thereby effectively recognizing them as citizens and allowing them access to greater civil rights. Pygmies often worked for villagers at wages lower than those paid to members of other groups.

Refugees International released a report during the year on Pygmies, stating that Pygmies occupied the role of "second-class citizens." The report noted that the popular perception of Pygmies as barbaric, savage, and subhuman had seemingly legitimized their exclusion from mainstream society.

National/Racial/Ethnic Minorities.—The population included approximately 80 ethnic groups; many of these groups spoke distinct primary languages and were concentrated regionally outside urban areas. The largest ethnic groups were the Baya (33 percent), the Banda (27 percent), the Mandja (13 percent), the Sara (10 percent), the Yakoma (4 percent), and the M'baka (4 percent). The Mbororo comprised approximately 7 percent of the population but played a preponderant role in the economy; they were involved in mining development and remained the most important cattle breeders in the country.

Major political parties tended to have readily identifiable ethnic or ethnic-regional bases.

On February 4, the Government arrested several Chadians in connection with rebel attempts to overthrow the Government. On February 17, the Government released the prisoners following a visit from the President of Chad and the launching of a reconciliation process between the two countries. Thousands of Chadians have been residing in the country for generations and many have acquired citizenship. Since a failed coup attempt in 2001, when General Bozizé fled to Chad with part of the national army, tensions have remained between the Chadian community and those who consider themselves to be native to the country.

Section 6. Worker Rights

a. The Right of Association.—Under the Labor Code, all workers were free to form or join unions without prior authorization, and a relatively small part of the workforce, primarily wage earners such as civil servants, exercised this right. There were five recognized labor federations, including the Organization of Free Public Sector Unions and the Labor Union of Central African Workers (USTC), which were independent of the Government.

The law expressly forbids discrimination against employees on the basis of union membership or union activity. Employees can have their cases heard in the Labor Court. The Labor Code does not state whether employers found guilty of anti-union discrimination were required to reinstate workers fired for union activities; however, employers legally were required to pay damages, including back pay and lost wages. There were reports of anti-union discrimination.

Labor federations were free to affiliate internationally, and the USTC was affiliated with the ICFTU.

b. The Right to Organize and Bargain Collectively.—The Labor Code grants trade unions full legal status, including the right to file lawsuits. It requires that union officials be full-time wage-earning employees in their occupation, and they may conduct union business during working hours. The Code does not specifically provide that unions may bargain collectively; however, the law protects workers from employer interference in their right to organize and administer their unions. The Government usually was involved in the collective bargaining process. While collective bargaining has taken place in some instances, no collective bargaining occurred during the year.

The Ministry of Labor and Civil Service set wage scales. Collective bargaining played a role in setting wages in private industry. Private sector wages have not changed since they were collectively bargained. Salary arrears continued to be a problem during the year for both civilian and military personnel. The Government owed both groups approximately 30 months of salary arrears. The arrears continued to be a major complaint of the unions. The Bozizé administration paid civil servants their monthly salaries from April until September.

In July, an inter-ministerial commission established in May to investigate the size of the civil service found 866 ghost workers on the payroll. The Bozizé Government

said corruption and embezzlement under the Patassé administration resulted in the former government's failure to pay salaries for at least 30 months.

Unions had the right to strike in both the public and private sectors, and workers exercised this right. To be legal, strikes had to be preceded by the union's presentation of demands, the employer's response to these demands, a conciliation meeting between labor and management, and a finding by an arbitration council that union and employer failed to reach agreement on valid demands. The union also was required to provide 8 days' advance written notification of a planned strike. The Labor Code states that if employers initiate a lockout that is not in accordance with the Code, the employer is required to pay workers for all days of the lockout. However, the Government has the authority to end strikes because of public interest. The Code makes no other provisions regarding sanctions on employers for acting against strikers. There were no reports of employer actions against strikers.

On April 30, teachers ended their 7-month national strike for partial payment of their 32 months in salary arrears. An agreement was reached between the Teachers' Federation, which represents two teachers' unions, and the Ministry of Education. On May 5, classes resumed.

There are no export processing zones.

c. Prohibition of Forced or Bonded Labor.—The Labor Code specifically prohibits forced or bonded labor; however, there were reports that such practices occurred (see Sections 6.d. and 6.f.). Prisoners were forced to work without compensation for government officials or magistrates. The indigenous Ba'Aka, including children, often were coerced into agricultural, domestic, and other types of labor within the country. The Ba'Aka often were considered to be the slaves of other local ethnic groups, and subjected to wages far below those prescribed by the labor code.

d. Status of Child Labor Practices and Minimum Age for Employment.—Child labor was common in many sectors of the economy, especially in rural areas. The Labor Code forbids the employment of children under 14 years of age; however, the Ministry of Labor and Civil Service enforced the provision only loosely. The Labor Code defined the worst forms of child labor as dangerous work or tasks involving serious risks to the child's health, security, or morality. The Labor Code generally covered all labor sectors, although specific regulations covered specific sectors. In some cases, the Labor Code provides that the minimum age for employment could be reduced to 12 years for some types of light work in traditional agricultural activities or home services. Children frequently worked on farms at rural schools.

In some rural areas, teachers or principals used school children as labor on farms, ostensibly to teach them how to work the land since many students did not further their education beyond secondary school (see Section 5). The schools used the proceeds from the sale of the farm produce to purchase school supplies and equipment and to fund school-related activities. In addition, an international agency reported that children worked in the diamond fields alongside adult relatives.

The Labor Code prohibition of forced or bonded labor applies to children, although they are not mentioned specifically; however, forced child labor occurred (see Section 6.c.).

The Government did not have sufficient human or material resources to enforce the prohibition against forced labor effectively.

e. Acceptable Conditions of Work.—The Labor Code states that the Minister of Labor must set minimum wages by decree. The minimum wage varies by sector and by kind of work. For example, the monthly minimum wage was equivalent to approximately \$12 (7,800 CFA francs) for agricultural workers but approximately \$28 (18,000 CFA francs) for office workers. The minimum wage did not provide a worker and family a decent standard of living. Most labor was performed outside the wage and social security system, especially by farmers in the large subsistence agricultural sector.

The law sets a standard workweek of 40 hours for government employees and most private sector employees. Household employees may work up to 55 hours per week. The law also requires a minimum rest period of 48 hours per week.

There also were general laws on health and safety standards in the workplace, but the Ministry of Labor and Civil Service neither precisely defined nor actively enforced them, a matter about which the ILO has expressed concern to the Government for many years. The Labor Code states that a labor inspector may force an employer to correct unsafe or unhealthy work conditions, but it does not provide the right for workers to remove themselves from such conditions without risk of loss of employment.

The Labor Code protects both legal and illegal foreign workers.

f. Trafficking in Persons.—The law does not prohibit trafficking in persons, and there were reports that persons, particularly children, were trafficked. Child pros-

titation remained a problem. The Government has recognized that trafficking in persons occurs; however, statistics and specific examples of trafficking were not available.

Traffickers can be prosecuted under laws against slavery, Labor Code violations, mandatory school age laws, and laws against the exploitation of prostitution by means of coercion or fraud. Specific laws address the crime of prostitution and have been used to punish those who trafficked women for the purposes of prostitution.

The Government did not actively investigate cases of trafficking, nor did it use or have access to special investigative techniques in trafficking investigations. A government-established commission studied the extent of the trafficking problem, identified those responsible, and devised a plan to combat the problem; however, few resources have been devoted to the problem. The Ministries of Social Affairs, Interior, Labor, Rural Development, Justice, and Defense were involved in anti-trafficking efforts and were part of the commission. There were no known NGOs specifically working to combat the problem.

Trafficking was confined primarily to children who were brought in by the foreign Muslim community from Nigeria, Sudan, and Chad to be used as domestic servants, shop helpers, and agricultural workers (see Section 5). Merchants, herders, and other foreigners doing business in and transiting the country also brought girls and boys into the country. Such children, who may or may not be related to their caretakers, were not afforded the benefit of a formal education, despite the mandatory school age, and worked without remuneration for their labor. There were a few anecdotal reports of children being trafficked to Nigeria and several other nearby countries for use as agricultural workers. There was no evidence of sexual exploitation, but there were reports that children were publicly beaten.

Some girls entered prostitution to earn money for their families.

In previous years, there were credible reports that persons obtained a Ba'Aka child by deception and subsequently sent the child to Europe for adoption; however, there were no such reports during the year.

CHAD

Chad is a centralized republic dominated by a strong presidency. Despite the country's multiparty system of government, power remains concentrated in the hands of a northern ethnic oligarchy and its allies, resulting in a culture of impunity for a ruling minority. President Idriss Deby, leader of the Patriotic Salvation Movement (MPS), has ruled since taking power in a 1990 rebellion. He was re-elected President in 2001; however, fraud, widespread vote rigging, and local irregularities marred that election and the April 2002 legislative elections. On June 25, the President nominated Moussa Faki Mahamat as Prime Minister and 17 new cabinet members; the National Assembly approved the nominations. During the year, the rebel group Movement for Democracy and Justice in Chad (MDJT) lost some of its strength in the northwest Tibesti region, which allowed the Government to regain some control of the territory. The Constitution mandates an independent judiciary; however, the judiciary remained ineffective, underfunded, overburdened, and subject to executive interference.

The National Army (ANT), Gendarmerie (a military police force), National Police, Nomadic National Guard (GNNT), Rapid Intervention Force (FIR), Presidential Security Guard (GSP), and counterintelligence service (ANS) are responsible for internal security. On June 30, President Deby issued a decree dissolving the FIR and GSP and forming the Republican Guard, which assumed their duties. The ANT, Gendarmerie, and GNNT report to the Ministry of Defense; the FIR, GSP, and Republican Guard report directly to the Presidency; and the National Police and ANS report to the Ministry of Public Security and Immigration. Officers from President Deby's ethnic group and closely allied ethnic groups dominated the FIR, GSP, and ANS; the exact composition of the Republican Guard remained unknown. During the year, the ANT, Gendarmerie, FIR, and GSP were deployed to the north to fight MDJT rebels, to the east to maintain security along the border with Sudan, and to the south following the arrival of refugees from the Central African Republic (CAR). Civilian authorities did not maintain effective control of the security forces, and there were frequent instances in which elements of the security forces acted independently of government authority. Security forces committed serious human rights abuses.

The increasingly market-based economy was based on subsistence agriculture, herding, and fishing, and more than 80 percent of the workforce was involved in these activities. The country's population was approximately 8.9 million. Impedi-

ments to sustainable economic growth were corruption, a thriving informal sector outside of government taxation policies, high electricity costs, and geographic and cultural barriers. The gross domestic product per capita in 2002 was \$237. In July, the country began exporting oil. The Government remained heavily dependent on assistance from external donors and international financial institutions.

The Government's human rights record remained poor, and it continued to commit serious human rights abuses. The Government limited citizens' right to change their government. Security forces committed extrajudicial killings and continued to torture, beat, and rape persons. Prison conditions remained harsh and life threatening. Security forces continued to use arbitrary arrest and detention. The Government rarely prosecuted or punished members of the security forces who committed human rights abuses. Lengthy pretrial detention remained a problem. The Government at times limited freedom of the press, assembly, religion, and movement. The Government arrested, detained, and intimidated members of human rights organizations. Violence and societal discrimination against women were common. Despite official governmental opposition, female genital mutilation (FGM) was widespread. Both official and societal ethnic and regional discrimination remained widespread. Interethnic conflict resulted in numerous deaths. There also were reports of forced labor, including forced child labor. Child labor was a problem. Trafficking in persons was a problem.

On January 17, the umbrella National Alliance for Resistance (ANR) rebel organization signed a peace accord with the Government, which called for an immediate ceasefire and the reintegration of ANR members and sympathizers into the military, civil service, and society. This accord was still in effect, although some ANR members who opposed the agreement have reportedly joined other rebel groups. In 2002, the Government signed a formal peace treaty with the MDJT; however, intermittent fighting continued.

RESPECT FOR HUMAN RIGHTS

Section 1. Respect for the Integrity of the Person, Including Freedom From:

a. Arbitrary or Unlawful Deprivation of Life.—There were no political killings; however, officially sanctioned extrajudicial killings of suspected criminals by security forces continued. Local human rights organizations estimated that nearly half of human rights abuses committed in the country involved arbitrary or unlawful deprivation of life by security forces. Extrajudicial killings rarely were directed centrally, and most often occurred outside the capital, where there was less control over security forces. The Government rarely prosecuted or punished members of the security forces who committed killings. Security forces killed suspected members of the northwestern rebellion in the Tibesti. In November, the Government conducted its first executions of judicially condemned criminals in more than 10 years. Domestic and international human rights organizations viewed the speed of such executions as an indication of a deterioration of human rights in the country.

During the year, soldiers were responsible for numerous deaths. For example, on March 9, the opposition political party Federation Action for the Republic (FAR) reported that a group of soldiers in the southern town of Gore raped a 13-year-old girl, who died the following day.

On July 28, security forces shot and killed Hassan Yacine in front of the presidential palace; Yacine was trying to push his vehicle off the road after running out of fuel. Authorities took no disciplinary action against the security force members involved.

In August, soldiers stationed at a military camp in the N'Djamena district of Chagoua attacked 26-year-old Djimtebaye Osee, who later died from his injuries. No charges were brought against the soldiers.

During the year, police shot and killed a demonstrator (see Section 2.b.).

The Chadian Human Rights League (LTDH) lodged a complaint against two commanders, Colonel Mahamat Wakaye and Tahir Babouri, in the 2001 death of Brahim Selguet. They appeared in court for an August hearing, but judgment was delayed when a key witness failed to appear; action on the case was subsequently delayed indefinitely.

There were no reports of any action taken against members of the security forces responsible for the following 2002 incidents: the January death of a Kelo man; the April killing of Epe Madi; the April death of Luc Ndonnena of Bodo; and the July killing of several nomadic herders.

There were no developments in 2001 killings by security forces.

Deaths from military hazing occurred during the year. In April, a soldier died of heat exhaustion after being forced to exercise during the hottest time of the day.

Intermittent armed conflict between the Government and rebels in the Tibesti region continued at a reduced level. There were sporadic reports of clashes between rebel and government forces resulting in loss of life during the year.

There were reports that soldiers from the country robbed and killed citizens in Bangui, CAR; soldiers were deployed to Bangui to help restore order shortly after General François Bozize's successful coup in March. Prior to the coup, former CAR president Ange-Felix Patasse accused the country of providing military support for Bozize.

Landmines laid by government, foreign, and rebel forces in previous years caused numerous deaths and injuries during the year.

In May, family members of the Commander in Chief of the National Army, General Hassane Djorbo, killed Abdelrazik Alio, son of Parliamentarian Alio Abdoulaye Adam, in a hospital in the eastern city of Abeche. Abdelrazik had killed Djorbo's relative in a fight the day before. Djorbo's family members were arrested; however, they were released the following day without being charged.

Three men arrested in connection with the April 2002 death of Dr. Mahamat Guetti, president of the African Democratic Party and former parliamentary candidate, remained in prison at year's end.

Although no charges had been filed by year's end, two students arrested in December 2002 remained in prison for the death of teacher Goloum Tando, following an ethnically motivated stabbing at Lycee Bilingue du Centre in N'Djamena.

No action was taken in 2002 killings by unknown assailants.

The case of the 2001 killing of Maxime Mbailaou remained unresolved at year's end.

Armed bandits continued to operate on many roads, assaulting, robbing, and killing travelers; some bandits were identified as active duty soldiers or deserters.

b. Disappearance.—There were reports of politically motivated disappearances during the year. For example, on April 15, Ngardibaye Miretanga, an army sergeant who had joined the National Army after his rebel group signed an accord with the Government, disappeared. The whereabouts of Miretanga, who was working in the Prime Minister's office when he disappeared, were unknown at year's end, and no investigation was being conducted.

On April 27, Lieutenant Nekemde Daoud and a colleague, who were bodyguards of the Prime Minister, disappeared after reportedly being arrested by the counter-intelligence service for suspected involvement with a rebel group. No investigation was being conducted into the case, and the whereabouts of the two men remained unknown at year's end.

c. Torture, and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The Constitution specifically prohibits such practices; however, members of the security forces tortured, beat, abused, and raped citizens. Impunity for those who committed human rights abuses remained widespread.

On January 12, three soldiers tortured Kirben Amon and raped his wife in their home. In April, a regional military commander and several of his troops were observed beating a civilian on the road. On May 14, police tortured a man in N'Djamena while searching for his brother, whom they suspected of theft. No arrests or investigations were made in any of the cases.

The local press reported that members of the security forces regularly threatened local power and water authority officials when their services were cut or reduced during shortages. On May 21, the union of electrical workers reported that soldiers whose electricity was cut because they failed to pay their residential electric bills regularly tortured employees.

During the year, soldiers raped civilians (see Section 1.a.). On March 10, a group of soldiers in the southern town of Gore raped two girls, who were subsequently hospitalized. No action was taken against the soldiers.

Soldiers stationed at a military camp in the Chagoua district of N'Djamena reportedly beat, raped, and harassed local residents (see Section 1.a.). No action has been taken against the soldiers by year's end.

During the year, police continued to rape women in custody.

The trial of the local gendarmerie brigade commander charged with 2002 rapes in October and November was ongoing at year's end.

There were no further developments in the following 2002 cases: The May rape of a woman in N'Djamena; the July beating of student Mahamat Fadoul Awade; and the October looting and burning of villages in the eastern part of the country by government troops.

No action was taken in the 2001 cases of torture, and other cruel, inhuman, or degrading treatment or punishment reportedly administered by security forces.

Military hazing activities continued, at times resulting in deaths (see Section 1.a.). For example, in January, soldiers were observed being forced to crawl through a drainage ditch filled with rotting garbage and fecal matter. The officer in charge beat the soldiers on the head when they came up for air. In May, a shirtless soldier was observed being forced to crawl on a graveled surface on his bare knees as temperatures reached 110 degrees Fahrenheit.

Prison conditions were harsh and life threatening. Prisons were seriously overcrowded and had poor sanitation, as well as inadequate food, shelter, and medical facilities. After spending 2 months in prison, the chief editor of the independent newspaper *Notre Temps* reported that there were only 40 cells for approximately 1,200 prisoners at N'Djamena's central prison, which was built during the colonial period to hold only 300 prisoners.

Local human rights organizations reported on the unconfirmed existence of military prisons and prisons run by the immigration service, to which access was prohibited. It was unknown who was detained in these prisons and for what reasons they were held.

The law provides that a doctor must visit each prison three times a week; however, there were credible reports that this provision was not respected. The chief editor of *Notre Temps* reported that the central prison had no health care facilities, and that only one drug is used to treat all medical problems. During his imprisonment, he witnessed the death of a sick prisoner after authorities refused to send the prisoner to a hospital.

Although the law authorized forced labor in prison, human rights organizations reported that it did not generally occur in practice.

Female prisoners usually were separated from males; however, juvenile males were held with adult male prisoners. Pretrial detainees were held with the general prison population.

The Government permitted the International Committee of the Red Cross (ICRC) to visit most prisons, although the Government insisted on advance notice; the ICRC conducted such visits during the year. In June, the Government provided the Chadian Association for the Promotion of Human Rights (ATPDH) with a permanent authorization notice to visit civil prisons at any time, without advance notice; ATPDH made a publicized visit to N'Djamena's central prison following the authorization. Other nongovernmental organizations (NGOs), including human rights groups, were required to obtain their own authorization from a court or from the Director of Prisons; such authorizations depended largely on the personal inclinations of those granting permission. Organizations were not allowed access to military prisons.

On April 7, the ICRC announced the repatriation of 10 of 11 CAR citizens held in the country as prisoners of war; the remaining CAR citizen continued to be imprisoned in N'Djamena at year's end.

d. Arbitrary Arrest, Detention, or Exile.—The Constitution and the Penal Code prohibit arbitrary arrest; however, security forces continued to use arbitrary arrest and detention.

The police force was centrally controlled, but exercising oversight, particularly outside of N'Djamena, was difficult. There was general impunity for police officials who committed human rights abuses. On May 28, the Minister of Public Security publicly acknowledged the country's growing security problems, which resulted in part from the inability of the national and local police to counter widespread banditry, particularly outside of N'Djamena. Corruption was widespread. On August 16, armed bandits allegedly led by a high-ranking gendarme stole \$435,000 (260 million FCFA) from the CotonTchad plant in the southwest town of Pala; a GSP investigation resulted in several arrests.

A judicial official is required to sign arrest warrants; however, the Government often did not respect this requirement. The law required both a bail system and access to counsel, but neither provision was regularly enforced. Few detainees had the means to pay for private counsel, and incommunicado detention was a problem.

On March 11, the National Commission for Human Rights (CNDH), a government entity, submitted to the Prime Minister several citizen petitions concerning arbitrary detention by police. The petitions requested the creation of human rights "cells," or task forces, within the police; however, no action had been taken on the request by year's end.

In September, after 3 months' imprisonment in N'Djamena, the mayor of Bodo was released after a judge discovered that his imprisonment was based on false information.

In June, intelligence police arrested and detained Ruben Mbainaye for 38 days without judgment before his release. He was believed to have connections to a rebel group.

Security forces continued to conduct sweeps, most notably in the Kelo region, following the robbery of the CotonTchad plant in Pala.

During the year, the approximately 100 refugees held in the national police academy after being evicted in 2002 from the N'Djamena cathedral were repatriated or otherwise resettled (see Section 1.d.).

Police at times arrested journalists and NGO officials who criticized the Government (see Sections 2.a. and 4).

Lengthy pretrial detention remained a problem. Persons accused of crimes could be imprisoned for several years before being charged or tried, especially those arrested for felonies in the provinces, who then were transferred to the overcrowded prison in N'Djamena.

During the year, Mahamat Tabako, who was arrested in 1994 for the 1991 murder of Allafouza Barkai, was given a court hearing. However, because the civil party to the case and the witness were not present, the case was postponed indefinitely, and no further action was considered likely.

Local human rights organizations reported that there were no longer any political detainees in prison.

The law prohibits forced exile, and the Government did not use it; however, in May, individuals from 12 different rebel groups reportedly fled the country to Benin and formed the group United Front for Democracy and Peace. The Government had accused the Benin government of supporting the rebel groups. The situation remained unresolved at year's end.

e. Denial of Fair Public Trial.—The Constitution provides for an independent judiciary; however, the judiciary was ineffective, underfunded, overburdened, and subject to executive interference. In practice, government officials and other influential persons often enjoyed immunity from judicial sanction.

At the national level, a Supreme Court, Constitutional Court, and Court of Appeals exist; however, some of their members were appointed by the Government and not elected by citizens as required by the law, which weakened the independence of the courts. In August, the constitutionally mandated High Court of Justice was established to try high-ranking government officials; only the National Assembly, which had taken no action on cases by year's end, could forward cases to this court.

The remainder of the judicial system operated through courts located in provincial capitals. The N'Djamena Court of Appeals was supposed to conduct regular sessions in the provinces, but funding limitations did not permit the court to make circuit visits.

The Constitution mandates a Superior Council of Magistrates to recommend judicial nominations and sanction judges who commit improprieties. In June 2002, President Deby signed a decree authorizing the creation of a five-judge Judicial Oversight Commission to conduct investigations of judicial decisions and correct infractions. The President appointed members of the Commission, which increased executive control over the judiciary and decreased the authority of the Council of Magistrates. Parties to judicial cases who felt wronged by the judiciary or the Minister of Justice could appeal to the Commission. During the year, the Commission accepted its first cases, which resulted in the suspension of two magistrates on corruption charges. In June, the States General of Justice, organized to discuss ways to improve the justice system, recommended that the Commission be eliminated due to its overlapping mandate with the Council of Magistrates; however, this recommendation was not implemented. During the year, the Chadian Magistrates Union charged that the Commission was unconstitutional and that only the Superior Council of Magistrates should be permitted to oversee the performance of members of the judiciary. The Union noted that the Superior Council, which suspended three magistrates in 2000 and arresting three others in 2001, all on corruption charges, was adequately fulfilling its role.

Applicable law was sometimes confusing, as courts often tended to blend the formal French-derived legal code with traditional practices, and customary law continued to overrule Napoleonic law in practice. Residents of rural areas often lacked effective access to formal judicial institutions, and legal reference texts were not available outside the capital. In most civil cases, the population relied on traditional courts presided over by village chiefs, canton chiefs, or sultans. Decisions could be appealed to a formal court.

Under the law, defendants are presumed innocent until proven guilty, but in practice many judges assumed guilt, particularly in crimes involving rape or theft. Cases are heard as public trials, and defendants have the right to appeal any decision. Defendants and their lawyers are permitted by law to question witnesses, as are judges.

Official inaction and executive interference continued to plague the judiciary. The salaries of judicial officials were low. In June, a judicial conference was widely at-

tended and publicized. The conference report was completed; however, resource restraints and political pressures limited its public availability.

During the year, the Muslim concept of "dia" was debated throughout the country. Dia, which involves a payment to the family of a murder victim or victim of a crime based on the decision of a local religious tribunal, was widely practiced in the northern, Muslim areas of the country. Non-Muslim groups, who supported implementation of a civil code, challenged the spread of the dia system, arguing that it was incompatible with the Constitution. Such groups further accused the Government of supporting dia practices by permitting the existence of local tribunals. No resolution was reached by year's end.

The Government and human rights organizations reported that there were no political prisoners during the year. However, the whereabouts of some individuals arrested on suspicion of subversive activities against the Government were unknown at year's end. There were reports of several military and immigration prisons, but human rights or other organizations were denied access.

f. Arbitrary Interference with Privacy, Family, Home or Correspondence.—The Constitution prohibits such actions; however, authorities used illegal searches and wiretaps and monitored the contents of private mail. The Penal Code requires authorities to conduct searches of homes only during daylight hours and with a legal warrant; however, in practice, security forces ignored these provisions and conducted unlawful searches at any time. Security forces also stopped citizens daily, extorting money or confiscating belongings.

The Government engaged in wiretapping without judicial authorization, monitored the contents of private mail through the postal service, and monitored private e-mail through the main post office server.

There were no new developments in the 2002 or 2001 cases of arbitrary interference.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution provides for freedom of speech and of the press, and the Government generally respected freedom of speech; however, it limited freedom of the press.

The Government, which owned the newspaper Info Tchad and influenced another, Le Progrès, did not dominate the press.

A number of private newspapers, many of which were extremely critical of government policies and leaders, were published and circulated freely in the capital.

Due to widespread illiteracy and the relatively high cost of newspapers and television, radio remained the most important medium of mass communication and information. The Government owned one radio station, Radiodiffusion Nationale Tchadienne. The Catholic Church-owned La Voix du Paysan broadcast locally-produced programming, including news and political commentary, in French and indigenous languages over a 140-mile range from the southern town of Doba. The licensing fee set by the High Council on Communication (HCC) for a commercial radio station was prohibitively high at approximately \$10,000 (6 million FCFA) per year, 10 times the fee for radio stations owned by nonprofit NGOs. Despite this fee, the number of private FM stations increased by year's end. Stations run by nonprofit groups were subject to close official scrutiny.

The Government owned and operated the only domestic television station, Teletchad. A new private television station was registered in 2001, but demand for private television was limited by economic conditions, such as the lack of a sizeable audience with the required purchasing power. There was one privately owned satellite television company that distributed both a package of French-language and English-language channels. Arabic programming was also available via satellite. The Government did not interfere with these channels.

Some journalists in the rural provinces reported that government officials warned them that democracy was for N'Djamena, not the regions, meaning that journalists should temper any contentious political reporting. In addition, some domestic journalists claimed that the Government restricted their ability to cover some events or visit certain locations and limited their access to high-ranking officials, restrictions which the Government did not impose on foreign journalist.

During the year, there were fewer reports that the Government threatened journalists with legal retaliation for publishing material on the rebellion in the northern part of the country, about senior government officials accused of corruption, or responsibility for attacks on Chadian citizens in Libya.

Libel law was used to suppress criticism of political leaders. If compensation was provided to the victim, violators could face 1 year's imprisonment or a suspended sentence of 1 year with a fine. During the year, the Government arrested several journalists for libel.

On February 6, the editor and deputy editor of the independent newspaper Notre Temps, Nadjikimo Benoudjita and Mbainaye Betoubam, were arrested for libel against a woman related to President Deby. They were initially sentenced to 6 months' imprisonment and a 1-year suspension of journalistic activities; their newspaper was also ordered closed for 3 months and fined \$1,600 (1 million FCFA), a sum equivalent to seven times the average per capita income. The verdict and the severity of the sentence triggered protests from human rights associations, political parties, press associations, and foreign diplomatic missions. The journalists, who appealed and received a reduced sentence, spent 2 months in prison and paid \$3,200 (2 million FCFA) to the libeled woman; the paper was allowed to continue operations, and the journalists were allowed to return to work immediately after release from prison.

On May 28, the deputy chief editor of the private weekly newspaper N'Djamena Bi-Hebdo, Djendoroum Mbaininga, was arrested for photographing without permission an arrest of drug dealers; Mbaininga was released without charges shortly afterward.

On July 11, the editors of the radio station FM Liberte, François Doumnan and Nara Antoloum, were arrested for defamation against the Deputy Prosecutor of N'Djamena; they were released the same day without charge.

During the year, the Government filed a complaint with the HCC against Radio FM Liberte, which had broadcast criticism of the country's growing insecurity and compared President Deby's ruling tactics with those of former President Hissein Habre. Although the HCC has sole legal authority to take punitive measures against radio stations, the Ministry of Public Security shut down the station on October 22. On November 4, the Ministry of Territorial Administration announced that the station would be reopened the following day; however, when the staff arrived on November 5, police prevented their entry. After several additional weeks of negotiation, the station reopened in mid-December.

There were no developments concerning the 2002 appeal by the University of N'Djamena against a court ruling that favored the independent weekly paper Notre Temps.

The Government placed limits on radio broadcasting, including a 3-week ban on one radio station and the confiscation by local authorities of a radio journalist's equipment; however, Radio Brakos, which authorities shut down the previous year, was allowed to resume broadcasting.

Government-owned and -controlled media were subject to informal censorship; however, at times they were critical of the Government.

The government-owned telecommunications monopoly provided the sole Internet access server in the country. The Government did not restrict access to the Internet; however, the government-owned firm reportedly set prices. In July, the firm granted licenses to private companies to deliver high-speed wireless Internet services to the country; however, these services were not available by year's end.

The Government did not restrict academic freedom.

b. Freedom of Peaceful Assembly and Association.—The Constitution provides for freedom of assembly; however, the Government limited this right in practice. The law requires organizers of public demonstrations to notify local authorities 5 days in advance of the demonstration. Authorities banned demonstrations critical of the Government despite being notified in advance as required by law; however, they permitted demonstrations in support of the Government and its policies.

The CNDH criticized the police for killing one student and injuring others during a student demonstration in the southern town of Gounou-Gaya on March 11 and 12. Students had gathered to protest a recent teachers' strike, and police used excessive force to disperse the unarmed protesters. No action was taken against those members of the police by year's end.

On March 18, students from several N'Djamena secondary schools demonstrated in support of teachers, who had been on strike since March 10 to protest contract issues. As the protesters became violent, riot police fired tear gas into the crowd, injuring several protesters. On March 24 and 26, police again fired tear gas to break up other demonstrations; nine persons were injured, one seriously.

In August, the trial began on behalf of the women injured by riot police during a 2001 demonstration against voting irregularities. In November, the riot police were found not guilty due to lack of evidence.

The Constitution provides for freedom of association, and the Government generally respected this right in practice.

c. Freedom of Religion.—The Constitution provides for religious freedom; however, at times, the Government limited this right. The Constitution also provides for a secular state; however, senior government officials were predominantly Muslim, and

some policies favored Islam. For example, the Government sponsored annual Hajj trips to Mecca for certain government officials.

The Government required religious groups, including both foreign missionary groups and domestic religious groups, to register with the Ministry of Interior's Department for Religious Affairs. Registration conferred official recognition but not any tax preferences or other benefits. There were no specific legal penalties for failure to register, and there were no reports that any group had failed to apply for registration or that the registration process was unduly burdensome. In previous years, the Government denied official recognition to some Arab Muslim groups near the eastern border with Sudan, on the grounds that they had incorporated elements of traditional African religion, such as dancing and singing, into their worship.

In recent years, the Government arrested and sanctioned some fundamentalist Islamic imams believed to be promoting conflict among Muslims. The Islamic religious group Faid al-Djaria remained banned at year's end on the grounds that its religious customs, including the singing and dancing of men and women together in religious ceremonies, were un-Islamic.

Islamic congregations appeared to have an easier time obtaining official permission for their activities. Non-Islamic religious leaders reported a perceived governmental favoritism for Islam, but indicated that they did not feel overtly pressured by this favoritism. There were reports that Islamic officials and organizations received greater tax exemptions and unofficial financial support from the Government. State lands were reportedly given to Islamic leaders for the purpose of building mosques, while other religious denominations were obliged to purchase land at market rates.

Although the different religious communities generally coexisted without problems, there were reports of occasional tension between Christians and Muslims, including acts of vandalism of churches and chapels located in Muslim-dominated quarters of N'Djamena and certain towns. For example, in February, a church in the predominately Muslim town of Abeche was burned. According to both Christian and Muslim leaders, these were primarily isolated acts of individuals.

For a more detailed discussion, see the 2003 International Religious Freedom Report.

d. Freedom of Movement within the Country, Foreign Travel, Emigration, and Repatriation.—The Constitution provides for these rights; however, the Government imposed some limits in practice. The Government did not require special permission for travel in areas that it effectively controlled; however, elements of the security forces, rebels, and bandits continued to maintain roadblocks throughout the country, extorting money from travelers and often beating them. The Government did not officially condone such behavior by its security forces; however, it did not effectively discourage the practice. In addition, armed bandits operated on many roads, assaulting, robbing, and killing travelers; some bandits were identified as active duty soldiers or deserters.

In May, security forces stopped an expatriate businessman at a checkpoint and pistol-whipped him; the businessman sustained severe head injuries as a result. There was no investigation or disciplinary action.

Chadian refugees were legally free to repatriate. According to the 2003 World Refugee Survey, approximately 7,000 of the country's citizens were refugees in Nigeria, Gabon, and the CAR at the end of 2002. Many Chadian refugees living in CAR returned to the country amid fighting immediately prior to a March seizure of power in CAR. Approximately 30,000 citizens were living in refugee circumstances in Cameroon but were assumed to be permanently settled.

The Constitution does not provide for the granting of asylum and refugee status in accordance with the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. In practice, the Government provided protection against refoulement and granted refugee status or asylum. The Government cooperated with the U.N. High Commissioner for Refugees (UNHCR) and other humanitarian organizations in assisting refugees. The Government also provided protection to certain individuals who fall outside of the definition of the 1951 U.N. Convention Related to the Status of Refugees and its 1967 Protocol. An official national structure, the National Committee for Welcoming and Reinsertion, handled domestic and foreign refugee affairs. In response to the influx of refugees from CAR early in the year, the UNHCR assigned a temporary employee its N'Djamena office, which had closed in 2001.

The Government provided temporary protection for refugees. According to the 2003 World Refugee Survey, the country hosted 15,000 Sudanese refugees at the end of 2002. In addition, at least 50,000 refugees fled from CAR into the southern part of the country as a result of the March seizure of power; few had returned to CAR by year's end. There were also small numbers of refugees from the Democratic

Republic of the Congo and a refugee flow into the eastern part of the country as a result of fighting in Sudan's Darfur region in August and September. The Government granted refugee and asylum status informally to persons from Sudan and the Republic of the Congo and allowed them to remain for resettlement.

In March, there were reports that soldiers in the southern border town of Gore harassed, beat, and stole from refugees fleeing CAR.

There was no reported action in the 2002 case of gendarmes who kidnapped and detained refugee Bienvenu Ngala Mambweni and approximately 100 other persons, all of whom were either voluntarily repatriated or otherwise resettled.

Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government

The Constitution provides citizens with the right to change their government peacefully; however, the Government continued to limit this right in practice. The Government was headed by a prime minister, who was nominated by the President and confirmed by the National Assembly. In June, President Deby nominated his relative, Moussa Faki Mahamat, as Prime Minister, replacing Haroun Kabadi, who had served for 1 year. Despite protests from southern opposition leaders, Mahamat's nomination was approved by the National Assembly and reversed a 25-year trend of naming a southern Christian as Prime Minister. The executive branch dominated all other branches.

During the April 2002 legislative elections, President Deby's MPS party won 110 out of 155 seats in the National Assembly. The election results were largely determined in advance, due primarily to a faulty electoral census that the Government refused to revise, as well as to inaccurate registered voter lists. In addition, the MPS, running allied with another party in some districts, was the only political party to have a candidate in every district. Local NGOs reported numerous voting irregularities.

According to several observers, President Deby's first-round victory in 2001 was marred by irregularities, including voting by minors and unregistered voters, early and repeat voting by nomadic groups, election-day campaigning by the ruling party, and the presence of government officials and the military in polling stations during the voting. While monitoring the voting process, unofficial observers from local human rights and civil society groups were assaulted in polling stations. In addition, prior to and following the presidential election, several cases of abuses against opposition supporters and candidates took place, and the Government restricted media coverage.

The independent Elections Commission, which is dominated by President Deby's MPS party, was ineffective in overseeing the April legislative election and the 2001 presidential elections. The Commission had 31 members, including 16 government representatives, 12 representatives of political parties holding seats in the National Assembly, and 3 representatives of political parties not holding seats in the National Assembly. Two of the Commission members were women.

The Government remained highly centralized. The national Government appointed all subnational government officials, who often relied on the central Government for funds and for administrative personnel. In a July 15 press release, human rights associations criticized the militarization of the administration, noting that most of the country's 17 new governors were formerly high-ranking military officials; they also criticized the new Director of Judiciary Police, who was implicated in several outstanding cases of judicial abuse.

There were an estimated 70 political parties in Chad. The Government allowed opposition political parties to form and operate and did not restrict membership in these groups, although parties allied with the regime generally received favorable treatment. Opposition political leaders have accused the Government of co-opting their most popular local politicians to run as MPS members in local elections and also alleged intimidation by the military against those party members who refused. Northerners, in particular members of President Deby's Bideyat and allied Zaghawa ethnic groups, continued to dominate the public sector and were over-represented in key institutions of state power, including the military officer corps, elite military units, and the presidential staff.

In February, the Government began its constitutionally mandated decentralization process. Many opposition political parties objected to the Government's decentralization plan and presidentially decreed internal territorial divisions. A total of 14 prefectures were redesignated as 17 regions, and were headed by governors, not prefects. Governors were appointed by and reported directly to the Presidency. Prefects retained their titles but administered smaller departments within the regions.

Few women held senior leadership positions: There were 4 women in the 125-seat National Assembly and 2 women of cabinet rank.

Section 4. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

The Government obstructed the work of human rights organizations during the year through arrest, detention, and intimidation; however, such groups still were able to investigate and publish their findings on human rights cases. Government officials generally were accessible to human rights advocates but generally unresponsive or hostile to their findings.

There were three primary human rights organizations: The ATPDH, The Association for the Promotion of Fundamental Liberties in Chad (APLFT), and the LTDH. These and smaller human rights organizations worked closely together through an umbrella organization, the Association of Human Rights (ADH), and their work included observing government detention practices, assisting individuals who have suffered human rights abuses, and holding public conferences and seminars.

Despite pressure from the Government, human rights groups were outspoken and often partisan in publicizing the abuses through reports, press releases, and the print media, but only occasionally were they able to intervene successfully with authorities. Most human rights groups were composed of opponents of the Government, which weakened their credibility with the Government and some international organizations.

In January, Souleymane Guengueng, founder of the Chadian Association of Victims of Political Repression and Crime, was fired from his position with the Lake Chad Basin Commission. Human Rights Watch (HRW) reported that the Commission took the measure in reprisal for his campaign to record and publicize the abuses of former president Hissene Habre and to bring criminal proceedings against members of the Habre regime.

In May, Bandala Tchatcho Pierre, president of the Kelo branch of the LTDH, was arrested at the request of the prefect of Kelo after criticizing the complicity of administrative and military authorities in intercommunity conflicts. He was released without charge after a short detention.

In June, the sub-prefect of the southern town of Krim-Krim made a death threat against Ahmat Macky Outman, a member of the Chadian Human Rights League, after Outman criticized human rights abuses committed by the sub-prefect against local citizens. No action was taken against the sub-prefect.

No action was taken against members of the police responsible for the October 2002 torture of Sylahorbe Maningonal and David Mamtadjinan, two members of the Maro branch of the LTDH or the beating and robbery by men in uniform of a local NGO coordinator.

International human rights organizations were restricted, although the Government began to permit more investigative activity. After several years of being prohibited from working in the country, during the year, Amnesty International assigned a representative to N'Djamena to examine human rights abuses in the country and work with human rights organizations.

Belgian courts continued their investigation of crimes against humanity committed by Habre following a 2002 visit to the country by a judicial mission from Belgium. The mission investigated crimes committed during Habre's rule from 1981 to 1990. At year's end, Habre was living in Senegal, and Belgian courts, along with human rights organizations, were trying to extradite him for trial in Belgium. No additional legal action was taken against Habre during the year. In July, a lawyer from HRW visited the country to ensure former victims of the Habre regime that recent modifications to the Belgian Law of Universal Jurisdiction would not affect the case against Habre.

Section 5. Discrimination Based on Race, Sex, Disability, Language, or Social Status

The Constitution provides for equal rights for all citizens, regardless of origin, race, religion, political opinion, or social status; however, these rights were not always enforced. In practice, cultural traditions maintained women in a status subordinate to men, and the Government favored its ethnic supporters and allies. Societal discrimination against homosexuals, those afflicted with HIV/AIDS, and indigenous persons continued.

Women.—Domestic violence against women was common, although statistics were unavailable. By tradition, wives were subject to the authority of their husbands, and they only had limited legal recourse against abuse. Family or traditional authorities could act in such cases; however, police rarely intervened. The law prohibited rape, prostitution, and spousal abuse, but not sexual harassment; however, all were problems.

There were reports that family members killed women for breaking social customs. For example, in February, a man and his brother were charged with killing the man's daughter because she refused to marry her cousin. In July, Hadje

Khadidja was tortured and killed by her cousins because she spent the night at her boyfriend's house.

FGM was widespread and deeply rooted in tradition. A 2002 U.N. study estimated that approximately 60 percent of all women in the country had undergone FGM. The practice was especially prevalent among ethnic groups in the east and south, where it was introduced from Sudan. All three types of FGM were practiced. The least common but most dangerous and severe form of FGM, infibulation, was confined largely to the region on the eastern border with Sudan. FGM usually was performed prior to puberty as a rite of passage.

Opposition to the elimination of FGM was strong; however, in March 2002, Parliament passed a law on reproductive health, which included a section banning violence against women, including FGM. Under the law, FGM is prosecutable as a form of assault, and charges can be brought against the parents of FGM victims, medical practitioners, or others involved in the action; no such suits were brought during the year. The Ministry of Social Action and the Family was responsible for coordinating activities to combat FGM.

Discrimination against women remained widespread. In practice, women did not have equal opportunities for education and training, making it difficult for them to compete for the few formal sector jobs. Property and inheritance laws based on the French code do not discriminate against women; however, most inheritance cases were adjudicated by local leaders, with traditional practice favoring men. A 1999 study found that 21 percent of housewives could not work outside the home because their husbands forbade them from doing so. The exploitation of women was pervasive especially in rural areas, where women did most of the agricultural labor and were discouraged from formal schooling. Illiteracy was estimated at 66 percent for women, compared with 41 percent for men.

The law sanctions polygyny; however, spouses may opt to declare a marriage monogamous. If a monogamous relationship is violated, the wife has the right to request that the marriage be dissolved; however, she must repay the bride price and other expenses related to the marriage.

Children.—The Government generally supported the activities of NGOs and international donors to improve children's rights and welfare, but had few resources to organize its own activities. Although the Government continued to modestly increase its assistance to the education sector, it was unable to adequately fund public education and medical care. Government education policy for children and youth focused on increasing classroom facilities and infrastructure.

Although the Constitution does not specify until which age, it does provide for compulsory education; however, the Government did not enforce this provision. The Constitution also provides for free education; however, parents complained that they must pay tuition to public schools. Approximately half of the teachers in Chad were hired and paid by parent-teacher associations without government reimbursement.

According to UNICEF, 39 percent of children were enrolled or attended primary school. Educational opportunities for girls were limited, mainly because of tradition. Approximately as many girls as boys were enrolled in primary school, but the percentage of girls enrolled in secondary school was extremely low, primarily because of early marriage.

Child abuse was a problem. For example, in April, a human rights organization reported that an 8-year-old girl in the southwestern town of Lere was tortured to death by her adoptive family.

The law considers any citizen under the age of 18 years a minor. Sexual relations before the age of 13 years, even with consent, are considered to be rape, and the prescribed sentence is hard labor into perpetuity. The age of consent is 14. Although the law prohibits sexual relations with a girl under the age of 14, even if married, this law rarely was enforced. Families arranged marriages for girls as young as the age of 12 or 13; the minimum age for engagements was 11 to 12. There were some forced marriages, and many young wives were forced to work long hours of physical labor for their husbands in fields or homes.

FGM was commonly practiced on young girls (see Section 5, Women).

Several human rights organizations reported on the problem of the "mahadjir" children. These children, who attended certain Islamic schools, were forced by their teachers to beg for food and money. There were no real estimates as to the number of mahadjir children.

Although the use of child soldiers was prohibited by law, UNICEF estimated that there were approximately 600 child soldiers in the country, within both the government military service and rebel groups. Unlike in previous years, there were no reports of the military conscripting children.

In 2002, UNICEF estimated that there were approximately 10,000 street children, and in April, the newspaper *Le Temps* reported the number was increasing. Accord-

ing to the article, the children were on the streets because either one or both parents have died, or because parents simply do not want to take care of them.

Child labor remained a problem (see Section 6.d.).

During the year, there were several programs to help children, including efforts to curb the widespread use of child herders in the south of the country. In April, UNICEF trained representatives from 35 NGOs to work with networks of parents, herders, and schools in the south to ensure that children had access to free education. In urban areas, UNICEF and other NGOs worked to educate homeless children and reintegrate them into their families or other social support networks.

Persons with Disabilities.—There was no official discrimination against persons with disabilities; however, the Government operated only a few therapy, education, or employment programs for persons with disabilities, and no laws mandate that buildings be accessible to persons with disabilities. Several local NGOs provided skills training to the deaf and blind.

National/Racial/Ethnic Minorities.—There were approximately 200 ethnic groups, many of which were concentrated regionally and spoke 128 distinct primary languages. Although most ethnic groups were affiliated with one of two regional and cultural traditions—Arab and Saharan/Sahelian zone Muslims in the north, center, and east; and Sudanian zone Christian or animist groups in the south—migrations in response to urbanization and desertification resulted in the integration of these groups in some areas of the country.

Societal discrimination continued to be practiced routinely by members of virtually all ethnic groups and was evident in patterns of buying and employment, in patterns of de facto self-segregation in urban neighborhoods, and in the paucity of interethnic marriages, especially across the north-south divide. The law prohibits state discrimination on the basis of ethnicity, although in practice, ethnicity continued to influence government appointments and political alliances (see Section 3). Political parties and groups generally had readily identifiable regional or ethnic bases.

The rebellion in the northern Tibesti region lost much of its strength during the year, with some former rebels reintegrating into the national army and others fleeing the country. Some remained in the Tibesti region, where sporadic fighting continued. The Government continued to exhibit a pattern of discrimination in selectively separating injured northerners, especially Zaghawa, for treatment, with the Zaghawa given preferential medical treatment, including evacuation abroad. Human rights groups in Faya Largeau charged that many untreated injured southerners were left to die as a result of the selective access to medical treatment based solely on ethnicity.

In January, an interethnic conflict between the Kreda and Kouka groups in the northeastern part of the country resulted in 74 deaths and 182 injuries.

In July, the Alliance for Democratic Renewal reported that intercommunity clashes were increasing in the southern town of Moundou; however, the Government took no action to stem the conflict.

In August, an interethnic conflict arose on the country's border with Sudan, which reportedly resulted in disorder and banditry on the Chadian side of the border. President Deby participated directly in cease-fire negotiations, and an accord was reached on September 4.

In January, legislation was proposed to require the registration of nomadic herders to better document their movement. The bill was opposed primarily by the nomadic groups themselves, who did not want controls placed on their activities. As a result, the legislation did not pass.

Section 6. Worker Rights

a. The Right of Association.—The Constitution recognizes freedom of association and union membership, and the Government generally respected the right to organize in practice. In one instance, the Government encouraged the employees of the national water and energy company to form a union. All employees, except members of the armed forces, were free to join or form unions.

The main labor organization was the Chadian Syndicates' Union (UST), whose members were both individuals and smaller unions. The other major union was the Teacher's Union of Chad. Neither union had ties to the Government. A number of minor federations and unions also operated, some of which had ties to government officials. In the formal sector, more than 90 percent of employees belonged to unions; however, the majority of workers were nonunionized, unpaid subsistence cultivators or herders. The Government, which owned businesses that dominate many sectors of the formal economy, remained the largest employer.

The Labor Code protects unions against anti-union discrimination. A High Committee for Work and Social Security is the formal mechanism for addressing complaints, but it was overburdened and underfunded. The Government, in partnership

with the unions and others, worked toward the creation of a committee to oversee a National Social Dialogue, which would cover issues of dispute resolution.

There were reports that a 1962 ordinance requiring prior authorization from the Ministry of the Interior before an association can be formed remained in force. The ordinance also allowed for the immediate administrative dissolution of an association and permitted the authorities to oversee associations' funds. The International Labor Organization (ILO) Committee of Experts has cited the Government for its denial of the right to establish an organization without prior approval.

Labor unions have the right to affiliate internationally. The UST was affiliated with the International Confederation of Free Trade Unions.

b. The Right to Organize and Bargain Collectively.—The Constitution contains only general provisions for the rights of the Government to set minimum wage standards and to permit unions to bargain collectively. The Labor Code has specific provisions on collective bargaining and workers' rights, and authorizes the Government to intervene in the bargaining process under certain circumstances.

The Constitution recognizes the right to strike, and the Government generally respected this in practice. The law permitted imprisonment with forced labor for participation in strikes; however, no such punishment was imposed during the year, despite legal and illegal strikes in various sectors, particularly petroleum, education, and electricity.

The Chamber of Commerce and leading private business organizations organized a 1-day general strike to protest growing insecurity and the Government's failure to promote safety.

There are no export processing zones.

c. Prohibition of Forced or Bonded Labor.—The Constitution and the Labor Code prohibit forced or bonded labor, including by children; there were continuing reports of forced labor practices in the formal economy and isolated instances of forced labor by both children and adults in the rural sector by local authorities (see Section 6.d.). There were reports that prisoners were required to work to pay their back taxes.

The law permits imprisonment with forced labor for participation in strikes, a provision the ILO has asked the Government to repeal; however, the law remained in effect at year's end.

Unlike in previous years, there were no reports that Zaghawas were conscripted forcibly into the armed forces.

d. Status of Child Labor Practices and Minimum Age for Employment.—Child labor, including forced child labor, was a problem. The Government has ratified key international treaties governing child labor but generally lacks the means to ensure enforcement.

The Labor Code stipulates that the minimum age for employment in the formal sector was 14 years; however, the Government did not enforce the law in practice. The labor law provides that anyone under the age of 18 is a child and prohibits children from undertaking "any work which, by its nature or the circumstances in which it was carried out, was likely to harm the health, safety, or morals of children." According to a 2000 UNICEF study, 65.5 percent of minors worked, including those performing domestic chores for more than 4 hours per day, those working within the family (herding, microcommerce, etc.), and those who worked for someone outside the family but who were underage. Approximately one out of every five children between the ages of 6 and 18 years of age worked in the urban informal sector. Children worked in agriculture and herding throughout the country. Children were also employed in the commercial sector, particularly in the capital, as street vendors, manual laborers, and helpers in small shops. Young girls worked as domestic servants, mainly in N'Djamena.

By some estimates, abusive and exploitative child labor affected 20 percent of children between the ages of 6 and 18. There were cases of children being sold by their families in some southern regions. In some areas, local authorities began to fine parents caught selling their children into forced labor. In response, some families began to work with intermediaries to pass children from families directly to the farm owners.

No action was taken on the September 2002 letter from the quasi-official National Commission for Human Rights to the Prime Minister concerning reports of children being sold and exploited in Koumra and other cities in the Mandoul region.

During the year, there were reports that in the southern part of the country, families contracted out their children to Arab nomadic herders to help care for their animals, and the children often were abused and returned with little financial compensation for their work. In one case, a 12-year-old boy was kidnapped in N'Djamena and forced to work without salary on a farm approximately 60 miles away. Some children worked as domestic servants in the households of relatives for

little compensation. In June, the governor of the southern Mandoul region acknowledged the existence of children sold by their parents to nomadic herders.

Some young girls were forced into marriages by their families and then forced to work in their husbands' fields or homes and to bear children while they were still too young to do so safely (see Section 5).

The Government worked with UNICEF to increase public awareness of child labor. During the year, UNICEF organized 16 workshops in regional towns to share information on the dangers of forced child labor and the benefits of education. The training left each town equipped with one individual charged with overseeing the continuing public relations campaign.

e. Acceptable Conditions of Work.—The Labor Code requires the Government to set minimum wages. The minimum wage at year's end was \$45 (25,480 FCFA) per month. Most wages, including the minimum wage, were insufficient to provide a decent standard of living for a worker and family. Nearly all private sector and state-owned firms paid at least the minimum wage, but it was largely ignored in the vast informal sector. During the year, the Government began to pay all employees at least the minimum wage for the first time, and government salaries increased overall by 5 percent. In some parts of the country, there were long delays in the payment of government salaries. Salary arrears remained a problem, although less so than in previous years. Low wages among customs, police, and military officials contributed to almost daily extortion of the civilian population along all major roads (see Section 1.f.).

The law limits most employment to 39 hours per week, with overtime paid for supplementary hours. Agricultural work was limited to 2,400 hours per year. All workers were entitled to an unbroken period of 48 hours of rest per week; however, in practice these rights rarely were enforced.

The Labor Code mandates occupational health and safety standards and inspectors with the authority to enforce them; however, these standards rarely were respected in practice in the private sector and were nonexistent in the civil service. The ILO reports noted that the labor inspection service does not have adequate resources to perform its duties.

Workers had the right to remove themselves from dangerous working conditions; however, in practice they could not leave without jeopardizing their employment.

The Labor Code explicitly protects all workers, including foreign and illegal workers, but the protections provided were not always respected in practice.

f. Trafficking in Persons.—The law prohibits trafficking in persons; however, there were reports of trafficking within the country. Children were trafficked for forced labor, primarily as herders.

The Penal Code makes trafficking in persons a crime punishable by 5 to 20 years in prison; however, no governmental agency or NGO focused explicitly on the problem, and no economic or financial aid was available unless a victim sought damages in court. UNICEF sponsored educational campaigns through the media to advise parents to instruct children about the danger of trusting strangers. The LTDH also handled cases in this area on an individual basis throughout the year.

In 2002, a 9-year-old girl was sold to a former subprefect to work as a maid. After 6 months, the girl fled and took refuge in national radio station. When the station aired an appeal for the parents to retrieve the child, the employer appeared, carrying a copy of a work contract signed by her parents, two witnesses, and the head of the gendarme brigade in her home department. Gendarmes who were present at the radio station contacted local human rights organizations and refused to return the child to her employer. In July 2002, the prosecutor summoned the employer to court; however, the employer did not appear, and the case was dropped.

COMOROS

The Union of Comoros is an emerging democracy ruled by President Azali Assoumani, who took power in a coup in April 1999 and subsequently was elected in April 2002 presidential elections described by international observers as free and fair. The country consists of three islands (Grande Comore, Anjouan, and Moheli) and claims a fourth, Mayotte, which is governed by France. Legislative elections, scheduled for March, did not take place during the year. A December ministerial meeting resolved the few remaining issues pertaining to national reconciliation. Among the issues decided at the reconciliation talks was the date for legislative assembly elections, after which a committee will be formed to draft a new constitution. Local elections for the three islands are scheduled to take place in March 2004 with

National Elections scheduled for April 2004. The Constitution provides for an independent judiciary, and it was independent in practice.

The Comorian Defense Force and the Gendarmerie are responsible for internal security under the President's direct control. The civilian authorities maintained effective control of the security forces. Some members of the security forces committed human rights abuses.

The economy was dominated by agriculture; the country's population was approximately 590,000. Revenues from the main crops continued to fall while the population grew at an annual rate of 2.7 percent. In 2001, per capita income was approximately \$356. The country depended heavily on foreign assistance.

The Government generally respected the human rights of its citizens; however, there were problems in some areas. Prison conditions remained poor. Unlike in previous years, security forces and the separatist authorities on Anjouan did not use arbitrary arrest and detention during the year. The Government restricted freedom of religion, and security forces reportedly continued to threaten Christians. Societal discrimination against women and Christians continued to be serious problems. There were some instances of forced child labor.

RESPECT FOR HUMAN RIGHTS

Section 1. Respect for the Integrity of the Person, Including Freedom From:

a. Arbitrary or Unlawful Deprivation of Life.—There were no reports of the arbitrary or unlawful deprivation of life by the Government or its agents during the year.

In addition to the police and the military, there were many armed groups on Anjouan, including paramilitary forces, militias, and civilians. There were no reported killings by these groups during the year.

b. Disappearance.—There were no reports of politically motivated disappearances.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The Constitution prohibits such practices, and there were no reports that government officials employed them.

On November 27, security forces reportedly forcibly dispersed a protest march (see Section 2.b.).

Prison conditions remained poor. A lack of proper sanitation, overcrowding, inadequate medical facilities, and poor diet were common problems. The Government has not taken action to remedy these problems.

Female prisoners were held separately from male prisoners. Juveniles were not imprisoned; they were returned to the custody of their parents. Pretrial detainees were not held separately from convicted prisoners.

The Government permitted prison visits by independent observers, and at least one such visit by the International Committee of the Red Cross occurred during the year.

d. Arbitrary Arrest, Detention, or Exile.—The Constitution prohibits arbitrary arrest and detention; however, some people apprehended by the police were brought arbitrarily to military camps instead of jails and in some cases held without charge for over 24 hours, contrary to the law.

On Grand Comore, there were two police forces: The Gendarmerie, which was part of the national army and controlled by the national Government, and the local police forces, which were controlled by the local island governments and were also responsible for immigration. On Anjouan and Moheli, the Gendarmerie handled local policing.

The Constitution prohibits forced exile, and the Government did not use it.

e. Denial of Fair Public Trial.—The Constitution provides for an independent judiciary, and the Government generally respected this provision. The Head of State appoints magistrates by decree.

The High Council, made up of four members appointed by the President, three members elected by the Federal Assembly, and a member of each island council, also served as the High Court of the Republic and ruled on cases of constitutional law. Trials were open to the public except for limited exceptions defined by law. The legal system incorporates Islamic law as well as French legal codes. There were very few lawyers in the country, making it difficult to obtain legal representation. Most disputes were presented to village elders for possible resolution before being taken to court.

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home or Correspondence.—The Constitution prohibits such actions, and the Government generally respected these prohibitions in practice.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution provides for freedom of speech and of the press, and the Government generally respected these rights in practice.

There were two independent newspapers that published regularly and one semi-official weekly *Al-Watwan*. The independent newspapers criticized the Government freely.

There were two national radio stations: The government-run radio station, Radio Comoros; and the opposition radio station, Radio Tropique. In addition, there were at least 10 regional and local stations, some of which were openly critical of the Government. Residents also received broadcasts from Mayotte Radio, as well as from French television, without government interference. A television station, whose construction was funded by the Chinese Government, was operational during most of the year but ceased operations by year's end. There were several private local television stations, and satellite antennas were popular. Amateur radio licenses were issued without restriction.

Foreign newspapers and books were available.

The Government did not restrict access to the Internet.

The Government did not restrict academic freedom.

b. Freedom of Peaceful Assembly and Association.—The Constitution provides for the freedom of assembly, and the Government generally respected this right in practice. However, on November 27, police forcibly dispersed a march protesting government policies. At least 15 of the marchers were injured.

The Constitution does not provide specifically for the freedom of association; however, the Government generally respected this right in practice.

c. Freedom of Religion.—The Constitution provides for freedom of religion; however, the Government restricted this right in practice.

The Constitution declares Islam the official religion, and the Government discouraged the practice of religions other than Islam. An overwhelming majority of the population was Sunni Muslim. Authorities restricted the right of Christians to practice their faith, and police regularly threatened and sometimes detained practicing Christians.

There were two Roman Catholic churches and one Protestant church; however, the Government restricted the use of these Christian churches to noncitizens. The Government permitted Christian missionaries to work in local hospitals and schools but did not permit them to proselytize.

There was no reports of Christians being detained on Anjouan during the year. Some community authorities on Anjouan banned Christians from attending any community events and banned Christian burials in a local cemetery.

There was widespread societal discrimination against Christians, who faced insults and threats of violence from members of their communities. Mobs harassed Christians in front of mosques, and religious authorities have summoned them for questioning. In some instances, families forced Christian members out of their homes or threatened them with a loss of financial support. Some Christians had their Bibles taken by family members. Local government officials, religious authorities, and family members attempted to force Christians to attend services at mosques against their will.

Unlike in the previous year, there were no reports that religious leaders on Anjouan and Grande Comore threatened Christians during radio broadcasts and sermons in mosques. Attempts have been made to isolate Christians from village life.

For a more detailed discussion, see the 2003 International Religious Freedom Report.

d. Freedom of Movement within the Country, Foreign Travel, Emigration, and Repatriation.—The Constitution provides for these rights, and the Government generally respected them in practice.

During the year, there continued to be reports that persons fled Grande Comore and Anjouan for Mayotte; many of these persons reportedly drowned when they attempted to reach Mayotte on rafts or by swimming.

The Constitution does not provide for the granting of asylum or refugee status to persons who meet the definition in the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol, and the Government has not formulated a policy regarding refugees or asylees. In practice, the Government provided protection against refoulement but did not routinely grant refugee or asylum status; it also provided temporary protection to certain individuals who do not qualify as refugees or asylees. The Government cooperated with the office of the U.N. High Commissioner for Refugees (UNHCR) and other humanitarian organizations assisting refugees.

Approximately 10 refugees from central Africa remained in the country, and they were awaiting placement by the UNHCR in other countries at year's end. There was one request for refugee status pending at year's end.

Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government

The Constitution provides specifically for the right of citizens to change their government in regularly scheduled elections, and in practice they were allowed to do so in the April 2002 presidential elections, which were characterized as free and fair by international observers. Three candidates advanced from the primary to the general election in which President Azali was elected with approximately 75 percent of the vote. Under the terms of the Constitution, a president will be elected from a different island every 4 years, based on a rotating schedule.

The country has been prone to coups and political insurrection since its independence in 1975, including an attempted coup in February that resulted in the arrest of 12 soldiers and 2 Ministers. All those arrested were released quickly, except for the Minister of the Interior for the Government of Grande Comore Island, who allegedly led the coup. He was reportedly detained on February 13 and released on May 30.

In 2001, the Constitution, which calls for the reincorporation of Anjouan, Grande Comoros, and Moheli into a new federation that grants the islands greater autonomy, was approved overwhelmingly in a referendum described by international observers as free and fair. Each of the three islands that constituted the Union has a separate elected President. An agreement was reached in December in Moroni between the President of the Union and the individual island presidents concerning the division of powers between the competing presidencies.

The Constitution provides that the Legislative Assembly will be composed of 33 members. Of these, citizens will elect directly 18, and the Government will appoint 15 (5 per island). Legislative Assembly elections, scheduled for March, were postponed. As part of the agreement reached in December, local island elections are scheduled for March 2004, and national elections are scheduled for April 2004.

There were no bans in effect on political parties, which continued to criticize the Government openly. There were 21 political parties in the country; 5 parties represented the Government, and 16 parties represented the opposition.

Village chiefs and Muslim religious leaders tended to dominate local politics. Traditional social, religious, and economic institutions also affected political life in important ways.

There was one woman in the Cabinet. Two women hold senior government positions: One was the President of the Tribunal of First Instance, and the other was legal counsel to President Azali.

An overwhelming majority of the population was Sunni Muslim, and all citizens, including the small number of Christians in the country, identified themselves as Muslims for safety reasons (see Section 2.c.). There were no Christians in the Government.

Section 4. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A few domestic and international nongovernmental organizations generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials generally were cooperative and responsive to their views. The Comorian Association of Human Rights was not active during the year due to a lack of funds. In July 2002, the newly formed Haki Association for Human Rights ran a series of human rights seminars open to all persons.

Section 5. Discrimination Based on Race, Sex, Disability, Language, or Social Status

The Constitution prohibits discrimination based on these factors; however, there was discrimination against women.

Women.—Domestic violence against women occurred, but medical authorities, the police, and women's groups believed that it was rare. A woman could seek protection through the courts in the case of violence, but the problem was addressed most often within the extended family or at the village level.

Prostitution is illegal, and most citizens did not consider it to be a problem.

Men have the dominant role in society. A matriarchal tradition afforded women some rights, especially in terms of landholding. Societal discrimination against women was most apparent in rural areas where women had farming and childrearing duties and fewer opportunities for education and wage employment. The status of women improved in the major towns, where growing numbers of women were in the labor force and generally earned wages comparable to those of

men engaged in similar work; however, few women held positions of responsibility in business. The Constitution provides for equality of persons, and in general inheritance and property rights do not discriminate against women. For example, the house that the father of the bride traditionally provides to the couple at the time of their marriage remains her property in the event of divorce.

Children.—The Government has not taken any specific action to protect or promote children's welfare. Legal provisions that address the rights and welfare of children were not enforced because of a lack of inspectors.

Education was compulsory until the age of 10; however, attendance was not enforced. According to a 2002 UNICEF study, an estimated 69 percent of children attended primary school, while only 34 percent attended secondary school; 55 percent of boys attended school, and 45 percent of girls attended school.

Child abuse was rare but occurred.

Child prostitution and child pornography are illegal. Unmarried children under the age of 13 were considered minors, and they were protected legally from sexual exploitation, prostitution, and pornography.

Persons with Disabilities.—There was no discrimination against persons with disabilities in employment, education, or in the provision of other state services; however, there were no laws that mandate access to buildings for persons with disabilities.

Section 6. Worker Rights

a. The Right of Association.—The Constitution provides for the right to unionize, and the Government has not prevented industries from unionizing. Most of the population was engaged in farming on small land holdings, subsistence fishing, and petty commerce. The wage labor force numbered less than 7,000 including government employees and less than 2,000 excluding them. Teachers, civil servants, and dockworkers were unionized. Unions were independent of the Government.

The Labor Code, which was rarely enforced, does not include a system for resolving labor disputes, and it does not prohibit anti-union discrimination by employers.

There were no restrictions on unions joining federations or affiliating with international bodies; however, no union was known to do so.

b. The Right to Organize and Bargain Collectively.—The law protects workers from employer interference in their right to organize and administer their unions. Unions have the right to bargain collectively; however, employers set wages in the small private sector, and the Government, especially the Ministries of Finance and Labor, set them in the larger public sector.

The Constitution provides for the right to strike, and the Government generally respected this right in practice. In previous years, government workers, teachers, and hospital workers held strikes primarily because they were not paid for weeks at a time. There was one teachers' strike during the year. There were no laws protecting strikers from retribution, but there were no known instances of retribution.

There are no export processing zones.

c. Prohibition of Forced or Bonded Labor.—The Constitution prohibits forced or bonded labor by adults; however, the Government did not prohibit forced and bonded labor by children, and there were some instances in which it occurred (see Section 6.d.).

d. Status of Child Labor Practices and Minimum Age for Employment.—The Labor Code defines the minimum age for employment as 15 years of age. The Ministry of Labor had few resources to enforce this provision; however, child labor generally was not a problem due to the general lack of wage employment opportunities. Children generally worked in the informal sector for their families in the subsistence farming and fishing sectors.

Some families placed their children in the homes of others where they worked long hours in exchange for food or shelter. A 2000 UNICEF study found that approximately 15 percent of children worked at jobs for which they were not paid.

The Government has not ratified International Labor Organization Convention 182 on the worst forms of child labor; however, the Government adhered to its provisions in practice.

e. Acceptable Conditions of Work.—There was no minimum wage. In previous years, the Government paid workers late or failed to pay them at all; however, during the year, government workers were paid more regularly.

The Labor Code specifies a workweek of 37½ hours with 1 day off per week plus 1 month of paid vacation per year.

There were no safety or health standards for the very small manufacturing sector.

The law protects legal foreign workers; however, there were no such provisions in the law to protect illegal foreign workers.

f. Trafficking in Persons.—The law does not prohibit trafficking in persons; however, there were no reports that persons were trafficked to, from, or within the country.

DEMOCRATIC REPUBLIC OF THE CONGO

During the first half of the year, the Democratic Republic of the Congo remained divided into territory controlled by the Government and territories controlled by several rebel factions, Ugandan troops, ethnically based militias, and other armed groups. President Joseph Kabila, who came to power in 2001 after the assassination of his father Laurent Desire Kabila, continued to rule by decree in the territory under government control. However, on June 30, the Government, major rebel groups, and members of the unarmed political opposition and civil society formed a national Transitional Government, in accordance with a new Transitional Constitution adopted on April 2. The Transitional Government is intended to prepare the country for elections in approximately 2 years. However, at year's end, territory held by former rebels was not yet under effective central government control, and the authority of the Transitional Government was limited. The former belligerents had not yet integrated key institutions such as the army, the police, and local administrations, and the condition of transportation and communications infrastructure remained poor. In addition, none of the main militias fighting for control of Ituri district in Orientale province were included in the Transitional Government. A series of cease-fire agreements were signed throughout the year, and although the presence of the U.N. mission MONUC has helped limit violence, the agreements were regularly violated. The law provides for an independent judiciary; however, in practice, in territory under central government control, it was underfunded, inefficient, ineffective, and subject to corruption and executive influence.

In territory under central government control, the Transitional Government's security forces consisted of a national police force and an immigration service, both under the Ministry of Interior; the National Intelligence Agency (ANR) and the Special Group for Presidential Security (GSSP), both reporting directly to the President; and the Armed Forces, which were integrated at headquarters level only by year's end. The Office for the Military Detection of Anti-Patriotic Activities (DEMIAP), the military's intelligence service, was technically disbanded but continued to operate under the new chief of military intelligence, who was the former chief of DEMIAP. The ANR was responsible for internal and external security, including border security matters. The Armed Forces retained some residual police functions. Military police had jurisdiction over armed forces personnel, but also had domestic security responsibilities, including the patrolling of urban areas. Security forces were poorly trained, poorly paid, and often undisciplined. Civilian authorities did not maintain effective control of the security forces, and there were frequent instances in which elements of the security forces acted independently of government authority. Members of the security forces committed numerous human rights abuses.

The economy was dominated by subsistence agriculture, a large informal sector, and widespread barter; most sectors of the economy remained moribund. Production and incomes remained low, and the World Bank estimated that 80 percent of the population lived on less than 50 cents (185 francs) a day; however, gross domestic product (GDP) grew by approximately 5 percent during the year, and inflation remained below 20 percent. Infrastructure was in serious disrepair, financial institutions remained weak, and public education and health services continued to deteriorate. Restrictions during the first half of the year on commercial travel on the Congo River negatively affected the economy; however, commercial traffic resumed, albeit slowly, in July. Areas formerly controlled by rebel factions continued to be integrated financially and economically with the economies of Rwanda and Uganda; however, commercial air traffic and cellular phone service established during the year began to re-link the country. The petroleum and mining sectors supplied the Government the majority of its revenue through tax receipts and fiscal contributions. Government expenditures continued to far outstrip revenue. Public sector employees, including most soldiers, received very low salaries and sometimes were not paid for months, which caused widespread hardship and contributed to tensions within the armed forces and corruption in the civil administration.

In areas under central government control, the Government's human rights record remained poor; although there were some improvements, serious problems remained. Citizens did not have the right to change their government peacefully. Security forces committed unlawful killings, torture, beatings, acts of rape, extortion, and other abuses, largely with impunity. Prison conditions in hundreds of local de-

tention facilities, both legal and illegal, remained harsh and life threatening; however, conditions in some of the larger, centralized prisons improved. Arbitrary arrest and prolonged pre-trial detention remained problems. The Military Order Court (COM), a special military tribunal, tried some civilians for political offenses; however, President Kabila disbanded the COM in April. Security forces violated citizens' rights to privacy and looted homes. The Government supplied and coordinated operations with Mai Mai and other militia groups, who committed numerous, serious abuses, including killings, rape, torture, the kidnapping of civilians, and the recruitment of children as combatants.

The Government restricted freedoms of speech, the press, and assembly; it restricted freedoms of association and movement but did so less often than in the previous year. The war continued to result in large numbers of internally displaced persons (IDPs); however, most IDP movements were in conflict areas not under central government control. Violence and discrimination against women were problems. Female genital mutilation (FGM) persisted among isolated populations in the north. Discrimination against indigenous Pygmies continued. Unlike in previous years, there were no reports of violence or discrimination against members of the Tutsi ethnic minority. The Government restricted worker rights. Child labor, the use of child soldiers by the Armed Forces, child prostitution, and trafficking remained problems.

There were numerous reports that Mai-Mai groups and Hutu militias, some of whom received government support, committed serious abuses, including killings, rapes, torture, and kidnappings of civilians, in the east.

Rebel factions backed by the governments of Rwanda and Uganda, ethnic militias, and other armed groups continued to operate in more than half of the country during the year. There were continued, unconfirmed reports that Rwanda Defense Force (RDF) military advisors remained integrated with the Congolese Rally for Democracy (RCD/G) and Union of Congolese Patriots (UPC) forces. Approximately 5,000 Uganda People's Defense Forces (UPDF) troops remained in Ituri until early May. The largest rebel groups were the Rwandan-backed RCD/G, the Movement for the Liberation of Congo (MLC), and the Congolese Rally for Democracy based in Beni-Butembo (RCD/ML). The RCD/National (RCD/N), which was backed by the MLC, continued to operate.

In the Ituri district of Province Orientale, numerous tribally-based armed groups continued to fight for control of territory and resources during the year: The Lendu and Ngiti-dominated Front for the National Integration/Patriotic Force of Resistance in Ituri (FNI/FRPI), led by Floribert Njabu; the Hema-dominated UPC, led by Tomas Lubanga and supported by the governments of Uganda and Rwanda; the Hema-dominated Party for the Safeguarding of the Congo (PUSIC), which split from the UPC early in the year and was led by Chief Kawa Mandra; the mixed People's Army of Congo (FAPC), led by General Jerome Bakonde; and the Alur and Lugbara-dominated Popular Force for Democracy in Congo (FPDC) led by Thomas Unen Chen. In addition, there were numerous loosely affiliated Lendu militia groups. In June, a French-led multinational force, known as Artemis, or the Interim Emergency Multinational Force (IEMNF), was deployed with a U.N. mandate to protect civilians in Bunia. On September 1, the Ituri Brigade of the U.N. Observer Mission in Congo (MONUC), a U.N. force peacekeeping force, replaced IEMNF forces.

In North and South Kivu, a number of Hutu militia and Mai Mai groups operated. In South Kivu, there were also incursions by two Hutu rebel groups from Burundi, the Palipehutu/National Liberation Force (FNL) and the National Council for the Defense of Democracy/Forces for the Defense of Democracy (CNDD/FDD).

In areas controlled by Hutu militias, Mai Mai, ethnically based militias, or other armed groups, there were no organized security services; those with weapons controlled the population and extorted money, goods, and services. Civilian authorities of the rebel factions did not maintain effective control over their respective troops. Rebel soldiers and security services received orders from their civilian authorities and foreign governments, and acted independently. Rebel troops and their security services, and members of other armed groups committed numerous, serious human rights abuses.

The human rights record in areas not under central government control remained extremely poor, and rebel authorities continued to commit numerous, serious abuses, particularly in the east, including North and South Kivu and the Ituri district of Orientale province. The rebel groups severely restricted political freedom and did not tolerate political opposition or civil society activity that was critical of their rule. Rebel forces, Mai-Mai forces, Hutu militia, and other armed groups committed numerous, serious abuses with impunity against civilians, including deliberate large-scale killings, the burning of villages, disappearances, torture, rape, dismemberment, mutilation, looting, extortion, and robbery. Prison conditions, particu-

larly in underground prisons, were harsh and life-threatening. Arbitrary arrest and detention continued to be problems. The judiciary continued to be controlled and manipulated by the ruling authorities and subject to corruption. Rebel groups severely restricted freedoms of speech, assembly, association and movement in areas under their control, and respect for religious freedom remained poor. There were attacks against local and international nongovernmental organizations (NGOs) in rebel-held areas, and some NGO personnel and MONUC peacekeepers were killed. Rape and violence against women and children were severe problems and occurred with impunity. Discrimination against women and indigenous Pygmies were problems. The forcible recruitment of soldiers, including children, continued to be a serious problem. Combatants abducted women and children and forced them to perform labor, military services, and sexual services. Trafficking and child prostitution were problems. Ethnically based mob violence resulted in thousands of deaths.

RESPECT FOR HUMAN RIGHTS

Section 1. Respect for the Integrity of the Person, Including Freedom From:

a. Arbitrary or Unlawful Deprivation of Life.—In areas under government control, there were no reports of political killings; however, security forces committed other unlawful killings with impunity. The Government also materially supported Mai Mai and Hutu groups, some of whom were believed to be responsible for killing civilians (see Section 1.g.).

During the year, local NGOs reported that 69 persons died at Makala, including some who had been beaten severely in the custody of the Provincial Inspection of Kinshasa (IPK) and the Rapid Intervention Police (PIR), who were responsible for transferring them. Most of the remaining detainees died from poor prison conditions, malnourishment, mistreatment, and illness (see Section 1.c.).

The use of excessive force by security forces while dispersing demonstrations resulted in at least one death (see Section 2.b.).

Unlike in the previous year, there were no reports that persons died as a result of torture. No known action was taken against those responsible for torture-related deaths reported in 2002.

There reportedly was no action taken against the members of the security forces responsible for numerous killings in 2002 or 2001.

Unlike in the previous year, there were no reports that guards at parastatal mining concessions in Katanga province killed individuals for trespassing.

There were reports that unidentified armed men in police or military uniforms robbed, looted, and killed civilians during the year. For example, on August 26, men in uniform believed to be deserters from the military or the police killed Reverend Don Kavenadiambuku during an attack on his vehicle in Kavuya, Bas Congo. No action was taken against any of the perpetrators by year's end.

In territory not under central government control, landmines caused deaths and injuries (see Section 1.g.).

In areas not under central government control, rebel forces, Mai-Mai forces, Hutu militias, and other armed groups committed numerous abuses, including summary executions, civilian massacres, acts of cannibalism, torture, looting and burning of houses, attacks on civilian areas, the forcible recruitment and use of child soldiers, and rape. Fighting between ethnically based Hema and Lendu militias and members of ethnic groups resulted in thousands of civilian deaths (see Section 1.g.).

In May, Amnesty International (AI) reported that Commander Jerome of the FAPC executed at least two persons, and tortured and detained several others in metal containers outside Aru in Ituri, following a failed coup attempt among the FAPC.

On May 25, an RCD/G soldier shot and killed Charles Katambayi, a member of the Association of Judicial Defenders, in Uvira. The next day, an RCD/G military officer located the soldier allegedly responsible for the killing and summarily executed him.

Rebels and other armed forces used excessive force against demonstrators, which resulted in deaths (see Section 2.b.).

There were reports that mobs killed suspected child sorcerers (see Section 5). There were no developments in 2001 cases of persons involved in such killings.

On March 5, a commission of inquiry comprised of human rights NGOs and the Human Rights Ministry found that nine illegal diamond miners died on February 21 when an artisanal mine caved in at a facility managed by the Minière de Bakwanga (MIBA) in Eastern Kasai province. Illegal miners who escaped the mine reported that local security guards blocked their exit.

b. Disappearance.—There were no reports of politically motivated disappearances. However, on February 23, approximately 30 prisoners disappeared from the

DEMIAP's Ouagadougou detention center in Kinshasa. Although 16 of the prisoners were found after having been transferred without notice to the Buluwo Prison in Katanga and the Minister of Human Rights asked about their whereabouts, the remaining 14 prisoners remained missing at year's end. There were persistent, unconfirmed reports that the prisoners were executed.

In areas not under central government control, there were numerous cases of disappearances and kidnappings (see Section 1.g.).

There continued to be reports that various armed groups abducted women and children from the villages they raided to perform labor, military services, and sexual services (see Sections 1.g. and 6.c.). Many of the victims have since disappeared.

There were no developments in any of the numerous cases of disappearance in 2002 and 2001, nor has any action been taken against the perpetrators.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The law prohibits torture; however, in territory under government control, security forces and prison officials often beat and tortured both detainees, while arresting or interrogating them, and prisoners. There were also unconfirmed reports that members of the security services tortured or abused civilians to settle personal scores for themselves or other members of the Government. Some members of the security forces raped civilians.

Security forces harassed and beat some journalists (see Section 2.a.).

Police and security forces used excessive force to disperse demonstrations (see Section 2.b.).

There was no known action taken against members of the security forces responsible for torture or abuse in 2002 and 2001.

There continued to be unconfirmed reports that soldiers and police harassed street children in Kinshasa. Unlike in the previous year, there were no credible reports that members of the police and military raped homeless girls (see Section 5).

In areas not under government control, rebel groups, including Mai Mai Forces and Hutu militias, tortured, raped, and otherwise physically abused numerous persons during the year; rebel groups beat and abused political figures, journalists, community leaders, and human rights advocates while arresting or detaining them (see Sections 1.g., 2.a., and 2.b.). For example, on May 28, RCD/G intelligence officers beat and detained Joseph Nkinzu; he was not charged with a crime and was released after 2 days. Numerous cases of abuse were unreported because these groups, particularly the RCD/G, denied access to NGOs.

No known action was taken against responsible members of the RCD/G or RDF in the 2002 or 2001 cases of torture, beatings, or rape.

The RCD/G violently dispersed demonstrations (see Section 2.b.).

Armed groups kidnapped, raped, and tortured numerous women (see Section 1.g.).

The conditions in most of the large, central prisons were harsh, and at times life threatening. The penal system continued to suffer from severe shortages of funds and trained personnel; however, the Government continued to make efforts to respond to NGO complaints about prison conditions, particularly at Makala. Health care and medical attention remained inadequate, and widespread infectious diseases were a problem; however, a prison doctor was available. There continued to be fewer reported cases of infectious disease. The government-provided food remained inadequate, and the Government did not provide any food to prisoners at Makala for several weeks during September. Prisoners were dependent on the personal resources of family or friends, and families were allowed to bring food and other necessities to prisoners during regular visiting hours 3 days a week. Local NGOs reported that in a few cases, family members were forced to pay bribes to bring food to prisoners. Makala remained overcrowded.

On August 16, 45 prisoners convicted for the assassination of former President Laurent Kabila began a hunger strike to protest prison conditions and to demand that they benefit from a presidential amnesty granted to many other prisoners in March. After 1 week, their detention conditions were improved slightly, and they were allowed to see family members for brief periods.

Conditions in small detention facilities (legal and illegal) also remained harsh and life threatening and resulted in an undetermined number of deaths, particularly from communicable diseases such as tuberculosis. These facilities were generally intended for short-term pre-trial detentions; however, in practice they were often used for lengthy detentions. Authorities often arbitrarily beat or tortured detainees. There usually were no toilets, mattresses, or medical care and inmates often received insufficient amounts of light, air, and water. Such prisons generally operated without a budget and with minimal government regulation or oversight. Local prison authorities or influential individuals frequently barred visitors or severely mistreated particular detainees. Petty corruption was common, and prison guards fre-

quently required bribes from family members and NGOs to visit or provide a detainee with food and other necessities.

The security services, particularly the ANR and the DEMIAP, continued to operate numerous illegal detention facilities, despite the 2001 presidential decree to close all such facilities. For example, there were reports that on September 19, 16 military cadets were detained incommunicado in an illegal jail on Ndolo military base in Kinshasa. They were released in October.

Conditions in these facilities also remained harsh and life threatening. Detainees systematically were abused, beaten, and tortured. Facilities lacked adequate food and water, toilets, mattresses, and medical care, and authorities routinely denied access to family members, friends, and lawyers.

Women and juveniles generally were detained separately from men. Pre-trial detainees were not separated from convicted prisoners.

The Government continued to detain soldiers in civilian prisons.

Unlike in the previous year, there were no prisoners of war (POWs) held in official detention centers.

Numerous persons died in prison due to mistreatment and neglect during the year. For example, Commander Jean-Calvin Kandolo, who was sentenced in connection with the assassination of former President Kabila in 2001, died on August 9 as a result of poor health conditions at the Bulwo prison in Likasi, Katanga. He was seriously ill for at least 2 months before he was hospitalized on July 20 in Likasi.

The Government allowed the International Committee of the Red Cross (ICRC) and many NGOs access to all official detention facilities; however, the ICRC and other NGOs did not have access to the illegal detention facilities maintained by security forces, where many detainees were held, questioned, and frequently subjected to abuse.

Prison conditions in areas outside of government control were extremely harsh and life threatening. Most detention facilities were not designed for detaining persons, and detainees often were kept in overcrowded rooms with little or no light or ventilation. For example, the RCD/G maintained underground prisons in Kavumu and Chibingu outside Bukavu, South Kivu, and the UPC maintained several underground prisons in and around Bunia. They ranged in size from approximately 2 feet wide by 4 feet by 2 feet deep for 1 person to 15 feet by 15 feet by 5 feet deep for 15 to 20 persons. Detainees typically slept on cement or dirt floors without bedding and had no access to sanitation, potable water, toilets, or adequate medical care. Tuberculosis, red diarrhea, and other infectious diseases were widespread. Little or no food was provided to detainees, and guards demanded bribes to allow family members or friends to bring food to prisoners. Prisoners frequently were subjected to torture, beatings, and other abuse with no medical attention. Unlike in previous years, there were no reports that rebel forces released prisoners to their families just in time to die.

Unlike in previous years, there were no confirmed reports that RCD/G forces detained persons in metal freight containers or in the private residences of military commanders. Unlike in the previous year, there were no reports that RDF forces detained persons in metal freight containers prior to the RDF's official withdrawal from the DRC.

In some cases, MONUC human rights officers, accompanied by MONUC military escorts, were allowed access to prisons in areas not under government control.

d. Arbitrary Arrest, Detention, or Exile.—The law prohibits arbitrary arrest and detention; however, in government-controlled territory, security forces arbitrarily arrested and detained persons, including journalists (see Section 2.a.).

In territories not under central government control, the police force was ineffective and corrupt, and impunity remained a problem. The police force handled basic criminal cases. Some members of the police, military, and security forces robbed and extorted money from civilians. The Government prosecuted and disciplined some abusers; however, others acted with impunity.

In September, in an effort to reduce a rising crime rate, the Government provided police in Kinshasa with new jeeps for night patrols.

In May, the Government sent approximately 500 police officers to Bunia; however, they were ineffective and unable to prevent a massacre of 350 persons. In addition, the officers were accused of supporting certain armed militias in the region and reportedly failed to intervene to prevent abuses committed by the militias. MONUC asked that the officers return to Kinshasa, and they returned several days later.

Under the law, police officers investigating offenses punishable by more than 6 months imprisonment are not required to obtain a warrant for a suspect's arrest. Only a law enforcement officer with "judicial police officer" status and senior officers of the security forces are empowered to authorize arrests. The law requires that de-

tainees be brought within 48 hours before a magistrate, who may authorize provisional detention for varying periods. In practice, these provisions were violated systematically.

Police often detained persons without filing charges. When authorities did press charges, the claims were rarely filed in a timely manner and were often contrived or overly vague. Security forces regularly held alleged suspects in detention for varying periods of time before acknowledging that they were in custody or allowing the detainees to have contact with family or legal counsel.

Security forces used the pretext of state security to arbitrarily arrest individuals linked to groups considered a threat by the Government, particularly the opposition political party UDPS. Individuals arrested and detained in the name of state security frequently were held without legal charge, presentation of evidence, access to a lawyer, or due process.

For example, on February 14, the ANR arrested journalist Bamporiki Chamira and his wife in Kinshasa on accusations of "subversive activities." Chamira, who had been arrested in 2002 for publishing an article critical of the Government, was placed in incommunicado detention, and security forces subsequently arrested Chamira's son and two other family members. Chamira and his son remained in detention at year's end; his daughter and son-in-law escaped unharmed.

On March 18, 11 UDPS members were arrested during a meeting in Kinshasa. They were held at the Inter-Arm Headquarters, a state military prison, and released on April 28.

On March 24, armed men in uniform arrested Bernard Nseka Makinu, President of the Association of the Bakongo, in Kinshasa; he was released on April 13.

On April 16, eight persons were arrested in Lubumbashi by order of the COM prosecutor for possessing a joint press statement issued by local human rights groups on April 15 severely criticizing the continued operation of the court. When two human rights activists, Prince Kumwamba Nsapu of the African Association for the Defense of Human Rights (ASADHO) and Gregoire Mulamba Tshisakamba of the Center for Human Rights and Humanitarian Law (CDH), went to the COM headquarters to seek information about the eight detainees, they were also arrested. The 10 were accused of "inciting rebellion." Kumwamba and Mulamba were released on April 19 and were acquitted on April 22. The other eight were released without charge on April 17.

On January 26, NGO lawyer Willy Wengahaman and rights activist N'Sii Luanda, both arrested by COM order in 2002, were released without being charged or tried for an offense. According to NGOs, Justin Nindaga, who was arrested by police in January 2002, remained in detention and had not appeared before a judge by year's end.

UDPS Economic Advisor Jean-Baptiste Mulumba, who was arrested in May 2002 by ANR officers in Katanga, was released on May 10 as part of the April general amnesty (see Section 1.e.).

Pre-trial detention was systematically prolonged. Human rights NGOs reported that less than 20 percent of the inmates at Makala had been charged or sentenced. Many prisoners released under an April amnesty likely served time without a fair trial or due process (see Section 1.e.).

Prisoners were often held in detention after their sentences had expired (see Section 2.a.). In a few instances, when these cases were brought to the attention of the Government, prisoners were released. For example, in September, 28 Rwandan Hutu soldiers and a civilian who had been detained for approximately 5 years were released from Makala after a July visit to the facility by the Human Rights Minister.

In areas not under central government control, rebel forces were responsible for a systematic pattern of arbitrary arrests and detentions. Although rebel groups frequently arrested, charged, detained, and tried persons, they operated outside of the central government's criminal justice system. RCD/G forces frequently shuffled prisoners among different cities under their control, which prevented family members or NGOs from monitoring them. Unlike in the previous year, there were no reports that detainees were transferred to Rwanda.

There were no reported developments in any of the 2002 or 2001 cases of arbitrary arrest and detention by RCD/G forces.

The law prohibits exile, and there were no reports that the Government used forced exile. In August, Banyamulenge civil society representative Enock Sebinezwa, who fled the country in fear for his life in June 2002, returned to Kinshasa.

In February, the UPC expelled Belgian Catholic priest Reverend Marc Denecker for offering "illegal hospitality" to internally displaced persons (IDPs). Denecker, the parish priest of Bunia, had severely criticized human rights violations committed against the population.

e. Denial of Fair Public Trial.—The law provides for an independent judiciary; however, in practice, in government-controlled territory, the judiciary continued to be ineffective and corrupt. The civil judiciary, including lower courts, appellate courts, the Supreme Court, and the Court of State Security, continued to be largely dysfunctional. Corruption remained pervasive, particularly among magistrates, who were paid very poorly and only intermittently. The system remained hobbled by major shortages of personnel, supplies, and infrastructure.

Civil and criminal codes are based on Belgian and customary law. The legal code provides for the right to a speedy public trial, the presumption of innocence, and legal counsel at all stages of proceedings; however, these rights were often not respected in practice. Defendants have the right to appeal in all cases except those involving national security, armed robbery, and smuggling, all of which are adjudicated in theory by the Court of State Security, except those cases adjudicated by the special military tribunals, whose jurisdiction is ill-defined. The law provided for court-appointed counsel at state expense in capital cases in all proceedings before the Supreme Court, and in other cases when requested by the court. In practice, the Government often did not respect fully these provisions.

Military courts, headed by a military judge and following the military code inherited from Belgium, tried military and civilian defendants as directed by the Government. The courts are required to file charges within 48 hours of the arrest; however, long delays often occurred. The military courts, which were located in all military installations and in most urban areas, have no appeal process. The Government permitted, and in some cases provided, legal counsel; however, lawyers sometimes were not granted free or unmonitored access to defendants. Sentencing guidelines also were inherited from Belgian military law; however, in practice military courts had broad discretion to go outside of those sentencing guidelines. In many cases, trials were open to the public at the discretion of the military judge.

The COM, which AI has described as “a notoriously unfair military tribunal routinely used by the Congolese authorities as a means of suppressing dissent and imprisoning real or perceived opponents, including politicians, journalists, and human rights defenders,” handed down sentences on January 7 for those charged in the assassination of Laurent Kabila. The verdicts included: 45 acquittals, 26 death sentences, approximately 30 life sentences, and approximately 30 sentences ranging from 6 months to 20 years. COM verdicts cannot be appealed.

On April 24, following protests by national and international organizations, President Kabila closed the COM by presidential decree. In addition, the President granted amnesty for political crimes, crimes of opinion, and for members of political-religious movements, including UDPS members and Bundu dia Kongo followers, and 70 prisoners were released. Many persons had their sentences commuted. Amnesty was not granted to anyone sentenced in connection with the assassination of Laurent Kabila.

The death sentences of civilians and ex-Armed Forces of Zaire (FAZ) soldiers convicted in 2001 of coup plotting had not been carried out by year’s end.

There were no reports of political prisoners.

In the areas not under government control, the system of justice essentially remained nonfunctional. Judges and other public servants were not paid their salaries, and corruption was rampant. RCD/G officials and others with influence reportedly used the judicial system to arrest individuals on false charges and to extract money and property from these individuals. There also were reports of indiscriminate military justice in which persons, including children, were executed without a trial (see Sections 1.a. and 5). Persons incarcerated by rebel forces for political reasons generally were detained without being tried formally.

In response to international pressure, the RCD/G and MLC authorities conducted trials following massacres committed by their armies during 2002; however, these trials were widely and sharply criticized by NGOs and human rights observers and raised questions about the legitimacy and credibility of the trials. In the case of the May 2002 Kisangani massacre committed by the RCD/G, six of the nine defendants were acquitted of involvement; two escaped and only one defendant was still in prison at year’s end. The military judicial authorities who handled the inquiry overlooked reprisals that their soldiers took against the civilian population. On August 19, President Kabila promoted the two RCD/G officers charged with leading the massacres, Laurent Nkunda and Gabriel Amisi (also known as Tango Fort), to Brigadier-General.

In February, the MLC organized a trial of the presumed perpetrators of massive human rights violations committed between October 2002 and December 2002 in the Mambasa region of North Kivu (see Section 1.g.). Twenty-seven defendants were tried for extortion, rape, assassination, looting, and disobeying orders. Although a corporal and a lieutenant were sentenced to life imprisonment for murder, most de-

defendants received sentences that did not reflect the seriousness of the crimes committed. For example, 16 defendants received sentences ranging from 6 months to 3 years for crimes of desertion, disobedience, or rape. MLC Lieutenant-Colonel Freddy Ngalimo, who was in charge of the military operation, was found guilty of permitting insubordination by troops under his control, and was sentenced to 3 years' imprisonment. Seven others received "internal sanctions" for lack of discipline (see Section 1.g.).

On July 21, four of six persons held for political reasons and accused of involvement in a March 2002 grenade attack on a Catholic procession in Goma were released. In September, one of the remaining detainees was provisionally released after paying a \$300 (100,000 Congolese francs) deposit required by the Goma military court.

The courts in Bunia have been closed since 1998. In November, the President named new magistrates; however, they had not begun working by year's end.

f. Arbitrary Interference with Privacy, Family, Home or Correspondence.—The law prohibits such actions; however, in government-controlled territory, members of the security forces routinely ignored these provisions in practice. Members of security forces and deserters from the army and police continued to harass and rob citizens. Security forces routinely ignored legal requirements for search warrants and entered and searched homes or vehicles at will. In general, those responsible for these acts remained unidentified and unpunished.

Unlike in previous years, there were no reports that security forces raided private businesses and arrested employees accused of collaborating with rebel forces or attacking state security.

Police often looted the homes of the persons they arrested; occupants frequently were beaten and abused.

ANR security agents monitored mail passing through private express delivery companies and the very limited state mail service. The Government was believed to monitor some telephone communications.

There were credible reports that, when unable to locate a specific individual, authorities sometimes arrested or beat the closest family member.

In areas not under central government control, rebel forces, and other armed groups routinely subjected civilians to arbitrary interference with privacy, family, home, and correspondence (see Section 1.g.). RCD/G soldiers conducted house-to-house searches, arrested suspected dissidents, and beat those who resisted. All armed groups seized livestock, and household goods. Mai Mai forces and Hutu militias routinely seized private property and looted homes to supply themselves.

Armed groups continued to recruit children from the areas in which they operated despite claims that they had stopped the practice (see Section 5).

There were credible reports that, when unable to locate a specific individual, rebels sometimes arrested or beat the closest family member.

g. Use of Excessive Force and Violations of Humanitarian Law in Internal and External Conflicts.—War broke out in 1998 between the Government and rebel forces backed by the Governments of Rwanda and Uganda. Following initial gains by the rebels, the Governments of Zimbabwe and Angola sent troops to support the Government, bringing the war to a stalemate. The Lusaka Accords, signed in July 1999, provided for a cease-fire and disengagement of troops, the deployment of a U.N. peace observation mission, the withdrawal of foreign troops, and an internal political dialogue leading to the formation of a transitional government. By July 2001, all parties generally complied with the disengagement plan outlined in the Lusaka Accords and withdrew to new defensive positions. In late 2001 and throughout 2002, U.N. International Facilitator Ketumile Masire convened the Inter-Congolese Dialogue (ICD), which included representatives of the Government, armed groups, political opposition, and civil society. The ICD culminated in a December 2002 agreement to form a transitional government, which was codified in the April transitional constitution. The Transitional Government was officially established in July. By mid-year, all foreign troops had formally withdrawn from the country, although the Governments of Rwanda and Uganda continued to support armed groups operating in the country, and there continued to be credible reports that Rwandan soldiers and officers remained in the country.

There were few reports that the Government violated humanitarian law in the ongoing war in territory under its control. The cease-fire was generally respected along the disengagement line between government and rebel or foreign-held territory, despite continued fighting in areas behind rebel lines in the East. Unlike in the previous year, there were no reports of the use of excessive force by government against Mai Mai.

No known action was taken against Government or Mai Mai troops who committed abuses against civilians in 2002.

In areas not under government control, rebel forces, Mai-Mai forces, Hutu militias, and other armed groups committed numerous abuses, including civilian massacres, the looting and burning of houses, attacks on civilian areas, the forcible recruitment of child soldiers, and the rape of women and girls (see section 5). Unlike in the previous year, there were no confirmed reports of aerial bombardments. At times, verification of these reports was difficult, due to geographical remoteness, hazardous security conditions, and impediments imposed by the rebel authorities (see Section 2.d.); however, the presence of MONUC allowed international observers to gather more information than in previous years.

There were numerous credible reports that armed groups burned and destroyed entire villages, frequently killing, abducting, torturing, or raping some of the inhabitants, especially in rural areas of North and South Kivu provinces, Maniema province, and the Ituri district of Orientale province.

There have been no known credible attempts by any of the combatants in the conflict to investigate incidents in which their troops allegedly committed killings, rapes, pillaging, and other abuses in areas under their control. There were also no developments in the cases of ethnic massacres and killings reported in 2001 or 2002.

RCD/G forces committed numerous mass killings in areas under their control, often in reprisal for alleged Mai Mai attacks or civilian-Mai Mai cooperation. During the year, there were credible reports that the Government of Rwanda continued to provide material support for RCD/G forces and the Union of Congolese Patriots (UPC) forces in the Kivus.

In January, in South Kivu, RCD/G troops led by Commander Utchumbe (alias Makofi) summarily executed dozens of civilians suspected of links with the Mai Mai.

On March 6, fighting between Ugandan soldiers and the UPC rebels in Bunia resulted in numerous civilian deaths of approximately 200 were injured.

In South Kivu, during early April, fighting between the Mai Mai group Mundundu 40 and RCD/G troops in the area of Bukavu resulted in serious human rights violations against civilians, including summary executions, looting, kidnapping, rape, and limits on freedom of movement. RCD/G troops in Walikale reportedly mounted human heads on sticks and committed mass rapings of women and young girls and other abuses (see Section 5). Between April 7 and 14, RCD/G troops attacked numerous villages in Walungu territory and reportedly killed at least 55 persons, systematically raped women and girls, and looted churches, schools, health centers, and stores.

In Maniema province, April clashes between the RCD/G and Mai Mai groups led to numerous human rights violations, including deaths, arbitrary arrests, and kidnappings.

In North Kivu, on July 10 and 12, Hutu militiamen killed seven civilians outside of Goma.

Local NGOs reported that between September 15 and 21, Mai Mai forces executed 17 persons in Bukama, outside Kindu.

In early January, a MONUC team investigated a joint campaign by the RCD/N and MLC to capture Mambasa, North Kivu, which took place between October 2002 and December 2002 (see Section 1.e.). The campaign, "erase the blackboard," was led by Colonel Freddy Ngalimo (Grand Mopao), who reportedly described the operation as a "vaccination operation" involving the looting of each house and the raping of every female. During the military operation along the Beni-Mambasa axis, the soldiers systematically looted, raped, and executed the populations of entire villages. The U.N. confirmed 117 cases of arbitrary execution and 65 rapes, and local Red Cross officials reported that 185 victims were buried between October and December 2002. Many were executed in Mambasa, where two corpses were exposed to the population as a warning. Several of the victims were subjected to mutilation and in some cases were forced to eat their own flesh. Nande and Pygmy populations were targeted for mutilation and cannibalism, and in some cases, sexual organs were removed and hung around the necks of the soldiers as amulets. In one case, the body of an executed Pygmy was mutilated, with the heart taken out and sucked by the soldiers before family members.

Violations of humanitarian law were commonplace and peacekeepers and humanitarian workers were threatened, harassed, and killed in a number of cases. For example, on January 15, the Hema UPC attacked a feeding center for malnourished children at a church in Nioka. They arrested and beat the priests, looted the parish, and destroyed a food-storage warehouse.

On May 11, during fighting in Bunia, unidentified persons killed two volunteers from the local Red Cross Society.

In mid-May, unidentified forces killed, dismembered, and mutilated two unarmed MONUC military in Mongbwalu, in an area that was controlled by the FNI, north of Bunia.

On July 24, an alliance of members of the Burundian rebel group CNDD/FDD, former Armed Forces of Rwanda (ex-FAR), and Mai Mai militia in southeastern South Kivu killed 11 civilians working with the Water Committee of Baraka. Six of the 11 were killed at Atamba, and 5 were killed while being taken to Kafulo, where an armed group led by Commander Ngoga was based.

In the Ituri district, landmines resulted in deaths and injuries. For example, in January, Antoinette Manyosi lost her leg when she stepped on a landmine in Bunia. On March 6, Marie Dwagani lost her foot when she stepped on a landmine while fleeing fighting in Bunia.

On April 26, in Komanda, south of Bunia, a MONUC military observer was killed and another injured in a landmine accident on a road that previously had been used by MONUC patrols.

On August 16, a joint reconnaissance convoy of MONUC and a French NGO were involved in a landmine accident on the Beni-Komanda road, and two persons were injured.

In recent years, in the Ituri district of Orientale province, a series of loose alliances involving almost all of the region's ethnic groups has formed, effectively dividing them into two camps, one pro-Hema, the other pro-Lendu. Fighting between ethnically based militias, and members of the Lendu and Hema ethnic groups resulted in thousands of civilian deaths and the displacement of more than 500,000 persons. In part to exploit the region's resources, Uganda and Rwanda armed different groups in the Hema-Lendu conflict and manipulated ethnic tensions resulting from long-standing land disputes and colonial favoritism to the Hema. There have been reports that the Rwandan and Ugandan governments supplied and trained Hema militias led by Thomas Lubanga, while the pro-government RCD-ML supported Lendu combatants. According to Human Rights Watch (HRW), between July 2002 and July, combatants in Ituri killed approximately 5,000 civilians, and there were numerous cases of massacres.

For example, between January and March, during military operations, the Hema UPC killed at least 250 persons and abducted 30 women from the Lendu village of Lipr, near Bunia. The victims were either shot during the attacks or executed with machetes over a period of days following the attacks. In addition, the UPC burnt several villages and over the course of several attacks on the town of Bambu, looted the offices of Kilo Moto, the largest gold-mining company in the region, the hospital, schools, an orphanage, and religious structures.

There were reports that Lendu militias killed, some by execution, at least 345 unarmed civilians, mostly Hema, between February 7 and March 4 in Kakhwa village, 25 miles outside of Bunia; Bogoro; and Mandro.

On April 3, Lendu militias, using primarily child combatants, committed numerous atrocities in Drodro, Ituri District. The abuses included: 408 summary executions, including many women and children; 150 stores and numerous homes looted; massacres using edged weapons, machetes, axes, firearms; and the burning to death of persons. It is likely that the number of fatalities was higher than stated because the U.N. High Commission for Human Rights (UNHCHR) was not able to carry out a complete investigation.

Fierce fighting occurred between May 6, when the UPDF left Bunia, and May 17, when MONUC brokered a cease-fire between the Hema UPC; FAPC and PUSIC militias; and the FRPI/FNI. This fighting resulted in numerous civilian deaths and the displacement of thousands, including 2,000 IDPs who took refuge at the MONUC terminal. Reports indicated that more than half the population of Bunia fled the city. MONUC confirmed 438 cases of arbitrary killing, 150 by the UPC, 291 by Lendu and Ngiti combatants, and the remaining by unidentified perpetrators.

On May 10, Lendu militia members in Bunia tracked down 2 Hema priests and 16 Hema IDPs, including 4 children, who had taken refuge in the Nyakasanza church compound, sorted them by ethnicity, and killed them.

On May 16, Hema UPC soldiers in Bunia killed 12 civilians, mostly women and children, at the Lembabo Health Center.

Between May 31 and June 1, in the Drodro area, fighting between Hema and Lendu forces led to at least 350 casualties, including 37 persons whose throats had been cut or who had been hacked with machetes at the town hospital.

On May 31, Lendu militiamen attacked the predominantly Hema town of Tchomia near Lake Albert and massacred approximately 300 unarmed civilians, including patients at Tchomia hospital.

Between June 8 and 15, the Hema UPC committed numerous human rights violations in and around Bunia. Reports indicated that approximately 40 persons were

kidnapped. An undetermined number were subsequently killed at a former Ugandan military camp at Simbiliabo and at the former UPC Governor's residence. In addition, on June 11, Hema UPC killed 14 IDPs from Medu at the former governor's residence and their bodies were disposed of in a latrine.

On June 16 and July 15, Lendu militiamen killed 150 civilians, mutilated others, abducted 80 civilians, burned 250 homes, and looted a hospital in Nkora in Ituri and in Tchomia.

During July and August, there were at least three attacks by armed militias against the population in Fataki, a mixed Hema/Lendu area 75 miles northeast of Bunia. On July 19, the Lendu FNI attacked Fataki and killed approximately 50 persons; 50 persons disappeared. On July 31, another smaller massacre occurred. Between August 5 and 8, armed militias reportedly killed 30 villagers (mostly Hema, but also some Lendu) and injured more than 100. After the August attacks, much of the local population (Hema and Lendu) fled the area to Bunia, Drodro, or Uganda. Credible sources reported that persons who tried to return to Fataki were executed, and that entire villages in the area were looted and burned, including hospitals, convents, and churches. Credible sources also reported that there was cooperation between the Lendu FNI and the FAPC, and that in the Fataki attacks, many persons recognized their assailants as child soldiers from their own villages and families.

On August 5, the Lendu FNI killed nine civilians, primarily women and children, in Nyanda, 13 miles north of Bunia. According to witnesses, the attackers came from neighboring villages and were followed by civilians carrying weapons. The attackers fled when the U.N.-mandated Artemis force sent a helicopter to the village.

On October 6, Lendu militia hacked to death and shot and killed at least 65 Hema, mostly women and children, in the village of Katshele, northeast of Bunia.

During the year, there were no reports of any action taken against members of Ituri armed groups responsible for killings and other abuses in Ituri. In addition, there were no developments in the cases of ethnic massacres and killings reported in 2002 or 2001.

Foreign rebels also killed civilians during the year. On August 24, members of the Burundian rebel group the National Liberation Forces (FNL) killed 13 persons in Rusabagi, in South Kivu province. There were also reports that FNL troops committed numerous rapes of women and men.

On October 6, members of the Burundian rebel group the CNDD/FDD killed 16 civilians in Ndunda, north of Uvira.

Rebel groups raped women with impunity; a June 2002 HRW report and the Special Rapporteur of the Human Rights Situation in the Democratic Republic of the Congo, M. Iulia Motoc, charged that armed groups used rape as a tool of war (see Section 5). Between October 2002 and February 21, in the Uvira area, a women's association recorded 5,000 cases of rape, corresponding to an average of 40 per day.

Peacekeeping forces in eastern parts of the country killed and injured a number of individuals during the year. In all reported cases, MONUC and IEMNF forces were challenged by armed militia members before opening fire.

On August 19, three militiamen killed a man they were holding hostage after being intercepted by a MONUC patrol team outside Kasehe, in North Kivu. The patrol team killed one militiaman after being fired upon.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The law provides for freedom of speech and of the press; however, the Government restricted these rights in practice. During the year, there were approximately 50 reported abuses where members of the media were detained, threatened, or abused by government officials. Few journalists were formally charged or tried in court.

The Government arrested, detained, beat, harassed, and intimidated journalists, opposition politicians, and individuals critical of the Government or President Kabila's political party, the People's Party for Reconstruction and Development (PPRD). For example, on March 18, the ANR arrested Jean-Pierre Muteba, Secretary General of the New Labor Union Momentum, at the Grand Hotel in Kinshasa. He had been critical of the Government's management of the mineral parastatal Gecamines, and was to participate in a workshop on the exploitation of natural resources and conflict in the country. He was released on March 31.

According to the Government, 104 newspapers completed the mandatory licensing process and were authorized to publish in the country. Approximately 48 publications appeared regularly in Kinshasa; 8 were dailies and the others were published less frequently. There also was an active private press in Lubumbashi, and some private newspapers were published in other provincial cities. Many private news

publications relied on external financing, often from political parties and individual politicians. News publications tended to emphasize editorial commentary and analysis rather than factual descriptions of events; many were highly critical of the Government. There was no official newspaper; however, the Government published the Daily Bulletin, which included decrees and official statements.

Due to limited literacy and the high costs of newspapers and television, radio remained the most important medium of public information. During the year, the number of private radio stations in Kinshasa increased from 18 to 25, of which 2 were state-owned and 23 were private or religious. The number of television stations increased from 16 to 22, of which 2 were state-owned and 20 were private or religious. Opposition parties were unable to gain access to state-owned radio, although state radio and television gave extensive coverage to the activities of ex-rebels and opposition figures participating in transition institutions. Private radio was markedly less critical of the Government than private newspapers. The Government threatened to shut down radio stations that had not paid their licensing fees; however, some stations did not pay the fee, and the Government took no action against them. MONUC's nationwide radio station, Radio Okapi, continued to broadcast national and local news and provide information on MONUC's mandate, activities, and demobilization and disarmament programs.

According to HRW, on July 12, police arrested, beat, and detained overnight Roger Salomon Lulemba bin Kiabululu, correspondent of the weekly *L'Veuil*, in Tshikapa, Western Kasai, reportedly for trying to contact officials at the town hall outside of normal business hours. The same day, police detained radio journalist Gustave Mpinganayi, representing the Radio Kilimandjaro, for 4 hours in Kamonia. According to HRW, earlier that day, Mpinganayi had reported on a dispute between two diamond traders.

On August 29, national police in Kinshasa arrested Guy Kasongo Kilembwe, editor of the satirical newspaper *Pot-Pourri*, following the publication of an article accusing a member of parliament of embezzlement of funds. He spent 2 days in police custody at the Kinshasa/Gombe Public Prosecutor's Office jail, was transferred to Makala on August 31, and was released on September 4 without being charged with a crime. His release was secured after he paid \$100 (36,929 francs) and promised to appear before the public prosecutor twice a week.

On March 6, Raymond Kabala, publications director of *Alerte Plus*, was released from Makala, 2 weeks after completing a 7-month prison sentence for "harmful accusations" and "falsification of a public document." Kabala was held for an extra 14 days reportedly because of a misunderstanding by the prison authorities.

On December 31, 2002, soldiers from the DEMIAP arrested Kadima Mukombe, a journalist at Radio Kilimandjaro in Tshikapa, Kasai Occidentale province, for "insulting the army." According to Reporters Without Borders, he received at least 50 lashes during the time of his arrest. He escaped from Tshikapa Central Prison on January 29.

Police in Kinshasa seized newspapers on at least one occasion during the year.

On March 1, the Province Director shut down Radiotelevision Amazone (RTA), a private broadcasting company based in Mbuji Mayi, for broadcasting a contentious report in February about a mining accident in which several illegal miners died on February 21 (see Section 1.a.). RTA was reopened on March 25.

On June 10, police raided the offices of a church-run radio and television station, Radiotélévision Message de vie (RTMV). Police physically threatened the director, Fernando Kutino, and RTMV journalists and confiscating their broadcast equipment and transmitters. Kutino had reportedly gained a substantial popular following in the weeks prior to the incident. On November 7, the ban was lifted.

During the year, *Journaliste en danger* (JED) criticized the Government for imposing what it deemed excessive taxation and licensing fees for media organizations.

The Press Law criminalizes media offenses such as criticism of authorities; it also regulates the newspaper industry and requires publishers to deposit copies of their publications with the Ministry of Communication and Press after publication. Authorities generally charged journalists who were arrested by security services with "endangering the State" or "insulting the military" through the publication or broadcast of political news or news of the war. In a few instances, charges were brought under the Press Law, which NGOs have criticized and asked the Government to revise.

On July 11, a court in Likasi, southern Katanga province, convicted in absentia Donatien Nyembo Kimuni, a reporter for the private weekly *La Tribune*, on a charge of defamation and sentenced him to 5 years in prison. The charge resulted from the publication of an article alleging that a public mining company provided poor working conditions for its employees. At year's end, Kimuni remained in hiding.

The Ministry of Human Rights and the Ministry of Communication and Press continued to operate throughout the year and intervened on behalf of journalists who were facing prosecution and held workshops on occasion during the year.

The Government did not restrict access to the Internet during the year; however, because of high costs, the Internet was not used widely.

Academic freedom continued to be restricted. The perceived threat of government harassment and intimidation resulted in self-censorship and the modification of lectures by professors; however, there were no reports of students or professors being overtly censored.

In areas not under government control, rebel groups continued to severely restrict freedom of speech and of the press; however, some independent media organizations, primarily the Catholic Church-sponsored news agency MISNA and MONUC-operated Radio Okapi, were allowed to operate. Rebel authorities controlled most local radio stations. Radio Maendeleo, the only independent Congolese-run radio station in Bukavu, was allowed to resume operations in July; it had been closed by an RCD/G decree in December 2002 for allegedly violating its mandate by broadcasting stories with political content.

Rebel forces continued to harass, intimidate, beat, and arrest local journalists. For example, on May 2, local RCD/G soldiers in Kindu beat Dieudonne Bulongo Muzaliwa, a journalist with the National Radio-Television (RTNC), after he conducted an interview with the commander of MONUC forces in which he asked if he thought certain members of the RCD/G who traveled to Kinshasa would be mistaken for Rwandans. After he was admitted to a hospital for treatment, the RTNC reportedly fired him.

During April and May, Ben Kabamba, director of a Catholic radio station in Bukavu, and Joseph Nkinzu, director of an Anglican community radio station in Bukavu, received anonymous threats on several occasions for broadcasting news deemed unfavorable to the RCD/G. On May 28, RCD/G intelligence officers arrested Nkinzu and beat him with a torn-up tire after he broadcast commentary about the RCD/G's decision to withdraw from ongoing discussions related to the inter-Congolese dialogue. He was not charged with a crime and was released after 2 days.

In early August, RCD/G members threatened Alimasi Mayanga, director of RTNC/Kisangani, for removing several programs that focused on the RCD/G from the station's programming schedule without receiving the provincial governor's permission. On August 5, he was summoned by Floribert Asiane, Vice-Governor of Orientale province, and ordered to resume broadcast of these programs, which he did.

Rebel forces continued to harass, intimidate, and arrest foreign and Radio Okapi journalists. During the first half of the year, there were unconfirmed reports that the RCD/G continued to threaten and otherwise intimidate Radio Okapi journalists, particularly when they reported human rights abuses; and in early May, a high-ranking member of RCD/G threatened to kill a Radio Okapi journalist. During the second half of the year, the situation for some Radio Okapi journalists improved, but others continued to face serious restrictions. For example, in September, a Mai Mai military official prevented a local Radio Okapi journalist from conducting interviews outside Bunyakiri, South Kivu, because she had failed to request advance permission.

In September, a British television crew reporting on the mining of columbite-tantalite, or coltan, had their equipment confiscated and were detained overnight by RCD/G officials. Their equipment was returned to them, and they were released the next day.

There were no known credible actions taken by any armed groups against their members who beat or otherwise abused journalists or persons critical of their groups in 2002 or 2001.

b. Freedom of Peaceful Assembly and Association.—The Transitional Constitution provides for freedom of peaceful assembly; however, the Transitional Government restricted this right in practice. The Government considered the right to assemble to be subordinate to the maintenance of “public order,” and continued to require all organizers to inform the local city government before holding a public event. According to the law, organizers automatically have permission to hold an event unless the city government denies permission in writing within 5 days of receiving the original notification. Some NGOs reported that in practice, the city administration sometimes denied permission for an event, mostly on the grounds of preserving public order, after the 5-day period by backdating the correspondence. Government security services often dispersed unregistered protests, marches, or meetings.

During the year, the Government occasionally harassed opposition parties during private meetings (see Section 1.d.).

During the year, police occasionally arrested peaceful demonstrators. For example, on September 8, police arrested and jailed nine persons in Lubumbashi who were

marching to the provincial governor's office to protest school fees. They were released on September 10 by order of the Human Rights Minister.

Security forces forcibly dispersed political party press conferences and rallies on several occasions, usually on the grounds that the party had not registered with the Ministry of the Interior, in accordance with the law on political activity, or that demonstration organizers had not notified city authorities of the event. The Government required political parties to apply for permits to hold press conferences; according to local NGOs, such permits frequently were denied.

On August 15, police severely beat José Mukenge, a member of the opposition party UDPS, during police efforts to disperse a UDPS rally. Mukenge later died as a result of injuries sustained in the beating. There was no action taken against those responsible.

On August 27, police arrested UDPS members Faustin Niati and Alpha Modimbi in connection with a funeral procession for José Mukenge, and beat them at the Lufungula police camp; they were released later that day.

On September 25, 9 policemen escorted UDPS Secretary General Norbert Luyeye to the mayor's office after a press conference in Kinshasa; he was released the same day.

No action was taken against security forces responsible for using excessive force during demonstrations in 2002 or 2001.

The Transitional Constitution provides for freedom of association; however, in practice, the Government sometimes restricted this right. On September 29, the Transitional Government issued a decree authorizing all parties, including former military organizations now operating as political parties, to function legally. Prior to the decree, some parties such as the UDPS and the MLC had refused to register under the previous law on the grounds that the former government was illegitimate. The former Government treated the UDPS as an illegal organization for part of the year, and frequently arrested or dispersed young UDPS supporters deemed to be violent who attempted to hold public functions.

Political parties and civil society groups were highly active during the year in preparation for and participation in the Transitional Government. During the year, government authorities generally did not harass political parties, with the exception of the UDPS.

In areas not under central government control, rebel forces and foreign troops continued to restrict severely freedom of assembly and association. Groups critical of the authorities, especially in RCD/G controlled territory, were subject to severe repression (see Sections 1.g. and 2.a.). On May 10, RCD/G agents in Bukavu fired upon, beat, and arrested activists who intended to welcome a delegation from Kinshasa; 38 persons were injured. On May 13, 3-year-old Marie-Vinciane Bazibuhe died from injuries she sustained after she was hit by a stray bullet. At least seven persons were arrested and detained for periods of 2 to 7 days. This delegation, dubbed the "caravan of peace," never arrived, because the RCD/G did not let the delegation's plane land at the airport.

Unlike in previous years, there were no confirmed reports that rebels forcibly dispersed religious services.

No action was taken against RCD/G troops who fired on demonstrators in Bukavu in 2001.

c. Freedom of Religion.—The Transitional Constitution does not specifically provide for freedom of religion; however, the Government generally respected freedom of religion in practice, provided that worshipers did not disturb public order or contradict commonly held morals. There were occasional reports that government forces committed abuses in government-controlled areas against religious figures. There were reports of abuses by rebel groups in territories not controlled by the Government.

Some abuses against churches or clergy occurred in government-controlled areas as a result of a lack of discipline of individual government soldiers, some of whom were reportedly deserters. There were no indications that these abuses, usually the harassing of priests at checkpoints or the theft of church property, were linked to any religious or politically motivated policy.

The law provides for the establishment and operation of religious institutions. Requirements for the establishment of a religious organization were simple and generally were not subject to abuse. The law grants civil servants the power to establish and dissolve religious groups; however, during the year, there were no reports that the Government suspended or dissolved a religious group. Bundu Dia Kongo, an ethnically based spiritual and political movement that called for the violent overthrow of the Government and the establishment of an "ethnically pure" kingdom for the Bakongo tribe, remained outlawed at year's end. Officially recognized religions

were free to establish places of worship and to train clergy. In practice, religious groups that were not recognized also worshipped freely.

While the Government generally did not interfere with foreign missionaries, they were not exempt from general restrictions by security forces, such as restrictions on freedom of movement imposed on all persons by security force members who erected and manned roadblocks, at which they often solicited bribes.

In areas not under government control, respect for religious freedom continued to be poor. RCD/G soldiers continued to commit significant abuses in these areas and deliberately targeted churches and religious leaders in the towns and villages under their control. These actions were believed to be part of an attempt to intimidate the population and in retaliation for the growing role of churches as one of the few remaining forums for community discussion and peaceful political activism. Abuses took the form of arbitrary killings of pastors, priests, and laymen; public threats against the lives of religious leaders; pillaging and destruction of church property; and the execution of civilians who took refuge in a church compound (see Section 1.g.).

For a more detailed discussion, see the 2003 International Religious Freedom Report.

d. Freedom of Movement within the Country, Foreign Travel, Emigration, and Repatriation.—The law provides for freedom of movement; however, the Government at times restricted this right in areas under its control. There were fewer reports of such restrictions during the year. Resolutions adopted as part of the Inter-Congolese Dialogue process in 2001 and the Transition Constitution affirmed the right to free movement of persons and goods in the country, and the Government generally honored this stated commitment during the year. Unlike in previous years, it was not necessary to obtain a routine written document from the Ministry of Interior for travel within government-controlled territory. Movement between areas under central government control and areas not under central government control continued to be hazardous and sometimes impossible, except by U.N. flights and U.N.-accompanied river convoys. Commercial flights between former government-controlled territory and former rebel-held areas resumed after the Transitional Government took office.

In Kinshasa, the practice of police and soldiers erecting roadblocks for nighttime security checks and to protect government installations continued with less frequency than in previous years. In general, military police manning the roadblocks were better organized and more professional than in previous years, and there were fewer instances in which taxibus drivers and passengers were harassed or forced to pay bribes. However, underpaid traffic police continued to routinely harass citizens and demand bribes in the course of pulling vehicles over for ostensible traffic violations.

The significant risk of rape, sometimes perpetrated by uniformed men, restricted freedom of movement at night for women in some neighborhoods. Groups of citizens implemented neighborhood watch programs, but women in some parts of Kinshasa and Lubumbashi did not leave their homes at night due to fear of attack.

Unlike in the previous year, the Government did not require exit visas for all foreign travel. Noncitizens, including missionaries, reportedly were required to obtain exit permits before leaving the country for employment purposes. The Government allowed opposition members and journalists to leave the country; however, there were reports that journalists had difficulty in obtaining visas and permits to travel abroad.

According to the U.N. High Commission for Refugees (UNHCR), by August, approximately 300,000 Congolese refugees lived in neighboring countries, including the Republic of the Congo, Tanzania and Uganda.

The law provides for the granting of asylum and refugee status to persons who meet the definition in the 1951 U.N. Convention Relating to the Status of Refugees or its 1967 Protocol. In practice, the Government granted refugee and asylum status, and unlike in the previous year, there were no reports of the forced return of persons to a country where they feared persecution. The Government also provided temporary protection to certain individuals who do not qualify as refugees or asylees. The Government cooperated with the UNHCR and other international agencies during the year; the Government generally allowed humanitarian workers free access to affected populations in areas under its control.

Refugees were accepted into the country from Angola and the Republic of the Congo during the year. According to the U.N. Office for the Coordination of Humanitarian Affairs (OCHA), by August 2003, approximately 286,770 refugees from neighboring countries, including Angola (144,684), Sudan (69,486), Burundi (19,392), Uganda (18,925), the Republic of the Congo (6,988), and Rwanda (27,136) resided in the country.

In January and February, 13 of the 19 FDLR/ALIR officials detained by the Government in Kinshasa in October 2002 voluntarily repatriated to Rwanda. There was no further information on the other six at year's end.

In areas not under government control, freedom of movement was severely restricted during the year, partially as a result of fighting between rebel forces, Ugandan troops, Mai Mai, and Hutu militias. Rebel soldiers frequently prevented travel and harassed travelers. Several cities were cut off from the surrounding countryside by soldiers and armed groups, who controlled all road and river access into and out of the cities. Soldiers established roadblocks and routinely harassed and extorted civilians who attempted to enter or exit these cities to buy or sell food, or to visit family members. Such travel restrictions contributed to widespread hunger and economic hardship.

Rebel forces frequently imposed travel restrictions on NGOs, although in some cases they permitted NGOs and civil society groups to travel to conferences in foreign countries or government-controlled territory.

As of November, the OCHA estimated that there were 3.4 million IDPs in the country, which represents an increase of approximately 700,000 IDPs from December 2002. According to U.N. estimates, the majority of IDPs were reportedly in the eastern portion of the country, mostly concentrated in the Ituri area. In November, the OCHA reported that there were between 500,000 and 600,000 IDPs in the Ituri region. Many of the IDPs received no assistance because of ongoing fighting and the denial of access to NGOs, and many were forced to relocate numerous times to escape fighting (see Section 1.g.). For example, in rural areas of North and South Kivu, 80 percent of families had been displaced repeatedly since the start of the war.

From mid-2002 until mid-year, in the Ituri district of Orientale province, an area dominated by Ugandan-supported forces, fighting continued between members of the Lendu and Hema ethnic groups and their respective allied tribes, which reportedly resulted in 500,000 IDPs (see Section 5).

In late May, IDPs reported that militias attacked and fired upon them with guns as they attempted to flee Bunia. On May 27, in Bunia, the UPC said on a Radio Candip broadcast that displaced persons gathered at MONUC's base would be regarded as enemies, and a military team would be put in place to dislodge them from the camp; however, no action was taken against the IDPs. In addition, during May, militias established checkpoints along the road from Bunia to Beni where IDPs were required to pay for "travel permits" and show identity papers. There were reports that persons were targeted for attacks at these checkpoints based on language, place of birth, physical characteristics, and ethnicity.

On several occasions, the RCD/G and the UPC militia denied access to humanitarian organizations or obstructed their ability to deliver humanitarian relief supplies. For example, the RCD/G systematically refused to allow the U.N. and humanitarian agencies to provide relief supplies to Shabunda and other areas under Mai Mai control.

On May 24, Hema UPC militiamen looted the Bunia hospital and stole or destroyed 300,000 doses of vaccines intended for children of the Ituri district. They also pillaged the depot of the World Health Organization. UPC leader Thomas Lubanga informed MONUC that a few looters had been arrested, and some of the stolen material was returned.

Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government

Citizens did not have the right to change their government peacefully and have not been able to change their government through free elections since independence in 1960. President Joseph Kabila continued to be president of the country under the Transitional Government. Under the Transitional Constitution, four vice presidents were sworn into office in July, two from the main former rebel groups, one from the political opposition, and one from the President's political family. The bicameral parliament as established under the Transitional Constitution, includes members from these groups, and representatives of civil society and smaller rebel groups. Five independent commissions were created in accordance with the Transitional Constitution, including an electoral commission and truth and reconciliation commission. While the sharing of posts among the groups participating in the Transition Government is intended as a check on presidential authority, in practice these transition institutions had not yet begun to function fully by year's end. Former rebel-held areas had not been brought under effective central government authority by year's end. The Transition Constitution calls for elections to be held within 2 years of the installation of the Transitional Government, whose ministers were formally

appointed June 30. This period may be extended for two additional 6-month periods, with the approval of Parliament.

The law allows legally registered political parties to operate freely; however, the Government continued to arrest political activists and to block some activities, including marches and press conferences, particularly of parties who had not registered under the terms of the law (see Section 2.b.).

The State continued to be highly centralized in many ways. Under the Transition Constitution, the President has the authority to appoint governors throughout the country; however, by year's end, this authority had not been exercised, and the issue of who should appoint governors had been referred to the Supreme Court. The Government also can appoint territorial administrators.

On August 25, the Transitional Parliament inaugurated an anti-corruption bureau. The Transition Constitution provides for the creation of five citizen commissions: An Observatory for Human Rights, a Truth and Reconciliation Commission, a High Authority for Media, an Ethics and Anti-corruption Commission, and the Independent Electoral Commission; however, none of these institutions were operating at year's end.

On August 28, President Kabila submitted to Parliament a declaration of his wealth, in accordance with the Transitional Constitution, which requires that executive members of the Transitional Government submit written declarations of their assets, which all parties to the Transitional Government agreed to do to combat government corruption.

There were no official restrictions on the participation of women or minorities in politics. Six of 36 cabinet ministers and 2 of 24 vice ministers were women, and women held 42 of the 614 seats in Parliament, including 5 of the 120 Senators. Pygmies were not represented in the political process.

In areas not under central government control, citizens did not have the right to change their government peacefully. In RCD/G-controlled territory, rebel authorities appointed local officials. Each rebel group tended to be dominated by members of one ethnic group, often a minority ethnic group in the areas under their control. Rebel forces and foreign troops continued to severely limit political freedom (see Section 2.b.). During the first half of the year, the only political party allowed to operate openly in RCD/G-held territory was the UDPS, which signed a political alliance with the RCD/G in 2002. In September, unknown attackers fired on the Goma residence of an official from the pro-Kabila People's Party for Reconstruction and Development (PPRD) was fired upon by unknown attackers; RCD/G security forces were slow to respond. However, by year's end, political parties had begun to operate in these areas.

On April 13, the Ituri Pacification Commission adopted a series of interim measures to end hostilities and provide a provisional administration in the Ituri District, and in May it established the Ituri Interim Administration, led by Petronille Vaweke.

Section 4. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

In areas under central government control, numerous domestic and international human rights NGOs continued to investigate and publish their findings on human rights cases. Unlike in the previous year, there were no reports that security forces harassed domestic NGO workers. The Human Rights Ministry worked with NGOs during the year and was responsive to their requests and recommendations.

The main domestic human rights organizations operating in the country included the Committee from Human Rights Now; the Voice of the Voiceless (VSV); Groupe Jeremie; the Committee of Human Rights Observers (CODHO); Toges Noires; and ASADHO.

The Government cooperated with international governmental organizations and NGOs, and permitted international humanitarian and human rights NGOs access to conflict areas. A number of U.N. representatives and international NGOs visited the country during the year. International NGOs published several reports on the human rights and humanitarian situation in the country, with a focus on the Ituri region of Orientale province. Amnesty International (AI), HRW, Refugees International, and Doctors Without Borders published major reports on the human rights and humanitarian situation in Ituri. AI and Watchlist on Children and Armed Conflict published major reports on the impact of ongoing violence in the east on children, with a focus on child soldiers (see Section 5).

In June, the U.N. Security Council mission to Central Africa found "gross and widespread violations of human rights that have accompanied the fighting in the eastern Democratic Republic of the Congo, including murder, rape, and the destruction of property, the large-scale displacement of civilians from their homes, the use

of child soldiers, the illegal exploitation of natural resources, and even the reported incidence of cannibalism.”

U.N. Special Rapporteur Motoc visited the country at least 3 times during the year and reported that the “uncontrolled presence of armed militias has resulted in massive human rights violations, summary executions, forced disappearances, abduction, torture, and obstruction of humanitarian aid.” The U.N. High Commissioner for Human Rights visited the country from January 12 to 15 and submitted his report to the U.N. Security Council in February. He found that the “widespread violations of human rights continue to be perpetrated . . . with impunity,” and that “prevailing human rights situation in the Democratic Republic of the Congo [is] alarming and a threat to the fragile peace process.” In addition, Motoc said there were indications that genocide may have occurred in the Ituri district. She noted a collegial and cooperative spirit in the Transitional Government but added that 10 requests to the Transitional Government for emergency action had received no response.

On October 30, a U.N. report established that revenues from gold and diamond plundering by militias and certain domestic and foreign companies enabled political and military actors to fund their military activities, including the purchase of arms, which significantly contributed to the extension of the war and serious human rights abuses. The report indicated that the volume of illegally exploited minerals decreased somewhat under the militias following the official withdrawal of Ugandan and Rwandan forces.

The Government continued to cooperate with the International Criminal Tribunal for Rwanda (ICTR), and senior members of the Government continued to request an ongoing presence in the country. ICTR investigators operated freely in government-held areas of the country, seeking a number of genocide indictees they believed might be living in the country.

In areas not under government control, there were fewer domestic and international human rights NGOs than in government-controlled territory; those that did operate were subjected to frequent harassment and abuse.

Domestic human rights organizations operating in areas outside government control included Heirs of Justice and Solidarity Exchange for Integral Development (SEDI), The Christian Network of Human Rights and Civic Education Organizations (RODHECIC), in South Kivu; Promotion and Support for Women’s Initiatives (PAIF), in the Kivus; Action for the Relaunch of the Congo (ARC); and Lotus Group, Friends of Nelson Mandela, and Justice and Liberation, in Kisangani.

Armed groups in Bunia did not always respect humanitarian workers or peacekeepers, and a number of humanitarian workers were killed (see Section 1.g.).

Rebel groups and militias frequently harassed, arrested, and tortured domestic NGO workers in an attempt to obstruct their reporting. According to a July report by HRW, intimidation of human rights activists by rebels and armed groups increased during the first half of the year. For example, in February, MLC authorities arrested David Aliana, a member of the NGO Les Amis de Nelson Mandela in Buta, Orientale province, for “betrayal of public security,” after he informed MONUC of human rights violations committed by MLC soldiers. There were no reports that he had been released by year’s end.

On February 5, UPC authorities raided the Bunia-based Justice Plus after its president, Maitre Honore Musoko, conducted an interview on international radio about human rights abuses in Ituri. UPC authorities also raided the office of a company owned by Musoko, arrested two workers, and seized satellite phone and computer equipment. The two were released after brief detentions, and other members of Justice Plus went into hiding. Musoko remained outside the country at year’s end.

On May 19, an RCD/G officer in Bukavu harassed and threatened Pascal Kabangulu Kibembi, the executive secretary of Heritiers de la Justice.

On June 24, RCD/G raided SEDI’s office in Uvira, and on June 27, RCD/G arrested Donatien Kisangani Mukatamwina, a SEDI member, at the Kavumvira border crossing to Burundi. He was detained for 13 days without charge and released.

Rebel forces frequently imposed travel restrictions on human rights NGOs and journalists (see Section 2.d.).

International NGOs active in areas not under government control included the ICRC and the International Human Rights Law Group. Various armed groups permitted international humanitarian and human rights NGOs access to conflict areas. Unlike in previous years, rebel groups cooperated with international investigative bodies, such as the U.N. Special Rapporteur, the UNHCHR, and MONUC. They also allowed international NGOs, such as AI and HRW, to conduct investigations and publish reports.

Section 5. Discrimination Based on Race, Sex, Disability, Language, or Social Status

The Transitional Constitution prohibits discrimination based on ethnicity, sex, or religious affiliation; however, the Government was unable to enforce these prohibitions effectively. Societal discrimination remained an obstacle to the advancement of certain groups, particularly women and indigenous Pygmies (Batwa).

Women.—Domestic violence against women, including rape, was common throughout the country; however, there were no known government or NGO statistics on the extent of this violence. Assault and rape are crimes, but police rarely intervened in domestic disputes and rapists were rarely prosecuted. There were no laws prohibiting spousal abuse or assault. It was commonplace for family members to instruct a rape victim to keep quiet about the incident, even to health care professionals, to save the reputation of the victim. The press rarely reported incidents of violence against women or children; press reports of rape generally appeared only if it occurred in conjunction with another crime, or if NGOs reported on the subject. Girls who had been raped often found it difficult to get married; married women who were raped were often abandoned by their husbands. For example, in late March, a local NGO reported that eight militia members in Fizi territory, South Kivu, raped a 22-year-old pregnant woman. As a result of these rapes, she miscarried, and her husband abandoned her and her four children.

Gang rapes by members of armed groups, which were common in the east, continued to be violent, sometimes involving props such as tree branches, and resulted in vaginal fistula, a rupture of vaginal tissue that leaves women unable to control bodily functions and vulnerable to enduring ostracism. Vaginal fistula is most often caused by child birth, but doctors in Goma, Bukavu, Shabunda, and several other cities with hospitals witnessed an increase in women seeking vaginal reconstructive operations, which cost approximately \$300 (111,000 francs).

According to the U.N. Special Rapporteur, in areas not controlled by the Government, there was “recurrent sexual violence against women and children in the east The use of mass rape and sexual violence as weapons of war intended to destroy the structure of the family has harmed Congolese society. Often rejected by their families or infected by sexually transmissible diseases or HIV, women have nowhere to turn for help. The climate of impunity continues unabated” (see Section 1.g.). In addition, armed groups forcibly abducted women and used them as sex slaves (see Section 6.c.).

The law did not prohibit the practice of FGM. FGM was not widespread, but it was practiced on young girls among isolated groups in the north. A 2002 presidential decree created the National Committee to Fight Harmful Traditional Practices/Female Genital Mutilation. The Committee developed a network of community leaders, women representatives, and health professionals dedicated to the prevention and treatment of FGM; however, the Committee lacked adequate resources for prevention and treatment.

The law does not prohibit prostitution except in cases involving children under the age of 14; prostitution, including child prostitution, was a problem and increased during the year due to poor economic conditions. There continued to be reports of women pressured to engage in prostitution by their families out of economic necessity. There was no information available on the extent of prostitution in the country. Security forces encouraged prostitution. In some areas of Kinshasa, prostitutes could be procured in shanties just a few steps from a police station. There were numerous credible reports that policemen were customers.

There were reports that women were trafficked (see Section 6.f.).

Women were relegated to a secondary role in society. They constituted the majority of primary agricultural laborers and small-scale traders, and they almost exclusively were responsible for child rearing. In the nontraditional sector, women commonly received less pay for comparable work. Only rarely did they occupy positions of authority or high responsibility.

Women were required by law to obtain their spouse’s permission before engaging in routine legal transactions, such as selling or renting real estate, opening a bank account, accepting employment, or applying for a passport. The law permits a widow to inherit her husband’s property, to control her own property, and to receive a property settlement in the event of divorce; however, in practice, women often were denied these rights, which in some cases was consistent with traditional law. Widows commonly were stripped of all possessions—as well as their dependent children—by the deceased husband’s family. Human rights groups and church organizations worked to combat this custom, but there was little government intervention or legal recourse available. In addition, women often did not realize that they could improve their legal inheritance claims by obtaining official documents that proved their marital status. Women also were denied custody of their children in divorce

cases, but they retained the right to visit them. Polygyny was practiced, although it was illegal. Father-child relationships resulting from polygynous unions were recognized legally, but only the first wife was recognized legally as a spouse.

There were a number of active and effective women's groups in both the government-controlled and rebel-controlled areas of the country.

Children.—Government spending on programs for children's welfare was almost nonexistent. Primary school education was not compulsory, free, or universal. In public schools, parents formally were required to pay a small fee, but parents often informally were expected to pay teachers' salaries. Extremely poor economic circumstances often hampered parents' ability to afford these added expenses and many children were not able to attend school. Most schools functioned only in areas where parents had formed cooperatives. According to UNICEF, the net primary school attendance during the year was 51 percent. In both the government-controlled and rebel-controlled areas, poverty brought on by the war led to greatly diminished educational opportunities for girls. Parents under severe economic hardship no longer could afford to educate both their sons and their daughters, resulting in the withdrawal of many girls from school. In addition, in areas under control of RCD/G soldiers, there were numerous reports that girls dropped out of school due to threats of rape and sexual violence by soldiers targeting the schools (see Section 1.g.).

FGM was not widespread but still was performed on girls among isolated groups (see Section 5, Women).

The law prohibits prostitution by children under the age of 14; however, child prostitution was a serious problem. There were reports during the year that girls were forced into prostitution to earn money for their families.

The Armed Forces continued to have child soldiers in their ranks despite commitments to demobilization. By August, only 280 child soldiers had been released, out of a total 1,500 children scheduled for demobilization from 2001. There were no reports that the Government actively recruited children; however, according to Amnesty International, there were numerous reports that it provided military support to armed groups such as the Mai Mai and the RCD-ML, which continued to recruit and use child soldiers.

The Government participated in an international program to prevent children from becoming child soldiers and to combat child labor. The Government continued to collaborate with UNICEF to demobilize child soldiers in the military. During the year, the Government held workshops to facilitate the reintegration of former child soldiers into their home communities as part of its ongoing demobilization program enforced by the National Bureau for Demobilization and Reintegration.

The number of orphans and street children increased during the year. Soldiers and police subjected street children in Kinshasa to harassment. Unlike in the previous year, there were no reports that government forces rounded up children living on the street and transferred them to group facilities outside the city.

According to a November report by the U.N. Special Rapporteur, between 25,000 and 50,000 child refugees, war orphans, and "child sorcerers" roamed the streets throughout the entire country, although some of those who were not orphans returned to their families at day's end. Unsupervised and poor, many engaged in street crime, begging, and prostitution. Child sorcerers were accused of having mystical powers and their families often abandoned them, sometimes because of financial difficulties. In late June, persons accused an 11-year-old boy of sorcery and killed him; no action was taken against those responsible by year's end. On June 24, an 8-year-old boy in Kinshasa was accused of being a witch, tortured, and burned; he died 3 days later as a result of his injuries. No action had been taken against those responsible by year's end.

In territories not under central government control, children committed and were victims of serious crimes. Since 1998, the conflict has resulted in the destruction of 200 schools. In addition, approximately 200 health centers have been closed, resulting in the deaths of hundreds of thousands of children from malnutrition and other preventable diseases.

Armed groups continued to abduct and forcibly recruit children to serve as forced laborers, porters, combatants, "war wives," and sex slaves (see Sections 6.c. and 6.f.). Although most leaders of armed groups publicly opposed the recruitment of child soldiers, and publicly supported demobilization efforts, armed groups increased child recruitment efforts during the year. According to UNICEF, as many as one-third of the country's children may have been forced to take up arms. There were at least 10,000 child soldiers in Ituri alone, many of whom were very young, including a 7-year-old boy who served with PUSIC.

All armed groups in the east, including the North Kivu Local Defense Forces, continued to recruit children. Children made up a large percentage, and in some cases

the majority, of soldiers in an armed unit. For example, reliable reports indicated that children accounted for at least 40 percent of UPC, FAPC, FNI/FRPI, and APC forces, and up to 50 percent of Mundundu-40 forces.

Children were voluntarily and forcibly recruited; however, no reliable data was available on the number of children recruited willingly versus forcibly. Although a large number of Ituri's child soldiers enlisted voluntarily, most "volunteer" children came from families who were victims of killings or village attacks, and had lost some or all of their family and community safety net during the conflict. Many children joined an armed group based on their ethnic origins and their places in shifting military alliances; however, most made calculated decisions about their "best chances for survival" and aligned with whichever group looked most likely to support them.

For example, according to AI, in April, a 12-year-old Hema enlisted in the UPC after Lendu combatants killed his sister and underwent 5 weeks of combat training at Katoto. On May 11, in Bunia, his superiors ordered him to kill a number of civilians who were considered enemies.

There were a number of cases of recruitment targets and campaigns, forced recruitment, and recruitment of former child soldiers who had been demobilized. Many children were abducted from their families and from schools by various armed groups, including young girls who were frequently forced to serve as "war wives" and sex slaves for soldiers. For example, in January, RCD/G officials forcibly abducted children from a local school in Kalehe, North Kivu.

Idjwi Island, located in the middle of Lake Kivu, in South Kivu has been the site of intense child soldier recruitment, some of which was by force, since June. The RCD/G deliberately targeted former child soldiers who had left the army or been officially demobilized. For example, AI reported that a 17-year-old who was originally recruited by the RCD/G in 1998 but later fled the army was in hiding after RCD/G soldiers went several times to his house to forcibly recruit him. Another 16-year-old former soldier was forcibly recruited, at gunpoint, in front of his family.

According to AI, militias often used children they recruited as "cannon fodder". Many children were sent to the front lines of combat to serve as decoys, scouts, and bodyguards, and forced to commit abuses such as rape, killings, and cannibalistic and sexual acts with enemy corpses (see Section 1.g.). In January, a large number of children were killed during armed clashes in Uvira. In February, more than 40 child soldiers were killed in Ituri, in clashes at Lipri and Songolo.

In May and July, the PUSIC sent at least 250 children to Uganda for military training and there were reports that RCD/G sent children to Rwanda for military training.

Children were treated brutally if they failed to obey orders. Some were beaten or placed in detention for falling asleep while on guard duty, failure to obey orders, or desertion. In detention, they were often tortured and otherwise ill-treated. In addition, a number of children who were captured in battle suffered torture and imprisonment. According to a credible source, in April, a 16-year-old UPC combatant was involved in a battle against FNI forces south of Bunia. During the battle, he was captured, severely beaten, and had his front teeth knocked out with a rifle butt. Further beatings resulted in broken ribs and lesions. He was then thrown into a "Mabusu," or underground prison pit, for 3 weeks before he escaped.

Child soldiers have also been victims of extrajudicial executions. For example, on May 25, according to AI, a child soldier was arrested in Uvira, South Kivu by the RCD/G after allegedly killing a soldier while trying to steal his radio. He was not tried, and was executed in public the same day.

Girl soldiers were often assaulted, raped, and infected with HIV/AIDS. In Ituri, girls have been utilized as foot soldiers, domestics, and sex slaves. In some cases, sexual abuse was of a limited duration or was carried out in a sporadic manner, many times with different victimizers. For example, in October and November, the UPC and FNI forcibly abducted girls in Djugu Territory. Credible reports indicated that the UPC beat a woman to death after she tried to prevent her 15-year-old daughter from being forcibly taken. In addition, on November 30, two girls, aged 14 and 15, were reportedly taken by the same unit to be used as sexual slaves. There were also reports that beginning in September girls as young as 14 years were regularly abducted by members of the FNI.

Other girls were subjected to repeated rape over longer periods with one victimizer. These girls were commonly referred to as "war wives," who often served both as fighting elements in active combat and sexual slaves for their commanders.

Rebel groups and militias demobilized some child soldiers with assistance from MONUC, UNICEF, and NGOs; militias often did so when they could no longer feed the children. For example, between March and August, RCD/ML demobilized approximately 80 children at a demobilization center outside Beni, North Kivu. In Au-

gust, at least 37 children, including 5 girls under the age of 15 were released from the RCD/G Kavumu training camp and demobilized. However, demobilization efforts have been hampered in South Kivu by hostile attitudes of some RCD/G commanders and re-recruitment efforts. For example, AI reported that on July 19, a local human rights activist in Uvira was briefly detained and ordered to refuse to accept any children at the demobilization center, which his NGO managed.

In August, RCD/G authorities in Uvira, South Kivu announced on the radio that NGOs were no longer allowed to assist in the demobilization of children; however, NGOs were not prevented from assisting.

Child labor was a problem (see Section 6.d.).

Persons with Disabilities.—The law does not mandate accessibility to buildings or government services for persons with disabilities. There were some special schools, many staffed with missionaries, that used private funds and limited public support to provide education and vocational training to students who were blind or had physical disabilities.

Persons with disabilities were subjected to discrimination in employment, education, and the provision of other government services. Persons with disabilities were exempt from some civil laws, such as paying some taxes, or in some cases paying customs duties.

Indigenous People.—There was a population of fewer than 10,000 Pygmies (Batwa), who are believed to have been the country's original inhabitants; societal discrimination against them continued. Although they are citizens, most Pygmies continued to live in remote areas and took no part in the political process. During the 2002 "erase the blackboard" campaign in Orientale province, Pygmies were targeted for cannibalism (see Section 1.g.).

In May, the U.N. Permanent Forum on Indigenous Issues heard testimony from Pygmies about alleged atrocities and discrimination.

There were unconfirmed reports that some tribes used Pygmies as slaves or as part of burial ceremonies.

National/Racial/Ethnic Minorities.—There were at least 200 separate ethnic groups, which generally were concentrated regionally and spoke distinct primary languages. There was no majority ethnic group; some of the largest ethnic groups were the Luba, Kongo, and Anamongo. Four indigenous languages, Kiswahili, Lingala, Kikongo, and Tshiluba, had official status. French was the language of government, commerce, and education. Societal discrimination on the basis of ethnicity was practiced widely by members of virtually all ethnic groups and was evident in private hiring and buying patterns and in patterns of de facto ethnic segregation in some cities; however, intermarriage across major ethnic and regional divides was common in large cities.

Unlike in previous years, ethnic Tutsis were not subjected to serious abuses by government security forces or citizens. A cooperative effort between the Ministry of the Interior, ICRC, and international donors had supported a center in Kinshasa for Tutsis at risk since 1998; however, with the threat of abuses greatly diminished, the National Institute for Social Security (INSS) center was closed on June 30.

President Kabila's cabinet and office staff were geographically and ethnically diverse. However, a significant amount of political influence remained in the hands of individuals (both inside and outside the Government) from Katanga province. Katangans in the Armed Forces were more likely both to be promoted and to be paid than persons from other regions. The leadership of former rebel groups also was geographically and ethnically diverse. However, a significant amount of influence in the MLC continued to be held by members from the Equateur province, and in the RCD/G leadership by Tutsis. A significant number of ethnic groups were represented in the Transition Government.

Birth on national territory did not necessarily confer citizenship. The Government did not recognize the citizenship claims of some longtime residents whose ancestors immigrated to the country, including the Banyamulenge Tutsis from Rwanda. However, in ICD negotiations in Sun City in 2002, the Government and most other parties agreed to take a more inclusive approach to the Banyamulenge; however, by year's end, citizenship had not been granted to them. Citizenship and nationality questions were scheduled to be addressed by the Transition Government.

During the year, in the Ituri district of Orientale province, fighting between members of the Lendu and Hema ethnic groups (and other smaller tribes allied with either the Lendu or the Hema) resulted in hundreds of civilian deaths and the displacement of more than 500,000 persons (see Sections 1.g. and 2.d.).

There were reports that militias forced members of other ethnic groups to work in labor camps (see Section 6.c.).

On July 30, residents of Bunia stoned to death five Lendu men and a woman of the Nande ethnicity; the motivations behind the stonings remained unknown but may have been prompted by economically driven ethnic strife.

Section 6. Worker Rights

a. The Right of Association.—The law permits all workers, except magistrates and military personnel, to form without prior authorization and to join trade unions; workers formed unions in practice. The National Union of Congolese Workers (UNTC) remained the largest labor federation. The country's other large confederations were the Democratic Confederation of Labor (CDT) and the Congo Trade Union Confederation (CSC). Although very few workers were members of unions, there also were almost 100 other independent unions, which were registered with the Labor Ministry. Some of the independent unions were affiliated with political parties or associated with a single industry or geographic area; however, they also participated in larger confederations, such as the UNTC, which had more diverse membership. Since the vast majority of the country's economy was in the informal sector, only a small percentage of the country's workers were organized.

The collapse of the formal economy, which was exacerbated by the civil war, resulted in a decline in the influence of trade unions, a tendency of employers to ignore existing labor regulations, and a decrease in wages as jobs increasingly became scarce. The Labor Code prohibits discrimination against unions, although this regulation was not enforced effectively by the Ministry of Labor. The law also requires employers to reinstate workers fired for union activities.

Unlike in the previous year, there were no reports that police forcibly dispersed labor marches.

Unions could affiliate with international bodies. The UNTC participated in the Organization of African Trade Union Unity, and the Central Union of Congo was affiliated with the World Confederation of Labor. Both the UNTC and the CDT also were affiliated with the International Confederation of Free Trade Unions.

In areas not under government control, there were no reports of functioning labor unions.

b. The Right to Organize and Bargain Collectively.—The law provides for the right to bargain collectively; however, collective bargaining was not used in practice. While collective bargaining still existed in theory, continuing inflation encouraged a return to the use of pay rates individually arranged between employers and employees. In the public sector, the Government set wages by decree; public sector unions acted only in an informal advisory capacity.

The law recognizes the right to strike; however, legal strikes rarely occurred because the law requires unions to have prior consent and to adhere to lengthy mandatory arbitration and appeal procedures. Labor unions were not able to effectively defend the rights of workers in the deteriorating economic environment. The law prohibits employers or the Government from retaliating against strikers, but this prohibition was not enforced.

In areas under government control, civil servants salaries' were current by year's end, although arrears had not been addressed.

There are no export processing zones.

In territories not under central government control, there were no regulations in effect that governed employment or union memberships. Civil servants remained unpaid at year's end.

c. Prohibition of Forced or Bonded Labor.—The law prohibits forced or bonded labor; however, in areas not under government control there were reports that Mai Mai groups and Hutu militias abducted men, women, and children and forced them to work in rural areas.

There were unconfirmed reports that some tribes used Pygmies as slaves.

There were reports that government-supported Mai Mai groups used forced labor.

The law does not specifically prohibit forced and bonded labor by children; however, the general law prohibiting forced or bonded labor applies, and forced and bonded labor by children was a problem (see Sections 6.d. and 6.f.).

In areas not under government control, there were numerous reports that rebel groups, Mai Mai, and Hutu militias used forced and bonded labor. Rebel soldiers routinely forced civilians to carry heavy loads for them for long distances, or to transport them without pay on their bicycles, which typically were used as taxis in many eastern cities.

Armed combatants on all sides abducted women and children and forced them to provide household labor or sexual services for periods ranging from several days to several months (see Section 5). Specific information was difficult to obtain because NGO access was hindered and because victims were reluctant to discuss their experiences because of possible reprisal from the perpetrators and the social stigma at-

tached. On December 3, U.N. forces freed at least 34 women and girls who were being used as sex slaves from Lendu militia camps near the town of Djugu, northwest of Bunia; the women and girls, who were between the ages of 12 and 23, were kept in underground prison cells.

RCD/G soldiers continued to forcibly conscript adults and children, often forcing those they had arbitrarily arrested to train and serve with RCD/G forces (see Section 5).

There were reports of forced labor camps in the provinces of Orientale and South Kivu, especially in the areas of Fataki, Shabunda and Mwenga. Around August 27, Lendu militias reportedly relocated approximately 100 Hema civilians to labor camps near Fataki, following their abduction during fighting in July and August.

Unlike in the previous year, there were no reports that the Rwandan army forced persons to mine coltan.

There were reports that CNDD/FDD soldiers forced villagers to perform labor.

d. Status of Child Labor Practices and Minimum Age for Employment.—Child labor was a problem throughout the country, and the employment of children of all ages was common in the informal sector and in subsistence agriculture, which were the dominant portions of the economy. Such employment often was the only way a child or family could obtain money for food. The legal minimum age for full-time employment without parental consent is 18 years. Employers legally may hire minors between the ages of 14 and 18 with the consent of a parent or guardian, but those under age 16 may work a maximum of 4 hours per day. Larger enterprises did not exploit child labor. Neither the Ministry of Labor, which was responsible for enforcement, nor labor unions effectively enforced child labor laws.

There continued to be reports that forced child labor occurred (see Sections 5, 6.c., and 6.f.). Some parents forced their children to leave school and beg in the streets, or hunt or fish to earn money for their families.

In areas not under government control, there were numerous credible reports that rebel groups, Mai Mai, and Hutu militias used forced child labor, including the use of girls as sex slaves (see Section 6.c.).

Child soldiers, among other vulnerable children, have been involved in the illegal exploitation of natural resources in Ituri District to the benefit of their militia commanders. For example, there were credible reports that children aged between 10 and 18, many of them associated with the FNI, worked in gold mines in Djugu Territory. Active or former child soldiers, mostly between the ages of 11 and 15, also worked in gold mines in UPC-controlled area of Iga Barriere on behalf of their UPC commanders, who paid them very low wages to dig for them. Credible reports indicate that in the mining areas of Mongbwalu, Iga Barriere, and Centrale, an elevated number of re-recruitments of former child soldiers took place to secure mine labor for the armed groups, including the UPC and FNI. There continued to be reports that children worked in coltan mines, often because of economic necessity.

e. Acceptable Conditions of Work.—Most citizens were engaged in subsistence agriculture or commerce outside the formal wage sector. The average wage did not provide a decent standard of living for a worker and family, and most workers relied on extended family and informal economic activity to survive. Minimum wage laws continued to be suspended at year's end. Civil servant salaries remained very low, ranging between \$4 (1,600 Congolese francs) and \$20 (8,000 Congolese francs) per month, and salary arrears continued to be a problem (see Section 6.b.). However, depending on their position, civil servants, including police and soldiers, frequently supplemented their incomes through extracting bribes and various other practices of corruption.

The maximum legal workweek (excluding voluntary overtime) was 48 hours. One 24-hour rest period was required every 7 days.

The Labor Code specifies health and safety standards; and although the Ministry of Labor officially was charged with enforcing these standards, it did not do so effectively. No provisions in the Labor Code permit workers to remove themselves from dangerous work situations without jeopardy to their continued employment.

The law provides for the protection of legally documented foreign workers.

In areas not under government control, rebel authorities did not address employment issues or health and safety standards. There were few jobs available in the formal sector. Employees of RCD/G-controlled parastatals remained unpaid. Most citizens in rebel-controlled territory were engaged in subsistence agriculture or commerce outside the formal wage sector. The average wage did not provide a decent standard of living for a worker and family. Due to extended pillaging, extortion by armed groups, and instability forcing families to flee their homes and crops, poverty and economic hardship generally were more severe in areas held by rebels than in areas under government control. Most citizens relied on informal economic activity,

humanitarian aid, and scavenging in the forests. Salary arrears for police, soldiers, and other public officials encouraged extortion and theft from the population.

f. Trafficking in Persons.—There were no specific laws that prohibited trafficking in persons, and trafficking occurred. There were laws prohibiting the corruption or debauchery of minors under the age of 21; however, there was no information available on trafficking-related prosecutions under these laws. Internal trafficking for forced labor and forced sexual exploitation occurred. In addition, child prostitution was common in Kinshasa and other parts of the country (see Section 5). The forcible recruitment and use of child soldiers by rebel groups contributed to trafficking (see Section 5).

There were reports that government officials participated in or facilitated trafficking in humans. For example, in May, Vice President Jean-Pierre Bemba was sentenced in absentia by a Belgian court to 1 year in prison for “people trafficking.” He was accused of illegally bringing two domestic servants into Belgium with false papers and identifying them as crew members of an airline managed by the Bemba family in the late 1990s.

The Government had few programs in place to prevent trafficking. The Ministry of Family Affairs and Labor implemented an action plan against sexual exploitation in conjunction with an international organization. In addition, the Government coordinated with other countries on trafficking issues and has attended some regional meetings on trafficking in persons; however, government efforts to combat trafficking were limited by a lack of resources and information, and because much of the country’s trafficking problem occurred in areas controlled by rebel groups. The Government has not effectively investigated or prosecuted trafficking cases. The Government had few resources for training; however, it permitted training of officials by foreign governments and NGOs. The Government had no funding available for protection services. Victims were not prosecuted.

In areas not under central government control, there continued to be reports that the RCD/G, Mai Mai, Hutu militias, and other armed groups kidnapped men, women, and children and forced them to provide menial labor and sexual services for members of armed groups (see Section 6.c.). In addition, armed groups abducted children to serve as combatants in areas under their control (see Section 5).

The Government repeatedly has severely criticized the abduction of women and children by armed groups in areas of the country not under government control. In May 2002, the Government filed a case against Rwanda in the World Court, accusing Rwandan soldiers of killing, raping, and kidnapping civilians in the country.

REPUBLIC OF CONGO¹

The Republic of Congo is ruled by a government in which most of the decision-making authority is vested directly in the President and his administration. Denis Sassou-Nguesso was elected President in March 2002, and, in May and June 2002, legislative elections were held for the Senate and the National Assembly in all jurisdictions, except for the Pool region where an insurgency was most active. The President’s Congolese Workers’ Party (PCT) won the legislative elections and controlled 129 seats in the 137-seat National Assembly. Both the presidential and legislative elections were determined “not to contradict the will of the people” by independent monitors; however, there were some flaws and irregularities in the administration of the elections, which caused lingering credibility questions about the Government by opposition members and some persons in the international and local nongovernmental organization (NGO) communities. Because of security problems, elections in some jurisdictions in the Pool region had not yet been held. Until March, antigovernment Nsiloulou Ninja militiamen operated principally in the northern and central Pool regions and the conflict intensified. On March 17, the Government and the Ninjas signed a peace accord in which the Ninjas would have political representation in the southern Pool region and begin a disarmament, demobilization, and reintegration (DDR) program. At year’s end the DDR program had not begun. There were some improvements in the rule of law and parliamentary oversight dur-

¹The United States Embassy closed its facilities in the country during the 1997 civil war and subsequent years of instability. During those years, it operated out of the United States Embassy in Kinshasa, the Democratic Republic of the Congo; however, in late 2001, operations were no longer considered “suspended”, and American diplomats resumed working in the Republic of Congo only on a temporary duty basis. There is no American chancery or office space in the country. American diplomats are assigned to Kinshasa and travel by boat to Brazzaville for temporary duties.

ing the year; however, the judiciary remained corrupt, overburdened, underfinanced, and subject to political influence.

The security forces include the police, the Gendarmerie, and the armed forces; however, the functional distinction between these forces is not always clear. In theory, the police respond first to security incidents, with gendarmes and army units intervening later if necessary; however, in practice overlapping operations were common. At times, the Government did not have full control over some members or units of the security forces. The Angolan armed forces, under a bilateral agreement to provide security, had departed by year's end. Some members of the security forces committed serious human rights abuses.

The economy, which was in transition from a state-directed economy to a market-oriented economy, suffered serious revenue losses by year's end, mostly from a drop in oil prices and in revenue from the non-oil sector. However, oil exports remained the country's main sources of foreign exchange. Approximately 70 percent of the population lived in poverty. Lack of transparency and inefficient government operations hindered rehabilitation and development.

The Government's human rights record remained poor; although there were some improvements in a few areas, serious problems remained. At times during the year, security forces were responsible for unlawful killings, as well as summary executions, rapes, beatings, physical abuse of detainees and citizens, arbitrary arrest and detention, looting, and solicitation of bribes and theft. Prison conditions were poor. The judiciary was unable to ensure fair and expeditious trials. The Government controlled most domestic broadcast media; however, one private radio station and one private television station began broadcasting during the year. There were some limits on freedom of movement. Domestic violence and societal discrimination against women were problems. Discrimination on the basis of ethnicity remained widespread, including against minority indigenous Pygmies. Child labor was a problem. After the signing of the March Peace Accord, there were no reports of the recruitment of child soldiers. There were reports of trafficking in persons. Citizens sometimes resorted to vigilante justice and killed suspected criminals.

In 2002, there were reports that rebel militias under Pasteur Ntumi, known as the "Ninjas," committed serious human rights abuses; however, there were fewer reports after the signing of the March 17 Peace Accord.

RESPECT FOR HUMAN RIGHTS

Section 1. Respect for the Integrity of the Person, Including Freedom From:

a. Arbitrary or Unlawful Deprivation of Life.—There were no reports of political killings; however, there were press reports that government forces killed civilians in the Pool region prior to the March signing of the Peace Accord between the Government and anti-government Ninja rebels. These reports indicated, that during the Government's attempts to fight the rebels, particularly when using air power, civilians were killed in the crossfire. Since the signing of the Peace Accord, there were reports that either uncontrolled security forces or Ninja elements committed unlawful killings against civilians in the Pool region. In October, five civilians died in a clash between government soldiers and Ninja rebels. In December, "uncontrolled" Government military forces launched an attack against Ntumi's Ninja elements in the BaCongo area of Brazzaville, killing six Ninjas. Also, a pro-government militia member, who was arrested because of his reported involvement in the December attacks against Ninjas members in Brazzaville, died while in the hospital in the presence of the General Prosecutor. According to the Government, he reportedly died of injuries sustained when he resisted arrest.

There was no action taken against security forces who reportedly summarily executed several soldiers for killing an entire family in 2002.

No action was taken, nor is any likely to be taken, against members of the security forces responsible for the 2001 killing of a suspected thief and the 2001 killing of a person believed to have threatened the security of a government minister.

From March 2002 until March, prior to the signing of the Peace Accords, Ninja forces reportedly killed many civilians during raids against villages in the Pool Region. In February, Ninjas attacked a freight train between Brazzaville and Pointe Noire. Also in February, Ninjas killed 10 civilians and a police commissioner in an attack on a police station in Yambu, Bouenza Province. Ninjas under Pasteur Ntumi also were reportedly responsible for robbery, intimidation, and looting villages from September until the year's end.

As part of the March Peace Accords, amnesty was provided to all Ninja rebels who fought against the Government, and an exchange of prisoners took place in May. The amnesty remained in effect, and all prisoners had been exchanged by year's end.

There were no developments in the 2002 alleged kidnapping and killing of a French priest by Ninja rebel militia members.

There continued to be occasional deaths due to mob violence, as civilians took vigilante action against presumed criminals, or as individuals settled private disputes; however, police at times intervened to stop such action. For example, in two incidents, longtime Rwandan storekeepers were attacked over private disputes, with one Rwandan killed.

b. Disappearance.—There were no reports of politically motivated disappearances during the year.

During the year, daughters of two different employees of the same local NGO were reported missing. One was returned within 2 days; however, the other remained missing at year's end.

The whereabouts of at least 20 young men suspected of supporting the Ninja militia who were arrested in July 2002 remained unknown, and no known government action was taken by year's end.

A special commission of the National Transitional Council (CNT) investigated allegations that 353 young men who took refuge in the Democratic Republic of the Congo in 1999 were separated from their families by security forces upon returning to Brazzaville in May 1999 and subsequently disappeared. The Commission submitted its report, which included other disappearances due to civil hostilities since 1993, to the Ministry of Justice in August 2002, shortly before the CNT was dissolved and the newly elected National Assembly inaugurated. The Commission's report had not been made public by year's end; however, during the year, government officials implicated in the alleged disappearances spoke out in the press describing their view of events, claiming that they were not involved and do not know what happened to those who disappeared. In 2001, families of the disappeared filed suit in the International Court of Justice (ICJ) in Brussels accusing members of the Government, including President Sassou, of crimes against humanity. In 2002, a French court began an investigation into the case. In December 2002, the Government filed suit in the ICJ to prevent French courts from exercising jurisdiction over members of President Sassou's government. In June, the ICJ rejected the Government's request for an injunction; however, the Government was given until year's end to provide more persuasive arguments. The case was pending at year's end.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The Constitution prohibits acts of torture and cruel, inhuman, or degrading treatment; however, in practice, security forces sometimes used beatings to coerce confessions or to punish detainees. During the year, there were reports that abuses continued in the jail system; however, there were fewer reports that the security forces committed acts of extortion than in 2002. Some international organizations such as the U.N. High Commissioner for Refugees (UNHCR) cited credible reports from refugees in the outlying areas that security forces regularly harassed and extorted refugee returnees and residents in outlying areas.

In September, persons who identified themselves as members of the security forces reportedly attacked and robbed a Congolese participant on his way to participate in an international conference; however, it was unclear if they were members of the security forces or criminal elements posing as security forces.

In addition, there were reports that elements of Ntumi's Ninjas also were engaged in extortion and harassment.

During the year, there were reports that female detainees were raped and that members of the security forces beat citizens and, on occasion, looted their homes. No action was taken against those responsible for such abuses by year's end.

Until March, there were reports that undisciplined government forces committed abuses such as summary executions, rape, looting, and other violent acts, primarily in the Pool region but also in Brazzaville. In the Pool region, government forces allegedly included Angolan soldiers and government-sponsored mercenaries of Rwandan origin who reportedly severely mistreated the local population. There were reports that elements of Ntumi's Ninja rebels also engaged in similar acts against the civilian population. However, since the March Peace Accord, such reports diminished significantly, except between August and November when there were reports of a train robbery, village lootings, small clashes between security forces and Ninja elements, and harassment of international NGO workers. There were reports by NGOs and members of the private sector that these incidents were perpetrated both by uncontrolled members of the security forces and Ninja rebels.

There was no action taken by year's end against the soldiers responsible for the April 2002 robbing, beating, and, in some cases, raping of fleeing citizens in Brazzaville.

There were no developments, nor were any likely, in the August 2001 case in which dissatisfied soldiers threw a grenade at the home of the Defense Minister.

Prison conditions remained poor due to overcrowded facilities and scarcity of resources to provide food or health care to the inmates. Prisons functioned in Brazzaville, Pointe Noire, and, to a lesser degree, in the smaller, more remote towns of Owando, Ouessou, and Djambala. The Ministry of Justice continued to repair some prisons during the year; however, lack of funds hindered efforts to improve physical facilities and to provide food and medicine.

During the year, there continued to be reports that detainees held at police stations often were subjected to beatings, overcrowding, extortion, and other cruel, inhuman, or degrading treatment.

Women were incarcerated with men, and juveniles were held with adults. Pretrial detainees were detained with convicted prisoners.

Access to prisons and detention centers by domestic and international human rights groups continued to be granted. Local human rights groups, including the Congolese Observatory for Human Rights, the Association for the Human Rights of the Incarcerated, the National Counsel for the Promotion and Protection of the Rights of Detained Persons, and a Catholic Church organization visited prisons during the year. The International Committee of the Red Cross (ICRC) continued regular visits to prisons and detention centers throughout the country.

d. Arbitrary Arrest, Detention, or Exile.—The Constitution prohibits arbitrary arrest and detention; however, security forces frequently committed such acts. For example, in February, security forces arrested and beat a teacher in Pointe Noire over a personal dispute with a friend of a police captain. The teacher filed a lawsuit, but no action was taken at year's end. In August, security forces in Brazzaville arrested and detained a bricklayer for arguing with his wife. He was detained for 2 days, subjected to beatings, and paid \$50 (25,000 CFA francs) to be released. He was not officially charged with a crime.

Police and the gendarmerie are responsible for maintaining domestic order. Although the Human Rights Commission was established for the public to report abuses, impunity for security forces who committed abuses and a lack of transparency remained a serious problems. In late December, the Government began a security and anti-crime campaign called Operation Hope, whose goal was to reduce the amount of insecurity, local drug use, and crime in the country. The campaign is expected to continue through March 2004. During the year, the U.N. and the ICRC provided resources for human rights training for police officers.

The Code of Penal Procedure requires that a person be apprehended openly, that a lawyer be present during initial questioning, that warrants be issued before arrests are made, and that detainees be brought before a judge within 3 days and either charged or released within 4 months. In practice, the Government often violated these legal provisions. Detainees usually were informed of the charges levied against them, and lawyers and family members usually were given access to them. There is a system of bail called a "caution"; however, more than 70 percent of the population has an income below poverty level and could not afford to pay bail.

The Constitution prohibits forced exile; however, the Government blocked the return of some citizens. For example, some officials of the previous government, including former President Lissouba and former Prime Minister Kolelas, remained outside the country. In September, Kolelas attempted to return but the Government closed the airport and the entry point on the Congo River from Kinshasa, Democratic Republic of the Congo. During a second attempt on December 6, Kolelas was turned back at the airport in Kinshasa and returned to Nairobi, Kenya.

e. Denial of Fair Public Trial.—The Constitution provides for an independent judiciary; however, although there has been some improvements during the year, such as the formation of a High Court, a Constitutional Court, and some parliamentary scrutiny over judicial actions, in practice the judiciary continued to be corrupt, overburdened, underfinanced, and subject to both political influence and bribery. Lack of resources continued to be a severe problem; almost nothing remained of judicial records, case decisions, and law books following the looting during the civil wars of the late 1990s. The Ministry of Justice completed rehabilitation of its courthouses during the year.

The judicial system consists of local courts, courts of appeal, the Supreme Court, and traditional courts. In addition, two new judicial bodies were added under the new Constitution. By September, both the Constitutional Court, whose function is adjudicate the constitutionality of laws and judicial decisions, and the High Court of Justice, which also is to review judicial decisions as well as try the President and other high authorities for crimes in the conduct of their official duties, were operational.

In general defendants are tried in a public court of law presided over by a state-appointed magistrate. The defense has access to prosecution evidence and testimony and the right to counter it. In formal courts, defendants are presumed innocent and have the right of appeal; however, the legal caseload far exceeded the capacity of the judiciary to ensure fair and timely trials. Some cases never reached the court system.

The Government established military tribunals to try soldiers for abuses committed during periods of conflict. During 2002, the tribunals were active; however, the sessions were not public. During the year, there was one report of a military tribunal to review actions by “uncontrolled elements” of the Republican Guard reportedly involved in the December attacks against the Ninjas in BaCongo. The results of the tribunal were unknown at year’s end.

In rural areas, traditional courts continued to handle many local disputes, particularly property and probate cases, and domestic conflicts that could not be resolved within the family.

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home or Correspondence.—The Constitution prohibits such actions; however, in practice security forces at times illegally entered, searched, and looted private homes. During the year, military, gendarmerie, and police forces occasionally beat civilians and looted their homes sometimes in revenge for complaints filed against them by the civilians. In the areas of the Pool, where security forces were fighting the Ninjas, reports of such behavior by security forces were common until March; however, such reports diminished after the signing of the March Peace Accord. Early in the year, there also were similar reports of intimidation and harassment by the Ninjas of Pasteur Ntumi, which subsequently diminished after the March Peace Accord; however, in October and November, intimidation and harassment by either uncontrolled Ninja or security force elements increased according to reports from some international NGOs (see Sections 2.d. and 4).

Citizens generally believed that the Government monitored private mail and telephone communications; however, there were no reports that security forces arrested persons due to the content of their private communications.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution provides for freedom of speech and of the press, although the Constitution also criminalizes certain types of speech such as incitement to ethnic hatred, violence, or civil war, and the Government generally respected these rights. The Press Law allows for monetary penalties for defamation and incitement to violence but no longer requires prison terms for violators. The law also applies to the Internet and business public relations operations.

There was no state-owned newspaper; however, there were several closely allied with the Government. There were 15 to 20 private newspapers that appeared weekly in Brazzaville. Some of these newspapers take editorial positions critical of the Government and print articles disparaging authorities. Newspapers continued to publish on occasion open letters written by opponents of the Government who were in prison or lived abroad. The print media did not circulate widely beyond Brazzaville and the commercial center of Pointe Noire; however, it reached approximately two-thirds of the population.

Most citizens obtained their news from the radio or television broadcast media, primarily government-controlled radio. There was one privately owned radio station and one privately owned television station, which began operations during the year. There were two government-owned radio stations, Radio Congo and Radio Brazzaville and one television station, Tele Congo. There were several satellite television connections available, which permitted viewing of a range of news and entertainment programs. The news coverage and the editorial positions of the state-owned media reflected government priorities and views. A number of Brazzaville-based journalists represented international media, such as the British Broadcasting Corporation (BBC), Associated Press, Reuters, Voice of America (VOA), and TV5.

A local FM radio station rebroadcast Radio France International, VOA, and the BBC. Radio and television broadcasts from the Democratic Republic of the Congo were received in Brazzaville. The private independent radio station, Radio Liberte, continued to broadcast as well as the new privately owned radio station DR-Radio. Local rebroadcasts of the Gabon-based Africa Number One also continued during the year. A Christian missionary group in Pointe Noire broadcast during daylight hours; it voluntarily provided its material to the Government prior to broadcast.

Government broadcast media primarily focused their attention on the activities of government officials, but also provided news on other activities by international and local NGOs. During the year, the broadcasts included airing of alternative political

views of some opposition members in talk show format, but overall opposition political parties did not have access to the government-controlled media. Following the August 14 National Day speech, President Sassou held his first Western-style press roundtable, answering questions from both government and independent media. The event was covered on national television and radio.

The Government did not restrict access to the Internet. Internet service was available through two private companies in Brazzaville and two companies based in Kinshasa, Democratic Republic of the Congo. Several Internet cafes also provided access, and private persons with enough resources could access the Internet directly via satellite and service providers in Brazzaville, Pointe Noire, or the Democratic Republic Of The Congo.

The Government did not restrict academic freedom. However, there were several informal disputes at the Marion Ngoubi University. In one incident, students demanded payment of their scholarships, and, in another incident in September, teachers demanded payment of their salaries (see Section 6.b.). Other disputes involved students and teachers asking for replacement of the university rector due to his alleged corruption.

b. Freedom of Peaceful Assembly and Association.—The Constitution provides for the freedoms of assembly and association, and the Government generally respected these rights in practice. Groups that wished to hold public assemblies were required to inform the Ministry of Territorial Administration, which could withhold authorization for meetings that threatened public order. Political parties and civic associations held numerous meetings during the year. Public demonstrations were less common; however, in September, an opposition rally took place 2 weeks after permission was at first denied by the Minister of Territorial Administration. Nearly 3,000 persons attended, and a joint statement was issued by the opposition calling for freedom for exiles to return and more transparency in the oil sector. In December, there was one small public demonstration by former employees of the National Office of Post and Telecommunications (ONPT) seeking back pay (see Section 6.b.).

The law permits associations, political parties, and other groups to form freely, provided that they respect principles of sovereignty, territorial integrity, national unity, and democracy. All groups, political, social, or economic, were generally required to register with the Ministry of Territorial Administration. Registration was not routine and was subject to political influence. No political parties were banned or suspended. The parties of some prominent leaders of the former government continued to operate and hold seats in Parliament, although some party leaders remained in exile.

c. Freedom of Religion.—The Constitution provides for freedom of religion, and the Government generally respected this right in practice.

For a more detailed discussion, see the 2003 International Religious Freedom Report.

d. Freedom of Movement within the Country, Foreign Travel, Emigration, and Repatriation.—The Constitution provides for these rights; however, in practice, the Government imposed some limitations. During the year, military and police checkpoints, which at times interfered with the movement of civilians, were instituted in connection with reports that opposition exile leader and former Prime Minister Bernard Kolelas was planning to return to the country (see Section 1.d.) and during the December attacks on Ninja elements in BaCongo. There were fewer reports of extortion during the year; however, there were reports that soldiers dressed as civilians extorted money from persons on trains carrying goods. In 2002, the Government restricted the movement of persons and organizations to the Pool region, due to the security situation; however, after the March Peace Accord, these restrictions were eased somewhat and citizens, as well as international and local NGOs, returned sporadically to certain accessible areas of the Pool region. By year's end, harassment and intimidation of international organizations was renewed by either uncontrolled elements of the Ninjas or security forces, and some organizations withdrew their expatriate staff from areas in the Pool region where projects had earlier been restarted.

Approximately 100,000 persons who had fled the fighting in the Pool region were internally displaced persons (IDPs) either in IDP camps outside Brazzaville or with families in Brazzaville at the end of 2002. At year's end, the Government, working with international and local NGOs, was assisting IDPs in returning to their villages in the Pool region and the number of IDPs had dropped to 6,000. A government pilot project with assistance from international organizations to provide food, shelter, clinics, and other resources to some accessible Pool region villages had not begun by year's end.

During the civil conflicts, tens of thousands of citizens fled into neighboring countries, particularly Gabon and the Democratic Republic of the Congo. Approximately 45,000 persons fled to Bas-Congo province, Democratic Republic of the Congo; however, all but approximately 5,000 had been repatriated to the country by the end of 2002. According to UNHCR, there were 803 returnees from the Democratic Republic of the Congo and 871 returnees from Gabon during the year. Approximately 15,000 citizens fled to Gabon and, according to U.N. figures, 9,000 persons remained, some of whom met with the UNHCR to consider repatriation under the Tripartite Agreement between the Government of the Republic of Congo, the Government of Gabon, and the UNHCR. The UNHCR in Gabon estimated that there were 13,400 Congolese refugees and another 5,700 Congolese asylum seekers currently in Gabon. According to the UNHCR office in Brazzaville, fewer than 700 such persons had returned to the country by year's end given that many had been fully integrated into Gabonese society.

The Constitution provides for the granting of asylum or refugee status to persons who meet the definition in the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. In practice, the Government provided protection against refoulement and granted refugee status or asylum. The country continued to host a few persons from the Central African Republic, a small number of Burundians, and approximately 3,000 mainly Hutu Rwandans, who remained within distinct Rwandan sectors and communities within villages or cities. At year's end, there was only one camp of less than 300 Hutu Rwandans located north of Brazzaville. The UNHCR reported that all Central African Republic refugees had returned home by year's end. During the year, UNHCR continued some assistance to Angolan refugees in Pointe Noire; however, most Angolan refugees either returned to Angola or were integrated into local communities.

In April 2002, authorities arrested and repatriated forcibly to the Democratic Republic of the Congo 19 asylum seekers. Some of these individuals had refugee status applications pending with the UNHCR; however, none had been granted formal refugee status by the UNHCR because of their possible involvement in human rights abuses as members of the former Zairian President Mobutu's army and security forces known as Ex-FAZ. Ex-FAZ families and colleagues, who had received provisional refugee status, remained in the country. At year's end, the Government and the Government of the Democratic Republic of the Congo had reached an agreement on repatriating members of the Ex-FAZ under the auspices of the International Office of Migration, although it is reported that only 1,200 of the reported 4,000 wish to return to Democratic Republic of the Congo. The repatriation process had not begun by year's end.

The Government also provided temporary protection to certain individuals who fall outside of the definition of the 1951 U.N. Convention Related to the Status of Refugees and its 1967 Protocol.

Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government

With a Constitution and the holding of elections in 2002, citizens generally had the right to change their government peacefully. Independent observers determined that the 2002 presidential and legislative elections held over a period of nearly 6 months in two rounds per election did "not contradict the will of the people," despite obvious flaws like insufficient numbers of ballots at certain polling stations, confusion over their locations, and the boycott by some opposition members who claimed the elections were biased to ensure the victory of the President and his party. There were a few reports of intimidation of candidates and voters, and the opposition allegedly was responsible for about 40 percent of the incidents. In addition, the Constitution and the elections also were viewed by some international NGOs and foreign observers as designed to protect the status quo. The elections remained incomplete at year's end, since they had not taken place in the Pool region, and there were eight vacant seats in Parliament.

The Constitution gives the President strong executive powers. He presides over the Council of Ministers and proposes legislation. The President also directly appoints three members of the nine-person Constitutional court from a list of names recommended to him by members of his Council of Ministers, and the President of the Republic names the Court's president from among its members. Although the National Assembly votes on the budget, most of the daily responsibility for government operations resided with the executive branch. The President can decree a budget that the National Assembly has twice rejected.

The state remained highly centralized under the President; key regional and local leaders are appointed by the President. Sub-national government entities lacked an

independent revenue base and did not represent a significant check on central authority.

Major political parties included the ruling PCT, the Pan-African Union for Social Democracy, the Congolese Movement for Democracy and Integrated Development, the Union for Democracy and the Republic, and the Rally for Democracy and Social Progress. There were as many as 200 other parties; however, most generally were ineffective. Some party leaders remained in exile while other party officials willing to cooperate with the Government or to oppose it nonviolently remained in the country. There was no cohesive opposition, and many of the smaller political parties were more personality-centered than they were representative of a significant constituency. During the year, several opposition parties held a joint rally (see Section 2.b.).

The law permits the Government to exclude persons found guilty of genocide, war crimes, or crimes against humanity from the political process, such as former President Lissouba and former Prime Minister Kolelas.

There were no legal restrictions on political participation by women or minority populations. There were 9 women in the 66-seat Senate and 12 women in the 137-seat National Assembly. There were five female ministers, including the Minister of Agriculture, Commerce, Primary and Secondary Education, Social Affairs, and Minister Delegate of Agriculture and Women's Issues in the 33-member Cabinet. There was one female candidate in the 2002 presidential election.

Pygmies continued to be excluded from social programs and the political process, in part due to their isolation in remote forested areas of the country. The Cabinet included members of many ethnic groups from all areas of the country. Many key posts were held by northerners, including many members of the President's Mbochi ethnic group. Members of ethnic groups, who did not support the Government during the war, have been permitted to return to their former government jobs, and a number of southerners were in the Cabinet.

Section 4. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A number of domestic human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials generally were uncooperative and unresponsive to human rights groups.

At least two international organizations that began some operations in selected areas of the Pool region in August and September had pulled out international staff because of harassment by uncontrolled elements of Ninjas or security forces by year's end.

The ICRC maintained an office in Brazzaville. Access improved for humanitarian officials during the year.

The Constitution provides for the establishment of an autonomous Human Rights Commission, which was established in August. Its purpose is to act as a watchdog on the Government and react to public concerns on human rights issues.

Section 5. Discrimination Based on Race, Sex, Disability, Language, or Social Status

The Constitution specifically prohibits official discrimination; however, societal discrimination persisted, particularly against women and Pygmies. Ethnic and regional differences continued.

Women.—Domestic violence against women, including rape and beatings, was widespread but rarely reported. Domestic violence usually was handled within the extended family, and only the more extreme incidents were brought to the police. There were no specific provisions under the law for spousal battery, apart from general statutes prohibiting assault. Rape is illegal, and widespread rape during the 1998–1999 civil conflict raised public awareness of violence against women. During the year, the Government began compiling nationwide data on violence against women; however, no figures were available by year's end. NGOs, such as the local Human Rights Center, Violence Against Women Group, the International Rescue Committee, the ICRC, and Doctors Without Borders, continued to draw attention to the issue and provided counseling and assistance to victims.

Female genital mutilation (FGM) was not practiced indigenously, but may have occurred in some of the small immigrant communities from countries where it was more common.

Prostitution is illegal but was an accepted practice in certain areas of Brazzaville, Pointe Noire, and other large cities.

The Constitution provides for the equality of all citizens, prohibits discrimination based on gender, and stipulates that women have the right to equal pay for equal work; however, in practice women were underrepresented in the formal sector. Most

women worked in the informal sector and thus had little or no access to employment benefits. Women in rural areas especially were disadvantaged in terms of education and wage employment and were confined largely to family farming, petty commerce, and childrearing responsibilities. Many local and international NGOs have developed micro-credit and micro-finance programs to address this problem, and Government ministries such as Social Affairs and Agriculture were very active in addressing these problems. For example, women received assistance to set up dressmaking and beauty salons as well as gardening and manioc flour-making to provide an income for their families.

Marriage and family laws overtly discriminate against women. For example, adultery is illegal for women but not for men. Polygyny is legal; polyandry is not. While the Legal Code provides that 30 percent of the husband's estate is transferred to the wife, in practice, the wife often lost all rights of inheritance upon the death of her spouse, particularly in the context of traditional or common law marriage. The symbolic nature of the dowry set in the Family Code often was not respected, and men were forced to pay excessive bride prices to the woman's family. As a result, the right to divorce was circumscribed for some women because they lacked the financial means to reimburse the bride price to the husband and his family. This problem was more prevalent in rural areas than in urban centers.

Children.—The Government was committed to protecting the rights and welfare of children. The Constitution provides children equal protection under the law. Education was compulsory and tuition free until the age of 16; however, families were required to pay for books, uniforms, school fees, etc. Girls and boys attended primary school in equal numbers; however, school attendance by girls declined precipitously at the high school and university levels. In 1997, the literacy rate was 77 percent for the total adult population but only 70 percent for women. The adult literacy rate was unknown but was believed to be approximately 40 percent due to the widespread destruction of schools during the civil conflict of the late 1990s.

Teenage girls were often pressured to exchange sex for better grades, which resulted in both the spread of HIV/AIDS and unwanted and unplanned pregnancies.

FGM may be performed on girls in some immigrant communities (see Section 5, Women).

There were reports of isolated cases of child prostitution, particularly among the growing numbers of street children; however, the prevalence of the problem remained unclear.

Late in the year, there were a few reports that there was trafficking in children but not necessarily by citizens (see Section 6.f.).

Child labor was a problem (see Section 6.d.).

During the 1997–2001 civil conflict, there were reports that children were recruited as soldiers for service in the war in the Pool region by both government and Ninja forces. In addition, following the 2002 shootings in Brazzaville, there were unconfirmed reports of street children being recruited for military service in the Pool region. The Government denied that recruitment of child soldiers was authorized and stated its opposition to child soldiers; however, unofficial sources indicated that the children were not forced, but rather enticed by offers of money and new clothing. There were no such reports since the signing of the March Peace Accords. During the year, the local office of the International Labor Organization (ILO) formally launched a child soldier program.

There were indigent street children in Brazzaville, and their numbers have grown as a result of civil conflict since 1997. In addition, children from the Democratic Republic of the Congo easily crossed the river by stowing away on the ferry, which crossed several times per day, to seek improved living conditions. UNICEF estimated that at least 20 percent of street children in Brazzaville were from the Democratic Republic of the Congo; however, other NGO estimates were as high as 50 percent or more; children from the Democratic Republic of the Congo also were found in Pointe Noire. Street children were not known to suffer from targeted abuse by government authorities or vigilante groups; however, they were vulnerable to sexual exploitation and often fell prey to criminal elements including drug smugglers. Many of the street children beg or sell cheap or stolen goods to support themselves; some may have turned to prostitution or petty theft.

Persons with Disabilities.—The Constitution prohibits discrimination based on physical condition; however, in practice, this prohibition generally was not enforced because the Ministry responsible for implementation of this provision lacked the necessary funds. There was no overt discrimination against persons with disabilities in employment and education. There were no laws mandating access for persons with disabilities.

Indigenous People.—The Constitution prohibits discrimination based on ethnicity; however, the indigenous Pygmy ethnic group, who numbered in the tens of thousands and lived primarily in forest regions, did not enjoy equal treatment in the predominantly Bantu society. Pygmies were marginalized severely in the areas of employment, health, and education, in part due to their isolation in remote forested areas of the country and different cultural norms. Pygmies usually were considered socially inferior and had little political voice. Many of them were not aware of the concept of voting and had minimal ability to influence government decisions affecting their interests. During the year, human rights groups and environmentally focused NGOs addressed this issue, and there were seminars and programs on the rights of the Pygmies. In addition, Pygmy groups organized and worked with local NGOs. In September, a national conference representing Pygmy groups was held in Brazzaville. By year's end, no census on the number of Pygmies living in the country had been conducted as requested by the Pygmies.

Many Pygmies, possibly including children, have been exploited as cheap labor and discriminated against in employment, education, and the health sector by Bantus; however, there was little information regarding the extent of the problems during the year.

National/Racial/Ethnic Minorities.—The Constitution prohibits discrimination based on ethnicity; however, the Government did not enforce this prohibition effectively, and, in practice, many citizens believed that ethnic discrimination persisted. However, former civilian employees of the Government were encouraged to return to their former jobs even though they were from ethnic groups that opposed the Government during the civil war and the disturbances that followed. Unlike in previous years, there were no reports that security forces targeted "southern" men for arrest.

There are several major ethnic groups in both the southern and northern areas of the country, which used either Kutuba or Lingala as their lingua franca in addition to their distinct ethnic languages. The largest southern ethnic group was the Kongo; however, there were numerous other key groups, such as the Lari, Vili, Sundi, Bembe, and Bahangala that, along with the Kongo, make up half the country's population. Other major ethnic groups included the Teke and Ngangoula of the central region, comprising approximately 13 percent of the population, and Mbochi, Mboko, Mbety, Bomitaba, Lekoba, and Mbongo of the four northern regions, comprising approximately 12 percent of the population. Societal ethnic discrimination was prevalent among all ethnic groups, was evident in government and private sector hiring and buying patterns, and apparent in the effective segregation of many urban neighborhoods. The relationship between ethnic, regional, and political cleavages was inexact; however, supporters of the Government included persons from mostly, but not solely, northern ethnic groups, such as the President's Mbochi group.

Section 6. Worker Rights

a. The Right of Association.—The Constitution and Labor Code provide workers with the right to associate and form unions, and workers exercised this right in practice. Any worker, except members of the security forces, which included police, gendarmerie, and armed forces, was free to join a union of his choice. There were two recognized trade unions, the Confederation Union of Congolese Workers and The Confederation of Autonomous Trade Unions. Most workers in the formal wage sector were union members, and unions made efforts to organize informal sectors such as agriculture and retail trade. However, most unionized workers also were active in the informal sector to supplement their income.

Employers were prohibited from discriminating against employees who join a union. There were no reported firings for union activities; however, salaries were withheld from teachers who attempted to strike.

Unions were free to affiliate with international trade unions, and they maintained cooperative accords with foreign trade union organizations, such as the ILO and the International Confederation of Free Trade Unions.

b. The Right to Organize and Bargain Collectively.—The Labor Code allows for collective bargaining, and this right was generally respected and practiced freely. However, collective bargaining was not widespread due to the severe economic conditions. The Government set industry-specific minimum wage scales; however, unions usually were able to negotiate higher wages for their members.

The Constitution also affirms workers' right to strike, subject to conditions established by law. Unions were free to strike after filing a letter of intent with the Ministry of Labor, which began a process of non-binding arbitration under the auspices of a regional labor inspector from the Ministry. The letter of intent must include the strike date, at which time the strike legally may begin, even if arbitration is

not complete. Employers have the right to fire workers if they do not give advance notice of a strike.

During the year, strikes and other work actions occurred. For example, a strike occurred in August when teachers of primary and secondary schools demanded payment of delinquent salaries and a salary increase. Many of the teachers had not been paid for almost 3 years. In December, the former employees of the ONPT publicly demonstrated seeking back pay. These workers of the former state-run ONPT, which was replaced by a new state-run organization called the Society of Telecommunications of Congo (SOTELCO), claimed that SOTELCO only hired 300 of the 1,200 former ONPT workers and provided no severance payment to those not hired. During the President's New Year's Eve speech, he promised to pay 1 month's salary to those civil servants who were owed unpaid wages.

The Government and most labor organizations continued to observe a "social truce" during the period of post-conflict reconstruction. The Government accepted certain conditions, such as regularization of salaries and rehiring of certain workers in several sectors; these conditions continued to be observed. Civil service retirees received some bank and pension payments, but they were minimal.

There are no export processing zones.

c. Prohibition of Forced or Bonded Labor.—The Constitution prohibits forced or bonded labor, including by children; however, such practices occurred. Bantus reportedly exploited Pygmies as indentured servants, possibly including children, although little information was available regarding the extent of the problem during the year.

d. Status of Child Labor Practices and Minimum Age for Employment.—Child labor was a problem. Under the Constitution, children under age 16 are not permitted to work; however, in practice, this law generally was not enforced, particularly in rural areas and in the informal sector in cities. Children worked with their families on farms or in small businesses in the informal sector without government monitoring or supervision. The Ministry of Labor, which is responsible for enforcing child labor laws, concentrated its efforts only on the formal wage sector.

e. Acceptable Conditions of Work.—The Constitution provides that each citizen has the right to remuneration according to his work and merit. The minimum wage was approximately \$100 (50,000 CFA francs) per month in the formal sector. The wage was not sufficient to provide a worker and family with a decent standard of living. High urban prices and dependent extended families obliged many workers, including teachers and health workers, to seek secondary employment beyond their principal employment, mainly in the informal sector.

The Labor Code stipulates that overtime must be paid for all work in excess of 40 hours per week and that regular days of leisure must be granted by employers.

Although health and safety regulations require twice yearly visits by inspectors from the Ministry of Labor, in practice such visits occurred less regularly. Unions generally were vigilant in calling attention to dangerous working conditions; however, the observance of safety standards often was lax. Workers have no specific right to remove themselves from dangerous working conditions without risking loss of employment.

Legal foreign workers were protected by the same law that protected citizen workers; illegal workers were not protected by the law and faced deportation.

f. Trafficking in Persons.—The law does not specifically prohibit trafficking in persons, and there were reports that persons were trafficked to, from, or within the country. The country has a large West African community, and local NGOs working on trafficking claimed that members of the West African community were either responsible for or involved in trafficking incidents, but this has not been confirmed.

An ILO study conducted in 2000 in Yaounde, Douala, and Bamenda, Cameroon indicated that regional traffickers transported children between the Republic of Congo, and Nigeria, Benin, Niger, Chad, Togo, and the Central African Republic, through Cameroon.

During the year, local NGOs became more focused on this problem with programs and projects. The Ministry of Social Affairs supported local NGO efforts. A foreign government has provided funding for a countrywide information campaign on the issue of trafficking in children.

There were reports of isolated cases of child prostitution (see Section 5).

COTE D'IVOIRE

Laurent Gbagbo became the republic's third elected president in October 2000, ending an almost 10-month period of military rule. The election, which excluded two of the major parties, was marred by significant violence and irregularities. The Supreme Court declared Gbagbo the victor with 53 percent of the vote. In August 2002, President Gbagbo formed a government of National Unity, which included representation from all major political parties. In September 2002, rebellious exiled military members and co-conspirators in Abidjan simultaneously attacked government ministers and military/security facilities in Abidjan, Bouake, and Korhogo. The failed coup attempt evolved into a rebellion, splitting the country in two and escalating into the country's worst crisis since independence in 1960. Rebel "New Forces" (NF), composed of Patriotic Movement of Cote d'Ivoire (MPCI), Ivoirian Popular Movement of the Greater West (MPIGO), and Movement for Justice and Peace (MPJ), retained control in Bouake, Korhogo, and the northern half of the country. In January, the Economic Community Of West African States (ECOWAS) placed over 1,000 peacekeeping troops on the ground with 4,000 French peacekeepers, who maintained the east-west cease-fire line dividing the country. In late January, the political parties signed the French-brokered Linas-Marcoussis Accord ("Marcoussis Accord"), agreeing to a power-sharing national reconciliation government with rebel representatives. The parties agreed to work together on the problems of national identity, eligibility, and land tenure. The Marcoussis Accord also stipulated a U.N. Monitoring Committee to report on implementation of the accord. President Gbagbo appointed Seydou Diarra as the Prime Minister, and in March, Prime Minister Diarra formed a government of national reconciliation of 41 ministers. The full government did not meet until mid-April when international peacekeepers were in place to provide security.

On July 4, the National Armed Forces of Cote d'Ivoire (FANCI) and NF military signed an "End of the War" declaration, pledged their support for President Gbagbo, and vowed to work for the Marcoussis Accord and disarmament, demobilization, and reintegration (DDR). On September 13, President Gbagbo named neutral Defense and Security Ministers, after consulting with the political parties. The NF lacked confidence in the new ministers and citing continuing personal security concerns and accusing President Gbagbo of too slowly implementing the Marcoussis Accords suspended their participation in the national reconciliation government and the re-unionification committee and boycotted the DDR program. By mid-December, the NF and government military forces took steps toward DDR, including pulling back heavy weapons, moving to cantonment sites, and releasing prisoners, and the NF ministers noted they would attend the first government meeting in 2004. The judiciary lacked transparency and was subject to executive branch and other outside influence.

Security forces under the Ministries of Defense and Interior include the Army, Navy, Air Force, Republican Guard, Presidential security force, and the Gendarmerie, a branch of the armed forces with responsibility for general law enforcement. The police forces are under the jurisdiction of the Ministry of Interior. There were major divisions within the military based on ethnic, religious, and political loyalties. Members of the military participated in seminars on human rights. The Government did not always maintain effective control of the security forces. There were numerous credible reports of instances in which security forces acted independently of government authority. The Government and NF security officials committed numerous human rights abuses.

The country, which has a population of 16 million, was generally poor but had a historically thriving modern sector. The largely market-based economy was heavily dependent on commercial agricultural, characterized by smallholder cash crop production, especially of cocoa and coffee. After assuming power, the Gbagbo Government began repaying international arrears and adhering to a balanced budget, steps that led to the resumption of foreign aid; however, widespread corruption and the lack of an accountable executive and judicial branch deterred investors. The September 2002 rebellion impeded commerce, as the division of the country hindered trade and caused international financial institutions to suspend their programs in the country. At year's end, the major international financial institutions resumed their consultations with the Government.

The Government's human rights record remained poor; although there were some improvements in a few areas, serious problems remained. In the beginning of the year, the Government and NF committed serious abuses, and there were credible reports of pro-government death squad activity, extrajudicial killings, and disappearances. The Government and NF employed mercenaries from Liberia; how-

ever, during the second half of the year, military and rebel forces worked together to reduce the number of Liberian fighters and abuses subsequently declined. Security forces frequently resorted to lethal force to combat widespread violent crime and sometimes beat detainees and prisoners. The Government generally failed to bring perpetrators of most abuses to justice, and members of security forces operated with relative impunity. Prison conditions improved but remained harsh and sometimes life threatening. Arbitrary arrests and detention were common; numerous persons, including opposition members, journalists, and military officers, were detained for long periods without trial. The judiciary did not ensure due process. An amnesty law was passed during the year for crimes committed "against the security of the state" between September 2000 and September 2002. Police harassment and abuse of non-citizen African immigrants continued. Privacy rights continued to be restricted severely. The Government restricted freedom of speech and the press, and state-owned media created an atmosphere of patriotism and nationalism. The Government restricted freedom of assembly and movement. The targeting of Muslims suspected of rebel ties diminished somewhat during the year, although Muslims and practitioners of indigenous religions were subject to discrimination. The Government allowed investigations into the human rights situation by Amnesty International (AI), Human Rights Watch (HRW), and observers from the U.N. Commission for Human Rights (UNCHR). Discrimination and violence against women, abuse of children, and female genital mutilation (FGM) remained serious problems. There were incidents of violent ethnic confrontation; societal discrimination based on ethnicity remained a problem. Child labor as well as some reports of forced child labor and trafficking in children and women also persisted.

The NF's human rights record was extremely poor. The rebels in the north summarily executed persons, killed numerous civilians, arbitrarily arrested and detained persons, and conducted arbitrary ad hoc justice. Mass graves were found during the year in rebel-held territory. In Bouake, the NF continued to operate the national television station and aired their leaders' speeches and deliberations. Citizens in the north were cut off from news aired in the south. The rebels severely limited freedom of movement within and from the territory they held and forcibly conscripted persons, including many child soldiers. Rebels and mercenaries committed particularly grave abuses in the western region of the country and in the north; under various rebel sub-leader warlords serious abuses were committed.

In May, the presence of impartial forces in the west led to most Liberian mercenaries departing the area. Subsequently, the number of reported abuses significantly decreased.

RESPECT FOR HUMAN RIGHTS

Section 1. Respect for the Integrity of the Person, Including Freedom From:

a. Arbitrary or Unlawful Deprivation of Life.—Security forces committed extrajudicial killings, some of which were believed to have been score settling as well as politically and ethnically motivated (see Section 1.g.). There were credible but unconfirmed reports that government-linked "death squads" and irregular forces (Liberian fighters, Liberian refugees, and civilians with ethnic ties to Liberia) committed and condoned extrajudicial killings. Security forces frequently resorted to lethal force to combat widespread crime. Rebel forces in the north also committed numerous extrajudicial killings (see Section 1.g.).

There were numerous reports of pro-government death squads operating in Abidjan during the first half of the year. Credible sources described "hit lists" of suspected rebels and rebel sympathizers circulated within secretive, loyalist security forces in Abidjan and other areas under government control (see Section 1.g.).

Journalists were killed during the year (see Section 2.a.).

There were credible reports of at least 10 cases in which security forces used excessive force that resulted in deaths; such cases often occurred when security forces apprehended suspects or tried to extort money from taxi drivers and merchants. There was an increased number of police officers detained for using excessive force during the year.

In May, a police officer in Abobo shot and killed Zougba Eustache Gogbeu, after his driver refused to stop at a policeman's order. The driver was injured.

In July, in Daloa, two men believed to be government soldiers shot and killed an unarmed adult and a child after they refused an order not to move. There were no known investigations at year's end.

In August, a policeman shot taxi driver Inza Doumbia for reportedly not paying a bribe on demand. For 3 days, taxi drivers and some other public transportation drivers went on strike to protest the killing. The policeman was arrested and de-

tained for the shooting; however, the trial had not begun by year's end. The victim's family received an apology and compensation from the Government.

On August 31, men in fatigues shot and killed farmer Konate Yaya in Koumassi. According to witnesses, Konate was shot because he was dressed like a beggar and he did not stop at the police's order.

On December 11 and 12, police and gendarme forces killed at least 21 persons that reportedly tried to break into the Ivoirian Television Radio (RTI) national station. There were reports that several vehicles containing approximately 20 people approached RTI during the night. Gendarmes stopped the vehicles at a roadblock when a firefight broke out. Gendarmes immediately captured several of the combatants and executed them. Others in the vehicles fled, and security forces chased them. One soldier and one police officer also were killed. Defense Minister Rene Amani reported that he did not think the NF military were involved in the incident and added that he could not exclude the possibility that forces loyal to President Gbagbo were involved in the attack. The incident was still under investigation at year's end.

Three persons were killed when security forces razed a shantytown during the year (see Section 1.f.).

The investigations into the security force killings of taxi drivers Kalihou Keita and Seydou Konere, continued at year's end.

The following cases remained outstanding at year's end: The January 2002 beating of Julien Iboudo; the January 2002 police shooting of Belam Issiak; the March 2002 police shooting of Lemorifing Bamba, a taxi driver; the March 2002 death of alleged thief Adama Sylla; the June 2002 police killing of seven suspected criminals; the 2001 shooting by a police sergeant of a student; and the 2001 killing of Togolese electrician Dokli Kodjo by two gendarmes.

The investigation into the 2000 Yopougon massacre was reopened in 2001 and continued during the year.

In the western part of the country, there were numerous credible reports of atrocities including killings, rapes, and looting mostly by rebel forces and armed groups from Liberia (see Section 1.g.). Verification of all of these reports was difficult because of limited access.

There were numerous incidents of ethnic violence that resulted in deaths (see Section 5).

b. Disappearance.—There were several reports of disappearances during the year.

Several members of the opposition party Rally of Republicans (RDR) were missing at year's end. RDR activist Ibrahim Bakayoko reportedly has been missing since December 2002, shortly after "armed men in military fatigues" came looking for him. He reportedly was warned and eluded the "military men," however, his family reported him as missing ever since.

On May 20, youth RDR activist Mamadou Kone reportedly was missing after armed men threatened to kill Kone's wife and children before taking Kone in their vehicle. There was no investigation by year's end.

In January, Bionaho Mathias, a former member of the Union for Democracy and Peace in Cote d'Ivoire (UDPCI) party and a merchant from Bangolo, disappeared under unclear circumstances in the western part of the country. Also in January, University of Cocody student activist Mahe Hippolyte disappeared after participating in an opposition youth party meeting in Abidjan. There were no developments in either case at year's end.

In May, at least four attackers kidnapped Nigerian businessman Garba Amadou Dougourikoye. Local newspapers speculated that Dougourikoye's disappearance may be linked to his ties to the RDR party, but his family denied that he was politically active.

In May, newspapers reported that prominent businessman Herve Pamah Coulibaly was "alive and well" in Burkina Faso, after disappearing in November 2002, although his family maintained that they have not heard from him since he disappeared. His whereabouts remained unknown at year's end.

In October, two armed men entered the home of Alphonse Kobenan Kossonou and asked Kossonou to follow them to a police station. Kossonou, who is a leading member of the Democratic Party of Cote d'Ivoire (PDCI) opposition party, was held for 3 weeks before being released. On December 4, armed security forces abducted PDCI party members Gbane Aboubacar and his younger brother Ouattara Soule. Their whereabouts were unknown at year's end.

All of the more than 100 UDPCI and RDR members that were arrested after the September 2002 rebellion have been released.

Vakefa Malick Soumahoro and three gendarmes arrested in 2002 remained missing at year's end.

Persons reported missing in previous years remained missing at year's end.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The Constitution prohibits such practices; however, in practice security forces often beat detainees and prisoners to punish them or to extract confessions. Police officers forced detainees to perform degrading tasks under threat of physical harm. Police detained persons overnight in police stations where they often beat detainees and forced them to pay bribes (see Sections 1.d., 1.f., and 2.d.). Police also harassed persons of northern origin or with northern names.

There were numerous reports that police and gendarmes continued to harass, beat, extort, and commit other abuses with impunity.

Members of the security forces continued to beat and harass journalists regularly; however, there were fewer reports of beatings than in the previous year (see Section 2.a.).

There were several incidents during the year in which police used excessive or inappropriate force. In January, three plainclothes policeman detained and severely beat Adama Kone near Adjame in Abidjan after finding a large amount of money. They accused him of supporting rebel activities. Kone went to the hospital for treatment and filed a complaint. There were no arrests in this case by year's end.

In July, four police officers beat Kouao Henri Julien Yao N'Cho with pipes, chains, and sticks during his interrogation for allegedly stealing. Police later beat his cousin and friend when they arrived to inquire about Yao N'Cho. Upon release, the three men stated they would file a claim.

During the year, there were several reports that security forces conducted widespread neighborhood searches where they beat and robbed residents (see Section 1.f.).

During the year, security forces remained on heightened alert for potential rebel infiltrators or active sympathizers, erected numerous roadblocks, and searched Abidjan neighborhoods, frequently during nightly curfew. Individuals associated with opposition parties or rebellion leaders or believed to be sympathizers were subjected to increased harassment and abuse (see Sections 1.d. and 1.g.).

Noncitizen Africans, mostly from neighboring countries, complained after September 2002 that they were subject to increased police harassment, repeated document checks, increased security force extortion and racketeering, violence, and frequent neighborhood searches (see Sections 1.f. and 2.d.).

Police and security forces occasionally used excessive force to disperse demonstrations; however, there were fewer reports than in the previous year (see Section 2.b.).

There were no developments the March 2002 beating of Ivoirian Party For Democracy party President Faustin Leka; the April 2002 beating of Alexis Gouanou, the July 2002 beating of Francois Kouadio of the Presidency's Office of the Inspector General; or the beating and robbing of merchants in the Adjame district of Abidjan by 20 gendarmes.

There was no action taken against members of the security forces in the following 2001 incidents: The April shooting of a taxi driver in Daloa; the April beating of Dago Fabrice in Yopougon; the May beating of a man in Daloa; the May beating of eight persons, including a secondary school teacher and two girls; and the June forcible dispersal of a strike at Blohorn Unilever.

"Militia" groups, some reportedly armed while others had access to arms, continued their activities during the year (see Section 2.b.).

In the rebel-held part of the country, rebel military police operated with impunity in administering justice without legally constituted executive or judicial oversight. The rebels often harassed and abused local citizens with impunity, often on the basis of ethnic background. There were also several reports that rebel forces beat persons who supported President Gbagbo and his Ivoirian Popular Front (FPI) party. For example, in late 2002 and during the year, there were numerous reports that rebel soldiers tortured FPI party members near Danane, regardless of their ethnic background.

There were numerous incidents of ethnic violence during the year, some of which resulted in injuries (see Section 5).

Conditions were poor and in some cases life threatening in the country's 33 prisons, largely because of inadequate budgets and overcrowding. In November 2002, the main Abidjan Arrest and Correction Center (MACA) prison housed 5,200 detainees; it was built for 1,500. There were credible reports that prisoners frequently brutalized other prisoners for sleeping space and rations; however, there were no reports that guards brutalized prisoners. The daily food allowance per prisoner in the MACA was \$0.12 (80 CFA francs), the cost of one serving of corn meal mush. In other prisons, the daily allowance was \$0.18 (120 CFA francs). Families frequently supplemented the food ration and at some prisons inmates grew vegetables to feed themselves. The Red Cross helped feed prisoners with no family. Doctors Without Borders (MSF) supplemented the prison system's inadequate medical facilities. Sev-

eral small national and international charities also helped some prisoners. There were press reports of a flourishing drug trade and prostitution in the MACA.

In August, following several prison releases, Ministry of Justice Cabinet Director Mamadou Kone refuted allegations that his Ministry and the Minister of Justice Henriette Diabate, the RDR party's Secretary-General, favored RDR prisoners and suspects.

The Ministry of Justice reported that 39 prisoners died in MACA during the year due to malnutrition and poor conditions. On November 13, fighting between inmates and guards broke out in MACA because of a 3-day water shortage due to faulty plumbing. Prisoners injured a prison guard during the fighting.

In October, eight prisoners escaped from MACA prison. At least one guard was badly beaten during the escape. Several of the escaped prisoners had been serving 20-year prison sentences for robbery.

Men and women were held separately in prisons. Male minors were held separately from adult men, but the physical barriers at the main MACA prison were inadequate to enforce complete separation. Prison conditions for women and children remained particularly difficult. Female prisoners were segregated in a separate building under female guard. There were continued reports that female prisoners engaged in sexual relations with wardens to get food and privileges. There were no health facilities for women. Pregnant prisoners went to hospitals to give birth and then returned to prison with their babies. Some women prisoners were pregnant before being jailed. The penitentiary accepted no responsibility for the care or feeding of the infants; the women received help from local NGOs. The International Catholic Office for Children (BICE) reported that during the year, there were 20 pregnant women in MACA and that there were 20 women living in MACA with their infant children.

During the year, BICE conducted its annual study on youths in prisons, which revealed that 576 males under 18 were held in the Center for Observation of Minors in Abidjan during the year. Some of the 387 boys that were released during the year went to a rehabilitation center called "Herb Alois." BICE also helped conduct physiological tests to determine the age of some inmates who had no identification papers. There were 36 females in detention under the age of 18. BICE helped release 31 of these girls during the year. BICE also taught juvenile prisoners trades, such as sewing, carpentry, gardening, house painting, and drawing.

Pretrial detainees were held with convicted prisoners.

The Government permitted access to prisons by local and international NGOs including the International Committee for the Red Cross (ICRC), MSF, World Doctors, and International Prisons' Friendship. However, none of these NGOs monitored human rights conditions. The Ivoirian Human Rights League (LIDHO) and Ivoirian Human Rights Movement (MIDH) monitored human rights but had to await written permission from the warden.

In April, the ICRC released a report on its actions since the onset of the crisis in the country. The ICRC said that it was granted full access to detention centers controlled by the Government and the rebel groups MPCJ and MJP.

After taking control of the north, rebels maintained detention centers, and during the year, the ICRC was granted full access. Unlike in previous year, there were no reports that rebels forced prisoners into military service.

There were credible reports that the rebels killed prisoners (see Section 1.g.). The rebels reportedly considered the dozens of men they were holding to be loyalist infiltrators.

d. Arbitrary Arrest, Detention, or Exile.—The Constitution prohibits arbitrary arrest and detention; however, in practice arbitrary arrest and detention remained common.

Police forces include paramilitary rapid intervention units such as the Anti-Riot Brigade (BAE) and the Republican Security Company, and the plain-clothes investigating unit, Directorate for Territorial Security (DST). A central security staff collected and distributed information about crime and coordinated the activities of the security forces. Security forces frequently resorted to excessive force (see Sections 1.a. and 1.c.).

Poor training and supervision of security forces, the public's fear of pressing charges, and continued impunity of those responsible for committing abuses contributed to the problem. There were credible reports of a few disciplinary or legal actions against some police officers for mistreating suspects and arrestees during the year; while still uneven and inadequate, disciplinary action against police officers increased during the year. Security forces still did not face sanctions for confiscating or destroying noncitizens' identification papers.

In April, members of the Cattle Traders Cooperative at the Port Bouet slaughterhouse detained two gendarmes for extorting money from merchants. Police handed

the suspects over to the gendarme station for disciplinary action; there was no further information at year's end.

In June, shopkeepers in Adjame detained seven military men who had beaten merchants and stolen money and goods from the market. The authorities opened an investigation into the incident; however, there were no results at year's end.

Security forces and police officials launched several initiatives during the year to combat police racketeering and corruption. For example, in May, Abidjan police introduced a new 280-person patrol unit called the Rules and Traffic Unit (URC) designed to oversee traffic and vehicle searches and combat police "disorder." In August, the URC launched a toll free hotline where citizens could call to report police racketeering and abuse.

There were instances where police racketeering has been addressed during the year. As a result of both decreased tensions in the country and continuing complaints of harassment, on December 4 and in subsequent meetings, the FANCI and NF military agreed to remove the vast majority of the checkpoints and barricades throughout the country. By year's end, many checkpoints in the country had been dismantled, but reports of harassment and racketeering continued. In addition, in November, the Government created a subcommission to fight racketeering and corruption.

Under the Code of Penal Procedure, a public prosecutor may order the detention of a suspect for 48 hours without bringing charges, and in special cases, the law permits an additional 48-hour period. According to members of the jurists' union, police often held persons for more than the 48-hour legal limit without bringing charges, and magistrates often were unable to verify that detainees who were not charged were released. A magistrate could order preventive detention for up to 4 months but also had to provide the Minister of Justice with a written justification on a monthly basis for continued detention.

The DST was charged with collecting and analyzing information relating to national security. The DST has the authority to hold persons for up to 4 days without charges; however, human rights groups stated there were numerous cases of detentions exceeding the statutory limit.

Defendants do not have the right to a judicial determination of the legality of their detention. A judge may release pretrial detainees on provisional liberty if the judge believed that the suspect was not likely to flee.

Although the law prohibits it, police restricted access to some prisoners. There were reports that police and the DST denied detainees access to a lawyer or to their families. Police treatment of lawyers improved during the year.

There were many instances during the year in which gendarmes or other security forces arbitrarily arrested persons. National and international human rights groups were unable to give precise figures on detainees because authorities would not allow them to visit military installations where prisoners were held.

During the year, security forces arbitrarily arrested merchants and transporters, often in conjunction with harassment and requests for bribes. There was no further information on several merchants arrested in 2002 who were detained at an unknown location without access to family or counsel.

Police also detained journalists during the year (see Section 2.a.).

During the year, security forces continued to arrest and usually release persons of northern origins, RDR party members and officials, and those thought to be loyal to former junta leader General Guei. For example, in May, special forces arrested RDR member Idrissa Cisse in Grand Bassam, where Cisse leads the local RDR office. Cisse, a former member of Gbagbo's FPI party, had publicly criticized FPI hardliner Georges Ahoba, a professor at the College of Grand Bassam. He later was released.

On May 9, FANCI soldiers arrested Sinaly Kone, the chief of Dasso in center-west under NF control, at an Abidjan market and incarcerated him under suspicion of aiding the rebels. He later was released; it was unclear how long he was detained.

In late August, shortly after French police arrested Sergeant Ibrahim Coulibaly in Paris for allegedly plotting a coup against President Gbagbo, security forces in Abidjan arrested more than 20 collaborators, including members of the armed forces and President Gbagbo's personal security detail. One of those arrested was General Abdoulaye Coulibaly, formerly the Minister of Transportation and effectively the number three in General Guei's regime. In addition, security forces detained Police Chief Inspector General Alain Mouandou-Bi, General Diabakate Soumaila (formerly Chief of the Armed Forces during the Guei regime, which was known as the National Committee for Public Salvation, CNSP), FANCI Major Cherif Moussa, up to 20 soldiers, and several civilians, including an RDR elected official. Kone Dognon, RDR member of the General Council of Boundiali, was released on September 8. In a press conference, RDR officials accused the ruling FPI party of creating the coup

plot as a ruse to arrest its opponents. In early September, the Government released several of the arrestees, including General Coulibaly and RDR official Kone Dognon because there was no evidence that they were involved. After 3 weeks, French authorities released Ibrahim Coulibaly on bail. On December 24, the Abidjan court of criminal appeals ordered the release on bail of Generals Diabakate and Mouandou-Bi, along with six other detainees. At least two persons associated with the Coulibaly affair, Youssouf Ouattara and Anliou Sylla, remained in prison at year's end. Because of the civilians involved in the case, the military prosecutor transferred the file to the public prosecutor, and the civilian arrestees were indicted and jailed awaiting trial.

There were reports that pro-Gbagbo and FPI loyalists were unduly detained. In April, in Koumassi and Port-Bouet, the military detained several dozen men and held them in a gendarmerie camp for several hours before releasing them. One of the detainees complained to the press that pro-Gbagbo detainees were treated badly.

In the months after the death of rebel M'PINGO leader Sergeant Felix Doh in April, security forces in Abidjan detained several members of Doh's family, including Doh's sister, Clementine Allui, and Doh's daughter, Eugenie N'Guessan. They were held for being close to Doh, and thus considered accomplices; however, they were released by year's end.

Local and international human rights organizations continued to report that security forces frequently made arrests without warrants and frequently held persons beyond the statutory limits without bringing charges. There were credible reports that the police and gendarmes detained persons in various military camps in Abidjan. Few of these detainees entered the civil justice system. There also were credible reports of forced confessions.

In response to an alleged coup attempt in mid-October, police made large-scale arrests, including the detention of 11 RDR party members, who later were released.

On April 18, an Abidjan court released on bail 52 of the at least 115 suspects detained on suspicion of conspiring in the September 2002 and September 2001 coup attempts. Most of the suspects were arrested in their homes in the weeks after the failed coup and were held without trial. Attorneys pleaded for the release of all suspects pending their trial, but the court decided that some detainees were too great a threat to state security to let out on bail. In July, a further 42 prisoners were "provisionally released" pending trials. A Ministry of Justice official confirmed the releases occurred in the spirit of the Marcoussis/Accra agreements. In August, shortly after the National Assembly adopted the Amnesty Law, the remaining prisoners were released, including Aly Keita, RDR deputy-spokesman, and Hamed Bassam, manager of the prominent waste management company Ash International.

Early in the year, the RDR and UDPCI members reportedly detained by the Government in 2002 in what opposition parties deemed a "witch hunt" were released.

In June, Sergeant Alain Guei, son of former-junta leader General Robert Guei, was released from prison. No charges were filed.

Numerous persons arrested in 2001 and 2002 were released as part of the general amnesty in August including: Soro Tchorna Abou and Yeo Alassane; Ouattara Yaya, the RDR deputy mayor of Vavoua; Kamagate Lama; several RDR party members in Dimbokro; two of San Pedro's assistant mayors, both RDR members; 27 military personnel; RDR student leader Diarrassouba; newspaper journalist Bakayako; and fellow student leader Kamagate.

Also after the September 2002 rebellion, the Government established telephone hotlines and encouraged citizens to report persons believed to be "assailants." HRW and AI reported that authorities made numerous arrests based on hotline denunciations of persons for unproven sympathies with the rebels or "suspicious" activity.

Many inmates continued to suffer long detention periods in the MACA and other prisons while awaiting trial. A magistrate reported in November 2002 that more than 1,770 of the 5,370 detainees (31 percent) in the MACA prison were awaiting trial (see Section 1.c.). Despite the legal limit of 10 months of pretrial detention in civil cases and 22 months in criminal cases, some detainees were held in detention for many years awaiting trial.

In November 2002, President Gbagbo issued a communiqué accusing the rebels of responsibility for widespread arrests, illegal detentions, and disappearances, but mentioned no specific cases and stated only that the accusations were based on credible information. In December 2002, the UNCHR conducted a 1-week mission in government-held and rebel-held territories that corroborated reports of illegal arrests and detentions in both parts of the country.

In rebel-controlled territory, the NF also arbitrarily arrested and detained many persons thought to be loyal to President Gbagbo. In the north, AI and others reported that rebels arrested and mistreated persons based on a neighbor's denunciation or suspicion that an individual's sympathies were with the Government.

On May 20, NF officials released Nestor Kouakou Konan, prefect of the northern Savanes region, who had been detained since Korhogo was taken over by rebel forces in September 2002.

On June 28, NF and MPCFI forces arrested seven Telecom telephone technicians who were in Bouake on company business allegedly for being spies. The U.N. Monitoring Committee called the detention “unacceptable and arbitrary.” On July 6, NF forces released the workers and stated that they were “never imprisoned or detained” but were “under surveillance.”

On December 7, NF freed 40 FANCI military personnel and handed them over to the ICRC at Korhogo and Bouake. The ICRC reported that it has had access to all persons held in the country in connection with the rebellion.

In December 2002, rebels released six foreign nationals that had been held for over a week in the west. The rebels took the group from Toulepleu, Duekoue, Man, and Bouake, reportedly forcing them to assist injured rebel soldiers.

The Constitution specifically prohibits forced exile, and no persons were exiled forcibly during the year.

e. Denial of Fair Public Trial.—The Constitution provides for an independent judiciary; however, in practice the judiciary was subject to executive branch, military, and other outside influences. Although the judiciary was independent in ordinary criminal cases, it followed the lead of the executive in national security or politically sensitive cases. Judges served at the discretion of the executive, and there were credible reports that they submitted to political pressure and financial influence. The judiciary was slow and inefficient.

On July 19, local lawyers launched an NGO called “Transparency Justice” that has the stated goal of removing corruption and bribery from the legal system.

During the year, there were several strikes by court clerks to demand improved working conditions and higher salaries (see Section 6.b.).

The formal judicial system is headed by a Supreme Court and includes the Court of Appeals and lower courts. In August, the newly constituted Constitutional Council took over from the earlier Constitutional Chamber of the Supreme Court in determining the eligibility of presidential candidates. In August, President Gbagbo appointed the seven members of the Constitutional Council, without consultation with the Government. President Gbagbo tasked the Council with, among other things, the determination of candidate eligibility in presidential and legislative elections, the announcement of final election results, the conduct of referendum, and the constitutionality of legislation. Gbagbo named three advisors to the Constitutional Council for 3-year terms, three other advisors to 6-year terms, and a president. At year’s end, Tia Kone remained president of the Supreme Court. The Constitution grants the President the power to replace the head of the court after a new parliament is convened.

The law provides for the right to public trial, although key evidence sometimes was given secretly. The Government did not always respect the presumption of innocence. During the year, there were no reports that defendants were not allowed to be present at their trial. Those convicted have the right of appeal, and although higher courts rarely overturned verdicts, it has occurred. Defendants accused of felonies or capital crimes have the right to legal counsel. The judicial system provides for court-appointed attorneys; however, no free legal assistance was available, except infrequently when members of the bar provided pro bono advice to defendants for limited periods.

In rural areas, traditional institutions often administered justice at the village level, handling domestic disputes and minor land questions in accordance with customary law. Dispute resolution was by extended debate, with no known instance of resort to physical punishment. The formal court system increasingly was superseding these traditional mechanisms. The Constitution specifically provides for a Grand Mediator to bridge traditional and modern methods of dispute resolution. The President appoints the Grand Mediator, who since his nomination by the Bedie Government, has been Mathieu Ekra.

Military courts did not try civilians. Although there were no appellate courts within the military court system, persons convicted by a military tribunal may petition the Supreme Court to set aside the tribunal’s verdict and order a retrial.

In early August, the National Assembly passed a general amnesty law for “all offenses against the security of the state” committed between September 17, 2000 and September 19, 2002. The passage of an amnesty law was one of the conditions that all political parties agreed to in the Marcoussis Accord. War victims’ groups lobbied for a specific law to allow victims to be indemnified. The law said that “economic crimes,” would not be amnestied, though the law did not define the term.

There were no reports of political prisoners; however, HRW and AI have said that political leaders that were detained during the year were held primarily because of

their opposition political views rather than hard evidence of involvement in the coup and should be considered political prisoners.

There was little available information on the judicial system used by the NF in the northern and western regions; however, there have been several credible reports that rebels have executed suspected looters on the spot without detention or trial. In November 2002, a French press article described rebel military police bringing suspected thieves and racketeers to a “judge” dressed in fatigues who, in a quasi-judicial process, pronounced sentence, including imprisonment in the local jail. The rebels reported that they have imprisoned several dozen persons as common criminals in Bouake.

f. Arbitrary Interference with Privacy, Family, Home or Correspondence.—The law provides for these rights; however, the events of September 2002 triggered a widespread suspension of privacy rights. Officials must have warrants to conduct searches, must have the prosecutor’s agreement to retain any evidence seized in the search, and are required to have witnesses to the search, which may take place at any time of day or night; however, in practice police sometimes used a general search warrant without a name or address. Police frequently entered the homes of northern citizens and noncitizen Africans (or apprehended them at large), took them to local police stations, and extorted small amounts of money for alleged minor offenses, although there were fewer reports of such practices during the year. Police also searched the homes and offices of journalists (see Section 2.a.).

There were credible reports that several times during the year, security forces entered and searched opposition party officials’ residences without search warrants, allegedly seeking weapons. For example, in March, armed security forces used tear gas to enter the residence of former PDCI minister Bernard Ehui. Also in March, gendarmes entered the home of Fofana Sorigbe, the local Secretary-General of the RDR for an Abidjan neighborhood. In June, four men armed with automatic weapons forcibly entered the home of Bramakote Cisse, a PDCI official for the Adjame section of Abidjan, again ostensibly to search for weapons. Reports of mosque searches diminished greatly during the year, and there were no reports that clerics’ homes were searched.

During the year, security forces continued to conduct neighborhood searches where they would enter several homes at the same time, usually at night looking for arms. For example, on April 10, army and police forces conducted a search and arrest operation through most of the night in the Abobo-Sagbe neighborhood in Abidjan. The security forces entered several homes without search warrants and beat and arrested several residents.

In June, gendarmes stormed the Abobo-Avocatier district of Abidjan, where most residents come from the north or Burkina Faso. The gendarmes beat them and took several persons’ money and identity papers.

In September, an off-duty gendarme ordered two foreign ambassadors accredited to the country to get out of their diplomatic vehicles while traveling near Bonoua in southwestern region. The gendarme, Kouassi Jean Koffi, aggressively accused the ambassadors of causing problems in the country and searched their vehicles before allowing them to leave. In October, an Abidjan court sentenced Koffi to 1 month in prison for misdemeanor assault against the ambassadors.

No action was taken against security forces who ransacked the offices of the Daloa mayor and other municipal officials in September 2002.

Security forces reportedly monitored private telephone conversations, but the extent of the practice was unknown. The Government admitted that it listened to fixed line and cellular telephone calls. Authorities monitored letters and parcels at the post office for potential criminal activity, and they were believed to monitor private correspondence, although there was no evidence of this.

Members of the Government reportedly continued to use students as informants.

Shortly after the September 2002 rebellion, security forces in Abidjan began destroying shantytowns near military installations inhabited by both noncitizen Africans and citizens. There was only one major razing of a shantytown neighborhood in Abidjan during the year. On July 5, gendarmes used bulldozers to raze most of a shantytown neighborhood in Abidjan’s southeastern Port Bouet neighborhood. Gendarmes fired tear gas and live ammunition at residents that resisted the demolition, killing three persons. The neighborhood has been a flash-point in the past, with construction companies wanting to build new homes on the site. Human rights groups and U.N. agencies severely criticized the destruction of shantytowns and stated that the Government targeted foreigners, mainly from neighboring countries like Burkina Faso and Liberia, and northern citizens perceived to be opposed to the Government. Tens of thousands of persons remained displaced at year’s end, and continued to live in inadequate social centers, were taken into the already crowded homes of friends or relatives, or they left the country.

In October, Prime Minister Diarra launched a \$17 million (9 billion CFA francs) program to assist residents who lost their homes in the months after the September 2002 rebellion. The program was under the Ministry of Territorial Administration and was intended to improve living conditions for vulnerable populations.

On January 25 and 26, after political party leaders signed the Marcoussis Accord, roving bands of "patriotic youths" rampaged in Abidjan to protest the signing, which they felt was overly generous to the rebel parties (see Section 2.b.). The youth groups, who were loyal to the President and his FPI party, caused widespread damage to French institutions and businesses, including French schools, the offices of Air France and Orange cellular phone company, and the French Cultural Center. Demonstrators also attacked the Embassy of Burkina Faso and other Burkinabe interests. There were no reports of deaths, injuries, or arrests.

There were no developments into the destruction of opposition leader Alassane Ouattara's Abidjan house in September 2002 by unknown persons.

There were numerous reports that rebels confiscated property and vehicles of those suspected to be loyal to President Gbagbo or of persons who had abandoned their houses following the rebellion. In addition, there were credible reports that NF military looted and occupied several missionary houses in Bouna, Tiebessou, and Bouake.

After September 2002, in the northern towns of Bouake and Katiola, rebels monitored parcels for potential threats to their position; it was unknown if this practice continued during the year.

There were corroborated reports that the rebels forcibly conscripted locals to join their ranks. Those who refused reportedly disappeared. Many of the conscripts were youth or children, although there also were reports that many volunteered to join the rebels.

g. Use of Excessive Force and Violations of Humanitarian Law in Internal and External Conflicts.—There were numerous reports that pro-government death squads operated during the year. On February 5, the U.N. High Commission for Human Rights (UNHRC) published a report that accused the Government of backing death squads, which killed, kidnapped, and tortured persons with impunity. On February 22, Justice Minister Desire Tagro responded to the report in a televised address, denied that the Government supported death squads, and called for proof of the allegations. President Gbagbo publicly denied any knowledge of death squads and said that they were likely an attempt to discredit his government.

There were several reported incidents where security forces killed suspected rebels and rebel sympathizers and dumped their bodies in another part of town. For example, in January, gendarmes arrested Mamadou Ganame, a Koranic instructor in Bianoua, Ayame, whose body was later found in the Aboisso morgue. On February 1, uniformed personnel detained well-known television sitcom actor and RDR activist Yerefe Camara (known as "H") an hour after curfew. On February 2, Camara's body was found with several bullet wounds in a working class neighborhood in Abidjan. Local and international press blamed death squads for the killing.

On April 20, a group of students took Mouroulaye Kone, a former student leader who allegedly was close to rebel MPCFI leader Guillaume Soro, from his home and reportedly killed him. His body had not been found at year's end.

In May, Acting Minister of Security Zemogo Fofana ordered the secret service to investigate the death squads. While no results of the investigation were released, reports of death squad activity diminished greatly following Fofana's announcement.

The collaboration of government forces and irregular forces created a climate of fear and total impunity. In Duekoue in April, HRW confirmed that many northerners were regularly accused of being rebels and frequently beaten and executed.

Abidjan police and security forces in search of rebel sympathizers, infiltrators, and arms caches continued to use lethal force in neighborhood sweeps against citizens with northern origins and African immigrants. In February, during curfew hours, several gendarmes and police officers searched and looted several residences in Anyama, a predominantly Muslim district in Abidjan. During the search, gendarme officers killed Mory Fanny Cisse, an Islamic preacher, when he refused to open his door. Two others were injured when security forces shot several rounds to disperse the crowd that had gathered in an attempt to stop the removal of Cisse's corpse.

In August, HRW released a report accusing the Government of committing several massacres in western towns in 2002, including government involvement in the November 2002 deaths of at least 100 civilians, mainly West African immigrants. The HRW report also accused government forces of executing dozens of opposition and suspected rebel supporters in the western town of Man.

There were numerous political killings committed with impunity by both security forces and rebels during the September 2002 coup attempt and rebellion.

There were no developments in the following cases of security force killings after September 2002: The September killing of Commander Aboubacar Dossa, aide-de-camp to RDR leader Ouattara; the October killing of Adama Cisse, head of the RDR party in M'Bahiakro; the October killings of Seydou and Lanzeni Coulibaly, related to RDR Deputy Secretary General Amadou Gon Coulibaly; the November killing of Emile Tehe, president of the RDR-aligned Ivoirian Popular Movement party (MPI); and the November killing of Benoit Dakoury-Tabley, medical doctor and brother of Louis Dakoury-Tabley, one of the political leaders of the rebel MPCI, now NF.

There was no action taken regarding the death of former military junta leader General Robert Guei, his wife Rose, a son, his aide-de-camp Captain Fabien Coulibaly, several army guards, and others in September 2002. AI and HRW concluded that the deaths of Guei and his family were extrajudicial killings.

During the year, no results were released from the Government's investigation into the October 2002 security force killings of more than 100 noncombatants in Daloa in evident reprisal against northerners living in the town, and those suspected of assisting rebels. The Government publicly denied its involvement. The results also were not released in the Government's investigation into the November 2002 death of 50 political party members and citizens.

There were no investigations of the mass graves found in 2002.

The Government used helicopter gunships to attack both government- and rebel-held territory, and numerous persons were killed. For example, on April 14 and 15, government helicopters attacked the western towns of Zouan-Hounien, Danane, and Mahapleu, striking both rebel and civilian targets including a Catholic church and a hospital. At least 4 civilians were killed and more than 20, mostly children, were injured in the assault.

On April 16, government forces used an MI-24 helicopter to attack rebels but hit a market, gas station, and gendarmerie in the rebel-held town of Vavoua, injuring at least 50, according to MSF. The U.N. Monitoring Committee and several other international bodies severely criticized the helicopter attacks. President Gbagbo responded that the rebels provoked the Government's attack.

There were credible reports describing serious abuses committed by armed forces working in complicity or in coordination with youth groups in the central and western parts of the country. HRW reported that in many attacks on civilians by paramilitary groups in Daloa, Duekoue, Guiglo, and Monoko-Zohi, local villagers from ethnic groups close to the Government provided names of foreigners, RDR members, northerners, and other alleged rebel supporters to the security forces. Self-defense committees manned checkpoints with the assent of security forces and conducted summary executions of Burkinabe and other northerners accused of being rebels.

Several human rights organizations accused the Government of encouraging and sometimes working in complicity with "civil militias" or irregular forces to attack immigrant villages and kill immigrant civilians in and around Duekoue, Daloa, and Toulepleu.

According to a HRW study, Liberians from Ivoirian refugee camps and from the Movement for Democracy in Liberia (MODEL) rebel faction fought for both the Government and the rebels and participated in mass killings, rapes, and other acts of violence against civilians in and around Toulepleu, Bangolo, and Bolekin in the west. Some of the violence was ethnically based. HRW further reported that government forces actively recruited Liberians from refugee and transit camps, mostly in west, including a number of child soldiers. The French military dubbed the government-backed Liberian forces as the "LIMA Forces." A U.N. Panel of Experts also confirmed that the Government supported the LIMA forces. The Government denied any link with the LIMA Forces.

In December, the NGO Group for Research on Democracy and Economic and Social Development (GERDDES-CI)'s President Honore Guie conducted a tour of the interior and western regions and reported that groups including MODEL and the LIMA forces were continuing a campaign of rape and torture against the civilian population. Guie said these groups have primarily targeted northerners and Burkinabe citizens but have also attacked others.

In March at least 60 civilians, including men, women, and children, were killed in the worst documented incident in Bangolo. French soldiers captured Liberian fighters who reportedly confirmed that they committed the massacre and that they were working for the Government as part of the LIMA Forces.

Several human rights organizations described numerous extrajudicial killings by rebels, particularly by the western rebel group MPIGO and its Liberian mercenaries. The rebels in the west targeted, beat, and sometimes killed gendarmes, government officials, and suspected FPI sympathizers, and committed sexual violence against girls and women, including rape and sexual slavery. The Liberian recruits helped MPIGO capture several western towns in January and committed a number

of atrocities including summary executions, rape, and looting. In early January, the MPCCI executed, without trial, one of its sergeants for allegedly trying to loot and embezzle MPCCI funds.

In April, rebel MPCCI forces detained several Buddhist missionaries traveling to Bouake, and accused them of being loyalist gendarmes in disguise. The MPCCI forces reportedly beat them before releasing them.

On May 8, Ousmane Coulibaly, MJP military commander in Man, told the media that 140 Liberians were being detained "for their own protection." Coulibaly said the MJP and other rebel groups were trying to disarm all Liberian combatants and send them back to Liberia. It was unclear if the MJP continued to detain the Liberians at year's end.

In late May, MPCCI forces in Korhogo executed Lago Bi Thuehi, a gendarme loyal to President Gbagbo who had been in detention.

Rebel groups were also responsible for numerous indiscriminate killings. For example, in what may have been a reprisal massacre for the March Bangolo killings, on March 22, MPIGO indiscriminately attacked and killed 40 civilians, from both northern and southern ethnic groups, in the western town of Dah. The MPIGO rebels employed many English-speaking Liberians in the attack. At the same time, MPIGO systematically looted the property of civilians in Danane, Zouan-Houien, and Toulepleu and committed numerous executions and other serious acts of violence against civilians.

In April, several sources reported that fighting between the western rebels, MPIGO, MJP, and their Liberian/Sierra Leonean allies resulted in execution of more than 50 Liberian mercenaries in the western region. A BBC reporter said he saw dead Liberian combatants with their hands tied and sometimes their heads and toes severed.

On May 13, the Government accused the MJP and MPIGO rebel groups of killing 150 persons and engaging in mass looting between May 8 and 10. In response, the Government reinstated a curfew in the western region. On May 20, the Government reported that armed men ambushed and killed an unspecified number of women in the Bangolo region.

In late September, there were reports of several mass graves discovered in the Bangolo. In Zeregbo and Bahably, there were four water wells found with human remains. Early reports indicated that western rebel groups who captured the area killed the persons in the mass graves and wells between December 2002 and January.

In late September, an attempted armed bank robbery by disgruntled ex-NF soldiers sparked 3 days of violence that killed 23 persons in Bouake, including several of the would-be bankrobbers. French and ECOWAS peacekeepers moved into the city to restore calm, and remained there at year's end. NF leaders imposed a curfew for 2 days in response to the shootings. In November, NF gunmen attacked a commercial bank in the northern city of Ferkessedougou, beginning a gunbattle with another group of rebels protecting it. Three combatants died.

A number of French peacekeepers were killed during clashes with rebels. For example, in August, NF soldiers killed two French soldiers in fighting near the central town of Sakassou. The soldiers were on a patrol in the demilitarized "zone of confidence" when they were attacked. The suspects were being tried in a government civilian court at year's end.

French peacekeepers were also injured during the year. On January 21, rebels clashed with French peacekeeping troops near the western town of Duekoue, and two French soldiers were injured and eight rebels killed or injured.

No action was taken against rebels who committed abuses in 2002 or during the year. In 2002, the rebel officers targeted and killed Interior Minister Emile Boga Doudou and attempted to kill then-Defense Minister Lida Kouassi. Rebels also killed Colonel Yode, Director of the Army Engineers in Abidjan; Dally Oble, Commander in Korhogo; and Dago Loula, Commander in Bouake. No government or NF investigation was conducted in the October 2002 executions of 60 gendarmes and 50 of their sons in Bouake, who were detained before their executions. Their bodies were found in mass graves.

On April 25, unknown assailants killed Felix Doh, leader of the rebel MPIGO group. According to Minister of Communications and MPCCI Secretary-General Guillaume Soro, Doh died in an ambush set up by "Sierra Leonean armed gangs" led by former Revolutionary United Front (RUF) commander Sam Bockarie. Others claim Doh was killed as part of an intra-rebel disagreement.

In late May, ECOWAS, FANCI, French forces, and NF launched an operation to "clean up" and stabilize the western region. Since its launch, atrocities and killings in the west have diminished. The operation was intended to reduce the number of

Liberian combatants in the country, which has not been a complete success. NF were more successful in removing Liberian fighters from the territory they control.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution provides for freedom of expression; however, the Government restricted this right in practice. The September 2002 rebellion triggered significant self-censorship and a deterioration of press freedom. Journalists did not wish to appear “unpatriotic.” However, the situation improved somewhat during the year. Private newspapers frequently criticized government policy. The arrest, prosecution, and imprisonment of journalists decreased from the previous year. Nevertheless, members of the security forces continued to harass and sometimes beat journalists. Outspoken members of the press continued to receive death threats and suffer physical intimidation from groups aligned with the ruling FPI party. Journalists continued to practice self-censorship.

The media played a critical role in inflaming tensions, even before the September 2002 rebellion. In January, U.N. Special Humanitarian Envoy Caroline McAskie criticized the media for sending “messages of hatred” on the radio and in the written press that endangered the peace process in the country. In March, Jacques Lhuillery, the director of Agence France Presse (AFP) Africa, publicly criticized the media for creating a “climate of hostility and hate.”

In April, Guillaume Soro, MPC Secretary General, became Minister of Communications. Following his appointment, Soro received the local press, including newspaper editors, publishers, and chairmen of media associations, at his ministerial office and urged the press to exercise greater professionalism and to recognize its critical role in rebuilding the country.

The National Press Commission (CNP) was meant to enforce regulations relating to the creation, ownership, and freedom of the press. The only remaining government-owned daily newspaper, *Fraternite Matin*, which had the greatest circulation of any daily, rarely criticized government policy. There were a number of private newspapers: Approximately 20 dailies; 30 weeklies; 5 semi-monthlies; and 10 monthlies. Newspapers often ceased publication and were supplanted by others due to strong competition, a limited audience, and financial constraints. A few newspapers were politicized, sometimes resorting to fabricated stories to defame political opponents. The law requires the “right of response” in the same newspaper, thus newspapers often printed articles in opposition to an earlier article.

Because of low literacy rates, radio was the most important medium of mass communication. Newspapers and television were relatively expensive. The government-owned broadcast media company, RTI, owned two major radio stations; only the primary government radio station broadcast nationwide. Neither station offered criticism of the Government; both government-owned stations frequently criticized opposition parties and persons critical of the Government. Four major private international radio stations operated: Radio France Internationale (RFI), the British Broadcasting Company (BBC), Africa No. 1, and Radio Nostalgie. These stations broadcast on FM in Abidjan only, except for RFI, which broadcast via relay antennas to the north and center of the country. The RFI and BBC stations retransmitted internationally produced programming. The Africa No. 1 station, which was 51 percent locally owned, broadcast 6 hours of locally produced programming every day. Radio Nostalgie was 51 percent owned by Radio Nostalgie France, but it was considered a local radio station. The RFI, BBC, and Africa No. 1 stations all broadcast news and political commentary about the country.

There were approximately 50 community radio stations authorized under government regulations. They had limited broadcast range and were allowed no foreign language programming, no advertising, and only public announcements limited to the local area. Some of the stations did not broadcast for lack of resources.

The private radio stations, except for Radio Nostalgie, had complete control over their editorial content. The Government monitored Radio Nostalgie closely because the major shareholders of the company were close to RDR president Ouattara. National broadcast regulations forbade the transmission of any political commentary. Radio Nostalgie was ransacked on several occasions before and after September 2002 and briefly switched to an all-music format after patriotic youth groups loyal to President Gbagbo damaged the building in late January, which caused the station to close temporarily. On February 18, Radio Nostalgie returned to the air with normal programming.

Shortly after the September 2002 rebellion, the Government cut access to international, independent media, including RFI, BBC, and Africa No. 1 programming on FM frequencies. French channel TV5 was also cut, although it resumed telecasts within a few weeks. The combined blocks on both radio and television cut access to independent media programming for the majority of the population. Voice of

America radio continued broadcasting and government-controlled broadcasts continued uninterrupted. At the same time, the Government began a campaign to discredit the international press and its coverage of the national crisis. On February 18, the Government allowed RFI, BBC, and Africa No. 1 to resume broadcast on their FM frequencies.

The Government owned and operated two television stations (RTI 1 and RTI 2) that broadcast domestically produced programs. Only one broadcast nationwide. Neither station criticized the Government, but they frequently criticized the opposition or persons who opposed the Government's actions. There were two satellite television broadcasters: One French (Canal Horizon/TV5), and one South African (DS TV). They did not broadcast domestically produced programs. During the year, the Government did not receive or accept any applications to establish privately owned domestic television stations.

Private TVCI International began satellite television broadcasting in October 2002; however, in April and May, personnel at this station stopped work for 4 days to call attention to their differences with the station's chief financial manager. President Gbagbo founded TVCI International to improve the country's image abroad, but the station was no longer operating at year's end, pending a re-organization.

A journalist's association, the Observatory of Press Liberty and Ethics (OLPED), frequently wrote public letters to criticize government interference and harassment. On April 17, OLPED released a statement claiming various abuses by authorities against journalists, including: The harassment on several occasions of journalists from the PDCI-owned *Nouveau Reveil*; the preferential treatment granted to national television to the detriment of other public and private press organizations; and intimidation of the international press.

On October 21, police Sergeant Theodore Tolou Sery killed RFI reporter, and French citizen, Christian Baldensperger, who wrote under the name "Jean Helene," near the General Directorate of the National Police. Sery immediately turned himself in to his supervisors. Helene had visited the General Directorate to make inquiries on the RDR supporters who were jailed at the station and were to be released that evening. Helene was unarmed and was shot once in the head, and there were reports that he was beaten prior to his shooting. President Gbagbo, Prime Minister Diarra, and most other major politicians issued statements severely criticizing the killing. Several newspapers accused Gbagbo and other politicians of creating a "climate of hatred" that allowed the killing to occur. Three days after the shooting, Minister of Security Martin Bleou dismissed Police Chief Adelphe Baby while releasing a statement criticizing the killing. French public prosecutor Yves Bot came to Abidjan in mid-November to investigate the killing alongside the government investigation. Both reports were received by Gbagbo during his visit. At year's end, Sery's trial had not begun.

There were several reports that security forces beat journalists. For example, on July 5, gendarmes detained a journalist from independent local newspaper 24 Heures when he arrived to cover the demolition of a shantytown Abidjan neighborhood (see Section 1.f.). Gendarmes interrogated the journalist and confiscated his camera film, which included photographs of residents killed by the gendarmes.

On July 28, police in Abidjan beat Alakagni Hala and Doua Gouly, two correspondents for the government-owned *Fraternite Matin*. The National Union of Journalists in Cote d'Ivoire (UNJCI) released a statement severely criticizing the beatings and stated that police "shoved and manhandled" Hala when he tried to cover an incident between a policeman and a motorist. When Gouly went to secure the release of his colleague, UNJCI said that a policeman beat him for "contradicting the officer" and for his "journalistic approach." The police then forced Gouly to take off his clothes and sit in a cell. With the intervention of a police administrator, the two journalists were released.

In October, Congress of Young Patriots (COJEP) leader Charles Ble Goude led a nationwide campaign to confiscate and destroy several daily newspapers and prevent their distribution throughout the country. The newspapers included 24 Heures (independent), *Le Jour* (independent), *Le Patriote* (pro-RDR), *Le Liberal* (pro-RDR), *Le Nouveau Reveil* (pro-PDCI) and *Le Front* (pro-NF). Many newspaper vendors reported that the patriots verbally and physically threatened them, while some reported that they were physically attacked. The confiscations occurred in areas around Abidjan, and also in other government-controlled towns including Adzope, Agboville, Divo, Gagnoa, and San Pedro. Despite Ble Goude publicly claiming responsibility, there were no arrests. In protest of the confiscations and harassment, newspapers halted distribution, and the press distribution company Edipresse reported a loss of \$73,000 (40 million CFA francs). In November, there were credible reports that the same newspapers had again been confiscated, although on a smaller scale.

There were credible reports that security forces continued to harass journalists. For example, in January, Denis Kah Zion, publisher of *Le Nouveau Reveil*, which is close to the PDCI party, told the press that he had received several threats from death squads because of his newspaper's frequent criticism of President Gbagbo.

There also were several reports during the year that foreign journalists were subjected to government harassment and intimidation. For example, on January 7, authorities briefly detained Anne Boher, a Reuters journalist, and accused her of being a spy for the rebel MPCCI movement in the town of San Pedro. Authorities transferred Boher to Abidjan, released her, and called the incident "a misunderstanding." In early March, the AFP reported that police threatened to kill a group of French journalists who photographed a convoy of French soldiers being stoned by local youths. Also in March, at a press conference for President Gbagbo, French journalists complained that military officials yelled insults and harassed them. The Government denied that the journalists were physically attacked and said that there was only "an exchange of viewpoints" between the security forces and the reporters. The Government also said that the episode would have been avoided if the cameramen had stopped filming the President's security guards when asked. Because of security fears, some international reporters and the citizens who worked for foreign press agencies chose to leave the country temporarily.

No action was taken against members of the security forces who beat and harassed journalists in 2002 and 2001.

There were no further developments into the searches and ransacking of opposition newspaper offices that occurred in 2002.

On June 27, approximately 200 youths loyal to President Gbagbo attacked Minister of Communications Soro while he visited the RTI national TV and radio station. Soro remained trapped in the station for 2 hours before a gendarme unit arrived and extracted him. The Government severely criticized the assault as an "abominable act;" however, there have been no arrests and no explanation of how the youths were allowed to enter the compound. On July 2, Soro unilaterally suspended and replaced George Aboke and Jean-Paul Dahili, Director General and Deputy Director of the RTI, after the attack. After July 2, the television news noticeably increased coverage of the Prime Minister's activities and devoted considerable coverage to those engaged in reconciliation efforts. On July 14, Aboke and Dahili filed suit in the Supreme Court to demand that their jobs be reinstated, and in late August, the Supreme Court ruled the dismissals were inappropriate, and they resumed their work at RTI. Following the reinstatement of Aboke and Dahili, television news markedly increased its coverage of President Gbagbo. In order to help depoliticize broadcast policy, the Prime Minister reorganized RTI as a limited liability company with a board of directors in December.

Following the September 2002 rebellion, the Government gradually reduced press freedoms in the name of patriotism and national unity. Outspoken members of the press who questioned government policy reported physical intimidation and receiving death threats from groups aligned with the FPI party and the Government. Foreign journalists complained to the Government of similar threats. Several dozen staff members were denied access to work at the state-controlled RTI in 2002 allegedly because they were not partisans of the governing FPI party. They were all allowed to return to work a few weeks later.

The Government exercised considerable influence over the official media's program content and news coverage, using them to promote government policies and criticize the opposition. Much of the news programming during the year was devoted to the activities of the President and government officials. Minister of Communications Soro frequently complained that the Government has not freely accorded television airtime to opposition party members, including himself.

In April, in a sign of reduced tensions, a popular call-in talk show on the government radio station resumed after having been suspended since October 2002 reportedly because calls and comments were becoming increasingly critical of President Gbagbo and his handling of the crisis. In June, Abidjan TV aired interviews with several Burkinabe journalists who accused the media of exacerbating the country's crisis.

The law authorizes the Government to initiate criminal libel prosecutions against officials. In addition, the State may criminalize a civil libel suit at its discretion or at the request of the plaintiff. Criminal libel was punishable by from 3 months to 2 years in prison.

In October 2002, the trial of three journalists from *Le Jour* on defamation charges was slated to begin, but was deferred and had not taken place at year's end.

While there was still self-censorship in the press, some newspapers were significantly more critical of presidential and government actions than in the previous

year. Independent daily newspapers and opposition party dailies frequently examined and called into question the Government's policies and decisions.

In April, Yao Noel, a journalist from the government-owned *Fraternite Matin*, announced the formation of a pro-reconciliation media association called "Group Media for Reconciliation and Peace." On June 2, a group of journalists launched an association called "Journalists for Reconciliation in Cote d'Ivoire" (AJORP-CI) as an effort by journalists to contribute to the reconciliation process.

In August, editors and political columnists from various local newspapers attended a seminar on the "Promotion of the Free Press," with an emphasis on the role of the press in the national reconciliation process.

On October 28, the UNJCI and the OLPED conducted a workshop for local journalists and media directors on "the role of the media in the management of crisis in the national reconciliation process." The organizers stated they hoped the 2-day meeting would help to minimize tension generated by the media.

In rebel-held territory, rebels broadcast from Bouake, and aired their own programming, which included radio shows that were heard in towns and villages around Bouake and, according to some reports, in the political capital, Yamoussoukro. In the western part of the country, MJP rebels also broadcast on a local radio station around Man. At year's end, the NF had not allowed government TV or radio or French TV or radio to resume their broadcasts. The NF also have not allowed distribution of all pro-government papers and most independent newspapers in their territory.

In the rebel-held zones, rebel forces also beat, harassed, and sometimes killed journalists. According to Reporters Without Borders (RSF), in January, Liberians fighting alongside the army killed Press Agency Correspondent Kloueu Gonzreu, and the party he was traveling with, for unspecified reasons in the western rebel-held zone near Toulepleu. In February, MJP rebel forces arrested Rene Dessonh, press correspondent for private independent newspaper *Soir Info*, near Man on suspicion of spying. MJP forces released Dessonh after 3 days detention without explanation.

In August, a NF publication announced that NF in Bouake arrested Zabril Koukougnon, a journalist from the pro-ruling party, FPI-owned newspaper *Notre Voie*. The NF said that Koukougnon was spying and plotting an insurrection in NF territory. There were no further updates at year's end.

The Government did not restrict access to or distribution of other electronic media. There were 12 domestic Internet service providers, of which 4 were major providers. All 12 service providers were privately owned and relatively expensive. The licensing requirements imposed by the government telecommunications regulatory body, ATCI, reportedly were not unduly restrictive. Internet access remained limited in the country.

There is no law specifically concerning academic freedom; however, in practice the Government tolerated a considerable amount of academic freedom but inhibited political expression through its proprietary control of most educational facilities, even at the post-secondary level. A presidential decree required authorization for all meetings on campuses.

Many prominent scholars active in opposition politics retained their positions at state educational facilities; however, some teachers and professors suggested that they have been transferred, or fear that they may be transferred, to less desirable positions because of their political activities. According to student union statements, security forces continued to use students as informants to monitor political activities at the University of Abidjan.

Unlike in the previous year, there were no reports that the university and secondary students' association, Federation of Students and Scholars in Cote d'Ivoire (FESCI), attacked or intimidated teachers or had violent conflicts with rival groups. However, at least one person was killed and six injured during fighting at the annual FESCI Congress for the election of a new presidential candidate. In addition, there was violence attributed to FESCI in October following the killing of one of its members at a demonstration (see Section 2.b.).

b. Freedom of Peaceful Assembly and Association.—The Constitution allows for freedom of assembly; however, the Government sometimes restricted this right in practice. Groups that wished to hold demonstrations or rallies were required by law to submit a written notice of their intent to the Ministry of Security or the Ministry of Interior 3 days before the proposed event. No law expressly authorizes the Government to ban public meetings or events for which advance notice has been given in the required manner. In practice, the Government prohibited specific events deemed prejudicial to the public order; even if authorization was granted, it later could be revoked.

There were numerous demonstrations during the year. There were few instances of police forcibly dispersing demonstrations even when they deemed that public order was threatened; generally they allowed the demonstrations to proceed. However, security forces on occasion used excessive force to disperse demonstrators.

In March, security forces fired tear gas into a crowd of 500 persons approaching downtown Abidjan to demonstrate against the perceived failure of the French to stop rebel attacks in the west. On April 1, President Gbagbo and interim Security Minister Fofana apologized to the demonstrators, saying they were "mistakenly dispersed."

On July 29, university students protested in front of the Prime Minister's Office to complain about their school year being ruined and demanded compensation and financial assistance for their difficulties. On August 13, the students again demonstrated to demand the promised payments. The student demonstration was peaceful, but others took advantage of the confusion to commit acts of vandalism and robbery. Police arrested several people and fired tear gas to disperse the crowds.

On September 18, police shot Goboulessie Jean-Luc, a student and FESCI member in Abidjan, as they opened fire on several hundred students who were protesting the Government's failure to make a promised compensation payment for their living expenses. Police stated that riot police fired in the air to disperse the crowd, which included many nonstudents who took advantage of the chaos to join the demonstration to commit unlawful acts. The Government released a statement saying that it "deplored" the abuse "that could have been avoided with patience and understanding, and apologized for the incident." The Government began an investigation into the incident; however, there were no results by year's end. In late September, President Gbagbo received 16 FESCI members to discuss Goboulessie's killing and to try to resolve the students' concerns over promised compensation. In October, FESCI students ransacked the offices and attacked the staff of the mortuary that held Goboulessie's corpse because of a dispute over the viewing time. An IVOSEP staff-member was beaten, and there was some property damage to the offices. There were no arrests made in connection with this case.

On October 10, youths claiming to be members of the Group of Patriots for Peace (GPP) destroyed facilities of the Ivoirian Water Distribution Company, the Ivoirian Electricity Company, and Cote d'Ivoire Telecommunications. Demonstrators said they were protesting the "free" supply of water, electricity, and telephone in rebel-controlled areas. Minister of Telecommunications and New Technologies strongly criticized the violence and told his workers that President Gbagbo had reinforced security around their workplaces. At a Council of Ministers meeting on October 16, President Gbagbo announced that as a result of the October 10 violence, the GPP would be disbanded. There were no reports of GPP activity through year's end; however, in December, GPP leader Charles Grognet formed a new organization called Convention of Patriots For Peace (CPP), which was considered a reformulation of the banned GPP.

On October 16, the Council of Ministers suspended all marches and demonstrations for 3 months. Several youth groups, including the PDCI and RDR, claimed that the suspension of demonstration came in reaction to their plans to march in support of the Marcoussis Accord. These "pro-Marcoussis" youth groups called off a scheduled November 8 demonstration because of the suspension. Pro-Gbagbo/pro-FPI patriot groups, including COJEP and Union of Patriots for the Total Liberation of Cote d'Ivoire (UPLT-CI), continued to stage marches and demonstrations despite the suspension (see Section 1.f.). On November 30, 200 self-proclaimed patriots, along with some gendarme and military elements, went to Mbahiakro (40 miles east of Bouake) to confront French troops and to move through the "zone of confidence" to "liberate" NF-held towns. The French Licorne troops disabled one military armored vehicle, and on November 30 injured six persons who breached the internationally defined zone of confidence. From December 1-4, French soldiers fired stun grenades and tear gas to break up a patriot demonstration, which included COJEP leader Charles Ble Goude, and prevented them from approaching the security zone in front of the main gate of the French "BIMA" military base in Abidjan. There were no reported arrests at either the Mbahiakro or BIMA demonstrations.

French troops broke up protest to protect French citizen in danger. For example, on January 31, 300 patriots protested the anticipated arrival of the new Prime Minister at Abidjan's airport. Demonstrators broke windows and threw rocks at French troops and vehicles that arrived to secure the airport. When French troops intervened to disperse the crowd, one French officer was seriously injured. There were no reported arrests.

Persons with disabilities groups held several demonstrations during the year (see Section 5).

No action was taken against security forces who forcibly dispersed demonstrations in 2002 and 2001.

In early May, approximately 20 self-proclaimed young patriots disrupted a PDCI and a UDPCI meeting in Abidjan. On both occasions, the group surrounded the buildings and yelled threats. Police broke up the demonstrations, but made no arrests.

In NF controlled territory, there were numerous demonstrations throughout the year, usually organized by the MPCCI and in support of the NF and against President Gbagbo.

The Constitution provides for freedom of association and the Government generally respected this right in practice. The Government allowed the formation of political parties, trade unions, professional associations, and student and religious groups, all of which were numerous.

All parties and NGOs must register with the Ministry of Interior before commencing activities. To obtain registration, political parties had to provide information on their founding members and produce internal statutes and political platforms or goals consistent with the Constitution. There were no reports that the Government denied registration to any group, but processing rarely was expeditious. There were more than 100 legally recognized political parties, 7 of which were represented in the National Assembly (see Section 3).

The Constitution prohibits the formation of political parties along ethnic or religious lines; however, in practice ethnicity and religion were key factors in some parties' membership (see Sections 2.c. and 5).

During the year, loyalists of President Gbagbo's FPI party formed youth patriot groups with thousands of members in Abidjan neighborhoods and in towns and cities throughout southern, central, and western regions. The common factors with these groups were that they were linked to President Gbagbo and the FPI, were anti-French, anti-"foreigner", and anti-Marcoussis Accord. Gendarme and army officers led some groups in physical training. Belligerent patriot groups rallied in neighborhoods, called for "armed resistance" and hassled and intimidated residents and merchants. There were persistent reports that some patriot groups had arms or had ready access to arms. On May 18, the President asked the patriot groups that had formed to register with the Ministry of Interior and become official organizations. At year's end, there were no reports that they have done so. President Gbagbo said that if they registered and were not armed, they were not militias. The Presidency sponsored some of these groups, tolerated others, but did not have complete control over them.

In November, HRW reported that they received reports of Presidency-supported militias harassing and assaulting peasant farmers, many of whom were migrants from other West African countries. HRW reported that most of the militia members are Bete (the ethnic group of President Gbagbo) or members of groups related to Bete.

c. Freedom of Religion.—The Constitution provides for freedom of religion and the Government generally respected that right; however, after September 2002, the Government targeted persons perceived to be perpetrators or supporters of the rebellion, who often were Muslim. Strong efforts by religious and civil society groups have helped prevent the crisis from becoming a religious conflict. The targeting of Muslims suspected of rebel ties diminished somewhat during the year.

There was no state religion; however, for historical as well as ethnic reasons, the Government informally favored Christianity, in particular the Roman Catholic Church. Catholic Church leaders had a stronger voice in government affairs than their Islamic counterparts, which led to feelings of disenfranchisement among some Muslims. The Government restructured the cabinet after the Marcoussis Accord, and 10 of the 41 ministers, along with the Prime Minister, are Muslims.

In July, military forces living near a mosque beat the muezzin at the Yopougon Mosque to stop his call to prayer. The military men also entered the mosque and told the worshippers to stop praying.

Following the conflict in September 2002 and during the year, there were credible reports of military and security forces committing abuses, including reprisal killings, against presumed rebel sympathizers, which included many Muslims (see Section 1.g.). There were credible reports that government forces and unknown assailants linked to the Government detained and questioned several Muslim leaders (see Section 1.g.). There were no reports of persons detained solely on religious grounds; however, there were reports of beatings.

The law requires religious groups desiring to operate in the country to register; however, registration is granted routinely. Although nontraditional religious groups, like all public secular associations, were required to register with the Government, no penalties were imposed on groups that failed to register.

Members of the country's largely Christianized or Islamic urban elites, which effectively controlled the State, generally were disinclined to accord to traditional indigenous religions the social status accorded to Christianity and Islam.

Some Muslims believed that their religious or ethnic affiliation made them targets of discrimination by the Government with regard to both employment and the renewal of national identity cards. As northern Muslims shared names, style of dress, and customs with several of the country's predominantly Muslim neighboring countries, they sometimes were accused wrongly of attempting to obtain nationality cards illegally to vote or otherwise take advantage of citizenship. This created a hardship for a disproportionate number of Muslim citizens. The Marcoussis Accord calls for the resolution of the national identity question; however, no action was taken during the year.

In April, Minister of National Reconciliation Sebastian Dano Djedje met with Muslim leaders to hear their grievances. El Hadj Diaby Abass, the imam for the Central Mosque in Daloa, told Dano Djedje that gendarmes regularly entered Daloa mosques during curfew hours to conduct weapons searches. He noted that churches were not searched. No further action was reported by year's end.

On July 28, a new Islamic group called "The Converted People's Organization" formed and declared itself as an "apolitical" alternative to the Superior Council of Imams (CSI). The group's founder, El Hadj Yaya Legre, is from President Gbagbo's Bete ethnic group and has spoken out publicly in support of President Gbagbo.

Unlike in previous years, there were no reported incidents that FESCI perpetrated violence against competing or constituent student groups, including the Association of Muslim Students.

The Government has taken some positive steps to promote interfaith understanding. Government officials, including the President and his religious advisers, appear at major religious celebrations and events organized by a wide variety of faiths and groups. The Government often invited leaders of various religious communities (but not of traditional indigenous religious groups) to attend official ceremonies and to sit on deliberative and advisory committees, including the Mediation Committee for National Reconciliation. The Government created a Ministry of Religion to promote interfaith understanding.

There have been several reports of religious violence and increased Christian/Muslim tensions, generally in the north and west regions. In April, Maurice Dodo, a church leader in the western town of Daloa, reported that western rebels held him for 12 days.

Conflicts between and within religious groups have surfaced occasionally. The Celestial Christians have been divided because of a leadership struggle. In June, followers of rival leaders Blin Jacob Edimou and Louis Akeble Zagadou clashed over the ownership of a church under construction. Police officers arrested six men. Construction on the church remained suspended until the Minister of Religion has examined the dispute.

There was some societal discrimination against Muslims and followers of traditional indigenous religions (animists).

For a more detailed discussion, see the 2003 International Religious Freedom Report.

d. Freedom of Movement within the Country, Foreign Travel, Emigration, and Repatriation.—The Constitution does not provide specifically for these rights, and the Government restricted freedom of movement during the year. The Government generally did not restrict internal travel. However, security forces and water, forestry, and customs officials frequently erected and operated roadblocks on major roads, where they demanded that motorists or passengers produce identity and vehicle papers and regularly extorted small amounts of money or goods for contrived or minor infractions. Extortion was particularly high for those intending to travel north from government-controlled areas to NF territory.

During the year, security forces or local civilian "self defense committees" erected numerous roadblocks and harassed and extorted travelers, commercial traffic and truckers, foreigners, refugees, U.N. High Commissioner for Refugees (UNHCR) workers, and others; however, there were fewer such reports by year's end (see Sections 1.d. and 1.g.). Uniformed forces and civilian committees demanded payment at each roadblock, sometimes reportedly beating and detaining those who could not pay.

On May 10, the Government lifted the nationwide curfew, which had been in effect since September 2002.

Persons living under NF authority regularly faced harassment and extortion when trying to travel between towns, and to the government-controlled south. Local military authorities regularly sold passes they required of travelers.

There were no reports during the year that opposition party members reported that they feared being arrested at the airport if they attempted to leave the country.

The Marcoussis Accord required that a revised citizen Identification and Naturalization Law be enacted within 6 months to settle citizenship and naturalization questions. At year's end, an identification and naturalization law had not been passed. The Marcoussis Accord also declared that the residence permit program for foreign residents should be replaced.

Thousands of persons, mostly noncitizens, remained displaced during the year following the Government's destruction of shantytowns in 2002. The Government razed one shantytown during the year (see Section 1.f.).

The Constitution does not provide for the granting of asylum or refugee status to persons who meet the definition in the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. The law includes refugees but does not specify a separate legal status for them; however, in practice the Government provided protection against refoulement. The Government also cooperated with the UNHCR and other humanitarian organizations in assisting refugees. The Government maintains an entity within the Ministry of Foreign Affairs charged with assisting refugees and stateless persons.

The Government also provides temporary protection. In the second half of the year, the Government assisted with the resettlement of more than 4,000 at-risk Liberians. There were an estimated 67,000 refugees in the country, the vast majority of whom were Liberians. During the year, the Government has continued to allow in new Liberian refugees.

According to the Burkina Faso Minister of Social Action, 350,000 Burkinabes fled the country since the September 2002 rebellion to escape harassment and abuse. The Burkina Faso Government launched a program in February to help 125,000 of its returning citizens. The border with Burkina Faso reopened in September. In addition, in the months following the September 2002 rebellion, 1,000 Nigerians, Malians, and Guineans left the country. Various West African governments complained about the harassment their citizens faced in the country. The U.N. and other international organizations documented abuses against foreigners in Abidjan that included arbitrary arrest, beating, and theft of money and valuables. These complaints diminished during the year.

Security officials often did not honor identity documents issued to refugees by the UNHCR. There were frequent reports that security officials stopped refugees to ask for identity documents. When the refugee produced only a UNHCR document, the security officials often also demanded money. There also were credible reports that security forces destroyed refugees' identity documents, arbitrarily detained, and occasionally beat refugees. Unlike in the previous year, there were no reports that security forces harassed UNHCR. The identity card law included provision for the issuance of identity cards to refugees; however, the ID cards were not issued by year's end.

During the year, the Government continued to repatriate citizens who took refuge in Mali after the rebel takeover of the north.

Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government

The Constitution provides for the right of citizens to change their government peacefully through democratic means; however, significant violence and irregularities marred presidential elections held in October 2000 and legislative elections held in December 2000. The Constitution and Electoral Code provide for presidential elections and legislative elections every 5 years by a single and secret ballot. The Constitution, which was formally implemented in 2000, also continues the tradition of a strong presidency.

The 2000 presidential elections followed several postponements and a controversial Supreme Court decision disqualifying 14 of the 19 candidates, including all of the PDCI and RDR candidates. RDR leader Ouattara was excluded from running in the presidential and legislative elections following the Supreme Court's rulings that he had not demonstrated conclusively that he was of Ivoirian parentage. The Constitution includes language that is considered more restrictive than the Electoral Code on questions of parentage and eligibility requirements for candidates. Furthermore, the Court maintained that Ouattara had considered himself a citizen of Upper Volta (Burkina Faso) earlier in his career. The Court also disqualified Emile Constant Bombet, PDCI candidate and former Interior Minister, because of pending charges of abuse of office when he was Minister, and former President Bedie, who also was president of the PDCI party, because he did not submit the required medical certificate.

As a result of the Supreme Court decision, most international election observers declined to monitor the election. The nationwide participation rate was 33 percent, and some polling places, especially in the north, closed early because of the lack of voters. Preliminary results showed that Gbagbo was leading by a significant margin. However, on October 23, 2000, soldiers and gendarmes entered the National Elections Commission (CNE), expelled journalists, and disrupted television and radio broadcasting. On October 24, 2000, Daniel Cheick Bamba, an Interior Ministry and CNE official, announced on national radio and television that the CNE had been dissolved and declared General Guei the victor with 56 percent of the vote. Thousands of Gbagbo supporters protested, demanding a full vote count. Mass demonstrations resulted in numerous deaths and injuries, and on October 25, 2000, national radio and television reported that General Guei had stepped down. When Gbagbo was inaugurated on October 26, 2000, gendarmes loyal to him violently suppressed RDR street demonstrators demanding new presidential elections.

The December 2000 National Assembly election was marred by violence, irregularities, and a very low participation rate. Largely because of the RDR boycott of the elections to protest the invalidation of Ouattara's candidacy, the participation rate in the legislative election was only 33 percent. In addition, the election could not take place in 26 electoral districts in the north because RDR activists disrupted polling places, burned ballots, and threatened the security of election officials. Security forces violently dispersed RDR demonstrations protesting Ouattara's ineligibility.

Following the legislative by-elections in 2001, 223 of the 225 seats of the National Assembly were filled: The FPI won 96 seats, the PDCI 94 seats, the PIT 4 seats, very small parties 2 seats, independent candidates 22 seats, and the RDR (in spite of its boycott of all of the legislative elections) 5 seats. The two seats from Kong, where Ouattara planned to run, remained unfilled as the RDR, the only party running in that electoral district, boycotted the elections.

An Abidjan court in June 2002 issued Ouattara a certificate of nationality, valid for only 3 months. It was not clear if his certificate of nationality was renewed beyond the end of 2002, and at year's end his citizenship and electoral eligibility remained unresolved.

Citizens' ability to elect subnational governments was limited. The State remained highly centralized. Subnational government entities existed on several levels and included 19 regions, 58 departments, 230 districts, and 196 communities. However, at the level of the region (regional prefect), the department (prefect), and the district (sub-prefect), the Government appointed office holders. Other departmental and community officials, including mayors, were elected, as were some traditional chieftains. Subnational governments relied on the central government for most of their revenues, but mayors had autonomy to hire and fire community administrative personnel.

In July 2002, the country held its first departmental (provincial) elections. Voters selected 58 departmental councils to oversee local infrastructure development and maintenance as well as economic and social development plans and projects. The elections were fraught with poorly administered distribution of voter cards, widespread voter intimidation, and other irregularities.

Following the Marcoussis Accord in January, President Gbagbo and Prime Minister Diarra formed a reconciliation government with ministers from all major political parties and the three rebel parties. Several ministries changed names and responsibilities and some new ministries were created, including: the Ministry of Territorial Administration; Ministry of National Reconciliation; and Ministry of War Victims, the Displaced, and People in Exile.

Of the 41 portfolios, the FPI maintained 10 ministerial posts; the PDCI, RDR, and MPC I 7 posts each; UDPCI and PIT 2 posts each; and MJP, Movement of Forces for the Future (MFA), Democratic and Citizen Union (UDCY), and MPIGO 1 post each. The Ministers of Defense and Security, named in September after several months of deadlocked negotiations, were neutral and not formally associated with any political party.

On April 11, President Gbagbo issued a decree listing the powers and duties of the new Prime Minister. The 16 duties include: Disarmament; the reestablishment of the territorial integrity of the country; the liberation of prisoners of war; the reformulation of defense and security forces; an amnesty for all those detained or exiled for actions against the state; the reestablishment of normal economic, social, and administrative functions; the reform of the naturalization process; the preparation of the organizational framework for the conduct of future elections; the regulation and promotion of a free and neutral media; the reinsertion of military units previously demobilized; and application of laws related to human rights.

The Constitutional and Electoral Consultative Commission (CCCE), created by General Guei's CNSP, drafted the Constitution in 2000. Members of major political parties and civil society comprised the CCCE; however, the CNSP and General Guei made changes to the CCCE's text prior to implementation.

The youth wings of political parties were allowed to organize and were active. The youth wing of the governing FPI party (JFPI) was a less of a political force than in previous years. JFPI activity was ongoing; however, youth patriot groups conducted most activities during the year (see Section 2.b.). Many of the members of the JFPI were likely members of some of these patriot groups. After the September 2002 rebellion, on several occasions the JFPI, closely allied with COJEP led by self-declared "young patriot" Charles Ble Goude, and the Patriots for the Total Liberation of Cote d'Ivoire (UPLT-CI) led by Eugene Djue, drew tens of thousands of marchers to pro-government, anti-French, anti-Marcoussis, and anti-northerner rallies (see Section 2.b.). The youth wings of the PDCI and RDR kept a low profile, especially after September 2002, but staged some activities during the year.

On May 22, Ble Goude led protesters to remove about 10 meters of railroad track in Abidjan. While police were on the scene, no one was arrested. Ble Goude, who is closely associated with President Gbagbo, stated that he removed the tracks to protest the restart of the train between the country and Burkina Faso.

In late June, Prime Minister Diarra and U.N. Special Representative Albert Tevoedjre publicly criticized the youth groups, saying that they were endangering the Marcoussis reconciliation process. President Gbagbo instructed the police to "rigorously" apply criminal law against the militia leaders if they engaged in illegal activities; however, there were no reports of police action control of or action against the militias or patriot groups who continued training openly in various parts of the country.

Women held 19 of 225 seats in the National Assembly. The first vice president of the National Assembly was a woman. Women held 7 of the 41 ministerial positions in the cabinet. Of the 41 Supreme Court justices, 4 were women. Henriette Dagri Diabate served as Secretary General of the RDR, the party's second ranking position, and is also the Minister of Justice.

Following the Marcoussis Accord, 10 of the 41 ministers were Muslim, along with the Prime Minister.

Section 4. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A number of domestic and international human rights groups, including LIDHO, MIDH, Justice Action, and the Committee of Victims of Cote d'Ivoire (CVCI), generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials generally were cooperative and responsive to their views. The Government occasionally met with some of these groups. One human rights group had its offices ransacked by unknown assailants during the year.

During the year, LIDHO, MIDH, and other human rights groups gathered evidence and testimony on events. They also frequently published letters and statements in certain independent local daily newspapers who would publish them, often criticizing state security forces. On April 5, unknown persons broke into the Abidjan offices of MIDH, ransacked the premises, and stole several of the organization's documents. MIDH officials expressed suspicion that the assailants were looking for a draft report about the human rights situation in the country. MIDH officials also stated that they were constantly threatened and that two members had been living in hiding for several months. Authorities said they would investigate the incident, but there were no reports of an investigation or arrests at year's end.

In September, President Gbagbo named law professor and LIDHO president Martin Bleou Security Minister. Since the September 2002 rebellion, Bleou's organization had been openly critical of both rebel and government human rights violations.

There were no reports that the Government suppressed international human rights groups or denied them visas; however, on occasion the Government has restricted their access to certain areas that the Government deemed sensitive and often denigrated their work.

Local newspapers covered reports by several international human rights organizations that were critical of both the Government's and the rebels' human rights records. On February 26, AI reported that unpunished crimes in the country have resulted in retribution killings. On April 14, HRW sent a letter to the U.N. Security Council describing the deteriorating human rights situation in the west and on August 5 published an extensive study of violence against civilians in the region (see Section 1.g.).

During the year, the Government regularly permitted access to the World Food Program (WFP), the ICRC, and other international humanitarian organizations. Eleven U.N. agencies, including the International Labor Organization (ILO) and the World Health Organization (WHO), were resident and active throughout the year.

Section 5. Discrimination Based on Race, Sex, Disability, Language, or Social Status

The Constitution and the law prohibit discrimination based on race, ethnicity, national origin, sex, or religion; however, in practice women occupied a subordinate role in society. Ethnic discrimination and division were problems.

Women.—Representatives of the Ivoirian Association for the Defense of Women (AIDF) stated that spousal abuse (usually wife beating) occurred frequently and often led to divorce. Female victims of domestic violence suffered severe social stigma and as a result often did not discuss domestic violence. The courts and police viewed domestic violence as a family problem unless serious bodily harm was inflicted, or the victim lodged a complaint, in which case they could initiate criminal proceedings. However, a victim's own parents often urged withdrawal of a complaint because of the shame that attached to the entire family. The Government did not collect statistics on rape or other physical abuse of women. The Civil Code prohibits, and provides criminal penalties for, forced or early marriage and sexual harassment, but contains nothing about spousal abuse, and the Government had no clear policy regarding spousal abuse.

Women's advocacy groups continued to protest the indifference of authorities to female victims of violence. The groups also reported that victims of rape or domestic violence often were ignored when they attempted to bring the violence to the attention of the police. AIDF and the Republican Sisters, another women's NGO, continued to seek justice on behalf of rape victims but had made no progress by year's end. AIDF ran a house for battered girls and wives, which reportedly received approximately 18 battered women per week.

In November, the Minister of Women, Family, and Children's Affairs launched a campaign to stop violence against women and children. The Ministry also opened psychological assistance centers in the city of Abobo for battered women and children.

FGM was a serious problem. The law specifically forbids FGM and imposes on those who perform it criminal penalties of imprisonment for up to 5 years and a fine of approximately \$690 to \$3,800 (360,000 to 2 million CFA francs); double penalties apply to medical practitioners. FGM was practiced primarily among the rural populations in the north and west and to a lesser extent in the center. The procedure usually was performed on young girls or at puberty as a rite of passage, with techniques and hygiene that did not meet modern medical standards. According to WHO and the AIDF, as many as 60 percent of women have undergone FGM. Many families from the cities went back to their villages to have their daughters circumcised. The practice was declining in popularity, but persisted in many places. In August, newspapers reported that a family fled their home in Abidjan so their only daughter did not have to undergo FGM, which was being forced on them by their extended family.

Prostitution is not illegal as long as it occurred between consenting adults in private. Soliciting and pandering were both illegal and the Morals Squad sometimes enforced the law.

A local NGO estimated that 58 percent of the women prostitutes in Abidjan were not citizens. Women from nearby countries sometimes were trafficked the country, including for prostitution (see Section 6.f.).

The Constitution and the law prohibit discrimination on the basis of sex; however, women occupied a subordinate role in society. Government policy encouraged full participation by women in social and economic life; however, there was considerable informal resistance among employers to hiring women, whom they considered less dependable because of their potential pregnancy. Some women also encountered difficulty in obtaining loans, as they could not meet the lending criteria established by banks such as a title to a house and production of a profitable cash crop, specifically coffee and cocoa. Women in the formal sector usually were paid at the same rate as men (see Section 6.e.); however, because the tax code did not recognize women as heads of households, female workers frequently paid income tax at a higher rate than their male counterparts. In rural areas, women and men divided the labor, with men clearing the land and attending to cash crops such as cocoa and coffee, while women grew vegetables and other staples and performed most household tasks.

Women's advocacy organizations continued to sponsor campaigns against forced marriage, marriage of minors, patterns of inheritance that excluded women, and other practices considered harmful to women and girls. Women's organizations also

campaigning during the year against the legal texts and procedures that discriminated against women. In March, psychologists and legal experts held a conference on the "Psychological Impact of War on Women." The conference focused on physical and mental illnesses that many women face after instability and war where women are often sexually attacked. In May, a group of women formed a new association called the Coalition of Women Leaders to promote women's accession to decision-making positions in the society.

In December 2002, the Minister of Family, Women, and Children's Affairs presented Prime Minister Diarra with a Women's National Action Plan (PNAF) that was being drafted since 1998. The specific objectives assigned in the PNAF were to increase women's income by 20 percent by 2007, as well as increase the proportion of women in decision-making structures from 6 percent in 2001 to 20 percent in 2007.

In September, Jeanne Peuhmond, a high RDR party official and Deputy Mayor of Abobo (district of Abidjan) was named Minister of Family, Women, and Children.

Children.—The Ministries of Public Health and of Employment, Public Service, and Social Security sought to safeguard the welfare of children, and the Government also encouraged the formation of NGOs such as the Abidjan Legal Center for the Defense of Children.

The Government strongly encouraged children to attend school; however, primary education was not compulsory. Primary education was tuition free but usually ended at age 13. In principle, students do not have to pay for books or fees; however, in practice some still must do so. In addition, they must pay for some school supplies, including photocopying paper. In at least one school, students had to bring their own bench to sit on. Poverty caused many children to leave the formal school system when they were between the ages of 12 and 14. Research in 2002 showed that 67 percent of children 6 to 17 years old attend school: Boys 73 percent, girls 61 percent. The WFP has worked with the Government to establish a countrywide system of school canteens that provided lunches for \$.04 (25 CFA francs). Pupils no longer were required to wear a uniform to primary schools.

Secondary school entrance was restricted by the difficulty of the exam, which changed each year, and the Government's ability to provide sufficient spaces for all who wished to attend. A student who fails the secondary school entrance exams does not qualify for free secondary education, and many families cannot afford to pay for schooling. Parental preference for educating boys rather than girls persisted, particularly in rural areas. The Minister of National Education stated that almost one-third of the female primary and secondary school dropout rate of 66 percent was attributable to pregnancies.

Many of the sexual partners of female students were teachers, to whom girls sometimes granted sexual favors in return for good grades or money. The penalty for statutory rape or attempted rape of either a girl or a boy aged 15 years or younger was a 1- to 3-year prison sentence and a fine of \$190 to \$1,900 (100,000 to 1 million CFA francs).

The Ministry of Health operated a nationwide network of clinics for children, infants, and prenatal care staffed with nurses and doctors who served the local residents, whether citizens or noncitizens, free or at low cost. The Health Ministry also conducted a nationwide vaccination program for measles, yellow fever, meningitis, and other diseases and publicized "well baby" contests. Rotary Clubs sponsored a polio vaccination campaign throughout the country. There were no reported differences in the treatment of boys and girls.

The health system in NF-controlled territory was seriously disrupted because of the conflict.

There were large populations of street children in the cities. In 2002, the government newspaper, *Fraternite Matin*, reported 215,000 street children in the country, of whom 50,000 were in Abidjan. According to the AIDF, the BICE, the Ministry of Family, Women, and Children's Affairs, and press reports, some children were employed as domestics and were subject to sexual abuse, harassment, and other mistreatment by their employers (see Section 6.d.). A forum of 15 NGOs worked with approximately 8,000 street children in training centers, similar to halfway houses. The NGOs paid the children a small subsistence sum while teaching them vocational and budgeting skills. The Ministry reported that many street children were reluctant to stay in training centers where they earned no money and were subject to strict discipline.

In a study released in March, the NGO SOS Sexual Violence surveyed 500 schoolchildren in Abidjan and its suburbs and reported that 27 percent of children had been victims of sexual abuse; 74 percent of the victims were girls and 26 percent boys. Approximately 33 percent had been raped, 15 percent had been the victims of attempted rape; 42 percent had been fondled, and 11 percent were victims of sex-

sexual harassment. An estimated 74 percent of the assailants were men. When the sexual abuse occurred in the family, 54 percent of the assailants were male cousins, 11 percent were female cousins, 5 percent were guardians, and 3 percent were the brothers and sisters.

In May, U.N. Special Representative for Children and Armed Conflict visited Abidjan and said that conflicts, poverty, and education disruptions were putting children in danger. A knowledgeable U.N. representative reported that in government-held territory, it was common for pro-government militias to recruit children, both on a voluntary and a forced basis.

In some parts of the country, FGM was commonly performed on girls (see Section 5, Women).

There were reports of trafficking in children (see Section 6.f.).

Child labor remained a problem (see Sections 6.d. and 6.f.).

In the NF-controlled north and west, many schools continued to operate despite the Ministry of Education's opposition to funding schools in rebel-held territory zones. UNESCO and UNICEF called on the Government to keep the schools open to reduce youth inactivity and curb their recruitment into rebel forces. At year's end, it remained unclear whether the Ministry of Education would validate the school year and allow exams to be held in the rebel-held territory.

There were credible reports that the rebel forces that controlled the north and the west used child soldiers who they recruited and armed after September 2002. NGOs reported that in the west, rebel forces were actively recruiting child soldiers from refugee camps and other areas. In the north, many rebel soldiers volunteered at ages 15 or younger.

Persons with Disabilities.—The law requires the Government to educate and train persons with physical, mental, visual, auditory, and cerebral motor disabilities, to hire them or help them find jobs, to design houses and public facilities for wheelchair access, and to adapt machines, tools, and work spaces for access and use by persons with disabilities; however, wheelchair accessible facilities for persons with disabilities were not common, and there were few training and job assistance programs for persons with disabilities. The Government was working to implement these requirements at year's end. Emphasis and awareness of disability issues increased during the year. Following the Marcoussis Accord in January, the Ministry of Solidarity, Social Security, and the Handicapped was created.

The law also prohibits the abandonment of persons with mental or physical disabilities and acts of violence directed at them. Adults with disabilities were not specific targets of abuse, but they encountered serious difficulties in employment and education. The Government supported special schools, associations, and artisans' cooperatives for persons with disabilities, but many persons with physical disabilities begged on urban streets and in commercial zones. Persons with mental disabilities often lived in the streets.

There were several demonstrations during the year by persons with disabilities. In February, persons with disabilities protested the Marcoussis Accord, saying that it would be dangerous for the country. On June 24, a guard injured a person with disabilities at the Prime Minister's offices during a protest demanding the further integration of the persons with disabilities into the society. In August, a group of students with disabilities marched at the University of Cocody campus to protest discrimination they face when entering the job market.

On March 10, the Federation of Associations for the Social Promotion of the Handicapped in Cote d'Ivoire called for the nomination of a person with a disability to be named Minister for Social Affairs and the Handicapped; however, the cabinet had no ministers with disabilities at year's end.

In October, television news began broadcasting with subtitles for the hearing impaired.

In November, the Organization For the Social Insertion of the Handicapped (OIHPA) in the Department of Adzope began a credit fund for persons with disabilities. OIHPA President Emmanuel Kouadio stated that the fund was intended to alleviate the poverty and education levels of persons with disabilities. OIHPA released statistics indicating that 98 percent of the country's persons with disabilities had only had minimal education. The fund is estimated to have more than \$30,000 (15 million CFA francs).

During the year, the Mayor of Yopougon gave approximately \$18,000 (10 million CFA francs) for projects for persons with disabilities in the Yopougon district of Abidjan.

Also during the year, the Rotary Club of Abidjan and the Foundation of Development for Professional Training provided 60 students with disabilities with scholarships for computer and technical training.

Traditional practices, beliefs, and superstitions varied, but infanticide in cases of serious birth defects was less common than in previous years.

National/Racial/Ethnic Minorities.—The country's population was ethnically diverse. Citizens born in the country derived from five major families of ethnic groups. The Akan family comprised more than 42 percent of the citizenry; the largest Akan ethnic group, and the largest ethnic group in the country, was the Baoule. Approximately 18 percent of citizens belonged to the northern Mande family, of which the Malinke were the largest group. Approximately 11 percent of citizens belonged to the Krou family, of which the Bete were the largest group. The Voltaic family accounted for 18 percent of the population, and the Senoufo were the largest Voltaic group. Approximately 10 percent belonged to the southern Mande family, of which the Yacouba were the largest group. Major ethnic groups generally had their own primary languages, and their nonurban populations tended to be concentrated regionally.

All ethnic groups sometimes practiced societal discrimination on the basis of ethnicity. Urban neighborhoods still had identifiable ethnic characteristics, and major political parties tended to have identifiable ethnic and regional bases, although interethnic marriage increasingly was common in urban areas.

At least 26 percent of the population was foreign, and of that group, 95 percent were other Africans. There were more than 5 million West African immigrants living in the country. Most of the Africans were from neighboring countries, with half of them from Burkina Faso. Birth in the country did not automatically confer citizenship. Outdated or inadequate land ownership laws resulted in conflicts with an ethnic and anti-foreigner aspect.

Some ethnic groups included many noncitizens, while other ethnic groups included few noncitizens. There were societal and political tensions between these two sets of ethnic groups. This cleavage corresponded to some extent to regional differences. Members of northern ethnic groups that were found in neighboring countries as well as in the country often were required to document their citizenship, whereas members of formerly or presently politically powerful ethnic groups of the south and center reportedly were not required to do so. Police routinely abused and harassed noncitizen Africans residing in the country (see Section 1.c.). Official harassment reflected the frequently encountered belief that foreigners were responsible for high crime rates, as well as a concern for identity card fraud. After the September 2002 rebellion, harassment of northerners increased markedly; however, there were fewer reports by year's end.

After September 2002, President Gbagbo accused "a neighboring country" of being behind the rebellion. The Government razed shantytowns where many poor West African immigrants and citizens lived, rendering tens of thousands persons homeless (see Section 1.f.).

Since the September 2002 rebellion, there were many instances of anti-French and anti-Burkinabe sentiment. Following the violence in January and February after the signing of the Marcoussis Accord, many private French citizens left the country. Approximately 350,000 Burkinabe returned to Burkina Faso.

Ethnic tensions led to fighting and deaths, especially in the western areas of the country. During the year, We and Yacouba ethnic groups in the west continued fighting, and hundreds reportedly were killed.

In November, local Bete tribesmen and farmers from other areas of the country clashed over land rights and the buying of cocoa beans. According to humanitarian agencies, citizens from other parts of the country, as well as Burkinabe and Malians, were targeted by longtime residents, who called themselves patriots. Sources reported that gangs of youths forced 500 local cocoa farmers to abandon their farms after refusing to join local cooperatives. The youth groups burned several homes and reportedly poisoned two wells. Soldiers called in to stop the fighting killed numerous persons. Minister of National Reconciliation Sebastian Djedje acknowledged the dispute between the villagers and said he would work to end the violence. There were persistent reports throughout the year from humanitarian aid agencies and others that ethnic killings and retributions occurred in the west and center-western part of the country.

Section 6. Worker Rights

a. The Right of Association.—The Constitution and the Labor Code grant all citizens, except members of the police and military services, the right to form or join unions, and worker exercised these rights in practice. Registration of a new union required 3 months. The three largest labor federations were the General Union of Workers of Cote d'Ivoire (UGTCI), the Federation of Autonomous Trade Unions of Cote d'Ivoire, and Dignite, which became inactive. Unions legally are free to join federations other than the UGTCI.

Only a small percentage of the workforce was organized, and most laborers worked in the informal sector that included small farms, small roadside and street side shops, and urban workshops. However, large industrial farms and some trades were organized. There was an agricultural workers union.

The law prohibits anti-union discrimination. There have been no known prosecutions or convictions under this law, nor have there been reports of anti-union discrimination.

Unions were free to join international bodies, and the UGTCI was affiliated with the International Confederation of Free Trade Unions.

b. The Right to Organize and Bargain Collectively.—The law protects persons working in the formal sector (approximately 1.5 million workers or 15 percent of the workforce) from employer interference in their right to organize and administer unions, and this was observed in practice. The Constitution provides for collective bargaining, and the Labor Code grants all citizens, except members of the police and military services, the right to bargain collectively. Collective bargaining agreements were in effect in many major business enterprises and sectors of the civil service. In most cases in which wages were not established in direct negotiations between unions and employers, the Ministry of Employment and Civil Service established salaries by job categories (see Section 6.e.).

The Constitution and statutes provide for the right to strike, and the Government generally protected this right in practice. However, the Labor Code requires a protracted series of negotiations and a 6-day notification period before a strike may take place, making legal strikes difficult to organize. Workers in the private and government sectors continued to strike over working conditions and terms of employment, and the Government generally tolerated the strikes, which rarely resulted in violence (see Section 2.b.).

There were several strikes during the year (see Section 2.b.). For example, on April 25, hundreds of former employees demonstrated at the National Identification Office (NIO), formerly the Security Identification Center, demanding 25 months in salary arrears. Despite continued meetings between former employees, labor inspectors, and NIO management, the former employees had not received their salary arrears by year's end.

In early June, a ministerial decree declared that chief court clerks must share among all judicial system workers, including judges, the fees they collected and traditionally kept. Previously they shared the fees only with other court clerks (*greffiers*). Some court clerks went on strike for 3 weeks. The Minister of Justice called for an independent audit of collections and warned the striking clerks that under the law they would be considered absent from their posts. At year's end, no clerks had been fired and no fees had been disbursed.

In early June, airport agents refused to handle Air France, Air Senegal, and some other flights for 3 days. They objected to being moved from the authority of the Ministry of Transportation to the Ministry of Economic Infrastructure. The handling agents feared losing claims to indemnities from the liquidation of defunct Air Afrique airline, their previous employer.

Also in June, more than 500 administrative personnel at the University of Cocody (Abidjan) conducted a 72-hour strike to object to the Minister of Higher Education appointing a new Director General to run the social and housing section of the university. The administrators' union also demanded that the Minister settle problems between the FESCI student union and the administrative personnel.

There were no developments in the cases of security forces who forcibly dispersed strikes in 2002 and 2001.

The Labor Ministry arbitrated more than 120 labor conflicts in 2002 in spite of the "social truce" agreed to in 2001. Employees could appeal decisions made by labor inspectors to labor courts.

There are no export processing zones.

c. Prohibition of Forced or Bonded Labor.—The law prohibits forced or bonded labor, including by children; however, there were reports such practices occurred (see Sections 6.d. and 6.f.).

d. Status of Child Labor Practices and Minimum Age for Employment.—Child labor remained a problem. In most instances, the legal minimum working age is 14; however, the Ministry of Employment and Civil Service enforced this provision effectively only in the civil service and in large multinational companies. Labor law limits the hours of young workers, defined as those under the age of 18. However, children often worked on family farms, and some children routinely acted as vendors, shoe shiners, errand boys, domestic helpers, street restaurant vendors, and car washers and washers in the informal sector in cities. Some girls begin work as domestic workers as early as 9 years of age, often within their extended family. There

were reliable reports of children laboring in “sweatshop” conditions in small workshops. Children also worked in family operated artisanal gold and diamond mines.

In April, the Ministry of Solidarity, Social Security, and the Handicapped completed a child labor study. The study was designed to cover all economic sectors across the entire country, but the political crisis confined the research to the southern half of the country. Regardless of school attendance, 28 percent of all children worked, with 20 percent working full time. About 23 percent of the children aged 10 to 14 and 55 percent of the children aged 5 to 17 carried out an “economic activity.” Most children worked in agriculture, but some also worked in small business, tailor and beauty shops, street restaurants, and manufacturing and repair shops in the informal sector. Child work varied inversely with school attendance.

Approximately 109,000 child laborers worked in hazardous conditions on cocoa farms in what has been described as the worst forms of child labor (see Section 6.f.); some of these children were forced or indentured workers but 70 percent worked on family farms or with their parents.

During the year, the employment agencies in charge of finding domestic employment for young girls launched the Association of Domestic Worker Placement in Cote d’Ivoire (ACPGM-CI), an association to legalize their agencies and eliminate all agencies that refuse to comply with the law or that try to exploit the young girls. ACPGM-CI worked under the auspices of BICE, which along with other NGOs, has been campaigning against child trafficking, child labor, and sexual abuse of children in the country.

e. Acceptable Conditions of Work.—The Government administratively determined monthly minimum wage rates, which last were adjusted in 1996. In 2002, President Gbagbo promised a comprehensive pay raise; however, only the police received an increase. Minimum wages varied according to occupation, with the lowest set at approximately \$70 (36,000 CFA francs) per month for the industrial sector; this wage was not sufficient to provide a decent standard of living for a worker and family. A slightly higher minimum wage rate applied for construction workers. The Government enforced the minimum wage rates only for salaried workers employed by the Government or registered with the social security office. The majority of the labor force worked in agriculture or in the informal sector where the minimum wage did not apply. According to a Labor Ministry survey, workers in the agricultural and fishing sector received an average of \$1,460 (726,000 CFA francs) a year.

Labor federations attempted to fight for just treatment under the law for workers when companies failed to meet minimum salary requirements or discriminated between classes of workers, such as local and foreign workers. For example, the sanitary services company ASH continued to pay wages as low as \$23 (12,000 CFA francs) a month to female employees who swept the streets of Abidjan. According to their labor federation, labor inspectors continued to ignore this violation of the law. The shipbuilding company Carena continued to discriminate between European engineers who were paid on average \$15,600 (8 million CFA francs) a month and their African colleagues who received approximately \$1,500 (800,000 CFA francs) a month. Government labor and employment authorities did not take action in these cases.

Through the Ministry of Employment and the Civil Service, the Government enforced a comprehensive Labor Code that governs the terms and conditions of service for wage earners and salaried workers and provides for occupational safety and health standards. Employees in the formal sector generally were protected against unjust compensation, excessive hours, and arbitrary discharge from employment. The standard legal workweek was 40 hours. The Labor Code requires overtime payment on a graduated scale for additional hours and provides for at least one 24-hour rest period per week.

Working conditions did not improve during the year and in some cases declined. Government labor inspectors could order employers to improve substandard conditions, and a labor court could levy fines if the employer failed to comply with the Labor Code. However, in the large informal sector of the economy, the Government enforced occupational health and safety regulations erratically, if at all. The practice of some labor inspectors accepting bribes was a continuing problem, and observers believed that it was widespread. Workers in the formal sector had the right to remove themselves from dangerous work situations without jeopardy to continued employment by utilizing the Ministry of Labor’s inspection system to document dangerous working conditions. However, workers in the informal sector ordinarily could not absent themselves from such labor without risking the loss of their employment.

Several million foreign workers, mostly from neighboring countries, typically worked in the informal labor sector, where labor laws did not apply.

f. Trafficking in Persons.—The law does not prohibit trafficking in persons, and although the Government continued its anti-trafficking efforts, trafficking in persons remained a problem. Unlike in the previous year, there were no reports that the Government prosecuted traffickers using existing laws against the kidnapping of children. With the continuing crisis, the Government, U.N. agencies, and international humanitarian agencies concentrated on child soldiers and children displaced because of the war, but it was difficult to distinguish trafficked children. The country was a source and destination country for trafficking in women and children.

After September 2002, minimal law enforcement continued in government-held territory. The military fronts that divided the country inhibited northern workers from reaching the cocoa, coffee, and other rich agricultural zones in the south where labor demand is high. Furthermore, the Governments of Mali and Burkina Faso closed their borders with Cote d'Ivoire. The border with Burkina Faso reopened in September.

In September, there were news reports that a Bamako court convicted two Malian men of child trafficking for trying to smuggle five minors to Cote d'Ivoire to work on plantations.

Unlike in the previous year, authorities did not intercept persons involved in trafficking. There was no good overall estimate of the number of children intercepted or repatriated during the year.

There were no developments in the trafficking cases from 2002 and 2001.

The Government cooperated with neighboring countries, international organizations, and NGOs to combat trafficking in persons. During the year, the Ministries of Employment and of Family, Women, and Children's Affairs continued working with Malian authorities to prevent cross-border child trafficking and to repatriate Malian children from the country. They actively sought international funding for their work, but were hampered because there was no minister in place for much of the year. The Government also hoped to work with the Governments of Burkina Faso and Togo on an anti-trafficking in children and repatriation protocol, similar to the agreement with Mali, but talks have not been held since the September 2002 rebellion broke out. A national committee for the fight against child trafficking, which included representatives from numerous government Ministries; representatives from several national and international organizations and NGOs, such as UNICEF, REFAMP-CI (network of women ministers and parliamentarians); and the BICE continued its work during the year.

The extent of the problem was unknown. The country's cities and farms provided ample opportunities for traffickers, especially of children and women. The informal labor sectors were not regulated under existing labor laws, so domestics, most non-industrial farm laborers, and those who worked in the country's wide network of street shops and restaurants remained outside most government protection. Internal trafficking of girls aged 9 to 15 sent from all parts of the country to work as household domestics in Abidjan, and elsewhere in the more prosperous south, remained a problem.

The regular trafficking of children into the country from neighboring countries to work in the informal sector in exchange for finder's fees generally was accepted. Children were trafficked into the country from Mali, Burkina Faso, Ghana, Togo, Benin, and Mauritania for indentured or domestic servitude, farm labor, and sexual exploitation. In previous years, there were reports that children, some as young as 6 years of age, were trafficked from Benin to work as agricultural laborers and maids; however, there were no such reports during the year.

Women principally were trafficked to the country from Nigeria, Ghana, Liberia, and Asian countries. A local NGO estimated that 58 percent of the female prostitutes in Abidjan were not citizens and reported that a small number of Ivoirian women were trafficked to Europe and the Middle East for prostitution.

Women and children were trafficked from the country to African, European, and Middle Eastern countries.

The controversy over child labor in the cocoa sector in the country continued, and the U.S. Agency for International Development (USAID), the ILO, the Institute of Tropical Agriculture, and the Chocolate Manufacturers' Association financed studies to document the problem. The survey research, released in 2002, revealed that most children who were working in the cocoa sector worked on the family's farm (approximately 70 percent) or beside their parents. Of the 625,000 working children, 96.7 percent had a kinship relation to the farmer. Others, most frequently the children of extended family members or persons well known to them, indicated their or their family's agreement to leave their respective countries to work on farms in the country to earn money or in search of a better life.

The research suggested that perhaps 5,000 to 10,000 children were trafficked to or within the country to work full or part time in the cocoa sector. It also showed

an estimated 5,100 children employed as full-time permanent workers, approximately 3,000 of whom were from Burkina Faso. The survey found another 12,000 children working part time on cocoa farms who had no family ties with the farmer. The research showed that approximately 109,000 child laborers worked in hazardous conditions on cocoa farms in the country in what the study described as the worst forms of child labor. The studies estimated that 59 percent were from Burkina Faso, 24 percent were citizens, and the others were from Mali or other countries to the north.

The practice of importing and indenturing Malian boys for fieldwork on farms and plantations under abusive conditions continued during the year. Children recruited by Malians in the border town of Sikasso were promised easy and lucrative jobs in the country, transported across the border, and then sold to others who dispersed them throughout the farms and plantations of the central and western regions.

On August 25, the Government and the ILO agreed to take part in the "West African Project Against Abusive Child Labor in Commercial Agriculture" (WACAP). WACAP was expected to include 30 pilot projects reaching 6,000 displaced children in the country. The projects aimed to increase farmers' awareness, improve schooling for children, and provide better social services to families. In addition, on August 28, in Abgville, in the heart of the cocoa zone, Winrock International launched one of the projects: "Alternatives to Child Labor through Improved Education."

DJIBOUTI

Djibouti is a republic with a strong presidency and a weak legislature. In 1999, the country elected its second president since gaining independence in 1977. Ismael Omar Guelleh, the candidate of the ruling People's Rally for Progress (RPP) that has ruled the country since independence, won the election with 74 percent of the vote. In the 2002 legislative elections, the ruling party coalition won all 65 seats, amid opposition claims of massive fraud. The judiciary was not independent of the executive.

Security forces include the National Police Force and the Gendarmerie Nationale under the Ministry of Interior, the army under the Ministry of Defense, and an elite Republican Guard under the Presidency. An intelligence bureau under the direction of the National Security Advisor reports directly to the President. Civilian authorities generally maintained effective control of the security forces. Security forces committed serious human rights abuses.

The country's mixed economy has little industry and few natural resources; its population was estimated at 600,000. Outside the capital city, the primary economic activity was nomadic subsistence. The part of the annual gross domestic product not generated by and for the foreign community was estimated at no more than \$250 per capita annually. Much of the country's wealth was concentrated in the hands of a small elite.

The Government's human rights record remained poor, and it continued to commit serious abuses. The Government limited citizens' rights to change their government. There were reports that security forces beat and physically abused prisoners and detainees. Prison conditions remained harsh. The Government continued to detain persons arbitrarily. Prolonged detention and incommunicado detention were problems. The Government infringed on citizens' privacy rights. The Government restricted freedom of the press. The Government limited freedom of assembly, used force to disperse demonstrations and strikes, and restricted freedom of association. Violence and discrimination against women persisted, and, although the Government prohibited such practices, the practice of female genital mutilation (FGM) continued to be widespread. Discrimination on the basis of ethnicity, nationality, and clan background persisted. The Government restricted unions and harassed and intimidated their leaders. Child labor existed.

RESPECT FOR HUMAN RIGHTS

Section 1. Respect for the Integrity of the Person, Including Freedom From:

a. Arbitrary or Unlawful Deprivation of Life.—There were no political killings; however, on September 16, security forces shot and killed an undocumented foreigner fleeing capture during a roundup of illegal immigrants. There were other reports of deaths in connection with a government order for the expulsion of all undocumented foreigners (see Section 2.d.).

No action was taken in the April 2002 killing of a protestor by members of the presidential guard.

No action was taken, nor was any likely, against the members of the security forces responsible for the following killings in 2001: The police shooting of Mohamed Assa Ali; the police shooting of Asari Mohamed Moussa; and the military killing of one inhabitant of Hol-Hol refugee camp.

b. Disappearance.—There were no reports of politically motivated disappearances.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The Constitution prohibits such practices; however, there continued to be reports that police and gendarmes beat and physically abused prisoners and detainees. Unlike in previous years, there were no reports that security forces raped detainees.

Police beat protestors while dispersing several demonstrations during the year (see Section 2.b.).

Prison conditions were harsh, and overcrowding was a serious problem. The Government shortened some prison terms to reduce overcrowding, and 200 common law prisoners, including 13 in detention since 2000 for their role in a failed coup attempt, were released in June by presidential decree in conjunction with the annual independence day celebration. The expulsion of the illegal foreigners also reduced the number of prisoners (see Section 2.d.).

Conditions at Nagad detention center, where foreigners were held prior to deportation, also were extremely harsh. Detainees at Nagad were held in unsanitary conditions and often were not fed for several days before their deportation (see Section 2.d.).

Several prisoners were reported to be suffering from untreated illnesses or injuries received during arrest. Medical care was inadequate, and the prison infirmary lacked sufficient medication and medical staff. There were no educational or rehabilitation facilities within the prison. Unlike in the previous year, there were no reports that prisoners were forced to pay authorities to obtain food or to receive food brought by family members.

Women and men were held in separate cells. Unlike the previous year, there were no reports that prison guards raped female inmates. Children of female inmates under the age of 5 sometimes were allowed to stay with their mothers. In principle juveniles were housed separately from adult prisoners; however, in practice this was not always the case. Pretrial detainees usually were not held separately from convicted prisoners due to the lack of facilities.

Daher Ahmed Farah, editor of *Le Renouveau* and president of the opposition coalition member party Movement for Democratic Renovation (MRD), was held in isolated confinement reserved for “dangerous criminals” for over 3 months between April and August for his conviction on libel charges (see Section 2.a.). Farah was restricted from receiving all visitors except his mother, who was permitted to bring him a daily meal.

There was no further development, nor was any likely, in the July 2002 death of former police chief Yacin Yalah Galab while in prison.

An International Committee of the Red Cross (ICRC) delegate from Kenya made quarterly visits to the main prison. The president of the Djiboutian Human Rights League (LDDH) was granted permission to visit prisoners in Gabode Prison during the year; however, the LDDH was refused permission to visit Daher Ahmed Farah.

d. Arbitrary Arrest, Detention, or Exile.—The law prohibits arbitrary arrest and detention; however, the Government did not respect these prohibitions. The law stipulates that the Government may not detain a person beyond 48 hours without an examining magistrate’s formal charge. Detainees may be held another 24 hours with the prior approval of the public prosecutor. All persons, including those accused of political or national security offenses, must be tried within 8 months of arraignment. The law also provides for bail and expeditious trial; however, the police occasionally disregarded these procedures. Incommunicado detention was used.

The Government did not take steps to prosecute human rights abusers, and official impunity was a problem. The police are under the Minister of Interior. Corruption among officials was reported, particularly in the lower ranks on the streets. There were approximately 3,000 officers; however, in December, the Government released 400 officers as part of a plan to reduce the size of the Government’s bureaucracy.

The law prohibits forced exile; however, in the past, some released citizen prisoners were pressured to go overseas, most often to France.

e. Denial of Fair Public Trial.—The Constitution provides for an independent judiciary; however, in practice, the judiciary was not independent of the executive. Constitutional provisions for a fair trial were not respected universally, even in non-political cases. The Minister of Justice was officially responsible for human rights.

The judiciary, based on the French Napoleonic code, was composed of a lower court, an appeals courts, and a Supreme Court. The Supreme Court may overrule

decisions of the lower courts. Magistrates are appointed for life terms. The Constitutional Council rules on the constitutionality of laws, including those related to the protection of human rights and civil liberties; however, its rulings did not always protect these rights.

The legal system is based on legislation and executive decrees, French codified law adopted at independence, Islamic law (Shari'a), and nomadic traditions. Urban crime was dealt with in the regular courts in accordance with French-inspired law and judicial practice. Civil actions may be brought in regular or traditional courts. Shari'a is restricted to civil and family matters. Traditional law often was used in conflict resolution and victim compensation. For example, traditional law often stipulates that a blood price be paid to the victim's clan for crimes such as murder and rape.

The Constitution states that the accused is innocent until proven guilty and has the right to legal counsel and to be examined by a doctor if imprisoned. Trials generally were public, except in politically sensitive cases when security measures effectively prevented public access. Legal counsel was supposed to be available to the indigent in criminal and civil matters; however, defendants often did not have legal representation. Court cases were heard in public before a presiding judge and two accompanying judges. The latter received assistance from two persons, lay assessors, who were not members of the bench, but who were considered to possess sufficient legal sophistication to comprehend court proceedings. The Government chose lay assessors from the public at large, but reports indicated that political and ethnic affiliations played a role in the selection.

In mid-January, the opposition coalition Union for a Democratic Alternative (UDA) filed a complaint with the Council of Claims under the direction of the Chamber of Appeals alleging abuses of power by the ruling party in January 10 legislative elections. The claim was unanswered at year's end, apparently because the position of the sitting judge on the Council of Claims had been unfilled since 1986 (see section 3).

On June 17, Daher Ahmed Farah was sentenced to 3 months in prison and 3 months suspended sentence with over \$65,000 in fines and damages on charges of libel (see Section 2.a.). The LDHH criticized his detention, citing it as purely political. Farah was released on August 5.

f. Arbitrary Interference with Privacy, Family, Home or Correspondence.—The Constitution prohibits such actions; however, the Government did not respect these prohibitions in practice. The law requires that the authorities obtain a warrant before conducting searches on private property; however, in practice, the Government did not always obtain warrants before conducting such searches, and it reportedly monitored and sometimes disrupted the communications of some government opponents.

On April 22, security forces entered the home of Daher Ahmed Farah and the offices of the Movement for Democratic Renovation (MRD) and confiscated typewriters, an amplifier, photocopiers, and files without a warrant. All materials were eventually returned.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution provides for freedom of speech and of the press; however, the Government restricted these rights in practice. The law prohibits the dissemination of false information and regulates the publication of newspapers. The Constitution prohibits slander.

The Government owned the principal newspaper, *La Nation*, which was published biweekly. In addition, each registered political party is permitted to publish a public journal. There were several opposition-run weekly and monthly publications that circulated freely and openly criticized the Government.

On March 15, Daher Ahmed Farah was arrested and detained for 1 day for "undermining army morale" and for libel charges brought against him by the Deputy Chief of the Army, General Zakaria Cheik Ibrahim. The charges stemmed from a March 6 article that accused the army command of carrying out politically motivated dismissals. General Zakaria brought a second libel charge against Farah for an April 17 article that stated the General "lacked neutrality" and alleged that the General required female members of the military's "Troupe Harbi" to entertain him in sports attire. Farah was imprisoned on April 20 and released on June 3; however, he was re-imprisoned on June 5, acquitted and released on June 23, but found guilty by an appeals court on July 9 and reimprisoned. He was released again on August 5 (see Section 1.d.). The Government imposed a 6-month ban on the publication of *Le Renouveau* from Farah's imprisonment on April 20 through October 20.

The importation and sale of the Somaliland newspapers *Jamhuuriya* and *The Republican* remained in effect at year's end.

The Government also owned the radio and television stations. The official media generally were uncritical of government leaders and government policy. Radio-Television Djibouti (RTD), the official government station, broadcast 24 hours a day in four languages on the radio. The British Broadcasting Corporation and Radio France Internationale also broadcast in the country. During the year, the International Broadcasting Board began both FM and medium-wave Voice of America and Radio Sawa broadcasts.

By year's end, the Government had not created a National Commission charged with surveying the respect for pluralism of information and with the authority to license radio, television, and journalistic organizations as outlined in the 1992 law on the liberty of communication.

The country had one government-owned Internet service provider. Unlike in the previous year, the Government did not prevent access to several opposition and human rights websites.

The Government generally did not restrict academic freedom. In general, teachers could speak and conduct research without restriction, provided that they did not violate sedition laws.

b. Freedom of Peaceful Assembly and Association.—The Constitution provides for freedom of assembly; however, the Government limited this right in practice. The Ministry of Interior requires permits for peaceful assembly and monitors opposition activities. Unlike in previous years, the Government approved opposition permits for peaceful assembly on several occasions. In February and March, the opposition held several demonstrations following legislative elections that remained peaceful despite a strong police presence. Some opposition leaders effectively practiced self-censorship and refrained from organizing popular demonstrations, rather than provoke a government crackdown.

On March 24, two students were seriously wounded when local police fired on anti-war demonstrators.

On August 16, police used force and gas to disrupt a demonstration protesting immigration policy. Police beat several protesters and reportedly transported approximately 50 individuals to the Ethiopian border.

There was no action taken against security forces who used excessive force to disperse demonstrations in 2002.

The Constitution provides for freedom of association provided that certain legal requirements are met; however, the Government restricted this right in practice. Political parties were required to be registered with the Government; however, in September 2002, the Government removed restrictions on the number of parties that could be formed. The Government continued to harass and intimidate members of groups who were viewed as opposed to the Government.

Nonpolitical associations also must register and be approved by the Ministry of Interior (MOI). Baha'i leaders reported they were refused the right to register.

c. Freedom of Religion.—The Constitution, while declaring Islam to be the state religion, provides for freedom of religion, and the Government generally respected this right in practice; however, proselytizing was discouraged. Although Islam is the state religion, the Government imposed no sanctions on those who choose to ignore Islamic teachings or practice other faiths. More than 99 percent of the population was Sunni Muslim.

The Government requires that religious groups be registered with the MOI. Baha'i leaders reported they were refused the right to register.

There is no legal prohibition against proselytizing; however, proselytizing was discouraged.

For a more detailed discussion, see the 2003 International Religious Freedom Report.

d. Freedom of Movement within the Country, Foreign Travel, Emigration, and Repatriation.—The Constitution provides for these rights; however, the Government at times limited these rights in practice.

For example, a judge may order a passport seized from persons under judicial surveillance or awaiting trial. There were no reports during the year that persons were restricted from leaving the country.

Landmines laid in Tadjoura and Obock districts in the 1990s restricted freedom of movement. The Government continued its demining efforts.

Unlike in previous years, there were no reports that women were not permitted to travel without the permission of an adult male relative.

The law provides for the granting of refugee status of asylum to persons who meet the definition in the 1951 U.N. Convention Relating to the Status of Refugees or its 1967 Protocol. In practice, the Government provided protection against refoulement to persons under the responsibility of the U.N. High Commission for

Refugees (UNHCR); however, the Government did not routinely grant refugee or asylum status.

The country hosted an estimated 50,000 refugees and illegal foreigners at year's end. Although the Government officially did not recognize those refugees under the protection of UNHCR, the Government cooperated with UNHCR in providing assistance to more than 21,000 registered Somalis and Ethiopian residents of the two remaining refugee camps in Hol-Hol and Ali-Addeh.

On July 26, the Government announced that all undocumented foreigners—primarily from Ethiopia, Somalia, and Yemen—had until August 31 to depart the country. The deadline later was extended to September 15. In response to the expulsion order, thousands of illegal foreigners left the country ahead of the deadline. Reports indicated that there were numerous deaths related to the expulsion policy (see Section 1.a.). Some individuals died from exposure after security forces deposited them at the country's border. Other deaths were reported at the train station and the transit center of Aouraoussa, a former refugee camp, due to overcrowding and a lack of capacity. Authorities reported that more than 80,000 undocumented foreigners left the country as a result of the expulsion order; however, LDDH reported more than 110,000 had left.

Many foreigners who claimed a fear of persecution if returned to their countries of origin gathered at a stadium in the capital and were later transferred to the transit center in Aouraoussa. The Government's Office for Assistance to Refugees and Disaster Victims (ONARS) was responsible for the management of the transit center, in cooperation with UNHCR and other international organizations. The Government's National Eligibility Commission was reconstituted for the purpose of reviewing the asylum cases. UNHCR reviews each application for asylum, interviews the applicants, and forwards the packets to the commission for a determination. On November 8, the commission began reviewing the asylum cases from the transit center. Applicants who are granted asylum will be sent to a refugee camp; applicants who are not found eligible for asylum will be removed from the country. There were approximately 8,000 persons at the transit center who were seeking asylum, 4,000 of whom were believed to be southern Somalis with prima facie refugee status and 4,000 whose status was still pending at year's end.

During the year, the UNHCR repatriated 249 Somaliland refugees who had fled to the country during the Somaliland civil war.

There were unconfirmed reports of the forced return of persons to a country where they feared persecution, specifically Ethiopia. Unlike in the previous year, there were no reports that security forces used undocumented foreigners as forced labor on public works projects as well as for their own needs under threat of deportation.

Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government

The Constitution provides citizens with the right to change their Government; however, the Government limited this right in practice.

The RPP candidate Ismael Omar Guelleh, the designated successor of former President Hassan Gouled Aptidon, won the 1999 election with 74 percent of the vote. For the first time since multiparty elections began in 1992, no group boycotted the vote. Although Moussa Ahmed Idriss and the ODU challenged the results, alleging election "irregularities" and asserting that "foreigners" voted in various districts of the capital, international and domestic observers considered the election to be generally fair and transparent, citing only minor irregularities.

In January, the country held its first multiparty elections. The legislative elections were contested by the pro-government coalition Union for the Presidential Majority (UMP) and the opposition coalition Union for a Democratic Alternative (UAD). The UMP was dominated by the Popular Assembly for Progress (RPP), the ruling party since independence, and also consisted of the National Democratic Party (PND), the Front for the Restoration of Unity and Democracy (FRUD), and the Popular Party for Social Democracy (PPSD). The UAD was made up of the Republican Alliance for Democracy (ARD), the MRD, the Djiboutian Union for Democracy and Justice (UDJ), and the Djiboutian Party for Development (PDD). The RPP continued to carefully control the political system. Official tallies registered a UMP majority victory in all 5 voter districts and a sweep of all 65 legislative seats, despite the UAD receiving 37 percent of the vote count. Observers from the African Union, the Arab League, and the Inter-Governmental Agency of French-Speaking Countries noted the peaceful conditions during the election but also identified irregularities in the process. The opposition claims of massive fraud centered on the electoral list, which was not made public, and accusations that the Government stuffed ballot boxes, mobilized military units to vote multiple times and intimidate opposition sup-

porters, and changed vote counts in some districts. On February 20, the Constitutional Council rejected the UAD appeal to annul the elections.

There were 7 women in the 65-seat legislature. Seven legislative seats were reserved for women by presidential decree in the January elections. The country's first female parliament members took office when the UMP legislature convened in February. Hawa Ahmed Youssouf served as Minister of State for the Promotion of Women's, Family, and Social Affairs and reported to the Prime Minister. Khadija Abeba, President of the Supreme Court, was the highest-ranking female official and, according to the Constitution, would become interim President should that position become vacant.

There were 9 members of minorities—non-Issa Somali clans (Issaks, Gadaboursis, Darood, Fourlabe) and Arabs—in the 65-seat legislature. There were 3 members of minorities in the 20-seat cabinet. The President's subclan, the Issa Mamassans, wielded disproportionate power in affairs of state. Afars hold a number of senior ministerial posts; however, they were not well represented at lower levels. Somali clans other than the Issa and citizens of Yemeni origin were limited unofficially to one ministerial post each. There also were informal limits on the number of seats for each group in the Parliament.

Section 4. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A few domestic human rights groups generally operated without serious government restriction, doing limited investigating and sometimes publishing their findings on human rights cases. Government officials generally disregarded their views. The local human rights group LDDH operated without government interference during the year. The Union of Djiboutian Women (UNFD) and the Djiboutian Association for the Promotion of the Family (ADEPF) promoted the rights of women and children.

The ICRC maintained a small office that was staffed with locally hired personnel. The ICRC regional representative, who was based in Nairobi, made quarterly visits.

There was a government ombudsman, who also served as a legislator in the Parliament and whose specific responsibilities included mediation between governmental and non-governmental organizations (NGOs). There was no record of any successful mediation carried out by his office. The National Human Rights Committee for the Promotion and Protection of Human Rights was inactive during the year.

Section 5. Discrimination Based on Race, Sex, Disability, Language, or Social Status

The Constitution prohibits discrimination on the basis of language, race, or sex; however, discrimination against women and ethnic minorities persists. The Government's enforcement of laws to protect women and children was ineffective.

Women.—Domestic violence against women existed but few cases were reported. Violence against women normally was dealt with within the family or clan structure rather than in the courts. The police rarely intervened in domestic violence incidents, and the media reported only the most extreme examples, such as murder. The law includes sentences of up to 20 years' imprisonment for rapists. The number of such cases prosecuted during the year was unknown.

It was believed that as many as 98 percent of females have undergone FGM. FGM traditionally was performed on girls between the ages of 7 and 10. The law states that "violence causing genital mutilation" is punishable by 5 years' imprisonment and a fine of more than \$5,650 (1 million DF); however, the Government has not yet convicted anyone under this statute. The efforts of the UNFD and other groups to educate women were having some effect in the capital city. Many believed that the incidence and severity of infibulation has decreased, although no systematic data were available on the problem. U.N. and other experts believed that lesser forms of FGM still were practiced widely and that infibulation still was common in rural areas.

Prostitution is illegal; however, it was a significant problem. In general, there were two categories of prostitutes, those with apartments and those on the streets. The first group was largely tolerated and catered to the foreign (particularly military) community. However, the police vice squad targeted the prostitutes on the streets and reportedly raped them as a precondition of their release. Refugees and girls from poor local families were at greater risk of becoming street prostitutes.

Women legally possessed full civil rights, but custom and traditional societal discrimination in education dictated that they play a secondary role in public life and have fewer employment opportunities than men. Women largely were confined to trade and secretarial fields. Customary law, which is based on Shari'a, discriminates against women in such areas as inheritance, divorce, and travel. Male children in-

herited larger percentages of an estate than do female children. The few women who were educated increasingly turned to the regular courts to defend their interests.

Children.—The Government devoted almost no public funds to the advancement of children's rights and welfare. A few charitable organizations worked with children. Primary education was compulsory; however, the Government did not monitor compliance. The Government provided tuition-free public education; however, there were extra expenses that could be prohibitive to poorer families, such as transportation, book fees, and chalk. School facilities continued to be inadequate. Teacher salaries continue to be in arrears, and a large percentage of highly qualified teachers have left the profession (see Section 6.e.). Approximately 20 percent of children who started secondary school completed their education. Only 62 percent of girls attended primary school, compared with 73 percent of boys, and only 23 percent of girls attended secondary school compared with 33 percent of boys. Only 32 percent of girls were literate, compared with 60 percent of boys, and more than 53 percent of the total population was illiterate. In rural areas, limited access to schools, a shortage of educational materials, and cultural attitudes led to significantly lower enrollment and greater disparities in enrollment between boys and girls.

Child abuse existed; however, except for FGM, it was not believed to be common. FGM was performed on as many as 98 percent of young girls (see Section 5, Women).

The Government has not addressed child abuse, which often was punished lightly. For example, when a child was raped or abused, the perpetrator usually was fined an amount sufficient to cover the child's medical care. The Government has not used existing provisions of the law to deal with child abuse more severely.

Persons with Disabilities.—The Government did not mandate accessibility to buildings or government services for persons with disabilities. Although persons with disabilities have access to education and public health facilities, there was no specific law that addressed the needs of persons with disabilities, and there were no laws or regulations that prevent job discrimination against persons with disabilities.

National/Racial/Ethnic Minorities.—The Government continued to discriminate against citizens on the basis of ethnicity in employment and job advancement. Somali Issas were the majority ethnic group and controlled the ruling party, the civil and security services, and the military forces. Discrimination based on ethnicity and clan affiliation limited the role of members of minority groups and clans in government and politics.

The Government conducted roundups of undocumented foreigners during the year (see Section 2.d.). The Government blamed undocumented foreigners—primarily from Ethiopia, Somalia, and Yemen—for the country's unemployment rate, rising crime, and disintegrating public works. Unlike in the previous year, there were no reports that security forces used undocumented foreigners as forced labor on public works projects as well as for their own needs under threat of deportation.

Section 6. Worker Rights

a. The Right of Association.—The Constitution provides for the right to join unions and to strike; however, the Government restricted these rights.

A union must have government sanction to exist. The Government acted unilaterally in the drafting of a new labor code that restricts the establishment of trade unions. In recent years, the Government suppressed independent, representative unions by firing their leaders, preventing them from holding congresses, and created Government-sponsored shadow unions to replace them. The Djiboutian Union of Laborers (UDT) succeeded in holding an independent congress in September 2002; however, some government officials have since pressured members to disassociate from freely elected Secretary General Adan Abdou due to his participation in the opposition political coalition.

The law prohibits anti-union discrimination, and employers found legally guilty of discrimination were required to reinstate workers fired for union activities; however, the Government neither enforced nor complied with the law.

The law permits unions to maintain relations and exchanges with labor organizations abroad, and the Government did not restrict such contact. The nongovernment-controlled UDT was a member of the International Confederation of Free Trade Unions (ICFTU). The ICFTU cited the Government's lack of respect for trade union rights. The International Labor Organization (ILO) noted ongoing abuses by the Government in forbidding union meetings and preventing union officials from receiving their mail. The ILO Committee of Experts report released in 2002 indicated that little progress had been made and that the Government continued to vio-

late national labor law and did not adhere to provisions set forth in ILO conventions.

b. The Right to Organize and Bargain Collectively.—Although labor has the legal right to organize and bargain collectively, collective bargaining did not occur. Relations between employers and workers were informal and paternalistic. The Government could and did select labor representatives. Employers generally established wage rates on the basis of Ministry of Labor guidelines. In disputes over wages or health and safety problems, the Ministry of Labor encouraged direct resolution by labor representatives and employers. Workers or employers may request formal administrative hearings before the Ministry's inspection service; however, critics claimed that the service suffered from poor enforcement due to its low priority and inadequate funding.

The law requires representatives of employees who plan to strike to contact the Ministry of Interior 48 hours in advance. Kamil Hassan, a schoolteacher, who was reinstated in 2002 after leading a teacher's strike in 1997, was still not teaching at year's end.

There is an export processing zone, which was established in 1994; however, its activity level was low during the year.

c. Prohibition of Forced or Bonded Labor.—The law prohibits forced or bonded labor, including by children. Unlike in the previous year, there were no reports of forced labor during the year. There were no reports that security forces used undocumented foreigners as forced labor on public works projects as well as for their own needs under threat of deportation.

d. Status of Child Labor Practices and Minimum Age for Employment.—The law prohibits all labor by children under the age of 14, but the Government did not always enforce this prohibition effectively, and child labor, although not common, existed. Children generally were not employed in hazardous work. Children may and did work in family-owned businesses, such as restaurants and small shops, at all hours of the day and night. A shortage of labor inspectors reduced the likelihood of investigation into reports of child labor.

The country has not ratified ILO Convention 182 on the worst forms of child labor.

e. Acceptable Conditions of Work.—Only a small minority of the population was engaged in wage employment. The Government administratively sets minimum wage rates according to occupational categories, and the Ministry of Labor was charged with enforcement. The monthly wage rate for unskilled labor, set in 1976, was approximately \$125 (22,000 DF); however, it was not enforced in practice. The national minimum wage did not provide a decent standard of living for a worker and family. The Government owed 3 months' worth of salary arrears to teachers, security forces, and civil servants at year's end.

By law, the work week was 40 hours, normally spread over 6 days. The Ministry of Labor was responsible for enforcing occupational health and safety standards, wages, and work hours. Because enforcement was ineffective, workers sometimes faced hazardous working conditions. Workers rarely protested, mainly due to fear that others willing to accept the risks would replace them. There were no laws or regulations permitting workers to refuse to carry out dangerous work assignments without jeopardizing their continued employment.

Only legal foreign workers were protected under the law. Undocumented foreign nationals frequently worked at lower wages. Undocumented workers were detained and deported during the expulsions (see Section 2.d.).

f. Trafficking in Persons.—The law does not prohibit trafficking in persons; however, there were no reports of persons being trafficked to, from, or within the country. Trafficking could be prosecuted under the Penal Code as "exploitation of the weakness or ignorance of persons."

EQUATORIAL GUINEA

Equatorial Guinea nominally is a multiparty constitutional republic; however, in practice President Teodoro Obiang Nguema and the small Mongomo sub-clan of the majority Fang tribe, which has ruled since the country's independence in 1968, dominated the Government. President Obiang, who has ruled since seizing power in a military coup d'etat in 1979, was re-elected with 97.1 percent of the vote and 98 percent of registered voters participating in a December 2002 election marred by extensive fraud and intimidation. The President's Democratic Party of Equatorial Guinea (PDGE) controlled the judiciary and the legislature; the latter was chosen

in elections in 1999 that were criticized widely by the international community as seriously flawed. The judiciary was not independent.

President Obiang exercises control over the police and security forces through the Minister of the Interior. The Director General of National Security is the President's brother, Armengol Ondo Nguema. Civilian authorities generally maintained effective control of the security forces; however, there were some instances in which they acted independently of government authority. The security forces committed numerous serious human rights abuses.

Although the 2002 census estimated the population at approximately 1 million, credible estimates put the number at closer to 500,000. The majority of the population lives by subsistence agriculture, supplemented by hunting and fishing. Unemployment and underemployment were very high. Barter was a major aspect of the economy. The gross domestic product has increased substantially in the last 8 years; the rate of growth was approximately 10 to 14 percent during the year. Per capita income was estimated at nearly \$5,000; however, most of the growth in income was due to an increase in crude oil production, which averaged more than 350,000 barrels per day during the year. Poor fiscal management and a lack of transparency in public accounting of national finances have undermined the country's economic potential. Oil companies have paved roads in Malabo, upgraded the island's electricity generating system, and funded a variety of health and environment projects designed to improve citizens' well being; however, there was little evidence that the Government used the country's oil wealth for the public good. Most oil wealth appears to be concentrated in the hands of top government officials while the majority of the population remained poor. Most foreign economic assistance was suspended due to the lack of economic reform and the Government's poor human rights record.

The Government's human rights record remained poor; although there were some improvements in a few areas, numerous serious problems remained. Citizens' ability to change their government peacefully remained restricted. The security forces committed numerous abuses, including torture, beating, and other physical abuse of prisoners and suspects, which at times resulted in deaths; however, there were fewer reported incidents of torture and abuse than in previous years. Prison conditions remained harsh and life threatening. Prisoners often were tortured to coerce confessions. Members of the security forces generally committed abuses with impunity. Security forces used arbitrary arrest, detention, and incommunicado detention. The judicial system repeatedly failed to ensure due process. The Government released more than 30 political prisoners during the year. The Government restricted the right to privacy. The Government severely restricted freedom of speech and of the press. The Government continued to restrict the rights of assembly and association and limit freedom of religion and movement. There were no effective domestic human rights nongovernmental organizations (NGOs). Violence and discrimination against women remained serious problems. Discrimination against ethnic minorities, particularly the Bubi ethnic group, and foreigners continued. The Government restricted labor rights. Child labor persisted and forced prison labor was used. There were reports of trafficking in persons.

RESPECT FOR HUMAN RIGHTS

Section 1. Respect for the Integrity of the Person, Including Freedom From:

a. Arbitrary or Unlawful Deprivation of Life.—There were no reports of political killings; however, security forces killed several persons through abuse and excessive force. For example, on July 2, border guards shot and killed Ana Isabel Sanchez Torralba, a Spanish aid worker, after firing on a bus that pulled away from a roadblock in Bata.

There were no developments in the 2002 killings by security forces of Juan Odo Nguema, Dimas Bueriberi, and Luis Obiang. In addition, there were no developments in the 2002 deaths by torture of three prisoners at the Black Beach prison.

The Government did not prosecute any members of the security forces considered responsible for extrajudicial killings in previous years, nor is it likely to do so.

b. Disappearance.—There were no reports of politically motivated disappearances.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The law mandates respect for the liberty and dignity of persons, but does not specifically prohibit torture, cruel, or inhuman punishment, and members of the security forces tortured, beat, and otherwise abused suspects, prisoners, and opposition politicians. The U.N. Commission on Human Rights (UNCHR) Special Representative Gustav Gallon has described torture as a "normal means of investigation." The Government does not provide medical care to prisoners or detainees.

Unlike in the previous year, there were no reports of deaths of prisoners due to torture and abuse by prison authorities.

There were reports that officials tortured opposition political activists prior to the 2002 coup trial. There were numerous reports that police authorities tied prisoners' arms and legs behind their backs and suspended them from a bar. During the trial, there was evidence that prisoners suffered dislocated wrists and elbows, and many walked with a limp.

Torture commonly was used to extract forced confessions, particularly from the group of 144 alleged coup plotters arrested in March 2002. For example, Felipe Ondo Obiang, leader of the banned Republican Democratic Front (FDR), reportedly was tortured at Black Beach Prison in Malabo and at Evinayong Prison, where he was moved without notice on June 9 (see Section 1.d.). His whereabouts were unknown for more than a day. According to reports, Ondo Obiang was chained to a wall by his leg in late July. He has reportedly received no treatment for medical problems including a swollen leg, frequent severe head pain, earaches, and depression.

Local authorities singled out foreigners from neighboring countries for harassment such as verbal intimidation and arbitrary arrest. Police routinely extorted money from citizens of Cameroon, Nigeria, Ghana, Togo, and Benin.

Security forces continued to harass oil company employees during the year (see Section 1.d.).

No action was taken against members of the security forces responsible for the following 2002 cases of abuse: The July beating at Black Beach prison of Bibiana Mico and the beating of an oil company employee for refusing to pay a bribe.

The conditions of jails and prisons in the country remained harsh and life threatening; inmates were not provided with food, medical care, working toilets, drinkable water, clean and healthful living space, and minimum equipment, such as beds. There were credible reports that conditions at Black Beach prison continued to improve; however, there also were credible reports that prison authorities tortured prisoners. Placido Mico, secretary general of Union for Social Democracy (CPDS), who was released in August under an amnesty (see Section 1.d.), described prison conditions as overcrowded, with prisoners kept in cells the size of cupboards. They were only allowed out for 1 to 2 minutes a day and forced to do labor. However, Mico said conditions had improved during the year, and he was allowed regular visits from his family.

Prison authorities and male prisoners sexually assaulted female prisoners. Credible reports were received of police gang-raping female prisoners in Malabo. Prisoners were used habitually as labor and as workers on construction projects for certain officials, without pay or other compensation. There were unconfirmed reports that judges used prisoners as domestic workers.

Male and female prisoners were not held in separate facilities, nor were juveniles held separately from adult prisoners. Pretrial detainees and political prisoners were not held separately from convicted prisoners.

Based on an October 2002 agreement with the Government, the International Committee of the Red Cross (ICRC) visited detainees and prisoners at prisons and police stations three times during the year. The ICRC historically has made recommendations to the Government. In the past, the government-controlled National Commission on Human Rights of Equatorial Guinea (CNDH) has reported that jail and prison conditions were harsh. Although the CNDH reported that prisoners were not mistreated, CNDH reports indicated there were food shortages and a lack of medical care. CNDH officials have taken partial credit for the improved conditions at Black Beach Prison.

d. Arbitrary Arrest, Detention, or Exile.—There were nominal legal procedural safeguards regarding detention, the requirement for search warrants, and other protection of citizens' rights; however, security forces systematically ignored these safeguards, and continued to arrest and detain persons arbitrarily and with impunity. Security forces often detained individuals "on orders from superiors" without any further formality.

Responsibility for policing is divided between the police, who are primarily responsible for security in urban centers, and the gendarmes, who have responsibility for the areas outside the cities and for special events within cities. Both are under the control of the Ministry of Interior. Corruption is endemic within these forces. Members of the security forces were rarely held accountable for abuses; impunity for police officers and gendarmes was a problem. There were no known reforms of the security forces proposed or enacted during the year.

Security forces responsible for arbitrary arrest and detention and other abuses were not held accountable for their actions. The U.N. Special Representative noted that some executive officials closely related to the security apparatus of the Government were treated as being above the law.

In December, police arrested more than 30 civilian members of the Mongomo sub-clan and military personnel in Bata following rumors of a planned coup. They were reportedly transferred to Black Beach Prison in Malabo where they remained at year's end.

Police routinely detained prisoners incommunicado. Foreigners from neighboring countries sometimes were targeted for arbitrary mistreatment and random arrest (see Section 1.c.).

During the year, security forces harassed oil company employees. For example, in August, police arrested and detained for 2 hours two expatriates and asked them to pay \$100,000 (50 million CFA francs) to settle a dispute between their company and the Labor Ministry. They were not permitted to contact their embassies or lawyers.

Expatriate religious workers also were subject to harassment, ranging from demands for special documents and fees when entering the country to imprisonment. On April 25, Paul Young Hwa Stephan, whose parents were missionaries with the Unification Church in Malabo, was arrested and held without formal charge for 26 days at the central police station in Malabo. He had entered the country with a valid passport and an expired residency permit. Police informed Stephan's family that he would be released if they paid a bribe of approximately \$1,000 (500,000 CFA francs). The family did not pay the bribe. After a 26-day detention and an intervention with the Government by a Western diplomat, Stephan was released.

During the year, authorities reportedly detained members of political opposition parties for short periods. Some political detentions lasted more than a few months. It was difficult to estimate the number of political detainees, although it was believed to be fewer than 100 persons. The Government used the psychological effects of arrest, along with the fear of beatings and harassment, to intimidate opposition party officials and members.

FDR leader Felipe Ondo Obiang, arrested in March 2002 in connection with an alleged coup plot, was detained at Black Beach Prison in Malabo until June 9, when he was moved to Evaniyong Prison on the mainland where he remained at year's end (see Section 1.c.). It was believed that fellow opposition leader Guillermo Nguema Ela remained detained at Black Beach Prison at year's end.

Security forces detained relatives of prisoners and criminal suspects in an attempt to force the prisoners or suspects to cooperate (see Section 1.f.).

The Constitution does not permit forced exile; however, the Government used forced internal exile, including against five men reportedly restricted to Mongomo (see Section 1.f.). The Government did not use forced external exile; however, some persons have fled the country for political reasons. During the year, President Obiang urged exiled opposition figures to return to the country and to legalize their parties. The leaders of National Resistance of Equatorial Guinea Group reported that their attempts to return to the country were unsuccessful, and there were no reports of returnees during the year.

e. Denial of Fair Public Trial.—The Constitution provides for judicial independence; however, the judiciary was not independent. Judges served at the pleasure of the President, and they were appointed, transferred, and dismissed for political reasons. Judicial corruption was widespread.

The court system is composed of lower provincial courts, two appeals courts, a military tribunal, and a Supreme Court. The President appoints members of the Supreme Court, who report to him and take their orders from him in practice. The President was the most powerful influence on the judicial branch. There were no objective criteria for the selection of judges below the Supreme Court; the law allows the Ministry of Justice to undertake periodic inspections and name judges. Some judges were regularly absent from their posts, resulting in delays in judicial proceedings. As a result of these absences, prisoners often remained in detention at police stations awaiting hearings for longer than the 72 hours prescribed by law; in addition, jails became even more overcrowded and unsanitary (see Section 1.c.). The Parliament's Complaints Commission was a de facto judicial authority, although it had no formal legal jurisdiction. According to local media, the Parliament's president acted as a court of last resort.

Tribal elders adjudicated civil claims and minor criminal matters in traditional courts in the countryside.

The Constitution and laws provide for legal representation in trials and the right to appeal; however, in practice the authorities often did not respect these provisions. Civil cases rarely came to public trial. Cases involving national security were tried by a military tribunal. Cases that essentially were political in nature frequently were referred to military courts, even when the defendants were civilians and the charges were not related to the military. The Code of Military Justice permits persons who disobey a military authority to be tried in a military tribunal whether or

not they are military personnel. Military courts did not provide due process or other procedural safeguards, and proceedings were not made public.

In May 2002, a special tribunal convicted 68 prisoners and their relatives and sentenced them from 6 to 20 years in prison for a purported coup d'etat plot against President Obiang. There were numerous irregularities associated with the trial, including evidence of torture and a lack of substantive proof (see Section 1.c.). Since the trial, the presiding judge has been appointed to the Supreme Court. On August 3, the Government released CPDS Secretary General Placido Mico from prison as part of a general amnesty for 31 people convicted in May 2002 of coup conspiracy. The pardons, announced on the eve of the 24th anniversary of President Obiang's seizure of power in a coup, were granted on the condition that none of the pardoned men commit "crimes or errors" under amnesty for a period of 10 years. Of the approximately 144 persons tried in May 2002 for coup conspiracy, 76 were acquitted, 30 were pardoned in October 2002, 31 were pardoned in August, and 3 died in 2002, reportedly of injuries received during detention and interrogation. Members of the Bubi group, convicted following a 1998 revolt in Luba, were also included in the August amnesty.

Even with these releases, the Government continued to hold a number of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home or Correspondence.—The law prohibits such actions; however, the Government did not respect these prohibitions in practice. There continued to be reports that security forces regularly searched homes and arrested occupants without warrants, generally with impunity.

There continued to be reports of government surveillance of members of the opposition parties and of foreign diplomats. During the year, journalists and citizens continued to report that they strongly suspected monitoring of their telephone calls and e-mails by the Government.

In December, police in Malabo rounded up a significant number of foreign nationals, mostly West Africans, to review their immigration status. Most were quickly released, although many complained about having to pay "fees" of \$100 to \$200 (50,000 to 100,000 CFA francs) to gain their release.

In 2002, approximately 500 Cameroonians were displaced or repatriated following a new government policy to prevent foreign nationals from benefiting from increasing petroleum wealth.

In December, one government official and one member of the legislature fled to Spain and requested asylum. It was unclear if they left because of criminal or political problems. In January 2002, UP Secretary General Nguema reported that authorities gave seven high ranking military officials, who had been forced to retire because of their affiliation with the UP, 4 days to leave Malabo for their respective villages. Nguema said the injunction was "without apparent reason" and contravened an accord signed by the Government prohibiting extrajudicial confinement. The officials reportedly went back to their villages voluntarily.

Membership in the PDGE generally was a prerequisite for hiring and promotion, both in the public and private sectors. Membership in a rival political organization was considered grounds for dismissal from any position, public or private. Opposition politicians who were not participating in the Government often claimed to have been dismissed from their jobs after joining alternate political groups.

Security forces detained relatives of prisoners and criminal suspects in an attempt to force the prisoners or suspects to cooperate. For example, during the March 2002 arrests of 144 alleged coup plotters, family members of Felipe Ondo Obiang, including his pregnant niece, were detained incommunicado and tortured.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution provides for freedom of speech and of the press; however, the Government severely restricted these rights in practice. Journalists practiced self-censorship.

The Government did not tolerate criticism of public institutions and public sector mismanagement and permitted no criticism of the President or the security forces. Expatriates dependent on the Government did not voice complaints about the frequent abuses against them, ranging from the police demanding bribes for imaginary offenses to city, provincial, and federal officials extorting money for "licenses" for which there was no statutory basis. Complaints about official conduct in the country continued to be accompanied by requests not to be identified to avoid reprisals.

There were five general-interest newspapers that published irregularly: La Gaceta, a Malabo-based monthly publication with informal connections to the Government and printed in Spain; El Correo Guineo Ecuatoriano, a bimonthly newspaper published by the Gaceta group; La Opinion, an opposition newspaper published every 2 to 3 weeks; El Tiempo, an opposition newspaper; and Ebano, a publi-

cation of the Ministry of Information, Tourism, and Culture, which appeared approximately twice a month. Students at the National University have published a magazine, AYO, and the Guinean-Hispano Cultural Center also has published a monthly cultural review, El Patio. The PDGE published La Voz del Pueblo, and the opposition CPDS published La Verdad. There was very limited availability of foreign publications.

Radio was the most important and influential medium of mass communication. During the year, the Government continued to effectively dominate domestic radio broadcasting. It owned and operated the station Radio Malabo. In July, state radio described President Obiang as “the country’s God” who has all power over men and things. The program said the President is in permanent contact with the Almighty and “can decide to kill without anyone calling him to account.” The President’s son, Teodorino Obiang Nguema, who also was Minister of Forestry, Environment, and Fisheries, owned the only private local radio station, Radio Asonga. The Government has not approved the other applications for private radio stations that have been pending for several years.

The only domestic television station was government-controlled, and broadcast only a few hours a day. Television Asonga, owned by President Obiang and run by his son in coordination with Radio Asonga, broadcast by cable only in Bata. Foreign cable television was available, and provided the Cable News Network, French news, movies, sports events, and cartoons; however, relatively few citizens could afford cable. Satellite reception increasingly was available.

International electronic media was available and included Radio France International, which broadcast in Malabo, and Radio Exterior, the international short-wave service from Spain. Radio Exterior often broadcast news about the country and interviews with opposition politicians and was virtually the only means for the opposition to disseminate its views and positions widely. Its editorials, like those of most of the Spanish media, frequently were highly critical of the Government. The Government regularly accused Radio Exterior, sometimes with justification, of misrepresenting the situation in the country.

All journalists must be registered with the Ministry of Information. According to the Ministry, in 2001, there were 18 independent reporters registered, and between 35 and 45 reporters employed by the PDGE or the Government. Foreign journalists were allowed to travel and report independently. The law requires foreign media to obtain ministerial accreditation before entering the country. During the year, the Government permitted a crew of investigative journalists and cameramen from a foreign news program to report on the country. President Obiang and other members of the Government consented to on-camera interviews.

On November 2, police in Malabo arrested Rodrigo Angue Nguema, a correspondent for Agence France Presse, after he filed an October 29 report about an alleged coup plot. The Information Minister said publicly that the report was “completely wrong.” Police filed no charges against Nguema and detained him at the central police station for 8 days. The prosecutor’s office requested that Nguema remain available for further questioning. During the 2002 trial of alleged coup plotters, police authorities banned Nguema from entering the courtroom, even after Nguema showed his press card.

The law authorizes government censorship of all publications. The Ministry sometimes required publishers to submit copy for approval prior to publication during the year. In addition, all local publications exercised self-censorship and were subject to prior restraint.

The Government generally withheld access to domestic broadcasting from opposition parties and rarely referred to the opposition in anything but negative terms when broadcasting the news.

The Association of the Press of Equatorial Guinea (ASOPGE), prevented in previous years from organizing exhibitions and conferences, reported more freedom during the year and organized at least one conference and several other events. ASOPGE president Pedro Nolasco Ndong remained outside the country. Roberto Martin Prieto was the acting head of the association.

The Government did not appear to restrict Internet access; however, it was expensive, and computer ownership was not widespread. Private cyber cafes provided fairly reliable Internet access. In 2002, Reporters without Borders noted that several associative and political journalists complained of increasing difficulties accessing the Internet. There was one Internet service provided, which was affiliated with the Government.

The Government did not restrict academic freedom.

b. Freedom of Peaceful Assembly and Association.—The Constitution provides for the right of assembly; however, the Government restricted this right in practice. Government authorization must be obtained for private home meetings of more than

10 persons for discussions that the Government considers political in nature. Although the Government formally has abolished permit requirements for party meetings within party buildings, in practice, opposition parties must inform the authorities in order to hold gatherings of any kind, regardless of location. Security forces generally monitored gatherings in public places, even small gatherings. The Government required notification for public events; however, it usually granted permission for such events.

In 2002, the Government required the Catholic NGO Autonomous Rural Development (DAR) in the diocese of Ebibeyin to inform the locally appointed official delegate of each board meeting. The DAR complied with the requirement and received permission to meet, but the local delegate insisted on being present during the meetings. Subsequently, the DAR avoided the Ebibeyin order by meeting in Bata. During the year, there were no reports of problems between DAR and Ebibeyin officials.

The Constitution provides for the right of association; however, the Government restricted this right in practice. The law prohibits the formation of political parties along ethnic lines. The law prohibits coalitions between political parties; however, five opposition groups formed a coalition (see Section 3). Opposition party members complained of disruption of meetings.

There were 12 political parties that the Government called "opposition parties"; 11 have allied themselves with the ruling PDGE. The Government pointed to these opposition parties as examples of the country's multiparty democracy.

The Government reportedly applied pressure to persuade opposition members or officials from most, but not all, opposition parties to join the PDGE party; opposition members joining the PDGE during the year suggested that such practices persisted. Reportedly the Government bribed members of the opposition.

A number of opposition parties, including the FDR still were seeking recognition at year's end.

c. Freedom of Religion.—The law provides for freedom of religion, and the Government generally respected this right in practice.

The law includes a stated official preference for the Catholic Church and the Reform Church of Equatorial Guinea due to their traditional roots and historic influence in the social and cultural life. For example, a Roman Catholic Mass normally was part of any major ceremonial function, such as the October 12 national day.

A religious organization must be formally registered with the Ministry of Justice and Religion before its religious activities are allowed. While religious groups must be approved and registered to function legally, there were no reports during the year that the Government had refused to register any group. The approval process usually takes several years, due primarily to general bureaucratic slowness and not as the result of a policy designed to impede the operation of any religious group.

The Government continued to restrict the freedom of expression of the clergy, particularly regarding any open criticism of the Government. During the year, church representatives reported that they practiced self-censorship on these issues. The Government required permission for any religious activity outside the church building, but in practice this requirement did not appear to hinder organized religious groups.

Religious study was required in schools and was usually, but not exclusively, Catholic.

For a more detailed discussion, see the 2003 International Religious Freedom Report.

d. Freedom of Movement within the Country, Foreign Travel, Emigration, and Repatriation.—The law provides for these rights; however, the Government limited them in practice. Local police routinely extorted bribes from occupants of vehicles traveling outside the capital. The police routinely stopped citizens at roadblocks, subjected them to searches, and extorted money from them. Police and soldiers continued to target foreigners (see Section 1.c.). The Government justified these roadblocks as customs controls to compensate for its inability to control the country's borders effectively. These checkpoints effectively restricted the freedom of movement of members of the opposition.

All citizens were required to obtain permission to travel abroad from the local Police Commissioner, and some members of opposition parties were denied this permission. Those who did travel abroad sometimes were interrogated upon their return. Exit visa were no longer required for citizens traveling outside the country.

The law provides for the granting of asylum and refugee status to persons who meet the definition in the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. In practice, the Government provided protection against refoulement and granted refugee status or asylum. In recent years, an average of

one or two persons requested refugee status in the country. The Government cooperated with the U.N. High Commissioner for Refugees (UNHCR).

The Government also provides temporary protection to certain individuals who fall outside of the definition of the 1951 U.N. Convention Related to the Status of Refugees or its 1967 Protocol.

Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government

The Constitution provides citizens with the right to change their government peacefully; however, in practice there have been no free, fair, and transparent elections since independence in 1968. The President exercised strong powers as head of state, commander of the armed forces, and leader of the government party, the PDGE. Impeachment of the head of state is forbidden in the Constitution. Leadership positions within the Government in general were restricted to the President's Mongomo sub-clan of the Fang ethnic group and its closest supporters. The Government completely dominated the elected Chamber of Deputies, and the Minister of the Interior also acted as President of the National Electoral Board.

President Obiang won the December 2002 election, with 97.1 percent of the vote and 98 percent of registered voters participating. Opposition leaders charged that census results showing a twofold population increase were flawed and that numbers were inflated to perpetuate election fraud. Prior to the elections, there were reports that arrests and harassment of opposition party members increased. Four of the leading opposition candidates published a statement that rejected the vote and called for new elections. There were widespread reports of irregularities on election day, including intimidation at the polls. For example, in some towns, commission members gathered voters and asked whether any intended to vote for the opposition. When none responded affirmatively, their votes were counted for the President. Voters were discouraged from voting in secret, ballots were opened, and ruling party representatives reportedly cast votes in their own right as well as on behalf of minor children and the deceased. There also were reports that security forces intimidated voters by their presence in polling booths. The European Union (EU) expressed concern regarding the democratic process, severely criticized the way the presidential election was carried out, and recommended that the Government invite the U.N. or the EU to send an electoral assistance mission.

The most recent legislative elections were held in 1999. International observers considered them seriously flawed and characterized by numerous irregularities and restrictions on the ability of the opposition to campaign. Roadblocks impeded the opposition's ability to travel, and opposition leaders were detained intermittently and sometimes mistreated, tortured, or assessed stiff fines. The UP and CPDS opposition parties won 5 of the 80 seats, refused to take their seats in the new legislature, and called for the results to be annulled and new elections held. Legislative elections are scheduled for March 2004.

In late August, the Government invited representatives of the 13 political parties to a 4-day meeting in Mbini to discuss democratization. In November, the Government enacted legislation implementing the accord reached at the August meeting, mandating secret ballots in elections, increasing the number of representatives in the legislature from 80 to 100, and undertaking to complete the electoral registers and hand out voter registration cards prior to convoking the elections. The stated objective in increasing the number of members of the legislature was to give opposition parties a greater opportunity for representation. The Government made virtually no effort to implement an earlier pact to create a multiparty electoral commission and an observance commission to monitor compliance with the agreement and to end various other political and electoral abuses. In 2002, arrests of CPDS and UP party leaders further undermined the Government's claims that it abided by the pact, as did its continued restrictions on freedom of movement and the continued lack of access to government media by the opposition (see Sections 2.a. and 2.d.).

The electoral law prohibits coalitions between political parties; however, at year's end, all legal political parties except the CPDS were aligned with and were part of the Government. Significant segments of the political opposition either remained banned or had yet to be recognized by the Government by year's end.

During the year, the Government moved its executive seat from Malabo to Bata for 6 months in an effort to provide more of a presence on the mainland. Ministers and key party officials moved, but the bureaucratic infrastructure remained in Malabo.

There were no legal restrictions on the participation of women or minorities in politics. There were 5 women in the 80-member legislature and 3 women in the 41-member cabinet.

Section 4. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

There were no effective domestic human rights NGOs. The law restricts NGOs and identifies specific areas in which they may operate; human rights were not one of these areas.

There were no local NGOs, other than the government-controlled CNDH, that monitored respect for fundamental human rights throughout the country. The CNDH concentrated primarily on prison conditions. Unconfirmed sources have said that the Parliament appointed CNDH members.

No international human rights NGOs were resident in the country; however, there were signs of improvement in the relations between some international organizations and the Government during the year. In 2002, the Government signed a convention providing the ICRC regular prison access (see Section 1.c.).

Catholic Relief Services (CRS) confined its programming to health-related issues, citing safety concerns for staff and partners. There have been allegations from CRS, Reporters Without Borders, and the Center for Rural Development that NGO representatives visiting Malabo have had their movements, calls, e-mails, and faxes monitored.

Unlike in the previous year, security forces did not arrest aid workers or deny requests from NGOs to enter the country.

In August, the EU opened an office in Malabo to coordinate human rights and other issues.

In April 2002, the CNDH terminated the mandate of UNHRC Special Representative Gustavo Gallon, despite protest from the international community and the former Special Representative himself. Advisory and technical support in the area of human rights continued.

Section 5. Discrimination Based on Race, Sex, Disability, Language, or Social Status

The Constitution prohibits all forms of discrimination; however, both governmental and societal discrimination against women and ethnic minorities continued. Persons with HIV/AIDS were victims of societal discrimination and often kept their illnesses hidden.

Women.—Domestic and other societal violence against women, particularly wife beating, was common. The public beating of wives was forbidden by government decree; however, violence in the home generally was tolerated. The Government does not prosecute perpetrators of domestic violence. Women were subjected to sexual abuse both from the authorities and other prisoners while in detention (see Section 1.c.).

Prostitution is illegal; however, the massive influx of single foreign men in the petroleum sector contributed to an increasing prevalence of prostitution. During periodic crackdowns, police arrested prostitutes but allowed their clients, generally expatriates, to go free.

Although the Constitution provides for equal rights, women largely were confined by custom to traditional roles, particularly in agriculture. Polygyny, which was widespread among the Fang, contributed to women's secondary status, as did limited educational opportunity.

There was no discrimination against women in formal inheritance and family law; however, in the Fang, Ndowe, and Bisio cultures, primogeniture was practiced. Because women become members of their husband's family upon marriage, they usually were not accorded inheritance rights. When the husband dies, a widow either remains with his family in a dependent, marginalized position, or she returns the dowry and leaves with nothing.

For an estimated 90 percent of women, including virtually all ethnic groups except the Bubi, tradition dictates that if a marriage is dissolved, the wife (or her father or brother) must return the dowry given to her family by the bridegroom at the time of marriage. Tradition also dictates that if a girl's family accepts a dowry from a man, she must then marry him, regardless of her wishes. If the marriage does not take place, the family is required by tradition to return the dowry, which they sometimes cannot do, which could lead to imprisonment of the bride or a family member for the debt. The law protects women from imprisonment for not repaying the dowry following divorce; however, in practice, many divorced women faced intense family pressure to repay the dowry. If a marriage dissolves, the husband also automatically receives custody of all children born after the marriage, while the mother maintains custody of all children born prior to the marriage.

According to the law, women have the right to buy and sell property and goods; however, in practice, the male-dominated society permitted few women access to sufficient funds to engage in more than petty trading or to purchase real property beyond a garden plot or modest home.

Children.—No provisions for the welfare of children were legislated. The Government devoted little attention to children's rights or their welfare and had no set policy in this area. Education was compulsory through primary school, but the law was not enforced. In practice, boys were expected either to complete an additional 7 years of secondary school or to finish a program of vocational study following primary education. Pregnancy and the requirement to assist in agricultural work made this level of education less likely for girls. Many rural families were unable to afford the school fee and book expenses for children over 10 years of age. A 2003 UNICEF report noted that primary school enrollment from 1992 to 2001 was 38 percent both for boys and girls; however, secondary school enrollment from 1995 to 1999 was 43 percent for boys and 19 percent for girls. Generally women have only one-fifth the educational level of men. New schools have opened; however, they were reported to be without basic materials such as books and desks. Teachers were political appointees and often received no training. Children suffered poor health and a high mortality rate.

Child prostitution existed but was rare.

Child labor existed primarily in the form of children working as farmhands and market vendors in family businesses.

Persons with Disabilities.—There was no constitutional or legal provision to protect persons with disabilities from discrimination in employment, education, or the provision of other state services. While there was no formal evidence of discrimination against persons with disabilities, anecdotal evidence suggested that basic care may be withheld when children have disfiguring diseases such as polio. The law does not mandate access for persons with disabilities to buildings.

National/Racial/Ethnic Minorities.—Discrimination against ethnic or racial minorities was not legal, and the Government did not overtly limit their participation in politics; however, the monopolization of political power by the President's Mongomo sub-clan of the Fang ethnic group persisted. In practice, some members of ethnic minorities faced discrimination because they were not members of the Fang ethnic group, or belonged to a Fang sub-clan other than the President's. Differences among clans of the Fang ethnic group, in particular, resentment of the political dominance of the Mongomo clan, also were sources of significant political tensions.

In July 2002, police began forcing approximately 500 Cameroonians out of Malabo following a new government policy to prevent foreign nationals from benefiting from increasing petroleum wealth.

Several thousand citizens of Nigeria, Ghana, and Francophone Africa continued to reside in the country. Most were small traders and businesspersons. The police reportedly continued to harass and extort money from them as well as harassing asylum seekers on an individual basis.

Section 6. Worker Rights

a. The Right of Association.—The Constitution provides for the right to organize unions; however, the Small Farmers Syndicate, was the country's only legally recognized labor union. According to the International Confederation of Free Trade Unions, the Government has never allowed the registration of unions; as a result, the Equatorial Guinea Trade Union has been forced to carry out its activities in secret. There were a few cooperatives with limited power. The law stipulates that a union must have at least 50 members who are from a specific workplace and located in the same geographic area to register; this effectively blocked union formation. The CPDS tried unsuccessfully to legalize its affiliated Syndicated Workers' Union, and an independent union, Independent Syndicated Services, was denied registration despite having met the requirements of the law.

A law has never been enacted to govern unions for civil servants.

During the year, the country's major private employer, the oil industry, which was dominated by foreign firms, continued to take steps to reduce government control of hiring in the industry. Companies employed methods ranging from public advertising of jobs and objective testing to screening of applicants by noncitizens only, to eliminate political bias in the hiring process. According to regional representatives of the International Labor Organization (ILO), these efforts largely have been ineffective, and the Government continued to influence employment in all sectors.

There were instances when the Government retaliated against political opponents by compelling their employers to dismiss them.

In 2001, an ILO team met with the Government to discuss reform of the country's labor laws and ILO assistance for labor inspectors; however, no subsequent action has been taken.

There was no law prohibiting anti-union discrimination.

Labor unions may affiliate with international bodies; however, there were no reports of such affiliation during the year.

b. The Right to Organize and Bargain Collectively.—The law provides workers the right to organize and bargain collectively; however, the Government placed practical obstacles before groups wishing to organize. The Government and employers set wages, with little or no participation by workers. There was no evidence of collective bargaining by any group; however, the Labor Ministry sometimes mediated labor disputes.

The law provides for the right to strike; however, there were no strikes during the year. The Labor Code contains provisions to uphold worker rights, but the Government generally did not enforce them, in part because of inadequate staffing in the Ministry of Labor. Apart from the Labor Ministry, workers had few other places to seek redress. Members of the National Assembly reportedly tried to mediate employer-worker disputes over wages or dismissals; however, they had no legal authority to do so.

There are no export processing zones.

c. Prohibition of Forced or Bonded Labor.—The law forbids forced or bonded labor, including by children, and slavery; however, detainees and convicted felons performed extensive labor outside prison, including for prison officials, without compensation (see Section 1.c.).

There were reports that forced child labor occurred (see Section 6.f.).

d. Status of Child Labor Practices and Minimum Age for Employment.—The legal minimum age for employment was 14 years, but the Ministry of Labor did not enforce this law, and child labor was common particularly on family farms and businesses. The Government also did not enforce the law that stipulates mandatory education through primary school. Underage youth performed both family farm work and street vending. While the Ministry of Labor was responsible for the enforcement of labor legislation, the Government did not have a comprehensive policy on child labor.

e. Acceptable Conditions of Work.—Employers must pay the minimum wages set by the Government, and most companies pay more than the government-established minimum wage. Early in the year, the Government introduced a two-tier system creating a separate wage system for private sector workers inside and outside of the oil sector. The minimum monthly wage for all private sector workers was approximately \$154.00 (77,000 CFA francs). Within each group (oil and non-oil), a multi-tiered system of classification was created, and workers were graded according to education-level, skills, and experience, and the wages increased according to these factors. Companies subcontracted to the oil industry were considered part of the petroleum sector. High-level professional employees of international companies received salaries near to or the same as expatriate workers. Any additional task or duty added to a worker's responsibility required the worker to receive a minimum increase of 25 percent of base pay, and workers received such increases in practice. Neither the minimum wage law nor these additional requirements applied to public sector workers who generally were much more poorly paid. The minimum wage was generally sufficient to provide a decent standard of living for a worker and family.

The law prescribes a standard 35-hour workweek and a 48-hour rest period, which were observed in practice in the formal economy.

The Labor Code provides for comprehensive protection for workers from occupational hazards; however, the Government did not enforce this in practice. The Government had an insufficient number of labor inspectors to oversee local industry. The Government continued training more inspectors during the year.

Employees who protested unhealthy or dangerous working conditions risked losing their jobs.

f. Trafficking in Persons.—The law does not prohibit trafficking in persons, and there continued to be reports that the country increasingly was a destination and transit point for trafficked persons.

Children primarily were trafficked into the urban labor sector in Malabo and Bata, mostly from Benin and Nigeria. Nigerian boys worked in market stalls in Bata, often without pay or personal freedom. In 2001, UNICEF reported that the country served as a transit point for children who were trafficked to Gabon. The country was both a destination and a transit point for trafficked women, mostly from Cameroon, Benin, and Nigeria. Women were trafficked for prostitution, especially to Malabo.

The Government has undertaken a project to provide protection and assistance to trafficked and at-risk children, which included construction of two shelters in 2002. Over the past few years, the Government has offered to repatriate and provide assistance to trafficking victims. The Government cooperated with NGOs that pro-

vided services to victims and at-risk women and children. In terms of prevention, the Government sponsored radio announcements to promote the law forbidding employment of children under the age of 14 years. The Government also requested the support of international organizations to finance a national study on child trafficking, and to identify measures for its eradication. The Government sent representatives to Libreville to attend a regional conference on trafficking in persons in 2002.

ERITREA

Eritrea is a one-party state that became independent in 1993 when citizens voted overwhelmingly for independence from Ethiopia. The Eritrean People's Liberation Front (EPLF), which led the 30-year war for independence, has controlled the country since it defeated Ethiopian armed forces in 1991; its leader, Isaias Afwerki, is the President. The EPLF became the People's Front for Democracy and Justice (PFDJ) and redefined itself as a political party in 1994; it is the sole political party in the country. Presidential and legislative elections have been continuously postponed. The Constitution, ratified in 1997, provides for democratic freedoms; however, its provisions were not implemented by year's end. The judiciary was formally independent; however, it was weak and subject to executive interference.

Police were officially responsible for maintaining internal security and the army was responsible for external security; however, the Government could call on the armed forces, the reserves, and demobilized soldiers in response to both domestic and external security requirements. The civilian authorities maintained effective control of the security forces. In addition to conflicts with Ethiopia, the army was engaged in a low-intensity conflict with the Eritrean Islamic Jihad (EIJ), a small, Sudan-based insurgent group that has mounted attacks in the north and west since 1993. Some members of the security forces committed serious human rights abuses.

While trade, services, and manufacturing accounted for the greatest portion of gross domestic product of the country's mixed economy, the rural economy was based largely on subsistence agriculture, and more than 70 percent of the population of 3.6 million was engaged in farming and herding. During the year, inflation rose to 24 percent from 9 percent in 2002, and economic growth fell from 9 percent in 2002 to a minus 1.2 percent. Wages did not keep pace with inflation. The continued integration of as many as 75,000 Eritreans or Ethiopians of Eritrean origin deported from Ethiopia, 103,000 long-term refugees from camps in Sudan, and an unknown number of internally displaced persons (IDPs), continued to burden the economy. In addition, much of the skilled labor force continued to serve in the national service. The country had an annual per capita income of less than \$200, and approximately one-third of the population depended on foreign emergency assistance. The PFDJ and the military exerted a growing economic influence through numerous investments and party- or military-owned businesses.

The Government's human rights record remained poor, and it continued to commit serious abuses. Citizens did not have the ability to change their government. Security forces were responsible for disappearances. There were some reports that police resorted to torture and physical beatings of prisoners, particularly during interrogations, and police severely mistreated army deserters and draft evaders. The Government generally did not permit prison visits by local or international human rights groups. Arbitrary arrests and detentions continued to be problems; an unknown number of persons were detained without charge because of political opinion. The use of a special court system limited due process. The Government infringed on the right to privacy. The Government severely restricted freedom of speech and press, and limited freedom of assembly and association. The Government restricted freedom of religion for non-sanctioned religious groups and restricted freedom of movement. Human rights groups were not allowed to operate in the country. Violence and societal discrimination against women continued to be problems, and female genital mutilation (FGM) remained widespread despite government efforts to discourage the practice. Members of the Kunama ethnic group also faced government and societal discrimination. The Government restricted workers' rights. Child labor occurred.

RESPECT FOR HUMAN RIGHTS

Section 1. Respect for the Integrity of the Person, Including Freedom From:

a. Arbitrary or Unlawful Deprivation of Life.—There were no political killings; however, there were unconfirmed reports that some of the approximately 220 citi-

zens deported from Malta in 2002 were killed trying to escape from prison during the year (see Section 1.d.). The Government continued to authorize the use of deadly force against anyone resisting or attempting to flee during military searches for deserters and draft evaders; however, unlike the previous year, there were no reports of deaths.

No action was taken, nor was any likely, in the 2001 cases in which two students died in detention of heat-related causes while in a forced summer work program.

According to the Government Commission for Coordination with the U.N. Peacekeeping Mission, there were an estimated 3 million landmines and unexploded ordnance in the country. The EIJ or others laid some new mines during the year. The U.N. reported 32 deaths from landmine incidents between January and September, compared with 85 deaths in 2002, and 197 in 2001. It was not clear whose landmines were responsible for these casualties. It was probable that there were additional, unreported deaths in remote areas. On November 20, a 7-year-old boy was killed by a landmine near the town of Tserona. During the year, there were approximately 20 deaths due to landmines and unexploded ordnances in the border region.

On April 12, British national Timothy Butt was killed in the western Bisha region. Butt was in the country working for an international mining company. At year's end, there was no information available regarding an investigation into the killing.

On August 10, unknown assailants killed two citizens who worked for Mercy Corps International and injured the driver. The assailants opened fire on the vehicle the three citizens were traveling in near Adobha. By year's end, the Government had not released the results of its investigation.

b. Disappearance.—There were reports of politically motivated disappearances.

In May and June, there were reports that an unknown number of Kunama, an ethnic group residing predominantly near the border with Ethiopia, were detained; they were reportedly detained because of their association with other captured or killed Kunama insurgents. No charges were filed and their whereabouts were unknown at year's end.

There were no developments in the September 2001 case in which the Government arrested 11 senior PFDJ and National Assembly members, whose whereabouts remained unknown at year's end (see Section 3).

Several journalists detained in 2001 were missing at year's end (see Section 2.a.).

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The Constitution, which has not been implemented, and the Penal Code prohibit torture; however, there were numerous reports that police resorted to torture and physical beatings of prisoners, particularly during interrogations. During the year, police severely mistreated and beat army deserters, draft evaders, and members of particular religious groups (see Section 2.c.). Police detained deserters and draft evaders and subjected them to various disciplinary actions that included prolonged sun exposure in temperatures of up to 113 degrees Fahrenheit or the binding of the hands, elbows and feet for extended periods.

There were reports that women drafted to the national service were subjected to sexual harassment and abuse.

During the year, there were dozens of reported injuries from landmines and unexploded ordnances (see Section 1.a.).

Prison conditions remained Spartan. The Government generally permitted three visits per week by family members. There were no confirmed reports that any prisoners died due to lack of adequate medical care. Women and men were held in separate facilities. There were no juvenile detention centers or correction facilities, and juvenile offenders often were incarcerated with adults. Pretrial detainees generally were not held separately from convicted prisoners; however, in some cases, detainees were held separately. For example, the "Group of 15" political detainees and others detained on national security grounds in 2001 were thought to be held separately, although their whereabouts remained unknown. These political detainees continued to be denied visitors during the year.

The Government allowed the International Committee of the Red Cross (ICRC) to visit and register Ethiopian civilian detainees in police stations and prisons; however, the ICRC was not permitted to visit the unknown number of Ethiopian soldiers who the Government claimed were deserters from the Ethiopian army. Neither the ICRC nor local groups were permitted to monitor prison conditions.

There continued to be reports of prolonged detentions of Sudanese nonpolitical prisoners during the year.

d. Arbitrary Arrest, Detention, or Exile.—The Constitution, which has not been implemented, and the law prohibit arbitrary arrest and detention; however, arbitrary arrest and detention were serious problems.

The police force was weak and corruption was not prevalent. During the year, the police force was reorganized and active duty military officers were placed in charge of key police divisions. The military has the power to arrest and detain persons, and internal security forces and the military detained many persons during the year.

The Penal Code stipulates that detainees may be held for a maximum of 30 days without being charged with a crime. In practice, authorities often detained persons suspected of crimes for much longer periods. The Government held numerous pre-trial detainees during the year.

An unknown number of Ethiopian detainees were released during the year; some were repatriated to Ethiopia, while others chose to remain in the country. The ICRC continued to visit approximately 150 Ethiopians who were still in detention at year's end. Most of these detainees were reportedly being held on suspicion of committing crimes, while others were detained because their residency permits had expired and they did not have the necessary funds to renew them.

There was at least one report of a citizen of Ethiopian origin stripped of citizenship and deported.

Detainees did not always have access to legal counsel (see Section 1.e.), and incommunicado detention was widespread. There was no functioning bail system during the year.

There were reports of numerous politically motivated detentions of those who were seen as critical of the Government, many of whom remained in prison at year's end. Many were perceived to have ties to political dissidents or were believed to have spoken against government actions.

In addition to the high-profile arrests in 2001, the Government arrested at least 80 additional individuals, many of them with known or suspected ties to political dissidents, and detained them without charge and without access to visitors at year's end. There were numerous unconfirmed reports that the number of such persons detained may be several hundred.

The military police detained persons who had not completed their national service requirement, and those who had evaded previous drafts (see Sections 1.c. and 2.c.).

There were substantial but unconfirmed reports that hundreds of draft evaders and national service escapees were being held in makeshift prisons around the country. Multiple observers reported up to 1,500 detainees at a prison adjacent to the offices of the Commanding General who oversees Military Operational Area #5 (Central Zone and surrounding areas).

The Government continued to arrest and detain members of non-sanctioned religious groups, some of whom have been in detention for more than 9 years (see Section 2.c.).

In September and October 2002, approximately 220 citizens, who are believed to have fled the country to escape or avoid national service, were deported from Malta. These deportees were detained upon arrival and most had been held at secret locations without contact with their families and without formal charges. There were reports that some who tried to escape again were killed by security forces.

In 2002, human rights observers documented at least six examples of arbitrary arrest, including of relatives of the previously detained "G-15" group and of diplomats who were recalled from their posts. At least four of these detainees, in addition to many detained in previous years, remained in prison without charges at year's end. There also were unconfirmed reports of numerous other arrests during the year. For example, on December 11, Aster Yohannes, the wife of Petros Solomon—a former Minister of Foreign Affairs, and a member of the G-15—was reportedly arrested and detained without charges as she returned to the country after living abroad for several years.

In April, Ermias Debessai (Papayo), former Ambassador to China, was released from prison after being detained in 1997 and sentenced by a Special Court to 7 years' imprisonment; however, he was reportedly re-imprisoned without charges in November.

Unlike in the previous year, there were no reports that authorities arrested and detained citizens of other countries, who were not subject to national service obligations.

Unlike in the previous year, there were no reports that authorities harassed and detained deportees of Eritrean origin from Ethiopia while the Government checked on their status.

There were no developments in the following 2001 cases: The arrest of several elders who remained in detention without charge; and the arrest of two citizen employees from a foreign embassy who remained in detention without charge.

There were reports that the Government continued to hold numerous members of the Eritrean Liberation Front (ELF), an armed opposition group that fought against Ethiopia during the struggle for independence. Authorities sometimes arbitrarily ar-

rested and detained former combatants or members of the PFDJ who violated an unwritten code of conduct (see Section 1.e.).

An unknown number of persons suspected of association with the Ethiopian Mengistu regime, Islamic elements considered radical, or suspected terrorist organizations continued to remain in detention without charge, some of whom have been detained for more than 9 years.

The law has no provisions concerning exile and the Government generally did not use exile as a means of political control.

The president of the independent Asmara University Students' Association, who was detained without charges in 2001 and escaped from prison in August 2002, was reportedly living in exile and remained politically active.

e. Denial of Fair Public Trial.—The Constitution, which has not been implemented, provides for an independent judiciary; however, the judiciary was weak and subject to executive control. For example, during the year, the executive controlled special courts issued directives to other courts regarding administrative matters, whereas their domain was supposed to be restricted to criminal cases. In addition, the judiciary relied on the Ministry of Justice for logistical and budgetary support, which further limited its independence.

The drafting of many civilians, including court administrators, defendants, judges, lawyers, and others involved in the legal system, into national service continued to have a significant negative impact on the judiciary. The High Court was reduced from 7 benches to 3, and regional, sub-regional, and village court personnel were reduced by 40 percent in 2002. Case backlogs accumulated in 2002 were reduced during the year. For example, the average waiting period before a case was heard at the High Court level was reduced from about 7 months to about 5 months.

The judicial system had three parts: civilian, military, and special courts. The civilian court system consisted of village courts, sub-regional courts, regional courts, and the High Court, which also served as an appellate court. Appeals may be made in the civilian courts all the way up to the High Court. Not all appeals are accepted for a hearing at the High Court level and the High Court takes an average of approximately 2 months to decide if it will hear an appeal or not. Under the legal system, minor infractions were brought to village courts and sub-regional courts. More serious offenses were argued before regional courts, but a significant proportion of cases involving murder, rape, and other felonies were heard by the High Court. All cases, except those argued before the High Court, were heard by a single judge; on the High Court, panels of three judges heard cases.

The judicial system suffered from a lack of trained personnel, inadequate funding, and poor infrastructure that, in practice, limited the Government's ability to grant accused persons a speedy trial. At independence the Government chose to retain the Ethiopian legal system but since then has drafted new commercial, penal, and criminal codes, which have not yet been promulgated. A new civil code was drafted during 2001; however, it was not promulgated by year's end.

Detainees did not always have access to legal counsel. Defendants could hire a legal representative at their own expense; however, not all detainees could afford to do so. Although there was no formal public defender's office, the Government frequently assigned attorneys to represent defendants accused of serious crimes punishable by more than 10 years in prison who could not afford legal counsel. Defendants could appeal verdicts to a High Court panel, which was composed of the High Court president and four other judges.

Most citizens only had contact with the legal system through the traditional village courts. Village judges, who were appointed by a panel composed of heads of regional courts, the regional prosecutor, and the regional governor, heard civil cases. Magistrates versed in criminal law heard criminal cases. Local elders adjudicated many local problems—for example, property disputes and most petty crimes—according to customary law. The Ministry of Justice also offered training in alternative dispute resolution to handle some civil and petty criminal cases.

Where both litigants were Muslims, civil cases were heard under Shari'a law. Traditional courts cannot impose sentences involving physical punishment.

The special court system ostensibly was created to reduce a growing backlog in the civilian court system; however, in practice special courts, which banned defense counsel and the right of appeal, allowed the executive branch to mete out punishment without respect for due process. Judges in the special courts were senior military officers, most of whom had little or no legal experience. They based their decisions on "conscience," without reference to the law. There was no limitation on punishment. The special courts had jurisdiction over many criminal cases, such as capital offenses, felonies, some misdemeanors, cases of tax evasion involving large sums, and cases of embezzlement by senior officials. The office of the Attorney General decided which cases were to be tried by a special court. The Attorney General

also allowed special courts to retry civilian court cases, including those decided by the High Court, thereby subjecting defendants to double jeopardy.

Special courts also handled crimes involving corruption, theft, and misuse of government authority allegedly committed by former members of the EPLF during the war for independence. Senior former fighters and members of the PFDJ often were held to a stringent unwritten code of conduct, and violations of this code were handled by special courts outside the normal judicial process. Those accused of violating this circle of trust were arrested and held without formal charge or tried in special courts.

There were no reports of political prisoners; however, there were numerous reports of persons detained for political reasons (see Section 1.d.).

f. Arbitrary Interference with Privacy, Family, Home or Correspondence.—The Constitution, which has not been implemented, prohibits such actions; however, the Government at times infringed on the right to privacy. Under the law, warrants are required for routine searches and seizures, except in cases where authorities believe individuals may attempt to escape or destroy evidence.

The Government deployed military police throughout the country using roadblocks, street sweeps, and house-to-house searches to find deserters and draft evaders, although less intensively than last year.

There were reports that military officials seized residences belonging to relatives of persons identified with the political opposition and rented the property or used it as housing for senior military officers' families.

There were unconfirmed reports that the Government took land from members of the Kunama ethnic group without compensation and gave it to others on the grounds that the land was not being exploited efficiently (see Section 5). The Government also failed to compensate foreigners for property seized by the former Mengistu regime in Ethiopia or to return that property.

Warrants are theoretically required before the Government can monitor mail, telephones, or other means of private communication; however, in practice the Government often did not obtain warrants. There were reports that the Government monitored telephone calls and e-mail. Government informers were believed to be present throughout the country. There were unconfirmed reports that members of the PFDJ placed Ethiopians under surveillance.

All citizens between the ages of 18 and 45 were required to participate in the national service program, which included military training and civilian work programs (see Section 6.c.).

During the year, conditions remained difficult for Ethiopians living in the country, but most who wanted to leave had already done so. The Ethiopian Embassy reported approximately 7,000 Ethiopians remained. Unlike in the previous year, there were no reports that the Government targeted Ethiopians in particular for discrimination in renewing business licenses, residence permits, and employment. There were reports that Ethiopians who remained in the country were not allowed to live in the strategically important Debub Province bordering Ethiopia.

Government employees in general were unable to leave their jobs or take new employment.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution, which has not been implemented, provides for freedom of speech and of the press; however, the Government severely restricted this right in practice. The private press remained closed and most independent journalists arrested remained in detention or had fled the country, which effectively prevented all public and much private criticism of the Government. All private newspapers were banned, and the ban remained in effect at year's end.

The Government controlled all nonreligious media, including three newspapers, one radio station, one television station, and one of only two newspaper printing presses in the country. There were no private radio or television stations, and there were no private, nonreligious newspapers. The law does not allow private ownership of broadcast media or foreign influence or ownership of media. The press law forbids reprinting of articles from banned publications. The Government continued to restrict the right of the religious media to comment on politics or Government policies.

The law allows individuals to publish newspapers and magazines; it also requires that all newspapers obtain a license from the Ministry of Information (MOI) before publication and that all reporters register with the MOI. However, there continued to be no independent print media operating in the country at year's end.

The Government had the authority to ban the import of foreign publications, although it had not done so. Some Western periodicals were available regularly at several bookshops and from street vendors in Asmara.

The Government permitted four reporters for foreign news organizations to operate in the country. The reporter for Deutsche Welle was a citizen, while British Broadcasting Corporation, Agence France-Presse, and Reuters reporters were foreigners.

The arrests of journalists continued during the year. On July 8, police took Aklilu Solomon, a journalist who submitted articles to the Voice of America from his home during the night. He remained in detention at an unknown location at year's end. Although the Government claimed that he was detained for failing to fulfill national service obligations, reports indicate that Aklilu had a medical exemption from further national service and had been called into the MOI 10 days before his detention. At that meeting, his press credentials were cancelled and he was told that his reports concerning soldiers who died in the war with Ethiopia "pleased the enemy."

A reporter for an independent newspaper arrested in 2002 was reportedly released in July without charges. Three other reporters working for government media who were arrested in 2002 remained in detention without charge at year's end.

In April 2002, nine of the reporters arrested in 2001 on grounds of "national security" declared a hunger strike and subsequently were moved to undisclosed locations. Their whereabouts and well-being were unknown at year's end.

Four journalists who have been missing since before 2002 remained in government custody at year's end.

Access to the Internet was available in Asmara, Keren, Mendefera, Decamhare and Massawa. Four commercial Internet Service Providers operated in the country. There were no restrictions on Internet use.

The Government restricted academic freedom. The University of Asmara refused to give diplomas to graduates unless they had completed their national service obligations (see Section 6.c.), and the Ministry of Education did not release transcripts or exam results for those who were not released from national service. The Government placed tight controls on students who wanted to study abroad. Many were unable to obtain exit visas or were prevented from departing at the airport despite having necessary approvals. In addition, new graduates were frequently pressured to work for government entities.

b. Freedom of Peaceful Assembly and Association.—The Constitution, which has not been implemented, provides for freedom of assembly and association; however, the Government restricted this right in practice. A permit from the Ministry of Local Governments was required for a public meeting or demonstration. There were no reports of any political demonstrations that were not sponsored by the ruling party; no other permits were applied for during the year.

Several respected elders who were arrested in 2001 for meeting without a permit remained in detention without charge at year's end.

The Constitution, which has not been implemented, provides for the right of association. The Government restricted the freedom of association. The Government did not allow the formation of any political parties other than the PFDJ.

c. Freedom of Religion.—The Constitution, which has not been implemented, provides for freedom of religion; however, the Government restricted this right in practice. Only the four government-sanctioned religious groups in the country—Orthodox Christians, Muslims, Catholics, and members of the Evangelical Church of Eritrea (which is affiliated with the Lutheran World Federation)—were allowed to meet freely during the year.

There were several reports that police used physical torture such as bondage, heat exposure, and beatings to punish those detained for their religious beliefs. There were also reliable reports that some detainees were required to sign statements repudiating their faith or agreeing not to practice it as a condition for release. In some cases, where detainees refused to sign, relatives were asked to do so on their behalf. Some of these statements reportedly threatened execution for those who continued to attend non-sanctioned religious services or meetings. For example, on March 23, 40 members of the Philadelphia Church in Asmara were detained for 8 days and some were reportedly subjected to physical torture and pressured to repudiate their faith. The pastor and other church leaders who inquired on their behalf were also detained. Members reported that their pastor was forced to walk barefoot over sharp stones. After 8 days relatives were forced to sign papers stating that those detained would not attend church services or meet in their homes with other church members.

During the year, there were reports that several hundred followers of various non-sanctioned churches (mostly Protestant) were detained or harassed. For example, on June 19, a prominent pastor and head of the Association of Evangelical Churches was arrested and held for 3 weeks.

In August, the Government detained 57 students who were members of non-sanctioned religious groups; the students were arrested while at a mandatory 3-month summer course at the Sawa Military Camp.

On September 7, there were reports that the Government detained 12 members of the Bethel Church during a prayer meeting in Asmara.

The 74 military and national service personnel arrested in February 2002 remained imprisoned near Assab at year's end. Reports suggest that they were being detained until they repudiate their faith.

In May 2002, the MOI ordered several Protestant churches to close, including the Rhema Church, Pentecostals, Full Gospel, and other small Protestant groups. The Government instructed these churches to register with the MOI to receive authorization to reopen. Despite the fact that several of the churches submitted registrations in 2002, none of the churches had been authorized to reopen by year's end. The four government-sanctioned religious groups were not required to register.

On October 15, government officials evicted the Full Gospel Church from the complex in Asmara that has served as its headquarters for 11 years. The Government began its occupation of the property in September 2002 with the presence of military personnel. The complex remained under government control at year's end.

The Government does not excuse individuals who object to national service for religious reasons or reasons of conscience, nor does the Government allow for alternative service. The Government continued to harass, detain, and discriminate against the small community of members of Jehovah's Witnesses because of their refusal, on religious grounds, to vote in the independence referendum or the refusal of some to perform national service. Members of Jehovah's Witnesses were subject to dismissal from the civil service. Many were evicted from or not allowed to occupy government-owned housing. Members of Jehovah's Witnesses were also frequently denied passports and exit visas, and some had their identity cards revoked or were not issued them at all. There were no reports that members of Jehovah's Witnesses who performed national service and participated in the national independence referendum were subject to discrimination.

On April 16, approximately 160 members of Jehovah's Witnesses were detained while meeting in a private home in Asmara. Most were released within a week, but 5, who were apparently considered "elders," were detained for 28 days.

At year's end, an estimated 11 members of Jehovah's Witnesses reportedly remained in detention without charge, including 6 allegedly detained during the year, for failing to participate in national service. Although the maximum penalty for refusing to perform national service is 3 years' imprisonment, three of the individuals have been detained for more than 9 years. Of the members of Jehovah's Witnesses detained, 10 were reportedly held at Sawa Military camp and 1 in prison in Asmara.

The army resorted to various forms of extreme physical punishment to force objectors, including some members of Jehovah's Witnesses, to perform their military service (see Section 1.c.).

The Government also harassed and monitored some Orthodox churches whose religious services it did not approve.

There were some complaints that the Government discriminated against the Muslim community and Catholics because the Government offered tax relief to Orthodox churches, but not to mosques and Catholic churches.

The Government prohibited political activity by religious groups and faith-based nongovernmental organizations (NGOs). The Government's Directorate of Religious Affairs in the Ministry of Local Government monitored religious compliance with this proscription against political activity.

There were negative societal attitudes toward members of religious denominations other than the four sanctioned ones. Some citizens approved of the strict measures levied against unsanctioned churches during the year. Jehovah's Witnesses also faced some social discrimination because of their refusal to participate in the 1993 independence referendum and to perform national service; however, the level of societal discrimination against Jehovah's Witnesses continued to decline during the year.

For a more detailed discussion, see the 2003 International Religious Freedom Report.

d. Freedom of Movement within the Country, Foreign Travel, Emigration, and Repatriation.—The Constitution, which has not been implemented, provides for these rights; however, the Government restricted some of them in practice. While citizens could generally travel freely within the country and change their place of residence, authorities restricted freedom of movement and emigration. The Government required all citizens to carry national identification cards, which must be presented on demand. The Government restricted travel to some areas within the country for security reasons. Military police periodically set up roadblocks in Asmara and other

cities to find draft evaders and deserters, and periodic crackdowns continued during the year (see Section 1.d.).

The Government continued to restrict travel along much of the border with Sudan. Some areas remained heavily mined, a legacy of the war for independence. Occasionally, the ELJ or others planted new mines, leading to additional travel restrictions (see Section 1.a.).

Citizens and foreign nationals were required to obtain an exit visa to depart the country. There were numerous cases where foreign nationals were delayed in leaving or initially denied permission to leave when they applied for an exit visa, some for as long as 1 month.

Citizens of national service age (men 18 to 45 years of age, and women 18 to 27 years of age), members of Jehovah's Witnesses (see Section 2.c.), and others who were out of favor with or seen as critical of the Government were routinely denied exit visas. In addition, the Government often refused to issue exit visas to adolescents and children as young as 10 years of age, apparently on the grounds that they were approaching the age of eligibility for national service. Some citizens were given exit visas only after posting bonds of approximately \$7,300 (100,000 Nakfa). There were many instances in which the newly married spouse of a citizen or foreign national living abroad was denied an exit visa to join the partner often because the citizen's spouse residing abroad could not prove payment of the 2 percent income tax, which is imposed on all citizens living abroad.

During the year, the Government annulled or denied exit visas for several citizens who had received scholarships to foreign universities or been nominated for participation in exchange programs. Upon request, officials reexamined denied cases on an individual basis, which frequently led to a reversal of the decision.

In general, citizens had the right to return; however, citizens had to show proof that they paid the 2 percent tax on their income to the Government while living abroad to be eligible for some government services on their return to the country. Applications to return from citizens living abroad who had broken the law, contracted a serious contagious disease, or had been declared ineligible for political asylum by other governments, were considered on a case-by-case basis.

During the year, the Government repatriated approximately 380 Ethiopians to Ethiopia. They were repatriated voluntarily and with ICRC participation.

Approximately 1.1 million citizens were displaced internally as a result of the conflict with Ethiopia. Most of these IDPs returned home; however, approximately 67,000 IDPs remained in 11 camps in the Debub and Gash Barka zones at year's end. Camp facilities were rudimentary, but conditions generally were adequate. There also was a large but unknown number of IDPs residing outside camps during the year.

The law does not provide for the granting of refugee status or asylum to persons who meet the definition in the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. There is no domestic legislation relating to refugees. Consequently, the Government cannot issue legal refugee status or asylum to persons seeking protection on its territory; however, the Government offers temporary protection to persons from Sudan and Somalia on a prima facie basis and provided protection against refoulement. The Government cooperated with the office of the U.N. High Commissioner for Refugees (UNHCR) in assisting refugees. There were 661 Sudanese refugees at Elit camp in the west and 3,314 Somali refugees at Emkulu camp, near Massawa. There were also 5,000 to 7,000 Beja Sudanese and approximately 600 Ethiopians in the Gash Barka region to which UNHCR has no access or responsibility. UNHCR was accommodating 200 Ethiopian asylum seekers who arrived during the year.

UNHCR reported that approximately 9,378 refugees were repatriated from Sudan during the year. The repatriation movements had been halted from July 2002 until June due to political tensions with Sudan. At year's end, approximately 36,000 of the approximately 243,000 refugees remaining in Sudan had registered for repatriation while the rest were having their cases assessed on an individual basis. The Eritrean Relief and Refugee Commission (ERREC), a government agency, was the principal organization responsible for returnees and IDPs. The Office of Refugee Affairs (ORA) was responsible for refugees of non-Eritrean origin, including management of the Elit and Emkulu camps. In November and December, the Government cooperated with UNHCR to re-register Sudanese and Somali refugees at the Elit and Emkulu camps.

Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government

The Constitution, which has not been implemented, provides citizens with the right to change their government peacefully; however, citizens were not allowed to

exercise this right in practice. A small group of former fighters held authority within the Government. The PFDJ completely dominated the Government, which came to power in the 1993 popular referendum in which more than 99 percent of voters chose to have an independent country managed by a transitional government run by the PFDJ rather than to remain part of Ethiopia. The PFDJ has not transitioned to a democratically elected government and national elections, originally scheduled for 1997, were never held. The only authorized political party was the PFDJ, and there were no opposition parties active domestically (see Section 2.b.).

In 2001, the Government arrested and detained without charge 11 senior PFDJ and National Assembly members after they expressed dissenting political views (see Section 1.d.).

In February 2002, a new electoral commission was established to set a new date for elections and review the previously drafted laws; however, elections were still not scheduled at year's end. Government officials stated that the elections were delayed because of continuing tensions with Ethiopia and problems caused by dissidents and the press.

Elections for the first community judges were held throughout the country during the year, although most of these judges had not begun hearing cases by year's end. Elections for non-judicial government positions in Asmara and other large cities, which were planned for 2002, have not occurred.

Three women served on the PFDJ's 19-member Executive Council and 11 women on the 75-member Central Council. Women participated in the Constitutional Commission (occupying almost half of the positions on the 50-person committee). They also served in several senior government positions, including the Ministers of Justice, Tourism, and Labor and Welfare. By law, one-third of regional National Assembly seats are reserved for women, and women also may compete for the unreserved seats; however, the National Assembly does not meet.

Section 4. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

There were 31 international and 16 domestic NGOs operating in the country; however, only one domestic human rights organization, Citizens for Peace in Eritrea (CPE), was allowed to operate, and its work was limited to advocacy on behalf of war victims. Government officials were cooperative and responsive to CPE's views on these issues. All NGOs were required to register with the ERREC.

International human rights organizations were not permitted to operate within the country, with the exception of the ICRC, which continued its programs during the year and provided shelter to approximately 70,000 persons who were displaced by the conflict with Ethiopia (see Section 2.d.). The ICRC also visited prisons and detention centers where Ethiopians were held during the year (see Section 1.c.).

The Ministry of Foreign Affairs and Ministry of Local Government jointly were responsible for handling human rights inquiries.

Section 5. Discrimination Based on Race, Sex, Disability, Language, or Social Status

The transitional Civil Code prohibits discrimination against women and persons with disabilities, and the Government generally enforced these provisions. However, there continued to be problems with violence against women and discrimination against minority ethnic groups.

Women.—Violence against women was pervasive. Spousal abuse is a crime; however, spousal abuse, especially wife beating, was widespread. Women seldom openly discussed domestic violence because of societal pressures. Such incidents were more commonly addressed, if at all, within families or by religious clergy. It was estimated that more than 65 percent of women in the Asmara area were victims of domestic violence during the year. The Government's response to domestic violence was hindered by a lack of training, inadequate funding, and societal attitudes.

Rape is a crime; however, no specific information was available on its prevalence in the country.

FGM was widespread, with estimates placing the number of women and girls who have been subjected to FGM as high as 95 percent. Almost all ethnic and religious groups in the country practiced FGM. In the lowlands, infibulation—the most severe form of FGM—was practiced. There was no law prohibiting FGM; however, the Government worked to combat the practice of FGM. The Government and other organizations, including the National Union of Eritrean Women and the National Union of Eritrean Youth and Students sponsored education programs that discouraged the practice. The U.N. Population Fund, through the Ministry of Health, sponsored reproductive health projects that provided training and awareness programs that focused on the harmful physical and psychological impacts of FGM.

Prostitution is illegal; however, as a result of war-related displacement and difficult economic conditions, prostitution was a serious problem. The problem was magnified by the presence of many international peacekeepers, NGOs, and other foreign men in the country since the end of the war with Ethiopia. There were reports that national service members, who regularly patrol the city at night, occasionally followed prostitutes and arrested those who had spent the night with a foreigner. The Ministry of Labor and Human Welfare continued its National Plan of Action for the Prevention, Rehabilitation, and Reintegration of Commercial Sex Workers and successfully helped some prostitutes to obtain training and re-enter the legal economy.

The Government consistently advocated improving the status of women, many of whom played a significant role as fighters in the independence struggle. Women have a legal right to equal educational opportunities, equal pay for equal work, and legal sanctions against domestic violence; however, in practice, men retained privileged access to education, employment, and control of economic resources, with greater disparities in rural areas than in cities. Women generally did not enjoy a social status equal to men. Laws were enforced unevenly, because of a lack of capacity in the legal system and long-standing cultural attitudes.

The law requires that women between the ages of 18 and 27 participate in national service (see Section 6.c.). During the year, efforts to detain women draft evaders and deserters decreased. According to some reports, women drafted for national service were subject to sexual harassment and abuse. In 2002, most women in the national service were scheduled to be demobilized; however, many were still serving at year's end. In addition, hundreds were required to continue serving in government ministries.

Children.—The Ministry of Labor and Human Welfare is responsible for policies concerning children rights and welfare. The Children's Affairs Division in the Ministry of Labor and Human Welfare covered childcare, counseling, and probation. Although the Government was generally committed to children's rights and welfare, its programs were limited by resource constraints.

Education through grade seven is compulsory and the Government provides tuition-free education; however, students were responsible for uniforms, supplies, and transportation, which can be prohibitively expensive for many families. The Ministry of Labor and Human Welfare operated an Integrated Early Childhood Development Project to keep children off the streets by providing some of the most vulnerable with the books, uniforms, and other supplies necessary so that children would not be forced to drop out of school due to lack of financial resources. Education above grade seven requires a nominal fee and is not compulsory. There was a shortage of schools and teachers at all levels. According to Ministry of Education figures, only 38 percent of children attended school. Approximately 75 percent of the population was illiterate. In rural areas, young girls usually left school early to work at home.

The Government added an additional grade to secondary school during the year and required that all students attend their final year at a location adjacent to the Sawa military training facility. Students who do not attend this final year of secondary school do not graduate and cannot sit for examinations to be admitted to university. The remote location of this boarding school, concern about security, and societal attitudes resulted in few girl students enrolling for their final year of high school; however, women may earn an alternative secondary school certificate by attending night school after completing national service.

The law criminalizes child prostitution, pornography, and sexual exploitation.

FGM was performed on up to 95 percent of all young girls (see Section 5, Women).

Persons with Disabilities.—There was no discrimination against persons with disabilities in employment, education, or in the provision of other state services. The war for independence and the conflict with Ethiopia left thousands of men and women with physical disabilities from injuries they received as guerrillas, soldiers, and civilian victims. The Government dedicated a substantial share of its resources to support and train these former fighters, who were regarded as heroes. There are no laws mandating access for persons with disabilities to public thoroughfares or public or private buildings; however, many newly constructed buildings provided access for persons with disabilities.

National/Racial/Ethnic Minorities.—There were reports of government and societal discrimination against the Kunama, one of nine ethnic groups, who reside primarily in the west. Because a Kunama opposition group operated out of Ethiopia and was supported by Ethiopian authorities, some Kunama in the country were suspected of supporting or having sympathies with the Ethiopian Government. There continued to be unconfirmed reports that the Government took land from Kunamas

without compensation and gave it to other ethnic groups on the grounds that the land had not been efficiently exploited. There was some societal discrimination against Kunamas because they were seen as ethnically and culturally different from most citizens.

Members of the Kunama ethnic group were detained without charges during the year (see Section 1.b.).

During the year, abuse of Ethiopians by individuals was not systematic, and there were fewer cases than in the previous year.

Section 6. Worker Rights

a. The Right of Association.—The Constitution, which has not been implemented, and Proclamation 118 of 2001, which has the effect of law, provide workers with the legal right to form unions to protect their interests; however, some government policies restricted free association or prevented the formation of unions, including within the civil service, military, police, and other essential services. The Ministry of Labor and Human Welfare must grant special approval for groups of 20 or more persons seeking to form a union. There were no reports that the Government opposed the formation of labor associations during the year.

The National Confederation of Eritrean Workers (NCEW) maintained a close affiliation with the Government, and its leadership consisted of high-ranking PFDJ members. The NCEW represented more than 25,000 workers from 250 unions and received some assistance from the International Labor Organization (ILO) and foreign labor organizations. The largest union within the NCEW was the Textile, Leather, and Shoe Federation.

Unions may affiliate internationally. All five workers' federations in the NCEW maintained affiliations with international unions.

b. The Right to Organize and Bargain Collectively.—Under Proclamation 118, a tripartite board composed of workers, employers, and Ministry of Labor and Human Welfare officials is required to resolve differences. If a case cannot be resolved by the tripartite board to the satisfaction of the parties, the complainant has the option of pursuing the case in court. According to the NCEW, there were 166 labor disputes during the year, of which 20 were resolved in court, 36 through the tripartite board, 60 through negotiations. Fifty cases were still pending at year's end.

The law allows strikes; however, there were no strikes reported during the year. There were no export processing zones.

c. Prohibition of Forced or Bonded Labor.—The law prohibits forced or bonded labor, including by children; however, there were unconfirmed reports that it occurred during the year. All men between the ages of 18 and 45, and women between the ages of 18 and 27, were required to participate in the national service program, which included military training and civilian work programs. In addition, some national service members were assigned to return to their civilian jobs, while nominally kept in the military, because their skills were deemed critical to the functioning of the Government or the economy. These individuals continued to receive only their national service salary. They were required to forfeit to the Government any money they earned above and beyond that salary. High school students also were required to participate in a paid summer work program.

d. Status of Child Labor Practices and Minimum Age for Employment.—Child labor occurred. The Government does not have a national plan of action to protect children from exploitation in the workplace; however, the legal minimum age for employment is 18 years, although apprentices may be hired at age 14. Proclamation 118 bars children, young workers and apprentices under 18 years of age from performing certain dangerous or unhealthy labor, including working in transport industries, jobs involving toxic chemicals or dangerous machines, and underground work such as mines and sewers. Labor inspectors from the Ministry of Labor and Human Welfare are responsible for enforcing child labor laws; however, due to the small number of inspectors, inspections were infrequent. It was common for rural children who did not attend school to work on family farms, fetching firewood and water, and herding livestock among other activities. In urban areas, some children worked as street vendors of cigarettes, newspapers, or chewing gum. Children also worked as child-minders, traders, and in small-scale manufacturing.

The Government has not ratified ILO Convention 182 on the Worst Forms of Child Labor.

e. Acceptable Conditions of Work.—Two systems regulate employment conditions—the civil service system and the labor law system. There is no legally mandated minimum wage in the private sector. In the civil service sector, wages ranged from \$24 to \$288 (325 to 3,900 Nakfa) per month. Factory workers in government-owned en-

terprises earned the highest wages. The minimum wage in the civil service sector did not provide the average worker and family with a decent standard of living.

The standard workweek was 44½ hours, but many persons worked fewer hours. Under Proclamation 118, workers are entitled to 1 rest day per week. Most workers were allowed 1 to 1½ days off per week. The Government has instituted occupational health and safety standards, but inspection and enforcement varied widely among factories. Workers were permitted to remove themselves from dangerous work sites without retaliation.

Legal foreign and citizen workers are treated equally under the law. A large number of foreigners worked as teachers.

f. Trafficking in Persons.—The law prohibits trafficking in persons. Unlike in the previous year, there were no reports of trafficking for forced or bonded labor.

ETHIOPIA

Ethiopia continued its transition from a unitary to a federal system of government, under the leadership of Prime Minister Meles Zenawi. According to international and local observers, the 2000 national elections generally were free and fair in most areas; however, serious election irregularities occurred in the Southern Region, particularly in Hadiya zone. The Ethiopian Peoples' Revolutionary Democratic Front (EPRDF) and affiliated parties won 519 of 548 seats in the federal parliament. EPRDF and affiliated parties also held all regional councils by large majorities. The regional council remained dissolved at year's end, and no dates had been set for new elections. Highly centralized authority, poverty, civil conflict, and limited familiarity with democratic concepts combined to complicate the implementation of federalism. The Government's ability to protect constitutional rights at the local level was limited and uneven. Although political parties predominantly were ethnically based, opposition parties were engaged in a gradual process of consolidation. Local administrative, police, and judicial systems remained weak throughout the country. The judiciary was weak and overburdened but continued to show signs of independence; progress was made in reducing the backlog of cases.

The security forces consisted of the military and the police, both of which were responsible for internal security. The Federal Police Commission and the Federal Prisons Administration were subordinate to the Ministry of Federal Affairs. The military, which was responsible for external security, consisted of both air and ground forces and reported to the Ministry of National Defense. Military forces continued to conduct a number of low-level operations against the Oromo Liberation Front (OLF), the Somalia-based Al-Ittihad Al-Islami armed resistance organization (AIAD), and elements of the Ogaden National Liberation Front (ONLF) both in the country and in southern Somalia and northern Kenya. While civilian authorities generally maintained effective control of the security forces, there were some instances in which elements of the security forces acted independently of government authority. Members of the security forces committed human rights abuses.

The economy was based on smallholder agriculture, with more than 85 percent of the estimated population of 71 million living in rural areas under very basic conditions and engaged in subsistence farming. Agriculture accounted for approximately 45 percent of gross domestic product (GDP). In urban centers, the majority of economic activity was in the informal sector. Severe drought, massive crop failures, and extensive livestock losses adversely affected approximately 14 million persons during the year, and caused GDP growth to slow. Trade regulations favored EPRDF-owned businesses. Inflation decreased to 3 percent during the year. Military spending continued to decrease during the year. The Government continued to implement an economic reform program designed to stabilize the country's financial position, promote private sector participation in the economy, and attract foreign investment; however, significant impediments to investment remained, corruption was widespread, and there were approximately 200 government-owned enterprises that had not been privatized by year's end.

The Government's human rights record remained poor; although there were some improvements in a few areas, serious problems remained. Security forces committed a number of unlawful killings and at times beat, tortured, and mistreated detainees. Prison conditions remained poor. The Government continued to arrest and detain persons arbitrarily, particularly those suspected of sympathizing with or being members of the OLF. Thousands of suspects remained in detention without charge, and lengthy pretrial detention continued to be a problem. The Government sometimes infringed on citizens' privacy rights, and the law regarding search warrants was often ignored. The Government restricted freedom of the press and continued

to detain or imprison members of the press. Journalists continued to practice self-censorship. The Government at times restricted freedom of assembly, particularly of opposition party members; security forces at times used excessive force to disperse demonstrations. The Government limited freedom of association, but the non-governmental organization (NGO) registration process continued to improve. On occasion, local authorities infringed on freedom of religion. The Government restricted freedom of movement. Numerous internally displaced persons (IDPs) from internal ethnic conflicts remained in the country. During the year, neither the Human Rights Commission (HRC) nor the Office of the Ombudsman was operational. Violence and societal discrimination against women and abuse of children remained problems. Female genital mutilation (FGM) was widespread. The exploitation of children for economic and sexual purposes remained a problem. Societal discrimination against persons with disabilities and discrimination against religious and ethnic minorities continued. Forced labor, including forced child labor, and child labor, particularly in the informal sector, continued to be a problem. Trafficking in persons remained a serious problem.

RESPECT FOR HUMAN RIGHTS

Section 1. Respect for the Integrity of the Person, Including Freedom From:

a. Arbitrary or Unlawful Deprivation of Life.—The security forces committed many unlawful killings, including some alleged political killings, during the year. There were numerous reports of unlawful killings during the year.

At least one person died as a result of torture while in the custody of security forces. On April 26, police arrested 40-year-old Abera Hey at his home in Addis Ababa. Two days later, police informed his family that he had hanged himself while in custody; however, Ethiopian Human Rights Council (EHRCO) investigators examined the body and observed a broken chin, missing teeth, injured left ribs, blood on the nose and mouth, and swollen testicles. An internal investigation by the Addis Ababa police was pending at year's end.

There continued to be numerous unconfirmed reports of unlawful killings by security forces, particularly from Oromiya and the Somali regions.

In Addis Ababa, on August 14, a member of the Special Police Force under the Federal Police shot two men as they were walking down the street, killing one and seriously injuring the other. The police officer responsible for the killing was in police custody, and the incident was under internal investigation at year's end.

On December 3, a man wearing a military uniform opened fire with an automatic weapon in a bar in Addis Ababa, killing five persons. The suspect, whose motive for the killing was not known, remained in police custody at year's end.

In December, there were credible reports that military forces participated in the killing of Anuak civilians in the Gambella region. Precise information about the role of the military in that violence was not available at year's end (see Section 5).

Unlike in the previous year, there were no reports that police use of excessive force while dispersing demonstrations resulted in deaths.

The Government arrested the soldier responsible for the July 2002 killing of a 13-year-old boy who was returning home from a wedding party.

Upon completion of its investigation into the police's response to the 2001 riots at Addis Ababa University (AAU), which left 38 persons dead and many others injured, the Government concluded that some security forces responded to the demonstration with excessive force. The Government claimed the victims were looters, not AAU students, and claimed that five or six policemen were punished for using excessive force. The Government also disputed the alleged 2001 police killing of an Oromo student at Mekelle University who had protested the violence at the AAU demonstrations. The results of a police investigation indicated death by drowning, but fellow students and Oromo advocacy groups disputed that finding.

The Government reported it had dismissed 58 policemen during the year for their involvement in the following incidents of pre- and post-2001 election violence: The security forces killing of two opposition supporters during a meeting organized by the Council of Alternative Forces for Peace and Democracy in Ethiopia; the security forces killing of four Southern Ethiopian People's Democratic Coalition (SEPDC) members in Shone village in Badoacho Woreda; and the security forces killing of at least 11 supporters of the SEPDC.

There were no further developments in the following reported 2002 cases: The July killing of a driver in Addis Ababa by soldiers; the November killing of one person and injuring of eight others at a security checkpoint near Hartishek in Somali region; and the December security forces' killing of two persons in Amorate, Southern Region.

During the year, the Government took no disciplinary action against members of the security forces responsible for the 2001 killing of five persons during riots between Christians and Muslims in Harar.

It remained unclear at year's end whether the Government investigated the death of the chairman of the Kure Beret Farmers Association, who was reportedly killed in 2002 while being held in prison for questioning related to the killing of 31 Afar women in October 2002 (see Section 5).

The armed elements of the OLF and ONLF continued to operate within the country and clashed with government forces on several occasions, resulting in the death of an unknown number of civilians. From October 12 to 14, fighting between the OLF and government forces in Gombisa and Dukale, in Hidilola, resulted in an undisclosed number of casualties.

There was no additional information available on the November 2002 incident in which government soldiers rounded up and killed farmers accused of supporting the Ethiopian Patriotic Front, an armed Amhara dissident group. There was no additional information at year's end on the military's October 2002 killing of 25 persons and injuring of 37 in fighting with elements of the ONLF, near the town of Luga on the Somalia border.

At year's end, there were approximately 2 million landmines in the country, most dating from 1998 to 2000 war with Eritrea. U.N. Peacekeeping Mission in Eritrea and Ethiopia (UNMEE) officials reported that new landmines were planted on both sides of the Ethiopian-Eritrean border during the year. UNMEE reported a total of 19 deaths caused by unexploded landmines and ordnances during the year. For example, on August 13, six persons were killed and three injured when their tractor hit a freshly planted landmine south of Humera, near the border with Eritrea. On September 13, two children were killed while playing with an unexploded rocket-propelled grenade near Tserona within the Temporary Security Zone along the Ethiopian-Eritrean border.

The government demining unit continued to make limited progress in its survey and demining of border areas.

On July 12, a bomb exploded at the Segen Hotel in Addis Ababa, injuring 31 persons. An investigation into the incident was pending at year's end.

On September 26, a bomb planted aboard a passenger train exploded near the town of Adiquala, killing two persons and injuring nine. No group claimed responsibility for the bomb, although authorities believed the OLF was responsible.

Early in the year, the nine defendants charged with the September 2002 bombing of the Tigray Hotel in Addis Ababa pled not guilty. At year's end, five remained in custody, and the other four had been released without charges.

There was no new information available on the August 2002 bombing at the Edom Hotel in Jijiga, which killed one person and injured six others.

The Government reported three persons were arrested and were awaiting trial for the July 2002 killing of the head of the education bureau of the Southern Region and two other men; it is unknown if they were still being held incommunicado in a military camp in Awassa (see Section 2.b.).

It is unknown whether any arrests have been made in connection with the February 2002 bandits' killing of a South African tourist outside Gondar.

Ethnic clashes resulted in hundreds of deaths during the year (see Section 5).

The Federal High Court in Addis Ababa continued to arraign and prosecute those formally charged with genocide and other war crimes, including extrajudicial killings, under the previous Dergue regime (see Section 1.e.).

b. Disappearance.—There were some reported cases of disappearances perpetrated by government forces during the year, some of which may have been politically motivated. In nearly all cases, security forces abducted persons without warrants and detained them in undisclosed locations for varying lengths of time ranging from weeks to months. For example, in December, Ahmad Haji Wase, an information officer for the Afar Regional Government, was reportedly detained in an undisclosed location for a report he wrote about fighting between Afar rebels and government troops. Ahmad's report alleged that food aid sent for displaced persons in the town of Bure had been diverted to the army. Ahmad's whereabouts were unknown at year's end.

The Government reported that Mesfin Itana, Yilma Mosisa, and Gdissa Mosisa, who were believed to have disappeared after being detained in connection with the September 2002 bombing of the Tigray Hotel in Addis Ababa (see Section 1.a.), were in government custody and awaiting trial. Several young Oromo businessmen remained missing at year's end.

The whereabouts of Oromo singer Raya Abamecha remained unknown at year's end. The Government stated it had no information about his case and had not opened an investigation.

On March 21, EHRCO issued a report documenting the disappearances of 39 individuals over the past 10 years, allegedly by security forces. Although there are many more reports of disappearances, EHRCO included in the report only those with the most detailed evidence. Among those persons missing were Seble Wengel, who disappeared in May 2002; Hailu Desta, a 28-year-old resident of Debre Markos and one-time independent candidate for the federal Parliament, who disappeared in December 2001; and Siraj Mohammed, who was abducted in October 2001. All but 1 of the 39 persons reported to have disappeared are men, and 35 of the disappearances took place in Addis Ababa. In 21 of the cases, the report provided eyewitness accounts of the abductions by armed security forces.

Unlike in the previous year, there were no reports that government forces abducted persons during incursions into Somalia.

The 32 Nuer IDPs abducted from a bus headed to Fugnido refugee camp by Anuak fighters in July 2002 were found to have been killed. At year's end, it was unknown whether the Government had investigated the case or whether any arrests had been made.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The Constitution prohibits the use of torture and mistreatment; however, there were several credible reports during the year that security officials often beat or mistreated detainees. Opposition political parties reported frequent and systematic abuse of their supporters by police and government militias.

At least one person died as a result of torture while in the custody of government security forces (see Section 1.a.).

Government militia committed numerous abuses against Ethiopia Unity Party (AEUP) supporters during the year, many of which EHRCO investigated and corroborated. For example, in January, local militia leaders and police detained Nake Abebe, a member of Didite Kebele Farmers' Association, Lumame Woreda, Amhara region, for his involvement in an AEUP meeting. While in detention for 8 days, Nake was beaten and tortured on his legs and chest with drops of melted plastic.

On February 20, the head of the woreda militia coordination and four militiamen beat Ayele Liyew, the AEUP chairman in Sebshango Kebele, Dejen Woreda, and his brother, Habtamu Liyew, who was also an AEUP member.

Many persons were beaten following their attendance of AEUP meetings. For example, on October 2, local officials of Mertolemariam Woreda, Amhara Region, led by Lakachew Adamu, the woreda administrator, and accompanied by kebele militia, ordered the national flag removed from the pole in front of the AEUP office. They then severely beat four AEUP officials—Retta Bayih, Awoke Tegegn, Derejaw Ayehou, and Alellign Ayalew—for their participation in a September 23 AEUP public meeting. The AEUP office was closed and had not been allowed to reopen at year's end.

On October 12, in Bichena town, Amhara Region, government militia accosted AEUP leaders Kassa Zewdu and Sinishaw Tegegn following a large AEUP public meeting, beat them, and threw them in Bichena jail. No charges have been brought against the two.

Security forces beat persons for personal reasons as well. For example, in March, members of the Federal Police pulled a teacher at Misrak Goh elementary school in Addis Ababa out of his classroom in broad daylight and severely beat the teacher after he refused to change the grade of a student related to one of the policemen. The teacher was taken to the central police station for questioning and later released.

Security forces beat and tortured members of religious groups during peaceful assemblies (see Section 2.c.).

Security forces beat journalists during the year (see Section 2.a.).

Unlike in the previous year, there were no reports that government security forces tortured refugees or that the Government's refugee agency beat refugees. By year's end, it was unclear whether the Government's refugee agency had conducted investigations into such abuses from previous years (see Section 2.d.).

There was no known action taken against the security forces responsible for injuring dozens during the August 2002 beating of numerous runners, or the severe beating of Oromo student activist Gelan Nedhi Chewaka in December 2002. Although released from the hospital, Chewaka's condition remained serious at year's end.

No action was taken, nor was any likely to be taken, against members of the security forces responsible for torturing, beating, or abusing persons in the reported 2001 cases.

The Government reportedly suspended 58 police officers for their involvement in the 2001 pre- and post-election violence, although it could not specify who was involved in particular crimes (see Section 1.a.).

There were reports during the year that security forces raped or sexually abused persons during arrests, detentions, or other government operations.

No known action was taken against the security forces responsible for the 2001 rape of two girls in Hosana or the 2001 rape of a woman from Soro who was in temporary detention.

There were reports of injuries and at least 19 deaths caused by unexploded landmines and ordnances (see Section 1.a.).

During the year, ethnic clashes resulted in numerous injuries (see Section 5). On December 15, according to credible reports, soldiers raped two Anuak women at gunpoint in the town of Echeway, Gambella Region, during the outbreak of violence against Anuaks (see Section 5).

Prison conditions were very poor and overcrowding remained a serious problem. Prisoners often were allocated fewer than 21.5 square feet of sleeping space in a room that could contain up to 200 persons. The daily meal budget was approximately 25 cents per prisoner per day, and many prisoners had family members deliver food every day or used their own funds to purchase food from local vendors. Prison conditions were unsanitary, and access to medical care was not reliable. There was no budget for prison facility maintenance. Prisoners typically were permitted daily access to prison yards, which often included working farms, mechanical shops, and rudimentary libraries. Prison letters must be written in Amharic, which made outside contact difficult for non-Amharic speakers; however, this restriction generally was not enforced.

During the year, the ICRC conducted training programs for prison officials on proper treatment of prisoners. The training was for prison directors, and heads of security, health, and administration in the Amhara and Southern regions and it covered issues such as respect for human dignity, treatment of women and children, and medical treatment of sick detainees.

Visitors generally were permitted; however, they were sometimes denied access to detainees.

Female prisoners were held separately from men; however, juveniles sometimes were incarcerated with adults. There was only 1 juvenile remand home with a capacity of 150 for children under age 15, and the juveniles who could not be accommodated at the juvenile remand home were incarcerated with adults. Pretrial detainees were usually detained separately from convicted prisoners at local police stations or in the limited Central Investigation Division (CID) detention facility in Addis Ababa until they were charged. The law requires that prisoners be transferred to federal prisons upon conviction; however, this requirement sometimes was not enforced in practice.

There were some deaths in prison during the year due to illness and disease; however, no statistics on the number of deaths in prison were available at year's end.

The Government permitted independent monitoring of prisons and police stations by the ICRC. Unlike in the previous year, diplomatic missions were also granted access upon providing advance notification to prison officials. The ICRC generally had access to federal and regional prisons, civilian detention facilities, and police stations throughout the country during the year. During the year, the ICRC carried out more than 160 visits to 128 detention centers throughout the country and was permitted to visit regularly all of the 29 police stations in Addis Ababa during the year. The ICRC was allowed to meet regularly with prisoners without third parties being present. The ICRC received government permission to visit military detention facilities where suspected OLF fighters were detained. The ICRC also continued to visit civilian Eritrean nationals and Ethiopians of Eritrean origin detained on national security grounds.

Government authorities continued to permit diplomats to visit prominent detainees held by the Special Prosecutors Office (SPO) for alleged involvement in war crimes and terrorist activities.

d. Arbitrary Arrest, Detention, or Exile.—The Constitution prohibits arbitrary arrest and detention; however, the Government frequently did not observe these provisions in practice.

The Federal Police Commission was subordinate to the Ministry of Federal Affairs. Corruption and impunity were sometimes a problem. Government militias operated as local security forces independent of the police and the military.

In October, an employee of the Federal Police and an employee of the Federal Anti-Corruption Commission were implicated in an alleged kidnapping of a businessman in Addis Ababa. The suspects demanded \$5,800 (50,000 birr) from the abductee. Both men were in police custody at year's end.

Under the Criminal Procedure Code, any person detained must be informed of the charges within 48 hours and, in most cases, be offered release on bail. Bail was not available for some offenses, such as murder, treason, and corruption. In most cases,

bail was set between \$116 (1,000 birr) and \$1,160 (10,000 birr), which was beyond the reach of most citizens. Suspects of serious offenses could be detained for 14 days while police conduct an investigation, if a panel of judges ordered it, and for additional 14-day periods while the investigation continues. In practice and particularly in the outlying regions, authorities regularly detained persons without warrants, did not charge them within 48 hours, and, if persons were released on bail, never recalled them to court. The law also prohibits detention in anything less than an official detention center; however, there were no such centers at the kebele level. The Government provided public defenders for detainees who were unable to afford private legal counsel, but only when their cases came before the court. While in detention, such detainees were allowed little or no contact with their legal counsel.

There were many reports from opposition party members that in small towns, persons were detained in police stations for long periods without access to a judge and that sometimes these persons' whereabouts were unknown for several months. Opposition parties registered many complaints during the year that government militias beat and detained their supporters without charge for participating in opposition political rallies (see Section 1.c.).

For example, in May, the Government arrested three members of the Movement for Democratic Change, an Eritrean opposition group, for a press statement issued by the group that called upon the Government to comply with the findings of the Ethiopia-Eritrea Boundary Commission and withdraw from the village of Badme. The three Eritreans—Yohannes Almaz, Jemal Abdul Awel, and Hadish—were arrested in Addis Ababa. No further information about their cases was available at year's end.

In July, ruling party supporters, backed by local militias, closed the Konso People's Democratic Union (KPDU) branch office in Konso and imprisoned KPDU leaders Tesfaye Korra and Adane Fulayta for 1 week. Ruling party supporters looted the office and damaged the roof. Tesfaye and Adane were later released on bail.

On September 30, six policemen removed the national flag from the office of the United Ethiopia Democratic Party (UEDP) in Masha Woreda, Sheka Zone, Southern Region, and detained UEDP representative Berhanu Hailu in Masha police prison for 3 weeks. He was released after posting \$580 (5,000 birr).

On October 12, government militias acting on the authority of local officials arrested Shako Otto Kora, Chairman of the KPDU, in Konso, Southern Region, and detained him for 6 days. Local ruling party officials accused him of "disturbing development activities" for visiting one of his party's branch offices that had been closed. He posted bond of \$151 (1,300 birr). On October 17, he was transferred to Arba Minch and brought before the High Court to face charges dating back to the election period in 2000, including slandering a local official and poking an official of the ruling party in the eye. He was jailed for 4 days before posting bail of \$116 (1,000 birr).

The Government continued its harassment of teachers during the year, particularly in Oromiya and Tigray. The independent Teachers Association (ETA) reported that numerous teachers were detained and accused of being OLF sympathizers, many of whom still were in prison at year's end. Some of the teachers have been in detention for several years without charges. Such cases were remanded at least 10 to 15 times, for 2 weeks each time, and the courts allowed police to conduct investigations that continued for months. In addition, judges were shifted among cases, failed to show up for hearings, or new judges were not reassigned in time for hearing dates upon the death or incapacity of assigned judges. While lack of capacity within the judicial system contributed to this problem, several of the prolonged detentions were politically motivated. Detention conditions remained poor.

Police detained journalists during the year (see Section a.).

Police detained persons for holding meetings and demonstrations during the year (see Section 2.b.).

Opposition groups alleged that some of the persons detained by the SPO were held for political reasons, an allegation that the Government denied (see Section 1.e.).

In response to attacks by armed opposition groups operating out of Somalia and Kenya (see Section 1.a.), the military continued to conduct operations around border areas. The vast majority of military interventions took place in the Gambella, Somali, and Oromiya regions. In February, during an interview with the British Broadcasting Company, Prime Minister Meles acknowledged that government soldiers continued to make incursions into Somalia during the year. Most detainees were accused of participating in armed actions by the OLF or the ONLF. In typical cases, security forces arrested and held these persons incommunicado for several days or weeks before eventually releasing them. Among those still in custody at

year's end is Dinkinesh Deressa Kitila, an employee of Total/Elf oil company, who was arrested in June 2002 on suspicion of being an OLF supporter.

There was no further information at year's end on the 600 criminal detainees in the Oromiya region who were not charged, pending ongoing investigations.

Parliamentary immunity protected members of the House from arrest or prosecution except in the act of committing a crime ("flagrante delicto"). The court tried a parliamentarian in absentia for the murder of a policeman after he went into hiding. He was found not guilty and cleared of all charges.

In the months immediately before the 2001 regional elections, authorities harassed and detained supporters of parties belonging to the SEPDC opposition coalition. Of the 49 SEPDC supporters detained in Hosana and Durame in 2001 who remained in detention for the killing of a policeman and property destruction in Kembatta Tembaro Zone, Oromiya Region, 21 were released for lack of sufficient evidence after spending 3 years in detention. Twenty-eight others remained in detention in Durame prison. In December, the Zonal High Court in Durame found 9 of those 28 persons guilty of the policeman's murder and sentenced them to life in prison. The status of the other 19 persons detained was unknown at year's end.

Former AAU president Alemeyehu Tefera, imprisoned since 1993 on charges of ordering the murder of two boys as a Dergue government official, was released during the year.

The cases against Berhanu Nega and Mesfin Woldemariam, two prominent academics and human rights activists charged with inciting AAU students to riot in 2001, were pending at year's end.

The following detainees remained in custody at year's end: Alazar Dessie, an American citizen working as a consultant to the Commercial Bank of Ethiopia, who was arrested and charged with abuse of power (a nonbailable offense) and has been awaiting trial for more than 2½ years; 24 businessmen and government officials, who were arrested in 2001 under allegations of corruption but never were charged formally; the official driver of the Eritrean Embassy, who was arrested in 2001 and whose whereabouts remained unknown.

The Government detained several persons without charge at the Gondar Prison, some for years, while the police investigated their cases. Muche Berihun, who was charged with murder although the person whom he allegedly murdered was killed after he was detained, was held in solitary confinement for 3½ years. His hearing began in June 2002; however, the court adjourned and the status of the hearing was unknown at year's end. He remained in detention at year's end. Wondante Mesfin has been in detention in Nefas Mewcha Prison in South Gondar Zone since 1994 and has never appeared in court nor been charged formally.

Thousands of criminal suspects remained in detention without charge; many of the detainees were accused of involvement in OLF activities or were arrested after the 2001 student demonstrations.

Exile is prohibited and there were no reports of forced exile during the year. A number of persons remained abroad in self-imposed exile, including 44 journalists (see Section 2.a.).

At year's end, it was unclear how many of the 247 Ethiopian students who fled to Kenya following the 2001 riots at AAU, and were granted refugee status, remained at the Kakuma refugee camp in northwest Kenya. The UNHCR reported that despite fears of detention, many students voluntarily returned to the country during the year. There was no new information during the year about students who reportedly fled to Djibouti after the 2001 riots.

e. Denial of Fair Public Trial.—The Constitution provides for an independent judiciary; however, the judiciary remained weak and overburdened. Although the federal and regional courts continued to show signs of judicial independence, in practice severe shortages of adequately trained personnel in many regions, as well as serious financial constraints, combined to deny citizens the full protections provided by the Constitution.

The Government continued to decentralize and restructure the judiciary along federal lines with the establishment of courts at the district (woreda), zonal, and regional levels. The federal High Court and federal Supreme Court heard and adjudicated original and appeal cases involving federal law, transregional issues, and national security. The regional judiciary increasingly was autonomous, with district, zonal, high, and supreme courts mirroring the structure of the federal judiciary. There were two three-judge benches at the High Court level to handle criminal cases. The SPO delegated some of the war crimes trials to the supreme courts in the regions where the crimes allegedly were committed, which increased the efficiency of the process.

Regional offices of the federal Ministry of Justice monitored local judicial developments, and the regional courts had jurisdiction over both local and federal matters,

but the federal judicial presence in the regions was limited. Anecdotal evidence suggested that some local officials believed they were not accountable to a higher authority. Pending the passage by regional legislatures of laws particular to their region, all judges are guided by the federal procedural and substantive codes.

To remedy the severe lack of experienced staff in the judicial system, the Government continued to identify and train lower court judges and prosecutors, although officials acknowledged that the pay scale offered did not attract the required numbers of competent professionals.

According to the Constitution, accused persons have the right to a public trial by an ordinary court of law within a “reasonable time” after having been charged. Accused persons have the right to be represented by legal counsel of their choice. However, in practice, lengthy pretrial detention was common, closed proceedings occurred, and at times, detainees were allowed little or no contact with their legal counsel (see Section 1.d.). Although the Constitution provides for a presumption of innocence, defendants did not enjoy this protection in practice. The public defender’s office provides legal counsel to indigent defendants, although its scope remained severely limited, particularly with respect to SPO trials. Access to prosecutorial evidence before a trial was routinely denied to the defense, even though there is no law forbidding this and the law explicitly stipulates that persons charged with corruption are to be shown the body of evidence against them prior to their trials.

The Constitution provides legal standing to some pre-existing religious and customary courts and gives federal and regional legislatures the authority to recognize other courts. By law, all parties to a dispute must agree before a customary or religious court may hear a case. Shari’a (Islamic) courts may hear religious and family cases involving Muslims. In addition, other traditional systems of justice, like councils of elders, continued to function. Although not sanctioned by law, these traditional courts resolved disputes for the majority of citizens who lived in rural areas and who generally had little access to formal judicial systems.

Three federal judges sat on one bench to hear all cases of juvenile offenses. There was a large backlog of juvenile cases and accused children often remained in detention with adults until their cases were heard.

The outbreak of hostilities with Eritrea in 1998 adversely impacted the military justice system. Most foreign assistance to train officers and noncommissioned officers was suspended at the same time that the rapid expansion of the military greatly increased the need for trained military lawyers and judges. This training need remained unmet by year’s end.

The SPO was established in 1992 to create an historical record of the abuses committed during the Mengistu Government (1975–91)—also known as the Dergue regime—and to bring to justice those criminally responsible for human rights violations. The SPO had authority to arrest and interrogate anyone suspected of involvement in the 1976 “Red Terror” Campaign under Mengistu and other crimes. Trials began in 1994 and continued during the year. Of the 5,198 cases, the federal High Court in Addis Ababa continued to arraign and prosecute those charged with politically motivated genocide, war crimes, and aggravated homicide under the previous regime, including the disappearance of 14,209 persons. Although the process was subject to frequent and lengthy adjournments, in November, the SPO reported that 99 percent of all Dergue-related trials had been completed. Approximately 3,000 were tried in absentia, including former dictator Colonel Mengistu Haile Mariam, who remained in exile in Zimbabwe. Updated statistics on the number of decisions handed down and the number of persons convicted during the year were unavailable at year’s end. Court-appointed attorneys, sometimes with inadequate skills and experience, represented many of the defendants, following claims that they could not afford an adequate defense.

There was no additional information available on the status of the cases against persons charged in 2001 with participating in the 1987 Hawzein Massacre.

On November 28, a federal High Court ruled that property and assets seized from the independent ETA in 1993 should be returned to it immediately. The court’s decision also entitled the ETA to seek compensation for damages caused by the lengthy litigation.

There were reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home or Correspondence.—The law requires judicial search warrants to search private property; however, in practice, particularly outside of Addis Ababa, police often searched property without obtaining warrants. Opposition party representatives claimed that police sometimes used fraudulent warrants to enter homes and commit criminal acts, including money extortion. There were reports that members of the Federal Police robbed persons during the year, including through the use of false warrants. For example, on July 14, members of the Federal Police threatened a man with force, showed a fraudulent

search warrant, and robbed the man of \$6,381 (55,000 birr) in Addis Ababa. The case was under investigation at year's end. On August 7, five members of the Federal Police robbed \$34,802 (300,000 birr) from a man in Addis Ababa. The police showed fraudulent search warrants, and threatened to shoot the man if he did not give them the money. Two of the suspects were arrested. Reports indicate that the victim was accused of being a member of the OLF.

There continued to be reports that police forcibly entered the homes of civilians. There also were reports that security forces took persons from their homes in the middle of the night without warrants.

On August 27, according to the AEUP, security forces entered the home of Nibret Yizenga, AEUP chairman in Debre Marcos Woreda, Amhara Region, without a warrant.

Opposition parties complained of frequent government interference in their activities, ranging from closing party offices to frustrating their attempts to hold meetings to beating and detaining party members (see Sections 1.c., 1.d., and 2.b.). In addition, opposition party members reported that their homes were burned down and their offices looted (see Section 3).

The Government arbitrarily monitored private communication such as Internet communications and phone conversations. All electronic communications facilities were state-owned. The Government also used a system of paid informants to report on the activities of particular individuals.

There were reports during the year of the forced displacement of families in rural areas. The Government continued implementing its plan of resettling persons from drought-prone areas to more fertile lands. The Government said its resettlement program was entirely voluntary, but some opposition parties accused local authorities in some rural areas of targeting opposition supporters for resettlement by manipulating resettlement rosters. NGOs like Doctors without Borders reported that in several instances, the Government had resettled persons to areas with no existing infrastructure or clean water supply, resulting in unusually high rates of infant mortality.

Unlike in the previous year, there were no reports that police forcibly returned persons suffering from famine and drought to their villages.

There continued to be reports that the Government, in an attempt to "clean up" Addis Ababa, forcibly resettled persons to an area outside of the city.

There continued to be credible reports during the year from EHRCO and opposition parties that in certain rural areas in the Southern Region, Oromiya Region, and Amhara Region, local officials used threats of land redistribution and withholding of food aid and fertilizer to garner support for the ruling coalition. On February 1, ruling party officials and supporters threatened to withhold food assistance to those participants at an AEUP meeting in Debre Tabor, Amhara Region, and to remove them from their farmland. In September, ruling party cadres threatened to take away land occupied by eight farmers, who were supporters of the United Ethiopia Democratic Party (UEDF), in Masha Woreda, Southern Region. Ruling party cadres told the farmers that opposition party members were not entitled to land and told them to refrain from participating in UEDF activities. When the farmers refused to comply with this demand, they were evicted from their land.

There also were credible reports that teachers and other government workers have had their employment terminated if they belonged to opposition political parties. For example, in October, two teachers in Masha Woreda were dismissed for being members of UEDP.

During the year, the Southern Regional Council passed a Civil Service Proclamation that requires all government employees to support the policies and programs of the Government or face termination of their employment. There were many credible reports from the SEPDC that some government officials used this law to remove opposition supporters from their jobs.

The SEPDC and AEUP reported that some kebele officials and ruling party supporters used coercion to dissuade residents from participating in activities of opposition political parties, and threatened prospective landlords from renting office space to those parties (see Section 3).

The Family Law Code imposes a 6-month waiting period on anyone seeking to remarry following a divorce or the death of one's spouse (see Section 5). The Government maintained that this waiting period was necessary to determine whether a woman may still be carrying the child of her former spouse.

Security forces detained family members of persons sought for questioning by the Government, such as suspected members of OLF.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution provides for freedom of speech and press; however, the Government restricted these rights in practice. The Government continued to prosecute journalists and editors for violating the press law. The Government controlled all broadcast media. Some private and government journalists practiced self-censorship. Nonetheless, the private press remained active and often published articles that were extremely critical of the Government.

During the year, several groups critical of the Government held press conferences and public meetings without retribution, and several opposition parties held press conferences that were covered by both the private and the government press. The Government continued to oppose activities and operations of groups that were critical of it, such as the independent ETA and opposition political parties, by denying them permits to hold meetings (see Section 2.b.).

The independent print media were active and expressed a wide variety of views without government restriction. There were two government-owned dailies.

Radio remained the most influential medium for reaching citizens, particularly those who live in rural areas. Although the law allows for private radio stations, a regulatory mechanism was not in place, and there were no independent radio stations. The Government continued to control all radio and television broadcast media. The two nongovernmental stations, Radio Fana, a station controlled by the ruling EPRDF coalition, and the TPLF radio, which broadcast in the Tigrigna language from Mekele, had close ties to the Government. Broadcasting time on the state-run Radio Ethiopia was sold to private groups and to individuals who wanted to buy spots for programs and commercials. The Government operated the sole television station, and news was controlled tightly. By year's end, the Ethiopian Broadcasting Agency (EBA) had not started issuing broadcast licenses.

There were no restrictions on access to international news broadcasts. Ownership of private satellite receiving dishes and the importation of facsimile machines and modems were permitted; however, access to this technology was limited by its cost and the limited capacity of the Ethiopian Telecommunications Corporation.

Foreign journalists continued to operate freely and often wrote articles critical of government policies. They or their local affiliates were often granted greater access to government officials than were local independent journalists. Several foreign news organizations maintained bureaus or offices in Addis Ababa; the majority of these were staffed with local journalists, and they operated free of government restriction.

There were reports that police harassed, beat, and detained journalists during the year. For example, Araya Tesfa Mariam, a journalist working for the private newspaper Tomar, reported receiving threats and anonymous telephone calls for his refusal to divulge confidential sources related to a story he had written. Araya alleged that on October 1, three men wearing Federal Police uniforms and brandishing iron rods assaulted him and threw him off a bridge into a river in the Yeka neighborhood of Addis Ababa, leaving him for dead. He suffered broken bones and teeth during the fall and cannot walk. The EHRCO investigated the matter and corroborated these events in a special report. The Federal Police disavowed any knowledge of the incident. Although police stated they would open an investigation into the case if Araya requested one, no investigation had been requested by year's end for fear of further retribution by security forces.

On October 16, Daniel Gezahegn, editor in chief of Maged, and Wondimeneh Nigussie, deputy editor in chief, were summoned to the CID Office because of an editorial letter published in Maged on September 6. Both were released on bail of \$232 (2,000 birr) each. At year's end, Gezahegn continued to face charges for an article that he wrote that was critical of the Ethiopian Orthodox Church.

The Government used statutory provisions concerning publishing false information, inciting ethnic hatred, libel, and publishing articles offensive to public morality to justify the arrest and detention of journalists. Independent journalists accused the Government of selectively applying sections of the Penal Code to levy charges against journalists and applying sections of the 1992 press law for penalizing them. During the year, journalists were detained. For example, on May 14, Wossenseged Gebrekidan was charged with defamation for his May 2002 article in Ethop critical of Habtemariam Seyoum, the country's Ambassador to France. Wossenseged appeared in court and was charged with "slandering the good name of the ambassador." He was jailed because he was unable to post bail of \$232 (2,000 birr), but was released on May 16 when fellow journalists secured his bail. Wossenseged was arrested again and charged with inciting the armed forces against the Government for an article he wrote on June 4. He was released on \$580 (5,000 birr) bail. His hearing is scheduled for May 7, 2004. On October 9, police arrested Wossenseged

for allegedly “disseminating fabricated information” in a report he wrote about the national military service proclamation. He was released on bail of \$581 (5,000 birr).

On July 1, the former editor in chief of *Satenaw*, Merid Estifanos, was charged with libel against Prime Minister Zenawi. He was later released on bail of an undisclosed amount.

Zegeye Haile, editor in chief of *Genanaw*, who was arrested in July 2002, remained in detention at Addis Ababa Central Prison on unspecified charges. No other details were available on his pending case at year’s end.

Journalists were tried, sentenced, and fined during the year. For example, in August, a Shari’a court found three journalists working for *Al-Nejashi* newspaper guilty of libel against the spouse of a Muslim woman. The Shari’a court sentenced the publisher Arif Abdulkadir, managing editor Awol Kedir, and editor in chief Yusuf Getachew to 1 month in jail and also fined them an undisclosed amount of money. On August 28, a civil court ordered the three journalists released on bail. The status of their appeal before the Federal Shari’a Court was unknown at year’s end.

Desta Lorenzo and Wuletaw Baye, both of the *Addis Lissan* newspaper, were fined the equivalent of 10 days’ salary by the Addis Ababa City Administration and Information Bureau, which oversees publication of that newspaper, for reporting on February 15 that the bureau was changing to a mass media information agency.

Approximately 35 journalists had trials pending at year’s end, according to the Ethiopian Free Press Journalists Association (EFPJA).

Some journalists arrested in 2002 and 2001 and released on bail had charges pending at year’s end, including Melese Shine, editor of *Ethop* newspaper and magazine; Tamrat Zuma, editor in chief of the defunct Amharic-language weekly *Atkurot*; and Tilahun Bekele, editor of *Netsanet* newspaper.

Other cases against journalists were resolved during the year. For example, on January 8, Lubaba Seid, former editor in chief of *Tarik*, was released following her April 2002 sentencing to 1 year imprisonment for disseminating “fabricated news that could have a negative psychological effect on members of the Defense Army and disturb the minds of the persons.” *Tarik* had not resumed publication by year’s end.

On April 1, Befekadu Moreda, publisher and editor in chief of the weekly newspaper *Tomar*, appeared in court to face libel charges against the manager of a government-owned cement factory. Befekadu was released on \$232 (2,000 birr) bail. Charges against him were dropped during a subsequent June 23 court appearance.

At year’s end, about 44 journalists remained in self-imposed exile.

All official media received government subsidies; however, they legally were autonomous and responsible for their own management and partial revenue generation. The Ministry of Information was the Government’s official spokesperson and managed contacts between the Government, the press, and the public; however, the Government routinely refused to respond to queries from the private press and often limited its cooperation with the press to the government-run Ethiopian News Agency, the ruling party-controlled *Walta* news agency, and correspondents of international news organizations. Government reporters practiced self-censorship.

Generally the Government permitted private newspapers and news organizations to attend government briefings and press conferences, and some government officials provided information and granted interviews to private journalists. There were no reports that members of the independent press were barred from attending press conferences given by government agencies. The Prime Minister’s office continued to deny all access to the independent press for coverage of official events at the Prime Minister’s office. The independent press was also denied access to the opening session of the Federal Parliament during the year.

The Ministry of Information required that newspapers show a bank balance of \$1,165 (10,000 birr) at the time of their annual registration for a license to publish. This sum effectively precluded some smaller publications from registering. Although the requirement was not enforced strictly, the Ministry of Information noted publicly that many newspapers were not in compliance and could be closed down on short notice. Permanent residency also was required to establish a newspaper. The Government did not require this of other businesses, and some independent journalists maintained that the residency requirement was used as a form of intimidation. The press law required all publishers to provide free copies of their publications to the Ministry of Information on the day of publication.

The majority of private papers as well as government papers were printed at government-owned presses. However, a few private newspapers started using smaller private printing presses, one of which was owned by the publisher of the *Daily Monitor*. Police had the authority to shut down any printing press without a court order, but did not exercise that power during the year. Unlike in the previous year, there

were no reports that the independent media was unable to print articles on the government-owned printing press.

Newspapers critical of government leaders and their policies were available widely in the capital but scarce elsewhere, although circulation in the regional capitals increased during the year. Journalists said that distribution problems were a function of newspapers' financial constraints rather than government prohibitions.

Despite the constant threat of legal action, the private press remained active and continued to publish articles critical of the Government and to report on human rights abuses. While much of the private press continued to lack professionalism in its reporting, some print media continued developing into more responsible publications. Many private newspapers and opposition newsletters continued to publish inaccurate information, unsubstantiated stories, and harsh antigovernment articles without any official penalty. Several publications were tied to distinct ethnic groups, particularly the Amharas and Oromos, and severely criticized the Government for being ethnocentric.

In May, Tsege Gebreamlak, editor in chief of the Ethiopian Herald, a government daily, was suspended from his job for his criticism of nepotism and corruption within the Ethiopian Press Agency published on the editorial page of his newspaper. His office was sealed, and he was prevented from entering the compound. Tsege was not reinstated and left the newspaper.

The Government prohibited political parties and religious organizations from owning stations; foreign ownership also was prohibited. The AEUP complained that Ethiopian Television officials would not broadcast paid party announcements without first censoring key portions of the message script.

The EFPJA continued to be active during the year, organizing journalism training workshops and issuing statements to press advocates and human rights organizations inside and outside the country on the arrest and harassment of journalists. EFPJA was active in organizing discussions on the draft press law and pushing for amendments to it. In cooperation with an international NGO, EFPJA organized a conference from October 21 to 22 on media development in the Horn of Africa, which included representatives of international press advocacy groups and African media institutes, as well as the Government's Minister of Information.

However, on November 10, the Ministry of Justice (MOJ) ordered the EFPJA to suspend its activities and froze its bank account for its failure to reregister with the MOJ by providing required annual activity and audited financial reports for the previous 3 years. The MOJ also enforced the same NGO regulations against an association of government journalists. On December 2, the MOJ suspended five EFPJA executive committee members. The Government said it would review the EFPJA's application for registration once it submitted the requisite reports. The EFPJA accused the Government of shutting it down because of its critical comments on the government's draft press law. The MOJ announced that it would convene a general assembly of the EFPJA to allow members either to choose new leadership or reelect the suspended leaders to office. The case was pending at year's end.

The Ethiopian Women's Media Association (EWMA), which included both government and private journalists, remained active during the year; the EWMA organized training and workshops and printed a journal.

In February, the National Union of Journalists of Ethiopia (NUJE) was established and received its license from the Government, becoming the country's fourth journalists' association. Citing the difficulties journalists experience in having their voices heard, the NUJE decided to exclude publishers from its membership.

The Government did not restrict Internet access. Internet access was provided through the government-controlled Ethiopian Telecommunications Corporation, which maintained a waiting list for new accounts. No private Internet service providers were operating at year's end. Private satellite transmission uplinks were not allowed.

The Government generally did not respect academic freedom during the year. The Government maintained that professors could research any field within their discipline but that they could not espouse political sentiments. Teachers at all levels were not permitted to deviate from official lesson plans. AAU students are prohibited from forming associations on the basis of their ethnicity. UNHCR reported that many of the student leader activists who fled after the 2001 riots have returned to the country. Political activity was discouraged on university campuses. There were unconfirmed reports that uniformed police officers were visible on campuses and that plainclothes security officers tried to blend in with the student body. While in theory student governments were permitted, many students refrained from involvement in any on-campus activity that could be considered political in nature by the Government. Human Rights Watch reported that the student union and student newspaper were banned during the year. Unlike in the previous year, there were

no reports that AAU administration officials resigned because of growing government interference in internal university matters. According to a 2002 survey conducted by the ETA of 280 public universities and secondary schools throughout the country, nearly 90 percent of the school directors and vice-directors of those schools belonged to the ruling party or its affiliates.

b. Freedom of Peaceful Assembly and Association.—The Constitution provides for freedom of assembly; however, on several occasions the Government restricted this right in practice. Organizers of large public meetings or demonstrations must notify the Government in advance and obtain a permit. There were several reports during the year that permits were denied to opposition parties. Opposition parties also reported long, unexplained delays by the Government in issuing permits and last minute revocations of permits, which hindered the ability of groups to organize events.

Opposition political parties reported that their supporters were the targets of frequent and systematic violence by ruling party supporters during the year, often after leaving meetings (see Sections 1.c. and 3).

On October 12, according to the AEUP, Aklilu Seyoum, the youth organizer of AEUP in the Kebele 31 Farmers Association, in Mekane Selam Woreda, Amhara Region, applied for and was denied permission to hold a meeting of AEUP's youth wing.

Some opposition political parties charged the Government with deliberately obstructing their attempts to hold public meetings. Local government officials granted the UEDP permission to conduct a conference in Mekelle on June 29; however, on the day of the conference, UEDP officials were told that the regional government needed the hall for an urgent meeting, and UEDP was denied its meeting venue. AEUP reported that even after it had obtained permission to hold meetings and left deposits for meeting halls in Debre Marcos, Bahir Dar, Gondar, Jimma, and Awassa, they were told suddenly that the halls were unavailable. AEUP also reported that on June 14, at an AEUP meeting at Debre Birhan Cinema Hall, ruling party supporters physically obstructed persons from entering the meeting hall.

The independent ETA continued to encounter government restrictions while attempting to hold meetings or demonstrations. In June, police locked the offices of the ETA during its 54th anniversary celebration and told those trying to attend that the celebration had been cancelled. On October 5, police blocked leaders of the ETA from leaving the premises of ETA's office in Addis Ababa to stage a planned demonstration against the Government's education policy. ETA reportedly received a permit to demonstrate and notified the Addis Ababa Municipal Administration and the Ministry of Justice 2 weeks earlier about its intentions.

Unlike in the previous year, there were no reports that police killed or injured students while forcibly dispersing demonstrations.

The Government conducted an investigation into the May 2002 demonstration in Awassa, capital of the Southern Region, but did not release the results of that investigation to the public. The opposition had sought an independent investigation of the incident and noted that the Vice President of the Southern Region, who himself reportedly was implicated in the conflict, headed the Government's investigation. According to official government reports, police killed 15 protesters and injured 25. The opposition SEPDC alleged that security forces killed 51 persons and injured 44 persons who were protesting peacefully. EHRCO reported that police killed 5 student demonstrators and seriously injured at least a dozen others with gunfire. The entire Sidamo Zone police force was forced to participate in re-education sessions. Approximately 200 policemen were fired for alleged complicity with demonstrators. The opposition alleged that ruling party officials arrested in connection with the case were released on minimum bail, while opposition party members received stiff bail conditions that they could not meet. The status of the individuals arrested in cases related to the Awassa demonstration and the killing of the head of the Southern Region's education bureau, some of whom were held incommunicado, was unknown at year's end (see Section 1.a.).

No further action was taken against security forces who forcibly dispersed demonstrations in 2002 or 2001.

No information was available about the status of at least 13 teachers who reportedly were arrested and detained in Ambo on the grounds that they were spreading OLF propaganda and inciting the students to riot during the March 2002 protests.

Nine persons arrested in April 2002 during demonstrations in the zonal capitals of Nekempte, Chimbi, and Ambo remained in detention in Meta Robi at year's end.

It was unknown at year's end if persons detained in previous years for holding illegal meetings remained in detention at year's end.

The Constitution provides for freedom of association and the right to engage in unrestricted peaceful political activity; however, the Government limited this right

in practice. A number of policy issues regarding NGOs remained unresolved, including the ability of NGOs to enter into formal network arrangements that would enable them to pool funds. The Ministry of Justice administers primary registration. The Government continued to deny an operating license to The Human Rights League.

The Government required political parties to register with the National Election Board (NEB). Parties that did not participate in two consecutive national elections were subject to deregistration. There were approximately 55 organized political parties; 5 were national parties, and the remainder operated only in limited areas. There were no reports during the year that any political party had its registration revoked.

c. Freedom of Religion.—The Constitution provides for freedom of religion, and the Government generally respected this right in practice; however, on occasion local authorities infringed on this right. The Ethiopian Orthodox Church (EOC) and Islam are the dominant religions, accounting for nearly 90 percent of the population.

On February 16, Federal Police disrupted a peaceful gathering of members of the Lideta Maryam Church congregation in Addis Ababa and arrested 34 of them at a local hall. The group said it had rented the hall and had given advance notification of their gathering to local police officials. According to the EHRCO, members of the Federal Police Special Commando Unit raided the church and took the 34 members to Kolfe Police Training Camp, where they were forced to crawl back and forth on their knees and elbows on a gravel surface. They were released the following day.

The Government required that religious groups be registered. Religious institutions register with the Ministry of Justice and must renew their registration every year. However, the EOC has never registered and has never suffered ramifications for not registering. Similarly, the Ethiopian Islamic Affairs Supreme Council (EIASC), after registering in 1995, has never reregistered after it protested this requirement to the Prime Minister. Protests from other religious groups over these exceptions have not resulted in equal treatment from the Government.

Under the law, a religious organization that undertakes development activities must register its development wing separately as an NGO. Religious groups were given free government land for churches, schools, hospitals, and cemeteries; however, the title to the land remained with the Government, and the land, other than that allocated for prayer houses or cemeteries, could be taken back at any time.

Minority religious groups reported discrimination in the allocation of government land for religious sites. Protestant groups occasionally reported that local officials discriminated against them when seeking land for churches and cemeteries. Evangelical leaders reported that because they were perceived as “newcomers” they remained at a disadvantage compared with the EOC and the EIASC in the allocation of land. The EIASC reported that it had more difficulty obtaining land from the government bureaucracy than the EOC while others believed the EIASC was favored for mosque locations. Many mosques were built by squatters without city government approval and since have been targeted for demolition.

The Government did not issue work visas to foreign religious workers unless they were attached to the development wing of a religious organization.

Muslim leaders reported that public school authorities occasionally interfered with their free practice of Islam. Some public school teachers in Addis Ababa and in the Southern and Amhara regions objected to Muslim schoolgirls covering their heads with scarves while at school. Muslim leaders stated that in some schools, Muslim girls went without head coverings to avoid similar problems.

Under the Press Law, it is a crime to incite one religion against another. The Press Law also allows for defamation claims involving religious leaders to be prosecuted as criminal cases. Charges were pending at year’s end against several journalists for criticizing religious leaders (see Section 2.a.).

There was at least one reported inter-religious clash resulting in injuries during the year. On April 26, on the evening of Ethiopian Orthodox Holy Saturday, Ethiopian Orthodox Christians in the Woreda 28, Kebele 4 area of Addis Ababa attacked members of the local Islamic council and destroyed a fence surrounding a plot of land upon which a mosque was to be built. Several persons were injured; at least one Islamic council member was hospitalized for several weeks. It is unknown whether police made any arrests in the case.

One man remained in police custody at year’s end for the July 2002 murder of Pastor Dامتew, a Full Gospel Fellowship Pastor, in Merawi, Amhara Region. The pastor was killed when a mob of EOC priests and other adherents forcibly entered his home at night.

The Federal Police conducted an investigation into the November 2002 and December 2002 confrontations between members of Lideta Maryam Orthodox Parish in Addis Ababa and EOC officials. It concluded that police officers acted properly

and did not use excessive force. Police raided the church compound and forcibly dispersed members of the congregation who were assembled in prayer. According to the Federal Police, a soldier—not a policeman—killed a man who was in the church compound. The soldier remained in army custody. According to the EHRCO, police indiscriminately beat many persons in the compound, including nuns, monks, elderly women, and other bystanders, including two journalists. According to EHRCO, after the raid, police detained approximately 700 persons at Kolfe police training camp and subjected them to physical abuse. The Federal Police estimated that the number of detainees was about 300. Police required them to sign statements under duress admitting to their roles in inciting riots at the church before they could be released.

The Federal Police stated that a number of persons were charged in connection with the December 2002 riot between Orthodox and Protestant worshippers in Mekelle, Tigray Region, at Adventist prayer service being conducted in a stadium. No policemen were implicated in the killings of five persons during the riots.

Leaders of the EIASC continued to struggle during the year with Wahibbist fundamentalism within their ranks. The growing influence of radical or fundamentalist elements within Islamic communities in the country, aided by funding from Saudi Arabia and other Gulf states for mosque construction, continued to concern the EIASC.

For a more detailed discussion, see the 2003 International Religious Freedom Report.

d. Freedom of Movement within the Country, Foreign Travel, Emigration, and Repatriation.—The Constitution provides for these rights; however, the Government restricted them in practice.

The law requires citizens and residents to obtain an exit visa before departing the country. Eritreans and Ethiopians of Eritrean origin were able to obtain exit visas. Unlike in the previous year, they did not experience problems returning to the country.

The Government, together with the ICRC, monitored the repatriation of 177 Eritrean civilians to Eritrea during the year. During the year, 188 persons were resettled outside the country, and 1,579 cases were pending. Most Eritreans and Ethiopians of Eritrean origin were registered with the Government and held identity cards and 6-month residence permits to gain access to hospitals and other public services. However, there were anecdotal reports that indigent Eritreans were denied the right to seek free medical services by government officials at the kebele level.

In 2002, the Government transferred at least 200 Eritrean military deserters who had been held at the Dedesa detention center to a northern refugee camp. UNHCR processed 178 cases in 2002 and 94 during the year for resettlement to third countries. At year's end, 98 cases were pending.

An unknown number of Ethiopian students remained at the Kakuma refugee camp in northwest Kenya following the April 2001 riots at AAU (see Section 1.d.).

Unlike in the previous year, there were no reports that security forces bribed Kenyan police to harass, intimidate, and arbitrarily arrest Ethiopian refugees in Nairobi.

As a result of the conflict with Eritrea, thousands of persons were displaced internally. The World Food Program reported in 2002 that approximately 76,500 IDPs remained in the country along the border with Eritrea. Of the approximately 350,000 IDPs resulting from the border war, approximately 225,000 IDPs have been resettled.

Due to violent clashes between different ethnic groups during the year, thousands of persons were killed, injured, or internally displaced (see Section 5).

No information was available on the status of the investigation into ethnic clashes that resulted in the deaths of 41 Dinka and Nuer refugees in Fugnido camp in November 2002. Authorities arrested and detained several officials of the Fugnido municipal government and several Gambella regional officials in connection with the 2002 massacre.

Approximately 24,500 Nuer and Dinka refugees remained in Fugnido camp at year's end. Plans to move all Nuer and Dinka refugees from Fugnido camp were delayed when a proposed new site in Odier for another camp was determined to be unsuitable.

The law provides for the granting of refugee status or asylum to persons who meet the definition in the 1951 U.N. Convention Relating to the Status of Refugees or its 1967 Protocol. In practice, the Government generally provided for protection against refoulement and granted refugee status or asylum. The Government generally cooperated with UNHCR and other humanitarian organizations in assisting refugees and returning citizens.

As of September, the country hosted approximately 128,610 refugees, down from 138,816 refugees at the end of 2002. Of these, 93,797 Sudanese refugees were located in the western refugee camps. The number of Eritrean refugees increased to 5,980 during the year. As the result of the ongoing repatriation program in the eastern camps, the number of Somali refugees decreased to 28,347. The Hartishek camp remained open at year's end. The Government, in cooperation with the UNHCR, continued to provide temporary protection to refugees from Sudan and Somalia.

There were approximately 5,651 Eritrean Kunama refugees and a small population of urban refugees from other countries at the Wa'ala Nhibi camp at year's end. The refugees remained in a camp with inadequate health, education, water, and sanitation facilities. UNHCR reported that it had no plans to move these refugees to another site. By year's end, there were plans to move the Eritrean Kunama refugees to another site.

The UNHCR had no information about whether the Government had taken any action against security forces involved in the torture of three Sudanese refugee leaders in December 2001 at Fugnido refugee camp in the Gambella Region. It was also unclear whether the Government had investigated the June 2002 attack by staff members of the Administration for Refugee and Returnee Affairs against Sudanese refugees at the Sherkole Camp; however, the agency transferred to Addis Ababa one of its members accused of abusing refugees and placed him on "indefinite leave."

There were unconfirmed reports of conflicts between refugees at and local residents over scarce resources.

Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government

The Constitution provides citizens with the right to change their government peacefully and allows for the right of secession, and citizens exercised this right in the 2000 national elections that were generally free and fair in most areas; however, the elections were also marred by serious irregularities. The Constitution grants universal adult (18 years of age) suffrage, establishes periodic elections by secret ballot, and allows citizens to take part in the conduct of public affairs, directly and through freely chosen representatives; however, in practice the EPRDF ruling party dominated the Government. According to observers organized by EHRCO, local U.N. staff, diplomatic missions, political parties, and domestic NGOs, the 2000 national elections and the 2001 regional elections were generally free and fair in most areas but were marred by serious irregularities, including killings, disappearances, voter intimidation and harassment, and unlawful detentions of opposition party supporters, particularly in the Southern Region.

During the year, the Government announced that the constitutionally-mandated national census scheduled for 2004, which determines popular representation in the Federal Parliament, would be postponed indefinitely due to lack of funds. There were great disparities in regional representation in the Federal Parliament, based on 1994 census figures and 1995 voter registration. For example, in Gambella Region, 1 Member of Parliament (M.P.) represented 17,496 registered voters; in Tigray region, 1 M.P. represented 35,897 registered voters, and in Somali region, 1 M.P. represented 99,761 registered voters. In October, the State Minister of Federal Affairs acknowledged publicly that the country's nomadic communities, which made up an estimated 7 million persons, were still being excluded from democratic representation.

The EPRDF ruling party continues to be dominated by the Tigrayan ethnic group. Of 548 seats in the House of People's Representatives (HPR), 496 were held by the EPRDF or its affiliate parties. The EPRDF-affiliated Tigray People's Liberation Front (TPLF) occupied 40 seats. The EPRDF, its affiliates, and EPRDF supporters controlled all seats in the 108-member House of Federation, whose members were appointed by regional governments and by the federal Government. In the Southern Region, opposition parties held approximately 7 percent of the seats in the Regional Council.

Opposition parties accused the NEB of being an instrument of the ruling party and for failing to take meaningful action upon being informed of electoral irregularities, including ballot stuffing, vote count fraud, bribery, killings, beatings, and widespread intimidation and harassment by ruling party supporters during the 2001 and 2000 elections.

Several SEPDC candidates for the national or municipal elections were detained, and two SEPDC members elected to the regional council in 2000 were detained without having their parliamentary immunity formally removed (see Section 1.d.). It was unknown at year's end if the two elected SEPDC members were allowed to take their seats.

Membership in the EPRDF conferred advantages upon its members, and the party owned many businesses and awarded jobs to loyal supporters. In addition to the Government, only the TPLF was allowed to operate radio stations (see Section 2.a.).

The major opposition parties were engaged in a slow process of consolidation. In August, 15 opposition parties formed a coalition named the UEDF. At year's end, the UEDF was trying to negotiate a pledge from the Government to allow many of the parties based abroad to return to the country and set up local offices; however, the Government claimed that the coalition had not yet officially informed it of its plans. Prime Minister Meles also publicly said he supported "constructive engagement" with the opposition; however, Meles publicly criticized the opposition for disloyalty and "politics of hate."

Registered political parties also must receive permission from regional governments to open local offices. Opposition parties, such as the AEUP and the KPDU, reported that local government officials closed some of their branch offices in contravention of authorization from regional officials and the NEB for those offices to be allowed to remain open. Government officials and supporters in rural areas often coerced residents not to participate in opposition party functions and not to rent office space to those parties (see Section 1.f.). On February 7, AEUP informed local officials in Bubugn Woreda, East Gojam Zone, Amhara Region, of its plan to open up a branch office in the woreda and gave a list of names of AEUP organizers to them, as requested. After receiving the list, woreda officials announced over a megaphone that people should neither associate with AEUP nor rent a house to AEUP members for its branch office.

Unknown persons looted opposition parties' offices. For example, in May, following a meeting in Bonga town, Southern Region, organized by the opposition SEPDC, unknown individuals broke into the SEPDC office and looted property. SEPDC said that despite its appeals for a police investigation, police had taken no action by year's end.

On July 11, unknown individuals broke into the ONC office in Harar and stole money and office property. Police opened an investigation into the case, which was ongoing at year's end.

On August 21, the Addis Ababa office of the Oromo National Congress (ONC), an opposition political party, was broken into by unknown individuals, and money and office property were stolen. The case remained unsolved at year's end.

During the year, opposition members' homes were set on fire. On November 10, local kebele officials and militia in the Kuchit and Batay Farmers Association in Bibugn Woreda, East Gojam, set the home of AEUP member Shaleka Bekele Mengesha on fire while he was asleep with his wife and child. They were able to escape but lost their house, livestock, and food. In August, the home of Adugnaw Baybil in Bibugn, a member of the woreda council, was set on fire.

By year's end, the Government had taken no action in the November 2002 arson attack on the home of Ethiopian Democratic Unity Party (EDUP) official Desalegn Yimer in Ambasel Woreda, Kebele 2, in Hayk, South Wello Zone.

KDDU members elected to the local woreda council were allowed to assume the offices to which they were elected in 2001.

Elections for the Somali region that were scheduled for 2001 had still not taken place by year's end.

Federal regions, largely organized along ethnic lines, increasingly were autonomous and had a large degree of local control over fiscal and most political issues. However, the relationship between the central Government and local officials and among various judiciaries lacked clear delineation and consistent coordination, and occasionally actions were taken at the local level that conflicted with stated federal policy.

In October 2002, Prime Minister Meles dissolved the Addis Ababa city government and replaced it with a provisional administration led by EPRDF/TPLF member Arkebe Qubay. Under the Addis Ababa City Charter, the appointed council members can only hold office for 1 year until new elections are called; however, no elections for Addis Ababa Council members were held during the year.

Political participation remained closed to a number of organizations that had not renounced violence and did not accept the Government as a legitimate authority. Many of those groups agreed to abandon armed struggle against the Government upon joining the coalition UEDF in August. However, the OLF and the ONLF have refused to join the coalition.

Of the 19 members of the Council of Ministers, 1 was a woman, 2 other women held ministerial positions, and a number of other women held senior positions. There were 42 women in the 548-seat HPR, and 9 of 113 members in the House of Federation were women. Of the 14 members of the Supreme Court, 3 were women.

The government policy of ethnic federalism led to the creation of individual constituencies to ensure representation in the HPR of all major ethnic groups. Small ethnic groups were not represented in the legislature. There were 23 nationality groups in 6 regional states that did not have a sufficient population to qualify for constituency seats; however, individuals from these nationality groups competed for 23 special seats in the 548-seat HPR in the 2000 elections.

Section 4. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A number of domestic and international human rights groups operated with limited government restriction, investigating and publishing their findings on human rights cases. The Government generally was distrustful and wary of domestic and international human rights groups. Two of the most prominent domestic human rights organizations were EHRCO and the Ethiopian Women's Lawyers Association (EWLA). The Government frequently discounted EHRCO's reports and labeled it a political organization. The EWLA's primary function was to represent women legally. These, and numerous other groups, primarily engaged in civic and human rights education, legal assistance, and trial monitoring. However, the Government neither shared information about nor acknowledged the existence of human rights abuses with members of the domestic NGO community.

The Human Rights League (HRL) continued to be investigated by the Government at year's end for its alleged ties to the OLF. In 2001, the HRL sued the Government for not processing its registration, and the court ordered the Ministry of Justice to reply to the HRL petition for registration by February 2002. The lawsuit was pending at year's end.

Several international human rights groups visited the country during the year.

Officials of the Federal Security Authority generally were more responsive to requests for information from the diplomatic community.

The Government is required under the Constitution to establish a Human Rights Commission, and an Office of the Ombudsman with the authority to receive and investigate complaints with respect to misadministration by executive branch offices. Although Parliament passed legislation creating both entities in 2000, neither entity was operational by year's end.

Section 5. Discrimination Based on Race, Sex, Disability, Language, or Social Status

The Constitution prohibits discrimination based on race, color, sex, language, national origin, political or other opinion, or social status; however, in practice the Government did not effectively enforce these protections.

Societal discrimination against persons with HIV/AIDS continued during the year.

Women.—Domestic violence, including wife beating and marital rape, was a pervasive social problem. There is no specific law regarding domestic violence or sexual harassment. While women had recourse to the police and the courts, societal norms and limited infrastructure prevented many women from seeking legal redress, particularly in rural areas. Social practices obstructed investigations and prosecutions in rape cases, and many women were not aware of their rights under the law. It was estimated that there were more than 1,000 rapes a year in Addis Ababa. The press continued to regularly report on rape cases. Rape sentences were handed down in line with the 10 to 15 years prescribed by law. Unlike in the previous year, there were no reports that members of the military who were redeployed from border areas to other regions sexually harassed and raped some young women. During the year, the EWLA conducted research on the number of rapes committed and the number of rape convictions handed down; however, the results had not been released by year's end.

Although illegal, the abduction of women and girls as a form of marriage continued to be practiced widely in the Oromiya region and the Southern Region, despite the Government's attempts to combat this practice. Forced sexual relationships often accompanied most marriages by abduction, and women often were physically abused during the abduction. Many of those girls married as early as the age of 7, despite the legal marriage age of 18. Abductions led to conflicts among families, communities, and ethnic groups. In cases of marriage by abduction, the perpetrator was not punished if the victim agreed to marry him (unless the marriage was annulled); even after a perpetrator was convicted, the sentence was commuted if the victim married him.

The majority of girls underwent some form of FGM. Clitoridectomies typically were performed 7 days after birth and consisted of an excision of the labia. Infibulation, the most extreme and dangerous form of FGM, was performed at any time between the age of 8 and the onset of puberty. According to the findings of a government national baseline survey released during the year on harmful tradi-

tional practices, 90 percent of women undergo one of four forms of FGM—circumcision, clitoridectomy, excision, and infibulation. The National Committee on Harmful Traditional Practices reported that, according to a national baseline survey, harmful practices against women, including FGM, abduction, and early marriage have declined from over 90 percent to 73 percent since 1992.

The Constitution and the Penal Code prohibit bodily injury; however, these provisions did not specifically outlaw FGM. The Government continued to update the Penal Code. The Government also worked to discourage the practice of FGM through education in public schools.

There were credible reports from the EWLA and the International Organization for Migration (IOM) that many female workers who traveled to the Middle East as industrial and domestic workers were abused in these positions (see Section 6.f.).

The Constitution states that all persons are equal before the law; however, the Government has not yet fully put into place mechanisms for the effective enforcement of these protections. The Family Law sets the legal marriage age for girls at 18, the same as for boys; elevates civil law above customary and religious law; allows for the legal sharing of property for unmarried couples who live together for at least 5 years; eliminates family arbitrators as a means of settling marital disputes in lieu of the court system; allows for the joint administration of common marital property; requires the courts to take into account the situation of children or the weakest member of the family in the event of divorce or separation; and imposes a 6-month waiting period on women seeking to remarry following divorce or the death of a spouse. However, regional councils had authority to determine family law for their respective regions. During the year, the Oromiya Regional Parliament struck down a provision in the Oromiya Family Law banning bigamy in the region.

Discrimination against women was most acute in rural areas, where 85 percent of the population lived. The Civil Code and the Penal Code contained discriminatory regulations, such as the recognition of the husband as the legal head of the family and the sole guardian of children over 5 years old. Domestic violence was not considered a serious justification to obtain a divorce. There was only limited juridical recognition of common law marriage. Irrespective of the number of years the marriage existed, the number of children raised, and joint property, the woman was entitled to only 3 months' financial support if the common law relationship ended. A husband had no obligation to provide financial assistance to his family and, as a result, women and children sometimes were abandoned when there was a problem in the marriage.

All land belonged to the Government. Although women could obtain government leases to land, and the Government had an explicit policy to provide equal access to land for women, this policy rarely was enforced in rural communities. According to the EWLA, in nearly all regions, women do not have any access to land. They cannot inherit land, and the only way for them to gain access to land was to get married. However, when the husband dies, his wife was often kicked off her land by other family members.

In urban areas, women had fewer employment opportunities than did men, and the jobs available did not provide equal pay for equal work.

Children.—The Government supported efforts by domestic and international NGOs that focused on children's social, health, and legal issues, despite its limited ability to provide improved health care and basic education.

By law, primary education is tuition-free; however, despite efforts by the Government to increase the number of schools, there were not enough schools to accommodate the country's youth, particularly in rural areas. The Government used a three-shift system in most primary and secondary schools in urban areas to maximize the utilization of classrooms and to provide an opportunity for working children to attend school. During the year, approximately 43 percent of primary and 70 percent of secondary schools operated in two shifts to maximize the utilization of classrooms. Only 74.6 percent of male primary school-age children and 53.8 percent of female primary school-age children attended school. Girls attended school in fewer numbers than boys, except in Addis Ababa, where girls' attendance was slightly higher at 52.9 percent. Government reports showed that 28.7 percent of the children who attended school left the system before they reached the second grade. Only 25 percent of children who began first grade completed eighth grade. The literacy rate, according to the 2001 Child Labor Survey released during the year by the Central Statistical Authority, was 31.3 percent, and only 20.6 percent of women were literate compared with 42.7 percent of men. Students planning to attend university continued to study for 2 additional years in what was a pre-university program (grades 11–12). Students not admitted to a university were able to enroll in a 2-year program of vocational training. Students in grade 12 take the Ethiopian Higher Education Entrance Certificate Exam (EHEECE). Opportunities to study in institutions of

higher learning remained competitive. During the 2002–03 academic year, approximately 25,000 students of the 28,000 who took the EHEECE were assigned to different government universities.

In Addis Ababa's police stations, there were 10 Child Protection Units that were staffed by members of an NGO and protected the rights of juvenile delinquents and juvenile victims of crime. Some police officers completed training on procedures for handling cases of child abuse and juvenile delinquency.

Societal abuse of young girls continued to be a problem. FGM was performed on the majority of girls (see Section 5, Women). Other harmful traditional practices included uvulectomy, milk-teeth extraction, early marriage, marriage by abduction, and food and work prohibitions (see Section 6.f.). In the Afar region of the east, young girls continued to be married to much older men, but this traditional practice continued to come under greater scrutiny and criticism. Indigenous NGOs, such as the Kembatta Women's Self-Help Center and the Tigray Women's Association, also affected societal attitudes toward harmful traditional practices and early marriage. Pregnancy at an early age often led to obstetric fistulae and permanent incontinence. Treatment was available at only 1 hospital in Addis Ababa that performed more than 1,000 fistula operations a year. It estimated that for every successful operation performed, 10 other young women needed the treatment. The maternal mortality rate was extremely high, partly due to food taboos for pregnant women, poverty, early marriage, and birth complications related to FGM, particularly infibulation.

Child prostitution continued to be a problem and was widely perceived to be growing, and children were trafficked out of the country in adoption schemes (see Section 6.f.).

Child labor remained a serious problem (see Section 6.f.).

Official government estimates put the number of street children in the country at 150,000 to 200,000, with approximately 50,000 to 60,000 street children in Addis Ababa. UNICEF estimated that there were probably close to 600,000 street children in the country and over 100,000 in Addis Ababa. UNICEF believed the problem was growing worse because of the families' inability to support children due to parental illness and decreased household income. These children begged, sometimes as part of a gang, or worked in the informal sector (see Section 6.d.). There were unconfirmed reports during the year that the Government forcibly rounded up street children and dumped them on the outskirts of Addis Ababa. Government and privately run orphanages were unable to handle the number of street children, and older children often abused younger children. Due to severe resource constraints, abandoned infants often were overlooked or neglected at hospitals and orphanages. Children sometimes were maimed or blinded by their "handlers" to raise their earnings from begging.

In August, David Christie—former head of the Swiss orphanage *Terre des Hommes* who was arrested in August 2001—was convicted of 14 sex offenses for sexually abusing orphans, and sentenced to 9 years in prison.

Persons with Disabilities.—The law mandates equal rights for persons with disabilities; however, the Government had no established mechanisms to enforce these rights. Persons with minor disabilities sometimes complained of job discrimination. The Government did not mandate access to buildings or require government services for persons with disabilities. Although the Constitution provides for rehabilitation and assistance to persons with physical and mental disabilities, the Government devoted few resources to these purposes.

There were approximately 6 million persons with disabilities in the country, according to local NGOs. The conflict with Eritrea resulted in numerous soldiers losing limbs, many from landmine explosions. Wheelchairs were not widely available throughout the country. Although there were approximately 800,000 persons with mental disabilities, there was only 1 mental hospital and only approximately 10 psychiatrists in the country. There were approximately 70 NGOs that worked with persons with disabilities. For example, the Amhara Development Association provided vocational training to war veterans with disabilities in Bahir Dar. The Tigray Development Association operated a center in Mekelle that provided prostheses and seed money for business development, training, and counseling for persons with disabilities. The international NGO Landmine Survivors provided a number of services to victims of landmine explosions, including counseling and referrals to rehabilitation services.

National/Racial/Ethnic Minorities.—There were more than 80 ethnic groups. The largest single group was the Oromos, who accounted for 40 percent of the population. Although many of these groups influenced the political and cultural life of the country, Amharas and Tigrayans from the northern highlands played a domi-

nant role. The federal system has boundaries drawn roughly along major ethnic lines, and regional states had much greater control over their affairs. Most political parties remained primarily ethnically based.

There were reports that teachers and other government workers had their employment terminated if they were not of the dominant ethnic group in the region.

There were reports of ethnic conflicts between refugees and local residents during the year.

In some instances, security forces were involved in ethnic clashes during the year. For example, in December, there were a number of reports of individual killings of members of other ethnic groups by ethnic Anuaks, and vice-versa. On December 13, unknown assailants ambushed a vehicle and killed eight government officials, of ethnic groups not indigenous to Gambella Region, near the village of Itang, in Gambella Region. From December 13 to 16, a mob including police, military, and civilians reportedly killed more than 100 members of the Anuak tribe in retaliation for the deaths of the 8 government workers. The Government reported only 40 persons killed. There was a government investigation ongoing at year's end; however, no action had been taken against persons involved.

Ethnic clashes during the year resulted in a number of deaths, injuries, and the displacement of thousands of persons. For example, on April 24, one student from Tigray region was shot and killed and two others injured in a clash between Oromo and Tigrayan students at the Ambo Agricultural College. The killing was believed to be retaliation for the severe beating of an Oromo student in Mekelle in December 2002. At year's end, five persons were in police custody awaiting trial.

In May, June, and July, inter-clan clashes erupted in the Bench-Maji Zone in the south, and 36 persons were killed, according to EHRCO. For example, on June 23, Kidad Gacha, Chairman of Beru Kebele and an ethnic Dizi, shot and killed two Surma tribesmen, a Dizi woman, and a 2-year-old child. The next day, Surma tribesmen raided Beru Kebele, killed 12 persons, and looted property. A total of 1,116 Dizi tribesmen were displaced. Kidad Gacha was taken into police custody.

From September 29 to 30, clashes broke out between Surma and Anuak tribesmen following the killing of an Anuak woman by Surma men. On September 30, armed Anuak tribesmen shot and killed 20 Surma tribesmen engaged in gold mining in Naymei Kebele, in Surma Woreda. It remained unclear at year's end whether the Government took action in response to these incidents.

From November 28 to December 6, approximately 55 persons were reported killed in clashes between the Gura and Dawa tribes in Goro Woreda, Oromiya Region.

In May, the Government reportedly completed its investigation into the March 2002 ethnic violence between the Sheko-Mejjanger and Manja and the Sheka and Bench-Maji in Yeki District, Southern Region, that resulted in the deaths of approximately 600 to 800 persons and displacement of 5,800 persons because of the violence. There was no further information at year's end on the 41 policemen, 39 militia members, and 11 administrative officials reportedly arrested for their involvement in the clashes.

Local officials in Dereshe Woreda, Southern Region, confirmed that certain Dereshe Woreda officials had been implicated in the April 2002 violence between the Deresha and the Zaise tribes over a land dispute that left several persons dead and numerous houses destroyed. Local ruling party officials, including the former district administrator, were found guilty of inciting the violence between the previously peaceful groups.

By year's end, there was no further development in the October 2002 killing of at least 31 Afar women in North Shoa Zone, Amhara Region. In 2002, police detained seven of the eight suspected killers for questioning, one of whom was killed while in prison (see Section 1.a.).

There were no reports that the Government took action against those responsible for the July 2002 clash between the Anuak and Nuer clans in the Gambella region, the September 2002 grenade attack in a student dormitory at the Gambella Teachers College, and the October 2002 grenade explosion in Gambella town.

The military remained an ethnically diverse organization; however, diversity was less common in the higher ranks among officer personnel, which was dominated by the TPLF. There were unconfirmed reports that soldiers targeted Oromos for abuse during the year.

There continued to be anecdotal reports of discrimination against some Eritreans, particularly by kebele level officials. Reports indicated that kebele officials sometimes denied indigent Eritreans access to free medical supplies.

Section 6. Worker Rights

a. The Right of Association.—The Constitution provides most workers with the right to form and join unions; however, the law specifically excludes teachers and

civil servants, including judges, prosecutors, and security service workers, from organizing unions. There was government interference in unions during the year.

The minimum number of workers required to form a union was 20. All unions had to be registered; however, the Government retained the authority to cancel union registration. The law stipulates that a trade organization may not act in an overtly political manner. Approximately 300,000 workers were unionized during the year.

Unlike in the previous year, there were no reports that trade union leaders were removed from their elected office or forced to leave the country.

The ETA has been a particular target for government harassment (see Section 2.b.). ETA membership continued to decrease significantly during the year due to government intimidation and restrictions on ETA activities; membership was an estimated 95,000 at year's end, down from 110,000 in 2002. Although the Government granted recognition to the independent ETA, all public school teachers were still forced to subsidize the government-created and controlled teacher's union (also called ETA) with mandatory monthly contributions of \$0.23 (2 birr) that were automatically withheld from their monthly salaries. The International Labor Organization (ILO) Committee of Experts cited the Government's interference as an abrogation of the basic right of association.

The ETA claimed in 2002 that 205 teachers had been dismissed, detained, or transferred to remote areas since April 2001. Security forces continued to harass members of the independent ETA during the year. Officials at Maekelawi Criminal Investigation Bureau in Addis Ababa summoned then-Acting Secretary-General of the ETA Abate Angori for questioning on several occasions during the year (see Section 1.d.).

Seasonal and part-time agricultural workers were not organized, even on state-owned plantations. Seasonal workers' compensation, benefits, and working conditions were far below those of unionized permanent plantation employees.

There was no requirement that unions belong to the Confederation of Ethiopian Trade Unions (CETU), which included all nine federations organized by industrial and service sectors rather than by region. Despite its claims to the contrary, CETU leadership was aligned with the ruling party and did not fight vigorously for workers' rights. Findings of widespread corruption in 2002 within CETU's leadership had not resulted in any disciplinary actions by year's end. In January, four members of CETU's nine-member executive committee, who criticized the majority five-member block's decisions were forced from office and replaced by four members hand-picked by the Government.

The law prohibits anti-union discrimination by employers against union members and organizers; however, unions reported that union activists frequently were fired. Unlawful dismissal suits often took years to resolve because of case backlogs in the labor courts. According to labor leaders, a number of court cases in which workers were terminated for union activities were pending after 4 or 5 years. There were grievance procedures for hearings on allegations of discrimination brought by individuals or unions. Employers found guilty of anti-union discrimination were required to reinstate workers fired for union activities.

Independent unions and those belonging to CETU were free to affiliate with and participate in international labor bodies. There were no restrictions on individual trade unions applying for membership in the International Confederation of Free Trade Unions (ICFTU); however, CETU has not been accepted into the ICFTU.

b. The Right to Organize and Bargain Collectively.—The Constitution protects the right of collective bargaining for most workers, and in practice the Government allowed citizens to exercise this right freely. Labor experts estimated that more than 90 percent of unionized workers were covered by collective bargaining agreements. Wages were negotiated at the plant level. Some efforts to enforce labor regulations were made within the formal industrial sector.

In November, the Parliament ratified amendments to Labor Proclamation 42, the main body of labor laws in the country, that strengthen worker's positions in the event of termination; allow for multiple unions in the same undertaking; and restrict the definition of "essential services" as concerns the right of workers in those professions to strike. Labor Proclamation 42 explicitly gives workers the right to strike to protect their interests; however, it contains detailed provisions that make legal strike actions difficult to achieve, including that the minimum number of days to be observed before going on strike is 130. The law requires aggrieved workers first to make efforts at conciliation before striking. These applied equally to an employer's right to lock out workers. Strikes must be supported by a majority of the workers affected. If workers brought their dispute to the attention of the Ministry of Labor, the Ministry appoints a conciliator to bring about a settlement. If the conciliator failed to settle a labor dispute within 30 days, the conciliator was obliged to prepare a report for the Ministry. If arbitration or conciliation failed after the

conciliator had been chosen by the parties themselves, either party could submit the matter to a Labor Relations Board (LRB), the appropriate court, or submit to independent arbitration. There are government established LRBs at the national level and in some regions. The Minister of Labor and Social Affairs appointed each LRB chairman, and the four board members included two each from trade unions and employer groups.

If either party chose to submit the matter to an LRB, then the strike action must wait for a period of 30 days within which the LRB would render its decision. Labor Proclamation 42 does not provide a time limit for reaching an agreement in these cases, nor is there a time limit for submitting the matter to the LRB. Any of the contending parties may appeal the decision of the LRB to the Central High Court within 30 days after the decision has been reached. Even where an appeal is submitted, the union is expected to refrain from strike action for another period of 30 days within which the Court may decide on the dispute.

However, workers still retained the right to strike without resorting to either of these options, provided they had given at least 10 days notice to the other party and to the Ministry, made efforts at reconciliation, and provided at least a 30-day warning in cases already before a court or LRB.

The law also prohibits workers who provide essential services from striking, including air transport and railway service workers, electric power suppliers, bus operators, gas station personnel, hospital and pharmacy personnel, bank employees, firemen, postal and telecommunications personnel, and urban sanitary workers.

There has never been a legal strike since Labor Proclamation 42 came into effect in 1993. The ILO has noted that the complex regulations of the proclamation and the insufficient personnel structure of the judicial system have caused labor disputes to drag on for months and years.

The law prohibits retribution against strikers, but labor leaders said that most workers were not convinced that the Government would enforce this protection. Labor officials said that due to high unemployment and long delays in the hearing of labor cases, some workers were afraid to participate in strikes or other labor actions.

There are no export processing zones.

c. Prohibition of Forced or Bonded Labor.—The law prohibits forced or bonded labor, including by children; however, there were reports such practices occurred (see Sections 6.d. and 6.f.). Forced labor could be used by court order as a punitive measure.

d. Status of Child Labor Practices and Minimum Age for Employment.—Child labor remained a serious problem, both in urban and rural areas. Under the law, the minimum age for wage or salary employment is 14 years; this age is consistent with the age for completing primary school educational requirements. Special provisions cover children between the ages of 14 and 18, including the prohibition of hazardous or night work. Children between the ages of 14 and 18 years were not permitted to work more than 7 hours per day, work between the hours of 10 p.m. and 6 a.m., work on public holidays or rest days, or perform overtime work. The Government defined hazardous work as work in factories or involving machinery with moving parts, or any work that could jeopardize children's health.

While the Government made some effort to enforce these regulations within the formal industrial sector, social welfare activists, civic organizers, government officials, and employers agreed that child labor was pervasive throughout the country, particularly in the informal sector. In urban areas, numerous children worked in a variety of jobs, including shining shoes, sewing clothes, hustling passengers into cabs, working as porters, selling lottery tickets, and herding animals. In rural areas, children worked on commercial farms and as domestic laborers.

In February, the Ministry of Labor and Social Affairs released the findings of a 2001 ILO-funded survey on child labor. The survey found that 40 percent of children start work before the age of 6. It also found the average number of hours worked by children ages 5 to 17 during a 1-week reference period was 32.8 hours. Approximately 13 percent of boys and girls between the ages of 5 and 9 worked from 58 to 74 hours a week. More than two-thirds of all children surveyed were giving either all or part of their earnings to their parents or guardians.

On September 2, the country ratified ILO Convention 182 on the Worst Forms of Child Labor; however, ILO experts called on the Government to take concrete actions to stem the increasing practice of child labor in the country. Reduced household income from poor crop harvests and school dropouts were two contributing factors for the increased incidence of child labor. The Government's definition of worst forms of child labor included prostitution and bonded labor.

Child laborers often were abused. A 1999 study concluded that physical and emotional abuse were twice as common among child workers compared with non-workers, sexual abuse was five times as common, and neglect was eight times as common. Among child workers surveyed, rapes occurred exclusively among child domestic laborers.

During the year, there were reports of forced or bonded labor of children who had been trafficked from the Southern and Oromiya Regions to other regions of the country, to work as domestic servants (see Section 6.f.). Young girls reportedly were forced into prostitution by family members (see Sections 5 and 6.f.).

The Ministry of Labor and Social Affairs was designated to enforce child labor laws.

e. Acceptable Conditions of Work.—The law mandates a minimum wage of approximately \$14 (120 birr) per month for all wage earners in both the private and public sectors; in addition, each industry and service sector established its own minimum wage. For example, public sector employees, the largest group of wage earners, earned a minimum wage of approximately \$20.30 (175 birr) per month; employees in the banking and insurance sector had a minimum wage of \$23.20 (200 birr) per month. According to the Office of the Study of Wages and Other Remuneration, these wages were insufficient to provide a decent standard of living for a worker and family. Consequently most families needed to have at least two wage earners to survive, which forced many children to leave school early. In addition, only a small percentage of the population was involved in wage labor employment, which was concentrated largely in urban areas.

Labor Proclamation 42 stipulates a 48-hour legal workweek, consisting of 6 days of 8 hours each, with a 24-hour rest period. However, it was not enforced effectively, and in practice, most employees worked a 40-hour workweek consisting of 5 8-hour days.

The Government, industry, and unions negotiated to set occupational health and safety standards; however, the inspection department of the Ministry of Labor and Social Affairs enforced these standards ineffectively, due to a lack of human and financial resources. Enforcement also was inhibited by a lack of detailed, sector-specific health and safety guidelines. Workers had the right to remove themselves from dangerous situations without jeopardizing their employment; however, most workers feared losing their jobs if they were to do so.

The law also protects foreign workers.

f. Trafficking in Persons.—The law prohibits trafficking in persons; however, there were numerous reports that persons were trafficked to, from, and within the country. Child prostitution was a problem, particularly in urban areas. The criminal code applied only to women and children trafficked for the purposes of prostitution; such trafficking was punishable by up to 5 years imprisonment and a fine of \$1,160 (10,000 birr). Laws provide for fines and prison sentences of up to 20 years. Despite the arrests of suspected traffickers during the year, there had been no successful prosecutions of traffickers in persons by year's end.

In October, police arrested five men suspected of trying to traffic nine children under the age of 8 from the southern region of Gamo Gofa. The police reportedly returned the nine children to their parents.

There were unconfirmed reports that children from the south were transported into Kenya by child traffickers operating adoption rings, and adopted as other nationalities. Unlike in the previous year, the Government did not close down adoption agencies operating in the country that failed to observe proper rules and regulations. The Government granted licenses to three adoption agencies in the country.

NGOs reported that girls as young as age 11 were recruited to work in houses of prostitution where they were kept uninformed of the risks of HIV/AIDS infection and other sexually transmitted diseases. In July, a Family Health International Report indicated that customers targeted younger girls because they were believed to be free of sexually transmitted diseases.

Among the sex workers, 60 percent were between the ages of 16 and 25. Underage girls worked as hotel workers, barmaids, and prostitutes in resort towns and rural truck stops. The unwanted infants of these young girls usually were abandoned at hospitals, police stations, welfare clinics, and adoption agencies. Pervasive poverty, migration to urban centers, early marriage, HIV/AIDS and sexually transmitted diseases, and limited educational and job opportunities aggravated the problem of children engaged in commercial sexual exploitation. There were a few NGOs that aided child victims, including the Forum on Street Children-Ethiopia, which provided shelter and protection for children forced into prostitution or commercial sexual exploitation.

An international NGO reported that trafficking was “increasing at an alarming rate.” A study commissioned by a foreign government during the year on the problem of internal trafficking of women and children confirmed that the problem is pervasive. The overwhelming majority of respondents confirmed that they were trafficked from rural areas to Addis Ababa and other urban centers, lured by false promises of employment. Of the 459 respondents, 46 percent were illiterate and 49 percent had completed no more than a grade 8 education. Upon arrival at their new destinations, 54 percent worked as domestic servants, but that number dropped to 9 percent as the trafficked women and children took jobs in bars, became sex workers, or begged on the street.

Although illegal, the abduction of women and girls as a form of marriage still was practiced widely in Oromiya regions and the Southern Region (see Section 5).

Private entities arranged for overseas work and, as a result, the number of women sent to Middle Eastern countries, particularly Lebanon, Saudi Arabia, Bahrain, and the United Arab Emirates, as domestic or industrial workers remained a significant problem during the year. These women typically were trafficked through Djibouti, Yemen, and Syria. The Chief of the Investigation and Detention Center in Lebanon reported that 30,000 Ethiopian women worked in Beirut, the vast majority of whom were trafficked. Another private employment agency was licensed during the year, bringing the number of private employment agencies to two; however, private employment agencies had only processed approximately 5,500 persons for overseas employment. During the year, the Government also began registering persons seeking employment overseas. Approximately 50 percent of these women were not able to return legally to their home country.

There was a network of persons in Addis Ababa based in the tourism and trade sectors who were heavily involved in soliciting potential clients, recruiting young girls, arranging travel, and fabricating counterfeit work permits, travel documents, and birth certificates. There were reports from the EWLA that some domestic workers abroad were subjected to abusive conditions, including sexual exploitation. In addition, the employers of domestic laborers sometimes seized passports, failed to pay salaries, and overworked their employees. Some domestics were forced to work for their employers' relatives without additional pay. Domestics were forced to pay a monetary penalty for leaving their employment early.

Training programs for police officers on the criminal aspects of trafficking were ongoing during the year. These institutions have limited resources and jurisdiction to protect or intervene in cases of prosecution of offending employers.

The National Steering Committee Against Sexual Exploitation of Children was chaired by the Children, Youth, and Family Affairs Department of the Ministry of Labor and Social Affairs. There were some government initiatives during the year to combat trafficking, including government consultation with IOM to try to resolve the problem. During the year, the Ministry of Labor and Social Affairs reviewed the contracts of prospective domestic workers and denied exit visas if the contracts did not appear satisfactory. Immigration officials at the airport also inspected the employment contracts of prospective workers traveling to the Middle East. The Ministry of Labor and Social Affairs had limited success in regulating employment agencies that sent migrant workers to Middle Eastern countries. Many illegal employment agencies escaped government scrutiny and continued to operate. There was a consulate in Beirut to assist women who were trafficked to Lebanon.

There was no government assistance, in the form of counseling or other support services, to trafficked victims who returned to the country. EWLA provided limited legal assistance to such victims. The Federal Police's Women's Affairs Bureau, in collaboration with the media, continued to implement a public awareness program on the dangers of migrating to Middle Eastern countries.

GABON

Gabon is a republic dominated by a strong presidency. The Gabonese Democratic Party (PDG) has remained in power since 1968 and has circumscribed political choice. PDG leader El Hadj Omar Bongo, President since 1967, was reelected for a 7-year term in a 1998 election marred by irregularities. On July 14, the Parliament passed a Constitutional amendment that removes presidential term limits and facilitates a presidency for life. In May 2002, legislative by-elections were held and resulted in 107 National Assembly seats for the PDG and allied parties and 13 for the opposition. In February, the PDG won a majority of Senate seats. The judiciary was independent in principle but remained subject to government influence.

The national police, subordinate to the Interior Ministry, and the Gendarmerie, subordinate to the Defense Ministry, were responsible for domestic law enforcement and public security. Elements of the armed forces and the “Republican Guard,” an elite, heavily armed unit that protects the President, sometimes performed internal security functions; both were subordinate to the Defense Ministry. Members of the security forces occasionally committed human rights abuses.

The country’s mixed economy lacked diversity and depended heavily on foreign trade in oil, manganese, and wood; the population was approximately 1.2 million. The Government dominated the economy through oil refining, telecommunications, and timber export parastatals. Government financial mismanagement and corruption contributed to significant arrears in domestic and external debt payments. Revenues from oil production, which dropped from 18.5 million tons in 1997 to 12.2 million tons in 2002, contributed more than half of the budget of the country. The estimated per capital income was \$3,810; however, the distribution of wealth and social services was extremely uneven.

The Government’s human rights record remained poor; although there were some improvements in a few areas, serious problems remained. The Government continued to limit citizens’ ability to change their government. Security forces reportedly beat and tortured prisoners and detainees, prison conditions remained harsh, and security forces sometimes violently dispersed demonstrations. Arbitrary arrest and detention were problems. Authorities routinely infringed on privacy rights. The Government continued to restrict freedom of the press and movement. Violence and societal discrimination against women and noncitizen Africans continued to be problems. Forced labor, child labor, and trafficking—particularly in children—remained problems.

RESPECT FOR HUMAN RIGHTS

Section 1. Respect for the Integrity of the Person, Including Freedom From:

a. Arbitrary or Unlawful Deprivation of Life.—There were no political killings during the year; however, in July, a police recruit shot and killed a Congolese math teacher and injured a Nigerian tradesman. An investigation of the shooting, which apparently resulted from inadequate training, indicated that it was an accident.

A small number of ritualistic killings reportedly were committed during the year. No official connection to the murders was established, and the Government publicly criticized such practices. In April, a university student was mutilated and killed in what was believed to be a ritualistic murder. In May, six students organized a march on the Prime Minister’s office to pressure authorities to take action against the perpetrators; however, no arrests were made by year’s end, and none were expected.

b. Disappearance.—There were no reports of politically motivated disappearances.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The Constitution prohibits such practices; however, security forces sometimes beat or tortured prisoners and detainees to extract confessions. Unconfirmed reports from the African immigrant community asserted that police and soldiers occasionally beat noncitizen Africans during operations to round up and deport illegal immigrants (see Section 1.f.). During the year, the U.N. High Commissioner for Refugees (UNHCR) confirmed that it received an average of five reports a day at two of its regional offices about continued harassment and extortion by security forces. There were reports that young girls were raped during the year.

Police violently dispersed strikes and demonstrations, and injured student demonstrators during the year (see Sections 2.b. and 6.b.).

There continued to be reports that practitioners of certain traditional indigenous religions inflicted bodily harm on other persons (see Section 1.a.).

Conditions in most prisons were harsh. Sanitation and ventilation were poor, food was poor, and medical care was almost nonexistent. Women were held separately from men, juveniles were held separately from adults, and pretrial detainees were held separately from convicted prisoners. There were no known visits by human rights monitors to prisons during the year; however, there were no reports that the Government impeded such visits.

d. Arbitrary Arrest, Detention, or Exile.—The Constitution prohibits arbitrary arrest and detention; however, the Government did not observe these prohibitions.

The police, who are responsible for law enforcement and public security, were inefficient, and police response times were slow. The national Gendarmerie is responsible for internal security and setting up checkpoints. Corruption was a serious problem, and security forces often used bribes at checkpoints to supplement their salaries.

The law provides up to 48 hours for initial detention, during which period police must charge a detainee before a judge; however, in practice, police rarely respected this timetable. Charges often were not filed expeditiously, and persons often were detained arbitrarily for short periods and occasionally detained for long periods. At arraignments, bail may be set if further investigation is required.

On July 3, authorities arrested five members of the Bongo Must Go party for vandalizing public buildings and trying to subvert state security. The five, who had erected signs bearing the message "Bongo Must Go," were convicted of vandalism and released on October 1.

On July 7, security forces arrested Gerard Ella Nguema, the leader of the national Gathering of Republican party, and several of his colleagues on charges of counterfeiting, coup plotting, and attempting to blow up government buildings. Nguema and his colleagues remained in prison awaiting trial at year's end.

Members of the security forces frequently detained individuals at roadblocks under the guise of checking vehicle registration and identity papers. Security forces generally used such operations to extort money.

Pretrial detainees have the right to free access to their attorneys, and this right was not restricted in practice. Detainees have the right to an expeditious trial. Pretrial detention, limited to 6 months for a misdemeanor and to 1 year for a felony charge, may be extended for 6 months by the examining magistrate. In practice, overburdened dockets resulted in prolonged pretrial detention. Approximately 40 percent of persons in custody were pretrial detainees.

The law prohibits forced exile, and the Government did not use it.

e. Denial of Fair Public Trial.—The Constitution provides for an independent judiciary; however, the judiciary remained susceptible to government influence.

The judicial system includes regular courts, a military tribunal, and a civilian High Court of Justice. The regular court system includes trial courts, appellate courts, and the Supreme Court. The Constitutional Court is a separate body charged with examining constitutional questions, including the certification of elections. The High Court of Justice, last convened in 1990, is constituted by the Government as required to consider matters of security.

Systemic resource and personnel shortages in the judiciary often contributed to prolonged pretrial detention (see Section 1.d.).

The Constitution provides the right to a public trial and the right to legal counsel, and the Government generally respected these rights. Nevertheless, a judge may deliver an immediate verdict of guilty at the initial hearing in a state security trial if the Government presents sufficient evidence.

Minor disputes may be taken to a local chief, particularly in rural areas; however, the Government did not recognize such decisions.

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home or Correspondence.—The Constitution prohibits such actions; however, the Government did not respect these prohibitions in practice. As part of criminal investigations, police may request search warrants from judges, which they obtained easily, sometimes after the fact. The Government has used search warrants to gain access to the homes of opposition figures and their families.

During the year, security forces conducted three major warrantless searches for illegal immigrants and criminals using street stops and identity checks (see Section 1.c.). Gendarmes stopped and searched vehicles at roadblocks, soldiers and police conducted house-to-house searches in impoverished neighborhoods, and police frequently stopped vehicles to extort bribes.

Unlike in the previous year, the Government did not destroy housing of legal immigrants.

Authorities reportedly routinely monitored private telephone conversations, personal mail, and the movements of citizens.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution provides for freedom of speech and of the press; however, although citizens generally continued to speak freely and to criticize the Government, the Government continued to restrict press freedom. Legislators in the National Assembly openly criticized government policies, ministers, and other officials.

The only daily newspaper was the state-affiliated L'Union. Approximately nine privately owned weekly or monthly newspapers represented independent views and those of various political parties; however, most appeared irregularly due to financial constraints or in some cases, government suspension of their publication licenses. Gabaon, a satirical newspaper that was suspended in 2002 for criticizing the Senate president, resumed publication during the year; however, the newspaper

Misamu, which was suspended in 2002 after reporting on official corruption, has not published since its suspension. All newspapers—including L'Union—criticized the Government and political leaders of all parties. Foreign newspapers and magazines were available widely.

The Government owned and operated two radio stations that broadcast throughout the country. Much of their news coverage concerned the activities of government officials; however editorials sometimes criticized specific government policies or ministers. Seven privately owned radio stations were operating at year's end; most were apolitical. International radio stations, including Voice of America and Radio France International, broadcast locally.

The Government owned and operated two television stations, RTG-1 and RTG-2. Four privately owned television stations transmitted 8 hours per day. Satellite TV reception was available.

During the year, several journalists claimed they were harassed after publishing criticism of the Government and that they had received indirect warnings that they interpreted as death threats; there were reports that government authorities, including some ministers, were involved in the threats.

The Communications Code stipulates that penalties for libel and other offenses include a 1- to 3-month publishing suspension for a first offense and a 3- to 6-month suspension for repeat offenses. Editors and authors of libelous articles can be jailed for 2 to 6 months and fined \$700 to \$7,000 (500,000 to 5 million CFA francs). Libel can be either a criminal offense or a civil matter. The law authorizes the Government to initiate criminal libel prosecution against persons for libeling elected government officials; it also authorizes the State to criminalize civil libel suits.

In May, the National Communications Council (CNC) suspended publication of four newspapers: The independent, satirical Misamu for 1 month in response to a conflict between shareholders over ownership rights; *Le Temps*, an independent, satirical newspaper, for 3 months for publishing allegations that the Government had budgeted \$75 million (50 billion CFA francs) for independence day festivities; the independent *Jeunesse Action* briefly for "lack of journalistic ethics" in publishing without sufficient verification; and *L'Espoir* briefly for failure to conform with administrative registration requirements.

In September, the CNC accused *Sub-Version*, an independent, satirical newspaper, and *La Sagaie*, a bi-monthly newspaper, of trying to destabilize the administration; *Sub-Version* was seized, and *La Sagaie* was suspended. The editors and publishers of both newspapers were given a suspended prison sentence of 21 days and fined \$545 (300,000 CFA francs).

The Government did not restrict access to, or use of, the Internet. Three Internet service providers, one state-owned and two privately operated, functioned. In urban areas, cyber cafes provided relatively affordable access to the Internet.

The Government did not restrict academic freedom, and unlike in the previous year, the Government did not shut down state-funded universities because of strikes.

b. Freedom of Peaceful Assembly and Association.—The Constitution provides for freedoms of assembly and association, and the Government generally respected these rights in practice; however, on occasion security forces violently dispersed demonstrations and strikes. The law requires that groups obtain permits for public gatherings in advance, and the Government usually granted them.

On June 30, gendarmes violently dispersed a demonstration by students from Omar Bongo University; the students were demanding payment of their scholarships. Numerous students were injured. No action was taken against responsible security forces by year's end.

c. Freedom of Religion.—The Constitution provides for religious freedom, and the Government generally respected this right in practice.

Some Protestant denominations alleged that the government television station accords free air time to the Catholic Church but not to minority religious groups. Others alleged that the armed forces favor Roman Catholics and Muslims in hiring and promotions.

The Ministry of the Interior maintained an official registry of religious groups; however, it did not register traditional religious groups. The Government did not require religious groups to register but recommended that they do so to assemble with full constitutional protection.

The Government has refused to register approximately 10 religious groups, including Jehovah's Witnesses. A decree banning Jehovah's Witnesses remained in effect; however, the Government did not enforce the decree. The Government has made uncorroborated claims that it permits Jehovah's Witnesses to proselytize.

For a more detailed discussion, see the 2003 International Religious Freedom Report.

d. Freedom of Movement within the Country, Foreign Travel, Emigration, and Repatriation.—The Constitution provides for these rights; however, the Government frequently restricted them in practice. There were no legally mandated restrictions on internal movement; however, police and gendarmes continued to frequently stop travelers to check identity, residence, or registration documents, and members of the security forces harassed expatriate Africans working legally as merchants, service sector employees, and manual laborers (see Sections 1.c. and 1.f.). They extorted bribes and demanded services with threats of confiscation of residency documents or imprisonment. Residency permits cost up to \$150 (100,000 CFA francs), and first-time applicants also must provide the cost of a one-way air ticket to their country of origin. In theory, but usually not in practice, the Government refunds the cost of the air ticket when the individual departs the country permanently.

The Government intermittently enforced an internal regulation requiring married women to have their husbands' permission to travel abroad. During the year, there were numerous reports that authorities refused to issue passports for travel abroad with no explanation. There also were reports of unreasonable delays in obtaining passports, and in October, the Government promised a 3-day turnaround time for processing passport applications; however, delays in issuance of passports continued.

The law provides for the granting of refugee status and asylum to persons who meet the definition in the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. In practice, the Government provided protection against refoulement and granted refugee status or asylum. The Government generally cooperated with the office of the UNHCR and provided temporary protection to certain individuals who fall outside the definition of the Convention. However, refugees have complained about widespread harassment, extortion, and detentions by security forces. At year's end, approximately 19,000 refugees remained in the country, including 13,400 from the Republic of the Congo; approximately 1,700 of the refugees applied for repatriation during the year. Approximately 5,700 persons from the Republic of the Congo seeking asylum also resided in the country.

Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government

The Constitution provides citizens with the right to change their government peacefully; however, mismanagement and serious irregularities in both the 1998 presidential elections and the December 2001 legislative elections limited this right in practice. A single party, the PDG, has remained in power since its creation by President Bongo in 1968, and political choice has remained limited.

The country is dominated by a strong Presidency. While the legislature is not in session, the President can veto legislation, dissolve the national legislature, call new elections, and issue decrees that have the force of law. The legislature generally approved legislation presented to it by the President. The President appoints and can dismiss judges through the Ministry of Justice, to which the judiciary is responsible. The President appoints ministers of government and heads of parastatal firms.

President Bongo, who has been President since 1967, was re-elected for another 7-year term in a 1998 election marred by irregularities that generally favored his incumbency, including incomplete and inaccurate electoral lists, and the use of false documents to cast multiple votes. On July 14, the Constitution was amended to remove all term limits.

In May 2002, legislative by-elections were held to fill seats nullified in the 2001 legislative elections, which resulted in the PDG and allied parties holding 107 and the opposition holding 13 seats in the National Assembly.

Senatorial elections were held in February, and the PDG won a majority of the 91 seats. There were widespread reports of irregularities in the February elections, which were considered neither free nor fair. Municipal and regional government officials elect the senators, who serve 6-year terms. All the senators were either members of the PDG or of political parties linked to the PDG.

The ability of citizens to choose provincial governments remained limited in practice. Provincial governors, prefects, and sub-prefects were officers of the central Government responsible to and appointed by the President. Mayors and municipal councils were elected; however, municipal governments had limited financial autonomy and depended heavily on funding from the central Government.

In December 2002, country-wide municipal elections were held. The PDG party won 85 percent of all seats; however, the level of voter abstention was extreme, reaching 100 percent in some precincts.

Opposition parties included the National Lumberjack Assembly-Gabonese People's Assembly (RNB-RPG) and the Gabonese Progressive Party (PGP). Members of the

Fang ethnic group constituted the RNB–RPG’s political base. The PGP was supported in Port Gentil, the center of the country’s petroleum industry, and among the Myene ethnic group; however, ideological splits and rivalries limited its effectiveness.

Members of all major ethnic groups continued to occupy prominent positions; however, members of the President’s Bateke ethnic group and other ethnic southerners held a disproportionately large number of key positions in the military and security forces. The General Chief of Staff, the Minister of Defense, the Chief of the Republican Guard, and the Minister of Interior were from the same region as the President or from the same ethnic group.

There were no restrictions on the participation of women and minorities in politics. At year’s end, 11 of 120 members of the National Assembly, 12 of 91 senators, and 5 of 43 government ministers were women. Indigenous Pygmies rarely participated in the political process, and the Government has made only limited efforts to include them (see Section 5).

Section 4. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A few independent human rights groups generally operated without government restriction, investigating and publishing their findings. Governmental officials took no actions on the recommendations of such groups. In 2002, the Government created a Ministry of Human Rights; however, it was inactive during the year. In October, the Senate failed to gather a quorum to discuss legislation to establish an independent human rights commission to advise and assist the Minister of Human Rights.

Section 5. Discrimination Based on Race, Sex, Disability, Language, or Social Status

The Constitution forbids discrimination based on national origin, race, gender, or opinion; however, the Government did not enforce these constitutional provisions uniformly, and there was considerable discrimination against women, especially in domestic affairs. Security forces also discriminated against noncitizens. The Government provided a lower level of health care and educational services to children of other African nationalities than it provided to citizens.

Women.—Domestic violence against women was believed to be common, especially in rural areas; however, there were few reports of such violence during the year. Police rarely intervened in such incidents, and women virtually never filed complaints with civil authorities. Only limited medical and legal assistance for rape victims was available.

Female genital mutilation (FGM) was believed to occur among the resident population of noncitizen Africans; however, there were no reports of such practices during the year.

The Government and nongovernmental organizations (NGOs) reported cases of female domestic workers (often victims of child trafficking) who were sexually molested by employers.

The law provides that women have rights to equal access in education, business, and investment. Women owned businesses and property, participated in politics, and worked throughout the Government and the private sector. Nevertheless, women continued to face considerable societal and legal discrimination, especially in rural areas.

By law, couples must stipulate at the time of marriage whether they intend to adhere to a monogamous or a polygynous relationship; polygynous marriages were more common. For monogamous married couples, a common property law provides for the equal distribution of assets after divorce. In a polygynous marriage, a husband is obligated to give all wives the same level of financial support; however, he may marry additional wives without permission from his existing wives. Wives who leave polygynous husbands received half of their existing support as a one-time payment. In inheritance cases, the husband’s family must issue a written authorization before his widow can inherit property. Common law marriage, which was accepted socially and practiced widely, afforded women no property rights.

A regulation requires that a woman obtain her husband’s permission to travel abroad. This requirement was not enforced consistently.

Children.—The Government has used oil revenue to build schools, pay teachers’ salaries, and promote education, even in rural areas; however, the upkeep of schools and payment of teachers has declined in recent years. Education is compulsory until age 16 and generally is available through sixth grade; however, fewer than half of secondary school-age children attended school. Secondary school attendance rates for immigrant children were lower, although public schools accepted immigrant children, and the Government encouraged them to attend. Students were required to

pay for books, uniforms, and other school supplies, which precluded numerous children from attending school. Despite low enrollment, a U.N. agency estimated that 64 percent of women and 78 percent of men were literate.

The country's infant mortality rate was 5.7 percent; only approximately 16 percent of children had been vaccinated. Although international donors worked to improve the situation, the Government allocated few resources for vaccines or logistical support to administer them. Children remained the responsibility of the extended family. There was little evidence of physical abuse of children, although there were occasional reports that family members sexually abused girls who had passed puberty. The law provides for protection against child labor and sexual and physical abuse; however, there were no known prosecutions of individuals involved in such activities during the year.

FGM was performed on girls in the resident population of expatriate Africans (see Section 5, Women).

Concerns about the problems facing the large community of children of noncitizen Africans persisted. Almost all enjoyed far less access to education and health care than did citizen children; some were victims of child trafficking and abuses (see Sections 6.d. and 6.f.).

Child labor remained a serious problem (see Section 6.d.).

Persons with Disabilities.—There are no laws that prohibit discrimination against persons with disabilities or provide for access to buildings or services; however, there were no reports of official discrimination against persons with disabilities. There was some societal discrimination against persons with disabilities, and employment opportunities and treatment facilities were limited.

Indigenous People.—The Baka (Pygmies) are the earliest known inhabitants of the country. Several thousand Pygmies lived in large tracts of still-intact rain forest in the northeast. The law grants them the same civil rights as other citizens; however, Pygmies remained largely independent of formal authority, keeping their own traditions, independent communities, and local decision-making structures. Pygmies did not participate in government-instituted programs that integrated many small rural villages into larger ones along major roads. Pygmies suffered societal discrimination, often lived in extreme poverty, and did not have easy access to public services. There were no specific government programs or policies to assist Pygmies.

In 2001, an NGO study of the Bukoya Pygmy population in the northeast found that most Pygmies lived in conditions tantamount to slavery, working on plantations for "Gabonese masters" for one plate of rice and a few cents per day. The NGO described the children born to Pygmy families in these situations as the "property" of the master. A typical family lived on 13 cents per day. Pygmies who complained about their situation faced the possibility of being beaten.

Section 6. Worker Rights

a. The Right of Association.—The Constitution places no restrictions on the right of association and recognizes the right of citizens to form trade and labor unions, and workers exercised this right in practice. Virtually the entire private sector workforce was unionized. Unions must register with the Government to be recognized officially. Public sector employees may unionize, although their right to strike is limited if a strike could jeopardize public safety.

Many independent unions, including powerful unions of teachers, civil servants, transport workers, and communications workers, have formed the Gabonese Confederation of Free Unions (CGSL). The Gabonese Labor Confederation (COSYGA) continued to be affiliated with the Government but criticized some government policies as contrary to labor interests. The Labor Code provides extensive protection of worker rights.

While no laws specifically prohibit anti-union discrimination, the court may require employers who are found guilty by civil courts of having engaged in such discrimination to compensate employees.

Unions and confederations were free to affiliate with international labor bodies and participate in their activities. COSYGA was affiliated with the Organization of African Trade Union Unity, while the CGSL was affiliated with the International Confederation of Free Trade Unions. Both COSYGA and CGSL had ties to international labor organizations.

b. The Right to Organize and Bargain Collectively.—The Labor Code provides for collective bargaining by industry, not by firm; collectively bargained agreements set wages for whole industries. Labor and management met to negotiate differences, and the Ministry of Labor provided observers. The observer does not take an active role in negotiations over pay scales, working conditions, or benefits. Agreements negotiated by unions also applied to non-union workers.

The Labor Code provides for the right to strike after an 8-day notice advising that outside arbitration failed. However, in September, a social truce signed by the Government, employers, and the country's main trade unions provided for a 3-year hiatus on strikes and the creation of a 35-member mediation committee to negotiate disputes. Union support for the social truce resulted from governmental concessions on price reductions for basic goods, reduced living standards for governmental ministers, and other governmental reforms. The Labor Code prohibits direct government action against individual strikers who abide by the arbitration and notification provisions.

Prior to September, there were numerous strikes in the timber, media, hospital, and oil sectors.

In May, journalists and technicians of RTG, the national television station, and public hospital workers in Libreville conducted a strike for nearly 2 months to demand better working conditions and salary increases. Both strikes ended when President Bongo intervened with promises of improved working conditions.

On June 15, laid-off lumber workers from the Cora Wood Company staged a strike in Port Gentil to demand payment of higher indemnities than the Government promised and paid in 2002 after the 1991 buyout of their former state-owned company, Gabon Forest. On August 12, the lumber workers conducted a second strike after government promises to address their concerns were not kept. Security forces briefly arrested strike leaders and violently dispersed the strikers, who had erected barricades to block other lumber companies from shipping timber through the city harbor.

During the year, there were two 1-day strikes by oil truck drivers; both were resolved peacefully through negotiation.

There are no export processing zones.

c. Prohibition of Forced or Bonded Labor.—The law prohibits forced or bonded labor; however, there were reports that such practices occurred, including by children (see Sections 6.d. and 6.f.). Some Pygmies reportedly lived in conditions tantamount to slavery (see Section 5).

d. Status of Child Labor Practices and Minimum Age for Employment.—Child labor was a serious problem. Children below the age of 16 may not work without the express consent of the Ministries of Labor, Education, and Public Health. The Legal Code stipulates fines and prison sentences for violations of the minimum age for work. The ministries rigorously enforced this law in urban areas with respect to citizen children, and few citizens under the age of 18 worked in the formal wage sector; however, child labor was common in rural areas, where the law was seldom enforced. A significant number of children—primarily foreign—worked in marketplaces or performed domestic duties; many of these children were the victims of child trafficking (see Section 6.f.). Such children generally did not go to school, received only limited medical attention, and often were exploited by employers or foster families. Laws forbidding child labor theoretically extended protection to these children as well, but abuses often were not reported. A 2001 International Labor Organization (ILO) study estimated that the number of economically active children between the ages of 10 and 14 years was 19,000 to 20,000, but the actual number was probably considerably higher since most children worked in the informal sector.

The Ministry of Justice is responsible for implementing and enforcing child labor laws and regulations. Inspectors from the Ministry of Labor are responsible for receiving, investigating, and addressing child labor complaints. However, the inspection force was inadequate, complaints were not investigated routinely, and consequently, violations were not systematically addressed.

e. Acceptable Conditions of Work.—The Labor Code governs working conditions and benefits for all sectors and theoretically provides a broad range of protection to workers; however, the Government sometimes did not respect these protections in practice. According to law, representatives of labor, management, and the Government meet annually to examine economic and labor conditions and to recommend a minimum wage rate to the President, who then issues an annual decree; however, this procedure had not been followed since 1994, in part because the Government was following a policy of wage austerity recommended by international financial institutions. The monthly minimum wage was approximately \$91 (60,000 CFA francs); government workers received an additional monthly allowance of \$30 (20,000 CFA francs) per child. Government workers also received transportation, housing, and family benefits. The law does not mandate housing or family benefits for private sector workers. The minimum wage did not provide a decent standard of living for a worker and family.

The Labor Code stipulates a 40-hour workweek with a minimum rest period of 48 consecutive hours. Employers must compensate workers for overtime work. All

companies in the formal sector paid competitive wages and granted the fringe benefits required by law, including maternity leave and 6 weeks annual paid vacation.

The Ministry of Health established occupational health and safety standards, but it did not enforce or regulate them. The application of labor standards varied from company to company and between industries. In the formal sector, workers may remove themselves from dangerous work situations without fear of retribution.

The Government reportedly did not enforce Labor Code provisions in sectors where the majority of the labor force was foreign. Foreign workers, both documented and undocumented, may be obliged to work under substandard conditions; may be dismissed without notice or recourse; or may be mistreated physically, especially in the case of illegal aliens. Employers frequently required longer hours of work from noncitizen Africans and paid them less, often hiring on a short-term, casual basis to avoid paying taxes, social security contributions, and other benefits.

f. Trafficking in Persons.—No law specifically prohibits trafficking in persons; however, the country was a destination for trafficked persons, and trafficking in children was a serious problem. The Government did not actively investigate cases of trafficking and has not prosecuted any cases against traffickers; however, individuals accused of trafficking have been deported from the country. There were reports that some trafficked women and children were sexually abused.

On March 26, Guy Nzouba Ndama, the President of the National Assembly, introduced a bill that would criminalize trafficking of children in the country. In July, Parliament passed the bill and forwarded it to the Senate for ratification. The bill was pending ratification at year's end.

According to several local NGOs, children (especially girls) primarily from Benin and Togo, were used as domestic servants or in the informal commercial sector. Nigerian children, also victims of trafficking, worked in the informal commercial sector as mechanics.

There were unconfirmed reports that some government officials employed trafficked foreign children as domestic workers, and that individual police and immigration officers were involved in facilitating child trafficking.

On April 4, UNICEF and the Government inaugurated a jointly sponsored toll-free assistance hotline for child trafficking victims in Libreville. The call center, which provided 24-hour response assistance and arranged free transport to a victims' shelter, received approximately 50 calls in its first week of operation. The Government also ran a shelter for trafficking victims.

An inter-ministerial committee comprised of representatives from the Labor, Justice, Foreign Affairs, and Family Ministries was involved in anti-trafficking efforts. The Government also cooperated with UNICEF. In May 2002, the Government and the ILO launched a 3-year project on the prevention of child trafficking and child labor in the country.

THE GAMBIA

The Gambia is a republic under multiparty democratic rule. President Alhaji Yahya A.J.J. Jammeh was re-elected for a 5-year term in 2001 in an election considered free and fair, despite some shortcomings. The main opposition coalition initially accepted the results of the presidential elections but later changed its position and boycotted the legislative elections in 2002. President Jammeh's political party, the Alliance for Patriotic Reorientation and Construction (APRC), won majorities in the National Assembly and most local councils. The multiparty opposition remained weak and divided. Although the courts have demonstrated their independence on occasion, the judiciary, especially at lower levels, was at times corrupt and subject to executive branch pressure.

The Gambian Armed Forces reports to the Secretary of State (Minister) for Defense, a position held by the President. The police report to the Secretary of State for the Interior. The National Intelligence Agency (NIA), responsible for protecting state security, collecting intelligence, and conducting covert investigations, reports directly to the President. Civilian authorities generally maintained effective control of security forces. There were a few instances in which members of the security forces acted independently of government authority. Some members of the security forces committed human rights abuses.

The country's market-oriented economy encouraged growth through the development of the private sector. Much of the country's population of 1.4 million was engaged in subsistence farming. The high population growth rate diminished the effects of modest economic expansion in recent years. During the year, per capita

gross domestic product declined to less than \$300 due to the sharp depreciation of the national currency.

The Government generally respected the human rights of its citizens; however, there were problems in some areas. Despite some election deficiencies, citizens generally were able to exercise their right to change their government through periodic elections. Security forces harassed or otherwise mistreated journalists, detainees, prisoners, and opposition members. Prison conditions remained Spartan but generally good. Arbitrary arrest and detention were problems; however, unlike in the previous year, there were no reports of incommunicado detention. Prolonged pre-trial detention was a problem. Detainees were denied fair and expeditious trials by a slow, inefficient, and corrupt court system. There was one known political prisoner. The Government at times infringed on citizens' privacy rights. The Government limited freedom of speech and the press by intimidation and restrictive legislation. Some journalists practiced self-censorship. Unlike in previous years, the Government did not restrict freedom of assembly. Violence and discrimination against women were problems. The practice of female genital mutilation (FGM) remained widespread and entrenched. Child labor persisted, mainly on family farms, and there were some instances of child prostitution. There were a few reports of trafficking.

RESPECT FOR HUMAN RIGHTS

Section 1. Respect for the Integrity of the Person, Including Freedom From:

a. Arbitrary or Unlawful Deprivation of Life.—There were no reports of arbitrary or unlawful deprivation of life committed by the Government or its agents during the year.

No action was taken, nor is any likely to be taken, in the following 2001 cases: The January killing of Bakary Ceesay or the October killing of Hussein Wane and Ousman Ceesay in separate incidents.

The Indemnity Act stipulates that “the President may, for the purpose of promoting reconciliation in an appropriate case, indemnify any person he may determine, for any act, matter or omission to act, or things done or purported to have been done during any unlawful assembly, public disturbance, riotous situation or period of public emergency.” This law continued to prevent victims from seeking redress in some cases.

b. Disappearance.—There were no reports of politically motivated disappearances.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The Constitution prohibits such practices; however, there were reports that government officials beat and on occasion tortured persons. There continued to be reports that security forces, notably soldiers acting outside the chain of command, mistreated civilians. The army requested that victims file formal complaints so that the cases could be investigated; however, there were no prosecutions of soldiers accused of torturing individuals during the year.

For example, on March 27, three soldiers beat Karamo Marong, a controller at the Banjul ferry terminal. Marong claimed he was beaten because he insisted the soldiers, who were purportedly on an official mission, pay the crossing fee. No known action was taken against the responsible soldiers by year's end.

On April 8, soldiers on duty at the Abuko Earth Station allegedly detained and beat Lamin Cham and Ebrima Ceesay after a man reported that they stole his satellite antenna—an accusation both denied. Cham and Ceesay claimed the soldiers stripped them naked, doused them with water, and flogged them with cables for most of the day. They were released without charge; however, no known action was taken against the responsible soldiers by year's end.

On July 23, Hassan Jobe, the chief of Sanchaba Sulay Jobe village, reported that soldiers brutalized him and his family members. Jobe stated that his grandson, Ousman Njie, was beaten unconscious. His wife was struck on her mouth and lost a front tooth. The soldiers allegedly used rifle butts to beat the Jobe family after a heated dispute at a phone booth. The army completed its investigation of the alleged attack in September. The army advised the family to take legal action in the civil courts and agreed to produce the soldiers for trial. There was no additional action taken by year's end.

No action was taken, nor was any likely to be taken, against the security personnel who beat or otherwise abused persons in the following cases from 2001: The February beating of John Seneise; the April beating of Brian Secka; and the June beating of three athletes in Kanifing.

No action was taken against those responsible for election violence in 2001.

Conditions at Mile 2, Janjanbureh, and Jeshwang prisons remained Spartan but adequate. In August, representatives from the African Commission on Human and

Peoples Rights and the International Committee of the Red Cross (ICRC) visited Mile 2 and Jeshwang prisons and reported that conditions were good. Prisoners received three meals a day, each prison had an infirmary, and outside doctors were brought in to provide additional medical care when required; however, the ICRC also reported that the psychological conditions in the prisons were "hard." For example, maximum-security prisoners were confined to small, individual cells for 21 hours each day and were permitted few family visits.

Unlike in previous years, there were no reports of beatings and malnourishment of detainees during the year. Local jails continued to experience overcrowding. Inmates, including detainees awaiting trial, occasionally had to sleep on the floor; they were provided with mats or blankets. Prison guards were reluctant to intervene in fights between prisoners, and some of the prisoners were injured.

Women were held separately from men. Juveniles were held separately from adults, and pretrial detainees were held separately from convicted prisoners. There was no separate section or facility for political prisoners.

The Government permitted independent monitoring of prison conditions by local and international human rights groups.

d. Arbitrary Arrest, Detention, or Exile.—The Constitution prohibits arbitrary arrest and detention; however, police and security forces at times arbitrarily arrested and detained citizens. Periods of detention generally ranged from a few hours to 72 hours, the legal limit after which detainees must be charged or released.

The police served under the Secretary of State for the Interior. The police generally were corrupt and on occasion acted with impunity and defied court orders.

The Government has not formally revoked military decrees enacted prior to the 1997 Constitution that give the NIA and the Secretary of State for the Interior broad power to detain individuals indefinitely without charge "in the interest of national security." The Constitution provides that decrees remain in effect unless inconsistent with constitutional provisions. These detention decrees appeared to be inconsistent with the Constitution, but they have not been subject to judicial challenge. The Government has stated that it no longer enforced these decrees; however, in some instances, the Government did not respect the constitutional requirement that detainees be brought before a court within 72 hours. Detainees often were released after 72 hours and instructed to report to the police station or NIA headquarters periodically until their case went to trial. During the year, there were five known cases that exceeded the 72-hour limit. Unlike in previous years, there were no reports that detainees were held incommunicado.

The law requires that authorities obtain a warrant before arresting a person; however, on occasion individuals were arrested without a warrant. Detainees generally were permitted prompt access to family members and legal counsel. There was a functioning bail system.

On January 22, the NIA detained Dr. Ahmed Gibril Jassey, the elected chairman of the Brikama Area Council for 6 days without charge. Jassey's arrest came a week after the Secretary of State for Local Government had suspended him for alleged mismanagement of funds. Some observers criticized the actions, arguing that the suspension and arrest of an elected local government official without a full investigation contravened the Local Government Act.

In June, NIA officers seized eight diamonds, \$205,560 in currency, and other possessions from two visiting German businessmen, Dr. Frank Mahier and Niklas Wesphal, and told them to leave the country. Their local partner, Dr. Al Lamin, was briefly detained for reporting the matter to the police. The NIA officers involved were dismissed after a commission of inquiry found them culpable.

On December 27, police arrested National Assembly Majority Leader Baba Jobe with 3 associates while they were on their way from Jarra Karantaba to Banjul. Police detained Jobe, who was already on trial for economic crimes and was free on bail, at the Yundum Police Training Center without charge for more than the constitutionally prescribed limit of 72 hours. Police ignored a December 31 court-ordered writ of habeas corpus to release Jobe and his co-detainees.

Security forces at times briefly detained journalists and persons who publicly criticized the Government or who expressed views in disagreement with the Government (see Section 2.a.).

No action was taken in the 2001 cases of UDP activist Kassa Jatta; UDP activist Musa Fatty; former vice president of the Gambia Student Union Alagie Nyabally; opposition supporter Dr. Momodou Lamin Manneh; Citizen FM Radio director George Christensen; and Muhammed Lamin Sillah from Amnesty International. The NIA released all without charge except for Sillah, who was charged with inciting genocide and confusion, and attempting to overthrow the Government. He was awaiting trial at year's end.

During the year, the trial continued of Ebrima Yabo, Ebrima Barrow, Momodou Marenah, and Dumo Saho, who were detained in 2000 on suspicion of attempting to violate state security. On July 29, the High Court acquitted two other military co-defendants, Lalo Jaiteh and Omar Darboe, due to lack of evidence. According to the army, the two soldiers were reinstated but discharged shortly thereafter for "security reasons." No additional action was taken against them. In October, Momodou Marenah was acquitted and released; however, the remaining three accused civilians remained in jail awaiting trial at year's end.

The slow pace of the justice system resulted in detainees waiting long periods in pre-trial detention. Approximately 40 of Mile 2 Prison's 230 inmates were in detention pending trial. Most of the detainees were in the detention wings of the Mile 2 and Janjanbureh prisons. Some have been incarcerated for more than 4 years without trial.

The Constitution prohibits forced exile, and the Government did not use it. After a formal reconciliation, former president Sir Dawda Jawara was free to return to the country and did so during the year. Other senior officials of the former government, including Vice President Saihou Sabally and Secretary General Abdou Sara Janha, remained outside the country, reportedly for fear of harassment or detention, but they did not face formal charges.

e. Denial of Fair Public Trial.—The Constitution provides for an independent judiciary; however, in practice, the courts, especially at the lower levels, were corrupt and subject to executive branch pressure at times. Nevertheless, the courts have demonstrated independence on several occasions, including in significant cases. For example, in December, High Court Justice Wallace Grante issued a writ of habeas corpus when National Assembly leader Baba Jobe was detained longer than the 72 hours prescribed by the Constitution.

The Constitution provides for a fair trial; however, the judicial system suffered from corruption, particularly at the lower levels, and from inefficiency at all levels. Many cases were not heard for months or years because the court system was overburdened and lacked the capacity to handle the high volume of cases. To alleviate the backlog and reduce the possibility of undue influence and corruption, the Government continued to recruit judges and magistrates from other Commonwealth countries who share a similar legal system. The Attorney General oversees the hiring of foreign judges on contract. The Government reserves the right not to renew a judge's contract. Foreign judges were generally less susceptible to corruption and executive branch pressure. Despite these steps, corruption in the legal system persisted.

The judicial system is comprised of the Supreme Court, the Court of Appeal, high courts, and eight magistrate courts. Village chiefs presided over local courts at the village level.

Trials are public, and defendants have the right to an attorney at their own expense. Defendants are presumed innocent, have the right to confront witnesses and evidence against them, present witnesses on their own behalf, and appeal judgment to a higher court.

The judicial system recognizes customary, Shari'a (Islamic law), and general law. Customary law covers marriage and divorce for non-Muslims, inheritance, land tenure, tribal and clan leadership, and other traditional and social relations. Shari'a was observed primarily in Muslim marriage and divorce matters; it favored men in its provisions. General law, following the British model, applied to felonies and misdemeanors in urban areas and to the formal business sector.

Persons have been held for extended periods pending trial (see Section 1.d.).

The trials of two UDP supporters charged with breach of peace in January for allegedly playing a UDP political rally videocassette on the Bantanto community television station remained pending at year's end.

At year's end, UDP leader Ousainou Darboe and UDP members Shyngle Nyassi and Marong remained free on bail awaiting trial for murder in a 2000 case.

There was one known political prisoner, Lieutenant Sana Sabally, a former vice chairman of the now defunct Armed Forces Provisional Ruling Council (AFPRC) (the military council established after the 1994 coup), who was serving 9 years at Mile 2 Prison in Banjul for conspiring to assassinate the President in 1995. Human rights organizations were not permitted access to him.

f. Arbitrary Interference with Privacy, Family, Home or Correspondence.—The Constitution prohibits such abuses; although the Government generally respected these prohibitions, there were some exceptions. The Government has not repealed Decree 45, which abrogates constitutional safeguards against arbitrary search and permits search and seizure of property without due process. This decree remained in effect, pending a judicial finding that it is unconstitutional. In practice,

the Government did not use it. In some instances, security forces forcibly entered homes to arrest citizens without warrants.

Observers believed the Government monitored citizens engaged in activities that it deemed objectionable.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution provides for freedom of speech and the press; however, the Government limited freedom of speech and the press by intimidation and restrictive legislation. Journalists practiced a degree of self-censorship.

On occasion, security forces detained persons who publicly criticized the Government or who expressed views in disagreement with the Government. For example, on January 27, NIA officers arrested and detained Kemesseng Jammeh, a member of the opposition UDP for 2 days without charge after the Independent newspaper published a statement he reportedly made at a UDP rally in Talinding, which inaccurately accused the Government of misappropriating a \$200,000 donation for farmers.

On September 30, the NIA arrested Lamin Waa Juwara, leader of a small opposition political party, the National Democratic Action Movement after he allegedly called for citizens to overthrow the Government. Juwara was turned over the Serious Crimes Division of the Gambian Police, charged with sedition, and ultimately released on bail.

The Government published one newspaper, The Gambia Daily. The Daily Observer, although privately owned, tended to favor the Government in its coverage. There were four other independent newspapers, including one published by an opposition political party. There was one independent weekly magazine.

The Government generally did not restrict the publication, importation, or distribution of written material. English, French, and other foreign newspapers and magazines were available. The ruling APRC and opposition parties freely distributed leaflets and papers that could be considered “political literature” during the year.

During the year, one government-owned and four private radio stations broadcast throughout the country. There were frequent public affairs broadcasts on at least two independent radio stations. Local stations rebroadcast the British Broadcasting Corporation, Radio France Internationale, and other foreign news reports, and all were available via short-wave radio. Both government-owned and privately owned satellite television were available in many parts of the country. The Government allowed unrestricted access to satellite television, and residents who could afford to do so received independent news coverage via satellite dish.

During most of the year, government-owned television and radio gave very limited coverage to opposition activities, including statements by opposition parliamentarians in the National Assembly.

Citizen FM, known in the past for its civic education and political programming, remained closed at year’s end.

During the year, security forces detained journalists. The Government detained, questioned, and otherwise harassed journalists and editors of newspapers that published articles it considered inaccurate or sensitive. For example, on June 30, NIA officers arrested and detained for 3 hours without charge Alhagi Yorro Jallow, editor of The Independent newspaper, allegedly for publishing an erroneous report that two persons were killed in a Gambia-Senegal border clash following a violent football match in June between the two countries.

On September 20, Abdoulie Sey, editor-in-chief of The Independent newspaper, was detained for 3 days and released without charge after allowing the publication of an article that criticized President Jammeh.

Decrees 70 and 71 continued to inhibit free reporting. The decrees require all newspapers to post a \$3,000 (100,000 dalasi) bond or cease publication. The bond was required to ensure payment of any penalties imposed by a court for the publication of blasphemous or seditious articles or other libel. Independent newspaper publishers complained that the bond placed a serious financial burden on them.

Although the nongovernment press practiced a degree of self-censorship, the press frequently voiced strong, direct criticism of the Government, and opposition views regularly appeared in the independent press.

In 2002, the National Assembly passed a National Media Commission Act, which gave a state-appointed committee the right to license and register journalists (and to impose heavy fines and suspension for failure to do so), force reporters to reveal confidential sources, issue arrest warrants to journalists, and formulate a journalistic code of ethics. The Media Commission is chaired by a senior magistrate, named by the Chief Justice of the Supreme Court, and includes the Permanent Secretary

of the Department of State for Information and Technology, the Director General of Gambia Radio and Television Services, a journalist appointed by the Government (since the Gambia Press Union (GPU) declined to participate), and representatives from civil society, namely from the Women's Bureau, the Gambia Teachers Union, the Supreme Islamic Council, the Gambian Christian Council, and the Gambia Bar Association. In August, the GPU, the bar association, and independent media practitioners filed applications in the Supreme Court to contest the constitutionality of the Media Commission Act. In September, the Government proposed and the National Assembly adopted several amendments to the Act to eliminate the most controversial provisions of the original text. The National Assembly removed the Commission's power to judge complaints against media practitioners and media organizations and returned this power to the jurisdiction of the magistrate courts and the High Court. The Media Commission can receive and investigate complaints but cannot pass judgment. In December, the Supreme Court met to rule on the Media Commission's constitutionality; however, a quorum of justices refused to sit, leaving the Media Commission without legal standing.

The Government allowed unrestricted Internet access and operation. Convenient, inexpensive Internet access existed at numerous Internet cafes and through private accounts.

The Government did not restrict academic freedom.

b. Freedom of Peaceful Assembly and Association.—The Constitution provides for freedom of assembly, and, unlike in previous years, the Government generally respected this freedom in practice.

The Constitution provides for freedom of association, and the Government generally respected this right in practice. The AFPRC's Decree 81 requires nongovernmental organizations (NGOs) to register with the National Advisory Council, which has the authority to deny, suspend, or cancel the right of any NGO to operate, including that of international NGOs. However, the Government did not take action against any NGOs during the year.

c. Freedom of Religion.—The Constitution provides for freedom of religion, and the Government generally respected this right in practice.

On July 22, President Jammah reversed a May Ministry of Education decision to allow students to wear veils to school. The President decided that each school administration should determine its own policy.

For a more detailed discussion, see the 2003 International Religious Freedom Report.

d. Freedom of Movement within the Country, Foreign Travel, Emigration, and Repatriation.—The Constitution provides for these rights but allows for "reasonable restrictions," which the Government at times enforced. The Government prohibited those under investigation for corruption or security matters from leaving the country.

The law provides for the granting of asylum or refugee status to persons who meet the definition in the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. In practice, the Government provided protection against refoulement and granted refugee status or asylum. The Government cooperated with the office of the U.N. High Commissioner for Refugees (UNHCR) and other humanitarian organizations. The Government worked with the UNHCR and local NGOs in processing refugee claims. The country hosted approximately 3,500 Senegalese refugees from the troubled Casamance region, as well as approximately 7,000 additional refugees from Guinea-Bissau, Liberia, and Sierra Leone. During the year, fewer than 100 Sierra Leonean refugees were repatriated under UNHCR auspices.

The Government also provides temporary protection to certain individuals who fall outside of the definition of the 1951 U.N. Convention Related to the Status of Refugees or its 1967 Protocol.

Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government

The Constitution provides citizens with the right to change their government peacefully, and citizens exercised this right in presidential, legislative, and local elections. The Constitution provides for the democratic elections of the President and National Assembly every 5 years. The APRC remained the dominant political party.

In 2001, the National Assembly passed several amendments that reduced the power of the Independent Electoral Commission (IEC) to control many fundamental election matters. The National Assembly gained the power to set the registration requirements for political parties and change constituency boundaries; local chieftaincies became presidential appointments instead of elected positions; voter

registration requirements were relaxed; and the IEC lost the right to question voters about their citizenship during the registration process.

International observers described the 2001 presidential electoral process as generally free and fair, despite some shortcomings. President Jammeh won approximately 53 percent of the vote. The opposition political parties initially conceded the elections but then accused the Government of bribing voters and issuing threats, both explicit and veiled, against individuals and communities that did not support the incumbent. Observers agreed there probably were some irregularities in the registration process but on a much smaller scale than the UDP/PPP/GPP coalition alleged. The post-election period was marred when Jammeh fired more than 20 village heads and civil servants who had not expressed public support for him during the campaign or who had been accused of corruption or incompetence; security forces also arrested and detained many opposition supporters throughout the country.

The major opposition coalition boycotted the January 2002 National Assembly elections accusing the IEC of allowing fraudulent voter registrations and mismanaging both the presidential and national elections. The boycott was criticized widely as unjustified and as an inappropriate response to the alleged fraud and left many of the opposition's own candidates unfunded and unsupported during the elections. The APRC won the majority for the National Assembly. The Democratic Organization for Independence and Socialism won two seats and the National Reconciliation Party won one seat. The President appointed 4 members of his own party and 1 former opposition presidential candidate to the 48-member National Assembly.

In April 2002, local elections were held that were considered generally free, fair, and transparent; however, the UDP boycotted the local elections, which allowed the APRC to run unopposed for many seats. There were unsubstantiated reports of vote buying by the APRC and opposition parties.

Approximately 55 percent of women registered to vote in the 2001 presidential and the 2002 legislative elections. There were 7 women in the 48-seat National Assembly; 3 were elected, 4 were appointed by the President. There were 3 women in the 15-member Cabinet, including the Vice President.

There were no statistics available on the percentage of minorities who compose the legislature or the cabinet. President Jammeh and many members of his administration were from the previously marginalized minority Jola ethnic group.

Section 4. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A number of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials were somewhat cooperative and responsive to their views.

Section 5. Discrimination Based on Race, Sex, Disability, Language, or Social Status

The Constitution prohibits discrimination based on race, sex, disability, language, or social status, and the Government generally enforced these prohibitions. There was no evidence of societal or official discrimination against persons infected with the HIV/AIDS virus.

Women.—Domestic violence, including abuse, was a problem. It was reported occasionally, and its occurrence was believed to be common. Police considered these incidents to be domestic issues outside of their ordinary jurisdiction. Rape, spousal rape, and assault are crimes under the law; rape was not common. The law against spousal rape was difficult to enforce effectively, as many people did not consider spousal rape a crime and failed to report it.

The practice of FGM remained widespread and entrenched. Between 60 and 90 percent of women have undergone FGM. Approximately seven of the nine major ethnic groups practiced FGM at ages varying from shortly after birth until 16 years old. FGM was less frequent among the educated and urban segments of those groups. There were unconfirmed reports of incidences of health-related complications, including deaths, associated with the practice of FGM; however, no accurate statistics were available. The Government publicly supported efforts to eradicate FGM and discouraged it through health education; however, authorities have not passed legislation against FGM, which was not considered a criminal act. President Jammeh stated that the Government would not impose a ban on FGM, but his administration worked to convince traditional village leaders to abandon the practice. Practitioners of FGM and other types of circumcision in the country believed that Islam mandates it; however, at least one influential imam declared that Islam forbids such harmful customs.

Prostitution is illegal but was a problem, especially in the tourist areas. The Government expelled numerous foreign prostitutes. In May, the newly established Law

Enforcement Unit of the Immigration Department, in collaboration with the Drug Squad Unit of the police, carried out an operation to rid the greater Banjul area of petty criminals, illegal immigrants, prostitutes, and others. Many of the foreign prostitutes arrested as a result of the operation were subsequently deported.

There are no laws against sexual harassment. Although individual instances of it have been noted, sexual harassment is not believed to be widespread.

Traditional views of women's roles resulted in extensive societal discrimination in education and employment. Employment in the formal sector was open to women at the same salary rates as men. No statutory discrimination existed in other kinds of employment; however, women generally were employed in such places as food vending or subsistence farming.

Shari'a law is applied in divorce and inheritance matters for Muslims, who make up more than 90 percent of the population. Women normally received a lower proportion of assets distributed through inheritance than did male relatives. Christian and civil marriages and divorce matters were settled by the appropriate church and the Office of the Attorney General.

Marriages often were arranged and, depending on the ethnic group, polygyny was practiced. Women in polygynous unions have property and other rights arising from the marriage. They have the option to divorce, but not a legal right to approve or be notified in advance of subsequent marriages.

The Department of Women's Affairs, under the direction of the Vice President, oversees programs to ensure the legal rights of women. Active women's rights groups exist.

Children.—The Government was committed to children's welfare. The Department of Education and the Department of Health and Social Welfare were the two most generously funded government departments; however, lack of resources limited state provision of both education and health services.

The Constitution mandates free compulsory primary education up to 8 years of age, but the state of the educational infrastructure prevented effective compulsory education, and children must still pay school fees. Girls constituted approximately 40 percent of primary school students and roughly one-third of high school students. The enrollment of girls was low, particularly in rural areas where a combination of poverty and socio-cultural factors influenced parents' decisions not to send girls to school. The Government implemented a countrywide program to pay school fees for all girls.

Authorities generally intervened when cases of child abuse or mistreatment were brought to their attention; however, there was no societal pattern of abuse against children. Any person who has carnal knowledge of a girl under the age of 16 is guilty of a felony (except in the case of marriage, which can be as early as 12 years of age). Incest also is illegal. These laws generally were enforced. Serious cases of abuse and violence against children were subject to criminal penalties.

FGM was performed primarily on young girls (see Section 5, Women). There were no developments in the 2002 case of forcible circumcision of a 13-year-old girl in Tanji village.

Trafficking of children for prostitution was a problem (see Section 6.f.).

Child labor was a problem (see Section 6.d.).

Persons with Disabilities.—There were no statutes or regulations requiring accessibility for persons with disabilities. No legal discrimination against persons with physical disabilities existed in employment, education, or other state services. Some societal discrimination exists towards those with disabilities. Persons with severe disabilities subsisted primarily through private charity. Persons with less severe disabilities were accepted fully in society, and they encountered no discrimination in employment for which they physically were capable. Very few buildings in the country were specifically accessible to persons with disabilities.

Section 6. Worker Rights

a. The Right of Association.—The Labor Act, which applies to all workers except civil servants, specifies that workers are free to form associations, including trade unions, and workers exercised this right in practice. Unions must register to be recognized, and there were no cases where registration was denied to a union that applied for it. The Labor Act specifically prohibits police officers and military personnel, as well as other civil service employees, from forming unions. Approximately 20 percent of the work force was employed in the modern wage sector, where unions were most active. Approximately 30,000 workers were union members, constituting an estimated 10 percent of the work force.

The Gambian Worker's Confederation and the Gambian Workers' Union (GWU) were the two main independent and competing umbrella organizations. The Government recognized both organizations.

Employers may not fire or discriminate against members of registered unions for engaging in legal union activities, and the Government has intervened to assist workers who have been fired or discriminated against by employers.

Unions and union confederations may affiliate internationally, and there were no restrictions on union members' participation in international labor activities. The GWU was a member of the International Confederation of Free Trade Unions.

b. The Right to Organize and Bargain Collectively.—The Labor Act allows workers to organize and bargain collectively. Although trade unions were small and fragmented, collective bargaining took place. The Joint Industrial Council Agreement (JIC), an arrangement among all of the active trade unions and their employers that was drafted and signed by the unions, provides guidance for union activities. Unions were able to negotiate without government interference; however, in practice, the unions lacked experience, organization, and professionalism, and often turned to the Government for assistance in negotiations. Union members' wages, which generally exceeded legal minimums, were determined by collective bargaining, arbitration, or agreements reached between unions and management that were considered legal after insuring that the agreements were in compliance with the JIC. The Act also sets minimum contract standards for hiring, training, terms of employment, and provides that contracts may not prohibit union membership.

The Labor Act authorizes strikes but requires that unions give the Commissioner of Labor 14 days' written notice before beginning an industrial action (28 days for essential services). The Labor Act specifically prohibits police officers and military personnel, as well as other civil service employees, from striking. It prohibits retribution against strikers who comply with the law regulating strikes. Upon application by an employer to a court, the court may prohibit industrial action that is ruled to be in pursuit of a political objective. The court also may forbid action judged to be in breach of a collectively agreed procedure for settlement of industrial disputes. Because of these provisions and the weakness of unions, few strikes occurred. There were no strikes during the year.

There is a Government-established export-processing zone (EPZ) at the port of Banjul and the adjacent bonded warehouses. The Labor Code covers workers in the EPZs, and they were afforded the same rights as workers elsewhere in the economy.

c. Prohibition of Forced or Bonded Labor.—The Constitution prohibits forced or bonded labor, and there were no reports that such practices occurred. The law does not specifically prohibit forced and bonded labor by children; however, there were no reports that such practices occurred.

d. Status of Child Labor Practices and Minimum Age for Employment.—Child labor was a problem, and the Government did not have a comprehensive plan to combat child labor. The statutory minimum age for employment is 14 years. There was no effective compulsory education, and because of limited secondary school openings, most children completed formal education by the age of 14 and then began work. Employee labor cards, which include a person's age, were registered with the Labor Commissioner, who was authorized to enforce child labor laws; however, enforcement inspections rarely took place. Child labor protection does not extend to youth performing customary chores on family farms or engaged in petty trading. In rural areas, most children assisted their families in farming and housework. In urban areas, many children worked as street vendors or taxi and bus assistants. There were a few instances of children begging on the street. The tourist industry stimulated a low level of child prostitution (see Section 5). The Department of Labor under the Department of State for Trade and Employment was responsible for implementing the provisions of the ILO Convention 182 on the worst forms of child labor; however, the Government generally was ineffective in enforcing those provisions.

e. Acceptable Conditions of Work.—Minimum wages and working hours were established by law through six joint industrial councils, comprised of representatives from labor, management, and the Government. The lowest minimum wage was approximately \$0.38 (12 dalasi) per day for unskilled labor. This minimum wage was not sufficient to provide a decent standard of living for a worker and family. The minimum wage law covers only 20 percent of the labor force, essentially those workers in the formal economic sector. A majority of workers were employed privately or were self-employed, often in agriculture. Most citizens did not live on a single worker's earnings and shared resources within extended families.

The basic legal workweek was 48 hours within a period not to exceed 6 consecutive days. Nationwide, the workweek included four 8-hour workdays and two 4-hour workdays (Friday and Saturday). A 30-minute lunch break was mandated. Government employees were entitled to 1 month of paid annual leave after 1 year of serv-

ice. Private sector employees received between 14 and 30 days of paid annual leave, depending on length of service.

The Labor Act specifies safety equipment that an employer must provide to employees working in designated occupations. The Factory Act authorizes the Department of Labor to regulate factory health and safety, accident prevention, and dangerous trades, and to appoint inspectors to ensure compliance with safety standards. Enforcement was inconsistent due to insufficient and inadequately trained staff. Workers may demand protective equipment and clothing for hazardous workplaces and have recourse to the Labor Department. The law provides that workers may refuse to work in dangerous situations without risking loss of employment; however, in practice workers who do so risk loss of employment.

The law protects foreign workers employed by the Government; however, it only provides protection for privately employed foreigners if they have a current valid work permit. Illegal foreign workers without valid work permits do not enjoy protections under the law. Legal foreign workers may join local unions.

f. Trafficking in Persons.—The law prohibits trafficking in persons; however, there were reports of trafficking in persons. The Government does not consider trafficking in persons to be a serious problem; however, recent reports of child prostitution (the most prevalent aspect of trafficking) caused the Government to expand its efforts to combat prostitution in general and child prostitution in particular. The Government had not prosecuted anyone for trafficking by year's end.

A joint report from the Dutch NGO *Terre des Hommes* (TDH) and the Gambian Child Protection Alliance (CPA) concluded that large scale "child sex tourism" existed. The study alleged that Dutch, British, Swedish, Norwegian, German, and Belgian tourists sexually exploited children under the pretext of improving their conditions and giving them "opportunity". Victims were children of both sexes, normally less than 16 to 18 years old, and included both citizens and immigrants or refugees from Sierra Leone, Liberia, Senegal, and Guinea-Bissau. The foreign children were war migrants without proper family support.

Some child prostitution victims stated they worked to support their families, or because they were orphans and their guardian/procurer supported them. The guardian/procurer often assumed the role of the African uncle, allowing the children to live in his compound with their younger siblings or paying school fees on their behalf in return for their servitude.

The country was a destination for trafficking victims. The number of persons, mostly children, trafficked for commercial sexual exploitation was small but growing. Most trafficking victims became prostitutes and beggars; a few became domestic servants. Trafficking victims mostly came from conflict-ravaged countries, such as Liberia and Sierra Leone. Victims from Senegal, Guinea-Bissau, and Sierra Leone told TDH and CPA that foreign residents obtained permission from their home country families to employ them as bar waitresses or domestic maids. After their arrival, the local employers informed them their duties entailed commercial sex work.

The country was also a point of origin and transit for trafficking. A few citizens were trafficked to Western Europe. In addition, some Senegalese and Bissau-Guineans reportedly were trafficked through the country to Western Europe, mostly to Scandinavia.

There was no evidence of government involvement at any level in trafficking in persons.

The Government had no established victim care and health facilities for trafficked persons; however, the Government provided temporary shelter and access to medical and psychological services to reported victims of trafficking.

In 2002, President Jammeh signed the Economic Community of West African States (ECOWAS) Plan of Action Against Trafficking in Persons for 2002–03. The Government's coordinator for the ECOWAS Action Plan was the Department of State for Justice, which was designated as the liaison among government agencies and other ECOWAS countries.

GHANA

Ghana is a constitutional democracy with a strong presidency and a unicameral 200-seat Parliament. In December 2000, six opposition parties and the ruling National Democratic Congress (NDC) contested presidential and parliamentary elections, which, despite a few incidents of intimidation and election fraud, domestic and international observers judged generally free and fair. In January 2001, John Agyekum Kufuor of the opposition New Patriotic Party (NPP) was elected president

in a run-off election with 56.7 percent of the vote against then Vice-President John Atta Mills of the NDC. The Constitution provides for an independent judiciary; however, in practice, the judiciary was subject to influence and corruption and lacked adequate resources.

The police, under the jurisdiction of an eight-member Police Council, were responsible for maintaining law and order. The military continued to participate in law enforcement activities during the year. A separate department, the Bureau of National Investigations, handles cases considered critical to state security and answers directly to the executive branch. While civilian authorities generally maintained effective control over security forces, there were some instances in which elements of the security forces acted independently of government authorities. Some members of the police and other security forces committed numerous serious human rights abuses.

The market-based economy remained dependent on agriculture, which accounted for approximately 39.5 percent of gross domestic product (GDP), 35.5 percent of foreign exchange earnings and 49 percent of employment, according to government statistics. The country's population was approximately 20.5 million. The economy was expected to grow at a rate of 4.7 percent during the year. Inflation increased dramatically from 13 percent to 29 percent, due to a fuel price increase early in the year, and wages kept pace with inflation.

The Government generally respected the human rights of its citizens; however, there were serious problems in some areas. Police use of excessive force resulted in some unlawful killings and injuries. There continued to be credible reports that police beat suspects in custody, and that police arbitrarily arrested and detained persons. Police corruption and impunity was a problem. Prison conditions remained harsh and life threatening. Prolonged pretrial detention remained a problem. Corruption in the judicial system remained a serious problem. At times the Government infringed on citizens' privacy rights. There were occasional reports that government officials pressured government media outlets to minimize coverage of opposition politicians. At times, the Government restricted freedom of assembly. Police set up barriers to demand bribes from motorists. A night-time curfew continued in the north where intra-ethnic violence occurred during the previous year. Violence against women and children was a serious problem; however, prosecution of sexual abuse against underage girls increased and courts began to give lengthy sentences for such abuse. There was also a decline in the incidence of Trokosi, a traditional form of ritual servitude practiced on a limited scale in one region of the country. Female genital mutilation (FGM) still was practiced. Societal discrimination against women was a problem. There were some incidents of politically and ethnically motivated violence, and some ethnic groups complained of discrimination. Child labor was a problem in the informal sector, and forced child labor and trafficking in women and children also were problems. Vigilante justice also was a problem.

During the year, the National Reconciliation Commission (NRC) held hearings on human rights abuses for the periods of unconstitutional government since independence in 1957.

RESPECT FOR HUMAN RIGHTS

Section 1. Respect for the Integrity of the Person, Including Freedom From:

a. Arbitrary or Unlawful Deprivation of Life.—There were no political killings; however, security forces committed some unlawful killings of criminal suspects and innocent bystanders with excessive force. Incidents of police brutality, negligence, and corruption contributed to low public confidence in police, mob attacks on police stations, and a widespread desire to deal with suspected criminals through vigilante justice (see Sections 1.c. and 1.d.). For example, on July 30, in Bechem, Brong-Ahafo, a meat-seller argued with a police officer guarding the bank, and at the officer reportedly assaulted the man. As two other police officers assisted to arrest the man, a mob protested the officers' actions. The officers fired warning shots to disperse the crowd, killing a bystander and injuring others. The meat seller was released from custody, and an investigation into the incident by the police Homicide Unit was ongoing at year's end.

On August 24, in Kintampo, Brong-Ahafo Region, police killed one man and injured another while attempting to arrest them for illegal logging. The officers attempted the arrest without the consent of their superior. One police officer was charged with murder, and the trial was ongoing at year's end.

During the year, there were several cases of police shooting and killing armed robbers while trying to apprehend them. For example, on September 10, in Dzodze, Volta Region, police killed a suspected fuel thief while trying to apprehend him by

firing shots at his car as he tried to escape. A mob protested the police action by attacking the police station with machetes, stones, and sticks.

The Attorney General did not schedule the trials in the case of a police officer charged with the May 2002 murder of a suspected robber and the case of security forces accused of killing three local neighborhood watch members in June 2002. In response to the neighborhood watch killings, the Government commissioned a streetlight project to enhance the neighborhood's security.

In December 2002, the Attorney General's office began criminal proceedings against the six senior police officers who gave the order to fire tear gas to control a crowd at a soccer match in 2001. A 2002 government inquiry attributed the 127 deaths to poor police command procedures. On July 30, an Accra High Court acquitted the 6 officers of 127 counts of manslaughter due to lack of evidence, and the officers were reinstated.

The trial in the case of a police officer charged with the 2001 murder of an Accra Polytechnic student at Dansoman, Greater Accra, was ongoing at year's end.

During the year, chieftancy disputes led to several deaths and a number of injuries (see Section 5).

Political clashes also led to several deaths, injuries, and property damage. On April 22 and 23, in Tamale, Northern Region, NPP and NDC supporters clashed over displays of party flags and paraphernalia, resulting in four deaths, during a several-day lapse in the area's state of emergency (see Section 2.d.). Security forces quelled the riot. On April 23, Parliament re-imposed the state of emergency and curfew. By April 26, security forces had arrested 208 suspects. There were reports that many persons were detained for several days without being informed of their offense and without medical treatment. Many of those detained were beaten or forced to lie on hot pavement. Authorities charged 8 with the murder of 1 of the 4 deceased and 114 suspects with causing unlawful harm and damage. No one was charged in the deaths of three other persons. Those charged with murder were all acquitted on December 17 due to lack of evidence. The trials of those charged with unlawful harm were ongoing at year's end. Opposition NDC party members called for an official inquiry into the situation, alleging that security forces abused, harassed, and discriminated against their party supporters during the incident; however, no judicial inquiry occurred by year's end, and the Government denied the allegations.

The press reported numerous cases of vigilante style "instant justice" conducted by angry citizens and mobs on suspected criminals and suspected witches, which led to a number of deaths and injuries (see Section 5). In several instances, security forces intervened to save the lives of suspected criminals.

On February 20, police in Odomase, Brong-Ahafo Region, arrested 69 persons for lynching a Malian man who was accused of injuring another man during an argument. Police had arrested the Malian man, but released him the same day. The mob then attacked and set him on fire. One person was charged with murder and the other 68 persons were released without charges. The trial was ongoing at year's end.

On July 31 in Nkaseim, Brong-Ahafo Region, a mob attacked and killed a fetish priest accused of using his spiritual powers to kill another man. No arrest had been made and an investigation was ongoing by year's end.

b. Disappearance.—There were no reports of politically motivated disappearances.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The Constitution prohibits such practices; however, there were continued credible reports that police and customs officials beat prisoners and other citizens. It generally was believed that severe beatings of suspects in police custody occurred throughout the country but largely went unreported.

On September 19, the Deputy Inspector General of Police informed a graduating class of police that "use of unreasonable force, resort to firearms without justification and other acts that may constitute criminality, will no longer be treated by the Police Administration as misconduct, but criminal." During the year, police officers faced prosecution for misconduct during the May 2001 stadium riot and use of excessive force that killed a suspected illegal logger, while a criminal investigation was conducted on the use of warning shots that killed a bystander (see Section 1.a.). Police Administration also opened an internal investigation into use of excessive force on a riot. Police regulations do not authorize warning shots; however, there were instances in which police used warning shots, which killed or injured suspected criminals and innocent bystanders (see Section 1.a.). Unlike in the previous year, there were no reports that police used rubber bullets or water cannons.

On June 22, police clashed with students of Sunyani Polytechnic in the Brong-Ahafo Region, when the students barricaded traffic in response to the killing of a classmate by a driver. Police fired warning shots with live ammunition, injuring three students and destroying school property. Police arrested 33 students, who

were granted bail pending an investigation. The Brong-Ahafo Regional Police Commander admitted that police used excessive force, and the IGP ordered seven officers to go before a police disciplinary committee, warned three officers, and transferred several officers for acting unprofessionally. Investigators also recommended prosecution of 30 students for their participation in the riot; however, no charges were filed by year's end.

Early in the year, the Defense Minister said the Ministry could assist in the investigation of the 2000 case in which 25 off-duty soldiers attacked and injured more than 20 civilians in Accra because the complainants could not identify the soldiers.

There were reports of inter- and intra-party clashes. A dispute between the ruling NPP and opposition NDC parties turned violent in Tamale, Northern Region in April, which resulted in the death of four persons and reports of police abuses (see Section 1.a.).

On July 29, an intra-party conflict in Ho, Volta Region, turned violent when a gasoline bomb exploded outside the residence of the Regional NPP Organizer and a man was assaulted at the NPP Regional headquarters. The violence allegedly originated from a power struggle between party executives whose positions were annulled and the new executives recognized by the National NPP Secretariat. Police arrested four persons in connection with the bombing, while the assaulted man could not identify his attackers. The trial of the four suspects was ongoing at year's end.

On October 17, the Government appointed a commission of inquiry into the cause of the January 2001 clash between a group of NPP activists and NDC supporters in Asutuare, Greater Accra Region. The commission was mandated to investigate the widely disputed underlying causes of disturbances in the area within the past 3 years. Police investigators claimed that a long-standing chieftancy dispute caused the clash, while residents and opposition party leaders claimed it was a coordinated attack on NDC supporters. The mandate required the commission to submit a report to the President within 8 weeks of its first meeting. The case had not been called to court by year's end.

"Machomen" (party thugs) and land guards, private security enforcers hired by citizens to settle private disputes and vendettas, caused injury and property damage during the year. The machomen were organized privately and operated outside the law. There were some allegations of police complicity with these extralegal security agents.

During the year, chieftancy disputes led to numerous injuries (see Section 5).

The press reported numerous cases of vigilante style "instant justice" conducted by angry citizens and mobs against suspected criminals and suspected witches that led to a number of deaths and injuries (see Section 5). For example, on May 10 in Nkoranza, Brong-Ahafo Region, a palm tree farmer amputated a student's right forearm for stealing his palm wine. The farmer was arrested, charged, and sentenced to 30 months in prison. The farmer was also required to pay the victim \$1,160 (10 million cedis) or serve 10 additional years.

On July 4, in the Ashaiman, a driver falsely accused four men of theft after they signaled for him to slow down so they could cross the street. A mob severely beat the four men. The driver was arrested and released on \$9,275 (80 million cedis) bond. The case was still under investigation at year's end.

Prison conditions in most cases were harsh and sometimes life threatening, despite government efforts during the year to improve them. On several occasions, the Director General of Prisons publicly described the prisons as overcrowded and under-financed and called for improved living conditions for the prisoners. According to the Prisons Service Annual Report for 2002 and press statements by the Director General, there was a monthly average of 11,400 prisoners serving in prisons meant for a total population of 6,500. Some of the prisons reported as much as 300 percent overcrowding. To relieve the congestion, on June 30 the President granted amnesty to 2,004 first time offenders with 1 year or less remaining on their sentence. The Prisons Service also established eight prison camps for those convicted of minor offenses, providing conditions similar to house arrest.

The Government also sought to address the unsafe and unsanitary conditions of the prisons during the year. Much of the prison population was held in buildings that were originally old colonial forts or abandoned public or military buildings, with poor ventilation and sanitation, dilapidated construction, and limited space. The Cabinet approved a plan for the relocation of several of these prisons, and the Government released approximately \$73,000 (630 million cedis) for the construction of improved sanitation facilities for all prisons.

Prisoners' daily food allowance was approximately \$.57 (4,000 cedis). Prisoners relied on families or outside organizations for additional food, medicine, and other supplies. Bedding was available for only 30 percent of the inmates, and there was

no funding for clothes. Medical facilities were inadequate, and the prisons supplied only the most basic medicines. Overcrowding contributed to a high prevalence of communicable diseases. Some suspects allegedly plead guilty in order to be sent to prison and leave the unsanitary conditions in the police remand cells.

According to the 2002 Prisons Service Report, 125 prisoners died in the country's prisons from diseases such as tuberculosis, HIV/AIDS, and anemia.

The results of the investigation into the May 2002 death of two suspects who died in a police holding cell in Accra were not made public by year's end.

Women were held separately from men. Juvenile offenders were held separately in the Borstal Institute, a juvenile correction center. Pretrial detainees were held with convicted prisoners.

The Prisons Service is governed by a Prisons Council, appointed by the President, with members from the Interior and Justice Ministries, the Department of Social Welfare, the Medical and Bar Associations, and other members of civil society. During the year, Members of the Prisons Council, as well as the Commission for Human Rights and Administrative Justice (CHRAJ), foreign diplomats, nongovernmental organizations (NGOs), and the media inspected prison conditions. The Director General of Prisons allowed cameras into some prison inspections to educate the population on the conditions; however, on September 17, the prison commander of Akuse prison refused to allow the media to accompany the CHRAJ Commissioner on his annual inspection, stating that he had not been properly notified of the media's presence. The CHRAJ Commissioner addressed the problem to the Ministry of Interior but had not received a response by year's end.

d. Arbitrary Arrest, Detention, or Exile.—The Constitution provides for protection against arbitrary arrest, detention, or exile; however, arbitrary arrest and detention were problems.

The police service has come under repeated criticism following incidents of police brutality, corruption, and negligence. Public confidence in the police remained low, and mobs attacked several police stations due to perceived police inaction, delays in prosecuting suspects, rumors of collaboration with criminals, and the desire to deal with suspects through instant justice (see Section 1.a.).

A survey conducted by the Center for Democratic Development (CDD) on Police-Community Relations, released on August 21, found that many of those arrested believed that they were not treated according to the law; there was a strong belief that police often violated the human rights of those arrested. Of those who stated that they were arrested, 46 percent were not informed of the charges against them; 51 percent were not read their rights; 67 percent reported they were not given the opportunity to contact a lawyer; and 44 percent believed they were presumed guilty from the onset.

Government officials publicly stated that the Government's "zero tolerance for corruption" policy applied to police and other security officials; however, the Police-Community Relations Survey also found that 68 percent of respondents believed extortion or bribery occurred frequently within the Police Service. Of the small number of respondents who admitted having offered a bribe, 92 percent reported that police officers accepted the bribe. Similarly, a public opinion survey that CDD conducted in September 2002 and released in February found that citizens were most suspicious of the police (with 79 percent responding that at least some police personnel were corrupt), followed by customs officials (74 percent), and judges/magistrates (70 percent).

There were credible reports that police extorted money from local businesses by acting as private debt collectors and arrested citizens in exchange for bribes from detainees' disgruntled business associates.

The opposition NDC continued to claim that the Government used anti-corruption investigations to intimidate and harass its members. The Government continued to question former officials during the year. On December 4, the Government apologized for its March 2002 attempted arrest, during a church service, of the former head of the Ghana National Petroleum Corporation for questioning on charges of causing financial loss to the state. The man later reported to police for questioning and was on trial at year's end.

The Constitution provides for an individual detained to be informed immediately, in a language that the detained person understands, of the reasons for the detention and of the right to a lawyer and an interpreter, at state expense. It allows judicial authorities to hold citizens for up to 48 hours without filing charges against them, requires judicial warrants for arrest, and provides for arraignment within 48 hours. The Constitution requires that a detainee who has not been tried within a "reasonable" time be released either unconditionally or subject to conditions necessary to ensure that the person appear in court at a later date.

In practice, while incidence of abuse lessened, many abuses still occurred, including detention without charge for longer than 48 hours, failure to obtain a warrant for arrest, and remand of prisoners into investigative custody for indefinite periods by renewing warrants or simply allowing them to lapse. In addition, at times persons were detained for trivial offenses or on unsubstantiated accusations. Authorities routinely failed to notify prisoners' families of their incarceration; such information often was obtained only by chance. In the past, human rights activists criticized the common practice of arresting persons on Friday and keeping them in detention over the weekend until court was in session on Monday, which they described as a deliberate circumvention of the 48-hour detention rule; however, on December 10, the CHRAJ Commissioner stated that annual inspections of police cells revealed greater compliance with the 48-hour rule and that fewer suspects were detained for more than 48 hours. The court has unlimited discretion to set bail, which may be prohibitively high. The court may refuse to release prisoners on bail and instead remand them without charge for an indefinite period, subject to weekly review by judicial authorities. Police also demanded money from suspects as a precondition of their release on bail.

Unlike in the previous year, police did not arrest persons attempting to demonstrate.

Security forces used checkpoints and mass arrests while searching for criminals (see Section 2.d.). For example, on February 23, joint security forces briefly detained 16,000 men in the Buduburam Refugee Camp, searching for weapons, ex-combatants, and criminals. No arrests or weapons seizures occurred.

A citizen of Belize, who had been in custody awaiting deportation since 2001, was deported in the spring.

Large numbers of long-term remand prisoners remained a serious problem, and while the problem was debated publicly, the Government had not implemented any meaningful policy to reduce the number of pretrial detainees by the year's end. During inspections of prison facilities, the Director-General of Prisons met numerous remand prisoners who had been detained for up to 10 years without a trial. In March, a Sunyani High Court judge stated that out of 30 murder cases on the dockets, 3 persons had been in remand for 9 years, 5 between 4 to 6 years, and 19 for 3 years. The Director-General of prisons sent several thousand of remand cases to the Attorney-General for review. Judicial officials made a number of efforts to improve the efficiency of the courts, such as implementing a pilot alternate dispute resolution program (see Section 1.e.).

The Constitution prohibits forced exile, and the Government did not practice it. The Government encouraged citizens, including dissidents living abroad, to return. Some former Armed Forces Revolutionary Council (AFRC) and Provisional National Defense Council officials returned to testify before the NRC (see Section 4).

Traditional village authorities can punish rural women with banishment for being pregnant out of wedlock or for suspected witchcraft. The press reported that hundreds of women accused of witchcraft were sent to penal villages in the Northern Region by traditional authorities such as a shaman (see Section 5). In March, CHRAJ estimated that there were approximately 1,090 persons living in three main witches camps in the area of Gambaga, Ngani, and Kukuo. Various organizations provided food, medical care, and other support to the residents of the camp. The CHRAJ and human rights NGOs mounted a campaign to end this traditional practice but have met with little success.

e. Denial of Fair Public Trial.—The Constitution provides for an independent judiciary, and the judiciary generally was independent; however, in the past, the judiciary was subject on occasion to executive influence. Corruption was a serious problem.

There were numerous allegations of corruption within the judicial system. On June 20, the Parliamentary Select Committee on the Judiciary adopted a report that provided details on corruption in the judiciary. The report included accounts of extortion; misuse of remand, bail, and contempt of court charges for bribery; and acceptance of gifts or money in exchange for expedited or postponed cases, or losing records. The Committee recommended establishing and enforcing codes of conduct, transparent complaint procedures, and disciplinary mechanisms. The newly appointed Chief Justice began a campaign to end corruption, dismissing some officials and opening investigations of others. In October, the Chief Justice inaugurated a Complaints Unit of the Judicial Service to receive and investigate complaints of corruption, delays, and unfair treatment. Within the first few weeks, the Unit received 46 complaints related to corruption, delay of court processes, and conduct of lawyers.

On August 5, a Cape Coast High Court judge accused a sitting Supreme Court Judge of bribing him to decide in favor of one faction in a chieftancy dispute. On

September 23, the Disciplinary Committee of the Judicial Council began an investigation, which was ongoing at year's end.

The Constitution mandates Superior Courts of Judicature consisting of the High Court and Regional Tribunals, the High Court of Appeals, and the Supreme Court. Parliament may establish lower courts by decree. The Constitution allows the Government to nominate any number beyond a minimum of nine members to the Supreme Court, subject to Parliamentary approval. The Chief Justice was empowered to impanel the justices of his choice to hear cases. These provisions, along with a lack of resources, limited the court's ability to balance to the power of the executive branch and contributed to the perception that the judiciary occasionally was subject to executive influence.

The Constitution establishes two basic levels of courts: Superior and lower. The superior courts included the Supreme Court, the Appeals Court, the High Court, and regional tribunals. During the year, the Government inaugurated four additional Fast Track Courts, a division of the High Court of Judicature, to try cases to conclusion within 6 months. The Fast Track Courts are authorized to hear cases involving banks and investors, human rights, electoral petitions, government revenue, prerogative writs, defamation, specified commercial and industrial cases, and criminal cases that involve substantial public money or are a matter of extreme public importance. The majority of cases filed before the Fast Track Court were for Banking and Commercial matters, and Human Rights and Defamation. Several high profile prosecutions of former officials on corruption charges occurred, with convictions obtained in two cases.

During the year, the Government implemented an Act that replaced Community Tribunals, run by appointed panels and police with magistrate courts.

Legal safeguards are based on British legal procedures. Defendants are presumed innocent, trials are public, and defendants have a right to be present, to be represented by an attorney (at public expense if necessary), and to cross-examine witnesses. In practice, authorities generally respected these safeguards.

There were frequent reports that large numbers of prisoners were held in detention for extended periods, sometimes years, without going to trial (see Section 1.d.). The Government sponsored a 1-week alternate dispute resolution pilot program in Accra and Tema, during which 185 cases were resolved.

The law gives village and other traditional chiefs power to mediate local matters and enforce customary tribal laws dealing with such matters as divorce, child custody, and property disputes. However, the authority of traditional rulers has steadily eroded and been vested in civil institutions, such as courts and district assemblies.

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home or Correspondence.—The Constitution prohibits such actions; however, in practice the Government infringed on these rights at times. Although the law requires judicial search warrants, police did not always obtain them in practice.

Opposition party activists claimed the Government engaged in surveillance and harassment of those it perceived to be opposed to the ruling party.

CHRAJ investigations into the 2001 demolition of Kyekywere village, Western Region by Abosso Goldfields Limited and the \$5 million (34.5 billion cedis) lawsuit against the Accra Metropolitan Assembly, the former Chief Executive, and the Attorney General for the unlawful demolition of a private hotel were ongoing at year's end.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution provides for freedom of speech and of the press, and the Government generally respected these rights in practice; however, there were occasional reports that government officials pressured government media outlets to minimize coverage of opposition politicians, and major government media outlets exercised some restraint in their coverage. Opposition political party leaders frequently criticized the Government.

On August 9, a man who made derogatory remarks about the President when the President's convoy passed through Kumasi, Ashanti Region, was arrested and charged with defaming the President. On August 27, the Interior Minister ordered police to discontinue their investigation and publicly urged them to be more tolerant. The man was released on August 29. Shortly after the incident, several roadside traders who booed at the President's convoy in the Sogakope, Greater Accra Region, were suspended from their roadside business for 5 days, after the District Chief Executive (DCE) charged them with "disrespecting" the President. While the Government did not officially comment on the incident, the DCE was removed from office 1 month later.

On September 11, the Government withdrew certain travel expediting courtesies for former president Jerry Rawlings, accusing the former president of making derogatory remarks about the Government when traveling internationally. The NDC claimed that the Government's action contravened the Constitution, which accorded pensions and facilities to the former president.

There were 50 newspapers including 3 government-owned dailies, two government-owned weeklies, and many privately owned newspapers. Two of the government-owned dailies had national circulation. Most newspapers circulated only in regional capitals, and many of the smaller private newspapers were available only in Accra. The President did not appoint chief executives to the state-owned media, and the Government did not finance any newspaper.

According to the National Communications Authority (NCA), the body responsible for allocating bandwidth and broadcast media licenses, Accra had 1 government-owned and 15 private FM radio stations, and there were approximately 11 government and 60 private FM stations across the country. Most stations were independent and aired a wide range of viewpoints. There was one government-owned television station that broadcast nationwide. There were three semi-private television stations that broadcast in the Greater Accra, Eastern, and Ashanti regions. There were three cable networks broadcasting in the Greater Accra Region, two of which also broadcast in Kumasi. There was one private television station broadcasting in Kumasi.

On May 5, the President appointed a new chairman of the NCA. Previously, the Minister of Communications served as the chairman, which media organizations saw as a conflict of interest. Complaints persisted regarding delays in obtaining bandwidth and licenses for broadcast media; however, the number of radio stations increased significantly during the year.

Foreign media operated freely in the country, including the British Broadcasting Corporation (BBC), Radio France International, and Voice of America (VOA). Foreign periodicals were available in major cities and circulated freely even when they contained articles critical of the Government.

The government-owned media reported extensively on charges of corruption or mismanagement by government officials in the previous administration and on some allegations against officials in the current Government. During the year, the government-owned media gave some coverage to opposition politicians and printed occasional editorials critical of government policies; however, direct criticism of the President was avoided. The opposition NDC claimed that government media denied it equal access and coverage on numerous occasions, and in practice the government-controlled media gave greater exposure to government officials.

Some privately owned newspapers were harshly critical of the Government's policies and of President Kufuor, and his ministers and advisors. The Government at times alleged that some reporters and editors failed to abide by professional ethical guidelines. For example, on July 8, a High Court judge ruled in a libel suit by the head of the government-owned Volta River Authority (VRA) against an independent newspaper, that no "seemingly libelous and damaging" stories should be printed against the VRA or its management, unless the publications were factual.

The National Media Commission (NMC), a constitutionally mandated independent government body, was charged with maintaining journalistic standards, including the investigation, mediation, and settlement of complaints made against or by the media; however, it did not have legally binding authority to implement its recommendations. The NMC has published standards and guidelines, and voluntary use of its alternative dispute resolution offices continued to increase. Resolutions recommended by the NMC included retraction, apology, and the printing of rejoinders. Of the 56 cases reviewed between January 1 and September 23, 14 were resolved, 25 were conducted without direct NMC intervention, 2 were struck out, and the remaining cases were pending; 29 cases were brought by private individuals, 1 by a former government official, 7 by current government officials, 15 by government organizations, and 2 by other organizations or institutions. There were 53 complaints brought against private media, and 7 against the state-owned media, with some complaints filed against more than 1 media house.

On August 25, an independent journalist was arrested and charged with extortion for threatening to print a negative article about a local government official if he was not paid to be silent.

The Government did not restrict access to the Internet. There were more than 10 operating Internet Service providers (ISPs) in the country at year's end.

The Government did not restrict academic freedom.

b. Freedom of Peaceful Assembly and Association.—The Constitution provides for freedom of peaceful assembly; however, at times the Government restricted this right. The Government did not require permits for demonstrations; however, police

could deny use of a particular route, and during the year police on four occasions negotiated time and route changes with protesters. The law requires that all organizers of “special events” or “processions” inform the police of their intentions at least 5 days in advance so that the police can institute precautionary measures.

Political parties held national congresses and labor organizations held demonstrations without hindrance during the year; however some political party rallies were either postponed or cancelled at the request of police.

In March, in Navrongo, Northern Region, police cancelled opposition party rallies, allegedly for security purposes to accommodate the Vice President’s visit to the area, in the final days before a closely contested parliamentary by-election. In April, in Gomoa East, Central Region, police again cancelled opposition rallies immediately before a bi-election, ostensibly to safeguard the Vice President’s security. The practical effect of both incidents was to disrupt opposition campaigning (see Section 3).

One opposition party rally was postponed twice due to disagreements between the organizers and security forces on use of route and timing. The rally eventually took place in September.

The Government permitted peaceful demonstrations and rallies during the year. Unlike the previous year, police did not use force to disperse any demonstration.

There were no developments in the 2002 cases in which security forces forcibly dispersed demonstrations.

The ban on demonstrations in the Dagbon Traditional area due to a state of emergency remained in effect throughout the year (see Section 2.d.).

The ban on campus demonstrations remained in effect during the year; however, it has never been challenged nor enforced.

The Constitution provides for freedom of association, and the Government generally respected this right in practice; however, members of security forces were prohibited from joining political assemblies or groups within the security services, but were allowed to participate outside police or military grounds.

NGOs were required to register with the Registrar General’s office and the Department of Social Welfare, but this registration was routine.

The Electoral Commission (EC) accredits political parties. The parties must show evidence of a “national character,” such as official representation in all 10 of the country’s regions. The EC evaluates whether the party showed evidence of a viable national support base before granting accreditation and may annul the registration of a party that failed to meet the criteria for being a viable party.

c. Freedom of Religion.—The Constitution provides for freedom of religion, and the Government generally respected this right in practice. The Government increased its prosecution of violent acts, including religious violence, and all incidents of religious violence were prosecuted during the year.

Religious institutions that wanted formal recognition were required to register with the Registrar General’s Department; however, this was a formality only, and there were no reports that the Government denied registration to any group. Most traditional religions, with the exception of the Afrikania Mission, did not register.

The Government generally respected the Education Service regulation providing that public school authorities not force students of ethnic minority groups to worship with the majority religious groups in school. Muslim organizations reported that while there were a few isolated reports of disrespect for the directive, Muslim students generally experienced greater religious freedom in public schools.

Although the law prohibits involuntary servitude, Trokosi, a form of religious servitude usually lasting no more than a few months, existed on a limited scale (see Section 5). Government agencies, like CHRAJ, have campaigned actively against Trokosi for years, and supporters of traditional African religions, such as the Afrikania Renaissance Mission, have stated that these activities constituted discrimination against indigenous religious beliefs.

There were occasional reports of inter-religious and intra-religious incidents, but no violent incidents based on religious affiliation occurred during the year.

In July 2002, tensions between a local church and the traditional council resulted in a mob setting fire to the church’s worship center in Techiman, Brong-Ahafo Region. No injuries were reported. Traditional authorities denied involvement in the fire. Those who followed traditional practices in the area accused the church of preaching against the traditional Apoo Festival and ban on fishing on the Tano River. An investigation by the Techiman District Security Committee (which includes the District Chief Executive, District Police Commander, and others) was ongoing at year’s end, and no arrests were made due to lack of evidence. However, the Committee formally cautioned the traditional authorities and discussed strategies to prevent further disturbances. In September, the evangelist of the church formally apologized to the traditional council for what he termed his “misbehavior” and the resulting “misunderstanding” that led to the incident.

For a more detailed discussion, see the 2003 International Religious Freedom Report.

d. Freedom of Movement within the Country, Foreign Travel, Emigration, and Repatriation.—The Constitution provides for these rights, and the Government generally respected them in practice.

Citizens and foreigners were free to move throughout the country. Security officers manned checkpoints nationwide to prevent smuggling, seize illegal weapons, and catch criminals, although many were unmanned during daylight hours (see Section 1.d.). The Police Administration continued to erect security checkpoints in response to an upsurge in highway robberies and police roadblocks, and car searches were a normal part of nighttime travel in larger cities. The police administration acknowledged that some officers occasionally erected illegal barriers to solicit bribes from motorists. The Regional Police Commanders monitored the activities of police personnel working at the checkpoints.

In response to intra-tribal violence in Yendi, Northern Region, in March 2002, Parliament continued to renew the state of emergency and curfew in the Dagbon traditional area at 1 month intervals (see Section 5). By year's end, the Government had lifted the curfew in four out of six districts subject to the state of emergency. For most of the year, the curfew remained from midnight to 4 a.m., except immediately after the April riot in Tamale, when for several weeks, the curfew was increased from 6 p.m. to 6 a.m. (see Section 1.c.).

The law provides for the granting of refugee status or asylum to persons who meet the definition in the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. In practice, the Government provided protection against refoulement and granted refugee status or asylum. The law also incorporates the broadened refugee definition under the African Union Convention Governing Specific Aspects of Refugee Problems in Africa. The Government cooperated with the U.N. High Commissioner for Refugees (UNHCR) and other humanitarian organizations in assisting refugees. The country generally had a liberal policy of accepting refugees from other West African nations. The Government also provided protection to certain individuals who fell outside of the definition of the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol.

The political crisis in Cote d'Ivoire and Liberia led to an inflow of approximately 6,000 refugees during the last quarter of 2002 and throughout the year. During the year, the Government and the UNHCR conducted a registration and documentation exercise that confirmed that there were 47,695 total refugees and asylum seekers in the country, of whom 42,388 were Liberian, 3,895 Togolese, 1,125 Sierra Leonean, and 287 from other African nations.

Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government

The Constitution provides citizens with the right to change their government, and citizens exercised this right through periodic, free, and fair elections held on the basis of universal suffrage. Despite a few incidents of intimidation and election fraud, domestic and international observers judged the 2000 national election to be generally free and fair. The country continued its transition from a one-party state to a more established multiparty constitutional system. The political system included recognized opposition parties, which expressed their views freely within Parliament and won a near majority of the parliamentary seats.

In the first round of the 2000 presidential elections, neither major candidate received a majority vote. In December 2000, a presidential runoff was held in accordance with the constitutional requirement that the president be elected with at least 50 percent plus one of the votes. In the runoff John Agyekum Kufuor of the NPP beat Vice President John Evans Atta Mills with 56.7 percent of the vote.

The Constitution calls for a system of checks and balances, with an executive branch headed by the President, a unicameral parliament, an independent judiciary, and several autonomous commissions, such as the CHRAJ. In practice the system of checks and balances was limited by a system-wide lack of resources that affected all three branches. Parliament still sought effective oversight of the workings of the executive branch. Although all Members of Parliament (M.P.s) could introduce bills, no one has ever done so; however, some have introduced motions.

During the year, there were four parliamentary by-elections to fill vacant seats. Despite a few reports from all sides of intimidation and vote-buying, domestic and international observers judged all four by-elections to be free and fair. The ruling NPP party won each election, bringing the NPP's representation in Parliament to 103 seats, while the NDC held 89 seats and smaller parties and independents held the remaining 8 seats.

During two by-election campaigns, one in March in Navrongo, Northern Region and the other in April in Gomoa East, Central Region, police required opposition parties to reschedule their rallies during the last full days of campaigning, ostensibly in order to accommodate security requirements for the Vice President's visit to the regions. Some opposition parties were effectively precluded from rescheduling their rallies, which disrupted their campaigning.

Opposition parties, and some persons in private business, continued to allege that some government contracts were awarded on the basis of ruling party membership and that government officials pressured businesses to steer contracts toward favored companies and individuals.

There were 18 female M.P.s in the 200-member Parliament, and 13 female ministers and Council of State members out of 92.

Section 4. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

At least 20 domestic and international human rights NGOs generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials generally were responsive to their views. The Government generally granted ready access to prisons, with the exception of one prison commander who would not let the media enter with the CHRAJ officials (see Section 1.c.). Prominent NGOs included the International Committee of the Red Cross (ICRC), Amnesty International (AI), the International Federation of Woman Lawyers (FIDA), the African Center for Human Development, and Ghanalert. The Government cooperated with international humanitarian organizations, including the ICRC.

The CHRAJ was charged with investigating alleged violations of human rights, including corruption of public officials, and taking action to remedy proven violations. The CHRAJ continued to hold workshops to educate the public, traditional leaders, police, and the military on human rights issues. It mediated and settled cases brought to it by individuals with grievances against government agencies or private companies. On average the CHRAJ received between 4,000 and 5,000 new petitions per year, with steady increases each year. By July 30, CHRAJ had received 3,800 cases. Since CHRAJ was founded in 1993, it has received a total of 64,804 cases, 70 percent of which were resolved through mediation.

The CHRAJ operated with no overt interference from the Government. Its biggest obstacle was a lack of adequate funding. Low salaries and poor working conditions resulted in the loss of many CHRAJ-trained personnel to other government agencies that were able to pay their employees more.

In January, the NRC, established to create a historical record of human rights abuses for the periods of "unconstitutional government" and make recommendations for redress, began conducting public hearings. The Commission's 12-month mandate was extended by 6 months to accommodate the volume of complaints and allow thorough investigation. By year's end, the NRC had registered 4,211 complaints nationwide, including ill treatment, detention, torture, seizure of property, unlawful killing, abductions, disappearance, and others.

Section 5. Discrimination Based on Race, Sex, Disability, Language, or Social Status

The Constitution prohibits discrimination on the basis of race, sex, disability, language, or social status; however, enforcement by authorities was generally inadequate, in part due to limited financial resources. The courts were empowered specifically to order enforcement of these prohibitions.

Women.—Violence against women, including rape and domestic violence, remained a significant problem. According to FIDA, one in three women experienced domestic violence at some time in their lives, and most abuses went unreported and seldom came before the courts. Police tended not to intervene in domestic disputes; however, during the year, the Women and Juvenile Unit (WAJU) of the police established a national secretariat to increase its efficiency in handling cases of domestic violence, child abuse, and juvenile offenses as well as researching patterns and types of crimes against women and children. Also during the year, the police administration expanded WAJU's regional presence from 9 to 12 cities around the country. The WAJU worked closely with the Department of Social Welfare, FIDA, the Legal Aid Board and several human rights NGOs.

An average of 10 cases of violence against women were reported daily to the WAJU. The number of reported cases of violence against women doubled from 852 cases in 1999 to 1,658 in 2001. During the year, a total of 2,244 cases were recorded. The Director of WAJU stated the increase in reported cases was due to an increase in victim rights awareness programs. The media also increasingly reported cases of assault and rape. Prosecution of domestic violence cases was still difficult. On aver-

age, of the cases prosecuted, approximately one-quarter received convictions. Many victims did not have access to appropriate medical assistance to record the abuse, which hampered prosecution efforts. During the year, WAJU, international donors and NGOs collaborated to create a medical trust fund for victims of domestic violence.

In 2002, the Attorney General's office drafted a domestic violence bill based on a proposal submitted by FIDA. During the year, the draft bill was the subject of intense national debate, due to a provision that repeals a section of criminal code justifying the use of force within marriage. Some opposed the provision as contrary to tradition and destructive to the institution of marriage. NGOs joined to form the National Coalition on Domestic Violence Legislation and worked with government officials to hold numerous workshops to educate citizens on the contents of the bill. The bill was pending at year's end.

The Criminal Code bans the practice of customary servitude protects women accused of witchcraft, makes the age of criminal responsibility 12 years, criminalizes indecent assault and forced marriages, and imposes punishments for defilement, incest, and prostitution involving children.

Belief in witchcraft was still strong in many parts of the country. Most accused witches were older women, often widows, who were identified by fellow villagers as the cause of difficulties, such as illness, crop failure, or financial misfortune. Many of these women were banished by traditional village authorities or their families and went live in "witchcamps," villages in the north populated by suspected witches (see Section 1.d.). The women did not face formal legal sanction if they returned home; however, most feared that they could be beaten or lynched if they returned to their villages. The law provides protection to alleged witches.

There were several cases of lynching and assault of accused witches during the year. For example, on July 2 in Asempanwu, Ashanti Region, a woman was beaten to death on suspicion that she was a witch who used her powers to cause the death of three children who died in a car accident. Two other women were seriously injured in the attack. Police arrested four men, and an investigation was ongoing at year's end.

On August 1, a Tamale, Northern Region High Court sentenced a 28-year old man to death for the 2001 murder of a woman suspected of being a witch. The High Court also sentenced the man's father to life in prison for conspiracy to murder.

During the year, a man in Tongor, Volta Region was sentenced to 6 years in prison with hard labor for chopping off the hands of his 75-year-old aunt in 2001, claiming that she was a witch.

There were several traditional discriminatory practices that were injurious to the health and development of young girls. In particular FGM was a serious problem. A Ministry of Health survey conducted between 1995 and 1998 found that FGM was practiced among nearly all the northern sector ethnic groups, up to 86 percent in rural parts of the Upper West and Upper East Regions. Often it was performed on girls under the age of 15. Some observers believed that in the north there was a 15 percent FGM prevalence rate, while others believed that education on the illegality of FGM has driven the practice underground and the real rate was as high as 30 percent. Officials at all levels, including traditional chiefs, have spoken against the practice, and local NGOs continued their educational campaigns to encourage abandonment of FGM and to retrain practitioners. In some cases in which FGM was performed, the victims actively sought out practitioners, sometimes without their parents' knowledge, in a quest to become ready for marriage.

The law prohibits FGM; however, members of the legal community advocated legislation to close loopholes in the law and extend culpability to those who aid in carrying out FGM and to citizens who commit the crime outside the country's borders. On September 22, a Circuit Court in Wa, Upper West Region, found a 50-year-old woman guilty of committing FGM on three children and sentenced her to 5 years in prison. The case was the region's first FGM conviction since the practice became illegal in 1994.

There were no laws that specifically protect women from sexual harassment.

There is a Ministry of Women and Children's Affairs to address gender and children's issues; however, women continued to experience societal discrimination. Women in urban centers and those with skills and training encountered little overt bias, but resistance to women entering nontraditional fields persisted. Women, especially in rural areas, remained subject to burdensome labor conditions and traditional male dominance. Traditional practices and social norms often denied women their statutory entitlements to inheritances and property, a legally registered marriage (and with it, certain legal rights), and the maintenance and custody of children.

Women's rights groups were active in educational campaigns and in programs to provide vocational training, legal aid, and other support to women. The Government was active in educational programs, and many officials were active, outspoken advocates of women's rights.

Children.—Within the limits of its resources, the Government was committed to protecting the rights and welfare of children. The Government spent 5 percent of GDP on education, approximately 64 percent of which went toward basic education in 2002. Education was compulsory through primary and junior secondary school (the equivalent of grades 1 through 9); however, education was not free. In practice, schools imposed fees of up to \$50 (400,000 cedis) per term, despite government regulations that these fees should not be more than \$10 (80,000 cedis); and parents were required to purchase uniforms and books, as well as extra items listed in schools' prospectuses. In addition, teachers often imposed extra classes for an additional fee to supplement their incomes. During the year, the Minister of Education directed all fees above \$10 (80,000 cedis) to be refunded and required bills of secondary schools to be vetted by District Directors of Education before being sent to parents.

Some children were unable to attend school because they needed to work to supplement their family's income (see Section 6.d.), they had to travel long distances to reach the school, or there was a lack of teachers, especially in more rural areas. In addition, children's attendance at school was not enforced regularly by authorities, and parents rarely, if ever, were sanctioned for keeping their children out of school.

Females frequently dropped out of school due to societal or economic pressures, and there was a significant gap in enrollment rates between males and females. According to UNICEF, 80 percent of eligible children (84 percent of males enrolled compared with 77 percent of females) were enrolled in primary school in 2001–02. Primary school enrollment figures were significantly lower in the rural northern areas; in the Northern Region, 65 percent of eligible children (75 percent of males and 55 percent of females) were enrolled in primary school in 2001–02.

According to Ministry of Education (MOE) data for 2001–02, 55 percent of males and 45 percent of females in the 12- to 14-year age range were enrolled in junior secondary school. The 2001–02 advancement rate from junior secondary to senior secondary school was 47 percent. Enrollment of women at the university level in 2002 was less than half that of men.

The Government has taken some concrete steps to support education, including support of "informal" schools (NGO-sponsored schools that were not regulated by the Government and provide nontraditional education), and increased emphasis on assuring that students progressed from one school grade to another. The Government actively campaigned for girls' education, and the Minister of State for Primary, Secondary, and Girl-Child Education was responsible for addressing gender-related issues in education. The Ghana Education Service (GES) prepared a Five Year Action Plan for Girls' Education in Ghana 2003–2008 and offered the following programs during the year: "Science and Technology and Mathematics Education" clinics nationwide; scholarships for girls at the Junior Secondary School and Senior Secondary School levels; and incentives for female teachers to teach in rural areas and sensitize students, parents, and community members on girls' education. In addition, the GES has placed Girls Education Officers at the regional and district levels.

There were frequent reports that male teachers sexually assaulted their female students. The girls often were reluctant to report the attacks to their parents, and social pressure often prevented parents from going to authorities. In July, at U.N. Development Program (UNDP) sponsored workshop, researchers revealed a survey in which 27 percent of school girls interviewed stated their teacher had pressured them for sex, 25 percent stated they knew at least one teacher having an affair with a school girl, and 79 percent stated they were sexually harassed by male classmates, making it difficult to study. There were several press reports of teachers and headmasters/headmistresses either arrested for sexual harassment of female students or dismissed for ignoring reported problems.

WAJU and regular police units increasingly investigated and prosecuted sexual abuse of minors, and press reports of court cases ending in lengthy prison sentences became routine. Of the 1,500 cases brought to the Greater Accra Region WAJU between January and June, 288 were cases of defilement.

Trokosi is a religious practice involving a period of servitude lasting up to 3 years found among the ethnic Ewe group in the Southern Volta Region. A virgin girl, sometimes under the age of 10, but often in her teens, is given by her family to work and be trained in traditional religion at a fetish shrine for a period lasting between several weeks and 3 years as a means of atonement for an allegedly heinous crime committed by a member of the girl's family. In exceptional cases, when a girl of suitable age or status is unavailable, a boy can be offered. The girl, who

is known as a Trokosi or a Fiashidi, then becomes the property of the shrine god and the charge of the shrine priest for the duration of her stay. As a charge of the priest, the girl works in the shrine and undergoes instruction in the traditional indigenous religion. While instances of sexual abuse may occur on a case-by-case basis, there was no evidence that sexual or physical abuse was an ingrained or systematic part of the practice. The practice explicitly forbids a Trokosi or Fiashidi to engage in sexual activity or contact during her atonement period. After she completed her service to the shrine, the girl's family must provide material items such as drinks, cloth, money, or livestock to the shrine for a final release ritual. After the release ritual, the girl returns to her family without, in the vast majority of cases, any particular stigma attaching to her status as a former Trokosi shrine participant. Generally the women continued to associate themselves with the shrine, a voluntary association involving return visits for ceremonies. In many instances, when a Trokosi woman dies, years if not decades after she has completed her service, her family was expected to replace her with another young girl, continuing the association of the family to the shrine from generation to generation. In very occasional cases, the family abandons the girl or cannot afford the cost of the final rites, in which case she may remain at the shrine indefinitely. She also may leave the shrine and return to her village; however, her family's reputation with the shrine, and possibly with the community, may be tarnished. Shrines rarely have more than 4 girls serving their atonements at any one time, and there were no more than 100 girls serving their atonement periods at Trokosi shrines throughout the Volta Region at year's end.

The law bans ritual servitude in comprehensive legislation to protect women and children's rights. NGOs, such as International Needs, and government agencies, such as the CHRAJ, have been campaigning against Trokosi for years. According to reports by International Needs, other NGOs, and international observers, the practice has declined considerably in recent years due to education campaigns, conversion to other belief systems, and the death of fetish priests who have not been replaced.

Forced childhood marriage, which is illegal, remained a problem. On August 15, a Circuit Court in Wa, Upper West Region, convicted and sentenced a farmer to prison for 14 years for sexually assaulting and marrying a 14-year-old girl.

In 2002, the Ghana National Commission on Children (GNCC) was working with the CHRAJ to effect the prosecution of the chief of Mpeasem-Easuakyir, in the Central Region, who coerced a 14-year-old girl into marrying him after he abused and impregnated her.

Investigations into the August 2002 case of a 15-year-old girl forced to marry a 60-year-old man and the August 2002 kidnapping of a 5-year-old girl for ritual purposes were ongoing at year's end.

FGM was performed primarily on girls (see Section 5, Women).

Child prostitution, although illegal, also existed. The International Labor Organization's International Program to Eliminate Child Labor (ILO/IPEC) organized workshops throughout the year to create awareness of increasing child prostitution in the tourism industry, and create a strategy to combat the problem.

There were reports that trafficking in children occurred, including children being sold into various forms of involuntary servitude, for forced labor or sexual exploitation (see Sections 6.d. and 6.f.).

Child labor was a serious problem (see Section 6.d.).

The GNCC, a policymaking and coordinating body established to improve the lives of children, administered training programs for law enforcement and judicial officials to familiarize them with the Children's Act and other pertinent child labor legislation.

Persons with Disabilities.—The Constitution specifically provides for the rights of persons with disabilities, including protection against exploitation and discrimination. While the Government did not systematically or overtly discriminate against persons with disabilities, in practice, such persons often experienced societal discrimination. The Constitution also provides persons with disabilities access to public buildings "as far as practicable;" however, in practice this provision was implemented. During the year, Department of Social Welfare officials estimated that 10 percent of the population lives with some form physical disability.

National/Racial/Ethnic Minorities.—Although the Government played down the importance of ethnic differences, its opponents have complained that it is dominated by Ashantis and other Akans at the expense of Ewes and northerners. The President and some of his ministers and close advisors were Ashanti, but the Vice President and many ministers were of other ethnic origins.

Efforts by NGOs to encourage reconciliation continued during the year; however, there were several violent confrontations within ethnic groups related to chieftancy issues, particularly those of succession and land. For example, on August 7 in Brekusu, Eastern Region, two persons were killed and three severely injured (including the Queen Mother) during a riot at the area's traditional festival. The violence was attributed to tensions over the legitimacy of the positions of the Chief and the Queen Mother and over who held the authority to allocate lands in the area. On September 4, 28 persons were arrested in connection with the violence; 24 were granted bail and 4 charged with rioting, conspiracy, attempted murder, and murder. Investigations continued at year's end.

In March 2002, the Ya-Na, chief of the Dagomba tribe in Yendi, Northern Region, and 29 of his followers were killed in fighting with a rival faction of the royal family. The two factions have long feuded over traditional ceremonies and the right to hold the throne. In July, two men indicted for conspiracy to commit the Ya-Na's murder were acquitted due to lack of evidence. Several others have been implicated in the crime, but no other arrests were made by year's end. A three-person team of traditional leaders, appointed by the President, and several local NGOs, conducted various peace-building and reconciliation activities between the factions. By year's end, progress was made in reducing tensions.

Government officials, M.P.s, and other prominent opinion leaders regularly called for peaceful coexistence between ethnic groups. The Permanent Peace Negotiating Team (PPNT) was a facilitative body whose primary purpose was to mediate disputes. The Government banned firearms in the Northern Region and northern part of the Volta Region.

Section 6. Worker Rights

a. The Right of Association.—The Constitution provides for freedom of association, and workers exercised this right in practice. In October, the President signed into law new labor legislation that conformed with (ILO) conventions, enhanced the right of every worker to form or join a trade union, and created a National Labor Commission to help resolve labor disputes (see Section 6.b.).

The percentage of workers belonging to unions appeared to be decreasing as more of the workforce entered the informal sector where there was no union activity. The Ministry of Employment and Manpower Development estimated that 80 percent of the work force was employed in the informal sector, and that number was expected to increase.

The Trades Union Congress (TUC), the largest labor organization in the country, consisted of 17 national unions. The TUC has been a vocal and constructive critic of the Government's economic policies. Civil servants had their own union, the Civil Servants Association, which operated outside of the TUC umbrella. The Ghana Federation of Labor (GFL) served as an umbrella organization for several independent labor unions, which either had ceased ties with or never were members of the TUC.

The law prohibits anti-union discrimination and requires employers found guilty of the offense to reinstate or pay compensation to workers fired for union activities. There were no reports of anti-union discrimination during the year.

Unions had the right to affiliate with international bodies. The TUC was affiliated with the Organization of African Trade Union Unity headquartered in Accra and was also a member of the International Confederation of Free Trade Unions.

b. The Right to Organize and Bargain Collectively.—The law protects workers from employer interference and their right to organize and administer their unions. The law also provides a framework for collective bargaining, and trade unions engaged in collective bargaining for wages and benefits for both private and state-owned enterprises without government interference. However, the Government, labor, and employers negotiated together to set the daily minimum wage through a National Tripartite Committee. The new labor law, enacted in October, gave the Committee a formal role to determine and set the national daily wage, consult on matters of social and economic importance, and advise on employment and labor market issues.

The new legislation repealed a law restricting the right to bargain collectively to only those groups that apply for a Collective Bargaining Certificate through the TUC, essentially giving the TUC a monopoly and breaching the right to establish and choose organizations. The new law allows any trade union to apply for a Collective Bargaining Certificate through the Chief Labor Officer.

The law recognizes right to strike; however, the new labor law restricts that right for workers who provide essential services. The Minister of Manpower Development and Employment had not formally designated the list of essential services by the year's end. There were no legal strikes since independence. There are nominally ille-

gal strikes on a regular basis, which were resolved by negotiated settlement between labor and employers.

The new law provides for an independent National Labor Commission, made up of government, employers and organized labor representatives, responsible for settling disputes, first through mediation, then through arbitration. Parties in a dispute may request compulsory arbitration. Workers providing essential services that do not settle disputes within 3 days must go to the National Labor Commission within 24 hours for settlement by compulsory arbitration. Unlike the previous labor laws, the new law considers the Government an employer and therefore not responsible for dispute resolution. A union may call a legal strike if parties fail to agree to refer the dispute to voluntary arbitration or the dispute remains unresolved at the end of arbitration proceedings. No union has ever gone through the complete dispute resolution process, and there were numerous unsanctioned strike actions during the year. The law prohibits retribution against strikers, and this provision was enforced.

In June, the Deputy Minister of Manpower Development and Employment stated that there were 25 industrial actions involving 22,091 workers in the first 6 months of the year, costing the country 40,000 man-days of labor. Most actions involved demands for higher wages and better benefits.

There is legislation that authorized export-processing zones (EPZs), and a few EPZs are in operation. Existing labor law applies in any EPZ, including the right to organize.

c. Prohibition of Forced or Bonded Labor.—The Constitution and the new labor law prohibit forced or bonded labor, including by children; however, there were reports that such practices occurred (see Sections 5, 6.d., and 6.f.).

The new labor law provides for fines employers found guilty of forced labor; however, at year's end, the law had not been used. The ILO continued to urge the Government to revise various legal provisions that permitted imprisonment with an obligation to perform labor for offenses that were not allowed under ILO Convention 105.

d. Status of Child Labor Practices and Minimum Age for Employment.—Child labor was a serious problem in the informal sector. The law sets a minimum employment age of 15 years and prohibits night work and certain types of hazardous labor for those under 18 years of age. Observance of minimum age laws was eroded by local custom and economic circumstances that encouraged children to work to help support their families. An ILO/IPEC-Ghana Statistical Service survey of child labor released during the year found that 2.47 million children were engaged in some economic activity, and 64.3 percent of those children attended school. Of those children engaged in economic activity, 1.27 million children were found to be engaged in child labor as defined by age and hazardous working conditions. Children as young as 7 years worked as domestic laborers, porters, hawkers, miners, quarry workers, fare-collectors, and agriculture. The fishing industry on Lake Volta has a particularly high number of child laborers engaged in potentially hazardous work. According to an ILO representative, child labor in the tourism industry also increased. Child laborers were poorly paid and subjected to physical abuse; they received little or no health care and generally did not attend school. According to government labor officials and the Ghana Employers Association, child labor problems did not exist in the formal labor sector because the formal sector is better regulated.

The migration of children from rural to urban areas increased, due to economic hardship. Children were driven to the streets to fend for themselves, increasing both the occurrence of child labor and the school dropout rate. The Ghana Statistical Service and ILO/IPEC also surveyed 2,314 street children throughout the country, most of whom lived in the urban areas of the Greater Accra and Ashanti Regions and had migrated from northern rural areas. Of those surveyed, 45.7 percent had never attended school, 98.1 percent were engaged in economic activity within the last 12 months, and 80 percent said the work was demanding. Over three-quarters of street children surveyed said that both parents were alive, indicating poverty was the main cause of the problem.

The law prohibits forced and bonded labor performed by children; however, during the year, children were reportedly sold, leased, or given away by parents to work in agriculture, fishing villages, quarry mines, shops, or homes. It was difficult to determine the extent to which forced and bonded labor by children was practiced. Some children were connected to Trokosi shrines, although the practice has declined in recent years (see Sections 5 and 6.f.).

There were newspaper reports of children being sold into various forms of involuntary servitude for either sexual exploitation or labor, such as 10- to 12-year-old boys working for fisherman in exchange for a yearly remittance to their families.

The practice often involved the consent of their generally impoverished parents. A 2002 report on child trafficking by the African Center for Human Development counted 708 children under the age of 18 working in fishing villages along the Volta Lake in the Afram plains (see Section 6.f.).

ILO/IPEC, government representatives, the TUC, the media, international organizations, and NGOs continued to build upon the 2001–02 “National Plan of Action for the Elimination of Child Labor in Ghana,” by increasing institutional capacity to combat child labor. Education and sensitization workshops were conducted with police, labor inspectors, local governments, and communities.

The Children’s Act establishes a minimum age for employment and prohibitions on night work and hazardous labor and provides for fines and imprisonment for violators. In addition, the legislation allows for children aged 15 years and above to have an apprenticeship whereby the craftsmen and employers have the obligation to provide a safe and healthy work environment along with training and tools. However, child labor laws were not enforced effectively or consistently, and law enforcement officials, including judges, police, and labor officials, often were unfamiliar with the provisions of the law protecting children. Inspectors from the Ministry of Labor and Social Welfare are responsible for enforcement of child labor regulations, and District labor officers and the Social Services sub-committees of District Assemblies are charged with seeing that the relevant provisions of the law are observed. They visited each workplace annually and made spot checks whenever they received allegations of violations. All law enforcement and judicial authorities in the country were hampered by severe resource constraints and a lack of public awareness about the problem.

When Ministry of Manpower Development and Employment inspectors found infractions of child labor laws during their routine monitoring of companies’ labor practices, they generally informed the employers about the provisions of the law and asked them to make changes. There was no record of any prosecutions for child labor resulting from these inspections. Officials only occasionally punished violators of regulations that prohibited heavy labor and night work for children. In addition, the inspectors’ efforts were concentrated only in the formal sector, which was not where most child labor was performed.

e. Acceptable Conditions of Work.—A National Tripartite Commission composed of representatives of the Government, labor, and employers set daily minimum wages. On February 27, after lobbying by trade unions, the Tripartite Commission raised the daily minimum wage to \$1.06 (9,200 cedis), which was insufficient to provide a decent standard of living for a single wage earner and family. Furthermore, there was widespread violation of the minimum wage law. In most cases, households had multiple wage earners, and family members engaged in some family farming or other family-based commercial activities.

The law sets the maximum workweek at 40 hours, with one break of at least 48 consecutive hours every 7 days. The Government compensated extra duty hours only for overtime actually worked, in accordance with labor equity, rather than as an automatic salary supplement.

Occupational safety and health regulations exist, and the Labor Department of the Ministry of Health and Social Welfare occasionally imposed sanctions on violators. However, safety inspectors were few and poorly trained. They took action if matters were called to their attention, but lacked the resources to seek out violations. Workers have the right to withdraw themselves from dangerous work situations without jeopardy to continued employment, although they rarely exercised this right.

The law protects both legal and illegal foreign workers. The new labor law also protects the rights of casual laborers and temporary workers.

f. Trafficking in Persons.—No laws specifically addressed trafficking in persons, and trafficking in persons was a problem. The Government could prosecute traffickers under laws against slavery, prostitution, and underage labor. The country was a source and a destination country for trafficked persons. The Government acknowledged that trafficking was a problem.

Law enforcement authorities were not given sufficient resources to deal with the problem and had a difficult time identifying persons who were being trafficked because of the fluid nature of family relations in the country. For example, a friend often was called a “cousin,” and an older woman an “aunt,” even if there was no blood relation. The Government, the ILO, and NGOs began to train security forces, immigration authorities, customs and border officials, and police on issues of trafficking.

During the year, police arrested four persons for trafficking related offenses; however, none were convicted. Police officials claimed the lack of legislation criminalizing trafficking hampered their efforts.

On February 20, a couple in Nkawkaw, Eastern Region, was sentenced to 2 years in prison for trying to sell a neighbor's 3-year-old son for almost \$4,500 (38 million cedis). The couple was also ordered to pay a fine of \$1,150 (10 million cedis) each or default to another 2 years in prison.

During the year, the woman accused of taking four girls to work as prostitutes in Nigeria in September 2002 was released when the girls failed to show up in court to testify.

During the year, a court in the Upper East Region arraigned a woman who was arrested in 2001 for trafficking eight boys and three girls to the Gambia. The trial was ongoing at year's end.

The case of traffickers intercepted in 2002 with 50 children was pending in court at year's end.

Various ministries worked with the ILO and NGOs to address trafficking. The Ministry of Manpower Development and Employment, in conjunction with ILO/IPEC, continued to implement a "National Plan of Action for the Elimination of Child Labor in Ghana" (see Section 6.d.). In July, the Ga District Assembly in the Greater Accra Region instituted a committee to investigate reported cases of child trafficking among fishing communities within the district. The International Organization for Migration (IOM), the African Center for Human Development, and the Ministry of Women and Children's Affairs worked to identify and repatriate children trafficked to the fishing villages.

Trafficking was both internal and international, with the majority of trafficking in the country involving children from impoverished rural backgrounds. The most common forms of internal trafficking involved boys from the Northern Region going to work in the fishing communities along the Volta Lake or in small mines in the west and girls from the north and east going to the cities of Accra and Kumasi to work as domestic helpers, porters, and assistants to local traders. The IOM estimated that approximately 3,000 children reportedly were contracted out to Lake Volta fishermen (see Section 6.d.). Local NGOs reported these children were subjected to dangerous working conditions and sometimes were injured or killed as a result of the labor they performed.

Children between the ages of 7 and 17 also were trafficked to and from the neighboring countries of Cote d'Ivoire, Togo, and Nigeria to work as farm workers, laborers, or household help.

Much of the recruitment of children was done with the consent of the parents, who sometimes were given an advance payment or promised regular stipends from the recruiter and were told the children would receive food, shelter, and often some sort of training or education. Some parents sent their children to work for extended family members in urban areas; treatment of children sent to work in relatives' homes varied. Many children were given to professional recruiters, usually women, who placed the children with employers in cities. A child in these circumstances usually was paid between \$2.50 and \$3.75 (20,000 and 30,000 cedis) per month. In many cases, the children never received the education or vocational training the recruiters promised. Girls could be forced into prostitution and often were sexually abused by their employers.

Women also were trafficked to Western Europe, mostly Italy, Germany, and the Netherlands. International traffickers promised the women jobs; however, the women often were forced into prostitution once they reached their destination. The women were sent sometimes directly to Europe, while others were trafficked through other countries. Some young women were trafficked to the Middle East, particularly Lebanon, where they worked in menial jobs or as domestic help. There also was a growing trade in Nigerian women transiting through the country on their way to Western Europe and reportedly the Middle East to work in the sex industry. Traffickers from other countries reportedly used Accra as a transit point to Europe and reportedly the Middle East. There reportedly was some trafficking in persons from Burkina Faso, mostly transiting through the country on the way to Cote d'Ivoire.

The Government coordinated anti-trafficking efforts with NGOs and called meetings of its Human Trafficking Task Force occasionally during the year to discuss draft anti-trafficking legislation; however, it was an ILO/IPEC Steering Committee, which included many government officials, that provided the major focus for anti-trafficking activities (see Section 6.d.).

Several NGOs, both local and international, worked with trafficking victims. These organizations, as well as the University of Ghana's Center for Social Policy Studies, conducted studies into trafficking as part of their broader agenda, per-

formed some rescue operations for street kids, provided training and education for victims of trafficking and abuse, and in some cases, assisted with family reunification.

GUINEA

Guinea is a constitutional republic in which effective power is concentrated in a strong presidency. President Lansana Conte has ruled since 1984 first as head of a military junta and since 1994 as a civilian president. Conte won a second 5-year term in a December 1998 election that was marred by violence and civil unrest, widespread irregularities, and the arrest and detention of major opposition candidates during vote counting. The country's second legislative election, originally scheduled for 1999, was held in June 2002. President Conte's Party of Unity and Progress (PUP) and associated parties won 91 of the 114 seats; the majority of the opposition boycotted the election. Despite openly acknowledged health problems, the President ran for re-election in December, winning against a relatively unknown candidate. All major opposition parties boycotted the election due to questions over the fairness of the electoral system. The election was peaceful although turnout was lower than previous presidential elections, despite government claims of a high participation rate. An increasingly disproportionate number of appointed public sector positions, including senior military and cabinet posts, were held by members of the President's own minority ethnic Soussou group. The judiciary was subject to executive influence, particularly in politically sensitive cases.

The Gendarmerie and the national police share responsibility for internal security and sometimes played an oppressive role in the daily lives of citizens. Members of the Presidential Guard are accountable to virtually no one except the President. There was no effective civilian control of the security forces, whose members committed serious human rights abuses; however, there were fewer reported abuses than in previous years.

The country's economy is largely market-based, although the Government intervenes to control prices of sensitive commodities such as rice. Approximately 85 percent of the country's population of 7.6 million was engaged in subsistence agriculture. More than 80 percent of export earnings came from mining, particularly bauxite, gold, and diamonds. Economic growth lagged during the year as foreign aid declined. The cost of living as well as frequent and severe power blackouts and water shortages have led to increased hardship for a majority of citizens. Wages have not kept pace with the rising inflation rate, leading to higher costs of food. Increases in the price of fuel sparked a week of civil unrest in Conakry in March. Government collaboration with donors was complicated by additional defense spending; widespread corruption, particularly at the port and customs offices; and limited transparency in the Government, which blocked efforts at economic and fiscal reform.

The Government's human rights record remained poor; although there were improvements in several areas, serious problems remained. The Government's tight control of the electoral process, its refusal to create an independent electoral oversight mechanism, and its prohibition of nongovernmental broadcast media, effectively restricted citizens' right to change their government. There were three unlawful killings by security forces during the year. Civilian and military security forces beat and otherwise abused civilians. Members of the security forces committed abuses, often with impunity. Prison conditions were inhumane and life threatening. Arbitrary arrest and prolonged pretrial detention were problems. The Government infringed on citizens' privacy rights. The Government restricted freedom of speech, the press, assembly, and association and infringed on freedom of movement. Violence and societal discrimination against women, prostitution of young girls, female genital mutilation (FGM), ethnic discrimination, child labor, and reports of trafficking of women and children continued.

RESPECT FOR HUMAN RIGHTS

Section 1. Respect for the Integrity of the Person, Including Freedom From:

a. Arbitrary or Unlawful Deprivation of Life.—There were no political killings; however, security forces killed several persons during the year, and there were reports of deaths in custody due to torture and abuse. There were three confirmed reports that security forces killed persons during the year. Police killed two men during a demonstration during the year (see Section 2.b.).

In April, police killed a man in Yimbaya. There were no reports of any arrests.

In May, seven gendarmes arrested and beat a man in Donka; he died 2 days after hospitalization. A gendarme was arrested after protests from the victim's family but there was no information on his trial. Gendarme officials also paid compensation to the family.

There were no developments in the 2002 killing of a man by a military patrol or the 2002 killing of a man in Kouroussa by army troops.

No action was taken against prison officials who mistreated refugees in 2001.

Government authorities continued to block efforts by human rights groups and nongovernmental organizations (NGOs) to investigate political killings that took place in the 1970s under then-President Sekou Toure. Following visits during 2001 to Camp Boiro, where political prisoners were held during the Sekou Toure regime, human rights groups and NGOs suggested that an intentional lack of maintenance and upkeep was destroying evidence of the camp's former use.

Many victims of crime feared that they might never receive justice because of judicial corruption and at times resorted to exacting their own form of retribution through vigilante violence. Some suspected criminals, notably thieves and rapists, were beaten to death or burned by their victims or others after being soaked with a flammable liquid.

b. Disappearance.—There were no reports of politically motivated disappearances.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The Penal Code and the Constitution prohibit torture and cruel, inhuman, or degrading treatment; however, both civilian and military security forces beat and otherwise abused civilians. There also were reports that security forces used torture and beatings to extract confessions and employed other forms of brutality, including holding prisoners incommunicado without charges under inhumane conditions. In June, a police unit called the Anti-Criminal Brigade in Kamsar extorted money from persons, claiming it was a tax for elections.

In May, a drunken policeman shot a man in Wanidara. There were no reports that the policeman was arrested.

In June, police beat two men attending a party in Ratoma and forced them to pay bribes. The men were hospitalized.

In July, police arrested and beat four persons in Gonomanota due to the town's nonpayment of taxes.

Unlike in previous years, there were no reports of sexual assaults on refugees during the year. However, in February, a diplomatic observer reported that the military stripped a young male refugee and searched him for tattoos, scarification, or other signs of connection with dissidents or Revolutionary United Front (RUF) forces at the Thuo border crossing point.

No action was taken against security forces responsible for abusing refugees in 2002.

Prison conditions were inhumane and life threatening. Neglect, mismanagement, and lack of resources were determined by one NGO to be main reasons for the problems. While officials provided a basic diet for prisoners, most inmates relied on supplemental assistance from families or friends to maintain their health. Guards often demanded bribes in exchange for allowing delivery of food to those incarcerated. Standards of sanitation remained poor, which resulted in several dozen deaths due to malnutrition and disease in previous years; there were no confirmed reports of deaths during the year. Some prisoners have reported sleeping on their knees because their cells were so small. Prisoners reported threats, beatings, and harassment by guards, and some reported being denied food and a place to lie down.

Conditions in the Nzerekore prison improved during the year. The prison was built in 1932 to house 70 prisoners and housed 155 prisoners during the year. Installation of indoor plumbing and better ventilation improved overall conditions for prisoners. In addition, catering services for the prisons in Kindia and Kankan were changed after the Ministry of Justice received complaints about inadequate diets for prisoners at both locations.

Men and women were housed separately, but juveniles generally were housed with adults. There were credible reports from prisoners that female inmates were subjected to harassment and sexual assault by guards. Pretrial detainees were not separated from convicted prisoners, and the prison system often was unable to track pretrial detainees after arrest. At times, detainees remained in prison for up to 2 years without trial. Prisoners of political importance usually were held in the main prison in Conakry with the general prison population; however, they were housed in separate cells.

The Government permitted prison visits by the International Committee of the Red Cross (ICRC) and other local humanitarian and religious organizations, which offered medical care and food for those in severe need. A former prisoner reported

that without this assistance, those who did not have families or friends would have starved to death.

The ICRC reported that it was allowed regular access to all 33 official detention facilities and 2,500 prisoners during the year. The ICRC was encouraged by the response of the prison and security authorities to ICRC initiatives in improving prison facilities in Conakry, N'zerekore, and Kankan.

d. Arbitrary Arrest, Detention, or Exile.—The Constitution prohibits arbitrary arrest and detention; however, security forces regularly used arbitrary arrest and detention. The Code of Penal Procedure permits only the Gendarmerie to make arrests, but the army, the Presidential Guard (Red Berets), and the state police often detained persons as well. In practice, administrative controls over the police were ineffective, and security forces rarely followed the Penal Code. There were no reported judicial proceedings against officers suspected of committing abuses. Many citizens viewed the security forces as corrupt, ineffective, and even dangerous. Police ignored legal procedures and extorted money from citizens at roadblocks (see Section 2.d.).

The Penal Code requires that the Government issue a warrant before an arrest can be made and that detainees be charged before a magistrate within 72 hours; however, many detainees were incarcerated for longer periods before being charged. After being charged, the accused may be held until the conclusion of the case, including a period of appeal. The Constitution proscribes incommunicado detention; however, at times it occurred in practice. The law provides for access by attorneys to their clients, but authorities frequently did not respect this provision. Release on bail was at the discretion of the magistrate who had jurisdiction.

The Penal Code strictly forbids the detention of civilians at military camps; however, this provision largely was ignored.

In February, military personnel arrested and detained 30 students at the University of Kankan at a military base for 1 day (see Section 2.a.).

In March, the military detained two persons in Conakry and accused them of being in a forbidden area. They were released the following day from the Gendarmerie after payment of a bribe.

In November, gendarmes detained an unknown number of active and ex-military personnel for unspecified reasons. Several, including the son of the former head of the National Assembly, were released in December, although others continue to be detained.

There were no reports that authorities arrested journalists during the year.

The army and the Gendarmerie continued to detain refugees during the year (see Section 2.d.).

Bar Association attorneys, the independent press, and government sources described in past years a parallel and covert system of justice run by unidentified uniformed personnel who conducted midnight arrests, detained suspects, and used torture in secret prisons to obtain confessions before transferring detainees to prosecutors (see Section 1.c.). The detentions of an unknown number of active and former military in late November have highlighted the possible use of this covert system. No official charges or reasons for the detentions have been provided and the detainees have been prevented from meeting with family members. The detainees have been held at a variety of locations in Conakry and a few were released in December.

The Constitution does not prohibit forced exile; however, the Government did not practice forced exile. Several soldiers who fled the country in 1996 after a mutiny attempt remained in self-imposed exile, according to their families.

e. Denial of Fair Public Trial.—The Constitution provides for the judiciary's independence; however, judicial authorities routinely deferred to executive authorities in politically sensitive cases. Magistrates were civil servants with no assurance of tenure. Because of corruption and nepotism in the judiciary, relatives of influential members of the Government often were, in effect, above the law. Judges often did not act independently, and their verdicts were subject to outside interference. Influential persons often intervened on behalf of their relatives to affect the disposition of a case.

The judiciary includes courts of first instance, the two Courts of Appeal, and the Supreme Court, which is the court of final appeal. A military tribunal prepares and adjudicates charges against accused military personnel, to whom the Penal Code does not apply. Civilians were not subject to military tribunals.

The State Security Court is comprised of magistrates directly appointed by the President, and the verdict is open to an appeal only on a point of law, not for the re-examination of evidence.

The judicial system was plagued by numerous problems, including a shortage of qualified lawyers and magistrates and an outdated and restrictive penal code. The

Penal Code provides for the presumption of innocence of accused persons, the independence of judges, the equality of citizens before the law, the right of the accused to counsel, and the right to appeal a judicial decision. Although in principle the Government is responsible for funding legal defense costs in serious criminal cases, in practice it rarely disbursed funds for this purpose. The attorney for the defense frequently received no payment. President Conte named Mamadou Sylla the new Minister of Justice in April after the previous Minister attempted to dissolve the Bar Association in 2002.

Many citizens wary of judicial corruption preferred to rely on traditional systems of justice at the village or urban neighborhood level. Litigants presented their civil cases before a village chief, a neighborhood leader, or a council of “wise men.” The dividing line between the formal and informal justice systems was vague, and authorities may refer a case from the formal to the traditional system to ensure compliance by all parties. Similarly, if a case cannot be resolved to the satisfaction of all parties in the traditional system, it may be referred to the formal system for adjudication. The traditional system discriminated against women in that evidence given by women carries less weight (see Section 5).

Opposition leader Alpha Conde’s right to vote and run for political office was restored in a general amnesty granted by the National Assembly in November. The amnesty reportedly restores similar political rights to other former political prisoners.

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home or Correspondence.—The Constitution provides for the inviolability of the home, and the law requires judicial search warrants; however, police and paramilitary police often ignored legal procedures in the pursuit of criminals. Police and the military frequently detained persons at nighttime roadblocks for purposes of security but also to extort money or goods. Abuses declined during the year after the Government limited the use of nighttime roadblocks in urban areas such as Conakry.

In February, military personnel entered a home in Kankan without a judicial search warrant in search of student strike leaders. Five persons were detained and released the following day. Also in February, military personnel searched the offices of a foreign NGO in Kankan without a judicial search warrant.

Security officials were believed widely to monitor the mail. Local businesses, including foreign companies, often complained of intimidation and harassment by public officials and authorities.

Unlike in previous years, authorities did not relocate refugees.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution provides for freedom of expression, subject to certain limitations; however, despite government statements in support of free speech and a free press, the Government broadly restricted these rights. The Government prohibited talk or chants in public that it considered seditious, established defamation and slander as criminal offenses, and prohibited communications that insulted the President; incited violence, discrimination, or hatred; or disturbed the public peace. Sanctions include fines, revocation of press cards, imprisonment, and banishment.

On November 13, opposition politician Jean Marie Dore was detained for 2 days after criticizing the President in a radio interview.

The Government published an official newspaper, the daily *Horoya*, and operated the official television and radio (ORTG) stations. The state-owned media provided extensive and favorable coverage of the Government and ruling party, while providing little coverage of opposition party activities. For example, the Government and the PUP used the state-owned media to campaign for constitutional changes to allow a third term for President Conte. Journalists for the official press practiced self-censorship and avoided reporting on politically controversial issues. However, some younger broadcast journalists for the official press reported critically about the Government.

There was a vocal private press that criticized the President and the Government. For example, the weekly satirical newspaper *Le Lynx* published front-page cartoons lampooning the President and senior government officials. Seven private newspapers were published weekly in Conakry, and up to 10 other publications appeared sporadically, although technical difficulties and high operating costs impeded regular publication. One newspaper, *L’Espoir*, was affiliated with the governing political party, and several other newspapers were affiliated with opposition parties. Other newspapers offered news and criticism of both the Government and the opposition. Despite the limited reach of the print media due to low literacy rates and

high prices of newspapers, the Government still occasionally criticized and harassed print journalists.

The Government owned and operated all domestic broadcast media including radio, which was the most important source of information for the public. Although the law permits private electronic media, the Government has never approved license requests for private radio and television stations, on the grounds of national security. Many citizens listened regularly to foreign-origin short-wave radio. The Government did not restrict access to or distribution of foreign television programming via satellite or cable; however, relatively few citizens could afford these services.

Political tracts occasionally circulated in Conakry and other urban areas. Some tracts supported the Government, while others specifically criticized senior officials. Foreign publications, some of which criticized the Government, often were available. In December 2002, the Government suspended three newspapers—*Croisade*, *Diplomate*, and *Defi*—for unspecified reasons. The newspapers have since renewed operation.

The government-controlled press promoted ruling party candidates during the June 2002 legislative elections. Opposition parties were allowed 5 minutes on government television and radio per party per night during the final month leading up to the election.

Unlike in previous years, there were no reports that journalists were arrested.

The Government did not restrict access to the Internet. At year's end, there were four domestic service providers, three private and one affiliated with SOTELGUIL, the joint venture telephone company (owned by the Government and a Malaysian telecommunications firm), which held a monopoly on international telephone lines. Storefront operations offering Internet access were common throughout downtown Conakry; however, a lack of reliable telephone lines restricted home access, even for the few who could afford it.

The Ministry of National Education and Scientific Research exercised limited control over academic freedom through its influence on faculty hiring and control over the curriculum. In general, teachers were not subject to classroom censorship.

In February, security forces detained students at the University of Kankan after the university's rector refused to recognize a student organization. Thirty students were detained and released after 1 day. Military personnel were reportedly responsible for burning down a student dormitory during the same month.

b. Freedom of Peaceful Assembly and Association.—The law restricts freedom of assembly, and the Government exercises its power to restrict unwanted political activity. The Penal Code bans any meeting that has an ethnic or racial character or any gathering “whose nature threatens national unity.” The Government requires 72-hour advance notification of public gatherings, otherwise the events are considered illegal. In July, the Government notified all political parties that their leadership was required to provide advance notification of their attendance at funerals, weddings, or any other gathering with a large number of citizens.

In May, the Government convoked Sidya Toure, president of the opposition party Union of Republican Forces, three separate times for questioning following a series of political meetings his political party held in Conakry. Authorities detained 10 Guinean People Party (RPG) members at their party headquarters in Banankoro. They were released after 1 month.

In July, the Government cancelled the opposition RPG's conference, deported visiting guests, and forcibly dispersed demonstrators who were protesting the actions. Despite the opposition party's denials, the Government said it had legally cancelled the conference.

The Government banned all street marches except funerals. The law permits local authorities to cancel a demonstration or meeting if they believe it poses a threat to public order. They may hold event organizers criminally liable if violence or destruction of property ensues. The Governor of Conakry requires written permission from his office for public meetings of all associations, NGOs, groups, cooperatives, and political parties. The requirement continued to be enforced during the year.

Police and gendarmes dispersed a series of unauthorized demonstrations during the year; however, no deaths were reported. In January and February, high school students demonstrated in Conakry against the increase of taxi and electricity rates. The demonstrations turned into riots, and a few buildings were damaged. The Ministry of Security claimed political party activists orchestrated the disturbances and donned school uniforms to give the demonstrations the appearance of student protests.

The law provides for freedom of association; however, the Government restricted this right in practice. The Government imposed cumbersome requirements to obtain official recognition for public social, cultural, religious, or political associations. Most

of the restrictions focused on political associations as opposed to nonpolitical associations. For example, political parties had to provide information on their founding members and produce internal statutes and political platforms consistent with the Constitution before the Government recognized them.

c. Freedom of Religion.—The Constitution provides for freedom of religion and permits religious communities to govern themselves without state interference, and the Government generally respected these rights in practice.

The government-sponsored National Islamic League (NIL) represented the country's Sunni Muslim majority, which comprised 85 percent of the population. The Government requires that all recognized Christian churches join the Association of Churches and Missions in order to benefit from certain government privileges, such as tax exemptions and energy subsidies. Missionary groups were required to make a declaration of their aims and activities to the Ministry of Interior or to the NIL.

Government support of the powerful, semi-official NIL led some non-Muslims to complain that the Government used its influence to favor Muslims over non-Muslims, although non-Muslims were represented in the Cabinet, administrative bureaucracy, and the armed forces. The Government refrained from appointing non-Muslims to important administrative positions in certain parts of the country, in deference to the particularly strong social dominance of Islam in these regions.

Relations among the various religions generally were amicable; however, in some parts of the country, Islam's dominance was such that there was strong social pressure that discouraged non-Muslims from practicing their religion openly.

For a more detailed discussion, see the 2003 International Religious Freedom Report.

d. Freedom of Movement within the Country, Foreign Travel, Emigration, and Repatriation.—The Constitution provides citizens with the right to travel freely within the country and to change their place of residence and work; however, authorities at times infringed on these rights. The Government requires all citizens to carry national identification cards, which they must present on demand at security checkpoints. Police and security forces frequently detained persons, particularly late at night, at military roadblocks and extorted money from them. The private press and local NGOs reported that travelers often were pressured to pay bribes to allow passage. The Government largely discontinued these roadblocks during the year, with the exception of areas near the borders of Liberia and Cote d'Ivoire as well as some roads near the capital. Government officials stated that a few rogue soldiers were corrupt; however, abuse at official checkpoints was systemic.

According to the Government, as of early 2002, there were 82,000 internally displaced persons remaining in the country as a result of the 2000 and 2001 border attacks by RUF rebels from Sierra Leone and by Liberian forces.

The law provides for the granting of asylum and refugee status to persons who meet the definition in the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. In practice, the Government did not always provide protection against refoulement and grant refugee status or asylum.

The border with Liberia remained officially closed during the year; however, the Government continued to accept refugees. There was a pattern of accepting refugees from neighboring countries, such as Cote d'Ivoire and Liberia, while denying access to other nationals. In January, the Government turned away third country nationals from Burkina Faso, Mali, and other West African countries fleeing fighting in Liberia or Cote d'Ivoire after the International Organization for Migration (IOM) was unable to finance their repatriation. The Government subsequently accepted such persons after IOM's funding was restored.

Unlike in previous years, there were no reports that security forces turned away young Liberian men suspected of being combatants.

The border with Sierra Leone remained officially closed during the year. Local commercial and personal travel between the countries was permitted, and Sierra Leonean refugees residing in the country officially were allowed to return to Sierra Leone both on their own and under the auspices of the U.N. High Commission for Refugees (UNHCR).

The UNHCR stated that as of December more than 240,000 Liberian, Ivorian, and Sierra Leonean refugees resided in the country. Of these refugees, 111,465 (89,408 Liberians, 15,002 Sierra Leoneans, and 7,055 Ivorians) were under UNHCR protection in camps, with the remainder living in Conakry or villages and towns in the forest region. Sierra Leonean refugees repatriated voluntarily during the year.

In July, the Government announced that all refugees in Conakry needed to return to refugee camps after six refugees attacked a UNHCR official. The Government said that the transfer was voluntary and delayed setting a deadline after intervention by the UNHCR. Liberian and Sierra Leonean expatriates became concerned

that the transfer could lead to the expulsion of all refugees from the capital. A large-scale transfer of refugees from Conakry was not initiated by year's end.

There were some reports that refugees were forced to pay bribes to get past many checkpoints. Security forces continued to arrest suspected rebels at the border as they tried to enter the country. Security forces, searching for tattoos and other marks identifying rebels, searched and stripped refugees in public during the year. In July, authorities arrested six refugees following their attack on a UNHCR official. They were released from custody and awaiting trial at year's end. In 2001, authorities arrested 52 persons reportedly after refugees in the Telikoro camp attacked a group of gendarmes inside the camp; the protection office of the UNHCR reported that they were no longer in custody at year's end. Unlike in previous years, there were no reports that refugees died in detention.

There were no reports during the year that U.N. employees sexually abused or exploited refugees.

There were reports from NGOs and the UNHCR that the Liberians United for Reconciliation and Democracy (LURD) forcibly recruited refugees at camps in Guinea. There also were confirmed reports that government soldiers at some border crossing points were cooperating with the Liberian dissident movement LURD to screen refugees for forced recruitment. In response to a UNHCR request, in January the Government agreed to relocate refugees from Kouankan to camps near Kissadougou that were farther from the Liberian border. The relocation began in May but was suspended due to the changing political situation in Liberia and due to improved security inside the camp.

The Government also provides temporary protection to certain individuals who fall outside of the definition of the 1951 U.N Convention Related to the Status of Refugees or its 1967 Protocol.

Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government

The Constitution provides for a popularly elected President and National Assembly; however, the ability of citizens to exercise this provision effectively was restricted. The Government tightly controlled of the electoral process, and there was no independent electoral oversight mechanism.

The Government continued to dominate the electoral process and refused to establish an independent national election commission. The Government retained exclusive control of all registration and election procedures, including the casting and counting of votes. The Government controlled both the 1993 and the 1998 multiparty presidential elections and the multiparty legislative elections in 1995 and 2002, limiting the opposition to a subordinate role. In 2001, the Constitution was amended to allow the President to run for an unlimited number of terms, and to extend the presidential term from 5 to 7 years, in a referendum some observers believe was flawed. There were approximately 46 legally recognized political parties; deputies of 5 different parties were represented in the National Assembly.

According to the Government's tabulation of results, President Conte was elected in 1998 to a second 5-year term, receiving 56 percent of the 2.7 million votes cast. The election was marred by violence and disruption of opposition campaigning before the polling, civil unrest after the polling, widespread irregularities that tended to favor the incumbent, and the arrest and detention of major opposition candidates during the vote-counting process. In December, President Conte was re-elected to a third term in a race boycotted by all major opposition parties due to concerns over the electoral system. The President's only opposition was a relatively unknown candidate previously allied with the ruling PUP party. The election was peaceful with few reports of violence.

In June 2002, legislative elections were held, and observers judged the results to be questionable due to a lack of transparency and neutrality in the electoral process.

The President continued to hold the power to appoint the governors, prefects, and their deputies to administer regions and subregions respectively. Most of these officials were members of the PUP or of parties allied with it. Local governments generally had limited autonomy. Although they had some financial resources with which to fund local programs, most of their funds were controlled by the central Government.

There were 19 female deputies in the 114-member National Assembly. Three women held seats in the 26-member Cabinet: The Minister of Commerce; the Minister of Tourism; and the Minister of Social Affairs and Promotion of Women. There were few women at senior levels below minister, and there were no women in the senior ranks of the armed forces. Women played a minor role in the leadership of the major political parties.

The Cabinet and armed forces leadership included representatives of all major ethnic groups. However, a disproportionate number of senior military officers were Soussou, the President's ethnic group.

Section 4. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A number of local NGOs generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials generally were cooperative and responsive to their views; however, some local organizations alleged that government officials tried to intimidate them, and that they often met resistance when trying to investigate abuses or engage in civil education. Various government officials blocked private efforts to memorialize victims of the Sekou Toure regime that ruled the country from independence until 1984.

The Government cooperated with both the UNHCR and the ICRC. In June, a report by a U.N. Security Council mission criticized the Government for complicity in abuses of Liberian refugees through its support of LURD rebels. LURD rebels were accused of forced recruitment of Liberian refugees, as well as infiltration of refugee camps such as Kouankan.

A human rights office within the Ministry of Defense, the Office of International Humanitarian Rights, in conjunction with the ICRC, conducted human rights seminars during the year to teach military personnel about human rights recognized by international and regional agreements.

Section 5. Discrimination Based on Race, Sex, Disability, Language, or Social Status

The Constitution states that all persons are equal before the law regardless of gender, race, ethnicity, language, beliefs, political opinions, philosophy, or creed; however, the Government did not enforce these provisions uniformly.

Women.—Domestic violence against women was common, although estimates differed as to the extent of the problem. Wife beating is a criminal offense and constitutes grounds for divorce under civil law; however, police rarely intervened in domestic disputes. Social beliefs prevented most rape victims from reporting incidents of rape. Several local NGOs were working to increase public awareness of the nature of these crimes and to promote increased reporting. The Government did not pursue vigorously criminal investigations of alleged sexual crimes.

FGM was practiced widely in all regions and among all religious and ethnic groups. FGM is illegal and senior officials and both the official and private press spoke against the practice; however, there were no prosecutions. FGM was performed on girls and women between the ages of 4 and 70, but exact figures on this procedure were difficult to establish. The Coordinating Committee on Traditional Practices Affecting Women's and Children's Health (CPTAFE), a local NGO dedicated to eradicating FGM and ritual scarring, cited a recent decline in the percentage of women and girls subjected to FGM. The CPTAFE estimated the figure to be between 65 and 75 percent; however, expert estimates varied between 65 and 90 percent. Infibulation, the most dangerous form of FGM, still was performed in the forest region, but less frequently than in previous years. Despite diseases resulting from crude and unsanitary surgical instruments and deaths resulting from the practice, the tradition continued, seriously affecting many women's lives. FGM also increased the risk of HIV infection since unsterilized instruments were shared among participants.

The Government made efforts to educate health workers on the dangers of this procedure, and it supported the CPTAFE's efforts. The CPTAFE reported high rates of infant mortality and maternal mortality due to FGM. In 1997, the Government, in collaboration with the World Health Organization, initiated a 20-year program to eradicate FGM. As a result, government ministers, health officials, and the media have discussed FGM more frequently; however, there were no statistics evaluating the success of the program.

A growing number of men and women opposed FGM. Urban, educated families were opting increasingly to perform only a slight symbolic incision on a girl's genitals rather than the complete procedure. During the year, the CPTAFE held large public ceremonies celebrating the "laying down of the excision knife" in which some traditional practitioners of FGM pledged to discontinue the practice; however, most of those who performed FGM opposed its eradication since the practice was lucrative.

There were reports that women were trafficked for the sex trade and illegal labor (see Section 6.f.).

Although the Government made regular statements in the media against sexual harassment, women working in the formal sector in urban areas complained of frequent sexual harassment.

The Constitution provides for equal treatment of men and women, and the Ministry of Social Affairs and Women's Promotion worked to advance such equality; however, women faced discrimination throughout society. Women faced discrimination particularly in rural areas where opportunities were limited by custom and the demands of childrearing and subsistence farming. Women were not denied access to land, credit, or businesses, but inheritance laws favor male heirs over females. Government officials acknowledged that polygyny was a common practice. Divorce laws generally tended to favor men in awarding custody and dividing communal assets. Legal evidence given by women carries less weight than testimony by men, in accordance with Islamic precepts and customary law. The Government affirmed the principle of equal pay for equal work; however, in practice, women received lower pay than men.

Children.—The Constitution provides that the Government should support children's rights and welfare, and the Government allocated a significant percentage of the budget to primary education; however, the Government did not spend the allocated funds. A Minister of Youth was charged by the President with defending women's and children's rights, and a permanent committee dedicated to defending the rights of the child, with members chosen from different ministries, NGOs, and other sectors, continued to work.

The Government provided tuition free, compulsory primary school education for 6 years; however, enrollment rates were low due to school fees and lax enforcement of laws mandating school attendance. Approximately 51 percent of all eligible students were enrolled in primary school, including 66 percent of eligible boys compared with 37 percent of eligible girls. Girls often were taken out of school and sent to work to help pay for their brothers' education.

FGM was performed commonly on girls (see Section 5, Women).

The legal age for marriage is 21 years for men and 17 years for women; however, underage marriage was a problem. Parents contract marriages for girls as young as 11 years of age in the forest region. The CPTAFE, in conjunction with the Government, local journalists, and international NGOs, promoted an education campaign to discourage underage marriage.

There were reports that girls were trafficked for prostitution and other labor (see Section 6.f.).

Persons with Disabilities.—There are no special constitutional provisions for persons with disabilities. The Government has not mandated accessibility for persons with disabilities, and few persons with disabilities worked, although some developed opportunities in the informal sector in small family-run businesses.

National/Racial/Ethnic Minorities.—The country's population was ethnically and regionally diverse. No single ethnic group constituted a majority nationwide. The largest ethnic groups were the Puhlar, also called Peuhl or Fulani (approximately 40 percent of the population), the Malinke (approximately 30 percent), and the Soussou (approximately 20 percent). Each group spoke a distinct primary language and was concentrated in a distinct region: The Soussou in lower Guinea; the Puhlar in middle Guinea; and the Malinke in upper Guinea.

While the Constitution and the Penal Code prohibit racial or ethnic discrimination, ethnic identification was strong. Mutual suspicion, both inside and outside the Government, affected relations across ethnic lines. Widespread societal ethnic discrimination by members of all major ethnic groups was evident in private sector hiring patterns, in the ethnic segregation of urban neighborhoods, and in the relatively low levels of interethnic marriage. The proportion of public sector positions occupied by Soussous, particularly at senior levels, was perceived widely as exceeding their share of the national population.

The ruling PUP party, although generally supported by Soussous, transcended ethnic boundaries more effectively than the major opposition parties, which have readily identifiable ethnic and regional bases; the UPR's main base are the Peuhls, while the RPG's main base are the Malinke. Soussou preeminence in the public sector and Malinke migration into the traditional homelands of smaller ethnic groups in the forest region were major sources of political tensions that sometimes have erupted into violence.

Section 6. Worker Rights

a. The Right of Association.—The Constitution provides for the right of employees to form independent labor unions, and the Government generally respected this right in practice. Approximately 160,000 workers were reported as unionized, although inadequate labor statistics made it difficult to estimate the exact percentage of workers in unions. Approximately 52,000 were government workers and thus automatically members of the government union. The rest were engaged in private,

mixed, and informal sectors. The largest independent union, Union of Workers of Guinea (USTG), claimed 64,000 members, 18,000 of which were women. Union delegates represented individual and collective claims and grievances with management.

The Labor Code states that all workers, except military and paramilitary personnel, have the right to create and participate in unions and develop their individual and collective rights as workers. The Labor Code requires elected worker representatives for any enterprise employing 25 or more salaried workers.

There were several trade unions and labor confederations; the National Confederation of Guinean Workers (CNTG) remained the largest confederation. CNTG was an umbrella organization for 16 individual unions of government employees, each of which was affiliated with a government ministry. The Government indirectly funded the CNTG, although dissident members sought to increase the Confederation's freedom from government control. Independent unions and confederations gained popularity, such as the Free Union of Teachers and Researchers of Guinea (SLECG), the Professional Union Federation for Education, and the National Organization for Free Trade Unions of Guinea.

The Constitution and Labor Code also prohibit anti-union discrimination. However, at regional and prefecture levels, unionized labor faced strong opposition from government officials. Union officials were selected on the basis of nepotism and patronage; these individuals were not sensitized to the rights of workers, and often viewed unions as an enemy of the Government. As a result, union activities in the interior of the country faced harassment and interference from many governors and prefects. Union activities in Conakry faced less harassment and interference. Individual workers threatened with dismissal or other sanctions had the right to a hearing before management with a union representative present and, if necessary, to take the complaint to the Conakry Labor Court, which convened weekly to hear such cases. In the interior, civil courts heard labor cases.

The Government continued to pay the travel and lodging expenses of CNTG representatives to International Labor Organization (ILO) conferences. Other independent unions had to fund their own attendance at ILO conferences.

Unions affiliated freely with international labor groups such as the ILO.

b. The Right to Organize and Bargain Collectively.—Under the Labor Code, representative workers' unions or union groups may organize in the workplace and negotiate with employers or employer organizations. The law protects the right to bargain collectively concerning wages and salaries without government interference. Employers established rules and hours of work in consultation with union delegates.

The Labor Code grants salaried workers, including public sector civilian employees, the right to strike 10 days after their representative union makes known its intention to strike. It prohibits strikes in sectors providing "essential services," which include hospitals, radio and television, army, police, communications, and transport services.

Strikes were sometimes met with intimidation from security forces and, as a result, often did not take place. During the year, workers at a Russian-owned bauxite mining company in Kindia went on strike due to pay and benefit grievances. SLECG and the Guinean Education Union (FSPE) went on strike for 1 week in November over salary grievances. The strike ended after both parties reached an agreement. A 2-day nationwide strike by the Federation of Independent Bank and Insurance Unions of Guinea in November ended after employers and workers reached a settlement.

There are no export processing zones.

c. Prohibition of Forced or Bonded Labor.—The Labor Code specifically prohibits forced or bonded labor, including by children; however, there were reports that it occurred (see Sections 6.d. and 6.f.).

The law prohibits the exploitation of vulnerable persons for unpaid or underpaid labor, which carries a penalty of 6 months to 5 years imprisonment and a fine of approximately \$25 to \$150 (50,000 to 218,400 300,000 GF francs). Submitting a vulnerable or dependent person to inhumane working or living conditions carries a sentence of 1 month to 5 years imprisonment and a fine of approximately \$25 to \$250 (50,000 to 500,000 GF francs). The Government did not enforce these provisions of the law in practice.

d. Status of Child Labor Practices and Minimum Age for Employment.—Child labor was a serious problem. According to the Labor Code, the minimum age for employment is 16 years. Apprentices may start to work at 14 years of age. Workers and apprentices under the age of 18 were not permitted to work at night, for more than 10 consecutive hours, or on Sundays. The Labor Code also stipulates that the Minister of Labor and Social Affairs must maintain a list of occupations in which women and youth under the age of 18 cannot be employed. In practice, enforcement

by ministry inspectors was limited to large firms in the modern sector of the economy. Overall, approximately 48 percent of children under age 15 were employed, accounting for approximately 20 percent of the total working population and 26 percent of agricultural workers. Child labor in factories was not prevalent because of the low level of manufacturing. Working children were mostly in the informal sector areas of subsistence farming, and small-scale commerce and mining. Girls as young as age 14, engaged in prostitution (see Section 6.f.).

Many young Muslim children sent to live with a Koranic master for instruction in Arabic, Islam, and the Koran worked for the teacher as payment. Children often were sent from rural areas to Conakry to live with family members while they attended school. However, if the host family was unwilling or unable to pay school fees, the children sold water or shined shoes on the streets, and the host family took the money in exchange for their room and board (see Section 6.f.).

The worst forms of child labor were found in the artisanal mining sector where children hauled granite and sand for little or no money.

There were reports that forced and bonded child labor occurred (see Section 6.f.).

The Government has spoken out against child labor, but lacked the resources, enforcement mechanism, and the legislative will to combat the problem. As a result, child laborers did not have access to education or health care; they suffered from chronic malnutrition, traumatic stress, and depression.

e. Acceptable Conditions of Work.—The Labor Code allows the Government to set a minimum hourly wage; however, the Government has not exercised this provision nor does it promote a standard wage. Prevailing wages often were inadequate to provide a decent standard of living for a worker and family. There also were provisions in the Code for overtime and night wages, which were fixed percentages of the regular wage.

The Labor Code mandates that regular work should not exceed 10-hour days or 48-hour weeks, and a period of at least 24 consecutive hours of rest each week, usually on Sunday. Every salaried worker has the legal right to an annual paid vacation, accumulated at the rate of at least 2 workdays per month of work. In practice, the authorities enforced these rules only in the relatively small modern urban sector.

The Labor Code contains provisions of a general nature regarding occupational safety and health, but the Government has not elaborated a set of practical workplace health and safety standards. Moreover, it has not issued any ministerial orders laying out the specific requirements for certain occupations and for certain methods of work that are called for in the Labor Code. The Ministry of Labor and Social Affairs is responsible for enforcing labor standards, and its inspectors are empowered to suspend work immediately in situations hazardous to health; however, enforcement efforts were sporadic. Labor inspectors acknowledged that they did not have adequate resources to cover even Conakry, much less the entire country.

Under the Labor Code, workers have the right to refuse to work under unsafe conditions without penalty; however, many workers feared retaliation should they refuse to work under unsafe conditions.

The law applies to all workers in the country, regardless of nationality; however, the law does not define whether it applies to persons working in the country illegally.

f. Trafficking in Persons.—The law prohibits trafficking in persons; however, there were some reports of trafficking. The law carries a penalty of 5 to 10 years imprisonment and confiscation of any money or property received as a result of trafficking activities; however, some NGOs in the past reported that women and children were trafficked within the country, as well as internationally, for the sex trade and illegal labor. Trafficking in persons from rural areas to urban centers increasingly was recognized as a problem. Accurate statistics were difficult to obtain, because victims did not report the crime in fear for their personal safety.

A UNICEF official reported that trafficking in children was common in the country. In November, police detained five minors after learning they were being trafficked from Mali with the promise of jobs in Conakry as housemaids. The young girls were repatriated back to Mali.

Several government agencies, particularly the Ministry of Social Affairs and the Promotion of Women and Children, were involved in anti-trafficking efforts.

In 2001, the Children's Protection Division and UNICEF reported that trafficking of children was a problem among the Sierra Leonean and Liberian refugee populations in the prefectures of Guekedou, Macenta, N'Zerekore, and Forecariah; girls were exploited for domestic labor, and boys were exploited as street sellers and agricultural workers. The International Rescue Committee and UNICEF reported that children living in foster families often did not receive adequate food, shelter and

clothing, and were compelled to work in the streets, sometimes as prostitutes, for their subsistence.

Girls under the age of 14 were involved in prostitution. The Government did not take action when prostitution of minors was brought to its attention, and it did not monitor actively child or adult prostitution.

GUINEA-BISSAU ¹

Guinea-Bissau is a multiparty republic. A September 14 military coup led by Defense Chief Verrisimo Correia Seabraor resulted in the September 17 resignation of former President Kumba Yala and delayed the country's transition to democracy. Prior to September 14, Yala, who was elected in 2000 with a 72 percent electoral majority, had repeatedly postponed new legislative elections and refused to veto or promulgate the new constitution, which was approved by the National Assembly in 2001. Impulsive presidential interventions in 2002, including the dismissal of the Prime Minister, the dissolution of the National Assembly, the dismissal of two Supreme Court Presidents, and the appointment of Prime Minister Mario Pires to lead a caretaker government that ruled by presidential decree exacerbated divisions within the Government. On October 3, the military appointed two civilians, Henrique Rosa and Arthur Sanha, to become Head of State and Prime Minister respectively, for a transitional period. President Rosa subsequently named a 16-person government including 11 ministers and 5 state secretaries. By year's end, the Committee had reconstituted itself as the National Council of Transition and expanded its membership to include representatives of political parties and civil society. The Constitution provides for an independent judiciary and for the Supreme Court to choose its own leadership; however, it was subject to political influence and corruption.

The police, under the direction of the Ministry of the Interior, have primary responsibility for the country's internal security. The armed forces are responsible for external security and can be called upon to assist the police in internal emergencies. In August 2002, the Government began a comprehensive program to restructure the armed forces, improve military living conditions, and demobilize approximately 4,000 active duty military personnel; however, the reinsertion and reintegration phases of the program were not implemented by year's end. The September military coup was the third time since the country's independence in 1974 that the military has intervened and acted independently of government authority. Some members of the security forces committed serious human rights abuses.

The population of approximately 1.3 million relies largely upon subsistence agriculture and the export of cashew nuts in a market economy. The formal economy broke down in 1998, and most of the country reverted to barter. In 2002, the country suffered a substantial slowdown in economic activity, and GDP declined 4.2 percent, primarily as a result of significantly lower levels of foreign assistance and a drop of approximately 30 percent in cashew prices in the international market. The country remained burdened by heavy external debt and pervasive underemployment. The Government's failure to pay the salaries of civil servants, teachers, and health care workers resulted in a 2-week general strike in March, a 1-week general strike in September, the closure of schools for most of the year, and the deaths of 28 patients in Simao Mendes hospital.

The Government's human rights record remained poor, and it continued to commit serious abuses; however, reports of abuse declined markedly after the September 14 coup. Members of the security forces continued to use beatings and physical mistreatment, and one person died in custody during the year. Impunity remained a problem. Prison conditions remained poor. Arbitrary arrest and detention, including of opposition leaders, journalists, human rights activists, and labor leaders were problems. The Government at times used incommunicado detention. The Government infringed on citizens' privacy rights. The Government used restrictions on freedom of speech and the press to intimidate the media; journalists regularly practiced self-censorship. The Government limited freedom of movement. Violence and

¹ On June 14, 1998, the United States Embassy suspended operations in the midst of heavy fighting in Guinea-Bissau and all official personnel in the country were evacuated. This report is based on information obtained by U.S. embassies in neighboring countries, especially Senegal, from other independent sources, and regular visits to Guinea-Bissau by U.S. officials assigned to the American Embassy in Dakar. The American Ambassador to Senegal, resident in Dakar, is also accredited to Guinea-Bissau.

discrimination against women were problems. Female genital mutilation (FGM) was practiced widely. Child labor, including some forced child labor, was a problem.

RESPECT FOR HUMAN RIGHTS

Section 1. Respect for the Integrity of the Person, Including Freedom From:

a. Arbitrary or Unlawful Deprivation of Life.—There were no reports of political killings; however, on March 9, Army Second Lieutenant Mussa Cassama died in detention from injuries inflicted during torture, according to Amnesty International (AI) (see Section 1.c.). Cassama was one of a group of officers and enlisted men arrested in December 2002 for allegedly plotting to overthrow the Government of former President Yala.

There were five reported deaths from landmine explosions during the year.

b. Disappearance.—There were no reports of politically motivated disappearances.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The Constitution prohibits such practices, and evidence obtained through torture or coercion is invalid; however, the Government often ignored these provisions, and security forces beat, mistreated, and otherwise abused persons. Security and police authorities historically have employed abusive interrogation methods, usually in the form of severe beatings. The Government rarely enforced provisions for punishment of members of security forces who committed abuses.

Unlike in the previous year, no journalists reported abuse while in detention.

During the year, at Mansoa and Cumere Army Barracks, security forces reportedly beat, bound, and detained incommunicado a group of officers and enlisted men arrested in December 2002 for allegedly plotting to overthrow the Government of former President Yala. One of the individuals, Serifo Balde, was hospitalized in a coma as a result of the injuries inflicted during torture, and another detainee died (see Section 1.a.).

There were no new developments in the September 2002 beating by security forces of Rui Ferreira, a National Assembly Deputy of the opposition Resistencia Guinea Bissau Party (RGB), or in the case of Victor Mandinga.

Demining operations continued; however, landmines and unexploded ordnance resulted in numerous deaths and injuries during the year (see Section 1.a.). On April 25, two youths near the village of Portogole were severely injured by unexploded ordnance. In four separate incidents, landmines in Bissau, Sao Domingos, and Cacine injured numerous persons.

Prison conditions remained poor but generally were not life threatening. The country does not have formal prisons. Most prisoners were detained in makeshift detention facilities on military bases in Bissau and neighboring cities. Security forces beat, mistreated, and otherwise abused prisoners and at times used incommunicado detention. Detention facilities generally lacked running water or adequate sanitation. Detainees' diets were poor, and medical care was virtually nonexistent. Men and women were held in separate facilities, and juveniles were held separately from adults. Pretrial detainees were not held separately from convicted prisoners.

The Government generally permitted independent monitoring of prison conditions by local and international human rights groups. During the year, the Office of the Representative of the U.N. Secretary General (UNOGBIS) regularly visited prisoners and was instrumental in securing the release of some of the soldiers held incommunicado since December 2002. Following months of negotiations, the International Committee of the Red Cross and UNOGBIS were allowed to visit the seven remaining military personnel held incommunicado since December 2002.

d. Arbitrary Arrest, Detention, or Exile.—The Constitution prohibits arbitrary arrest and detention; however, security forces arrested and detained persons without judicial authority or warrants, including opposition politicians, journalists, and human rights activists.

The country is divided into 37 police districts, each with its own police station; there are an estimated 600 police in the country. Since the 1998 civil war, police recruitment has not kept pace with attrition. Like most civil servants in the country, police have not been paid in up to 12 months. Corruption was rampant, and police generally were ineffective. There was a severe lack of resources and training.

The law provides for procedural rights, such as the right to counsel, the right to release if no timely indictment is brought, and the right to a speedy trial; however, in practice the judicial system generally failed to provide these rights (see Section 1.e.). Police detained suspects without judicial authority or warrants.

During the year, the Government arrested and detained numerous journalists and other members of the media (see Section 2.a.). The Government also arrested nu-

merous opposition leaders and a union leader who criticized the former President (see Section 2.a.).

During the year, prior to the September 14 coup, RGB leaders were harassed and detained for short periods (see Section 2.a.).

Four Senegalese detained in May 2002 still were being detained without trial at year's end.

There were no new developments in the 2001 case of Emiliano Nosolini, President of the Supreme Court, his deputy, and a senior accounting official.

Trials for the 17 persons accused in 2000 of attempting a coup were still pending at year's end.

The Constitution did not specifically prohibit forced exile; however, the Government did not use it.

e. Denial of Fair Public Trial.—The Constitution provides for an independent judiciary; however, judges were poorly trained and paid and sometimes were subject to political pressure and corruption. The Supreme Court was especially vulnerable to political pressure because its members were appointed by the President and often were replaced. The judiciary was subject to executive influence and control.

Former President Yala's failure to promulgate the amended constitution, which addressed the question of presidential authority to choose Supreme Court justices, heightened confusion surrounding the Supreme Court.

Civilian courts conduct trials involving state security. Under the Code of Military Justice, military courts only try crimes committed by armed forces personnel. Unlike in the previous year, there were no reports that military tribunals tried civilians. The Supreme Court was the final court of appeal for both military and civilian cases. The President has the authority to grant pardons and reduce sentences.

The Government harassed judges who made decisions viewed as unfavorable (see Section 2.d.).

In May, the Government reportedly transferred Judge Lima Antonio Andre to the city of Buba following his decision to release Marcelino Simoes Lopez Cabral, the former Minister of Defense, and Lobo de Pina, the former Adviser to the President for Political Affairs; both individuals had been detained without charge on April 29.

Citizens who could not afford an attorney had the right to a court-appointed lawyer.

Traditional practices still prevailed in most rural areas, and persons who lived in urban areas often brought judicial disputes to traditional counselors to avoid the costs and bureaucratic impediments of the official system. The police often resolved disputes.

There were no political prisoners.

f. Arbitrary Interference with Privacy, Family, Home or Correspondence.—The Constitution prohibits such actions; however, the Government did not always respect these prohibitions in practice. The police did not always use judicial warrants. Unlike in the previous year, there were no reports that police searched private mail.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution provides for freedom of speech and of the press; however, the Government frequently restricted these rights during the year. Opposition politicians had little or no access to government-controlled media. On September 9, the newly appointed Minister of Social Communication said in an interview that journalists should "clean" information originating from opposition parties. Journalists continued to practice self-censorship.

Numerous political leaders and journalists were arrested without charge during the year for exercising the right of free speech. For example, on February 8, Domingos Fernandes, co-founder of the RGB party, was arrested and detained for 48 hours; Fernandes had criticized a Supreme Court ruling that supported the RGB leadership of Salvador Tchongo. Also on February 8, Francisca Vaz Turpin, an RGB member of the National Assembly, was detained for 24 hours without charge for criticizing the President.

On March 21, police arrested and beat Indjai Dabo, the United Social Democratic Party (PUSD) representative in Sao Domingos, for having shown taped images of the arrival of PUSD leader Francisco Fadul, who had arrived to participate in legislative elections.

During the year, the security forces harassed or arrested the members of non-governmental organizations (NGOs) who criticized the Government in the media.

On January 29, AI reported that security forces arrested and detained without charge Guinean Human Rights League (LGDH) Vice President Joao Vaz Mane. Mane, who was detained incommunicado, had criticized former President Yala in a radio broadcast for funding pilgrimages to Mecca for Muslim citizens. Mane alleged that such funding was illegal for a secular State and that the Government rather

should pay the arrearages in civil service salaries. On February 19, Mane was released.

The privately owned *Correio Guine-Bissau* was published several times a week during the year. Weekly newspapers included *Gazeta de Noticias*, *Fraskera*, and the government-owned *No Pintcha*. All newspapers published only sporadically during the year due to financial constraints and dependence on the state-owned printing house. The national printing press, the only facility for publishing newspapers in the country, often lacked the necessary raw materials.

There were several independent radio stations. National television broadcasts from 7 p.m. to midnight on weekdays and 5 p.m. to midnight on weekends. Reportedly the government-controlled stations practiced self-censorship.

The Government continued to order all media organizations to cease publication of information relating to the LGDH.

On February 14, the Secretary of State for Communications suspended the broadcasting of privately-owned Radio Bombolom for "lack of professionalism in handling information." The radio station was reopened by court order after a finding that the Government's decision constituted "usurpation of power." Government authorities subsequently harassed and confiscated the passport of Caetano N'Tchama, the President of the Administrative Court (see Section 2.d.).

On March 11, the Secretary of State for Communication dismissed a journalist of the National Radio station for broadcasting the arrival from Portugal of former Prime Minister Francisco Fadul, leader of the opposition PUSD.

On September 6, four journalists of the community radio Sintcham Occo were arrested and detained without charge for reporting on a meeting of the "Plataforma Unidade," a coalition of opposition parties; the four were released following protests from human rights advocates.

The 2001 detention case against Adolfo Palma, a correspondent of the Portuguese news agency Lusa, was pending at year's end.

The Internet was available in the country, and the Government did not restrict its use.

The Government did not restrict academic freedom.

b. Freedom of Peaceful Assembly and Association.—The Constitution provides for freedom of assembly and association, and the Government generally respected these rights in practice. Permits were required for all assemblies and demonstrations. On occasion, the Government banned assemblies. For example, during the period between the September 14 coup and the September 28 formation of the National Council of Transition, civil society organizations were prohibited from holding demonstrations against the selection of Arthur Sanha as Prime Minister.

c. Freedom of Religion.—The Constitution provides for freedom of religion, and the Government generally respected this right in practice. The Ahmadiya, an Islamic religious group expelled from the country in 2001, was not permitted to return by year's end. Although the Government must license religious groups, there were no reports that any applications were refused.

For a more detailed discussion, see the 2003 International Religious Freedom Report.

d. Freedom of Movement within the Country, Foreign Travel, Emigration, and Repatriation.—The Constitution provides for these rights; however, the Government limited them in practice.

Prior to September 14, the Government compiled a list of prominent political figures who were not allowed to leave the country or the city of Bissau, including: Carlos Vamin, Francisca Vaz Turpin, Helder Vaz, Domingos Fernandes, Alexandre Bucansil Cabral, and former Prime Minister Alamara Intchia Nhasse. Authorities also restricted travel and confiscated the passport of Caetano N'Tchama, the President of the Administrative Court who issued the court order to reopen Radio Bombolom (see Section 2.a.). N'Tchama also was denied medical evacuation during the year. All such restrictions were removed after September 14.

The law provides for the granting of refugee status and asylum to persons who meet the definition in the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. In practice, the Government provided protection against refoulement and grants refugee status or asylum. The Government has provided asylum to refugees from Liberia, Sierra Leone, and the Casamance region of Senegal. The Government cooperated with the office of the U.N. High Commissioner for Refugees (UNHCR) and other humanitarian organizations in assisting refugees. During the year, the UNHCR reported that approximately 7,700 refugees, mostly Senegalese citizens, were in the country. More than 6,000 of these refugees lived in villages along the country's northern border where they were integrated into the local economy and largely self-sufficient. Another 1,000 Senegalese refugees lived in

camps and received assistance from UNHCR. There also were approximately 500 Senegalese, Liberian, and Sierra Leonean urban refugees. The UNHCR reported that the Government was tolerant of these refugees and permitted them to engage in economic activities to support themselves. Unlike in the previous year, there were no reports that refugees were arrested on the premises of the Adventist Mission in Bissau after having requested assistance.

Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government

The Constitution provides citizens with the right to change their government peacefully; however, this right was restricted on September 14, when the Army removed President Yala from power. Yala, who was elected in 2000, had repeatedly postponed new legislative elections and refused to veto or promulgate the new constitution, which was approved by the National Assembly in 2001; the new constitution limits presidential authority to name and dismiss armed forces service chiefs and ambassadors. In 2002, Yala dismissed Prime Minister Alamara Nhasse, dissolved the National Assembly, dismissed two Supreme Court Presidents, and appointed Mario Pires as Prime Minister to lead a caretaker government that ruled by presidential decree until the former President's September removal.

On September 14, after the scheduled October 12 elections were again postponed, Defense Chief Seabraor placed Yala under house arrest and established a 25-member, military "Committee for Restoration of Democracy and Constitutional Order." After negotiations with political parties and civil society organizations, and following pressure from the international community, the Committee appointed two civilians, Henrique Rosa and Arthur Sanha, to become Head of State and Prime Minister respectively, for a transitional period. On September 28, the Committee reconstituted itself as the National Council of Transition and expanded its membership to include 23 political party representatives and 8 representatives of civil society. On October 3, President Rosa named a 16-person government including 11 ministers and 5 state secretaries. A transition pact signed by coup leaders and political parties called for parliamentary elections to be held within 6 months and presidential elections 12 months after that. The draft constitution, which has yet to be promulgated, limits certain presidential powers, namely the authority to name and dismiss armed forces service chiefs and ambassadors.

In January 2000, voters elected former President Yala with a 72 percent electoral majority in a runoff election following multiparty elections in 1999. International observers, foreign diplomats, and local NGOs considered both elections, which included candidates from 13 parties as well as several independents, to be generally free and fair. Yala's party, the Partido de Renovacao Social (PRS), won 38 of 102 National Assembly seats. The victory of the PRS ended the 26-year domination by the African Party for the Independence of Guinea-Bissau and Cape Verde (PAIGC). The PAIGC won 24 of the 102 seats in the National Assembly, while opposition parties gained a majority.

Local elections have not yet been held in the country.

Prior to the dissolution of the National Assembly, there were 10 women among the 102 members. Prior to the September removal of Yala, there were three female ministers and two female State Secretaries (Junior Ministers). At year's end, 3 of the 11 governmental ministers were women.

Section 4. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A number of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials were somewhat cooperative and responsive to their views; however, the Government harassed and arrested NGO members for criticizing the Government in the media (see Section 2.a.).

Unlike in the previous year, the LGDH was not denied access to its headquarters.

Section 5. Discrimination Based on Race, Sex, Disability, Language, or Social Status

The Constitution and law prohibit discrimination on the basis of sex and race; however, in practice, the Government did not enforce these provisions effectively.

Women.—Domestic violence, including wife beating, was an accepted means of settling domestic disputes. Although police intervened in domestic disputes if requested, the Government had not undertaken specific measures to counter social pressure against reporting domestic violence, rape, incest, and other mistreatment of women.

FGM was practiced widely within certain ethnic groups, especially the Fulas and the Mandinkas. The practice has increased as the Muslim population has grown and

was being performed not only on adolescent girls, but also on babies as young as 4 months old. The Government has not outlawed the practice; however, a national committee continued to conduct a nationwide education campaign to discourage FGM. Both international and domestic NGOs continued working through the national committee to eliminate FGM.

Sinin Mira Nassique, a local NGO, has initiated alternative FGM summer camps for young girls throughout the country. During the summer, 215 girls attended camps in Farim, Buba, and Gabu, where they experienced all traditional initiation rights except excision. The camps, which teach the dangers of FGM, also provide training in hygiene, sewing, embroidery, and other skills. During the year, 36 women who earned their living by practicing FGM, abandoned the practice and symbolically handed over their knives to the Sinin Mira Nassique.

The law prohibits prostitution, and it was not a problem.

Traditional and Islamic law do not govern the status of women. In principle, men and women were treated equally under the law.

Official discrimination against women is prohibited by law; however, such discrimination was a problem. Women are responsible for most work on subsistence farms and have limited access to education, especially in rural areas. Women do not have equal access to employment. Among certain ethnic groups, women cannot own or manage land or inherit property.

Children.—The Government allocated only limited resources for children's welfare and education. A UNDP study conducted during the year indicated that 60 percent of school-aged children did not attend school; a similar study in 2000 indicated that 62 percent of such children were enrolled in school. The decline in school attendance was in large part a result of the school closures for most or all of the year.

The Government's failure during the year to pay the salaries of civil servants, teachers, and health care workers resulted in numerous strikes and the closure of schools (see Section 6.b.). The Government declared the school year a total loss for 75 percent of the school system.

FGM was performed commonly on young girls and sometimes even infants (see Section 5, Women).

The law provides for compulsory military service for persons between 18 and 25 years old; however, boys under the age of 16 could volunteer for military service with the consent of their parents or tutors.

Persons with Disabilities.—The law does not specifically prohibit discrimination against persons with disabilities, and the Government does not ensure equal access to employment and education; however, there were no reports of overt societal discrimination. The Government has made some efforts to assist military veterans with disabilities through pension programs, but these programs did not address adequately veterans' health, housing, and food needs.

Section 6. Worker Rights

a. The Right of Association.—The Constitution provides all civilian workers with the freedom to form and join independent trade unions; however, the vast majority of the population worked in subsistence agriculture. Most union members were government or parastatal employees; only a small percentage of workers were in the wage sector and were organized.

The Government registers all labor unions. There were 21 labor unions registered and operating in the country. All unions officially were independent of the Government, but 15 unions were affiliated with the National Workers Union of Guinea-Bissau (UNTGB), which retained close informal ties with the PAIGC. The law does not favor UNTGB-affiliated unions over others. Six other unions were affiliated with the General Confederation of Independent Unions.

The law does not prohibit anti-union discrimination; however, no workers have alleged anti-union discrimination, and the practice was not believed to be widespread.

The Government arrested a union leader during the year for criticizing the Government (see Section 2.a.).

All unions were able to affiliate freely with national confederations and international labor organizations. The UNTGB was affiliated with the International Confederation of Free Trade Unions. Individual unions belonged to International Trade Secretariats.

b. The Right to Organize and Bargain Collectively.—The Constitution does not provide for or protect the right to bargain collectively; however, the tripartite National Council for Social Consultation conducts collective consultations on salary issues and draft legislation concerning labor issues. Most wages were established in bilateral negotiations between workers and employers.

The Constitution provides for the right to strike and protection for workers from retribution for strike activities. The only legal restriction on strike activity was the requirement for prior notice. During the year, health workers, teachers, and television workers organized strikes to protest poor working conditions and unpaid salaries, with no government retribution against the strikers.

There are no export processing zones.

c. Prohibition of Forced or Bonded Labor.—The law prohibits forced or bonded labor, including by children; however, there were reports that such practices occurred (see Section 6.d.).

d. Status of Child Labor Practices and Minimum Age for Employment.—The legal minimum age was 14 years for general factory labor and 18 years for heavy or dangerous labor, including all labor in mines. These minimum age requirements generally were followed in the small formal sector, but the Ministry of Justice and the Ministry of Civil Service and Labor did not enforce these requirements in other sectors.

The National Assembly has approved but not ratified ILO Convention 182 on the Worst Forms of Child Labor.

Children in cities often worked in street trading, and those in rural communities did domestic and fieldwork without pay; children generally performed such labor to help support families or because of a lack of educational opportunities. The Government did not take action to combat such practices by year's end.

e. Acceptable Conditions of Work.—The Government's Council of Ministers annually establishes minimum wage rates for all categories of work; however, it does not enforce them. The lowest monthly wage was \$26.42 (14,800 CFA) per month plus a bag of rice. This wage was insufficient to provide a decent standard of living for a worker and family, and workers had to supplement their incomes through other work, reliance on the extended family, and subsistence agriculture.

The maximum number of hours permitted in a normal workweek without further compensation is 45, but the Government did not enforce this provision. The Government and private sector lacked the funds to pay salaries. Since 2000, the Government has failed to pay on a regular basis its teachers, civil servants, and medical practitioners (see Section 6.b.).

With the cooperation of the unions, the Ministry of Justice and Labor establishes legal health and safety standards for workers, which then are adopted into law by the National Assembly. However, these standards were not enforced, and many persons worked under conditions that endangered their health and safety. Workers do not have the right to remove themselves from unsafe working conditions without losing their jobs.

There were no legal protections for undocumented workers.

f. Trafficking in Persons.—The law does not prohibit trafficking in persons; however, there were no reports that persons were trafficked to, from, or within the country.

KENYA

Kenya is a republic dominated by a strong presidency. In December 2002, Mwai Kibaki of the opposition National Rainbow Coalition (NARC) was elected as the country's third president; Kibaki succeeded former President Daniel Arap Moi, who led the former ruling Kenya African National Union (KANU) and served as President since 1978. During the December 2002 general elections, KANU, which had controlled both the Presidency and the Parliament continuously since 1963, lost its majority in parliament to NARC, a coalition of more than a dozen political parties, including former members of KANU. Observers concluded that the elections broadly reflected the popular will and were free and fair. The judiciary suffered from corruption and was subject to executive branch influence; however, the Government took significant steps during the year to combat corruption.

In addition to the armed forces, there is a large internal security apparatus that includes the police's Criminal Investigation Department (CID), the National Security Intelligence Service (NSIS), the National Police, the Administration Police, and the paramilitary General Services Unit (GSU), which detail members on a rotating basis to staff the 700-person Presidential Escort. The CID investigates criminal activity, and the NSIS collects intelligence and monitors persons considered subversive. While civilian authorities generally maintained effective control of the security forces, there were some instances in which the security forces acted independently

of government authority. Members of the security forces, especially the police, continued to commit numerous, serious human rights abuses.

The economy is market-based, and the large agricultural sector employed more than 70 percent of the country's population of approximately 30.8 million. Estimates of the unemployment rate ranged from the official 35 percent to more than 50 percent. Although many sectors continued to be dominated by state-owned monopolies, the nonagricultural economy included large privately-owned light manufacturing, commercial, and financial sectors. Tea was the largest source of foreign exchange earnings. Following the Government's adoption of two anti-corruption measures during the year, major financial institutions, which had suspended assistance in previous years, began to provide assistance. Annual per capita gross domestic product for 2002 was officially reported as \$237, with approximately 57 percent of the population living at or below the poverty level on less than \$1 per day. The spread of HIV/AIDS, estimated to have infected approximately 14 percent of the population between the ages of 14 and 49, had increasingly adverse effects on the country's wage-earners, including teachers and other professionals. A weakened infrastructure—unreliable power and telecommunication systems and roads in disrepair—exacerbated economic problems and disinvestment. Continued concerns over personal security and political wrangling following the transition to the new Government also fueled disinvestment.

The Government's human rights record remained poor; although there were some improvements in a few areas, serious problems remained. Violence marred some of the by-elections held during the year. Security forces, particularly the police, continued to commit unlawful killings, torture and beat detainees, use excessive force, rape, and otherwise abuse persons. Prison conditions remained life threatening. Police harassed and arbitrarily arrested and detained persons, including journalists and civil society leaders; however, unlike in the previous year, there were no reports that security forces arrested political activists. The Government arrested and prosecuted a number of police officers for abuses; however, most police who committed abuses were neither investigated nor punished. Lengthy pretrial detention was a problem. The authorities infringed on citizens' privacy rights. The Government restricted freedom of speech, press, assembly, and association. Police disrupted public meetings and forcibly dispersed demonstrators and protesters. Members of the Government publicly criticized nongovernmental organizations (NGOs) and harassed and arrested their members. Violence and discrimination against women and abuse of children remained serious problems. Female genital mutilation (FGM) remained widespread, child prostitution remained a problem, and the spread of HIV/AIDS has orphaned many children. There was some discrimination against persons with disabilities. Interethnic tensions, often spurred by political and economic competition, continued and resulted in numerous violent conflicts and some deaths. The Government continued to limit some worker rights. Child labor remained a problem, and there were instances of forced child labor. Trafficking of persons was a problem. Violence by mobs also resulted in many deaths.

RESPECT FOR HUMAN RIGHTS

Section 1. Respect for the Integrity of the Person, Including Freedom From:

a. Arbitrary or Unlawful Deprivation of Life.—There were no political killings; however, security forces, especially members of the police, the GSU, and the CID, committed a number of unlawful killings during the year. In its 2002 report, the Standing Committee on Human Rights (SCHR), the governmental body charged with addressing human rights issues, noted the "widespread use of lethal, excessive, and unnecessary force on civilians by police." During the year, police killed 117 suspected criminals, and another 11 suspects and detainees died while in police custody, according to government figures. According to the Independent Medico Legal Unit (IMLU), a human rights NGO, 45 persons died from torture in police custody during the year. The Kenya Human Rights Commission (KHRC), a leading human rights NGO, reported in 2002 that it had documented more than 1,000 cases of unlawful killings in the last decade.

Law enforcement officials maintained that security forces were justified in their use of deadly force because of the heavily armed, violent criminals they often encountered; in 2002, 22 police officers were killed in the line of duty. Police claimed that the increased use of sophisticated weapons by criminals had increased the risks faced by police in performing their duties. However, in responding to continuing high levels of crime, some police used excessive and deadly force, sometimes without apparent provocation. The Government generally failed to take appropriate action against members of the security forces accused of unlawful or arbitrary killings.

Numerous persons died while in, or shortly after being in, police custody. For example, in June, Simon Njuguna Kaboi, who had been in police custody, was found handcuffed and dead in a river. A pathologist at Moi Teaching and Referral Hospital concluded that Kaboi had sustained multiple head injuries caused by a blunt object and that he may have been unconscious before falling or being pushed into the river. Police countered that Kaboi had fallen into the river while attempting to escape, a claim disputed by witnesses and family members; an investigation was ongoing at year's end. In August, Alice Mwetu died 1 day after being released from jail, where she had been held for 2 days. Her family alleged that a detective working with the NSIS had assaulted Mwetu and used his influence to have her arrested. An investigation begun in October was ongoing at year's end.

During the year, police used excessive force to disperse demonstrations and strikes, which resulted in deaths (see Sections 2.b. and 6.b.).

Police committed numerous other unlawful killings during the year. For example, on March 20, police officers in Ruiru reportedly beat and drowned Nixon Wanjala, a worker on a flower farm. The unregistered Floricultural Employees Union called on the authorities to arrest and prosecute the officers.

In June, police beat and subsequently shot to death execution-style William Guto and Thomas Osiago, who were awaiting medical treatment for Guto at the Kisii District Hospital. Police claimed that the two men, who were later found at the hospital mortuary, were criminals. No one had been charged in the killings by year's end.

Unlike in previous years, there were no reports of the unlawful killing by police of Mungiki.

During the year, the Government took some steps to curb such abuses; however, impunity remained a problem, particularly in the police force (see Section 1.d.).

The five police officers who tortured to death Paul Kimani Wambiru in 2002 were in custody awaiting trial at year's end.

There were no developments in the following 2002 killings by security forces: The February torturing to death of Councilor Amos Korichir; the killing by police of Jacob Odera Ogolla; and the numerous killings by police of bystanders.

The investigation into two Administration Police officers accused of the March 2001 killing of Francis Kiraha Kibugi was completed and they were charged with murder; however, it was unknown whether a trial had begun by year's end.

A police officer was charged for the March 2001 accidental killing of Geoffrey Ngoima Mbugua.

The case against the three police charged in the 2001 killing of a university student still was pending at year's end.

On September 14, unidentified gunmen killed Crispin Odhiambo Mbai, the chairman of the Devolution Committee of the National Constitutional Conference; three suspects were arrested. An investigation was being conducted into the case at year's end.

In October, the bodies of Sheikh Ibrahim Ali, a delegate to the Somali peace talks in Kenya, and two other Somalian citizens were discovered dead from gunshot wounds in Nairobi; local authorities were conducting an investigation at year's end to determine whether the killings were politically motivated.

The Mungiki, a small, often violent cultural and political movement based in part on Kikuyu ethnic traditions, were responsible for numerous attacks and killings during the year. For example, on January 5, Mungiki members hacked to death 10 residents of Nakuru. Former KANU M.P. David Manyara, who allegedly harbored members of the Mungiki, was charged with murder for his involvement in the incident; his trial was ongoing at year's end. Nakuru residents who survived claimed they were targeted for supporting NARC in the 2002 elections.

Mob violence continued at high levels during the year, which observers believed may have been associated with a continuing high crime rate. During the year, there was widespread media coverage of mob violence in Nyanza province, where suspected sorcerers, cattle rustlers, and thieves were targeted. According to the Government, 95 persons were killed in mob violence during the year. The KHRC reported that it has documented 719 deaths from mob violence during the last 6 years. Human rights observers attributed mob violence to a lack of public confidence in the police and the judicial process. The great majority of victims killed by mobs were suspected of criminal activities, including robbery, cattle rustling, and membership in terror gangs. Most perpetrators of mob violence went unpunished. In addition, the social acceptability of mob violence also provided cover for apparent personal vengeance and settling land disputes under the guise of "mob justice."

On January 28, a mob in Riamachoki near the Kisii/Trans Mara border killed an Administration police officer following a raid by area residents on the Olmilili Administration Police outpost. A CID investigation was ongoing at year's end.

On June 10, a farmer and some of his neighbors in Mwea beat to death 13-year-old Michael Wangara Ndichu on suspicion that the boy was stealing tomatoes from his farm. The farmer was arrested, and an investigation was being conducted at year's end.

On June 14, a mob in Bonchari, Bokeire sub-location, captured a teenager and his father, Abisinia Angeso, whom they accused of being a cattle rustler. After severely beating Angeso, the mob threatened his son with death if he did not sever his father's head; the son complied. Other residents in the area fled their homes in fear of being targeted by the mob. Three people, including a local chief, a former municipal councilor, and a former journalist were arrested on charges of murder and were awaiting trial at year's end.

No arrests were made in any of the 2002 and 2001 cases of mob killings.

Unlike in previous years, there were no reports that mobs killed members of their communities on suspicion that they practiced witchcraft.

Interethnic violence continued to cause numerous deaths (see Section 5). Some of these disputes spilled over into the country from neighboring countries (see Section 2.d.).

b. Disappearance.—There were no reports of politically motivated disappearances.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The Constitution prohibits such practices; however, security forces continued to use torture and physical violence during interrogation and to punish both pretrial detainees and convicted prisoners. Although authorities periodically issued directives against the use of torture by police, the problem persisted and remained a serious problem. The Government did not provide information on the number of cases of torture that occurred during the year.

Human rights organizations, churches, and the press highlighted and criticized numerous cases of torture and several cases of indiscriminate beatings of groups of persons by police during the year. Common methods of torture practiced by police included hanging persons upside down for long periods, genital mutilation, electric shocks, and deprivation of air by submersion of the head in water. The IMLU recorded 230 allegations of police torture of suspects during the year, of which 70 percent allegedly occurred in police stations before suspects were charged; 45 persons reportedly died from torture while in police custody (see Section 1.a.). The IMLU claimed to have substantiated approximately 50 percent of these allegations. In June, the NGO People Against Torture (PAT) reported 60 cases of torture since January, 10 of which resulted in death. PAT named the Flying Squad Police Unit as one of the worst perpetrators, and cited Karura and Ngong forests and the Kasarani estate in Nairobi as torture sites. However, detainees routinely claimed that they had been tortured, making it difficult to separate real from fabricated incidents.

In February, the Government opened to the public the infamous Nyayo House Torture Chambers in Nairobi, where the previous government tortured political dissidents and activists. The gesture was seen as a positive step by the Government toward addressing the problem of torture and other human rights abuses.

In March, police allegedly robbed, tortured, and killed Maithya Kivuli, a teacher at Mutwaathi Primary School. Kivuli, who, according to a relative, had been stripped naked and confined to a tiny room infested with ants, was found unconscious the following morning. The case was under investigation at year's end.

Caning continued to be used as punishment in cases such as rape (see Section 5).

Police used excessive force to disperse demonstrations and strikes, which resulted in injuries (see Section 2.b.).

Police harassed and beat some journalists during the year (see Section 2.a.).

Unlike in previous years, there were no reports that police used excessive force against the Mungiki, a banned vigilante group that engaged in violent incidents during the year that resulted in numerous deaths (see Section 1.a.).

According to organizations that work with street children, police also beat and abused street children (see Section 5).

During the year, the Government investigated some allegations of police use of excessive force and torture, and prosecuted several police officers; some officers were charged, convicted, and sentenced for killings (see Section 1.d.).

An inquest remained pending at year's end into the 2002 injuring of Arwings Odera, a freelance journalist who in 2001 had published a series of articles alleging corruption in government-backed projects. Odera, who fled the country in 2001, returned during the year and resumed working as a journalist for the Kenya Times and People Daily.

Acts of violence, including rape, banditry, and shootings, occurred frequently near refugee camps (see Sections 2.d. and 5).

There continued to be reports of violence between pro-government and opposition supporters (see Section 2.b.).

Prison conditions were harsh and life threatening. Prisoners were subjected to severe overcrowding, deficient health care, and unsanitary conditions, and received inadequate water, diet, and bedding. Police and prison guards subjected prisoners to torture and inhuman treatment. Rape of both male and female inmates, primarily by fellow inmates, was a serious problem, as was the increasing incidence of HIV/AIDS. Disease in prisons was widespread, and the death rate was high. Prisoners sometimes were kept in solitary confinement far longer than the maximum 90 days allowed by law. Prisoners and detainees frequently were denied the right to contact relatives or lawyers. Family members visiting prisoners faced numerous bureaucratic and physical obstacles, each requiring a bribe.

In its comprehensive 2002 investigation of the country's prison system, the SCHR, the only domestic human rights body allowed such access at that time, reported that torture, cruel, inhuman, and degrading treatment were prevalent in prisons. The SCHR documented numerous cases of human rights abuses alleged by inmates during its investigations, including the application of electrical shocks to genitalia, subjecting inmates to artificial light from a 150-watt bulb continuously for up to 24 hours, and female inmates being stripped and placed in solitary confinement in a flooded cell for up to a week. Press reports continued to highlight the substandard prison conditions.

According to Vice President Moody Awori, the country's 89 prison facilities had a capacity for 15,000 prisoners, but held more than 40,000 during the year. For example, Kericho Prison, which was built in 1945 for approximately 62 inmates, held 569 inmates at year's end; its cells, which were designed for 12 prisoners, held 97 to 127 prisoners. The SCHR reported that in 2002 it encountered major overcrowding at all of the juvenile detention centers it investigated and found that one in particular, the Nairobi Juvenile Remand Home, held more than 4 times its capacity of 100 detainees. The courts partly were responsible for overcrowding, as the backlog of cases in the judicial system continued to fill the prison detention cells (see Section 1.d.).

Prisoners generally received three meals per day; however, portions were inadequate, and the diet consisted almost entirely of ugali (maize meal), beans, and occasionally cabbages or kale, according to the 2002 SCHR report. Prisoners were sometimes given half rations as punishment. The SCHR also found water shortages to be a problem in some prisons, particularly at the Kakemaga prison where they have not had running water for the last 5 years. In May, Caroline Akoth Othithi, a prisoner in Langata Women's Prison, testified before the Chief Magistrate at the Kibera court that prisoners were being served raw and contaminated food, and that some inmates had died from diarrhea. The Chief Magistrate subsequently summoned the head of prisons to appear in court to respond to these claims.

During the year, the Government took steps to ease prison overcrowding. The Government increased its contribution for the Community Service Order (CSO), a program to alleviate prison overcrowding by allowing petty offenders to perform community service—such as building bridges, schools, and hospitals—as an alternative to incarceration. More than 67,000 prisoners were serving sentences under the program in 2002. However, magistrates still were not fully utilizing CSO as an alternative to custodial sentences for petty offenders, and there were delays in releasing petty offenders already committed to the CSO program. For example, 208 of the inmates committed to the CSO program in Kakamega still were being held in prison at year's end because they had not received the requisite release letter from the Probation Department. During the year, President Kibaki freed 11,628 prisoners; most of those released were first-time offenders with a record of good conduct or prisoners in ill health.

Men, women, and children officially were kept in separate cells, and there were no reports that men and women were placed in the same cells. Women sometimes lacked access to sanitary napkins and often had one change of clothes, leaving them naked during the washing of their laundry. Young teenagers frequently were kept in cells with adults in overcrowded prisons and detention centers. Youth detention centers were understaffed, overcrowded, and inmates had minimal social and exercise time. Some young inmates remained in the centers for years, as their cases awaited resolution. Juvenile detainees were subjected to corporal punishment, which has been banned in the school system. According to the SCHR's 2002 special report on the state of juvenile detention centers, a majority of juveniles in pretrial detention were actually children who had been arrested from the streets as victims of neglect or children in need of care and discipline."

Nearly all prisoners serving more than 6 months in prison worked in prison industries and farms. Men worked in printing services, car repair, tailoring, metal

work, and leather and upholstery work. Women were taught sewing, knitting, dress-making, rug making, basket weaving, jewelry making, and other crafts. The Government reported that prisoners could earn approximately \$0.62 (48 Kenyan shillings) per year or 20 cents (0.2 shillings) per item produced. Prisoners can, with permission, work beyond the 8-hour day to produce goods, from which they earn two-thirds of the profits. Prisons were unable to invest the estimated annual profits of \$826,600 (62 million Kenyan shillings) in the prisons because income generated was sent directly to the Government Consolidated Fund. Some observers alleged that prison officials used the free prison labor for personal profit, and prisoners have complained of being overworked; however, many inmates left prison with a valid trade certificate.

Hundreds of prisoners died due to life-threatening prison conditions, including inadequate food and medical treatment. According to government statistics, 536 prisoners died in 2002, primarily as a result of pulmonary tuberculosis, gastroenteritis, pneumonia, and malaria; dysentery, anemia, malaria, heart attack, typhoid fever, and HIV/AIDS also were common causes of death among prisoners.

The Government did not permit consistent independent monitoring of prison conditions. However, the governmental SCHR and Kenya National Commission on Human Rights (KNCHR), as well as the International Committee of the Red Cross had the authority to inspect prison facilities on demand at any time. The Government occasionally granted permission to domestic NGOs to visit prisons; however, obtaining such permissions was difficult. Some independent NGOs worked with the Government in evaluating torture cases and performing autopsies on deceased prisoners. On one occasion during the year, the Government allowed access to the media and permitted the use of television cameras.

d. Arbitrary Arrest, Detention, or Exile.—The Constitution prohibits such practices; however, police frequently arrested and detained citizens arbitrarily.

Police corruption was systematic and widespread. A July survey conducted by The Public Service Integrity Program found that the police force was viewed as the most corrupt entity within the society of the country. In May, the SCHR reported that police arrested petty offenders over the weekend “probably with the sole purpose of extorting bribes” and that police in conjunction with prosecutors resorted to “unexplained illegal confinements, extortion, torture, and the preferring of highly questionable and fabricated non-bailable charges” as a cover-up for malpractice. Police often held such detainees for lengthy periods without trial.

Impunity was a serious problem. In its May report, the SCHR noted the “systematic cover-up or attempted cover-up in cases involving allegations of torture, excessive use of force or extrajudicial shooting.” Officers were rarely prosecuted for using excessive force. Investigations by SCHR of numerous cases alleging torture revealed that “there was a code of silence under which officers failed to report brutality, destroyed evidence, or threatened witnesses in an effort to cover-up abuses, contributing to a climate of impunity.” Public officials at times made pronouncements calling on security forces to discharge their duties responsibly and to use restraint; however, such pronouncements had little effect on police behavior.

The authorities sometimes attributed the absence of an investigation into an alleged unlawful killing to the failure of citizens to file official complaints. However, the form required for filing complaints was available only at police stations, which often lacked the forms or were not forthcoming in providing them. There also was considerable public skepticism of a process that assigned the investigation of police abuse to the police themselves.

During the year, the Government took some steps to curb police corruption. The Government arrested and charged several police officers for various offenses, including murder, assault causing bodily harm, and corruption; however, the Government did not provide details on how many of these indicted police officers were tried, acquitted, convicted, or imprisoned. There also were some internal police investigations into the many killings of civilians by members of the security forces and some prosecutions; however, few were effective. To reduce inducements for corruption, in July, President Kibaki announced a 115 percent increase in police salaries, effective January 2004 and pledged to improve the living and working conditions of police. The starting salary for a police officer was \$61 (4,654 Kenyan shillings) a month.

The International Federation of Women Lawyers (FIDA) has trained more than 500 police officers about gender issues. The organization, as part of its ongoing police sensitization project, also had developed a curriculum on dealing with gender-based violence.

The Constitution provides that persons arrested or detained be brought before a court within 24 hours in noncapital offenses and within 14 days in capital cases. The Penal Code specifically excludes weekends and holidays from this 14-day period. The law does not stipulate the period within which the trial of a charged sus-

pect must begin. Indicted suspects often were held for months or years before being brought to court. Police from the arresting location were responsible for serving court summons and for picking up detainees from the prison each time the courts heard their cases. Police often failed to show up or lacked the means to transport the detainees, who then were forced to await the next hearing of their case.

The law provides that families and attorneys of persons arrested and charged are allowed access to them, although this right often was not honored (see Section 1.c.). Family members and attorneys may visit prisoners only at the discretion of the authorities, and this privilege often was denied. For those who were charged, it often was possible to be released on bail with a bond or other assurance of the suspect's return.

The police continued to conduct massive searches ("sweeps") for illegal immigrants, criminals, and firearms; citizens frequently accused police officers of soliciting bribes or falsely arresting individuals to extract bribes during such searches (see Section 1.f.). In August and September, police conducted several sweeps in the coastal cities and reportedly arrested 830 persons in Mombasa, 120 in Kilifi, and 83 in Lamu for illegal immigration or conducting business without a license. Community members criticized the manner in which the sweeps were conducted; an Imam charged that women and children were being arrested as they sat on their verandas during the sweeps.

During the year, police arrested some journalists and NGO members (see Sections 2.a. and 4).

Student protests and riots continued during the year and resulted in some arrests (see Section 2.b.).

Unlike in the previous year, there were no reports that the Government arrested opposition politicians for allegedly participating in illegal gatherings; however, an IMLU employee and 30 other persons were arrested for illegal assembly during the year (see Section 2.b.).

Unlike in previous years, there were no reports of the arbitrary arrest of members of the Mungiki; however, police arrested numerous criminal suspects who were members of the group.

During the year, most of the 511 illegal aliens detained during the June 2002 sweeps in Nairobi's Eastleigh area, home to a large Somali community, were released; the status of the remaining aliens was unknown at year's end.

Charges of inciting coffee farmers remained pending against James Orengo, who was arrested on questionable charges more than eight times between 1997 and 2001.

Pretrial detention remained a serious problem. In its 2002 report, the SCHR highlighted numerous cases of lengthy delays in the prosecution of cases against inmates held in pretrial detention, adding that pretrial detainees constituted "a large percentage of the prison population thereby overstressing the limited resources available to prisons." The Government reported that approximately 33 percent of the prison population were pretrial detainees; in its May report, the SCHR reported that 60 percent of the total prison population was made up of pretrial detainees. In a March news report, Commissioner of Prisons Abraham Kamakil claimed that the average time spent by suspects in pretrial detention on capital charges was approximately 16 months. Many detainees spend more than 3 years in prison before their trials were completed, often because they cannot afford even the lowest bail. Very few can afford attorneys. The Government has acknowledged cases in which persons have been held in pretrial detention for several years.

In March, the media reported that Joseph Kamau Njoroge had served 18 years in prison awaiting the outcome of his trial and that Wanjiku Kamandere had served 17 years in prison on pretrial detention; both men remained in custody at year's end.

During the year, Margaret Wanjiku Mugo and her five children, who had remained in detention since 2000 for the alleged killing of their husband and father, were acquitted of all charges and released.

e. Denial of Fair Public Trial.—The Constitution provides for an independent judiciary; however, in practice the judiciary often was corrupt and subject to strong influence from the executive branch. The President has extensive powers over appointments, including those of the Attorney General, the Chief Justice, and Appeal and High Court judges. The President also can dismiss judges and the Attorney General upon the recommendation of a special tribunal appointed by the President. Although judges have life tenure (except for the very few foreign judges who were hired by contract), the President has extensive authority over transfers.

During the year, the Government took steps to curb widespread judicial corruption. Two anti-corruption bills were passed: The Anti-Corruption and Economic Crimes Bill, which sets rules for transparency and accountability; and the Public Of-

ficer Ethics Bill, which requires high government officials and their spouses to declare their wealth. The Government established an anti-corruption authority to investigate and prosecute cases of corruption, and appointed an anti-corruption czar. Former Chief Justice Bernard Chunga and High Court Judge Samuel Oguk, both implicated for corruption and incompetence, retired. Chief Justice Evans Gicheru established internal committees to implement judicial reform. In its September 30 report, the Integrity and Anti-Corruption Committee, headed by High Court Judge Aaron Ringera, cited credible evidence of corruption against 5 of 9 Appeal Court judges and proof of graft and misconduct against 18 of 36 High Court Judges and 82 of 254 magistrates; 38 magistrates were suspended (although most resumed work during the year to alleviate the caseload backlog), and 40 others were transferred. The Government maintained that all those accused, whose names were withheld pending investigation, would be subject to prosecution; however, no legal charges were filed against any of the judges who were suspended or transferred by year's end.

The court system consisted of a Court of Appeals, a High Court, and two levels of magistrate courts, where most criminal and civil cases originated. The Chief Justice was a member of both the Court of Appeals and the High Court, thus undercutting the principle of judicial review. Military personnel were tried by military courts-martial, and verdicts may be appealed through military court channels. The Chief Justice appointed attorneys for military personnel on a case-by-case basis.

Civilians are tried publicly, although some testimony may be given in closed session. The law provides for a presumption of innocence, and defendants have the right to attend their trial, to confront witnesses, and to present witnesses and evidence. Civilians also can appeal a verdict to the High Court and ultimately to the Court of Appeals. Judges hear all cases. In treason and murder cases, the deputy registrar of the High Court can appoint three assessors to sit with the High Court judge. The assessors are taken from all walks of life and received a sitting allowance for the case. Although the assessors render verdicts, their judgments are not binding. Lawyers can object to the appointments of specific assessors.

Defendants do not have the right to government-provided legal counsel, except in capital cases. For lesser charges, free legal aid rarely was available, and then only in Nairobi and other major cities. As a result, poor persons may be convicted for lack of an adequate defense. Although defendants have access to an attorney in advance of trial, defense lawyers do not always have access to government-held evidence. The Government can plead the State Security Secrets Clause as a basis for withholding evidence, and local officials sometimes classified documents to hide the guilt of government officials. Court fees for filing and hearing cases were high for ordinary citizens. The daily rate of at least \$25 (2,000 Kenyan shillings) for arguing a civil case before a judge was beyond the reach of most citizens.

The country has Islamic courts that resolve disputes, adjudicate inheritance questions and marital issues, and handle other civil matters where all parties are Muslim and accept the court's jurisdiction. The Constitution provides for these courts, and states that "jurisdiction of a Kadhi's court shall extend to the determination of questions of Muslim law relating to personal status, marriage, divorce, or inheritance in proceedings in which all the parties profess the Muslim religion." There were no other customary or traditional courts in the country. However, the national courts used the customary law of an ethnic group as a guide in civil matters so long as it did not conflict with statutory law. This was done most often in cases that involved marriage, death, and inheritance issues and in which there was an original contract founded in customary law. For example, if a couple married under national law, then their divorce was adjudicated under national law, but if they married under customary law, then their divorce was adjudicated under customary law. Citizens may choose between national and customary law when they enter into marriage or other contracts; however, thereafter the courts determine which kind of law governs the enforcement of the contract. Some women's organizations sought to eliminate customary law because they felt it was biased in favor of men (see Section 5).

Critics of the Government—politicians, journalists, lawyers, and students—have been harassed through abuse of the legal process. There were 48 M.P.s, student leaders, or human rights activists who still had one or more court cases pending during the year (see Section 2.a.). Several cases involving opposition M.P.s, many of whom became members of the Government after the 2002 NARC election victory, have been pending for years, with the courts repeatedly postponing the hearings, thereby requiring the M.P.s to appear periodically in court or risk fines or imprisonment.

The Attorney General's constitutional power to discontinue proceedings in private prosecution cases was a problem. Arguing that citizens must first notify his office

before initiating private prosecution, Attorney General Amos Wako used this authority during the year to terminate a case against M.P. Anthony Ndilinge.

There were no reports of political prisoners. However, some NGOs alleged that police arrested and jailed political and human rights activists on spurious charges to curb their activities. In 2002, human rights activists Nicodemus Mutuki and Alois Mwaiwa Muia were acquitted of murder charges following mob violence that left one person dead; however, an appeal to the acquittal was filed and remained pending.

During the year, the Government released the remaining five members of the February 18 Movement (FEM) and its military wing, the February 18 Revolutionary Army (FERA); the five were arrested in 1995 along with hundreds of other suspected members on charges of attempting to overthrow the Government. The Government charged that FEM and FERA were part of a guerrilla movement led by a citizen in exile in Uganda, a charge the Ugandan government denied.

f. Arbitrary Interference with Privacy, Family, Home or Correspondence.—The Constitution prohibits such practices; however, authorities sometimes infringed on citizens' privacy rights. Although the Constitution provides that "no person shall be subjected to the search of his person or his property or the entry by others on his premises," it permits searches without warrants "to promote the public benefit." The Police Act permits police to enter a home forcibly if the time required to obtain a search warrant would "prejudice" their investigation. Although security officers generally obtained search warrants, they occasionally conducted searches without warrants to apprehend suspected criminals or to seize property believed to be stolen. Citizens frequently accused police officers of soliciting bribes during searches or of falsely arresting individuals to extract bribes.

The police continued to conduct massive sweeps for illegal immigrants and firearms in residential neighborhoods of major cities (see Section 1.d.). Residents complained that police who entered homes on the pretense of searching for weapons often asked for radio, television, and video receipts and permits, then demanded bribes to refrain from confiscating those items in the absence of such documents.

Unlike in the previous year, there were no reports that police conducted sweeps of street families and children. Most of the approximately 100 street persons arrested during a 2002 sweep were released during the year; the others were charged with petty offenses. No further information was available.

Security forces monitored closely the activities of dissidents, following or otherwise harassing them. They employed various means of surveillance, including a network of informants to monitor the activities of opposition politicians and human rights advocates. Some opposition leaders, students, journalists, and others continued to report that the Government subjected them to surveillance and telephone wiretaps.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution provides for freedom of speech and of the press; however, the Government sometimes restricted these rights. Security forces harassed, beat, and arrested members of the media during the year; however there were fewer such reports than in previous years. The regulatory framework for broadcast media allowed abuse and manipulation in the issuance, withholding, and revoking of broadcast permits and frequencies. Police sometimes dispersed demonstrators to prevent criticism of the Government, and journalists covering such events often were present during the dispersal (see Section 2.b.). In spite of these pressures, the press, civic organizations, and opposition parties continued to present their views to the public, particularly in the print media. Journalists practiced self-censorship.

The Government broadly interpreted existing laws to restrict freedom of expression. Both the Constitutional prohibition of debates on issues under consideration by the courts and the ruling by the Speaker of the House against parliamentary debate of certain aspects of Presidential conduct limited the scope of deliberation on a number of political issues.

During the year, the three police officers fired in 2002 for reportedly holding a private political discussion were reinstated in the police department.

Charges against M.P. David Manyara, who was arrested in April 2001 and charged with "incitement" after a speech he gave at an opposition rally, were pending at year's end; Manyara was arrested on separate charges during the year (see Section 1.a.).

In general, the print media remained candid and independent. The mainstream print media included four daily newspapers that reported on national politics: The independent Nation, which published articles generally critical of government policies; the East African Standard, which previously reflected KANU party views, but was more independent during the year; the People Daily, which was owned by an

opposition politician and was highly critical of the Government; and the Kenya Times, which generally reflected KANU party views. There also were numerous independent tabloid or “gutter” periodicals, which appeared irregularly and were highly critical of the Government. Reporting in these tabloids ranged from revealing insider reports to unsubstantiated rumormongering.

The government-owned Kenya Broadcasting Corporation (KBC), the country’s oldest broadcaster, was the only station with a national network of broadcast and cable television, AM and FM radio, and short-wave broadcasts. KBC generally did not criticize the Government; however, since the August arrival of its new managing director, KBC coverage was somewhat more balanced. KBC’s monopoly on national broadcasting continued to severely limit the ability of opposition leaders and other critics of the Government to communicate with the electorate outside the capital. Stations operated by other media companies, including 12 radio stations, operated primarily in Nairobi and its outlying areas.

Kenya Television Network (KTN), which was owned by KANU supporters, aired news programs with more balanced political coverage than KBC; it broadcast in Nairobi, Mombasa, and Nakuru. Stellavision, which also was owned by KANU supporters, rebroadcast SKY TV and British Broadcasting Corporation (BBC) world news in Kisumu, Mombasa, and Nairobi. Other TV stations in operation in Nairobi were Nation-TV, associated with the Nation newspaper group, and Family, a Christian-oriented broadcaster. Citizen TV and Citizen Radio broadcast generally objective news programs. Family TV and Radio broadcast in the Nairobi metropolitan area; Nation Television also broadcast in Mombasa, providing independent media coverage.

During the year, the print media, which has been relatively independent for decades, continued to expand. The Government also continued its efforts to loosen control over electronic broadcast media in and around Nairobi, while maintaining its dominance of broadcast services to regional towns and rural areas, where the majority of the country’s population lived. In January, the Government repossessed several dormant frequencies from various companies, including 60 from the national broadcaster KBC, to redistribute such frequencies. Some radio and television stations also began operating in markets outside of Nairobi during the year. For example, the Nation was granted radio frequencies to broadcast in Mombasa, Nakuru, Timboroa, and Nyeri, and programming by the Catholic Church radio station, which began broadcasting in Nairobi, reached areas beyond the city into Murang’a, Naivasha, Machakos, Makeni, Kajiado, and parts of Nyeri, Isinya, and Ol Donyo Sabuk.

Representatives of the international media remained free to operate; 120 international correspondents worked in the country, and approximately 100 media organizations reported out of Nairobi without official interference.

Security forces harassed, beat, and arrested members of the media during the year; however, there were fewer such reports than in previous years. Police dispersed demonstrators to prevent criticism of the Government, and journalists covering such events often were present during the dispersal (see Section 2.b.). The Government also used selective prosecution of journalists under a colonial-era section of the Penal Code that criminalizes the publication of information likely to cause fear or alarm.

On March 9, GSU officers reportedly assaulted BBC and Daily Nation reporters, who were covering a peaceful protest in Turkana, and seized their equipment (see Section 2.b.). The journalists reported the incident to police; however, apart from the transfer of one GSU officer, no action had been taken by year’s end.

On September 29, police arrested East African Standard journalists Tom Mshindi, David Makali, and Kwamchetsi Makokha for publishing an article about the confession of suspects in the killing of University of Nairobi professor Crispin Mbai (see Section 1.a.); the three journalists were charged with violating a Penal Code section which precludes the publishing of “any false statement, rumor or report which is likely to cause fear and alarm to the public or disturb the peace.” Police subsequently interrogated the journalists to determine the source of their report on Mbai’s killing, which some observers believed was politically motivated. Several M.P.s criticized the arrests, which the Kenya Union of Journalists charged were an effort by the Government to intimidate the press. Mshindi and Makokha were released the day of their arrest. Makali, who was charged with stealing public property—a cassette containing the transcript of a police interrogation—was eventually released.

No action was taken against supporters of the now defunct National Development Party, who in March 2002 beat Nation journalist Odhiambo Orlale with clubs, or in the September 2002 beating of a television crew by persons attending a political rally organized by the opposition “Rainbow Alliance.”

There were no developments in the investigation of the April 2002 beating in Nairobi of People Daily photographer Collins Kweyu by city council guards.

In May 2002, Parliament passed a controversial bill regulating the media. Under the act, commonly known as the "Media Bill," publishers were required to purchase a bond of \$12,800 (one million Kenyan shillings) before printing any publication and to deposit copies of their newspapers and books with a registrar within 2 weeks of publication. The bond amount was a 100-fold increase over the previous bond amount of \$128 (10,000 Kenyan shillings). The law makes it a crime to sell or distribute publications not deposited or bonded, under penalty of a fine of \$256 (20,000 Kenyan shillings) or 6 months' imprisonment. Some members of the media were concerned that the Government would use this law, the Books and Newspapers Act, and the Official Secrets Act to stifle freedom of expression.

The regulatory framework for broadcast media allowed abuse and manipulation in the issuance, withholding, and revoking of broadcast permits and frequencies. The Government, through the Communication Commission of Kenya (CCK), continued to delay action on a number of radio and television license applications on the grounds that it was reorganizing and regularizing its licensing procedures. The CCK regulated frequency allocations, while the Ministry of Transport and Communications issued licenses. The Ministry has licensed 33 organizations (6 of which were KBC companies) to broadcast, and the CCK has allocated frequencies to a total of 9 television and 18 radio stations, although some were not broadcasting at year's end. During the year, the Government granted Nation Media a nationwide broadcasting license; in 1999, Nation Media had sued the Government for permission to broadcast radio and television nationwide. In 2001, the Government announced that it would not issue any more licenses to broadcast in Nairobi until new policies were in place. According to the Ministry, there were 120 applications for Radio/TV licenses pending at the end of 2001.

Some stations with previously issued licenses began broadcasting during the year. In July, the Catholic Church began broadcasting by radio and television in Nairobi; however, it continued to seek frequencies in Mombasa, Nyeri, and Kisumu. Private organizations that have been issued frequencies to broadcast but had not yet done so included the Pentecostal Church, Pete Aviation, and Maritime Media Services. Despite licensing the East African Television Network (EATN) to broadcast, the Government continued to block EATN from using the frequencies over a dispute and the case was pending in the courts at year's end.

In 2001, the CCK closed the offices of Citizen broadcasts and confiscated its equipment, allegedly for unpaid licensing fees and improper use of communications equipment. During the year, CCK returned the equipment to Royal Media, the parent company of Citizen Radio and Television.

During the year, public officials used libel laws to attack publications directly critical of actions by government officials. M.P. Nicholas Biwott sued KTN for reporting that he was implicated in the 1990 murder of Foreign Minister Robert Ouko, and Statehouse Comptroller Matero Keriri sued the Kenya Times for reporting that he had engaged in a fight with a member of the presidential escort. Printers and distributors were equally responsible with publishers and authors for libelous content in publications and books. Further interpretation of libel laws and related legislation also has made retail stores equally liable should the material in question be found libelous.

Former President Moi's 2001 libel suit against a former U.S. Ambassador, who wrote a book that alleged Moi was involved in the 1991 murder of Foreign Minister Robert Ouko, still was pending in court at year's end.

While there was no overt official government pressure on journalists, individual journalists reported that they were pressured by government officials and other influential persons to avoid reporting on issues that could harm the interests of these persons or expose their alleged wrongdoings. Some editors and journalists reportedly practiced self-censorship because of government pressure or bribes; there also were credible reports that journalists accepted payments to report or withhold certain stories, some of which were fabricated.

Sedition was not grounds for censorship of publications; however, the Prohibited Publications Review Board reviewed publication bans. A number of publications remained banned, including such works as "The Quotations of Chairman Mao Zedong" and Salman Rushdie's "Satanic Verses." Unlike in the previous year, there were no reports that plays were banned.

The Government did not restrict access to the Internet. There were approximately 20 domestic Internet service providers (ISPs) that generally were privately owned. Although liberalization of Internet communications continued, Internet access in the country continued to be limited by the parastatal Telkom, which has a monopoly on satellite uplinks. All ISPs were required to use the communications parastatal

to connect to the Internet. There were no reports of Telkom interfering with the content of Internet transmissions.

The Government and school administrators on occasion limited academic freedom; however, the Government took steps during the year to limit such interference. Most post-secondary students attended government-run institutions, partly because of their lower fees. During the year, President Kibaki ceded the role of chancellor of all state universities and appointed chancellors for each of the country's six public universities. A number of student activists have been expelled from universities in previous years because of political activities; however, most of these students had been readmitted by year's end. Students claimed that the Government interfered in student elections to ensure sympathetic student leaders. In March, some members of the Students Organization of Nairobi University (SONU) protested the outcome of their group's elections, charging that university administrators rigged the polls; the elections were SONU's first in 2 years since the former Government banned the group.

b. Freedom of Peaceful Assembly and Association.—The Constitution provides for freedom of assembly; however, the Government restricted this right in practice. Organizers must notify the local police in advance of planned public meetings, and authorities may cancel such gatherings only if there are simultaneous meetings previously scheduled for the same venue, or if there are specific security threats; however, authorities continued to disrupt public demonstrations and meetings about which the police had been informed in advance, often characterizing them as “illegal” gatherings.

On March 13, security forces arrested an IMLU employee and 30 other persons for holding an illegal assembly and inciting violence; the group had provided local police with advance notice of their meeting.

During the year, police used excessive force to disperse demonstrations. For example, on March 9, GSU officers violently dispersed a demonstration in Turkana to protest insecurity along the Kitale-Sudan road; one person was killed, and another was injured. The GSU also assaulted two journalists covering the demonstration (see Section 2.a.). No action had been taken against the responsible GSU officers by year's end.

In May, police in Thika shot a man in the arm while they attempted to quell a riot following a meeting of the Samuru Gituto Farmers Cooperative Society. The injured man demanded the arrest and arraignment of the officer; an investigation was ongoing at year's end.

On September 15, police mounted roadblocks and fired tear gas into 3 buses carrying approximately 300 university students, who were traveling to a demonstration to protest the September 14 killing of Crispin Odhiambo Mbai (see Section 1.a.). Police reportedly whipped the students as they fled the buses to escape the gas.

Police also used excessive force to disperse strikes during the year, which resulted in one death (see Section 6.b.).

The investigation into the February 2002 violent dispersal of a demonstration organized by the Center for Human Rights and Civic Education in Mwingi District was ongoing at year's end. No action was taken against security forces responsible for the violent dispersal of numerous other demonstrations in 2002 and 2001.

Police prevented some political and civil society activities from occurring during the year. For example, on March 29, police barred teachers in Kiambu from convening a meeting to call a strike over the Government's failure to implement the salary raise it had promised.

In July, police prevented Gideon Moi, an M.P. and the son of the former President, from holding a rally for his constituents. The Government claimed its action had been taken for Moi's safety.

Violent incidents continued between pro-government supporters and opposition supporters during the year, mainly during by-elections; political parties reportedly used gangs of young followers to harass other parties and to prevent them from holding meetings or events.

No action was taken against the armed youth who attacked Ford People officials attempting to assemble in April 2002.

The Government continued to use the Societies Act to restrict freedom of association. The act requires that every association be registered or exempted from registration by the Registrar of Societies. Approximately 40 political parties were registered; however, the Government continued to refuse to reverse its 1994 denial of registration of the Islamic Party of Kenya (IPK), which has not resubmitted an application to register since NARC came to power in 2002.

The Mungiki, who were banned along with a number of other vigilante groups in 2002, remained banned. Mungiki espoused political views and cultural practices that were controversial to mainstream society; however, many observers character-

ized the Mungiki as a vigilante group or gang because of the criminal activities of some of its members as well as their reported harassment and intimidation of residents in areas where the group was active (see Section 1.a.). The number of Mungiki members was unknown, but the group had a significant following among the unemployed and other marginalized segments of society. Other groups that remained banned included the Kamjesh, Chinnololo, Sanina Youth, Baghdad Boys, Jehila Embakai, Jeshi la Mzee, Nmachuma, and the Taliban.

c. Freedom of Religion.—The Constitution provides for freedom of religion, and the Government generally respected this right in practice; however, while groups generally were allowed to worship freely, the Government at times interfered with other activities by religious groups.

The Government required religious organizations to register with the Registrar of Societies, which reported to the Office of the Attorney General. The Government allowed traditional indigenous religious organizations to register, although many chose not to do so. Religious organizations generally received equal treatment from the Government; however, some small splinter groups have found it difficult to register due to their inability to define their status as more than an offshoot of a larger religious organization. The Government has not granted registration to the Tent of the Living God, a small Kikuyu religious group banned during the single party-era; however, membership in the Tent of the Living God has diminished greatly.

Unlike in the previous year, there were no reports that civil servants who were Seventh-Day Adventists were suspended from their jobs for refusing to perform official duties on a Saturday or that students were suspended for refusing to take tests on Saturdays.

Practicing witchcraft reportedly was a criminal offense under colonial-era laws; however, persons generally were prosecuted for this offense only in conjunction with some other offense, such as murder. Unlike in previous years, there were no reports that police arrested persons for practicing witchcraft. Witchcraft traditionally has been a common explanation for diseases for which the causes were unknown. The practice of witchcraft was understood widely to encompass attempts to harm others not only by magic, but also by conventional means such as poisons. Although many traditional indigenous religions included or accommodated belief in the efficacy of witchcraft, they generally approved of harmful witchcraft only for defensive or retaliatory purposes and purported to offer protection against it.

Muslim leaders continued to charge that the Government was hostile toward Muslims. In April, the National Constitutional Conference convened to draft a new constitution and to consider a draft constitutional provision that would expand the jurisdiction of the Kadhis' courts. Several thousand Muslims demonstrated peacefully across the country to demand that the Kadhis' courts be enshrined by the new constitution; however, the proposal to expand the jurisdiction and role of the Kadhis' courts in the constitution faced stiff opposition, particularly from Christian clerics, who charged that Muslims would be given preferential treatment if Kadhis' courts were incorporated into a new constitution. The debate on the issue, which highlighted latent religious animosities between the country's Muslims and Christians, was ongoing at year's end.

Muslims continued to complain that non-Muslims received better treatment when requesting citizenship documents. According to Muslim leaders, government authorities scrutinized more rigorously the identification cards of persons with Muslim surnames and required them to present additional documentation of their citizenship, such as birth certificates of parents and, sometimes, grandparents. The Government has singled out the overwhelmingly Muslim ethnic Somalis as the only group whose members were required to carry an additional form of identification to prove citizenship. Ethnic Somalis must produce upon demand their local identification card and a second identification card verifying screening; both cards were required to apply for a passport. This heightened scrutiny appeared to be due to an attempt to deter illegal immigration, rather than due to the religious affiliation of ethnic Somalis. In 2002, former President Moi announced that the Government had stopped screening ethnic Somalis and that the Government instead would rely on local elders and leaders to determine the citizenship of ethnic Somalis. However, it was unclear whether this policy was being enforced.

Wanjiru Nduhiu, the leader of an unregistered Kikuyu group, charged in 2002 with urging her followers to renounce Christianity and revert to traditional beliefs and practices such as FGM, remained in custody awaiting trial at year's end; during the year, the charges against her were reduced to "incitement."

During the year, the African Independent Pentecostal Church of Africa (AIPCA) continued repossessing its schools that had been seized by the British colonial government.

There generally was a great deal of tolerance among religious groups; however, there were a few instances of violence between Christian and Muslim groups, and Muslims continued to perceive themselves treated as second-class citizens in a predominantly Christian country.

On June 13, Muslims in Bura Division of Tana River District reportedly burned down five churches after an Islamic preacher was arrested and briefly interrogated by police. The cleric had converted to Islam from Christianity and had reportedly angered the Christians in the area with his teachings against Christianity; he was released from police custody at the request of an M.P. Reverend Simon Mgumba of the Pentecostal Evangelism Fellowship of Africa, one of the churches that was burned, said his congregation was diminishing after the incident, due to fears of additional attacks. Reconciliation efforts between the communities were underway at year's end.

There were several disputes over land ownership and institutional conflicts between rival religious factions during the year; some resulted in violence.

On March 16, Joseph Okech was killed in a fight during Sunday services between two factions of St. Stephen's Church in Dandora, Nairobi. The conflict reportedly came about as a result of a leadership struggle. However, church leaders contended that non-church members were actually responsible for the incident, which remained under investigation at year's end.

On May 11, rival factions of the African Independent Pentecostal Church of Africa in Nyeri clashed violently, and several worshippers were injured. The two factions were aligned to two feuding archbishops.

The 2002 land use dispute between Egerton University and the Africa Inland Church (AIC) had not been resolved by year's end.

For years Muslims and Christians have held an open debate over their respective places in society. Each group claimed to have a larger number of adherents than was plausible, and some Muslim groups believed that the Government and business communities deliberately impeded development in predominantly Muslim areas. Some Muslim leaders claimed that discrimination against Muslims has resulted in a greater incidence of poverty among Muslims than among other religious groups; however, there was no statistical evidence to support this claim.

For a more detailed discussion, see the 2003 International Religious Freedom Report.

d. Freedom of Movement within the Country, Foreign Travel, Emigration, and Repatriation.—By law citizens may travel freely within the country, and there were no reported violations of this right. However, police routinely stopped vehicles and checked vehicle safety and driver documents on roads throughout the country. Police often demanded bribes at such checkpoints. Ethnic Somalis must produce upon demand their local identification card and a second identification card verifying screening; both cards were required to apply for a passport (see Section 2.c.).

The Government did not restrict foreign travel or emigration; however, the law requires a woman to obtain her husband's or father's permission to obtain a passport. In practice, adult women often were able to circumvent this restriction by claiming to be unmarried. Civil servants and M.P.s must get government permission for international travel, which generally was granted routinely.

The majority of the estimated 400,000 persons displaced or forced to relocate during the early 1990s because of ethnic violence were believed to have returned to their homes or moved elsewhere; however, some still were waiting to return home at year's end. Many of the rural residents displaced by the violent ethnic clashes in Rift Valley between 1991 and 1993 still have not returned to their homes and remain displaced in urban areas. Some of the several thousand persons displaced by ethnic clashes since then also have not returned to their homes due to fear of renewed violence (see Section 5).

The law does not provide for the granting of asylum or refugee status to persons who meet the definition in the 1951 U.N. Convention Relating to the Status of Refugees or its 1967 Protocol; however, in practice, the Government provided protection against refoulement and granted refugee status or asylum. The Government cooperated with the U.N. High Commissioner for Refugees and other humanitarian organizations in assisting refugees. The UNHCR granted refugee status to Somali refugees at the Dadaab camps and to Sudanese refugees arriving at the Kakuma camp. A UNHCR eligibility committee in Nairobi performed a similar function for individuals of other nationalities. The Government also provided temporary protection to certain individuals who fall outside of the definition of the 1951 U.N. Convention Related to the Status of Refugees or its 1967 Protocol. The Government provided temporary protection to the approximately 200,000 refugees registered by UNHCR who lived in official UNHCR camps. An undetermined number of refugees lived outside the camps in cities and rural areas. Somalis accounted for approximately 64 percent of

the total refugee population, followed by large numbers of Sudanese and smaller numbers of other nationalities from across the region.

The Government required that all refugees reside at designated camps, most of which were located near the Somali and Sudanese borders, unless granted permission to live elsewhere in the country, primarily to attend higher education institutions, undergo medical treatment, or avoid security threats at the camps. However, many refugees lived illegally outside the camps, especially in Nairobi.

Incidents of rape of women and girls in refugee camps continued to occur (see Section 5). Many rapes occurred when women and girls collected firewood and building materials outside the camps; however, reported rapes declined during the year.

Acts of violence, including banditry and shootings, occurred frequently near the camps. Refugees have been mistreated and abused by citizens and by residents of different refugee camps because of ethnic and religious differences. Interclan violence frequently erupted among rival Somali clans at the camps (see Section 5); family members also may subject Somali refugees who marry non-Muslims to abuse.

Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government

The Constitution provides citizens with the right to change their government through free and fair multiparty elections; this right was realized fully only in December 2002, when citizens chose a new president through an election for the first time since former President Moi came to power in 1978. The December 2002 multiparty general elections were the country's third for presidential, parliamentary, and civic seats. Five presidential candidates contested the elections, but the main contestants were KANU candidate Uhuru Kenyatta and NARC candidate Mwai Kibaki, a former Vice-President and Minister of Finance in former President Moi's government. NARC was a coalition of more than a dozen political parties, including former members of KANU who defected, that formed a united front to contest the December general elections. Since independence in 1963, KANU had continuously controlled both the presidency and the national legislature. President Kibaki won 61.9 percent of the vote in the election, which was largely peaceful and determined by international observers to reflect the will of the people. In the December 2002 elections for the 222-member National Assembly, 210 seats were filled by election and 12 seats filled by nomination. By year's end, the NARC coalition held 132 seats (7 nominated); KANU held 68 seats (4 nominated); Ford-P held 15 seats (1 nominated); Safina, Ford-A, and Sisi held 2 seats each; and Shiriksho held 1 seat. Observers concluded that the elections broadly reflected the popular will and were free and fair.

During the year, five parliamentary seats were left vacant because of the death of their holders; NARC candidates won elections for all vacated seats. President Kibaki named M.P. Moody Awori to replace Vice President Michael Wamalwa, who died during the year; Awori was also the Minister for Home Affairs.

During 2002, there were active political campaigns throughout the year, some of which were marred by violence. The former Government used physical beatings, arbitrary arrest, and prosecution to harass and intimidate opposition M.P.s, and political violence and intimidation, often with ethnic undertones, increased during the run up to the elections; however, the level of election-related violence was substantially less than in the previous two general elections. The freedoms of assembly and of speech often were restricted as opposition leaders complained their activities were being targeted and their views were not being covered sufficiently by KBC. The Government's domination of domestic broadcast media, especially outside major urban centers, continued to restrict the ability of opposition politicians to communicate with citizens (see Section 2.a.). Police or organized youth gangs disrupted or forced the cancellation of a number of opposition meetings and rallies during the campaign, and politicians and public servants routinely warned political rivals against campaigning in their areas.

At the local level, President Kibaki increased funding for provincial and district governments. However, like President Moi, he continued to exercise tight control over local administrations. The President appoints both the powerful provincial and district commissioners as well as numerous district and village officials. Elected local councils exist, but the central Government continued to restrict their functions. Although rural and municipal councils are authorized by law to provide a wide range of health, education, and infrastructure services, in practice, their functions were limited to partial oversight of schools, secondary and tertiary roads, markets, and natural resources such as forests. Most councils lacked sufficient financial autonomy and revenues to adequately perform even these limited functions.

At the national level, the Constitution authorizes the President to dissolve the legislature and prohibits debate on issues under consideration by the courts (see Section 2.a.). M.P.s were entitled to introduce legislation, but in practice it generally

was the Attorney General who did so. President Kibaki exercised considerably less influence over the legislative agenda than did former President Moi. The National Assembly had the power to hire its own staff and to vote its own budget. In 2000 the National Assembly passed implementing legislation to establish the Parliamentary Service Commission, which fully exercised its power to hire staff and establish a budget in 2002.

During the year, the Constitution of Kenya Review Commission (CKRC) continued its review of proposed language in the country's new constitution; however, the Government suspended the second of its two sessions held during the year. Several NGOs continued to conduct civic education programs on the constitutional reform process.

Although there were no legal restrictions, traditional attitudes circumscribed the role of women in politics; however, the December 2002 elections increased the number of women in politics. At year's end, there were 15 female M.P.s, (7 elected and 8 nominated) in the 222-seat National Assembly, 3 female ministers, and 3 female assistant ministers. In February, Alice M.W. Kagunda was appointed Senior Deputy Commissioner of Police, making her the first woman in the country's history to hold the position.

The 5 largest ethnic groups represented 70 percent of the population and held 167 of the 222 National Assembly seats. The remaining 37 ethnic groups represented 30 percent of the population and held 55 seats; 4 of the 25 ministers and 6 of the 27 assistant ministers were from the smaller ethnic groups.

Section 4. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A number of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials were somewhat cooperative and responsive to their views; however, there were some reports that government officials intimidated and threatened to disrupt NGO activities, and that less established NGOs, particularly those in rural areas, were subjected to interference from provincial administrators and security forces.

Approximately 15 NGOs actively advocated for human rights in the country. Several NGOs maintained comprehensive files on human rights abuses. A number of attorneys represented the indigent and human rights advocates without compensation, although they could handle only a small percentage of those who needed assistance, and were concentrated chiefly in Nairobi and other large cities. The Government allowed human rights organizations to witness some autopsies of persons who died in police custody. The Attorney General's Office generally responded in detail to foreign embassies' human rights inquiries. Some local human rights NGOs complained that the Attorney General's office and other government offices often were not responsive to their inquiries; however, there were fewer such complaints than during the previous government.

During the year, members of the Government publicly criticized NGOs, accused them of incompetence and fraud, and called for increased government regulation of such groups. Unlike in previous years, the Government did not use the governmental NGO Coordination Board to put pressure on the nongovernmental National NGO Council. All district governments monitored NGOs within their districts with a view to ensuring that NGOs either advance government-approved objectives or cease to operate; however, NGOs did not report an increase in government monitoring during the year.

On December 31, security forces arrested an IMLU employee who visited a police station to ask about a case; the employee, who was released the following day, was accused of creating a disturbance. On March 13, security forces also arrested an IMLU employee and 30 other persons for holding an illegal assembly and inciting violence (see Section 2.b.).

Some civil society activities were disrupted during the year (see Section 2.b.); however, unlike in the previous year, there were no reports that police raided local NGOs, seized their documents, or interrogated members of their staffs.

The KHRC produced its "Quarterly Human Rights Report" that cataloged the human rights situation in the country, as well as special reports on pressing human rights problems. The Institute for Education in Democracy and other NGOs monitored elections in cooperation with the Electoral Commission and diplomatic missions.

In July, the KNCHR was established to succeed the SCHR; the move was a result of 2002 legislation drafted by the Attorney General and the SCHR with the help of NGOs and civil society. The responsibilities of the KNCHR, which was created by an Act of Parliament, were the same as those held by the SCHR, which was cre-

ated by presidential decree—including investigating complaints of abuse, informing and educating citizens on human rights issues, and advising the Government on compensation for victims of abuse. Unlike the SCHR, which was filled mostly with staff on secondment from the Government, the KNHRC's nine commissioners were recruited mainly from human rights and other civil society organizations. As such, the KNCHR was more independent of executive control and better funded.

Section 5. Discrimination Based on Race, Sex, Disability, Language, or Social Status

The Constitution prohibits discrimination on the basis of a person's "race, tribe, place of origin or residence or other local connection, political opinions, color, or creed;" however, government authorities did not enforce effectively many of these provisions. There was credible evidence that some government officials at least have tolerated and in some instances instigated ethnic violence on a smaller scale. The SCHR stated in its 2002 general report that "many undisputed reports indicate that leaders and senior public servants have continued to mismanage their freedom of expression by making inflammatory and inciting statements with far reaching consequences." The report also noted that "incitement has played and continues to play a very significant role in the genesis, escalation and recurrence of ethnic conflicts."

Women.—Domestic violence against women was a serious and widespread problem. Press accounts of such violence, sometimes resulting in the death of women, were reported frequently. According to the Government, there were 951 rape cases between January and May, an increase from the same period in 2002, when 784 rape cases were reported. The Police Department attributed the upsurge to increased reporting by rape victims; however, available statistics probably underreported the problem since social mores discouraged women from going outside their families or ethnic groups to report sexual abuse. In August, FIDA reported an increase in rape and defilement cases during the year, particularly in rural areas, and noted that rape cases alone had tripled from the previous year. According to a study by The Center for Human Rights and Democracy in Eldoret, 60 percent of rape cases in the North Rift region were not reported because women feared unfair treatment by police. A 2001 study by Kangemi Women Empowerment Centre, a small group based in one of Nairobi's largest low-income communities, claimed that three out of five women in the community were victims of domestic violence, and that one-third of the women had suffered sexual abuse in 2001. The study noted that the abused women rarely reported the violations, because they believed perpetrators would not be punished, and no protective or remedial action would be taken. Although the validity of these two studies was unproven, the basic figures supported other published figures as well as numerous press accounts and anecdotal evidence. Police typically viewed violence against women as a family matter, not a crime.

The law carries penalties of up to life imprisonment for rape, although actual sentences usually were no more than 10 years. The rate of prosecution remained low because of cultural inhibitions against publicly discussing sex, fear of retribution, disinclination of police to intervene in domestic disputes, and unavailability of doctors who otherwise might provide the necessary evidence for conviction. Moreover, wife beating was prevalent and largely condoned by much of society. Traditional culture permitted a man to discipline his wife by physical means and was ambivalent about the seriousness of spousal rape. There was no law specifically prohibiting spousal rape.

In September, Robinson Githae, the Assistant Minister for Justice and Constitutional Affairs, criticized the increasing demand by courts for DNA tests in rape cases. Githae, who noted that the country's only DNA testing center (the Kenya Medical Research Institute) required 3 to 6 months to complete a single test, charged that requiring such tests was tantamount to giving "licenses to rapists to rape our women."

There continued to be incidents of rape of refugee Somali women at the Dadaab refugee camps (see Section 2.d.). According to the UNHCR, refugee women reported 70 rapes during the first 11 months of 2001, compared with 82 rapes in 2000.

The law prohibits FGM, also referred to as "female genital cutting," for girls under 18 and forced FGM on girls or women of any age; however, FGM was practiced by certain ethnic groups and remained widespread, particularly in rural areas. According to a 2001 report by the Government and UNICEF, 38 percent of women nationwide have undergone FGM; however, according to the women's rights organization Maendeleo Ya Wanawake ("Development of Women" in Swahili), the percentage of girls undergoing the procedure was as high as 80 to 90 percent in some districts of Eastern, Nyanza, and Rift Valley provinces. FGM usually was performed at an early age. The press reported severe injuries to several girls from the practice of FGM. On September 3, the Daily Nation reported that a mother in Meru North District was reportedly forced by her in-laws to circumcise herself in order to save

her marriage when her husband left her for not being circumcised. Former President Moi issued two presidential decrees banning FGM, and the Government prohibited government-controlled hospitals and clinics from practicing it.

Various communities have instituted “no cut” initiation rites for girls as an alternative to FGM. The Family Planning Association of Kenya (FPAK) established such a rite called *Ntanira na Kithomo* (initiate me through education) in Nyambene in Meru; some Marakwet and Maasai communities also have instituted similar rites of passage. According to the FPAK, its program contributed to a 13 percent decline in the prevalence of FGM in Meru North District. However, in 2002, girls sought refuge at the Centre for Human Rights and Democracy (CHRD) in Eldoret to escape undergoing FGM. They were among a group of 350 girls who had participated in an alternative rite of passage in 2001 and were being threatened by family members with FGM. CHRD secured a court injunction against the girls’ parents preventing them from forcing the girls to undergo FGM.

Prostitution is illegal; however, it was a problem and was perpetuated by poverty. Prostitution has contributed to the spread of HIV/AIDS, which affected approximately 13 percent of the population. In June 2002, the U.N. Program on HIV/AIDS (UNAIDS) reported that 30 percent of pregnant women in Embu District in Eastern Province were HIV-positive, making it the area with the highest rate of infection in the country.

Trafficking in women was a problem (see Section 6.f.).

Sexual harassment in Export Processing Zones (EPZs) was a problem (see Section 6.e.).

Women experienced a wide range of discriminatory practices, limiting their political and economic rights and relegating them to second-class citizenship. The Constitution provides equal rights to men and women and specifically prohibits discrimination on grounds of gender; however, constitutional provisions allow only males to transmit automatically citizenship to their children. The Government has not passed enabling legislation to implement international conventions on women’s rights. In 2002, the Attorney General submitted to Parliament three bills designed to protect women’s rights—The Domestic Violence (Family Protection) Bill; the National Commission on Gender and Development Bill; and The Equality Bill—all were debated but were pending at year’s end.

Women continued to face both legal and de facto discrimination in other areas. For example, a married woman legally was required to obtain the consent of her husband before obtaining a national identity card or a passport (see Section 2.d.).

The Law of Succession, which governs inheritance rights, provides for equal consideration of male and female children; however, in practice most inheritance problems did not come before the courts. Women often were excluded from inheritance settlements, particularly if married, or given smaller shares than male claimants. Moreover, a widow cannot be the sole administrator of her husband’s estate unless she has her children’s consent. Most customary law disadvantages women, particularly in property rights and inheritance. For example, under the customary law of most ethnic groups, a woman cannot inherit land and must live on the land as a guest of males who were relatives by blood or marriage. Wife inheritance was practiced in some communities, which restricted a woman’s right to choose her mate and placed her at risk of contracting a sexually transmitted disease such as HIV/AIDS.

Women made up approximately 75 percent of the agricultural work force and have become active in urban small businesses. Nonetheless, the average monthly income of women was approximately two-thirds that of men, and women held only six percent of land titles. Women had difficulty moving into nontraditional fields, were promoted more slowly than men, and were laid off more. Societal discrimination was most apparent in rural areas.

A growing number of women’s organizations were active in the field of women’s rights, including FIDA, the National Council of Women of Kenya, the National Commission on the Status of Women, the Education Center for Women in Democracy, and the League of Kenyan Women Voters. The Women’s Political Caucus continued to lobby over matters of concern to women and to increase the influence of women on government policy.

Children.—Until January when the Government instituted tuition-free primary education, students paid both tuition and other costs, which placed a heavy burden on most families. The Government’s Free Universal Primary Education Program that began in January raised school enrollment from 5.9 million to over 7 million, and most persons welcomed tuition-free education; however, the policy also resulted in overcrowded classes because of increased enrollment, insufficient teachers, and inadequate budget. In January, the Government introduced a new syllabus that incorporated human rights, citizenship, and good governance for students in Standard One, Standard Five and Form One.

Although the law mandates compulsory schooling for all children through grade 12, there was a very high dropout rate, in part because of previously large educational expenses and the practice of children working to help support their families. There also was a shortage of schools. According to a 2001 media report, approximately 8,000 girls dropped out of school each year due to pregnancy, and an estimated 4 million children between 6 and 14 years of age did not attend school. Levels of education for boys and girls differed widely. Although the number of boys and girls in school roughly was equal at the primary level, boys substantially outnumbered girls in higher education. Rural families were more reluctant to invest in educating girls than in educating boys, especially at the higher levels. Seventy percent of illiterate persons in the country were female.

Corporal punishment of students was formally banned in 2001; however, it did not cease completely in practice. A teacher who beat a 13-year-old student to death at Nyamarambe Primary School, Kehancha Division in 2002 for failing a math test was not located by year's end.

The health care system for school children, which once provided periodic medical checkups and free milk, was defunct. In 2001, Parliament passed the Children's Bill, which has provisions to ensure children's welfare and provide them with basic rights; however, many of its provisions were not implemented by year's end.

Child rape and molestation continued. There were repeated reports of molestation or rape of children by schoolteachers, mostly in rural areas, and there were frequent press reports of rapes of young girls by middle-aged or older rapists. For example, in February, a police constable was arrested for the defilement of a 14-year-old girl; the constable was awaiting trial at year's end. Legally, a man does not "rape" a girl under age 14 if he has sexual intercourse with her against her will; he commits the lesser offense of "defilement." The penalty for the felony of rape can be life imprisonment, while the penalty for defilement was up to 5 years' imprisonment; the law does not stipulate a minimum sentence for rape. Men convicted of rape normally received prison sentences of between 5 and 20 years, plus several strokes of the cane. Child marriages were a problem, and the issue frequently was highlighted in newspapers.

FGM was practiced commonly on young girls by certain ethnic groups, particularly in rural areas (see Section 5, Women).

Child prostitution was a major problem in Nairobi and Mombasa, often connected with the tourist trade. Child prostitution has grown considerably due both to economic contraction and to the increase in the number of children orphaned because of the spread of HIV/AIDS. According to the International Labor Organization (ILO), approximately 30,000 girls under the age of 19 years were engaged in prostitution in the country.

Child labor was a problem (see Section 6.d.).

Economic displacement and the spread of HIV/AIDS continued to affect the problem of homeless street children. The number of Nairobi's street children was more than 60,000 in 2000, an estimated 20 percent increase from 1999. In 2002, the East African Standard reported on the growing problem of "street families," where entire nuclear families were living on the street due to a failing economy. The Standard also reported that there were an estimated 250,000 children living on the streets in urban areas—primarily Nairobi, Mombasa, Kisumu and Nakuru—a figure that it said was a conservative estimate. These children often were involved in theft, drug trafficking, assault, trespassing, and property damage. Street children faced harassment as well as physical and sexual abuse from the police and within the juvenile justice system. They were held in extremely harsh conditions in crowded police station cells, often without toilets or bedding, with little food, and inadequate supplies. They often were incarcerated with adults and frequently beaten by police (see Section 1.c.).

The Government provided programs to place street children in shelters and assisted NGOs in providing education, skills training, counseling, legal advice, and shelter for girls abused by their employers.

Persons with Disabilities.—Government policies do not discriminate against persons with disabilities in employment, education, or in the provision of other state services; however, persons with disabilities frequently were denied drivers' licenses. There were no mandated provisions of accessibility for persons with disabilities to public buildings or transportation. KTN broadcast some news programs in sign language.

A 2001 report by the African Medical Research Foundation of Kenya (AMREF) found a high prevalence of rape of persons with disabilities.

National/Racial/Ethnic Minorities.—The country's population was divided into more than 40 ethnic groups, among which there were frequent and credible allega-

tions of discrimination, as well as frequent interethnic violence. In general, each ethnic group had a distinct primary language and was concentrated in a distinct region; however, the languages of some groups were very similar to the languages of related ethnic groups. In private business and in the public sector, members of virtually all ethnic groups commonly discriminated in favor of other members of the same group when able to do so. Neighborhoods in large cities tended to be segregated ethnically, although interethnic marriage has become fairly common in urban areas. Political cleavages tended to correlate with ethnic cleavages.

Unofficial results of the 1999 census indicated that the Kikuyu constituted 21 percent of the population, the Luhya 16 percent, the Kalenjin 12 percent, the Luo 11 percent, and the Kamba 10 percent of the population.

Ethnic-regional differences continued to pose obstacles to political and economic liberalization. Members of former President Moi's Kalenjin ethnic group (a coalition of nine small ethnic groups) and other traditionally pastoral Nilotic ethnic groups were represented disproportionately and held key positions in the previous Government, the former ruling KANU party, the GSU, and the Presidential Escort. Many members of these groups appeared to believe that economic and political liberalization would likely harm their groups and favor other groups. The Kikuyu, the closely related Kamba, Meru, and Embu groups make up more than one-third of the country's population; members of these groups dominated much of private commerce and industry and have tended to support opposition parties. The Kikuyu, the largest, best-educated, and most prosperous ethnic group, dominated the country under its first president, Jomo Kenyatta, a Kikuyu. The Kikuyu remained the largest in population and the strongest economically because of their culture's emphasis on entrepreneurship; however, the Kikuyu were less dominant than in previous years.

Members of the coastal Bajuni, Mijikenda, and Digo communities accused the Government of denying them their rights to land, and of favoring members of inland "up-country" ethnic groups, who migrated to the coast largely during the period when Kenyatta was president.

Members of the Nubian community, most of whom were Muslim, claimed that the Government discriminated against them by trying to eliminate their ethnic identity. They also claimed that despite living in the country for generations, they were frequently denied identity cards, work permits, passports, and the right to own land because they could not prove that their grandparents or great-grandparents were citizens of the country. These measures, they claimed, hampered their access to education and employment opportunities, resulting in the impoverishment of their community, which numbered about 200,000 in the country.

In 2002, under judicial pressure, the Government released the "Akiwumi Report" on ethnic clashes between 1991 and 1998. The report indicted public officials from petty policemen to senior officials and cited political factors as the primary cause of ethnic violence that resulted in more than 1,000 deaths during the 1990s, disrupted two general elections, and displaced hundreds of thousands of persons. The report detailed a pattern of local authorities failing to act on warnings of impending violence, failing to intervene to stop violence while it was occurring, and failing to pursue known perpetrators. It also accused senior officials of giving inflammatory speeches in volatile areas and in some cases, financing persons responsible for violence. The Attorney General claimed that the report was biased, and some opposition leaders claimed it had been changed to obscure the role of the State House; however, the report largely was recognized as a significant document.

Attacks and revenge counterattacks continued between ethnic groups throughout the country, resulting in an average of 50 to 75 deaths per month. Significant conflict occurred between ethnic Pokots and Marakwets, between Pokots and Turkanas, between Turkanas and Samburus, between Maasais and Kisiis, between Orma and Pokomos, between Boranas and Somalis, and among various Somali clans. Many factors contributed to interethnic conflicts, including the proliferation of guns, the commercialization of traditional cattle rustling, the weakening of state authority, the emergence of local militia leaders, the development of a modern warrior/bandit culture (distinct from the traditional culture), irresponsible local political leadership, shrinking economic prospects for affected groups, a regional drought, and the inability or unwillingness of security forces to stem the violence.

On January 17, raiders attacked a homestead in Molo, killing one man, injuring several others, and torching 30 homes; the raiders escaped with a number of cattle, sheep, and goats. Although the raid lasted throughout the night, police reportedly did not respond until morning.

It was unknown whether any action was taken against the perpetrators of numerous ethnic attacks involving Kissi, Maasai, Turkanas, Pokot, Boranas, Samburu, Orma, Pokomo, and other ethnic groups in 2002 and 2001.

The Government has singled out the overwhelmingly Muslim ethnic Somalis as the only group whose members were required to carry an additional form of identification to prove that they were citizens. The continued presence of and at times criminal activities by Somali refugees have exacerbated the problems faced by citizens of Somali ethnicity (see Sections 2.c. and 2.d.).

There was widespread resentment among citizens of African ethnicity toward Asians living in the country. The Asian community constituted between 0.5 and 1 percent of the total population and consisted of second and third generation Asians with full citizenship and a smaller body of recent immigrants. Many persons of African descent resented those of Asian descent for their affluence, and for their reluctance to assimilate African culture and to employ blacks, particularly in management positions. They also saw Asians as taking jobs and commercial opportunities away from Africans. The involvement of some Asians in corrupt activities along with government officials further fueled popular resentment. Politicians, both opposition and ruling party, from time to time appealed to majority prejudices by attacking Asian citizens, accusing them of exploiting and usurping the natural inheritance of African citizens.

Section 6. Worker Rights

a. The Right of Association.—The law provides that all workers are free to join unions of their choice, and workers exercised this right in practice. The Police Act prohibits members of the national police force from joining unions. Workers employed in EPZ firms no longer faced dismissal if they joined unions (see Section 6.b.).

The law provides that as few as seven workers may establish a union if the objectives of the union do not contravene the law and no union was representing the employees already. Unions must apply to and be granted registration by the Government. The Government also may deregister a union, but the Registrar of Trade Unions must give the union 60 days to challenge the deregistration notice. An appeal of the Registrar's final decision may be brought before the High Court. In May, the University Academic Staff Union was registered after a 10-year battle.

There were 42 unions representing approximately 600,000 workers, approximately one-third of the country's formal-sector work force. All but 5 of these unions, representing approximately 300,000 workers, were affiliated with the one approved national federation—the Central Organization of Trade Unions (COTU). The largest non-COTU union was the 240,000-member Kenya National Union of Teachers (KNUT).

Frances Atwoli, the leader of the Agriculture and Plantation Workers Union and Secretary General of COTU pledged to end corruption within the union. In 2001, Atwoli removed the provisions in COTU's constitution that grant seats on COTU's board to government and ruling party officials and reasserted COTU's leadership role on behalf of workers; however, most union activity took place at the shop steward level and not at the industrial level where most labor-related decisions were made.

A tripartite Task Force on Labor Law Reform was revising the labor law to ensure that it incorporates the ILO core labor standards and is consistent with the African Growth and Opportunity Act.

The law prohibits employers from intimidating workers but some anti-union discrimination still exists. Employees wrongfully dismissed for union activities can take their cases to the Industrial Court, and many have been awarded damages in the form of back pay—reinstatement was not a common remedy. More often aggrieved workers have found alternative employment in the lengthy period prior to the hearing of their cases.

The COTU was affiliated internationally with both the Organization of African Trade Union Unity and the International Confederation of Free Trade Unions. Many of its affiliates were linked to international trade secretariats.

b. The Right to Organize and Bargain Collectively.—While not having the force of law, the Industrial Relations Charter, executed by the Government, COTU, and the Federation of Kenya Employers, gives workers the right to engage in legitimate trade union organizational activities. Both the Trade Disputes Act and the charter authorize collective bargaining between unions and employers. Wages and conditions of employment were established in negotiations between unions and management. The Government permits wage increases of up to 100 percent and renegotiation of collective agreements; however, the law allows employers in ailing industries to dismiss workers regardless of the provisions of their collective bargaining agreements. Collective bargaining agreements must be registered with the Industrial Court to ensure adherence to these guidelines.

In 2001, the Union of Kenyan Civil Servants (UKCS), banned in 1980, was reregistered and in 2002, national UKCS officials, the majority of whom were civil service retirees, were elected to 5-year terms. The UKCS has the right to negotiate the terms and conditions of civil service employment, and it submitted a collective bargaining agreement to the Government during the year. Approximately 40,000 civil servants have joined the UKCS, which conducted awareness seminars and recruitment drives throughout the year. During the year, the UKCS filed suit against the Government to reclaim assets the former government repossessed when the UKCS was banned.

Following a series of strikes from February through March, EPZ workers were permitted to join a union. During the year, the Tailors and Textile Union began organizing workers in the EPZ for the first time and raised membership from 5,000 to 30,000. The TTWU also negotiated a collective bargaining agreement for more than 10,000 employees in 9 factories of the Athi River EPZ.

The law permits workers to strike with some restrictions. The workers must submit a letter to the Minister of Labor and then wait 21 days before a strike can occur. Members of the military services, police, prison guards, and the National Youth Service are prohibited from striking. Other civil servants, like their private sector counterparts, can strike following the 21-day notice period (28 days for essential service workers, such as water, health, education, or air traffic control). During this 21-day period, the Minister may mediate the dispute, nominate an arbitrator, or refer the matter to the Industrial Court, a body of up to five judges appointed by the President, for binding arbitration. Once a dispute is referred to mediation, fact-finding, or arbitration, any subsequent strike is illegal. Moreover, the act gives the Minister of Labor broad discretionary power to determine the legality of any strike.

During the year, the Minister of Labor declared strikes by EPZ workers illegal; however, he subsequently allowed them to join a union. In 1997, the KNUF called a nationwide strike, which the Government quickly settled with promises of pay increases of more than 200 percent spread over more than 5 years. The Government's failure to implement the second of the promised pay hikes resulted in a 1998 KNUF strike, which the Government declared illegal. Negotiations and strikes continued on and off (particularly around election time) for years with no payments ever being made, but with new promises to pay over 10 years. However, on May 1, President Kibaki ordered a re-negotiation to shorten the payment timeframe, and on July 1, the Government made the first payment, with the remainder to be spread over 6 years, rather than 10.

During the first 5 months of the year, there were 111 strikes, primarily in the EPZs; some of the strikers used violence to keep other workers off the job. Police sometimes used excessive force to disperse strikes. For example, during an April 2 demonstration in Namanga by taxi operators, anti-riot police reportedly shot and killed a demonstrator. Unlike in the previous year, there were no reports that the Government fired or replaced striking workers.

With the exception of the Factories Act, all labor laws, including the right to organize and bargain collectively, apply in the EPZs (see Section 6.e.); however, the EPZ Authority and the Government granted many exemptions to applicable laws. For example, the Government waived a provision of the law that prevents women from working in industrial activities at night. Until a series of strikes by EPZ workers during the year, such workers faced dismissal if they joined unions.

c. Prohibition of Forced or Bonded Labor.—The Constitution proscribes slavery, servitude, and forced and bonded labor, including by children; however, there were reports that such practices occurred (see Section 6.d.). Under the Chiefs' Authority Act, a local authority can require persons to perform community services in an emergency. The ILO Committee of Experts has found that these and other provisions of the law contravene ILO Conventions 29 and 105 concerning forced labor. The law remains in effect; however, there was no attempt to use the law during the year. Some observers alleged that prison officials used free prison labor for personal profit (see Section 1.c.).

d. Status of Child Labor Practices and Minimum Age for Employment.—Child labor was a problem. The employment in industry of children under the age of 16 is illegal; however, the law does not apply to the agricultural sector, where approximately 70 percent of the labor force was employed, or to children serving as apprentices under the terms of the Industrial Training Act. Ministry of Labor and Human Resources Development officers nominally enforced the minimum age statute, and the Government worked closely with the COTU and the ILO's International Program for the Elimination of Child Labor to eliminate child labor. During the year, the Government initiated its Free Universal Primary Education Program, which has

resulted in the return to school of approximately 750,000 children who formerly were working; more than 1 million children were believed to still be working. The Central Bureau of Statistics estimated in 2001 that approximately 18 percent of working children had no formal education. The problem has received considerable media attention for several years.

Children often worked as domestic servants in private homes, and during the year, there were reports of abuse of children serving as domestic employees. There were many instances of children working in the informal sector, mostly in family businesses. Children usually assisted parents on family plots rather than seek employment on their own. A significant number of workers on tea, coffee, sugar, and rice plantations were children, who usually worked in family units. However, deteriorating economic conditions and the effects of the HIV/AIDS pandemic have given rise to more child labor in the informal sector, which is difficult to monitor and control. In addition, a large number of underage children were active in the sex industry (see Section 5) and in the salt harvesting industry along the coast. In view of the high levels of adult unemployment and underemployment, the employment of children in the formal industrial wage sector in violation of the Employment Act was less common.

The Child Labor Division in the Ministry of Labor and Human Resources Development was established and the Children's Act enacted to combat the worst forms of child labor. The Division assisted in completing the National Child Labor Policy Paper and domestication of ILO Convention 182. The labor inspection report has been revised to include child labor, a practical guide to labor inspection was developed, and 104 labor inspectors and 65 occupational health and safety officers have been trained in the detection and reporting of child labor. More than 8,000 children working in commercial services, agriculture, domestic service, building and construction, and forestry sectors have been taken out of employment and sent to school; approximately 2,000 of the 4,300 children found to be working in hazardous conditions had been removed from hazardous work. Many NGOs also were active in this area and assisted in the return to school of child laborers. During the year, there were reports, especially in rural areas, that children were loaned out as workers to pay off family debts.

e. Acceptable Conditions of Work.—The legal minimum wage for blue-collar workers in the wage sector has 12 separate scales, varying by location, age, and skill level; however, in many industries the minimum wage equaled the maximum wage. On May 1, President Kibaki announced a 12 percent increase in the minimum wage for workers in urban areas and a 50 percent increase for workers in rural areas; the inflation rate was 10 percent. These increases were implemented immediately. The lowest minimum wage was \$47 (3,251 Kenyan shillings) per month in the largest urban areas and \$39 (2930 Kenyan shillings) in rural areas. The minimum wage was insufficient to provide a decent standard of living for a worker and family. Most workers relied on second jobs, subsistence farming, informal sector opportunities, or the extended family for additional support.

Workers covered by a collective bargaining agreement generally received a better wage and benefit package than those not covered. For instance, the average covered worker received \$97 (7,303 Kenyan shillings) per month in addition to a housing and transport allowance, which often constituted 25 to 50 percent of a worker's compensation package.

The law limits the normal workweek to 52 hours, although nighttime employees may be employed for up to 60 hours per week. Some categories of workers have a shorter workweek. As was the case with respect to minimum wage limitations, the law specifically excludes agricultural workers. An employee in the nonagricultural sector was entitled to 1 rest day per week. There also were provisions for 21 days of annual leave and sick leave. The law also provides that the total hours worked (regular time plus overtime) in any 2-week period for night workers not exceed 120 hours (144 hours for night workers). The Ministry of Labor and Human Resources Development was responsible for enforcing these regulations, and there were few reports of violations. Workers in some enterprises claimed that employers forced them to work extra hours without overtime pay.

The Factories Act sets forth detailed health and safety standards; however, a 1991 decree by the Minister of Finance excludes EPZs from the Act's provisions (see Section 6.b.). The Ministry of Labor's Directorate of Occupational Health and Safety Services (DOHSS) has the authority to inspect factories and work sites; however, the DOHSS lacked statutory authority to inspect factories in the EPZs. The Permanent Secretaries for Labor and Finance have begun the revocation process for the 1991 decree. The increased attention on workers' rights in the EPZs was also adding pressure for change. Labor and NGOs continued to criticize health and safety conditions in the EPZs and around the country. For example, during the year, the unions

have highlighted problems of sexual harassment in the EPZs since a large majority of the workers there are women. In addition, NGOs continued to highlight problems in the cut flower farming sector. During the year, the KHRC sponsored a national "Flower Week" to call attention to problems on flower farms, including the use of hazardous pesticides and fertilizers without adequate protection, low wages, and casualization (hiring long term "seasonal workers" without providing any benefits or job security). The Kenya Flower Council, established in 2002, a joint group of employers, KHRC, and the Ministry of Labor, has developed a code of ethics to deal with these alleged violations of workers rights. The DOHSS has opened an office in Naivasha, where the majority of flower farms are located, to ensure compliance with occupational health and safety regulations.

The 65 DOHSS health and safety inspectors may issue notices enjoining employers from practices or activities that involved a risk of serious personal injury. Such notices can be appealed to the Factories Appeals Court, a body of four members, one of whom must be a High Court judge. The DOHSS hired additional inspectors, to include medical doctors. The law stipulates that factories that employ at least 20 persons have a health and safety committee with representation from workers. However, according to the Government, less than half of even the very largest factories had instituted health and safety committees. Workers were not forced by law to remain in hazardous conditions; however, many would be reluctant to remove themselves because of the high unemployment problem and the resulting risk of loss of their job.

Foreign workers, both legal and illegal, were covered by the same legislation and work rules as citizens.

f. Trafficking in Persons.—The law does not specifically prohibit trafficking in persons, and there were reports that persons were trafficked to, from, or within the country, particularly women and children. However, traffickers could be prosecuted under laws that prohibit child labor, the transportation of children for sale and the commercial exploitation of children, and the detention of females against their will for the purposes of prostitution. To date, none of these laws has been used to prosecute traffickers.

Women were trafficked to Lebanon and other Middle Eastern countries for labor, and children were often trafficked to Uganda to work. Women from Eastern Europe and Asia were trafficked through the country to western countries. Child prostitution was a major problem (see Section 5).

In previous years, there were unconfirmed reports that citizens were trafficked to Saudi Arabia under the guise of employment opportunities, and that South Asians were trafficked into the country to work in sweatshops. During the year, traffickers lured citizens to the Middle East under fraudulent work programs that resulted in indentured servitude, document confiscation, and inhumane labor conditions.

The Government did not have any programs that specifically targeted trafficking. Several NGOs provided services that could benefit persons who were victims of trafficking.

LESOTHO

Lesotho is a constitutional monarchy with King Letsie III as Head of State. Under the Constitution, the King fills a ceremonial role, has no executive authority, and is proscribed from actively taking part in political initiatives. In May 2002, Prime Minister Pakalitha Mosisili, the leader of the Lesotho Congress for Democracy (LCD) party, was re-elected in free and fair elections. In the 2002 elections, the LCD won 79 of 80 constituency-based seats, and the opposition Lesotho Peoples Congress (LPC) won the remaining constituency seat; the 40 proportionally elected seats were divided among 9 opposition parties. The judiciary was independent in law and practice.

The security forces consist of the Lesotho Defense Force (LDF), the Lesotho Mounted Police Service (LPS), and the National Security Service (NSS). The Prime Minister is the Minister of Defense, with direct authority over the LDF and the NSS. The police force is under the authority of the Minister of Home Affairs. The LDF continued to be the subject of a national debate on the structure, size, and role of the armed forces. The NSS and the LPS also continued to undergo comprehensive restructuring. Civilian authorities maintained effective control of security forces. Some members of the security forces committed human rights abuses.

The country, which has a population of approximately 2.15 million, is landlocked and surrounded by South Africa. Approximately 13 percent of the adult male work force worked in mines in South Africa. Per capita GDP remained approximately

\$400. State-owned enterprises predominated in the agro-industrial and agribusiness sectors, but private sector activity dominated in the small manufacturing and construction sectors. Under the traditional chieftainship structure, land use and tenure were controlled by the traditional chiefs and formally owned by the Kingdom as “crown lands”; however, land use decisions increasingly were transferred to locally elected bodies.

The Government generally respected the human rights of its citizens; however, there were problems in some areas. There were unconfirmed allegations of torture by security forces and credible reports that the police at times used excessive force against detainees. Prison conditions were poor, and lengthy pretrial detention was a problem. There were long delays in trials. Domestic violence was common, and women’s rights continued to be restricted severely in some areas. Societal discrimination against persons with disabilities was common. Some worker rights were restricted. Child labor was a problem in traditional agriculture and in the informal sector.

RESPECT FOR HUMAN RIGHTS

Section 1. Respect for the Integrity of the Person, Including Freedom From:

a. Arbitrary or Unlawful Deprivation of Life.—There were no political killings; however, police killed two persons participating in a labor demonstration during the year (see Section 6.b.).

The trials for the 25 members of the LDF accused of killing the Deputy Prime Minister in the 1994 palace coup resumed early in June. Of the 25 persons arrested, 7 were released because of lack of evidence, 1 died, and 17 were being tried at year’s end.

b. Disappearance.—There were no reports of politically motivated disappearances.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The Constitution expressly prohibits such practices; however, there were allegations of torture by security forces and credible reports that the police at times used excessive force.

Police reportedly used torture during the May interrogation of Theko Lerotholi, a military officer who had been arrested in connection with a spate of robberies. Lerotholi subsequently was released.

On September 16, police arrested Malefa Mapheleba, a leader of the Basotho National Party (BNP), for suspected involvement in the escape of a fugitive from Central Prison. Mapheleba claimed that police subsequently tortured her in prison. There were unconfirmed reports that Mapheleba left the country after her release.

Prison conditions were poor, and facilities were overcrowded and in disrepair. Women were housed separately from men, and juveniles were housed separately from adults. Pretrial detainees often were held with convicted prisoners.

Prison regulations provide for visiting committees that were made up of principal chiefs, church ministers, representatives of the business community, advocates of the High Court, and other citizens. These committees may visit any prison without the prior knowledge of the prison director, and generally were allowed to do so. The committee reports its findings to the prison director. The International Committee of the Red Cross, through its regional office in Botswana, monitored prison conditions in the country during visits in January and February.

d. Arbitrary Arrest, Detention, or Exile.—The Constitution prohibits arbitrary arrest and detention, and the Government generally observed these prohibitions.

Police corruption was a problem; however, the Government continued its reform efforts. During the year, the Minister of Home Affairs began a program to reform and retrain police; approximately 30 police officers were suspended, dismissed, or otherwise disciplined as a result. The Government also established a Police Independent Complaints Directorate staffed by former police personnel during the year.

Persons detained or arrested in criminal cases and defendants in civil cases had the right to legal counsel; however, there was no system to provide public defenders. The Ministry of Justice and the nongovernmental community (NGO) maintained a few legal aid clinics. The law provides for granting bail, which the authorities granted regularly and generally fairly.

In June, Zwelakhe Mda, the president of the Law Society, was arrested for obstructing justice by “illegally obtaining evidence.” He was the lead defense attorney for the individual accused of murdering the Prime Minister’s son in January 2002 and a vocal critic of the government, particularly the Ministry of Justice. Mda was acquitted in October, due to testimony from crown witnesses that the court described as “overwhelmed with discrepancies, contradictions, and improbabilities.”

Because of serious backlogs of court caseloads, pretrial detainees were a significant portion of the prison population, and pretrial remand could last months or even years.

The Constitution prohibits forced exile, and the Government did not use it.

e. Denial of Fair Public Trial.—The Constitution provides for an independent judiciary, and the Government generally respected this provision in practice.

The judiciary consisted of the Court of Appeal (which meets semi-annually), the High Court, magistrates courts, and customary or traditional courts, which existed largely in rural areas to administer customary law. The High Court also provided procedural and substantive guidance on matters of law and procedure to military tribunals; however, it did not participate in judgments.

Military tribunals have jurisdiction over military cases only. Decisions by military tribunals can be appealed only to a special court-martial appeal court, which was composed of two judges from the High Court, one retired military officer with a legal background, and the registrar of the High Court.

The authorities generally respected court decisions and rulings. There was no trial by jury. Criminal trials normally were adjudicated by a single High Court judge who presided, with two assessors that served in an advisory capacity. In civil cases, judges normally heard cases alone. There was a large case backlog, which led to lengthy delays in trials (see Section 1.d.).

In civil courts, women and men were accorded equal rights; however, in traditional and customary courts certain rights and privileges accorded to men were denied to women (see Section 5). When traditional law and custom were invoked in a court case, a male plaintiff could opt for customary judgments by a principal chief rather than a civil court, and the judgment was binding legally. This system greatly disadvantaged women.

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home or Correspondence.—The law does not fully protect citizens' privacy rights; however, there were no reports that authorities infringed on citizens' privacy rights during the year. Although search warrants were required under normal circumstances, the law provided police with wide powers to stop and search persons and vehicles and to enter homes and other places without a warrant. There are some prohibitions against monitoring telephone conversations.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution provides for freedom of speech and of the press, and the Government generally respected these rights in practice.

There were several independent newspapers—including one controlled by the Roman Catholic Church, one controlled by the Lesotho Evangelical Church, and four English-language weeklies—that routinely criticized the Government. The official state-owned or state-controlled media consisted of one radio station, a 1½ hour daily newscast on a local television channel, and two weekly newspapers. All reflected official positions of the ruling party. There were five private radio stations, but no private local television station. South African and global satellite television and radio broadcasts were widely available.

In June, the High Court ordered that the assets of the independent Sesotho language radio station and newspaper MoAfrica be seized because the owner lost a defamation suit and was unable to pay the fine; the suit was brought by a member of Parliament. An anonymous benefactor paid the fine, and publication and broadcast resumed.

Although access to government information was incomplete, websites of government ministries, parastatals, and private organizations provided significant information.

Internet services were freely available from a number of private Internet service providers.

The Government did not restrict academic freedom. Although the Government owned and administered the country's only university, the academic staff represented the full political spectrum and was free to express its views.

b. Freedom of Peaceful Assembly and Association.—The Constitution provides for freedom of assembly and association, and the Government generally respected these rights in practice. A public meeting, rally, or march required only advance notification. Political party meetings and rallies were held regularly and without hindrance from the Government. In addition to the LCD and the BNP, there were 16 smaller, registered political parties.

Police fired on demonstrators during the year, killing two persons and injuring others (see Section 6.b.).

c. Freedom of Religion.—The Constitution provides for freedom of religion, and the Government generally respected this right in practice. The majority of the members of the Government were Christians, which reflected the religious composition of the country.

For a more detailed discussion, see the 2003 International Religious Freedom Report.

d. Freedom of Movement within the Country, Foreign Travel, Emigration, and Repatriation.—The law provides for these rights, and the Government generally respected them in practice.

The law provides for the granting of refugee status or asylum to persons who meet the definition in the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. In practice, the Government provided protection against refoulement and granted refugee status or asylum. The Government continued to cooperate with UNHCR and other humanitarian organizations in assisting refugees. The Government also has designated a Commissioner for Refugees. The Government provides protection to certain individuals who fall outside of the definition of the 1951 U.N. Convention Related to the Status of Refugees and its 1967 Protocol; however, the issue of temporary protection did not arise during the year.

Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government

The Constitution provides citizens with the right to change their government peacefully, and citizens exercised this right in practice through periodic, free, and fair elections held on the basis of universal suffrage.

In the May 2002 elections, the LCD party won 79 of the 80 constituency-based seats, the opposition LPC party won the remaining constituency seat, and the 40 proportionally elected seats were divided among 9 opposition parties; Prime Minister Mosisili, the leader of the LCD party, was re-elected. Domestic and international observers concluded that the elections were free, fair, peaceful, lawful, and transparent. The opposition accepted the election results peacefully, and the BNP instituted several legal challenges to the elections, all of which were dismissed by year's end. The BNP has taken its seats in the National Assembly and participated in Parliamentary proceedings.

There were 14 women in the 120-member National Assembly and 12 women in the 33-member Senate. Four women were government ministers, and two women were assistant ministers. In June 2002, the Parliament unanimously re-elected the first female Speaker of the National Assembly, who remained in office at year's end.

Section 4. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A number of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials generally were cooperative and responsive to their views.

Section 5. Discrimination Based on Race, Sex, Language, Disability, or Social Status

The Constitution prohibits discrimination based on race, color, sex, language, political or other opinion, national or social origin, birth, or other status, and the Government generally respected these prohibitions in practice; however, the Constitution also recognizes customary law as a parallel legal system, and women's inheritance and property rights were restricted severely under the traditional chieftainship system.

Women.—Domestic violence against women occurred frequently, and, although dependable statistics were not available, it was believed to be widespread. In Basotho tradition, a wife may return to her "maiden home" if physically abused by her husband. Under common law, wife beating is a criminal offense and defined as assault; however, few domestic violence cases were brought to trial. Beatings and violence against women perpetrated by husbands or other male relatives occurred frequently; however, increasingly it was considered socially unacceptable behavior.

The law prohibits rape, which is punishable by a minimum sentence of 5 years' imprisonment, with no option for a fine. The law also prohibits sexual harassment; however, in most cases, it was difficult to prove. Prostitution is illegal and was a problem; police seldom prosecuted offenders.

Both law and custom under the traditional chieftainship system severely limited the rights of women in areas such as property rights, inheritance, and contracts. Women have the legal and customary right to make a will and sue for divorce; however, under customary law, a married woman is considered a minor during the lifetime of her husband. She cannot enter into legally binding contracts, whether for

employment, commerce, or education, without her husband's consent. A woman married under customary law has no standing in civil court and may not sue or be sued without her husband's permission. Government officials have criticized publicly this customary practice. The tradition of paying a bride price (lobola) was common. Polygyny was practiced by a very small percentage of the population.

Women's rights organizations have taken a leading role in educating women about their rights under customary and common law, highlighting the importance of women participating in the democratic process. The Ministry of Gender, Youth, Sports, and Recreation funds efforts by women's groups to sensitize society to the status and rights of women.

Children.—The Government devoted substantial resources to primary and secondary education. Education was not compulsory even at the primary levels, and a substantial number of children did not attend school, particularly in rural areas where there were few schools, where children were involved in subsistence activities in support of their family's welfare, or where families could not afford the costs associated with school attendance, such as fees for the purchase of uniforms, books, and materials. The problem of school nonattendance affected boys disproportionately more than girls. In traditional rural Basotho society, livestock herding by young boys frequently interfered with their school enrollment (see Section 6.d.). The Government began a program that provided free public education through the primary grades (1 through 6). The program covered the costs of school fees, books, and one meal per day in all schools in 1st grade. Expansion of the program to the fourth grade occurred during the year.

There was no pattern of societal abuse against children. However, familial stress, poverty, the spread of HIV/AIDS, and divorce led to a rise in child homelessness and abandonment, creating a growing number of street children.

Child prostitution was a problem. Young girls, many of whom were orphans, reportedly moved to urban areas to work as prostitutes. A 2001 UNICEF assessment concluded that child prostitution in the country was a poverty-driven phenomenon rather than a commercial enterprise and that the financial arrangements were casual and not the product of organized criminal syndicates. However, UNICEF and the Government agreed that while the numbers remained small, the trend toward commercial prostitution by children under age 18 was a growing problem in the country. There is little capability within either the police force or the Department of Social Welfare to address the needs of children likely to engage in prostitution.

Persons with Disabilities.—Discrimination against persons with physical disabilities in employment, education, or provision of other government services is unlawful; however, societal discrimination was common. The Government has not legislated or mandated accessibility to public buildings for persons with disabilities. The Minister of Justice, Human Rights, Rehabilitation, Law, and Constitutional Affairs is blind; he was appointed to this position in 2001.

National/Racial/Ethnic Minorities.—Most citizens spoke a common language and shared common historical and cultural traditions. Small numbers of Asians (primarily ethnic Chinese and Indians) and South African whites were active in the country's commercial life. Economic and racial tension between the Chinese business community and the Basotho remained a problem. On July 4, demonstrators looted a few Chinese-owned shops during a demonstration against the Maseru City Council.

Section 6. Worker Rights

a. The Right of Association.—Under the law, workers have the right to join and form trade unions without prior government authorization, and workers exercised this right in practice. The Labor Code prohibits civil servants from joining or forming unions; however, the law allows them to form staff associations. The Government regarded all civil servants as essential employees. Under the Labor Code, prepared with the assistance of the International Labor Organization (ILO), all trade union federations must register with the Government. The Department of Labor found that only 11 of 43 registered trade unions were functioning, with a total membership was 19,729. Three of the four registered federations were functioning: The Lesotho Trade Union Congress, the Lesotho Federation of Democratic Unions, and the Lesotho Trade Union Congress. The labor and trade union movement was weak and fragmented. There were several small unions in the public and industrial sectors, but there was no unified trade union congress. There were cases of unions competitively organizing small numbers of workers in the same sector.

Overall unionized workers dropped from approximately 10 percent of the work force in 2002 to approximately 2 percent during the year. The reduction resulted in part from dissension between the Lesotho Clothing and Allied Workers Union

(LECAWU) and the Factory Workers Union (FAWU); numerous workers subsequently disassociated themselves from both unions. Approximately 9 percent of the male labor force worked in the coal and gold mines of South Africa; the majority of those who did not were engaged primarily in traditional agriculture. A majority of Basotho mineworkers were members of the South African National Union of Mineworkers (NUM); while the NUM, as a foreign organization, was not allowed to engage in union activities in the country, it provided training, constructed agricultural projects, and performed other social services.

The law prohibits antiunion discrimination; however, there was credible evidence that some employers prevented union organizers from accessing factory premises to organize workers or represent them in disputes with owners or managers. Some employees were threatened with expulsion and loss of employment if they joined unions. There were reports that some employers harassed union organizers, intimidated members, and frequently fired union activists, particularly in domestic industries, such as guard forces; however, there were fewer such reports than in previous years. The Commission of Labor, which operated as part of the Labor Ministry, was charged with investigating allegations of labor law violations (see Section 6.e.).

There were no instances of governmental restrictions on international affiliations or contacts by unions or their members.

b. The Right to Organize and Bargain Collectively.—The law provides for these rights, and the Government generally respected them in practice; however, some private sector employers tried to restrict them. There was credible evidence that most employers in the textile and garment sector used blacklists to deny employment to workers who had been fired by another employer within that sector.

The main textile union, LECAWU, and the Employers Association meet annually to negotiate wages independent of the minimum set by the Government. Internal divisions within LECAWU during the year resulted in the formation of a rival textile union, the FAWU. Employers generally honored employee decisions on union representation.

The law provides for the right to strike; however, civil servants were not allowed to strike, and all public sector industrial actions were by definition unauthorized. In the private sector, the Labor Code requires an escalating series of procedures to be followed by workers and employers before strike action is authorized. Legal protection for strikers from retribution has not been enforced always in cases of illegal strikes.

On November 10, police fired into a crowd of demonstrators on strike, allegedly for marching on an unauthorized route; 2 persons were killed and more than 100 were injured. A police investigation was being conducted at year's end.

The Labor Code establishes a Directorate of Dispute Prevention and Resolution (DDPR) within the Ministry of Employment and Labor to provide speedy, independent, fair, and effective dispute prevention and resolution mechanisms; the Directorate was independent of government, and promptly handled cases during the year. The Labor Department also handled employee grievances, and there were no significant backlogs of cases during the year. The Industrial Peace, Advisory and Promotion Unit (IPAPU), within the DDPR, trained employers and employees in preventing and resolving workplace disputes. By December 2002, the IPAPU had conducted 19 training workshops in Maseru, Maputsoe, and Mafeteng, the 3 districts where the textile industry is located.

There are no export processing zones.

c. Prohibition of Forced or Bonded Labor.—The law prohibits forced or bonded labor, including by children, and there were no reports that such practices occurred.

d. Status of Child Labor Practices and Minimum Age for Employment.—Child labor was a problem in the informal sector. The legal minimum age for employment in commercial or industrial enterprises is 15 years, and the legal minimum age for hazardous employment is 18 years; however, children under 14 years of age reportedly were employed in family-owned businesses. Many urban street children worked in the informal sector. Most jobs performed by children were gender-specific: Boys (as young as ages 4 and 5) were livestock herders, carried packages for shoppers, washed cars, and collected fares for minibus taxis; girls were domestic servants; teenage girls (and a few boys) were involved in prostitution; and both boys and girls worked as street vendors.

There are statutory prohibitions against the employment of minors in commercial, industrial, or nonfamily enterprises involving hazardous or dangerous working conditions, and the Ministry of Labor and Employment's Inspectorate conducted quarterly inspections during the year. Children under 18 years of age may not be recruited for employment outside of the country. Child labor laws covered all sectors except for the agricultural sector. In traditional society, rigorous and occasionally

dangerous working conditions for the country's young livestock herdboys were considered a prerequisite to manhood, essential to the livelihood of families, and a fundamental feature of local culture beyond the reach of labor laws. The emphasis on traditional socialization methods to the exclusion of formal education continued the cycle of poverty for most youth.

e. Acceptable Conditions of Work.—A national minimum wage is determined annually by the Wage Advisory Board, a tripartite entity, consisting of Government, trade unions, and employers. The monthly minimum wage for unskilled laborers was \$80 (648 maloti) and \$140 (1,129 maloti) for heavy vehicle operators. Minimum wages for workers in lower skilled jobs were insufficient to ensure a decent standard of living for a worker and family. Most wage earners supplemented their income through subsistence agriculture or remittances from relatives employed in South Africa. Many private employers paid more than minimum wages to attract and retain motivated employees; however, some employers reportedly treated the minimum wage as a maximum wage.

The Labor Code provides for basic worker rights, including a maximum 45-hour workweek, a weekly rest period of at least 24 hours, 12 days of paid leave per year, and paid sick and public holidays; however, employers did not always respect these rights in practice. Required overtime was legal as long as overtime wages were paid for work in excess of the legally mandated 45-hour workweek. Inspections by both buyer's representatives and the Labor Department have ensured that workers in the garment industry were paid the proper overtime rate for overtime hours worked.

The Labor Code requires employers to provide adequate light, ventilation, and sanitary facilities for employees and to install and maintain machinery in a manner to minimize the risk of injury; employers generally followed these regulations. The law provides for a compensation system for industrial injuries and diseases related to employment. The Labor Code also empowers the Minister of Labor to make regulations pertaining to work safety in specific areas, and there are regulations concerning welding and cutting, noise, and spray painting. The Labor Code does not protect explicitly the right of workers to remove themselves from hazardous situations without prejudice to employment; however, sections on safety in the workplace and dismissal implied that such a dismissal would be illegal.

There were allegations in 2001 that some companies paid below minimum wage, enforced long hours sometimes by locking in workers, and deducted wages when employees were found talking or taking more than one break a day. Some employers, particularly small businesses, allegedly refused sick-pay leave and engaged in unfair dismissal practices. The majority of complaints dealing with these issues were brought to the DDP, where they were resolved within weeks. Of the 2,261 cases brought before the DDP in 2002, 2,177 involved overtime pay, underpayments, unlawful deductions, or failure to pay notice or severance pay. Only 10 percent of the complaints filed with the Directorate concerned the export-related textile sector.

The Labor Department also handled employee grievances, was staffed adequately, and handled most complaints within a 1-month period; it cooperated closely with the ILO in establishing inspection regimes. Labor inspectors generally conducted unannounced inspections in factories four times a year. The Labor Commission was authorized to order the reinstatement of wrongfully dismissed employees and the payment of back wages, but it did not have the authority to impose criminal fines.

The Labor Code protects both legal and illegal foreign workers, unless the workers signed contracts that specified differently.

f. Trafficking in Persons.—The law does not prohibit trafficking in persons, and there were no reports of trafficking.

The Government and the local UNICEF office recognized that poverty and the high incidence of HIV/AIDS have led to a growing problem of child prostitution (see Section 5).

LIBERIA

Liberia is a republic. The Constitution provides for three branches of government—executive, legislative and judicial—but there has been no effective system of checks and balances, and presidents traditionally have wielded extraordinary power. Fighting between the Government and an armed insurgency known as Liberians United for Reconciliation and Democracy (LURD) intensified during the year, and was exacerbated by the emergence of a second insurgency, Movement for Democracy in Liberia (MODEL), during the early part of the year. On June 4, the Special Court for Sierra Leone indicted President Charles for war crimes, and a warrant was issued for his arrest. On August 4, the Economic Community of West African States

(ECOWAS) sent a peacekeeping force, ECOMIL, to the country to serve as an interpositional force between government and rebel forces. On August 11, President Taylor resigned, and fled into exile in Nigeria. In accordance with the Constitution, Vice President Moses Blah became President. On August 18, a Comprehensive Peace Accord (CPA) was signed in Accra, Ghana, that formed the National Transitional Government of Liberia (NTGL). On October 1, the U.N. commenced a peacekeeping operation in the country (UNMIL) to support the peace process set forth in the August 18 CPA. On October 14, President Blah ceded power to the NTGL, and Gyude Bryant, of the Liberian Action Party, was chosen as Chairman of the NTGL; Wesley Johnson, of the United People's Party, was chosen as Vice Chairman. The judiciary was subject to political influence, economic pressure, and corruption.

During the Taylor administration, the regular security forces included: The Armed Forces of Liberia (AFL); the Liberia National Police (LNP), which had primary responsibility for internal security; the LNP Special Operations Division (SOD); the Antiterrorist Unit (ATU), composed of an elite special forces group consisting of foreign nationals from Burkina Faso and the Gambia, as well as former Revolutionary United Front (RUF) combatants from Sierra Leone; and the Special Security Service (SSS), a large, heavily armed executive protective force. The NTGL dissolved the ATU and the SOD. There also were numerous irregular security services attached to certain key ministries and parastatal corporations, who did not belong to a permanent, organized military force and whose responsibilities appeared to be poorly defined. Other militia elements consisted primarily of young soldiers who were armed but not trained. These irregulars were the primary fighters during the conflict and the first line of defense—or offense—for the Government. During the year, several thousand government security forces were deployed in northern and southeastern counties fighting LURD and MODEL. As fighting intensified, security forces frequently acted independently of government authority, particularly in rural areas. Members of the security forces committed numerous, serious human rights abuses.

The country, with an estimated population of approximately 3.3 million, was very poor with a market-based economy suffering from the ravages of the civil war. Few statistics were available, but real growth probably was negative. An estimated 80 percent of the population lived on less than \$1 per day. The country also had an unemployment rate of at least 70 percent. Most of the population in urban areas survived on income generated through the informal sector, predominantly consisting of "buying and selling" clothing and household effects. Extensive looting fueled the informal economy. The internal displacement of thousands of civilians throughout the countryside, particularly in Lofa, Bong, and Nimba Counties, the prevalence of conflict, the absence of police security, and the absence of infrastructure throughout the country continued to depress the economy, despite the country's rich natural resources and potential self-sufficiency in food. Persons controlling armed men continued to exploit the country's natural resources for personal profit. Extortion was widespread in all levels of society.

Prior to the resignation of President Taylor, the Government's human rights record remained poor, and it continued to commit numerous, serious abuses. The security forces committed many unlawful killings, including possible summary executions, and they were accused of the disappearances of numerous persons, particularly ethnic Mandingos suspected of antigovernment sympathies. Security forces frequently tortured, beat, and otherwise abused or humiliated citizens. Prison conditions remained harsh and sometimes life threatening. Impunity was a serious problem. The Government investigated some of the alleged abuses by the security forces; however, abusers rarely were charged or disciplined. Security forces continued to use arbitrary arrest and detention, and lengthy pretrial detention remained common. The judicial system was unable to ensure citizens' rights to due process and a fair trial. In some rural areas where the judiciary had not been reestablished, clan chieftains administered criminal justice through the traditional practice of trial-by-ordeal; authorities tacitly condoned this practice. Security forces violated citizens' privacy rights. The Government restricted freedom of speech and of the press; it detained, threatened, and intimidated journalists. Security forces restricted freedom of movement. Ritualistic killings also persisted. Security forces frequently harassed human rights monitors. Violence and discrimination against women remained problems. The welfare of children widely remained neglected, and female genital mutilation (FGM) continued to be practiced. Societal ethnic discrimination remained widespread, ethnic differences continued to generate violence and political tensions, and the Taylor administration continued to discriminate against groups that had opposed Taylor in the civil war, particularly the Mandingo and the Krahn ethnic groups. Forced labor persisted in rural areas. Child labor remained widespread, and there were reports of forced child labor. There were reports of trafficking.

There were no reports that the NTGL committed any serious human rights violations in its first few months in office. NTGL officials have publicly stated they would continue to work with the international community toward restructuring and reforming state and local security.

Rebels fighting in the northwest and the southeast committed numerous serious human rights abuses. Rebels fighting in the northwest and the southeast committed serious human rights abuses. The absence of independent observers in rebel-controlled areas made documentation of such abuses difficult.

RESPECT FOR HUMAN RIGHTS

Section 1. Respect for the Integrity of the Person, Including Freedom From:

a. Arbitrary or Unlawful Deprivation of Life.—There were reports of political killings. Both security forces and rebel elements continued to commit unlawful killings. Human rights organizations estimated that such killings increased during the year as hundreds of civilians died in the fighting that occurred throughout the country (see Section 1.g.).

The Government was believed to be responsible for summary executions during the year. On June 4, the Government arrested Deputy National Security Minister John Yormie, Deputy Public Works Minister Isaac Vaye, Chief of intelligence at the Executive Mansion Peterson Marbiah, and Vice President Blah, and accused them of plotting a coup d'etat against President Taylor. On October 5, the Government confirmed that Yormie and Vaye were dead. The Government did not admit responsibility or elaborate on the circumstances of their deaths, and the bodies were not returned to the families. General Benjamin Yeaten was reported to have executed or supervised the execution of Yormie and Vaye. No further information regarding the welfare and whereabouts of Marbiah was available at year's end. Blah was released on June 13. Yeaten was in hiding at year's end.

There were numerous other unlawful killings during the year. On February 16, AFL First Battalion Commander Colonel Daniel K. Bracewell reportedly stabbed and killed, in public, AFL First Lieutenant Francis P.B. Sumo because Sumo deserted his post at a battlefield. Sumo's body was never returned to his family for burial. The Catholic Justice and Peace Commission (JPC) and other human rights organizations spoke out against Bracewell's action; however, the Government did not charge him.

On March 28, an unnamed ATU officer attacked Alex Boye, a gas dealer, with a hand grenade. The grenade killed both Boye and the officer; 15 civilian bystanders, including several children, were injured. No government investigation occurred by year's end.

On May 6, government officials announced that Sam "Mosquito" Bockarie, the former commander of the disbanded RUF in Sierra Leone, had been killed while trying to enter the country from Cote d'Ivoire with heavily armed bodyguards. The Government stated that Bockarie and his bodyguards resisted arrest and opened fire on security forces, and Bockarie was killed in the crossfire. There were unconfirmed reports that President Taylor had Bockarie's mother, wife, and two children killed. On May 29, Patrick Nyema of the SOD allegedly shot and killed SSS Officer Richard Taylor, who was assigned to President Taylor's wife after Richard Taylor tried to intervene in a dispute between Nyema and a civilian in Monrovia. The Government has not produced a report of its investigation by year's end.

There were no updates in the following 2002 cases: The March killing of Harry Cooper by unknown persons; the June killing of a 6-year-old child by an ATU officer and presidential security forces; the September killing of Issac Gono by ATU officers; the September killing of John Toe by SOD policemen; the prison death of Kla Hneyene; and the July killing of Kennedy Kessely by police.

There were no further developments in the 2001 reported cases of killings by security forces.

Incidents of ritualistic killings, in which human body parts used in traditional rituals were removed from the victim, continued to be reported (see Section 2.c.).

b. Disappearance.—Government security forces and rebels were responsible for numerous disappearances, including of internally displaced persons (IDPs) (see Section 1.f.). For example, between September 2002 and March, government security personnel reportedly rounded up scores of ethnic Mandingo youths from various suburbs of Monrovia, including Duala, Gardnersville, Paynesville, and Central Monrovia, on suspicion of being members of, or collaborators with, LURD. The abducted youth were taken to unknown locations, and most of them remain unaccounted for at year's end.

Chief of intelligence at the Executive Mansion Peterson Marbiah, who was arrested on June 4, remained missing at year's end (see Section 1.a.).

In September, government militia abducted 15 persons from Todee, north of Monrovia, and they remained missing at year's end.

Four teenage soccer players, Toe Bryant, Nicodemus Jacobs, Ezekiel Doekpa, and Emmanuel Johnson, who were abducted by alleged government-affiliated militia on Bushrod Island in 2002, were returned on November 23.

There were no developments in the following 2002 abductions by government militiamen: The May abduction of several ethnic Mandingos near Monrovia; the August alleged abduction of eight persons from Kolahun; the September abduction of Sangay Kanneh and Kpana Kamara in Lofa County; the December abduction of Joseph Moore on Bushrod Island; and the abduction of seventh-grader James Howe while selling goods at Paynesville Red Light market.

Rebels were also responsible for disappearances during the year. Nabil Hage, a foreign citizen, disappeared on Bushrod Island sometime between July 25 and August 4, while the island was firmly under LURD control. LURD forces were aware of his presence. Sekou Kamara, also known as General "K1," and General "Dragonmaster," was reported to have been seen wearing Hage's Army uniform. At year's end, Kamara was in hiding after he allegedly killed a fellow LURD General known as "Black Marine." LURD has yet to produce an investigation report or otherwise explain or account for Hage's disappearance, despite repeated calls by members of the international community for such an investigation and report during the year.

In early June, LURD forces allegedly attacked the Jah Tondo, VOA, and Wilson Corner Displaced Camps and abducted dozens of civilians. After the departure of Taylor administration, most persons were returned to their families; however, a few were unaccounted for.

LURD forces reportedly abducted Liberian refugees in Sierra Leone and forced them to haul loads of weapons and goods under threat of injury or death. Some were allegedly sent to the Guinean border to bring weapons into the country for LURD. Witnesses reported that those who complained of exhaustion, thirst, or hunger were shot in the feet or legs and left to bleed to death.

No developments were reported from the 2002 LURD force abductions of civilians in Dodo Village in Kolahun District, including small boys who were never seen again.

In March, 87 humanitarian workers and 5,268 refugees, returnees, and third country nationals disappeared during fighting between government forces and rebels from Cote d'Ivoire. All of the humanitarian workers from Action Against Hunger (AAH), Doctors Without Borders-France (MSF), World Food Program (WFP), U.N. High Commission for Refugees (UNHCR), United Methodist Coordination on Relief (UMCOR) and Liberians United to Serve Humanity (LUSH) were later accounted for even though rebels had abducted some of them and released them across the border in Cote d'Ivoire. Most of the refugees were accounted for after showing up in Tapeta and Greenville, but some remained unaccounted for having fled into the forests. Some of them also showed up in the Ivorian town of Zounhouen.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The Constitution prohibits such practices; however, police and security forces frequently tortured, beat, and otherwise abused and humiliated citizens. Detainees continued to charge that they were tortured while in detention particularly at a security-training base in Gbatala where victims and witnesses reported beatings, torture, killings, and sexual abuse. LURD forces overran Gbatala in early October. Unlike in the previous year, there were no reports that government forces tortured LURD captives during interrogation in conflict zones.

David Moore and James Kollie, members of the security forces charged with the 2002 assault of lawyer Tiawan Gongole, were released and there was no further information on the case.

Security forces targeted and abused critics of the Government, including journalist, students, and human rights activists (see Sections 1.d., 1.f., and 2.a.). In June, the Media Foundation of West Africa (MFWA) stated that alleged government security forces and irregular elements targeted journalists and human rights activists in Monrovia for systematic looting, arson, and rape.

Law enforcement personnel, including the security forces, were implicated in numerous reports of harassment, intimidation, and looting (see Sections 1.f. and 1.g.). There were many credible reports that government security forces, LURD, and MODEL harassed travelers, displaced persons, and humanitarian aid workers at checkpoints throughout the country throughout the year. There have been few reports of any disciplinary actions for such harassment.

There were numerous reports that security forces raped persons during the year (see Section 1.g.).

Violent clashes among rival security personnel at times resulted in civilian injuries. In June, various units of government troops clashed in Sanoyea during which several civilians were reported killed and others injured.

Clan chieftains continued to use the traditional practice of trial-by-ordeal to resolve criminal cases in rural areas. The Supreme Court ruled that trial-by-ordeal—commonly the placement of a heated metal object on a suspect's body in an attempt to determine whether the defendant is telling the truth—is unconstitutional; however, the practice continued under an executive order.

Prison conditions remained harsh and in some cases life threatening. There were credible reports of unofficial detention facilities, including one at the Executive Mansion, in which detainees were held without charge and in some cases tortured. The Government did not provide detainees or prisoners with adequate food or medical care. Cells at Monrovia Central Prison were overcrowded, mostly with detainees awaiting trial. Similar conditions existed in the Barclay Training Center military stockade. In some counties, the structure that serves as a jail is a container with bars at one end. There also were reports that local officials forced prisoners to work for them.

Women, who constituted approximately 5 percent of the prison population, were held in separate cells. Their conditions were comparable to those of the male prisoners and detainees. There were no separate facilities for juvenile offenders. Women and particularly juveniles were subject to abuse by guards or other inmates. Convicted prisoners and detainees awaiting trial were not held in separate facilities.

The Government generally permitted the independent monitoring of prison conditions by local human rights groups, the media, and the International Committee of the Red Cross (ICRC). The ICRC often was allowed to visit persons held in prison facilities and police detention centers without third parties present and to make regular repeat visits, including to Gbatala. Access generally was denied to unofficial detention centers.

d. Arbitrary Arrest, Detention, or Exile.—The Constitution prohibits arbitrary arrest and detention; however, security forces continued to arrest and detain persons arbitrarily. There were fewer reports of arbitrary arrest and detention after the NTGL came into power.

Officers of the Liberia National Police (LNP) committed serious human rights offenses during the year. Police brutality against unarmed civilians was often commonplace. The police lacked adequately training and equipment. They were hardly paid and when paid, their salaries were meager. Public confidence in the LNP was completely absent. Police officers often held detainees for long periods without charge or trial. The civilian police component of UNMIL started training a new police force in December and have commenced joint patrols around Monrovia.

Corruption was widespread during the year. The absence of salaries for government employees exacerbated the situation. Corruption was present in all sectors of society including the judiciary. Those who publicly admitted to corruption were often not charged or tried.

Impunity was also a major problem during the year. Offenders were not punished for their crimes. Government supporters who committed crimes or abused other people's rights were often allowed to go with impunity.

The Constitution provides for the rights of the accused, including warrants for arrests and the right of detainees either to be charged or released within 48 hours. Warrants were not always based on sufficient evidence, and detainees, particularly those without the means to hire a lawyer, often were held for more than 48 hours without charge. The police only have limited logistics and forensic capabilities and cannot adequately investigate many crimes, including murder cases. When the courts released known criminals for lack of evidence, police officers often arrested them again on false charges.

Security forces at times refused to produce suspects being held in detention without charges even after the courts issued writs of habeas corpus on the application of human rights organizations. The NTGL had no unofficial detention centers.

Security forces arrested and detained a number of journalists, NGO members, and human rights activists during the year (see Section 2.a.). On February 10, police arrested student leader Siaffa Momoh Kpoto for causing pandemonium after riots broke out over fears that security forces were going to attack the University of Liberia (UL) campus while opposition LUP presidential candidate Charles Brumskine was there to deliver a speech. Kpoto was promoting Brumskine's speech. On February 12, he was released without charge after more than 500 students demonstrated outside the police headquarters. University authorities subsequently banned all student political activities on campus and ordered all major student political parties to leave the campus. UL was closed at year's end.

The Government also arrested religious leaders during the year (see Section 2.c.).

In July, the Government pardoned Sheikh K.M. Sackor after he was detained as an “illegal combatant.”

In July, numerous persons detained without being charge as ‘illegal combatants’ were released during the year.

Manasuah Kollison left for a neighboring country shortly after his release from detention on July 11.

Government security forces, LURD, and MODEL detained, tortured, and killed hundreds of civilians during the year (see Sections 1.b. and 1.g.).

In October, MODEL released 28 detainees arrested in connection with the war to the ICRC.

The Constitution provides for the right of a person who is charged to receive an expeditious trial; however, lengthy pretrial and pre-arraignment detention remained serious problems. In some cases, the length of the pretrial detention equaled or exceeded the length of sentence for the crime.

The Constitution prohibits forced exile, and the Government did not use forced exile; however, as a result of frequent harassment and threats by the security forces, a number of student activists, opposition figures, and human rights activists fled the country due to fear for their personal safety or that of their families.

With the emergence of the NTGL, many citizens from the Diaspora (citizens afraid to return to the country when Charles Taylor was in power) have returned to the country to live and to work in varying capacities.

e. Denial of Fair Public Trial.—Although the Constitution provides for an independent judiciary, judges were subjected to political, social, familial, and financial pressures, and the judiciary was corrupt. Some judges and magistrates were not lawyers. The judiciary has determined that it was not feasible to retire all judicial personnel who were not legally trained. By statute members of the bar must be graduates of a law school and pass the bar examination. During President Taylor’s administration, the executive branch continued to exert strong influence on the judiciary. For example, the Government’s assertion that persons identified as “illegal combatants” have no recourse to civil courts appeared to have no basis in law. There were no reports that the NTGL exerted influence on the judiciary.

Courts regularly received bribes or other illegal gifts out of damages that they awarded in civil cases. Defense attorneys often suggested that their clients pay a gratuity to appease judges, prosecutors, and police officers to secure favorable rulings.

In August, unidentified individual looted the Parliament and judiciary, and stole documents of court proceedings from the Criminal and Supreme Courts.

The judiciary is divided into four levels, with the Supreme Court at the apex. All levels of the court system in Monrovia, including the Supreme Court, functioned sporadically. The Government was unable to revitalize the court system outside of Monrovia due to the war and a lack of trained personnel, a lack of infrastructure, and inadequate funding. Although judges were assigned throughout the country, in some cases they were unable to hold court due to the war, lack of supplies, and lack of equipment. Traditional forms of justice administered by clan chieftains remained prevalent in some localities (see Section 1.c.).

Under the Constitution, defendants have due process rights; however, in practice these rights were not always observed. Defendants have the right to a public trial and timely consultation with an attorney; however, there was no effective system to provide public defenders, especially in rural areas. Some local NGOs provided legal services to indigents and others who have no representation. There continued to be long delays in deciding cases involving juveniles.

At year’s end, there were no political prisoners.

f. Arbitrary Interference with Privacy, Family, Home or Correspondence.—The Constitution provides for the right of privacy and the sanctity of the home; however, authorities regularly infringed on these rights. Although the Constitution provides that the police must obtain a warrant or have a reasonable belief that a crime is in progress, or is about to be committed, before entering a private dwelling, police and paramilitary officers frequently entered private homes and churches without warrants to carry out arrests and investigations. Police also raided the offices of newspapers during the year (see Section 2.a.).

Police used so-called security sweeps to search for dissidents in the Paynesville area after LURD rebels allegedly distributed leaflets there, and several persons abandoned their homes and moved in with relatives. Throughout the year, government troops carried out cordon and search operations in various neighborhoods around Monrovia including Paynesville, Gardnersville, and Bushrod Island.

In rural areas, particularly in remote parts of Lofa and Gbarpolu Counties, members of the security forces generally were paid and provisioned inadequately and

often extorted money and goods from citizens. Armed security forces and rebels illegally entered homes, most often to steal food, money, or other property, usually after clashes. Local communities were compelled to provide food, shelter, and labor for members of the security forces stationed in their villages.

ATU members, government irregular forces, and LURD elements increasingly were involved in criminal activities such as theft, looting, and killings in Monrovia. The looting of humanitarian supplies during the June to August crisis was a serious problem, and many hospitals were targeted. Few, if any, perpetrators were apprehended.

The security forces harassed and threatened opposition figures and their families by conducting illegal surveillance. Some journalists and human rights activists resided in the homes of friends or relatives at times due to fear that the security forces might follow through with their threats against them. Incidents of harassment and threats increased with the continuing violence in the northwest.

There continued to be reports that students were under security forces surveillance and that security forces monitored e-mails.

There were reports that security forces and rebels forcibly conscripted men and boys to fight in the conflict in Lofa County (see Sections 2.d. and 5). In April, the Government promulgated a controversial regulation that mandated that male IDPs be screened and taken to camps more than 62 miles from Monrovia. Several young men rounded up from the various IDP camps in the western suburbs of Monrovia have yet to be returned to their families.

The Government continued the occasional practice of arresting family members to persuade a suspect to turn himself in.

g. Use of Excessive Force and Violations of Humanitarian Law in Internal and External Conflicts.—Fighting between the Government and LURD intensified during the year, and was exacerbated by the emergence of a second insurgency, MODEL, during the early part of the year. Most towns with significant populations experienced conflict, including Ganta, Gbarnga, Tubmanburg, Greenville, Buchanan, Zwedru and Harper. The fighting culminated with three LURD incursions on Monrovia from June through August, marked by intense urban combat that killed and injured hundreds of civilians, and MODEL's occupation of Buchanan at the end of July. Thousands more were displaced during the fighting, and serious health and sanitation problems arose in the greater Monrovia area as established camps for IDPs were disbanded and persons crowded into Monrovia. As of year's end, the Government was only in control of places UNMIL has deployed, including the Greater Monrovia area, Tubmanburg, Gbarnga, and parts of Nimba County. At year's end, humanitarian organizations reported continued frequent skirmishes between the former government fighters, LURD, and MODEL irregulars throughout the countryside, most seriously in Nimba County. No perpetrators were arrested or convicted for any killings connected to the conflict.

Until June, there continued to be credible reports that government forces, particularly the ATU, as well as members of the Lorma ethnic group, continued to harass, intimidate, detain, and kill member of the Mandingo ethnic group and other suspected LURD supporters.

There were numerous unlawful civilian killings committed during the year by security forces and rebel elements. These killings increased as the fighting spread throughout the country. During the year, government armed elements and uncontrolled rebels killed an undetermined number of civilians, who were suspected of being government or rebel sympathizers respectively, by shooting them, burning them alive, or cutting their throats. Some soldiers killed civilians while looting their villages. Human rights monitors reported that abuses included torture and rape.

On December 9, predominantly armed government irregulars that left Camp Schieffelin during an UNMIL disarmament exercise killed at least five persons during a 5-day looting spree. Those killed were believed to have been looters. No investigation occurred by the NTGL by year's end.

There were no further developments in the 2002 attack by alleged government security forces on Kiatahun who reportedly burned 65 of the 125 abducted civilians alive in a house in Lofa County.

There were reports that MODEL rebels killed civilians in Greenville and Harper after capturing these towns from government forces. MODEL fighters summarily executed scores of civilians believed to be government sympathizers. MODEL fighters also reportedly kill officials of Taylor's National Patriotic Party (NPP). MODEL fighters were also reported to have killed persons in River Gee County on suspicion of being members of the progovernment River Gee Defense force.

Rebels were responsible for numerous killing during the year. For example, Between July 21 and August 11, LURD forces occupying Bushrod Island allegedly killed, in public, several persons they believed were members of government security

forces. Witnesses also reported seeing a number of bodies in the streets of Bushrod Island that appeared to have been killed deliberately, as opposed to accidentally during fighting. On August 6, three bodies were seen near Vai Town Hardware stores, in the southern end of Bushrod Island, an area firmly under LURD control. One body had been stripped, the hands were bound with wire, and there was a bullet wound in the back of the head. The other bodies were clothed but there were gunshot wounds in the head. On August 8, there were several bodies floating in the water at the port, which was under LURD control, and one in a warehouse. There are unconfirmed reports of a far greater number of such alleged deliberate killings in areas controlled by LURD during that period. All appeared to have been shot in the head or back. LURD did not produce investigation reports regarding these matters by year's end.

On August 22, LURD-affiliated ex-combatants allegedly killed General Moses Fayiah Senneh of former President Taylor's forces in Logan Town, on Bushrod Island.

There were numerous attacks on IDPs and IDP camps during the year. Between March and June, government irregulars and LURD elements repeatedly raided IDP camps in the Western suburbs of Monrovia. Humanitarian organizations reported that civilians were killed in some of these raids. Neither the Government nor LURD has investigated these matters.

On July 21 and 25, mortar rounds dropped in a foreign Embassy compound killed IDPs, including women, children, and elderly persons. One foreign Embassy employee, James Koryan, was killed in the attack. The bodies of those killed were piled in front of the Embassy to draw the attention of the international community for assistance in ending the crisis.

In June and July, mortars apparently launched by LURD elements on Bushrod Island, landed in Greystone compound in the Mamba Point neighborhood, killing numerous displaced persons and other civilians that had sought refuge in the compound and surrounding environs. LURD, which was employing mortars in its combat against government forces, denied the attacks and blamed them on government forces stationed in the nearby Ducor Hotel.

On July 25, LURD rebels launched mortar shells that landed on the Newport High School campus, which housed several hundred IDPs. Eight IDPs died and several others were injured during the 10-minute span when more than 30 shells landed around the Newport Street and Mamba Point areas. Several others were killed in various locations by the shells.

On July 25, 25 persons were killed in and around a Holiday Inn on Carey Street in Central Monrovia where 200 hundred civilians had gone to seek refuge, according to Holiday Inn owner Mr. H.M. Jawary.

On July 26, mortars fell on Greater Refuge Church in Monrovia where an estimated 300 persons sought refuge. Five persons were killed and several persons were injured.

Civilians were killed during fighting between government and rebel forces. For example, on October 1, five persons were killed during a firefight between security and LURD forces in the Paynesville and Red Light neighborhoods of Monrovia, following an attempt by President Blah and LURD Chairman Sekou Conneh to meet at Blah's residence. The meeting never occurred. Afterwards, LURD and government forces exchanged recriminations regarding who bore responsibility for triggering the incident. Neither the Government nor LURD has investigated further.

At times, it was difficult to determine who was responsible for killings. On February 28, unknown assailants killed Emmanuel Sharpolu, Musa Keita, and Kaar Lund, Adventist Development and Relief Agency (ADRA) humanitarian aid workers, when their vehicle was ambushed in Grand Gedeh County near Toe Town. The Government and rebel officials exchanged recriminations regarding the deaths. Despite heavy international pressure, the Government took no action by year's end.

Sexual violence and rape was common. In August, within 1 week, 40 women and 20 girls reported being raped in the Samuel Doe Stadium in Monrovia, where as many as 50,000 IDPs lived. The perpetrators often entered the camp disguised as displaced civilians. One local NGO reported that between June 5 and August 27, they treated 626 victims of rape. In northern Bong County, the rape of young boys reportedly was on the rise.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution provides for freedom of speech and of the press; however, the Government restricted these rights in practice. Security agents threatened, detained, and assaulted journalists and intimidated many journalists into practicing self-censorship. Cabinet ministers periodically objected to

critical articles and forced stories to be dropped or modified. However, from July until year's end, harassment and censorship of the media decreased significantly.

Unlike in the previous year, the Government did not arrest critics of the state of emergency during the year.

There was no further information on the trial of New Deal Movement Chairman Nigba Wiaplah, who was arrested in 2002 on charges of "inciting insurrection" for criticizing the state of emergency.

In Monrovia there were 18 newspapers that published during the year, with varying degrees of regularity. Two were independent dailies and five usually appeared at least once a week. Their political orientation ranged between pro-government and critical of the Government. The Public Affairs Bureau of the Ministry of Information, Culture, and Tourism published one newspaper, and the communications network owned by the President published a weekly newspaper. After President Taylor left the country, his newspaper stopped publishing and his radio station stopped broadcasting.

Newspaper availability fluctuated during the year. All newspapers were printed through one printing facility. The Taylor administration had at times pressured the managers of the facility not to print articles the Government perceived to be unfavorable. To meet the costs of production, the typical newspaper's eight pages included two or three pages of advertisements or paid announcements. Some articles were the result of gifts or money that supplemented reporters' meager salaries.

Due to the high price of newspapers, the high rate of illiteracy (estimated at 75 percent), high transportation costs, and the poor state of roads elsewhere in the country, newspaper distribution generally was limited to the Monrovia region. As a result, radio was the primary means of mass communication. There were a number of FM stations in Monrovia. There also was the state-run national station (ELBC), a FM station operated by President Taylor's private Liberia Communications Network (LCN), which closed after Taylor left. There were at least five new FM stations on the airwaves: Power FM, King's FM, UNMIL Radio, and Radio LJJ. ELBC, and Radio Veritas, which was operated under the Catholic Archdiocese, also broadcast on short-wave frequencies strong enough to reach all parts of the country. In November, Chairman Bryant lifted the ban on Star Radio, an independent radio station closed by former President Taylor in 2000. DC-101 was broadcasting at year's end, and UNMIL Radio also began broadcasting in December.

Due to the economic situation in the country and the dependence on generators requiring expensive fuel, most stations limited broadcast hours and in some cases ceased operation for short periods, was particularly during the June to August crisis.

Call-in radio talk shows were popular and frequently a forum for both government and opposition viewpoints. Interviews with prominent persons were broadcast frequently. DC-101 removed its popular talk show DC Talk off the air after government operatives threatened the show's host and the station management for condoning and preaching anti-government sentiments.

Television was limited to those who could purchase sets, the generators, and fuel to provide electricity. For those persons and businesses with satellite capability, CNN was generally available. There were two television stations: LCN, owned by then-President Taylor, and the Ducor Broadcasting Corporation, which was privately owned but supplied with a generator by President Taylor. LCN closed down after Taylor's August 11 departure from office. Ducor radio FM101 and television closed during the June-August fighting and resumed broadcasting after the fighting.

With some notable exceptions, government officials reluctantly tolerated the press; however, they frequently criticized the media publicly for what they considered negative reporting. Requirements for foreign journalists, including a minimum 72-hour advance notice of the intent to enter the country and a 24-hour waiting period for accreditation after arrival remained in force. During the crisis, international correspondents were charged frequent and irregular accreditation fees. In mid-June, the Government suspended all foreign press credentials for 2 days in response to an article accusing then-President Taylor of "returning to cannibalism." The Government attempted to intimidate some journalists during that period. The government order that required local journalists to clear reporting on the insurgency prior to publication, generally was obeyed out of fear of government retribution.

From July until year's end, government cooperation with the media, particularly the international media, improved. The Government permitted a significant volume of reporting on the crisis with little censorship. However, local media did not publish during this period. Following President Taylor's resignation, local press returned to publishing and broadcasting, and government harassment and interference was significantly reduced from earlier in the year.

In January, there were reports that ATU forces tortured into a coma Throble Suah, a reporter for the Liberian Inquirer newspaper. He was evacuated out of the country for medical treatment. No action was taken against members of the security forces who were responsible.

Prior to July, reporting that criticized the Government generally had brought threats of violence, closure, or directives from powerful government officials to advertisers that they should discontinue business with that media outlet. Security personnel sometimes interpreted criticism as a license to harass, threaten, arrest, and even assault targeted persons; the Government often required arrested journalists to apologize in writing prior to releasing them. There were fewer such reports during the second half of the year.

In January, the Justice Ministry held the Manager of Radio Veritas, Ledgerhood Rennie, for several hours because his station held a live interview with opposition leader Charles Brumskine from abroad.

In May, the Government closed six local FM radio stations in the central part of the country without proffering specific charges against them.

Journalists practiced self-censorship; however, reporting of issues increased during the second half of the year.

During the year, security personnel visited Sabanoh Printing Press and prevented the publication of newspaper stories, which it considered critical. The premises of leading independent newspapers were vandalized by government troops during the recent conflict.

The Government did not specifically restrict or limit access to the Internet; it was available to those who could afford it. Several Internet cafes operated in Monrovia, although relatively high fees limited access. Prior to President Taylor's resignation, the Government continued to charge that opponents used the Internet to wage a propaganda war. However, the Ministry of Information also maintained an unofficial website that promoted a pro-government view of the country. Two Internet Service Providers (ISPs) operated in Monrovia and both were linked to prominent persons. Some persons believed that government security personnel monitored the Internet, particularly e-mail.

The Government did not restrict academic freedom. UL did not open for the fall session due to the crisis. Alphonse Nimene, president of the Student Union, 15 student leaders, and numerous other students returned to the country after the inauguration of the Transitional government in October.

There were several attacks on the press during the year by unknown persons. For example, on June 5, armed men assaulted and robbed The News reporter Stanley McGill. A week earlier, three armed men who appeared to be wearing ATU uniforms assaulted him.

On June 12, alleged LURD rebels abducted three journalists, Bobby Tapson and Bill Jarkloh, both of the The News, and Joe Watson of the Liberia Broadcasting System. The three men were reported released several days later.

On June 12, armed men looted the home of Independent journalist Lyndon Ponnice. The whereabouts of his family was unknown at year's end.

The MFWA reported that the homes of three other journalists had been looted and set ablaze in June.

b. Freedom of Peaceful Assembly and Association.—The Constitution provides for the right of peaceful assembly, and the Government at times limited this right in practice. During the second half of the year, neither President Blah nor the NTGL limited gatherings, and few of such gatherings occurred.

The Government generally permitted demonstrations during the year. However, in June and July, as the crisis in Monrovia worsened, there were a number of spontaneous demonstrations that the Government tried to forcibly prevent. There were also several clashes between demonstrators seeking peace and international assistance, and pro-government demonstrators. On July 3, anti-Taylor demonstrators rallied outside a foreign Embassy. Government security services clashed with some of the demonstrators to prevent them from moving to the Embassy, and beat some civilians.

Police forcibly dispersed demonstrations during the year (see Section 2.c.).

No action was taken against security forces who forcibly dispersed demonstrating students and beat them in October 2002.

The Constitution provides for the right of association, and the Government generally respected this right in practice. There were 18 political parties registered by year's end. Dozens of civil society organizations, organized around themes such as human rights, women's issues, development objectives, poverty alleviation, health concerns, and worker's associations were active.

c. Freedom of Religion.—The Constitution provides for freedom of religion, and the Government generally respected this right in practice; however, there were some exceptions.

In December 2002, the Government arrested Brother David Kiazolu and Reverend Christopher Toe, the Secretary-General and Assistant Secretary General respectively, of the Inter-Religious Council of Liberia (IRCL) and charged them with possessing e-mails from the LURD. They were held incommunicado for 2 weeks. On January 8, the two were charged with treason. They were subsequently pardoned and released in May.

All organizations, including religious groups, must register with the Government; however, traditional indigenous religious groups were not required to register, and generally did not register. Registration was routine, and there have been no reports that the registration process was burdensome or discriminatory in its administration.

The law prohibits religious discrimination; however, Islamic leaders complained of discrimination against Muslims. Although there were some Muslims in senior government positions, many Muslims believed that they were bypassed for desirable jobs because of their religion. Many Muslim business proprietors believed that the Government's decision to enforce an old statute prohibiting business on Sunday discriminated against them.

In April, the Government banned street preaching by evangelists and church leaders in Monrovia. The ban was not in effect at year's end.

Some tensions existed between the major religious communities. The private sector in urban areas, particularly in the capital, gave preference to Christianity in civic ceremonies and observances, and discrimination against followers of other organized religions affected areas of individual opportunity and employment. There was an interfaith council that brought together leaders of the Christian and Islamic faiths.

Ethnic tensions continued in Lofa County between the predominantly Muslim Mandingo ethnic group and the Lorma ethnic group.

Little reliable information was readily available about traditions associated with ritualistic killings in which body parts used in traditional indigenous rituals were removed from the victim; however, they continued to occur. The number of such killings was difficult to ascertain, since police often described deaths as accidents even when body parts were removed. It was believed that practitioners of traditional indigenous religions among the Grebo and Krahn ethnic groups concentrated in the southeastern counties most commonly engaged in ritual killings. The victims were usually members of the religious group performing the ritual, and body parts removed from a member whom the group believed to be powerful were considered to be the most effective ritually. The rituals involved have been reported in some cases to entail eating body parts, and the underlying religious beliefs may be related to incidents during the civil war in which faction leaders sometimes ate body parts of former leaders of rival factions. Ritual killings for the purpose of obtaining body parts traditionally were committed by religious group members called "heart men;" however, since the 1990–96 civil war, common criminals also may have sold body parts.

On March 4, citizens of Buchanan in Grand Bassa County held a mass demonstration to protest the rising rate of mysterious disappearances and ritualistic killings in the county. The demonstration later turned into a riot in which several persons were injured and SOD police officers arrested and detained scores of others. The spate of ritualistic killings that sparked the riots included the killings of a 3-year-old girl, Maryemmue Saelekon of Moore Town; Government Morning school teacher Abraham Sarkpah of Harlandville; Buchanan Port Watchman Sundaygar Duo; and the killings of citizens Binda Korkollie, Eric Jallah, and Nyonie Doe.

In October 2002, Nyema Brooks, Ma-Gbanni, and Dio Tyre Dennis were arrested and jailed at the Harper Central Prison in Maryland County for the alleged ritualistic killing of 11th grade student Dio Dennis. Dio Tyre Dennis was the father of the deceased. Dennis' body was found with several body parts removed, including his eyes. After MODEL captured Harper in May, whereabouts of the three were unknown.

For a more detailed discussion, see the 2003 International Religious Freedom Report.

d. Freedom of Movement within the Country, Foreign Travel, Emigration, and Repatriation.—The Constitution provides for these rights; however, government elements, the LURD, and MODEL restricted them in practice. Government security forces, LURD, and MODEL maintained checkpoints where travelers routinely were subjected to arbitrary searches and petty extortion; there were some reports that members of the SOD raped persons at checkpoints. Government security forces,

LURD, and MODEL were also accused of beating and robbing IDPs fleeing fighting throughout the country.

MODEL Rebels enforced a strict curfew from 4 p.m. to 7 a.m. in Buchanan. The rebels registered citizens and refused to allow many to leave.

In October, President Blah suspended the requirement of exit visas for citizens to leave the country. Passport services remained partially suspended during the year. Prospective travelers were able to obtain passports through irregular means, such as contacting an associate of President Taylor and paying a bribe.

Relief agencies estimated that there were several hundred thousand—the numbers fluctuated throughout the year—IDPs in more than a dozen camps throughout the country. Numerous outbreaks in fighting during the year resulted in tens of thousands of persons fleeing, often more than once. Militias loyal to the Government often forcibly conscripted IDPs to fight against the LURD, and IDPs faced harassment and intimidation (see Sections 1.f. and 1.g.). An estimated 250,000 persons were living on the outskirts of Monrovia at year's end. There were also thousands of refugees in neighboring countries.

During the year, there were reports that government radio announcements of impending attacks caused large-scale displacements in Salala and Totota; however, the places often were not attacked following the announcement, and security forces looted the abandoned homes.

The law provides for the granting of asylum and refugee status to persons who meet the definition in the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. In practice, the Government provided protection against refoulement and granted refugee status or asylum. The Government provided temporary protection to nearly 20,000 refugees, the vast majority of whom were from Sierra Leone. Between 10,000 to 15,000 refugees from Sierra Leone repatriated during the year. The Government generally cooperated with the U.N. High Commissioner for Refugees (UNHCR) and other humanitarian organizations in assisting refugees; however, government elements, LURD, and MODEL allegedly were responsible for hundreds of cases of abuse against individual refugees (see Sections 1.b. and 1.g.).

Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government

The Constitution provides for the right to vote in free and fair elections, and citizens exercised this right in 1997 in elections that international observers deemed administratively free and transparent; however, the elections were conducted in an atmosphere of intimidation, because most voters believed that military forces loyal to Taylor would have resumed the civil war if he lost. Since his election in 1997, President Taylor used intimidation, patronage, and corruption to maintain power. Because the legislative elections were held on the basis of proportional representation, Taylor's NPP won control of the legislature by the same 75 percent majority that he received in the popular vote for the presidency. There was widespread belief in the country and the international community that conditions did not exist for free and fair elections, which were previously scheduled to occur in October. Under the CPA, elections are scheduled for October 2005.

The CPA, negotiated between the warring parties, the registered political parties, and representatives from civil society, was designed to end several years of active conflict primarily between the Government and the LURD. As a political compromise, the CPA suspends certain articles of the Constitution temporarily, but states that articles not in conflict with the CPA remain in effect. The president and vice president roles are replaced by a chairman and vice chairman, and ministries are apportioned based on political affiliation. The executive branch is headed by a Chairman and Vice Chairman. Ministerial positions are apportioned between members of the former warring parties, the registered political parties and civil society. The NTGL has a unicameral legislature, the National Transitional Legislative Assembly (NTLA). On October 14, the Congress was replaced by the unicameral NTLA, and Bryant assumed the role of Chairman.

Under the Taylor administration, the legislature did not appear to exercise genuine independence from the executive branch. There were 16 opposition parties, most of which had little popular support outside of the capital, and opposition legislators, who held only one-quarter of the seats in the House of Representatives and in the Senate, generally were more passive than members of the ruling NPP. Congressional committees failed to develop expertise in their respective areas of responsibility.

Constitutionally the Senate must approve presidential nominees; however, the confirmation process lagged substantially behind the appointments themselves and

often appointees served months in their positions prior to confirmation. However, since the NTGL, this portion of the Constitution was suspended.

The State is highly centralized. The President appoints the superintendents (governors) of the 15 counties. Municipalities and chieftaincies were supposed to elect their own officials; however, elections—postponed in 1998 due to lack of funds and disorganization and scheduled to be held during the year—were not held. Local governments had no independent revenue base and relied entirely on the central Government for funds. Education, health services, and public works were provided by the central Government. Local officials served mainly to lobby the central Government.

There were no restrictions on the participation of women in politics, and several women held ranking positions in the Government and the NTGL. There were 4 women in the 76-seat legislature, and 3 women cabinet Ministers.

Section 4. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A number of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases; however, under the Taylor administration, members of the security forces frequently harassed NGO members and democracy and human rights activists. There was generally cooperation between the NTGL and NGOs, although certain Ministries, acting independently have been less cooperative, such as over-billing them for their phone charges.

Domestic human rights organizations were under funded and understaffed, and their personnel lacked adequate training. There were three coalitions of human rights groups: The National Human Rights Center of Liberia had nine member organizations; eight other groups comprised the Network of Human Rights Chapters; and four belonged to the Federation of Human Rights Organizations. These organizations sought to increase public discussion of human rights problems.

Some human rights groups paid regular visits to detainees at police headquarters and prisoners at the Monrovia Central Prison (see Section 1.c.). Several domestic human rights organizations established branches outside of the capital and perform similar monitoring functions there. There was no pattern of government interference with these activities.

Members of government security forces, LURD, and MODEL frequently harassed members of NGOs and democracy and human rights activists. For example, in June, unidentified assailants assaulted and sexually abused three nieces of Ishmael P. Campbell, a human rights advocate and Vice President of the Liberia Bar Association. Campbell's home was also looted, forcing him to go into hiding.

In July, the Government pardoned human rights activist Aloysius Toe.

The staff of the National Human Rights Center resumed operations after the departure of Charles Taylor, and operated unhindered at year's end.

The Government permitted international NGOs and human rights organizations to operate in the country, and a number of international organizations did so during the year. Visiting observers and local employees monitored the situation and reported their findings openly.

The National Human Rights Commission remained inactive during the year.

Section 5. Discrimination Based on Race, Sex, Disability, Language, or Social Status

The Constitution prohibits discrimination based on ethnic background, race, sex, creed, place of origin, or political opinion; however, discrimination existed. There were no laws against gender discrimination, ethnic discrimination, or FGM. Differences involving ethnic groups, notably the Krahn, Mano, Gio, Lorma and Mandingo ethnic groups, continued to contribute to serious political violence and abuses.

Women.—Domestic violence against women was widespread; however, the Government, the courts, the media, LURD, or MODEL did not seriously address it as a problem. Several NGOs in Monrovia and Buchanan continued programs to treat abused women and girls and increase awareness of their rights.

FGM traditionally was performed on young girls in northern, western, and central ethnic groups, particularly in rural areas. Prior to the onset of the civil war in 1989, approximately 50 percent of women in rural areas between the ages of 8 and 18 were subjected to FGM. Social structures and traditional institutions, such as the secret societies that often performed FGM as an initiation rite, were undermined by the war. While many experts believed that the incidence of FGM dropped to as low as 10 percent. Traditional societies were reestablishing themselves throughout the country, and the practice of FGM continued. The most extreme form of FGM, infibulation, was not practiced. The Government took no action against FGM during

the year. The Association of Female Lawyers in Liberia (AFELL) also spoke out against FGM.

Women never recovered from the setbacks caused by the 1990–96 war, when many schools were closed and they were prevented from maintaining their traditional roles in the production, allocation, and sale of food. The intensification of fighting between the Government, LURD, and MODEL during the year, further setback women, as thousands were again displaced and prevented from pursuing livelihoods or education.

Women married under civil law can inherit land and property; however, women married under traditional laws were considered the properties of their husbands and were not entitled to inherit from their husbands or retain custody of their children if their husbands die. The Government prohibits polygamy; however, traditional laws permit men to have more than one wife. Women's organizations, particularly AFELL, continued to press for legislation on behalf of inheritance rights in traditional marriages. The Liberian chapter of the Mano River Women's Peace Network visited neighboring countries in 2002 to promote regional peace and stability.

During the year, professional women's groups—including lawyers, market women, and businesswomen—remained vocal about their concerns regarding government corruption, the economy, security abuses, rape, domestic violence, and children's rights. Government officials often responded negatively to public criticism.

Children.—The Government generally was unable to provide for the education and health of children. Due to the poor condition of government schools, many children who attended school, particularly in Monrovia, went to private institutions. Since many private schools still needed to be refurbished due to wartime damage, school fees remained relatively high, thereby making education unattainable for many school-age children. In both public and private schools, families of children often were asked to provide their own books, pencils, paper, and even desks. In November, UNICEF launched a “Back to School” campaign, which began when schools in Monrovia opened for the first time since the June fighting, and provided books, pens, and other teaching materials to children. In 2001 1.05 million out of an estimated 1.7 million school-age children, less than half of whom were girls, were enrolled in primary and secondary schools. Expenditures on education were estimated at \$2.4 million (167 million ld). In 2000 the literacy rate was 70 percent for boys and 37 percent for girls.

FGM was performed primarily on young girls (see Section 5, Women).

Child prostitution and trafficking was a problem (see Section 6.f.).

Government and rebel forces forcibly conscripted persons, including children, to serve as porters, forced laborers, combatants, and sex slaves. There were credible reports that the commanders of these children used narcotics and cocaine to induce the children to fight and to kill. The various armed militias continued to recruit forcibly from IDP camps and schools and deploy underage soldiers, including girls. Some children were as young as 9 years old. There were an estimated 15,000 child soldiers in the country. UNICEF reported that in some factions, 70 percent of combatants were children. In June, government forces attempted to forcibly conscript dozens of young men from the streets of Monrovia, and take them to military camps where they were to be armed and sent to fight. There were credible reports that the LURD engaged in similar forced recruitment and deployment tactics. Thousands of child soldiers have yet to be demobilized or disarmed.

Child labor was a problem (see Section 6.d.).

There were thousands of children living on the street of Monrovia; however, it is difficult to tell who were street children, ex-combatants, or IDPs. Approximately 100 under-funded orphanages operated in and around Monrovia; however, many orphans lived outside these institutions. These institutions did not receive any government funding, but relied on private donations. Nearly all youths witnessed terrible atrocities, and some committed atrocities themselves.

Persons with Disabilities.—As a result of the civil wars, a large number of persons had permanent disabilities, in addition to those disabled by accident or illness. It is illegal to discriminate against persons with disabilities; however, in practice they did not enjoy equal access to public buildings or government services. No laws mandate accessibility to public buildings or services. Persons with disabilities faced discrimination, particularly in rural areas. Babies with deformities often were abandoned. Some NGOs provided services to persons with disabilities.

National/Racial/Ethnic Minorities.—Although the Constitution prohibits ethnic discrimination, it also provides that only “persons who are Negroes or of Negro descent” may be citizens or own land. Many persons of Lebanese and Asian descent who were born or have lived most of their lives in the country were denied full rights as a result of this racial distinction.

The country was ethnically diverse and has 16 indigenous ethnic groups. The indigenous ethnic groups generally spoke distinct primary languages and were concentrated regionally. No ethnic group constituted a majority of the population.

During the Taylor administration, Mandingo citizens faced growing discrimination, arbitrary arrests, and violence based on their ethnicity (see Section 1.b.). However, during the year, the Mandingo dominated LURD was in control of Lofa country and portions of Bong and Nimba countries, allowing some Mandingos to return to the country.

Section 6. Worker Rights

a. The Right of Association.—The Constitution provides workers, except members of the military and police, the right to associate in trade unions, and workers exercised this right in practice. The Constitution also provides that unions are prohibited from engaging in partisan political activity; however, government interference in union activities, especially union elections and leadership struggles, was common both before and during the civil war.

Although most economic activity was interrupted by the conflict, unions proliferated. There were approximately 30 functioning unions organized loosely under two-umbrella groups, the Liberian Federation of Labor Unions (LFLU) and the Congress of Liberian Trade Unions (CLTU), with the common objective of protecting the rights of their 60,000 members, who largely were unemployed. The actual power that the unions exercised was extremely limited. Since the country's work force largely was illiterate, economic activities beyond the subsistence level were very limited, and the labor laws tended to favor management.

During the year, the Government strictly enforced the union registration requirements that fell into disuse during the war. Applicants needed to register at two different ministries, and processing time was arbitrary. Some groups received official status in only a few days while the Government never issued registration for others.

The law does not prohibit anti-union discrimination; however, under the Taylor administration, there were discriminations against union activities.

Labor unions traditionally have been affiliated with international labor groups such as the International Confederation of Free Trade Unions.

b. The Right to Organize and Bargain Collectively.—With the exception of civil servants, workers (including employees of public corporations and autonomous agencies) have the right to organize and bargain collectively. These rights largely were unused during the year because of the lack of economic activity.

Labor laws provide for the right to strike. The laws were nullified by a 1984 People's Redemption Council decree that outlawed strikes, but that decree has not been enforced for years. Due to the destruction of the economy and the estimated 80 percent unemployment rate, strikes were infrequent.

There are no export processing zones.

c. Prohibition of Forced or Bonded Labor.—The Constitution prohibits forced or bonded labor, including by children; however, this prohibition was ignored widely in many parts of the country, and there were reports such practices occurred (see Section 6.d.). In some rural areas, farmers were pressured into providing free labor on "community projects" that often benefited only local leaders. There were allegations that large logging companies and mining companies forcibly recruited workers. There also were reports that local officials forced convicts to work for them.

Unlike in the previous year, there were no reports that local government officials coerced persons to work without compensation on President Taylor's farm or that security forces forced persons to dig for diamonds and gold. Allegedly, LURD and MODEL rebels have used forced labor to dig gold and diamonds in their controlled territories during the year.

There were reports that LURD rebels forced civilians into service as porters for LURD ammunition and supplies in Lofa and Gbarpolu Counties (see Section 1.b.). In Gbarnga, there were reports that local LURD commanders forced women to harvest rice from local farms for LURD generals.

LURD and MODEL rebels also forcibly conscripted children to fight as child soldiers (see Section 5).

d. Status of Child Labor Practices and Minimum Age for Employment.—The law prohibits the employment of children under the age of 16 during school hours in the wage sector, but enforcement was lax and child labor was a serious and widespread problem. The Ministry of Labor frequently lacked the resources to carry out its mandate. Throughout rural areas, particularly where there were no schools, small children continued to assist their parents as vendors in local markets or on the streets, to take care of younger brothers and sisters, and to work on family subsistence farms.

Some former combatants, including some in the security forces, were accused of forcing children to work in the mining industry. Human rights groups reported instances of forced child labor in some rural areas, particularly in alluvial diamond mining. A child rights advocacy group's report on child labor in the southeastern counties and that of another prominent human rights group contradicted a government report, issued in 2002, which concluded that there was no conclusive evidence of forced child labor. Subsequently legislators from three counties sued the child rights advocacy group for defaming the counties' reputations. At year's end, the case remained pending.

All existing military groups have abducted or otherwise compelled large numbers of children to serve as soldiers, sex slaves, and in other service capacities (see Section 5).

e. Acceptable Conditions of Work.—The law provides for a minimum wage, paid leave, severance benefits, and safety standards, but enforcement was targeted solely against profitable firms that generally observed these standards. Due to the country's continued economic problems, most citizens were forced to accept any work they could find regardless of wages or working conditions. The Ministry of Labor claimed it lacked the resources to monitor compliance with labor laws.

The law requires a minimum wage of approximately \$0.25 (10 ld) per hour not exceeding 8 hours per day, excluding benefits, for unskilled laborers. The law requires that agricultural workers be paid \$1.00 (60 ld) for an 8-hour day, excluding benefits. Skilled labor has no minimum fixed wage, but industrial workers usually received three or four times the wage paid to agricultural workers. The highly competitive minimum wage jobs provided a minimal standard of living for a worker and family; however, there were very few such jobs. Families dependent on minimum wage incomes also engaged in subsistence farming, small-scale marketing, petty extortion, and begging. Civil Servants salaries were in arrears for anywhere from 10 to 24 months, depending on the Ministry. The NTGL paid salaries for October, November and December; however, the arrears were not paid by year's end.

The law provides for a 48-hour, 6-day regular workweek with a 30-minute rest period per 5 hours of work. The 6-day workweek may extend to 56 hours for service occupations and to 72 hours for miners, with overtime pay beyond 48 hours.

There were government-established health and safety standards that the Ministry of Labor was responsible for enforcing; however, the Ministry rarely enforced them. The law does not give workers the right to remove themselves from dangerous situations without risking loss of employment.

The law protects legal, but not illegal, foreign workers.

f. Trafficking in Persons.—The law does not prohibit trafficking in persons, and there were reports that persons were trafficked to, from, and within the country. There were reports of forced labor, including by children, and the recruitment of child soldiers (see Sections 5, 6.c., and 6.d.). Citizens, including children, have been trafficked to the Cote d'Ivoire, Sierra Leone, the Gambia, and the United Kingdom, in some cases for commercial sexual exploitation.

MADAGASCAR

The country is a multiparty democracy in which the President and a bicameral legislature shared power. President Marc Ravalomanana, who was elected in December 2001, and his party, Tiako-I-Madagasikara (TIM), dominated political life. Until May 2002, when President Ravalomanana was declared President, incumbent President Didier Ratsiraka and his party, Alliance for the Rebirth of Madagascar (AREMA), disputed the results of the 2001 election, which resulted in widespread violence and numerous deaths. The December 2002 legislative elections, which international observers judged as generally free and fair, resulted in an overwhelming victory for TIM and its alliance partners, the pro-Ravalomanana National Alliance. In the November municipal elections, TIM won a majority of both rural and urban mayoral seats. During the year, the President continued his anti-corruption campaign, which resulted in the conviction of 12 magistrates and the establishment of the National Anti-Corruption Council. The judiciary remained susceptible to corruption and subject to executive influence.

The Minister for Public Security (formerly a State Secretary at the Ministry of the Interior) heads the national police and is responsible for law and order in urban areas. The Gendarmerie Nationale, part of the Ministry of National Defense, is responsible for security in all other areas of the island. Regular army units and reservists at times assumed law enforcement roles in matters requiring large-scale

logistical support, such as cattle theft. Some members of the security forces committed human rights abuses.

The country was very poor with a population of 16 million; the economy was mixed. Agriculture was the largest sector of the economy, and shrimp and vanilla were the leading exports. Approximately 70 percent of the population was below the Government's own poverty level of approximately 45 cents a day in income. The gross domestic product, which declined 12.7 percent in 2002, grew by 9.6 percent during the year.

The Government generally respected the human rights of its citizens; however, there were problems in some areas. Security forces used lethal force to disperse demonstrations, which resulted in numerous injuries and one death. Prison conditions were harsh and life threatening; some prisoners were physically and sexually abused by other prisoners. Arbitrary arrests and detentions occurred. Suspects often were held for periods that exceeded the maximum sentence for the alleged offenses, and lengthy pretrial detention remained a serious problem. Some local government officials limited freedom of speech and of the press in rural areas. Journalists practiced self-censorship. The Government at times limited freedom of assembly. Women continued to face some societal discrimination. Child labor occurred. Unlike in previous years, there were no reports that workers' rights were limited in the export processing zones (EPZs). There were unconfirmed reports of trafficking in women and girls.

RESPECT FOR HUMAN RIGHTS

Section 1. Respect for the Integrity of the Person, Including Freedom From:

a. Arbitrary or Unlawful Deprivation of Life.—Unlike in the previous year, there were no political killings; however, security forces used lethal force to disperse demonstrations during the year (see Section 2.b.).

Lieutenant Colonel Assolant Coutiti and former Antsiranana Deputy Soaline, who were charged in 2002 with numerous politically motivated killings, were tried and sentenced during the year (see Section 1.e.).

In an April 9 article in a national daily newspaper, the family of Roland Ravalomasoa, a supporter of former President Ratsiraka, demanded an inquiry into his April 2002 death; Ravalomasoa died from injuries sustained during interrogation by security forces. Government sources said no investigation had been conducted because the family had not made a formal request.

No action was taken in the March 2002 killing by gendarmerie of the former Regional Director of the Office of Copyrights.

No investigation was conducted into the February 2002 killing by several Ravalomanana supporters of a Ratsiraka supporter outside the Palace of Justice.

The results of an investigation into the April 2002 killing of a Canadian missionary by suspected pro-Ratsiraka militias were not released by year's end.

Unlike in the previous year, there were no high-profile killings of Karana (persons of Indo-Pakistani origin living in the country), and no further action was taken in previous killings.

b. Disappearance.—There were no reports of politically motivated disappearances during the year.

There were several kidnappings and attempted kidnappings of members of the Karana community. These kidnappings appeared to have criminal rather than political motives and generally ended with payment of ransom and release of the victim.

The Government prosecuted and jailed Lieutenant Colonel Coutiti, the suspected ringleader in the 2002 abduction of the Church of Jesus Christ in Madagascar (FJKM) pastor Ndriamisaina.

No action was taken against the perpetrators of other 2002 abductions attributed to pro-Ravalomanana forces, such as the abduction of the state prosecutor for Fianarantsoa Province.

There were no arrests or other action taken in any of the 2001 cases of kidnapping.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The Constitution provides for the inviolability of the person, and unlike in the previous year, there were no reports that government forces or supporters of former President Ratsiraka used torture. However, security forces subjected prisoners to physical abuse, including the rape of female prisoners, and used lethal force to disperse demonstrations during the year, which resulted in numerous injuries (see Section 2.b.).

In July, Lieutenant Colonel Coutiti and former Deputy Soaline, who were charged in 2002 with numerous counts of abduction, torture, and killings, received partial sentences in connection with the arbitrary arrest, torture, and detention of persons

in Pardes military camp. Several other persons were tried and sentenced during the year on charges related to actions at the Pardes camp (see Section 1.e.).

Prison conditions were harsh and life threatening. The country's 97 facilities, which were built for approximately 13,000 prisoners, held approximately 19,000, according to the Ministry of Justice. Prison cells averaged less than one square yard of space per inmate. Prisoners' diets were considered inadequate, and families and NGOs, including the Catholic Prison Chaplains (ACP), supplemented the daily rations of some prisoners. Authorities sometimes permitted outpatient care for well-known inmates; however, medical care for most prisoners was inadequate. Malnutrition, malaria, tuberculosis, pneumonia, and other ailments resulted in an unknown number of deaths during the year. According to a 2002 Catholic Relief Services' (CRS) report, many prison health problems could be alleviated through provision of adequate food. Unlike in the previous year, there were no reports that prisoners were denied family visitation.

During the year, the Government took steps to improve prison conditions. In January, President Ravalomanana granted amnesties and sentence reductions to numerous convicted prisoners; since 2002, approximately 3,300 prisoners have been granted such treatment. In February, in cooperation with the ACP and a foreign embassy, the Minister of Justice inaugurated a new water supply system for the Tsihafahy prison, a maximum-security facility.

Prisoners can be used as forced labor, and the Government acknowledged that this occurred during the year (see Section 6.c.).

Women were not always held separately from men, and there were reports of rapes committed by other prisoners. Approximately 10 of the 650 women incarcerated in the country were accompanied by their pre-school-aged children; unlike in the previous year, there were no reports that such children were subjected to abuse. Approximately 270 of the country's 19,000 prisoners were under 18; juveniles were not always held separately from the adult prison population. Pretrial detainees were not always kept separate from the general prison population.

In October, one of the detainees held in connection with the 2002 political crisis died in prison of neglect, according to media reports and other sources.

The Government was candid about prison conditions and generally open to requests for independent monitoring. The International Committee of the Red Cross (ICRC) has permanent offices in the country and was permitted access to detention centers throughout the country and unfettered access to detainees held in connection with the 2002 political crisis.

d. Arbitrary Arrest, Detention, or Exile.—The Constitution provides for due process for persons accused of crimes and prohibits arbitrary arrest and detention; however, the Government did not always respect these provisions in practice. There were fewer reports of arbitrary arrest after the end of the 2002 political crisis.

There are two national police forces in the country: The National Police, which has jurisdiction in cities; and the Gendarmerie Nationale, which is part of the armed forces and has jurisdiction in all other areas. Corruption persisted in the lower ranks of both police forces. During the year, the Government appointed new senior leadership in both the National Police and the Gendarmerie.

The law mandates that a criminal suspect must be charged or released within 48 hours of arrest; however, during the year, the Government detained individuals, including some held in connection with the 2002 political crisis, for significantly longer periods of time before charging or releasing them. Long delays in bringing cases to trial often resulted in pretrial detention for periods longer than the maximum sentence on the charges faced.

The law provides that arrest warrants must be obtained in all cases except those involving hot pursuit; however, often a person was detained and jailed on no more than an accusation by another person. The Government at times used reservists, who operated outside the normal armed forces chain of command, to make arrests; however, the Government began disbanding reservist forces in December.

The law provides defendants in criminal cases with the right to counsel and the right to be informed of the charges against them; however, the Government was only required to provide counsel in cases in which defendants were indigent and faced charges carrying greater sentences than 5 years. Unlike in the previous year, the Government generally allowed detainees, including those held in connection with the political crisis, access to counsel and family visits.

A system of bail exists; however, in practice it was not available to many defendants. Magistrates often resorted to an instrument known as a retaining writ (mandat de depot) by which defendants were held in detention for the entire pretrial period or for periods longer than the maximum sentence on the charges faced. More than 65 percent of defendants arrested on suspicion of crimes related to the 2002 political crises were arrested with mandats de depot.

In February, soldiers arrested three persons for suspected complicity in plotting an abortive coup, including General Bruno Rajohnson and political activist Liva Ramahazomanana. Rajohnson was acquitted for lack of evidence; however, Ramahazomanana was sentenced to 2 year's imprisonment and remained in prison at year's end. No other information on the case was available.

In March, reservists arrested Olivier Hamada, a former government minister. The reservists had no arrest warrant and apparently were operating independently of police and gendarmerie chains of command. No other information was available by year's end.

In May, security forces arrested former Secretary for State Security Ben Marofy Azaly, the first high-ranking official of the Ratsiraka regime to return voluntarily to the country, and his two sons upon their arrival at Antananarivo airport. Azaly and one of his sons were held for several weeks before being charged with compromising the internal security of the state and inciting tribal hatred; in August, they were tried and sentenced to 5 years' imprisonment. Both Azaly and his son filed an appeal, which was pending at year's end.

Long pretrial detention was a serious problem. In September, the Ministry of Justice reported that 73 percent of the country's approximately 19,000 prisoners were in pretrial detention; however, only 27 of these were incarcerated on political crisis-related charges. Poor record keeping, lack of resources, and the difficulty of access to remote parts of the island hindered the monitoring of pretrial detainees. Despite legal protections, investigative detentions often exceeded 1 year. Many detainees spent a longer period in investigative detention than they would have spent incarcerated following a maximum sentence on the charges faced. The January amnesty that benefited several hundred prisoners specifically excluded pretrial detainees.

On April 14, General Jean-Paul Bory, the second highest-ranking Army officer at the time of his 2002 arrest for "compromising state security," was released for insufficient evidence after 9 months of pretrial detention.

Unlike in the previous year, the Government did not use house arrest.

The Constitution does not specifically prohibit forced exile; however, the Government did not use it. Former President Ratsiraka and other members of his administration remained in self-imposed exile at year's end.

e. Denial of Fair Public Trial.—The Constitution provides for an independent judiciary; however, at all levels, the judiciary was susceptible to the influence of the executive and at times susceptible to corruption.

In July, the Government suspended 18 mayors for alleged fiscal and administrative improprieties, including Roland Ratsiraka, the mayor of Toamasina and the nephew of the former president; Ratsiraka was arrested in 2002 and released pending a hearing on multiple charges related to the political crisis.

The judiciary is under the control of the Ministry of Justice. During the year, the Government took steps to implement its campaign against widespread judicial corruption. In March, 12 magistrates were suspended for corruption; in July, the 12 were sentenced to punishments ranging from 1 year's imprisonment to administrative sanctions, such as demotions and further suspensions. The Justice Ministry was investigating other magistrates suspected of similar wrongdoing at year's end. Also in July, the President appointed a prominent magistrate to be the president of the National Anti-Corruption Counsel, established in 2002 to develop a national anti-corruption strategy and a quasi-ministry to enforce anti-corruption measures.

The judiciary has four levels. Courts of First Instance hear civil cases and criminal cases carrying limited fines and sentences. The Court of Appeals includes a criminal court of first instance for cases carrying sentences greater than 5 years. The Supreme Court of Appeals hears cases on appeal from the Court of Appeals. The High Constitutional Court (HCC) reviews the constitutionality of laws, decrees, and ordinances and certified election results. The judiciary also includes specialized courts designed to handle specific matters such as cattle theft.

The Constitution provides defendants with the right to a full defense at every stage of the proceedings, and trials were public. Defendants have the right to be present at their trials, to confront witnesses, and to present evidence. The law provides for a presumption of innocence; however, the presumption of innocence was often overlooked. The CRS stated that the human rights of a person charged with a crime were often violated, and that there was a "large gap between the laws that served to protect the rights of the accused and the implementation of these laws in fact."

Military courts are reserved for the trial of military personnel and generally followed the procedures of the civil judicial system, except that military officers are included on jury panels. Defendants in military cases, as in civil cases, have access to an appeals process that re-examines points of law rather than questions of fact.

A civilian magistrate, usually joined by a panel of military officers, presides over military trials.

The Constitution provides traditional village institutions with the right to protect property and public order. An informal, community-organized judicial system called Dina was used in certain rural areas to resolve civil disputes between villages over such issues as cattle rustling. The law limits Dina remedies to money damages; however, in the past, Dina-based punishment could be severe. The Dina process does not ensure internationally recognized standards of due process; however, unlike in previous years, there were no reports that Dina resorted to sentences involving physical force or loss of liberty. Dina decisions may be appealed through formal judicial channels to a court of general jurisdiction or to the Office of the Mediator, which investigated and sought redress through formal judicial authorities.

The status of prisoners detained for their role in the political crisis remained a major concern. According to the Ministry of Justice, 388 persons had been arrested by August 1 for their roles in events linked to the 2002 political crisis; 254 of those individuals were remanded to custody. Of the 254, 80 were convicted, 147 were released, and 27 had not yet been tried. In December, the Government tried several dozen defendants, some for the first time, on charges that ranged from compromising the internal security of the state, inciting tribal hatred, and destroying national infrastructure to assault and theft. On December 31, President Ravalomanana announced a pardon for prisoners who were sentenced to 3 years' imprisonment or less; the pardon was expected to affect between 70 and 140 prisoners. The President added that further pardons would be considered on a case-by-case basis.

In July, Lieutenant Colonel Coutiti and former Antsiranana Deputy Soaline, who were charged in 2002 with numerous politically motivated abductions and killings in Antsiranana Province, received partial sentences: Coutiti, who was awaiting trials on other charges at year's end, was sentenced to 18 years imprisonment; Soaline, who remained outside the country, was sentenced in absentia to 5 year's imprisonment for obstruction of free movement of goods and persons and faced further charges.

The Criminal Court of General Jurisdiction also tried and sentenced in absentia other members of the former administration: Former President Didier Ratsiraka was sentenced initially to 10 years' hard labor for a single count of embezzlement, and subsequently sentenced to 5 years' imprisonment for secession; former Minister of Finance Razafimanjato and Ferdinand Velomia, the former Director of the Toamasina branch of the Malagasy Central Bank, were sentenced to 6 years' hard labor for embezzlement; and Pierrot Rajaonarivelo, the National Secretary of AREMA and former Vice Prime Minister, was sentenced to 5 years' imprisonment for abuse of public office. Former Prime Minister Andrianarivo was sentenced to 12 years' hard labor and fined \$7 million (40 billion FMG) for abuse of office; however, on December 31, President Ravalomanana said Andrianarivo would be permitted to leave the country for medical treatment. In December, the Court also sentenced five former governors (two in absentia) to between 3 and 5 years' imprisonment for secession. During Rajaonarivelo's trial in March, the presiding magistrate ordered an impromptu 45-minute recess to attend to what press reports described as an "urgent call". Defense attorneys charged that the executive had interfered with the judicial process. Authorities later admitted the incident was a "formal irregularity" but denied allegations of improper government meddling.

There were no further developments in the 2002 case of pending charges against the former Mayor of Toamasina, Roland Ratsiraka.

f. Arbitrary Interference with Privacy, Family, Home or Correspondence.—The Constitution prohibits such actions, and the Government generally respected these provisions in practice. Unlike in the previous year, there were no reports that supporters of President Ravalomanana looted and burned homes of Ratsiraka supporters or that pro-Ratsiraka militias forced pro-Ravalomanana supporters from their homes. Unlike in the previous year, there were no reports that a write-in informant system operated in Toamasina Province.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution provides for freedom of speech and of the press; however, the Government limited these rights in practice. There were reports that some provincial government officials pressured the media to curb its coverage of certain events and topics, and there were reports that government personnel intimidated journalists. Journalists practiced self-censorship.

There were six privately owned major daily newspapers and many other privately owned national and local news publications that published less frequently; however,

widespread illiteracy and a poorly developed system of distributing publications printed in the capital limited the impact of print media.

The Government owned the only nationwide television and radio networks. In August, MBS Radio, owned by President Ravalomanana and managed by his daughter, broadened its reach through satellite relays and became the first private radio station to have near-nationwide coverage.

In May, the daily *Gazette de la Grande Ile* published an article alleging that TIKO, the dairy products firm owned by President Ravalomanana and managed by his daughter, illegally purchased two state-owned companies. TIKO sued for defamation, and demanded the closure of the paper; a prison term for Lola Rasoamaharo, the *Gazette* editor; and damages of \$100,000 (600 million FMG). In September, the Antananarivo Correctional Court sentenced Rasoamaharo to a 3-month suspended sentence and a symbolic fine of less than 1 cent (1 FMG).

Many journalists privately admitted practicing self-censorship, particularly at the local level. Some journalists in provincial capitals reported being threatened with prison sentences after broadcasting or publishing stories that were critical of local leaders. Others reported receiving messages threatening members of their families if they pursued controversial stories. Many journalists reported avoiding articles critical of wealthy individuals and corporations because they lacked the means to defend themselves in court. Journalistic organizations were ineffective in defending such individuals because they were weak, poorly paid, and not always impartial. In almost all such cases, journalists chose to stop working on the story at issue.

Government agencies and private companies sometimes bribed journalists, who generally received minimum or below minimum wages, to ensure positive coverage of certain events.

The Government did not restrict access to the Internet.

The Government did not restrict academic freedom.

b. Freedom of Peaceful Assembly and Association.—The Constitution provides for freedom of assembly; however, the Government at times limited the right in practice. The Government routinely issued permits for public meetings and demonstrations.

During the year, the Government used increasingly strong measures to disperse demonstrations. In March, security forces used tear gas to disperse a demonstration in Tulear by the opposition group Committee for Truth and Justice (KMMR); six persons were injured. At a second KMMR rally in Antananarivo in May, dozens of unidentified youths, unhindered by nearby police units, rushed the stage, torched banners, destroyed decorations, and dismantled the podium; the rally was abandoned. The Government refused to investigate either incident, and maintained that the police were not obligated to intervene. On June 7, security forces used live ammunition to disperse a demonstration in Toamasina by the National Reconciliation Committee (CRN), a political opposition group; one person reportedly was killed and numerous others were seriously injured. The Government claimed no investigation of these matters was warranted because security forces acted within the scope of their authority. No opposition groups organized large demonstrations after June 7.

No investigation was conducted into the 2002 cases in which security forces forcibly dispersed demonstrations.

The Constitution provides for the right of association and permits citizens to organize political parties and associations; however, the Constitution also explicitly forbids associations that “call into question the unity of the Nation, and those that advocate totalitarianism or ethnic, tribal, or religious segregation.” There were 160 political parties throughout the country.

c. Freedom of Religion.—The Constitution provides for freedom of religion, and the Government generally respected this right in practice.

Religious organizations are not required to register with the Ministry of Interior; however, it is recommended that they do so. There are no penalties for failure to register and there were no reports that any group was denied registration during the year.

Unlike in the previous year, there were no reports that the Government restricted religious freedom, threatened and mistreated church pastors, or imposed restrictions on religious gatherings.

For a more detailed discussion, see the 2003 International Religious Freedom Report.

d. Freedom of Movement within the Country, Foreign Travel, Emigration, and Repatriation.—The Constitution provides for these rights, and unlike in the previous year, the Government generally respected these rights in practice. The fear of crime effectively restricted travel in some areas, especially at night.

Curfews were briefly imposed in Toamasina after minor disturbances in June and October; however, unlike in the previous year, when martial law was imposed as a result of the political conflict, there were no port barricades or restrictions of movement.

Although the law does not include provisions for the granting of refugee status or asylum to persons who meet the definition in the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol, there were no reports of the forced return of persons to a country where they feared persecution. The Government cooperated with the U.N. High Commissioner for Refugees and other humanitarian organizations in assisting the small number of refugees in the country. The Government provided temporary protection to individuals who fall outside of the definition of the 1951 U.N. Convention Related to the Status of Refugees or its 1967 Protocol.

Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government

The Constitution provides citizens the right to change their government peacefully; however, some degree of turmoil accompanied the three changes of government that occurred over the last 13 years.

The country nominally was a democracy in which power was divided between the executive, a bicameral assembly, an independent judiciary, and six provincial administrations. The President names one-third of the senators. Political and business leaders disproportionately influenced the administration of the country. Political parties coalesced around the single most powerful person, usually the President. "Pensee Unique," a national belief in which dissent was viewed as an attack on societal harmony, made an effective opposition difficult in practice. Representatives of the President's political party usually controlled the National Assembly. The December 2002 legislative elections and four follow-up contests held in March resulted in a substantial majority (133 of 160) of deputies elected from the President's TIM party and the pro-Ravalomanana National Alliance. International observer teams found the December 2002 election process to be transparent and the results credible, despite some organizational problems.

In the December 2001 presidential elections, which were conducted amid widespread allegations of fraud, former President Ratsiraka received 40.69 percent of the vote, while his main challenger, Mayor of Antananarivo Marc Ravalomanana received 46.49 percent. Following mediation by the Organization of African Unity in April 2002, the HCC gave Ravalomanana the victory. Ratsiraka, from his base in the east coast port city of Toamasina and with the support of five of the country's six provincial governors, tightened the blockade around the capital Antananarivo by attacking its infrastructure, particularly the bridges. After the HCC ruling, the Armed Forces, until then largely neutral, shifted increasingly to the Ravalomanana side. Starting in May, the Ravalomanana forces steadily gained control over the entire country, ultimately forcing Ratsiraka into exile in July 2002. From January 2002 to June 2002, both Ravalomanana in Antananarivo and Ratsiraka in the port city of Toamasina claimed to be the legitimate head of state. Widespread, politically motivated conflict resulted in approximately 100 deaths; blockades and infrastructure attacks by pro-Ratsiraka forces severely disrupted the economy.

During the year, the President continued his anti-corruption campaign (see Section 1.e.). In July, the Government suspended 18 mayors for alleged fiscal and administrative improprieties, including Roland Ratsiraka, the mayor of Toamasina and the nephew of the former president; Ratsiraka was arrested in 2002 and released pending a hearing on multiple charges related to the political crisis. None of the suspensions led to criminal charges; however, one of the suspended mayors was arrested on unrelated charges and released shortly afterward.

Soon after the July suspension of the 18 mayors, the Government announced that municipal elections would be held in November. The Government claimed the suspensions would not bar the 18 from running; however, the suspensions complicated preparations for the election, as did August legislation that established two different processes for municipal elections—one for large cities and the other for the remainder of the country. In cities, the candidate with a plurality won; in rural communities, a party list system (in which the winner is the first name on the party list receiving the plurality of votes) was used. Municipal councils in both urban and rural communities were chosen using party lists. Logistical problems, including a shortage of transparent ballot boxes, resulted in the elections being held on two different dates: November 9 and 23. The TIM party received 56 percent of rural and 60 percent of urban mayoral seats.

There were 8 women in the 160-member National Assembly elected in December 2002.

Section 4. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A number of local and international human rights groups operated without government restriction, investigating and publishing their findings on human rights cases. Government officials were cooperative and responsive to their views.

The Constitution requires the Government to create apolitical organizations that promote and protect human rights. However, the governmental National Commission for Human Rights (CNDH) has had a limited impact on promoting human rights issues and was viewed as partisan during the 2002 political crisis because of its general support for former President Ratsiraka. During the year, the CNDH was technically inactive because the Government did not name replacements for its 25 members, whose mandates expired in October 2002. The Government offered no explanation for the delay in naming replacements.

The Government permitted visits during the year by international NGOs, including the ICRC.

Section 5. Discrimination Based on Race, Sex, Disability, Language, or Social Status

The Constitution prohibits all forms of discrimination; however, no specific government institutions were designated to enforce these provisions.

Women.—Domestic violence against women was a problem. Police and legal authorities generally intervened when physical abuse was reported. Amendments promulgated in January to the Penal Code specifically prohibit domestic violence, expand the definition of rape, and prohibit sexual harassment. In December 2002, the Government launched the first national campaign highlighting domestic violence.

Prostitution was not a crime; however, related activities, such as pandering, are criminal. Incitement of minors to debauchery is a crime. During the year, authorities reportedly dismantled a prostitution ring in Reunion involving some Malagasy women; the women reportedly claimed they could earn more in a month in Reunion than the equivalent of 12 years' minimum wage in the country.

The Ministry of Tourism acknowledged the problem of sexual tourism, conducted several workshops during the year to address the issue, and in March, established an oversight committee to coordinate work on the problem.

There were unconfirmed reports of trafficking (see Section 6.f.).

Under the law, wives have an equal voice in selecting the location of the couple's residence and generally received half the couple's assets if the marriage was dissolved. In practice, this requirement was not always observed. Widows with children inherit half of joint marital property. A tradition known as "the customary third" occasionally was observed in some areas. Under this custom, the wife had the right only to one third of a couple's joint holdings; however, a widow was eligible to receive a government-provided pension, while a widower was not.

There was relatively little societal discrimination against women in urban areas, where many women owned or managed businesses and held management positions in state-owned companies. In August, the Ministry of Labor reported that women owned 30 percent of formal sector companies and 53 percent of informal sector companies. However, women may not work in positions that might endanger their health, safety, and morals. A number of NGOs focused on the civic education of women and girls, and publicized and explained their specific legal protections; however, due to cultural traditions, few women lodged official complaints or sought redress when their legal rights were compromised.

Children.—The Ministry of Health, the Ministry of Education, and the Ministry for Population and the Condition of Women and Children were responsible for various aspects of child welfare; however lack of funding resulted in inadequate services and precluded the compilation of reliable statistics.

The Constitution provides for tuition-free public education for all citizen children and makes primary education until age 14 compulsory; however, only 50 percent of primary school age children were enrolled (see Section 6.d.). In August, the Government implemented the Education for All program to provide essential school supplies to primary school children.

Child prostitution was a problem. During the year, the International Labor Organization's (ILO) International Program for the Elimination of Child Labor (IPEC) conducted a study of child prostitution in Mahajanga. According to the study, acute poverty and lack of family support were the primary reasons that children engaged in prostitution, and the practice was so widespread in Mahajanga that it was not considered abnormal.

Child labor was a problem (see Section 6.d.).

Persons with Disabilities.—There was no official discrimination against persons with disabilities in employment, education, or in access to state services. The law

broadly defines the rights of persons with disabilities and provides for a National Commission and regional sub-commissions to promote the rights of persons with disabilities; however, neither the National Commission nor the regional sub-commissions have been established. International NGOs, including Handicap International Madagascar, and numerous local associations, including the Collective of Organizations Advocating for Persons with Disabilities, advocated for legislation mandating equal access for persons with disabilities and the establishment of the National Commission.

National/Racial/Ethnic Minorities.—The Malagasy, of mixed Malay-Polynesian, African, and Arab descent, were divided into 18 tribes, a term without pejorative overtones in the country. The vast majority of Malagasy spoke a single Malagasy language, albeit with certain regional differences. None of the 18 tribes constituted a majority. There were also large minorities of Indo-Pakistani and Chinese heritage in the country.

A long history of military conquest and political dominance raised the status of highland ethnic groups of Asian origin, particularly the Merina, above that of coastal groups of African ancestry. This imbalance persists and fueled an undercurrent of tension between Malagasy of highland and coastal descents. Ethnicity, caste, and regional solidarity often were factors in hiring practices.

A significant Indo-Pakistani (Karana) community has been present for over a century. Traditionally engaged in commerce, the Karana number approximately 20,000 persons. Few of them hold citizenship, which is acquired through a native-born Malagasy mother, and most believed they were denied full participation in the society and subject to discrimination. In August, National Assembly and public debate over a bill to permit foreigners to own land created public controversy because many citizens believed it would facilitate ownership of real property by resident, but non-citizen, Karana. Although tensions persisted, there were some efforts to facilitate greater inter-community understanding.

Section 6. Worker Rights

a. The Right of Association.—The Constitution and the Labor Code provide workers in the public and private sectors with the legal right to establish and join labor unions of their choosing without prior authorization; however, essential service workers, including police and military personnel, may not form unions. Unions were required to register with the Government, and registration was granted routinely. Ministry of Labor statistics indicate that less than 5 percent of workers in EPZ companies and less than 10 percent of all workers were unionized, in part because between 70 and 80 percent of the workforce engaged in subsistence agriculture. Despite the existence of several public employees' unions, few public employees were union members. There were a number of trade union federations, many of which formally affiliated with political parties.

The Labor Code prohibits discrimination by employers against labor organizers, union members, and unions. In the event of anti-union activity, unions or their members may file suit against the employer in civil court.

Unions may join international labor organizations and may form federations or confederations.

b. The Right to Organize and Bargain Collectively.—The Constitution provides for the right of workers to bargain collectively; however, collective bargaining agreements remained rare. The Labor Code states that either management or labor may initiate collective bargaining. The Government set wages (see Section 6.e.).

The Constitution provides for the right to strike, including in EPZs, within parameters fixed by law. The Labor Code calls for workers to exhaust all options including conciliation, mediation, and arbitration before resorting to strikes. Workers in essential services have a recognized but restricted right to strike; however, they did not exercise this right during the year.

In October, a union representing former employees of SOLIMA, the state petroleum company, held a short strike to contest the restructuring that followed privatization. After the strikers blocked distribution from regional terminals, authorities invoked a public safety provision of a privatization law and ordered resumption of fuel deliveries, which began shortly after the government action. A peaceful settlement was reached in October.

Labor laws apply uniformly throughout the country; however, the Government's enforcement of labor laws and regulations was hampered by a lack of staff and financial resources. Workers had recourse through the Ministry of Civil Service, Labor, and Social Laws' Office of Work for dismissals and the Office of Social Protection for mistreatment. There were many EPZs that in practice were firms operating under special import and export rules. EPZ firms were required to follow all pertinent labor laws and regulations, including minimum wage laws. EPZ firms gen-

erally used worker representation councils, whose members were elected by the employees but were not necessarily union representatives. Unlike in the previous year, these representatives were not perceived to be subject to pressure from management. Unlike in the previous year, there were no reports that union members working in EPZs were mistreated or fired. The Foundation Friedrich Ebert held workshops during the year to promote union cohesiveness and encourage the formation of a single confederation of EPZ unions.

c. Prohibition of Forced or Bonded Labor.—The Labor Code prohibits forced or bonded labor, including by children; however, at times the Government did not respect this prohibition, specifically with respect to prison labor. In 2002, the ILO noted that the Government hired out some prisoners and pretrial detainees to private firms that provided basic amenities such as food and clothing in return for the prisoners' labor; the ILO recommended that the Government cease the practice. In September, the Ministry of Decentralization, in cooperation with the ILO, began a comprehensive study of forced labor in the country (see Sections 6.d. and 6.e.). Results of the study, which concluded in December, were expected in 2004.

d. Status of Child Labor Practices and Minimum Age for Employment.—Child labor was a problem. The Labor Code defines a child as any person under the age of 18 years and sets the minimum age for employment at 14. The Labor Code also prohibits persons under age 18 from working at night and at sites where there is an imminent danger to health, safety, or morals. Nearly 20 percent of urban children and 60 percent of rural children between the ages of 7 and 14 were intermittently employed, the vast majority on family farms. Children in rural areas generally dropped out of school to help on family farms, and urban children often worked as domestic laborers and servants. In the agricultural sector, work for children on the family subsistence farm may begin at an even younger age. In cities many children worked in occupations such as transport of goods by rickshaw and petty trading. During the year, IPEC reported that children as young as 8 years old were being used in mines because they could maneuver in cramped spaces more easily than adults.

The Government, with IPEC assistance, implemented some provisions of ILO Convention 182 on the worst forms of child labor by undertaking a study of the worst forms of child labor in the country, including prostitution and quarry and salt marsh work.

The Government enforced child labor laws in the formal economic sector by means of inspectors from the Ministry of Civil Services; however, enforcement in the much larger informal sector remained a serious problem.

In May and June, the Ministry of Labor, in conjunction with the ILO/IPEC, conducted a child labor awareness campaign in all six provincial capitals. The initiative, which targeted employers, called for raising the minimum age of employment to 15 years and culminated in a well-publicized "Day Against Child Labor."

e. Acceptable Conditions of Work.—The Labor Code and its implementing legislation prescribe working conditions and wages, which were enforced by the Ministry of Civil Service, Labor, and Social Laws. The law makes separate provisions for agricultural and nonagricultural work.

In April, the Government passed a decree increasing the monthly minimum wage by 12 percent to \$32.29 (197,000 FMG) in the nonagricultural private sector and \$32.78 (200,000 FMG) in the agricultural sector. The national minimum wage did not provide a decent standard of living for a worker and family, particularly in urban areas. Although most employees knew what the legal minimum wages were, in practice those rates were not always paid. High unemployment and widespread poverty led workers to accept lower wages.

The standard workweek was 40 hours in nonagricultural and service industries and 42½ hours in the agricultural sector. Legislation limited workers to 20 hours of overtime per week; however, there were reports that employees often were required to work until production targets were met. In some cases, this overtime was unrecorded and unpaid.

The Labor Code sets rules and standards for worker safety and worksite conditions. The Ministry of Labor had 40 formal sector inspectors to enforce all labor laws, including child labor laws, throughout the country. These inspectors were only able to cover the capital effectively. If violators do not remedy cited violations within the time allowed, they may be sanctioned legally or assessed administrative penalties. CNAPS, the country's equivalent of the Social Security Administration, published reports on workplace conditions, occupational health hazards, and workplace accident trends. Workers did not have an explicit right to leave a dangerous workplace without jeopardizing their employment. The Labor Code applies to all legal workers.

f. Trafficking in Persons.—The law does not specifically prohibit trafficking in persons, and there were unconfirmed reports of trafficking in women and girls for prostitution between Madagascar and the neighboring islands of Mauritius and Reunion. Traffickers may be prosecuted under provisions of the Penal and Labor Codes that prohibit pedophilia and sexual tourism. There were no reports of arrests for trafficking. While the Government has expressed concern about trafficking, it lacked the resources to address it effectively.

MALAWI

President Bakili Muluzi of the United Democratic Front (UDF) party led the Republic of Malawi, which in 1999 held its second democratic multi-party presidential and parliamentary elections since independence in 1964. Independent observers concluded that the elections were free and substantially fair; however, there was limited opposition access to media, problems in voter registration, and the opposition lost appeals of the results in the courts. The 10 parliamentary by-elections held since 1999 have been marred by increasing violence, allegations of vote fraud, and contested results. Constitutional power was shared between a popularly elected president and the 193-member National Assembly. The UDF had 93 seats in the National Assembly; the Malawi Congress Party (MCP) had 59 seats; Alliance for Democracy (AFORD) had 29 seats; there were 7 independent members; and 6 seats were vacant. The Government generally respected the constitutional provisions for an independent judiciary; however, the judicial system was inefficient and lacked resources.

The National Police, headed by the Inspector General of Police under the Ministry of Home Affairs, are responsible for internal security. The police occasionally called on the army for support. While the civilian authorities generally maintained effective control of the security forces, there were some instances in which elements of the security forces acted independently of government authority. Some members of the security forces committed serious human rights abuses.

The country was very poor, with a narrow economic base characterized by a small and highly concentrated industrial sector, low levels of foreign and domestic investment, and few mineral resources. The economy was largely market-based; however, parastatal organizations dominated many sectors. The population was approximately 10.5 million, and agriculture dominated the economy, employing more than 80 percent of the labor force. The Government continued to move forward with its multisector privatization program and endorsed private sector participation in infrastructure. The economy grew by approximately 3.4 percent during the year; however, wealth remained highly concentrated in a small elite. Annual per capita income was approximately \$180.

The Government generally respected the human rights of its citizens; however, there were serious problems in several areas. Police use of excessive force or negligence resulted in deaths of some detainees while in police custody. The police continued to beat and otherwise abuse detainees and to use excessive force in handling criminal suspects. Prison conditions remained harsh and life threatening and resulted in a large number of deaths. Arbitrary arrest and detention occurred, and lengthy pretrial detention was a serious problem. Security forces at times infringed on some privacy rights. The Government generally respected freedom of speech and the press; however, there were some exceptions. Limited self-censorship existed. At times police used force against demonstrators. Violence against women was common, and women continued to experience severe societal discrimination. Abuse of children remained a problem. The Government limited workers' rights. Child labor, including instances of forced child labor, and trafficking in persons were problems. Mob violence triggered by anger over high levels of common crime resulted in mob executions of alleged criminals.

RESPECT FOR HUMAN RIGHTS

Section 1. Respect for the Integrity of the Person, Including Freedom From:

a. Arbitrary or Unlawful Deprivation of Life.—There were no reports of political killings; however, police mistreatment of a suspect resulted in one death during the year.

On September 17, Peter Mussa Gama, who was arrested for suspected armed robbery, died from injuries inflicted during his detention at the Blantyre police station; an autopsy indicated that Mussa Gama died of strangulation and sustained burns and other injuries. The Malawian Human Rights Commission (MHRC) initiated an

investigation, and the victim's family filed a civil suit against the police; both were ongoing at year's end.

There were no developments in the lawsuit filed by the family of a student demonstrator who was killed by police in 2001.

Mobs sometimes resorted to vigilante justice in beating, stoning, or burning suspected criminals to death. On October 27, a mob in Mulanje beat to death a man suspected of numerous armed robberies; police took no action against the perpetrators. Between January and March 2002, citizens in several communities killed more than 80 suspected thieves caught stealing maize.

No action was taken by police in any of the 2002 or 2001 cases of mob killings.

b. Disappearance.—There were no reports of politically motivated disappearances.

c. Torture and other Cruel, Inhuman, or Degrading Treatment or Punishment.—The Constitution prohibits such practices; however, police continued to beat and otherwise abuse detainees and to use excessive force in handling criminal suspects.

Police assaulted journalists during the year (see Section 2.a.).

Police violently dispersed demonstrations during the year, which resulted in numerous injuries (see Section 2.b.).

The Inspectorate of Prisons' 2002 report noted that police used unnecessary force, prison cells were overcrowded and unhygienic, and prisoners did not have access to food or water while in police custody. Police used beatings and assault to restrain prisoners and to force confessions. While higher-ranking officials demonstrated familiarity with new standards for the humane treatment of prisoners, their subordinates commonly employed unacceptable techniques. Police mistreatment of a suspect resulted in one death during the year (see Section 1.a.). Such conduct partly was due to the mistaken belief of many police officers that the law required them to present a case (not just charges) to the court within 48 hours of arrest, and police often resorted to beatings to obtain information within the time limit. Lack of financial resources for appropriate equipment, facilities, and training contributed to mistreatment.

Prison conditions remained harsh and life threatening. During the year, 90 inmates died in prison, mostly due to HIV/AIDS. Unlike in the previous year, there were no violent prison riots. Overcrowding, inadequate nutrition, substandard sanitation, and poor health facilities remained serious problems. The prison system, which was meant to accommodate 6,200 inmates, held 8,800 prisoners. Programs that provided community service alternatives for some offenders were utilized throughout the country. On July 6, the President pardoned 592 prisoners, 18 of whom were women with children or persons in ill health.

Although women were not kept in separate facilities, they were segregated within the prison compound and monitored by female guards. In the four maximum-security prisons, there were separate facilities for juveniles; however, the separation was inadequate in practice, and there were reports of sexual and physical abuse of juvenile prisoners. In the other prisons, juveniles were routinely incarcerated with adults. The law requires pretrial detainees to be held separately from convicted prisoners; however, many prisons could not comply with this law due to lack of space and inadequate facilities.

During the year, the Inspectorate of Prisons, domestic nongovernmental organizations (NGOs), and international NGOs were permitted to make visits to monitor prison conditions without government interference. The Prison Reform Committee also worked in collaboration with the Ministry of Home Affairs and the Inspectorate of Prisons to visit prisons.

On July 28, the U.N. Special Rapporteur on Prisons and Conditions of Detention in Africa visited and reported on conditions at Chirchiri Central Prison in Blantyre. NGOs reported good collaboration with prison authorities.

d. Arbitrary Arrest, Detention, or Exile.—The Constitution provides the accused the rights to challenge the legality of detention, to have access to legal counsel, and to be released on bail or informed of charges by a court of law within 48 hours; however, these rights seldom were respected in practice.

The country's police force was inefficient, poorly trained, and inadequately funded. Corruption was widespread. Police continued efforts to improve investigative skills and to introduce the concept of victims' rights through workshops and other training exercises, particularly in the areas of sexual abuse and domestic violence (see Section 5). The Government continued to seek community involvement in its comprehensive reform of the police, and in May, the Inspectorate of Prisons launched an initiative for greater civil society and local participation in prison visits. During the year, civil society groups conducted workshops for the police on crowd control measures and management of demonstrations. The country also received foreign as-

sistance during the year to train officials, procure equipment, and construct new police facilities.

Despite the constitutional requirement for police to charge a suspect within 48 hours of arrest, there were numerous reports that detainees were held for 2 weeks without being charged or having their statements taken. The use of temporary remand warrants was widespread and used to circumvent the 48-hour rule (see Section 1.c.). In cases where the court determined that a defendant could not afford to supply his own counsel, the Government provided legal services. However, since few persons were able to afford legal counsel, the country's seven public defenders could not represent all indigent detainees in a timely manner. Bail frequently was granted to reduce prison overcrowding, rather than on the merits of an individual's situation.

Police arrested some journalists and demonstrators during the year (see Sections 2.a. and 2.b.).

Unlike in the previous year, there were no reports that security forces arrested priests.

Police were accused of arbitrary arrests due to political motives and were routinely criticized for failing to act impartially with regard to political demonstrations.

Of the 8,800 persons incarcerated in the country's prisons, 2,385 were pretrial detainees; of the 354 juveniles held, 127 were pretrial detainees; and of the 81 women held, 36 were pretrial detainees.

The Constitution prohibits the use of forced exile, and the Government did not use it.

e. Denial of Fair Public Trial.—The Constitution provides for an independent judiciary, and the Government generally respected this provision in practice; however, the judicial system was inefficient and was handicapped by serious weaknesses, including poor record keeping, a shortage of attorneys and trained personnel, a heavy caseload, and a lack of resources. Unlike in the previous year, court operations were not affected by judicial strikes.

The Constitution provides for a High Court, a Supreme Court of Appeal, and subordinate magistrate courts. The Chief Justice is appointed by the President and confirmed by the National Assembly. The President appoints other justices, following a recommendation by the Judicial Service Commission. All justices are appointed until the age of 65 and may be removed only for reasons of incompetence or misbehavior, as determined by the President and a majority of the Parliament.

By law, defendants have the right to a public trial but not to a trial by jury; however, in murder cases, the High Court used juries of 12 persons from the defendant's home district. Defendants also are entitled to an attorney, the right to present and challenge evidence and witnesses, and the right of appeal. However, the judiciary's budgetary and administrative problems effectively denied expeditious trials for most defendants. During the year, the Department of Public Prosecutions had 7 prosecuting attorneys and 11 paralegals. The paralegals served as lay prosecutors and prosecuted minor cases in the magistrate courts. Lack of funding and a shortage of attorneys created a backlog, mainly in murder cases. In September 2002, with funding from donors, the Director of Public Prosecution stated that his office would prosecute 200 murder cases by December 2002; 103 cases were completed.

Juvenile offenders have special rights under the Constitution, including the right to be separated in custody from adults, to be treated in a manner that recognizes their age and the possibility for rehabilitation, and to be exempt from the punishment of life imprisonment without the possibility of release. However, these protections often were denied in practice, and many juvenile offenders were incarcerated with adults (see Section 1.c.).

The Constitution provides for a National Compensation Tribunal (NCT) to adjudicate claims of criminal and civil liability against the former government. As of August, the NCT had registered more than 25,000 claims, of which 600 had been compensated fully and 7,000 had been awarded interim compensation payments. The NCT's original constitutional mandate did not permit the registration of new claimants after the December 2001 deadline; however, in 2002, the registration deadline was extended until July 13. The NCT's lack of funds limited its ability to settle claims.

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home or Correspondence.—The Constitution prohibits such actions; however, the Government at times infringed on these rights. Army and police forces, in carrying out sweeps for illegal weapons, did not always obtain search warrants as required by law.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution provides for freedom of speech and of the press, and the Government generally respected these rights in practice; however, there were some exceptions. Limited self-censorship existed.

A broad spectrum of political and ideological opinion was available in the country's two dozen newspapers and usually without government interference. Two independent newspapers, the Daily Times and the weekly Malawi News, also were available.

The state-owned Malawi Broadcasting Corporation (MBC) dominated the radio market with its two stations, transmitting in major population centers throughout the country. News coverage and editorial content clearly were pro-government. The investigation by the Office of the Ombudsman into the 2000 suspension of employees of MBC was ongoing at year's end.

There were 13 private radio stations, all broadcasting on FM frequencies with limited coverage and only in urban areas. There were two commercial stations broadcasting in Blantyre. There was a rural community radio station run by local women with the help of the Malawi Media Women's Association. Six religious stations broadcast in the capital and other major cities.

Government-owned Television Malawi was the country's sole television broadcaster.

On October 18, police assaulted several journalists who were taking photographs of an altercation between police and a motorist at a roadblock. The police, who reportedly initially permitted the photography, resorted to violence when a senior officer arrived on the scene. At year's end, no action had been taken against the responsible officers.

During the year, security forces arrested several journalists for publishing stories that could cause "public alarm." For example, in September, a Daily Times journalist was arrested for reporting that the President's nephew and son had been arrested for alleged involvement in burglaries. The reporter was released, and charges were dropped. Charges also were dropped against the journalist, printer, and four newspaper vendors who were arrested in 2001 for distributing an edition of the Dispatch newspaper; the newspaper, which stopped publishing after the arrests, resumed publishing during the year.

On July 7, several members of the Young Democrats, the youth wing of the UDF party, beat a photographer from The Nation newspaper for covering the UDF party convention in Blantyre. The UDF Deputy Regional Governor for Blantyre accused the newspaper of trying to disrupt the convention and warned that similar actions would be taken against journalists perceived to be anti-UDF who tried to attend the UDF party's second convention on August 8. On July 20, President Muluzy publicly announced that all journalists were welcome to cover the events of the convention, and there were no further attempts to exclude the media from the convention.

There were no developments in the formal inquiry into the 2002 assault on a journalist by a UDF parliamentarian.

On January 8, the Chairman of the Board of the Malawi Institute of Journalism ordered the school's student radio station to stop broadcasting political messages, news, or advertisements until the code of ethics and the broadcasting license could be reviewed; the station had broadcast the views of opposition parties. The Executive Director of the station refused to comply with the order, and the station continued to broadcast political news during the year. The Government took no action against the station.

On June 2, the Director General of the Malawi Communications Regulatory Authority (MACRA), an independent regulatory body, warned several community and religious radio stations to stop broadcasting political news and charged that the stations were "hijacking" the role of public broadcasters; however, no action was taken against the stations, which continued to broadcast throughout the year.

Unlike in the previous year, President Muluzy did not publicly criticize opposition newspapers during the year.

The MACRA issued broadcasting licenses for radio, television, and Internet service providers (ISP). There were three cellular telephone service providers and eight ISPs. The Government did not restrict access to the Internet; however, the Internet was not widely used.

The Government did not restrict academic freedom.

b. Freedom of Peaceful Assembly and Association.—The Constitution provides for freedom of assembly; however, there were instances in which police limited this right.

Unlike in the previous year, authorities did not overtly prohibit opposition parties from holding political rallies; however, some opposition rallies were cancelled (see Section 3).

On June 28 and 29, in Mangochi, police temporarily detained more than 12 demonstrators who were protesting the deportation of five al-Qa'ida members the previous week; the demonstrators had vandalized and looted 7 churches and the offices of an international NGO. On June 29, in Kasungu, police fired rubber bullets, tear gas, and live ammunition at other demonstrators protesting the same deportations; one person was hospitalized from gunshot wounds.

On November 8, police used tear gas and rifle butts to disperse a student demonstration at Malawi Polytechnic University; numerous students were injured. The students, who were protesting a change in government funding of the University, reportedly had blocked a presidential motorcade. No action was taken against the police.

No action was taken against UDF members who allegedly attacked Forum for the Defense of the Constitution demonstrators in 2002.

The Constitution provides for freedom of association, and the Government generally respected this right in practice. The Government required organizations, including political parties, to register with the Registrar General in the Ministry of Justice, and registration was granted routinely.

In July, the National Democratic Alliance (NDA) registered as a political party. In 2002, the Government threatened to ban the NDA unless it complied with registrations requirements.

c. Freedom of Religion.—The Constitution provides for freedom of religion, and the Government generally respected this right in practice.

There were no separate requirements for the recognition of religions, but religious groups must register with the Government. There were no reports that the Government refused to register any religious group during the year.

Some opposition politicians and clerics have raised Islam as a political issue. Citing the President's adherence to Islam, his contact with Islamic countries such as Libya, Iran, and Sudan, and the building of new mosques, some opposition politicians and clerics accused the UDF of attempting to "Islamicize" the country.

Foreign Christian missionaries experienced occasional delays in renewing employment permits; however, this appeared to be the result of bureaucratic inefficiency rather than a deliberate government policy against foreign missionaries. Missionaries and charitable workers paid lower fees for employment permits than did other professionals.

There were generally amicable relations between the various religious communities; however, following the deportation of five Muslim al-Qa'ida suspects, violent protests led to the targeting by Muslims of Christian interests, such as churches and NGOs (see Section 2.b.).

For a more detailed discussion, see the 2003 International Religious Freedom Report.

d. Freedom of Movement within the Country, Foreign Travel, Emigration, and Repatriation.—The law provides for these rights, and the Government generally respected them in practice.

The law provides for the granting of refugee status or asylum to persons who meet the definition in the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. In practice, the Government provided protection against refoulement and granted refugee status or asylum; however, there were long delays in the process. The Government cooperated with the office of the U.N. High Commissioner for Refugees (UNHCR) in assisting refugees. According to the UNHCR, the country hosted 9,078 refugees, primarily from the Democratic Republic of the Congo, Rwanda, and Burundi, at a refugee center in Dowa. The majority of refugees resided at the Dzaleka camp, and the UNHCR estimated that approximately 200 new refugees arrived each month. In October, the Government, in conjunction with the UNHCR, opened a second refugee camp in Luwanti to relieve overcrowding in Dzaleka. The law does not accept refugees for permanent resettlement and does not permit them to work or study; however, while no legal framework existed, the Government allowed refugees to seek both employment and educational opportunities. The UNHCR, NGOs, and the Government collaborated to provide children in refugee camps with access to education.

The Government granted hearings for individuals to establish asylum status; however, the Government denied asylum to many of the Rwandans and Congolese who either had requested asylum in another country or had the opportunity to do so.

The country also provided temporary protection to certain individuals who fall outside of the definition of the 1951 U.N. Convention Related to the Status of Refugees or its 1967 Protocol.

On November 5, the Government signed an agreement with the Government of Rwanda and the UNHCR to repatriate approximately 5,500 refugees who fled following the 1994 genocide in Rwanda; repatriations would be voluntary, according to the UNHCR. The agreement had not been implemented by year's end.

Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government

The Constitution provides citizens with the right to change their government peacefully, and citizens exercised this right in practice through periodic, free, and fair elections held on the basis of universal suffrage for citizens 18 years of age and older. International election observers found the 1999 presidential and parliamentary elections to be free and substantially fair; however, the electoral process was flawed, as opposition access to the broadcast media was limited; there were voter registration problems in some areas of the country; and the Electoral Commission at times displayed bias in favor of the ruling party. President Muluzi was reelected to serve a second 5-year term, defeating Gwanda Chakuamba, the joint presidential candidate of the two leading opposition parties, the MCP and AFORD. There was no clear-cut ideological difference among the three political parties. The opposition challenged the outcome of the presidential vote, and in 2000, the Supreme Court of Appeal upheld the High Court ruling in favor of the President.

President Muluzi, First Vice President Justin Malewezi, and a 46-member cabinet exercise executive authority. During the year, Chakufwa Chihana, a member of AFORD who had previously resigned as Second Vice President citing alleged corruption in the Government, again accepted the second vice-presidency, which is reserved for a member of an opposition political party and had been vacant since 1996. The executive exerted considerable influence over the legislature; the legislature followed a hybrid parliamentary system, and consequently a number of Cabinet ministers also were Members of Parliament (M.P.s).

Local government elections to select councilors and mayors, as mandated under the law, were held in 2000 and were conducted in an open and transparent manner according to local and international observers; however, they were marked by low voter turnout, allegations of voter and candidate intimidation, and unequal access to the media. The ruling UDF party won more than 70 percent of the seats; opposition parties and some NGOs criticized the Government for manipulating the process.

Although the Government did not prevent the operation of opposition political parties, the parties continued to allege that the Government used bribery and other inducements, including violence, to encourage opposition party divisions and defections of key personnel to the ruling party. In 2002, the Anti-Corruption Bureau began investigations of some opposition M.P.s who allegedly were bribed to vote in favor of the constitutional amendment bill to abolish presidential term limits. The investigations were ongoing at year's end; however, no indictments had been made against any political figures.

Unlike in the previous year, authorities did not overtly prohibit opposition parties from holding political rallies; however, some opposition rallies had to be cancelled when organizers discovered at the last minute that the ruling party had decided to hold its own demonstration at the same venue on the same date. On occasion, members of the Young Democrats also disrupted opposition political rallies.

During the year, rival political parties and candidates resorted to violence and vandalism, which resulted in minor injuries.

There were no laws that restricted the participation of women or ethnic minorities in the political process. There were 16 women in the 193-seat National Assembly, and there were 8 women in the 38-member Cabinet. Women comprised approximately 25 percent of the civil service. There were 2 women justices among the 22 Supreme and High Court justices.

A citizen of European origin, several citizens of mixed ethnicity, and one citizen of Asian origin were members of the National Assembly.

Section 4. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A wide variety of domestic and international human rights groups operated without government restriction, training civic educators, advocating changes to existing laws and cultural practices, and investigating and publishing their findings on human rights cases. Government officials generally were cooperative and responsive to their views.

The Ombudsman was mandated by the Constitution to investigate and take legal action against government officials responsible for human rights violations and other abuses. The Ombudsman's freedom of action was circumscribed by legislation that requires a warrant and a 3-day waiting period to gain access to certain government records. The activities of the Ombudsman are subject to judicial review.

The constitutionally mandated MHRC was charged to monitor, audit, and promote human rights provided for under the Constitution, and to carry out investigations regarding violations of any human rights. Despite limited resources, in 2001, the MHRC issued its 2001–02 Human Rights Report, which described numerous complaints of human rights violations, such as overcrowding and poor sanitation in prisons, lack of proper medical attention to sick prisoners, long periods of pretrial detention, police brutality, child abuse, domestic violence, and the lack of opposition access to the media during elections.

Section 5. Discrimination Based on Race, Sex, Disability, Language, or Social Status

The Constitution specifically provides for equal rights for women, forbids discrimination based on language or culture, and provides for equality and recognition before the law for every citizen; however, in practice, the capacity of government institutions to assure equal rights for all citizens was limited.

Societal discrimination against persons living with HIV/AIDS was widespread and inhibited access to treatment; many individuals preferred to keep silent about their health rather than to seek help and risk being ostracized. The Ministry of Labor and Vocational Training introduced a public relations program to reduce the stigma associated with having HIV/AIDS.

Women.—Domestic violence, especially wife beating, was common, and women seldom discussed the problem openly; however, the press published frequent accounts of rape and abuse, and the judiciary continued to impose heavier penalties on those convicted of rape. A confidential shelter for women in Lilongwe who were victims of physical or sexual abuse housed 57 women and 9 children between January and July. Police did not normally intervene in domestic disputes.

The law does not specifically prohibit female genital mutilation (FGM), and there was anecdotal evidence that a few small ethnic groups practiced it.

Trafficking in women and girls was a problem (see Section 6.f.).

Under the Constitution, women have the right to full and equal protection by law and may not be discriminated against on the basis of gender or marital status; however, in practice, discrimination against women was pervasive, and women did not have opportunities equal to those available to men. Women had significantly lower levels of literacy, education, formal and nontraditional employment opportunities, and access to resources to increase agricultural productivity. The literacy rate among women between the ages of 15 and 45 was less than 50 percent; male literacy in the same age group was approximately 76 percent.

Women often had less access to legal and financial assistance, and wives often were victims of discriminatory inheritance practices in which the majority of the estate was taken unlawfully by the deceased husband's family. Women usually were at a disadvantage in marriage, family, and property rights; however, awareness of women's legal rights has increased, and women began to speak out against abuse and discrimination. Households headed by women were represented disproportionately in the lowest quarter of income distribution; 52 percent of the country's full-time farmers were women. Typically women worked more hours than men to complete the same farm tasks because they rarely had comparable tools and equipment, and they remained responsible for all household tasks. Women also had limited access to agricultural extension services, training, and credit. Gender training for agricultural extension workers and the gradual introduction of rural credit programs for women have increased; however, few women participated in the limited formal labor market, where they constituted less than 5 percent of managerial and administrative staff.

The law provides for a minimum level of child support, widows' rights, and the right to maternity leave; however, only individuals who utilized the formal legal system benefited from these legal protections.

The Government addressed women's concerns through the Ministry of Gender and Community Services.

Children.—The Constitution provides for equal treatment of children under the law, and during the year, the Government continued a high level of spending on children's health and welfare. The Government provided primary education for all children, although education was not compulsory; however, families were responsible for tuition, book fees, and purchasing uniforms. Students from very poor families had access to a public book fund. Girls, especially in rural areas, historically have been unable to complete even a primary education and therefore were at a se-

rious disadvantage in finding employment. The 2002 Malawi Demographic Household and Education Data Survey's report indicated that gender gaps in primary school attendance were small but that boys were much more likely to attend secondary school than girls. There also were large gaps in achievement levels between girls and boys.

More than half of the country's children lived in poverty, mostly in rural areas. Children in rural households headed by women were among the poorest. Only one-third of children had easy access to safe drinking water, infant mortality was high, and child malnutrition was a serious problem. A few charitable organizations attempted to reduce the number of child beggars in urban areas; however, the problem of street children worsened as the number of orphans whose parents died from HIV/AIDS increased. Extended family members normally cared for such children and other orphans.

There were societal patterns of abuse of children. Kupimbira, a societal practice that allows a poor family to take out a loan for cattle or money in exchange for their daughter, regardless of age, has re-emerged over the last 2 years, according to press reports. The media also reported on the sexual abuse of children, especially in relation to traditional practices of initiation. While rites to initiate girls into their future adult roles still were secret, information suggested that abusive practices were widespread and very damaging.

FGM was performed in some cases on girls (see Section 5, Women).

The trafficking of children for sexual purposes was a problem (see Section 6.f.).

Although the age of sexual consent is 14, there was no age specified for the protection of minors from sexual exploitation, child prostitution, or child pornography. The belief that children were unlikely to be HIV positive and the widespread belief that sexual intercourse with virgins can cleanse an individual of sexually transmitted diseases, including HIV/AIDS, contributed to the sexual exploitation of minors.

Child labor, including instances of forced child labor, was a problem (see Section 6.d.). Child prostitution occurred, but it was not considered a significant problem.

During the year, UNICEF funded the country's first birth registration program, which provides children with access to education, health care, and other basic services; the program is also expected to provide protection from discriminatory inheritance practices.

Persons with Disabilities.—The Constitution provides for the support of persons with disabilities through greater access to public places, fair opportunities in employment, and full participation in all spheres of society; however, the Government has not mandated accessibility to buildings and services for persons with disabilities. There were both public and privately supported schools and training centers, which assisted persons with disabilities. There also were several self-supporting businesses run by and for persons with disabilities. The Minister of State responsible for persons with disabilities was a cabinet-level position, which was held by a person with disabilities.

Section 6. Worker Rights

a. The Right of Association.—Workers have the legal right to form and join trade unions; however, union membership was low due to the small percentage of the work force in the formal sector, the lack of awareness of worker rights and benefits, and a resistance on the part of many employees to join unions. Army personnel and police could not belong to trade unions, but other civil servants were allowed to form unions. Union leaders estimated that 12 percent of the formal sector workforce belonged to unions; however, accurate statistics on the numbers of union members were not available. Employers, labor unions, and the Government lacked sufficient knowledge of their legitimate roles in labor relations and disputes, which limited their effectiveness in the implementation and enforcement of the law; however, the International Confederation of Free Trade Unions (ICFTU) charged that trade union rights were also limited by the resistance of some employers, including the Government, to respect these rights.

Unions must register with the Registrar of Trade Unions and Employers' Organizations in the Ministry of Labor and Vocational Training (MOLVT), and registration was routinely granted. At year's end, 26 unions were registered. Unions were independent of the Government, parties, and other political forces.

The law prohibits anti-union discrimination by employers and requires that employers reinstate workers dismissed because of union activities. The ICFTU's 2002 Annual Survey stated that district education officers were fired for their membership in the Teachers' Union of Malawi; however, the Registrar of Trade Unions and Employers' Organizations denied that such dismissals occurred.

Unions may form or join federations and have the right to affiliate with and participate in international workers' organizations with the permission of the Govern-

ment; there were several such affiliations. There were no restrictions on the number of union federations. There were two federations in the country: The Malawi Congress of Trade Unions (MCTU), with 19 affiliates; and the Congress of Malawi Trade Unions (COMATU), with 3 affiliates.

b. The Right to Organize and Bargain Collectively.—Unions have the right to organize and bargain collectively. The law requires that at least 20 percent of employees (excluding senior managerial staff) belong to a union before such a union can engage in collective bargaining at the enterprise level and at least 15 percent union membership for collective bargaining at the sector level. The law provides for the establishment of industrial councils in the absence of collective agreements for sector-level bargaining. Industrial council functions included wage negotiation, dispute resolution, and industry-specific labor policy development. The law was not implemented effectively in practice due to the lack of sufficient knowledge of the law by employers, trade unions, and government officials (see Section 6.a.). In 2001, the National Bank of Malawi unilaterally abrogated an agreement with the Commercial, Industrial and Allied Workers' Union; however, there were no reports of such abrogations during the year. Collective agreements were binding legally, and both parties must deposit them with the Registrar of Trade Unions.

The law allows members of a registered union to strike or go through a formal mediation process overseen by the MOLVT. A strike can only occur after all settlement procedures established in a collective agreement (an understanding, not necessarily signed, reached by both parties to attempt mediation) and conciliation efforts have failed. The law requires a notice in writing to the employer and the MOLVT at least 7 days before a strike. The law also forbids the temporary replacement of labor and allows peaceful picketing during strikes. The law provides similar procedures for lockouts. Laws do not prohibit specifically retaliation against strikers. There was no prohibition on actions against unions that were not registered legally. Members of a registered union in "essential services" only have a limited right to strike. Essential services were specified as services whose interruption would endanger the life, health, or personal safety of the whole or part of the population; they were determined by the Industrial Relations Court (IRC) upon application by the Minister of Labor.

Arbitration rulings were legally enforceable; however, in practice, due to the lack of funding and 2-year case backlog, the IRC could not monitor cases and enforce the laws adequately. The IRC also ran complaint centers throughout the country to facilitate access to its services.

During the year, there were some small strikes that were resolved quickly and without violence.

In August 2002, judiciary support staff held a general strike to demand salary and benefits increases approved by Parliament in 2000; during the year, the Treasury agreed to meet all their demands.

At year's end, 14 firms held licenses to operate under export processing zone (EPZ) status, and all were operational. The full range of labor regulations applied to the EPZs; however, union organizers said they had little access to workers in the EPZs. The ICFTU survey noted that companies in the EPZs were also resistant to union activity.

c. Prohibition of Forced or Bonded Labor.—The Constitution prohibits forced or bonded labor, including by children; however, there were reports that it occurred (see Sections 6.d. and 6.f.). According to the ICFTU, bonded labor involving entire families was widespread on tobacco plantations. Tobacco tenants have exclusive arrangements, often unwritten with the estate owners to sell their crop and to buy inputs such as fertilizer, seed, and often food. These costs, in addition to rent charges, often were greater than the artificially low price received for the tobacco crop, leading to a situation of debt and bonded labor to repay the input and other costs.

d. Status of Child Labor Practices and Minimum Age for Employment.—Child labor was a problem. The Constitution defines children as persons under 16 years of age, and the law prohibits the employment of persons less than 14 years of age. It also prohibits the employment of children less than 18 years of age in work that was hazardous, harmful, or interferes with their education. There was significant child labor on tobacco and tea farms, subsistence farms, and in domestic service, largely as a result of extreme poverty and longstanding cultural traditions. One local NGO reported that in urban areas, it was common to find young girls working outside of their family as domestic servants, receiving little or no wages, and living in a state of indentured servitude. School-aged children often worked as vendors. There was no special legal restriction on children's work hours.

Budgetary constraints largely precluded minimum work age and child labor law enforcement by police and MOLVT inspectors.

The results of a May 2002 MOLVT study on child labor in the country were not released by year's end.

e. Acceptable Conditions of Work.—The MOLVT set separate urban and rural minimum wage rates based on recommendations of the Tripartite Wage Advisory Board (TWAB) composed of representatives of labor, government, and the private sector. However, the TWAB encountered problems due to inefficient organizational structure and inadequate funding, which hindered timely and accurate revision of the wage rate recommendations. The urban minimum wage amounted to approximately \$0.52 (MK 56) per day; in all other areas, it was approximately \$0.37 (MK 40) per day. Minimum wage rates did not provide a family with a decent standard of living. Wage earners tended to supplement their incomes through farming activities. The MOLVT lacked the resources to enforce the minimum wage effectively. However, the minimum wage largely was irrelevant for the great majority of citizens, who earned their livelihood outside the formal wage sector.

The maximum legal workweek was 48 hours, with a mandatory weekly 24-hour rest period. The laws require payment for overtime work and prohibit compulsory overtime. In practice, employers frequently violated statutory time restrictions.

The law includes extensive occupational health and safety standards; however, MOLVT enforcement of these standards was erratic. Workers—particularly in industrial jobs—often worked without basic safety clothing and equipment. Workers dismissed for filing complaints about workplace conditions have the right to file a complaint at the labor office or sue the employer for wrongful dismissal. Workers have the right to remove themselves from dangerous work situations without jeopardy to continued employment; however, given the low level of education of most workers and the high level of unemployment, workers were unlikely to exercise this right.

Mechanisms for protecting internationally recognized worker rights were weak. There were serious manpower shortages at the Ministry of Labor; as a result, there were almost no labor standards inspections.

On January 6, 11 workers at Sacha's Bakery in Blantyre were trapped inside when the building caught fire. The employees, who routinely were locked inside the building to prevent theft, were unable to escape; they also were unable to call for help because the telephones had been locked away to prevent employee abuse. After 30 minutes, trapped employees escaped unharmed when guards broke down the doors. Because the fire closed the bakery, the employees were fired. A subsequent investigation by the Occupational Health and Safety Department (OHSD) revealed that the bakery had not been inspected since 1998 and that the fire resulted from uninsulated electrical wiring. The OHSD admitted it was partially to blame for failing to carry out its duties; on May 14, the bakery owners were found in violation of four labor laws and fined.

The law protects foreign workers in correct legal status. Illegal foreign workers were subject to deportation.

According to the Government's policy statements and new guidelines for the issuance and renewal of employment permits (the temporary employment permit or "TEP"), foreign investors may employ foreign personnel in areas where there was a shortage of "suitable and qualified" citizens. The guidelines also mandate that processing times for TEP applications shall not exceed 40 working days; however, there were reports of delays.

f. Trafficking in Persons.—The law does not prohibit trafficking in persons specifically, and trafficking was a problem. The Penal Code contains several provisions relating to prostitution and indecency that could be used to prosecute traffickers. Since 2001, seven cases involving trafficking in persons have been prosecuted; however, there were no arrests or prosecutions of suspected traffickers during the year.

No action was taken during the year on a bill introduced in the National Assembly that would criminalize trafficking.

The country is a source country for women and children trafficked for sexual purposes locally and to brothels in Europe and South Africa. According to a 2003 report by the International Organization for Migration (IOM), boys and girls were recruited by sex tourists visiting the country who promised the victims employment and educational opportunities in Europe. Victims trafficked to Europe were typically between 15- and 26-years-old, and were recruited from Lilongwe with offers of jobs in fashion, sales, factories, hotels, and restaurants. In recent years, girls from the country have been found stranded in European brothels with no means to return home. Victims trafficked to South Africa were typically between 14- and 24-years-

old, and were recruited with offers of marriage, study, or employment in South Africa.

Sex tourists, primarily from Germany, the Netherlands, and the United Kingdom, lured children into sexual relationships with them while in the country, according to the IOM. Poverty and low educational levels contributed to such exploitation. Traffickers for the European sex trade generally were local businessmen with links to Nigerian criminal syndicates in Europe. Traffickers involved in land border trafficking to South Africa were typically long-distance truck drivers and local businesswomen.

The extent of the trafficking problem was undocumented. Those cases that arose to the attention of authorities were handled by the police and the Ministry of Gender and Community Services.

There was no government funding for NGO services to victims of trafficking, and there was no training for government officials on how to provide assistance to trafficking victims.

MALI

Mali is a constitutional democracy that continued to implement a decentralized form of government. In May 2002, General Amadou Toumani Toure was elected to a 5-year term as President. The presidential and legislative elections were judged generally free and fair by international and domestic observers; however, there were some administrative irregularities. The former ruling party, Alliance for Democracy in Mali (ADEMA), lost its majority in the National Assembly, and no party held a clear majority. The Constitution provides for an independent judiciary; however, in practice, the executive branch continued to influence the judiciary.

Security forces are composed of the army, air force, Gendarmerie, National Guard, and police. While civilian authorities generally maintained effective control of the security forces, there were a few instances in which elements of the security forces acted independently of government authority. The army and air force are under the control of the civilian Minister of Defense, as are the Gendarmerie and the National Guard. The police are under the Ministry of Internal Security and Civil Protection. The police and gendarmes share responsibility for internal security; the police were in charge of urban areas only. There were no reports that security forces committed human rights abuses.

The country was very poor with a market-based economy, and its population was approximately 11 million. Most of the work force was employed in the agricultural sector, particularly farming and animal husbandry. The per capita gross national product was approximately \$250, which provided most of the population with a low standard of living, although there was a sizable middle class. The economy depended heavily on foreign assistance. Desertification, deforestation, soil degradation, and social limitations, including a low literacy rate and a high population growth rate (2.4 percent), contributed to poverty. The inflation rate remained low, and public sector wages were adjusted to keep pace with inflation. Poor infrastructure, minimal foreign investment, administrative inefficiency, and corruption also were important factors in limiting economic growth.

The Government generally respected its citizens' human rights; however, there were problems in some areas. Prison conditions remained poor. Occasionally police arbitrarily arrested and detained persons. The judicial system's large case backlog resulted in long periods of pretrial detention and lengthy delays in trials. The judiciary continued to be subject to executive influence, and there were reports of corruption in the courts. Domestic violence against women was widespread. Discrimination against women persisted, and social and cultural factors continued to limit sharply economic and educational opportunities for most women. Female genital mutilation (FGM) was widespread, although educational campaigns against FGM were ongoing. Hereditary servitude relationships continued to link different ethnic groups. Child labor was common in the agricultural and domestic help sectors. Children were trafficked into forced labor in Cote d'Ivoire; the Government returned a number of these children to their families during the year.

RESPECT FOR HUMAN RIGHTS

Section 1. Respect for the Integrity of the Person, Including Freedom From:

a. Arbitrary or Unlawful Deprivation of Life.—There were no reports of the arbitrary or unlawful deprivation of life committed by the Government or its agents.

b. Disappearance.—There were no reports of politically motivated disappearances.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The Constitution prohibits such practices, and there were no reports that government officials employed them.

There were no new developments in the 2001 attack on the Gendarmerie Headquarters in Tarkint, or the 2001 killing of a bus driver.

Prison conditions were poor. Prisons continued to be overcrowded, medical facilities were inadequate, and food supplies were limited. Men and women were separated in Bamako prisons. Outside the capital, men and women remained housed in the same building but in separate cells. In Bamako, juvenile offenders usually were held in the same prison as adult offenders, but they were kept in separate cells. Pretrial detainees were held with convicted prisoners.

The Government permitted prison visits by human rights monitors. Several organizations, including the Malian Association of Human Rights, the Malian Association of Women Lawyers, and other nongovernmental organizations (NGOs) visited prisoners and worked with women and juvenile prisoners to improve their conditions.

d. Arbitrary Arrest, Detention, or Exile.—The Constitution prohibits arbitrary arrest and detention, and the Government generally observed these prohibitions; however, on occasion, police arrested and detained persons arbitrarily.

The national police force is organized into various divisions. Each district has a commissioner who reported to the Regional Director at national headquarters. The police force was moderately effective but had problems with lack of resources and training. Corruption existed within the police force.

Judicial warrants are required for arrest. Normally, the complainant delivered the warrant, which stipulated when the person was to appear at the police station. In some cases, the police served the warrant, based on a request from an influential relative of the complainant or if they received a bribe to execute the warrant. Frequently, in cases where a monetary debt was owed, the arrested person resolved the case at the police precinct, and the police received a portion of the recovered money.

The Constitution provides that suspects must be charged or released within 48 hours and that they are entitled to counsel; however, in practice, detainees were not always charged within the 48-hour period. Limited rights of bail or the granting of conditional liberty existed, particularly for minor crimes and civil matters. On occasion, the authorities released defendants on their own recognizance.

All of the 36 Pakistani preachers whom the police detained in 2001 for allegedly entering the country illegally were deported in 2002. The Government did not release a report on the Pakistani preachers by year's end.

Administrative backlogs and an insufficient number of lawyers, judges, and courts often caused lengthy delays in bringing persons to trial. In extreme cases, individuals remained in prison for several years before coming to trial. Local lawyers estimated that approximately half of prison inmates were pretrial detainees.

The Constitution specifically prohibits forced exile; the Government did not use it.

e. Denial of Fair Public Trial.—The Constitution provides for an independent judiciary; however, the executive branch continued to exert influence over the judicial system. The Ministry of Justice appointed and had the power to suspend judges; it supervised both law enforcement and judicial functions. The President headed the Superior Judicial Council, which oversaw judicial activity. Domestic human rights groups alleged that there were instances of bribery and influence peddling in the courts. The Government continued its campaign against corruption. Although the Director of Telecommunications was convicted of corruption and sentenced to time served in April 2002, he subsequently was acquitted in January following an appeal of the case. The two cases remained under investigation at year's end.

The Supreme Court has both judicial and administrative powers. The Constitution provides for a separate Constitutional Court that oversees issues of constitutionality and acts as an election arbiter. The Constitution also provides for the convening of a High Court of Justice with the power to try senior government officials in cases of treason.

Except in the case of minors, trials were public, and defendants have the right to be present and have an attorney of their choice. Defendants and attorneys had access to government evidence relevant to their cases. Defendants are presumed innocent and have the right to confront witnesses and to appeal decisions to the Supreme Court. Court-appointed attorneys were provided for the indigent without charge.

Village chiefs, in consultation with the elders, decided the majority of disputes in rural areas. If these decisions were challenged in court, only those found to have legal merit were upheld.

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home or Correspondence.—The Constitution prohibits such actions, and the Government generally respected these prohibitions in practice. Police searches were infrequent and required judicial warrants.

There were no reports of surveillance during the year.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution provides for freedom of speech and of the press, and the Government generally respected these rights in practice.

The Superior Council of Communication's primary function was to regulate the media, both protecting and controlling journalists. The Committee of Equal Access to State Media was activated during election campaigns. Mandated by the Constitution, it oversaw equal access to government-controlled media for all political parties.

There were 42 private newspapers and journals in French, Arabic, and local languages throughout the country; 39 were based in Bamako and 1 each in Timbuktu, Mopti, and Sikasso. All newspapers were required to register with the Ministry of Communications; however, registration was routine.

The Government controlled the only television station and 1 of more than 125 radio stations; however, all presented a wide range of views, including those critical of the Government. The relative expense of newspapers and television, coupled with a low literacy rate, made radio the most prevalent medium of mass information and communication. There were 15 private radio stations in Bamako, and there were approximately 110 additional stations throughout the country. In addition to commercial radio stations, private or community radio broadcasters included those run by associations and others directed toward smaller villages (the latter two radio services enjoyed special tax advantages).

A number of foreign broadcasters operated in Bamako through local media, including Radio France Internationale, Africa No. 1, and the British Broadcasting Corporation; all had frequency modulation (FM) frequencies. Voice of America had three local FM affiliates in Bamako, Segou, and Sikasso. Domestic reception and distribution of foreign satellite and cable television were permitted and fairly widespread, especially in Bamako. There were no private television stations that broadcast domestically produced programs.

The law regulates the press and provides for substantial criminal penalties, including imprisonment, for libel and for public injury to the Head of State, other officials, and foreign diplomats; these laws leave injury undefined and subject to judicial interpretation. However, the Government has never prosecuted journalists on criminal libel charges. In October, three reporters from a private radio station were jailed for 2 weeks on charges of defaming an attorney, in what was essentially a contempt of court proceeding. The Government referred to the affair as a dilemma and noted that it took no part in the incident.

The Government did not restrict access to the Internet. Licenses to operate Internet servers were granted freely, but were prohibitively expensive.

The Government did not restrict academic freedom.

b. Freedom of Peaceful Assembly and Association.—The Constitution provides for freedom of assembly and association, and the Government generally respected these rights in practice. The law requires groups that wish to hold public meetings to obtain the mayor's permission; however, such permission was granted routinely during the year.

c. Freedom of Religion.—The Constitution provides for freedom of religion, and the Government generally respected this right in practice.

The Government required that all public associations, including religious associations, register with the Government. The registration process was routine and was not burdensome. Traditional indigenous religions were not required to register.

For a more detailed discussion, see the 2003 International Religious Freedom Report.

d. Freedom of Movement within the Country, Foreign Travel, Emigration, and Repatriation.—The Constitution provides for these rights, and the Government generally respected them in practice. Police routinely stopped and checked both citizens and foreigners to restrict the movement of contraband and to verify vehicle registrations. Some police and gendarmes used the occasion to extort bribes.

The law provides for the granting of refugee status or asylum to persons who meet the definition in 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. In practice, the Government provided protection against refoulement and granted refugee status or asylum. A national committee in charge of refugees operated with institutional assistance from the office of the U.N. High

Commissioner for Refugees (UNHCR). The Government cooperated with the UNHCR and other humanitarian organizations in assisting refugees.

According to both UNHCR and government estimates, there were approximately 11,000 Mauritanian refugees, mostly Fulani herders, living in the Kayes region in the western part of the country at year's end. However, the UNHCR, the Government, and Mauritania's Government have never agreed on recognition of the refugee status for these persons, who have lived in the country for more than a decade; members of these pastoralist border groups historically have made cross-border migrations. Mauritanians could register for refugee status, although few actually did.

At year's end, the country hosted approximately 2,225 urban refugees: 66 percent were from Cote d'Ivoire and approximately 32 percent from Sierra Leone. Approximately, 86 percent of the refugees were living in Bamako. The Government had a transit center located 120 miles from Bamako, where it hosted approximately 100 of the most vulnerable refugee and asylum applicants. The center had a capacity of approximately 300 persons and could be expanded to hold 900. The country received most of its refugees from Cote d'Ivoire and a small number from Liberia during the year.

Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government

The Constitution provides citizens with the right to change their government peacefully, and citizens exercised this right in practice through periodic, free, and fair elections held on the basis of universal suffrage.

Under the Constitution, the President is Chief of State and Commander in Chief of the armed forces and is elected for a term of 5 years with a limit of two terms. The President appoints the Prime Minister, other members of the Government, and high military officers as mandated by the Constitution.

In May 2002, presidential elections were held, and General Amadou Toumani Toure won more than 60 percent of the vote even without the support of a political party. Independent international and domestic observers judged the elections to be generally free and fair and without evident fraud; however, there were some administrative irregularities. There were reports of abuses of the proxy voting system, problems in verifying identification of some voters, and efforts to influence some voters. Voter turnout reportedly was 30 to 35 percent. None of the opposition parties boycotted the election.

In July 2002, legislative elections were held that most independent observers considered to be generally free and without evident fraud; however, there were some administrative irregularities. Shifting alliances had an impact on the composition of the National Assembly. The former majority party, ADEMA, held 37 of 147 seats (after losing 13 seats to the Union for the Republic and Democracy (URD)) in the National Assembly; the Rally for Mali (RPM) party and its allies held 65; and the remaining 26 seats were held by other smaller political parties and independents. No one party or coalition held a majority.

Local governments benefited from central government subsidies, but they also were able to collect local taxes to support their operations. Decentralization, which began in 1999, still was controversial. The process changed traditional power relationships between government and the governed, and relieved formerly powerful civil servants of their authority. The Government has passed many laws that allow greater financial autonomy in the areas of education, health, and infrastructure. Elected officials, especially in the southern regions, made some progress. However, in the lesser economically developed northern regions of the country, some mayors and other local officials were coping with difficulties stemming from revenue collection and local development programs. Effective service delivery strongly influenced citizens' perception and confidence in elected leaders and trust of government; however, local service delivery deteriorated where financial and administrative capacity was weak.

There were no restrictions, legal or otherwise, on voting or running for office by women or minorities. A total of 15 women held seats in the 147-member National Assembly. There were 4 female cabinet members in the 28 seat Cabinet. Five women served on the Supreme Court out of 33 justices, and 3 women served on the Constitutional Court out of 9 justices.

The National Assembly had 14 members of historically marginalized pastoralist and nomadic ethnic minorities representing the northern regions of Gao, Timbuktu and Kidal. The Cabinet also had a representative of the northern regions, the Prime Minister, who is a Tuareg.

Section 4. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

Several independent domestic human rights organizations, such as the Malian Association for Human Rights, a smaller Malian League of Human Rights, and a local chapter of Amnesty International, generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials generally were cooperative and responsive to their views. The International Committee for the Red Cross (ICRC) had offices in Bamako, Timbuktu, and Gao.

Section 5. Discrimination Based on Race, Sex, Disability, Language, or Social Status

The Constitution prohibits discrimination based on social origin, color, language, sex, or race and while the Government generally respected these provisions in practice, social and cultural factors gave men a dominant role.

Women.—Domestic violence against women, including spousal abuse, was tolerated and common; no statistics were available on the extent of the problem. Assault in marriage was a crime; however, police were reluctant to enforce laws against or intervene in cases of domestic violence. Many women were reluctant to file complaints against their husbands because they were unable to support themselves financially.

The World Organization Against Torture reported that 24 percent of women married before the age of 15 years, and many were forced into marriages and polygyny.

FGM was common, especially in rural areas, and was performed on girls at an early age. According to domestic NGOs, approximately 95 percent of adult women had undergone FGM. The practice was widespread among most regions and ethnic groups, was not subject to class boundaries, and was not religiously based. There were no laws against FGM, and the Government did not propose legislation prohibiting FGM. In 1999, the Government instituted a two-phased plan to eliminate all forms of FGM by 2008. The first phase, scheduled for 1999–2004, was intended to be one of education. There was some public dissemination of information in urban areas, but the program continued to develop slowly. The National Committee Against Violence Towards Women linked all the NGOs active in preventing FGM, and various NGOs campaigned against FGM.

Women had very limited access to legal services due to their lack of education and information, and because family law favored men. Women particularly were vulnerable in cases of divorce, child custody, and inheritance rights, as well as in the general protection of civil rights. The Association of Malian Women Lawyers published a booklet on women's rights and held legal clinics to raise awareness of women's rights.

Despite legislation giving women equal rights regarding property, traditional practice and ignorance of the law prevented women from taking full advantage of the law. Prospective spouses chose between polygynous and monogamous marriages; a marriage could not take place without both parties' consent. However, when no preference was specified in the marriage certificate, judges assumed that the marriage was polygynous. A community property marriage had to be specified in the marriage contract. Traditional practice discriminated against women in inheritance matters. For example, men inherited most of the family wealth, and women received a much smaller portion of estates.

Women's access to employment in the professions and government, and to economic and educational opportunities, was limited. Women constituted approximately 15 percent of the labor force. The Government, the country's major employer, paid women the same as men for similar work. Women often lived under harsh conditions, especially in rural areas, where they performed difficult farm work and did most of the childrearing.

The first 4-year national plan of action for the promotion of women was completed in 2001. The plan, financed by national, regional, and local community budgets, sought to reduce inequalities between men and women in six target areas, including education, health, involvement in the decision-making process, and legal rights. The Ministry for the Promotion of Women, Children, and the Family started on a second 4-year action plan that was intended to continue programs started during the first action plan.

There were numerous active women's groups that promoted the rights of women and children.

Children.—The Government was committed to providing for children's welfare and rights. Several laws protect children and provide for their welfare.

On June 2002, the Government enacted an ordinance enumerating the rights of children and establishing new government positions in each region, that of child "delegates," whose role would be to safeguard the rights and interests of children.

The ordinance also created special courts for children and specified protections for children in the legal system. There was no juvenile court system.

Education was tuition free and, in principle, open to all, although the majority of students left school by the age of 12. Students had to provide their own uniforms and school supplies to attend public schools. While primary school was compulsory up to the age of 12, only 56 percent of children (46 percent of girls) received a basic education owing to a lack of primary schools, especially in rural areas where 80 percent of the population lived; shortages of teachers and materials; poverty; and cultural tendencies to place less emphasis on education of girls. Literacy rates among girls remained significantly lower than for boys. A 1998 report indicated that the national literacy rate was 12 percent for women more than 15 years of age.

There were reports that children who attended Koranic schools spent more time begging on the streets than learning in the classroom. The Koranic schools are independent institutions that depend on donations from parents, and the money the children (known as *garibouts*) receive from begging on the streets. They received no funding from the Government, and are not part of the Government's educational system. The Minister of Education, Mohamed Lamine Traore, admitted the problem and said that it is the responsibility of the Islamic leaders to modernize and monitor Koranic schools. Koran schoolteachers reported that they requested the Government's assistance in providing basic reading and writing materials.

The Social Services Department investigated and intervened in cases of reported child abuse or neglect. According to local human rights organizations, reported cases were rare; however, statistics were unreliable.

FGM was commonly performed on young girls (see Section 5, Women).

There were credible reports that children were sold and trafficked into forced labor in Cote d'Ivoire (see Section 6.f.).

Persons with Disabilities.—There was no specific legislation protecting the rights of persons with physical or mental disabilities or mandating accessibility to public buildings. The Government did not discriminate against persons with physical disabilities in regard to employment, education, and other state services; however, the Government had not made provisions for persons with disabilities in these areas. There was no societal discrimination against persons with disabilities; however, in view of the high unemployment rate, persons with physical disabilities often were unable to find work.

Section 6. Worker Rights

a. The Right of Association.—The Constitution and the Labor Code specifically provide for the freedom of workers to form or join unions and protect freedom of association, and workers exercised this right in practice. Only the military, the Gendarmerie, and the National Guard were excluded from forming unions. Virtually all-salaried employees were organized. According to the National Statistics Office, 28 percent of workers were salaried. Workers established independent unions for teachers, magistrates, health workers, and senior civil servants, and most were affiliated with the National Union of Malian Workers (UNTM) federation and the Syndicated Confederation of Malian Workers (CSTM). The UNTM and the CSTM, the two major labor federations, maintained their autonomy from the Government.

Neither the Constitution nor the Labor Code prohibits anti-union discrimination, but there were no reports of anti-union behavior or activities during the year.

Unions were free to associate with and participate in international bodies. The union representing salaried employees regularly participated in programs sponsored by French labor unions. Other unions participated in training programs on worker's rights.

b. The Right to Organize and Bargain Collectively.—The growth of independent unions led to more direct bargaining between these unions and their employers. However, wages and salaries for workers belonging to the UNTM and the CSTM were set by tripartite negotiations between the Ministry of Labor, labor unions, and representatives of the National Council of Employers of the sector to which the wages applied. Civil service salary levels were pegged nationally to an index established by the Government. These negotiations usually set the pattern for unions outside the UNTM. The Ministry of Labor has an office that deals with labor disputes and acted as a mediator in labor disputes between employers and employees.

The Constitution provides for the right to strike; however, there were restrictions in some areas. For example, civil servants and workers in state-owned enterprises were required to give 2 weeks' notice of a planned strike and enter into mediation and negotiations with the employer and a third party, usually the Ministry of Labor. The Labor Code prohibits retribution against strikers, and the Government generally respected this requirement in practice.

Several strikes, including by teachers, police officers, foreign service officers, and magistrates, occurred during the year. These strikes were settled within a few days. There are no export processing zones.

c. Prohibition of Forced or Bonded Labor.—The Constitution prohibits forced or bonded labor, including by children; however, there were reports that such practices occurred (see Sections 6.d. and 6.f.).

The law prohibits the contractual use of persons without their consent; penalties include a fine and hard labor. The penalties increase significantly if a minor, defined as someone less than 15 years of age, was involved.

There were some reports that the de facto slavery, long reported to have existed in northern salt mining communities, evolved to wage labor in recent years; however, reliable evidence about labor conditions in those remote facilities remained unavailable. Hereditary servitude relationships continued to link different ethnic groups, particularly in the north. For example, there was a hereditary service relationship between members of the Bellah ethnic group and other Tuareg populations.

d. Status of Child Labor Practices and Minimum Age for Employment.—The Labor Code has specific policies that pertain to child labor; however, these regulations often were ignored in practice and child labor was a problem. The Labor Code permits children between the ages of 12 and 14 to work up to 2 hours per day during school vacations with parental approval. Children between the ages of 14 and 16 may work up to 4½ hours per day with the permission of a labor inspector, but not during nights, on Sundays, or on holidays. Children between the ages of 16 and 18 could work in jobs that physically were not demanding; boys could work up to 8 hours per day and girls up to 6 hours per day.

The vast number of children who worked in rural areas, helping with family farms and herds, and those who worked in the informal sector, for example, as street vendors were not protected by laws against unjust compensation, excessive hours, or capricious discharge.

Child labor predominated in the agricultural and domestic help sectors and, to a lesser degree, in craft and trade apprenticeships, and cottage industries. Apprenticeship, often in a family member's or a parent's vocation, began at an early age, especially for children unable to attend school.

The authorities enforced the Labor Code provisions through inspectors from the Ministry of Labor and Civil Service, who conducted surprise inspections and complaint-based inspections; however, resource limitations restricted the frequency and effectiveness of oversight by the Labor Inspection Service, and the Service operated only in the formal sector.

The National Campaign Against Child Labor in Mali, led by the International Program for the Elimination of Child Labor (IPEC)-Mali, was responsible for investigating abusive forms of child labor. IPEC relied on labor inspectors appointed by the Government in Bamako and in regional offices throughout the country. Investigations were held when NGOs or the media provided information that there was abusive child labor. Government regional offices in charge of the promotion of women and children and NGOs also assisted IPEC in combating child labor.

There were reports that children were kidnapped, sold into effective slavery, and made to work on coffee and cocoa plantations in Cote d'Ivoire (see Section 6.f.). Some children were sold into forced labor by their parents; reportedly the children were beaten if they tried to escape. There were travel passes for children to try to prevent their being taken abroad to work illegally; however, the measure, still in effect, was criticized for leading to interference with legitimate travel.

e. Acceptable Conditions of Work.—The Labor Code specifies conditions of employment, including hours, wages, and social security; however, in practice, many employers either ignored or did not comply completely with the regulations. The national minimum wage rate, set in 1994, was approximately \$43 (26,000 CFA francs) per month. Workers had to be paid overtime for additional hours. The minimum wage did not provide a decent standard of living for a worker and family. The minimum wage was supplemented by a required package of benefits, including social security and health care. While this total package could provide a minimum standard of living for one person, in practice, most wage earners supported large extended families and supplemented their income by subsistence farming or employment in the informal sector.

The normal legal workweek was 40 hours (45 hours for agricultural employees), with a requirement for at least one 24-hour rest period. The Social Security Code provides a broad range of legal protections against hazards in the workplace, and workers' groups brought pressure on employers to respect parts of the regulations, particularly those affecting personal hygiene. However, with high unemployment, workers often were reluctant to report violations of occupational safety regulations.

The Labor Inspection Service of the Ministry of Labor oversaw these standards but limited enforcement to the modern, formal sector. It was not effective in investigating and enforcing workers' safety and was insufficiently funded for its responsibilities.

Workers had the right to remove themselves from dangerous work situations and request an investigation by the Social Security Department, which was responsible for recommending remedial action where deemed necessary; it was not known if any worker had done so.

The law protects legal and illegal foreign workers. Persons illegally in the country were not allowed to work; however, if they were given a job, they had the same protections as legal workers.

f. Trafficking in Persons.—The law does not prohibit trafficking in persons but does specifically prohibit trafficking in children; however, children were trafficked for forced labor in Cote d'Ivoire. Child trafficking is punishable by 5 to 20 years in prison. There also were laws that prohibited the contractual use of persons without their consent. Penalties increased if a minor was involved; however, these penalties were not imposed during the year.

Both the Ministry for the Promotion of Women, Children, and the Family and the Ministry of Labor and Civil Service handled the problem of trafficking. Both ministries, in cooperation with the Ministry of Foreign Affairs and the Ministry of Territorial Administration, developed a program to identify and rehabilitate victims, educate the population, and strengthen the legal system with regard to the movement and trafficking of minors. Welcome centers in Mopti, Segou, Sikasso, and Bamako assisted child trafficking victims in returning to their families. Almoustapha Toure was the coordinator who specifically handled child trafficking issues, and whose office organized training sessions for law enforcement agents, labor inspectors, and the media; conducted awareness campaigns through radio and television; and held a workshop involving participants from the country, Burkina Faso, and Cote d'Ivoire.

Children between the ages of 9 and 12 were sold into forced labor on cotton, coffee, and cocoa farms in northern Cote d'Ivoire over the past few years; some also were forced into domestic service. Organized networks of traffickers deceived the children and their families into believing that they would be given paid jobs outside of their villages. They then were sold to plantation owners for sums ranging between \$20 and \$40 (14,500 and 29,000 CFA francs). The children reportedly were forced to work 12 hours per day without pay, and often were abused physically.

The Government took some steps to halt child trafficking and repatriate children to the country from Cote d'Ivoire; however, there was no estimate of the number of children remaining in Cote d'Ivoire (see Section 6.d.). In 2001, more than 300 children were returned to their families from Cote d'Ivoire, in 2002, 58 children were returned, and, during the year, 34 children were returned. These numbers represent the number of children who were assisted at the welcome centers; children who returned home without first going through a welcome center were not counted. At year's end, 3 traffickers were arrested and charged in Sikasso versus approximately 10 in 2001. Investigations were ongoing in both cases and no information on trial dates was available at year's end.

MAURITANIA

Mauritania is a highly centralized Islamic republic dominated by a strong presidency. The Constitution provides for a civilian government composed of a dominant executive branch, a senate, and a national assembly. President Maaouiya Ould Sid'Ahmed Taya, head of the ruling Republican Social Democrat (PRDS) party, has governed since 1984, first as head of a military junta and since 1992 as head of an elected civilian government. Taya was reelected President with more than 67 percent of the vote on November 7. Opposition candidates alleged widespread fraud but did not choose to contest the election's results via available legal channels. The leading opposition candidate, Mohamed Haidallah, was arrested the day before the election, released, and re-arrested the day after the election, and several political parties remained banned during the year. The Constitution provides for an independent judiciary; however, the judiciary was subject to significant pressure from the executive through the latter's ability to appoint and pressure judges.

The Ministry of Defense directs the armed forces and Gendarmerie; the Ministry of Interior directs the National Guard and police. The armed forces are responsible for national defense. The National Guard performs police functions throughout the country in areas in which city police are not present. The Gendarmerie is a special-

ized paramilitary group responsible for maintenance of civil order in and outside metropolitan areas. The civilian authorities maintained effective control of the security forces, although a coup attempt involving some units of the armed forces occurred in June. Some members of the security forces committed human rights abuses.

The country had an estimated population of 2.9 million and had a market-oriented economy. Drought, desertification, and insect infestation have contributed to rapid urbanization, extensive unemployment, pervasive poverty, and a burdensome foreign debt. The Government implemented social programs slowly, but worked actively through the Commission on Human Rights, the Fight Against Poverty, and Integration to improve access to education and health care. The concentration of much of the country's wealth in the hands of a small elite, including the President's tribe and related Moor tribes, as well as a lack of transparency and accountability in certain areas of governance, impeded economic growth. The country received foreign assistance from bilateral and multilateral sources.

The Government's human rights record remained poor; although there were some improvements in several areas, serious problems remained. Democratic institutions remained rudimentary, and the Government circumscribed citizens' ability to change their government. There were three reported unlawful killings by security forces. Unlike in previous year, there were fewer reports that police used undue force in controlling crowds or demonstrations. Some members of the security forces reportedly used excessive force, beat, or otherwise abused detainees, and used arbitrary arrest and detention and illegal searches. The Government took action against some members of security forces who committed abuses; however, impunity remained a problem. Prison conditions were harsh. Lengthy pretrial detentions continued; however, the length of pretrial detentions grew shorter due to the increased number of general and specialized courts. The Government continued its program of judicial reform and training. At times, the Government restricted freedom of speech, the press, and assembly. The Government limited freedoms of association and religion. The Government continued to refuse to officially recognize some non-governmental organizations (NGOs) and human rights organizations. Discrimination against women continued. Female genital mutilation (FGM) remained a serious problem, despite some government efforts to halt the practice. Ethnic tensions continued, and the largely southern-based ethnic groups remained underrepresented in political life, and some of their members felt excluded from effective political representation. Despite government efforts to eradicate the practice, local and international reports continued that slavery in the form of involuntary servitude persisted. In addition, former slaves or descendants of slaves continued to work voluntarily for former masters or others in highly dependent relationships that constituted extreme servitude. Child labor in the informal sector was common. The Government passed a law during the year that imposed substantial criminal penalties for trafficking in persons.

RESPECT FOR HUMAN RIGHTS

Section 1. Respect for the Integrity of the Person, Including Freedom From:

a. Arbitrary or Unlawful Deprivation of Life.—There were no political killings; however, there were three unconfirmed reports of arbitrary or unlawful deprivation of life committed by the Government. On February 12, Taleb Boubacar, a Black Moor, drowned on Nouakchott Beach under mysterious circumstances following an argument with several young men who had informed the local police of the argument. The report implicated the police in the drowning. According to a second unconfirmed report, on August 17, police at a Nouakchott checkpoint beat and killed Amadou Kane, a 17-year-old Afro-Mauritanian. On September 9, two policemen reportedly stopped a teenager at a checkpoint in Kaedi and allegedly killed him. An investigation was ongoing at year's end.

b. Disappearance.—There were no reports of politically motivated disappearances.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The law prohibits such practices; however, there were reports that police beat criminal suspects in custody.

Several allegations of torture remained unconfirmed.

Lawyers and family members of 129 soldiers detained in connection with the June 8 coup attempt alleged that security forces tortured the detainees (see Section 1.d.). Human Rights Watch (HRW) sent a letter of concern to the Government on the lack of access it had provided to these detained officers. The Government refuted these accusations in a press conference and later provided limited media access to three of the detainees. Neither media nor detainees provided any conclusive evidence of torture.

During the year, there was no further action regarding the alleged torture in 2002 of Mohamed Baba Ould Said and Ould Sidi Yaaraf.

Prison conditions remained harsh, although human rights activists reported that prison administration continued to show improvement. In some prisons, serious overcrowding persisted, and sanitation facilities remained inadequate and reportedly contributed to diseases such as tuberculosis, diarrhea, and dermatological ailments. Medical supplies, mainly provided by an international NGO, remained insufficient in all prisons. Prisoners with high-level government connections and with families to bring them food, medicines, and reading material fared better than the less privileged or citizens from other countries. Budget allocations to improve food and nutrition, medical services and supplies, and bedding and cleaning supplies were not sufficient. According to an international NGO, the Government made some material improvements to prison conditions by providing an onsite doctor and nurses in the Nouakchott prison, as well as donating food, bedding, medicines, and clothing to the prison in May. Guard force management enforced regulations against beatings and torture; however, there continued to be credible reports of beatings of detainees at the Commissariat outside the Nouakchott prison. The overall prison capacity was 700, and the prison population was 1,185 in September. The prison population in Nouakchott was 367 persons. There were 340 men, 10 women, and 17 minors; minors were held in separate facilities.

Female prisoners have separate facilities with female guards and a communal garden. Children of female prisoners remained with their mothers, or the Ministry of Justice gave temporary custody of the children to another family member. The Noura Foundation, an NGO working in the prison, provided education and micro-enterprise projects to the female prisoners. UNICEF, in collaboration with the French organization CARITAS, provided services, including training and sports in the juvenile detention centers. Pretrial detainees were frequently held with convicted prisoners, as a result of crowding problems in the prisons.

The Government permitted prison visits by NGOs, diplomats, and international human rights observers. Foreign diplomats visited some prisons during the year. The International Committee of the Red Cross (ICRC) had access to prisons but did not conduct prison visits during the year.

d. Arbitrary Arrest, Detention, or Exile.—The Constitution prohibits arbitrary arrest and detention; however, there were frequent reports that the police arbitrarily arrested and detained citizens. Nevertheless, human rights activists reported that police showed increased respect for legally mandated procedures.

The police, who are under the control of the Ministry of the Interior, lacked equipment and training, which often weakened police attempts to enforce the law. Corruption was believed to be endemic at all levels of the police. Police generally acted with impunity. The Government often did not hold security officials accountable or prosecute security officials for abuses.

The application of constitutional safeguards continued to vary widely from case to case. The law requires that courts review the legality of a person's detention within 48 hours of arrest. The police may extend the period for another 48 hours, and a prosecutor or court can detain persons for up to 30 days in national security cases. Only after the prosecutor submits charges does a suspect have the right to contact an attorney. There is a provision for granting bail, but it was rarely used.

The 129 detainees in connection with the June coup attempt were not allowed contact with lawyers or with their families during the first 3 months of their detention, according to family members. These detainees were still in prison at year's end. Opposition presidential candidate Mohamed Haidallah and 15 of his supporters, arrested in early November on national security grounds, were not allowed contact with lawyers, family, or outside medical support for almost a month following their arrest.

The Government arrested several Islamists during the year.

On November 6, police detained leading presidential opposition candidate Mohamed Haidallah and several of his campaign staff. Haidallah was released for election day (November 7) and re-arrested the following day. He and 15 of his supporters stood trial in December on national-security related charges. After a short trial, most of these men, including Haidallah, received minor fines and suspended prison sentences of 2 to 5 years.

Popular Front (FP) party leader, Mohamed Lemine Ch'bih Ould Cheikh Malanine, and two of his associates were released from prison on August 30.

An estimated 10 to 15 percent of those in prison had not yet been tried or were awaiting sentencing following their trials. Some indicted detainees were released before trial without explanation.

There is no provision in the law regarding exile. The Government continued to welcome the return of any citizens who had been expelled or who had fled from 1989–91.

e. Denial of Fair Public Trial.—The Constitution provides for the independence of the judiciary; however, in practice the executive branch exercised significant influence over the judiciary through its ability to appoint and pressure judges. In addition, poorly educated and poorly trained judges who were susceptible to social, financial, and tribal pressures limited the judicial system's fairness.

There is a single system of courts with a modernized legal system that conformed with the principles of Islamic law (Shari'a). Departmental, regional, and labor tribunals are the courts of first instance at the lower level. The 53 departmental tribunals, composed of a president and magistrates with traditional Islamic legal training, heard civil cases involving sums less than \$39 (10,000 ouguiya) and family issues, such as domestic, divorce, and inheritance cases. A total of 13 regional tribunals accepted appeals in commercial and civil matters from the departmental tribunals and heard misdemeanors. At the middle level, three courts of appeal, each with three chambers (civil and commercial chambers and a mixed chamber,) heard appeals from the regional courts and have original jurisdiction for felonies.

The Supreme Court nominally was independent and was headed by a magistrate appointed to a 5-year term by the President. The Supreme Court reviewed decisions and rulings made by the courts of appeal to determine their compliance with the law and procedure. Constitutional review was within the purview of a six-member Constitutional Council, composed of three members named by the President, two by the National Assembly president, and one by the Senate president. The Supreme Council of Magistrates, over which the President presided, undertook annual review of judicial decisions; the president and senior vice president of the Supreme Court, the Minister of Justice, three magistrates, and representatives from the Senate and National Assembly were members of this council. The annual review was intended to determine whether courts applied the law correctly and followed proper procedures. Reviews also served as a basis for evaluating the reform process and reassigning judges based on their qualifications.

The Constitution provides for due process and the presumption of innocence until proven guilty by an established tribunal. All defendants, regardless of the court or their ability to pay, have the legal right to representation by counsel during the proceedings, which were open to the public. If defendants lack the ability to pay for counsel, the court appointed an attorney from a list prepared by the National Order of Lawyers, which provided a defense free of charge. The law provides that defendants may confront witnesses, present evidence, and appeal their sentences, and these rights generally were observed in practice.

Shari'a provides the legal principles upon which the law and legal procedure are based, and courts did not treat women as the equals of men in all cases (see Section 5).

The minimum age for children to be tried was 12. Those between the ages of 12 and 18 were tried and sentenced to the juvenile detention center. There was a special court to hear the cases of children under the age of 18. Children who appeared before the court received more lenient sentences than adults, and extenuating circumstances received greater consideration in juvenile cases.

With international assistance, the Government continued a program to improve judicial performance and independence by organizing all laws and statutes into a single reference text and training officials throughout the justice system. Separate tribunals for specific types of disputes held court sessions more frequently. In July and August, several Islamic magistrates participated in a training program abroad that emphasized exposure to international legal concepts, including foundations of business law and property law.

f. Arbitrary Interference with Privacy, Family, Home or Correspondence.—The law requires judicial warrants in order to execute home searches; however, the authorities reportedly often ignored this requirement.

Multiple reports, on November 6, indicated that authorities who entered and searched the homes of Mohamed Haidallah and several members of his campaign did so without a warrant.

Government surveillance of dissidents and the political opposition was believed to continue; however, the extent to which the Government used informants was unknown.

There were a number of reports that some government officials misappropriated land under the land reform system, confiscating the land of southern ethnic groups or the land traditionally held by Black Moors and distributing it to their friends and family.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution provides for freedom of speech and of the press; however, the Government continued to restrict these rights through prepublication press censorship by the Interior Ministry. In a few cases, media groups were repeatedly closed, refused access to public forums, or censored for criticizing the Government.

All newspapers must register with the Ministry of the Interior. More than 300 journals and newspapers were registered with the Ministry; more than 200 of these did not publish regularly, including some that never have published an edition. Two daily newspapers, Horizons and Chaab, were government owned. There were approximately 25 privately owned newspapers that published on a regular basis. These journals were weeklies and reached limited audiences, printing at most 3,000 copies of any 1 edition. NGOs and the privately owned press openly criticized the Government and its leaders. Anti-government tracts, newsletters, and petitions circulated widely in Nouakchott and other towns. Newspapers, journals, and privately published books were exempt from all taxes on materials used to produce them.

Radio was the most important medium in reaching the public, and the official media strongly supported government policies. All broadcast media (radio and television) were government owned and operated. The Government continued to deny, or simply not respond to, private applications to establish domestic radio stations.

In January, the Government arrested two journalists on charges of conspiring with Libya against the regime. The Government dropped all charges and released the journalists after 2 weeks. Later in the year, the Government detained two other journalists for several hours. Both journalists had written articles criticizing government officials.

The Press Law requires publishers to submit copies of newspapers to the Ministries of Interior and Justice before distributing them. The Ministry of the Interior reviewed all newspaper copy prior to publication and usually authorized sales and distribution within 2 to 3 days. However, the Press Law provides that the Minister of the Interior can stop publication of material that discredits Islam or threatens national security. The Ministry censored 15 weekly editions of various independent newspapers. In addition, the Ministry of the Interior banned the sale of an issue of Paris-edited *Afrique Education* in November.

The Government closed one Arab-language private newspaper, *Ar-Raya*, as a result of its links with Islamist political leader Jemil Mansour. The newspaper remained closed at year's end.

In 2002, the Government restored the Middle East Information Agency representative's accreditation, which it had suspended in 2000.

During the November presidential election campaign, the Government provided all candidates with equal access to the country's single television channel and to radio stations. The Government allowed citizens to hear and read criticism of the Government through all media sources. Opposition parties' access to government radio and television broadcast facilities at other times was extremely limited.

Using satellite receivers and dish antennas, citizens could receive worldwide television broadcasts.

There were three domestic Internet service providers, which operated without governmental restrictions. Internet connections existed in Nouadhibou, the major commercial center, and 10 other regional capitals. Some private newspapers also maintained websites, which the Government did not censor.

The Government did not restrict academic freedom.

b. Freedom of Peaceful Assembly and Association.—The Constitution provides for freedom of assembly; however, the Government sometimes restricted this right in practice.

Three times during the year, including during the presidential elections in early November, police disrupted some demonstrations, often with the use of tear gas, and caused minor injuries.

The law requires that all recognized political parties and NGOs apply to the local prefect for permission to hold large meetings or assemblies. In March and April, the Government temporarily banned all public demonstrations and refused to grant permits to demonstrators in response to widespread demonstrations on the situation in the Middle East. In October, the Government prohibited a self-described Independent Election Observatory from holding a press conference in a Nouakchott hotel. Following the elections in November and early December, the Government did not respond to some requests for permits.

The Constitution provides for freedom of association; however, the Government limited this right in practice, and circumscribed the efforts of some groups by denying them official recognition. All political parties must register with the Ministry of

the Interior. At least 15 organized political parties and a wide array of NGOs, many of them highly critical of the Government, functioned openly, issued public statements, and chose their own leadership; however, the Government banned or refused to authorize several parties. The Government did not recognize any new NGOs or associations during the year; however, there were more than 600 such organizations in the country. The Government has not yet granted some NGOs official standing but did not prevent them from functioning (see Section 4).

The Government continued to ban the political parties Action for Change (AC), Union of Democratic Forces-New Era, An-Nouhoud, and Taliaa (Vanguard), and the Government's prohibition against forming the Convention for Change party remained in force.

c. Freedom of Religion.—The Constitution establishes the country as an Islamic republic and decrees that Islam is the religion of its citizens and the State; the Government limited freedom of religion. However, Christians in the foreign community and the few Christian citizens practiced their religion openly and freely. On June 30, the Government passed a law allowing only Malekite (traditional Mauritanian) Islam, and prohibiting political activity of any kind, in mosques.

The Government did not register religious groups; however, NGOs had to register with the Ministry of the Interior (see Section 2.b.); this included humanitarian and development NGOs affiliated with religious groups.

Although there is no specific legal prohibition against proselytizing by non-Muslims, in practice the Government prohibited proselytizing by non-Muslims through the use of the Press Act, which bans the publication of any material that is against Islam or contradicts or otherwise threatens Islam. However, there were no reports that the Government punished persons for violating this provision during the year. The Government views any attempts by Christians to convert Muslims as undermining society; however, the Government also restricted suspected Islamic extremists. There were no known non-Muslim groups engaging in proselytizing, and foreign Christian NGOs limited their activities to humanitarian and development assistance.

Under the Press Act, the Government may restrict the importation, printing, or public distribution of Bibles or other non-Islamic religious literature, and in practice Bibles were neither printed nor publicly sold in the country. However, the possession of Bibles and other Christian religious materials in private homes was not illegal, and Bibles and other religious publications were available among the small Christian community.

For a more detailed discussion, see the 2003 International Religious Freedom Report.

d. Freedom of Movement within the Country, Foreign Travel, Emigration, and Repatriation.—The law provides for these rights, and the Government generally respected them in practice; however, in some regions, persons lacking identity cards could not travel freely. The Government set up roadblocks where gendarmerie, police, or customs officials checked the papers of travelers and often demanded bribes; however, during the year, the Government generally maintained fewer roadblocks and reduced the time taken in questioning and conducting vehicle searches. There were fewer reports of more stringent searches in the southern border areas. However, the number of roadblocks around Nouakchott and certain southeastern regions increased for several weeks following the June 8 coup attempt.

The U.N. High Commissioner for Refugees (UNHCR) estimated that there were between 15,000 and 20,000 refugees from the 1989–91 crisis remaining in Senegal, although refugees have continued to return independently in small numbers and have benefited from small-scale agroforestry, health, and sanitation projects continued by NGOs and humanitarian workers. Cooperation by local authorities in addressing restitution and citizenship matters varied greatly, depending on individual officials and the returnee's region. Many returnees received their original homes, some property, and all or a portion of their land (see Section 1.f.). Throughout the Chemama or the Senegal River Valley region, returnee communities were reestablishing their agricultural production; however, recovery of land titles remained the primary issue. Timely restoration of identity papers varied, and some of those who returned in 1995 have not yet received identification cards. In some regions, persons lacking identity cards could not travel freely.

The law does not provide for the granting of asylum or refugee status to persons who meet the definition of the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. In practice, the Government provided protection against refoulement and granted refugee status or asylum.

The Government cooperated with the UNHCR and other humanitarian organizations in assisting refugees.

The Government provided temporary protection to refugees from neighboring countries including Liberia, Sierra Leone, Senegal, Cote d'Ivoire, Mali, Western Sahara, and Guinea-Bissau. The Government also accepted the UNHCR's registration of approximately 200 asylum seekers, mostly from Sierra Leone and Liberia.

The country hosted more than 50,000 nationals of other West African countries who sought refuge and employment, primarily in Nouakchott and Nouadhibou. An estimated 60 percent of the country's small craft fishermen were Senegalese.

Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government

The Constitution provides citizens with the right to change their government; however, this right was circumscribed in practice.

Although civilians occupied all ministerial-level positions, some members of the Military Council that ruled from 1984 to 1992, in addition to President Taya, remained in positions of power within the executive branch, the National Assembly, the armed forces, and government-owned enterprises.

On June 8 and 9, the country experienced a coup attempt. The nine leaders were current or former army officers. The leaders of this group remained at large and formed a group known as the "Knights of Change" that continued to advocate the overthrow of the Taya Government.

President Taya won the November elections with 67 percent of the vote amid widespread reports of fraud, particularly in the southern part of the country. The Government did not invite international and local diplomatic observers to observe the voting process, although it did permit one international organization to visit the country to observe the election.

Opposition candidates alleged that the Government conducted a fraudulent election, but chose not to contest the election's results via available legal channels. Opposition members justified this decision by alleging that Haidallah's imprisonment immediately following the elections prevented him from taking any legal action.

HRW reported that the Government harassed opposition figures during the year. This harassment occurred at the local level, and typically took the form of local Government officials refusing to meet with opposition leaders. The Government arrested the leading opposition presidential candidate for reasons of national security a few days before the election (see Section 1.d.).

The indirect balloting of municipal councils every 2 years elects One-third of the Senate; the latest elections were held in 2002 for 19 of the 56 seats. The elections were generally well organized; however, international observers noted that government manipulation weakened the chances for opposition candidates. Six opposition parties ran candidates, and no parties boycotted the 2002 elections. For the first time, an opposition Rally for Democracy candidate was elected to the Senate. In addition, two women were also elected to the Senate.

In the 2001 legislative and municipal elections, 15 opposition parties presented candidates for election. The Government introduced a hard-to-falsify voter identification card, revised and published all voter registration lists, used transparent ballot boxes, and allowed full access for a representative of each party to observe the entire voting process, including ballot counting, in every precinct. Foreign diplomats and local observers noted that the elections generally were fair and transparent with some irregularities, such as voters casting ballots at two different polling stations in a small number of precincts. Except during the election campaign, the Government denied the political opposition full access to government media. The FP party, which opposes diplomatic relations with Israel, gained one seat in the legislative elections, and eight municipal council seats either outright or in coalition with other parties.

The country is divided into 13 provinces, including the capital district of Nouakchott; each province is divided into prefectures. The Government appointed the Walis (governors) and Hakems (prefects). Municipal councils were elected by general ballot, and they elected their mayors, usually the lead candidate of the majority party's list. Most government services were provided by the central Government. The elected councils were responsible for some public services such as sanitation and had fiscal autonomy and taxing authority. Their administrative staff was independent of the Government. The councils elected the national Senate.

Women have the right to vote and formed the majority of registered voters in the November elections. Women occupied some senior government positions: Five cabinet-level posts including the Minister of Public Records, two Secretaries of State (Women's Affairs and State Registries,) the deputy director of the President's Cabinet, and the President's Minister-Counselor.

Women were well represented in the Secretariat of Women's Affairs, including a number from minority ethnic groups. There were 3 women in the 81-seat National

Assembly and 3 women in the 56-seat Senate. Two of the 14 members of the Executive Bureau of the ruling PRDS were women, and a woman headed the UDP party, a part of the ruling coalition. Aicha Mint Jeddane registered in the presidential elections during the year as the country's first female presidential candidate. Her campaign platform focused on promoting women's issues.

Minorities such as the Black Moors, Halpulaars, Soninkes, and Wolofs were underrepresented in senior government positions. However, Sghair Ould M'Bareck was appointed as the country's first Black Moor Prime Minister on July 6 and reappointed in mid-November, and the first Black Moor woman to occupy a ministerial level position was appointed Minister of Public Records on November 13. Of the Government's 21 ministerial posts, 2 incumbents were Black Moor, 3 were Halpulaar, and 2 were Soninke; the remaining 14 were of either White Moor or mixed White Moor/Black Moor ethnicity (see Section 5). The full 27-member Cabinet, including secretaries of state, had 3 Black Moors, 3 Halpulaars, and 1 Soninke. The 56-member Senate had 3 Black Moors, 4 Halpulaars, 3 Soninkes, and the remaining 46 were of either White Moor or mixed White Moor/Black Moor heritage. The 81-member National Assembly had 9 Black Moors, 8 Halpulaars, 2 Soninkes, and 2 Wolof.

Section 4. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

Several domestic and international human rights groups generally operate without government restriction, investigating and publishing their findings on human rights cases. Government officials were somewhat cooperative and responsive to their views.

There were three organizations concerned with overall human rights issues. The oldest is the Mauritanian League for Human Rights (LMDH), an independent, government-recognized body. A second organization, the Mauritanian Association for Human Rights (AMDH), was still unrecognized (see Section 2.b.). While not affiliated with the opposition, the AMDH had many opposition members, and the AMDH was more critical of the Government than the LMDH, particularly on the unresolved abuses of the 1989–91 period. The International Study and Research Group on Democracy and Economic and Social Development in Africa (GERDDES-Africa) is not officially recognized. The Government has not responded to the applications of these organizations on the grounds that they were ethnically based organizations that were divisive and in violation of the law; however, the unrecognized organizations continued to carry out their activities unimpeded.

Many of the other organizations, including 14 unregistered associations, also addressed human rights issues such as slavery, refugees, and the 1989 expellees. The only international association concerned with human rights to visit the country during the year was the ICRC, which made routine annual visits.

HRW reported that the Government had restricted legitimate NGOs' ability to function freely. The Government did not officially recognize a number of NGOs, and denied these NGOs the ability to deal with government officials, as well as the ability to request government assistance.

Section 5. Discrimination Based on Race, Sex, Disability, Language, or Social Status

The Constitution provides for equality before the law for all citizens, regardless of race, national origin, sex, or social status, and prohibits racial or ethnic propaganda. In practice, the Government often favored individuals on the basis of ethnic and tribal affiliation, social status, and political ties. Societal discrimination against women, strongly rooted in traditional society, was endemic, although the situation continued to improve. There was no evidence of systematic discrimination by either society or the Government against persons with HIV/AIDS; however, taboos and beliefs associated with the disease caused victims in some areas to face isolation or exclusion.

Women.—Abuse and domestic violence are illegal, and human rights monitors and female lawyers reported that domestic violence was rare, particularly among the Moor population. The police and judiciary occasionally intervened in domestic abuse cases, but women in traditional society rarely sought legal redress, relying instead upon family and ethnic group members to resolve domestic disputes. Rape, including spousal rape, is illegal, but there were no known convictions under this law. In one case, the alleged victim was a foreign national, and the perpetrators were arrested. According to some NGO reporting, the incidence of unreported rape was high.

Prostitution is illegal; however, NGO reporting indicated that it was a growing problem in some urban areas, particularly among Afro-Mauritanian and Black Moor women.

Traditional forms of mistreatment of women continued, mostly in isolated rural communities, but these practices appeared to be on the decline. One form of such mistreatment was the forced feeding of adolescent girls (gavage) prior to marriage, which was practiced only among the Moors. While there was no law prohibiting gavage, the Government made it a policy to end the practice. Experts had previously estimated that between 60 and 70 percent of women experienced gavage but concluded that very few Moor women were subjected to gavage.

FGM was practiced among all ethnic groups. It was performed most often on young girls, often on the 7th day after birth and almost always before the age of 6 months. According to an internationally sponsored study in 2001, three-fourths of all women between the ages of 15 and 49 have been subjected to FGM. Local experts agreed that the least severe form of excision was practiced, and not infibulation, the most severe form of FGM. The practice of FGM has decreased in the modern urban sector.

The Government and international NGOs developed a series of coordinated anti-FGM efforts. These efforts focused on eradicating the practice in hospitals, discouraging midwives from practicing FGM, and educating populations in some areas on the issue. The High Islamic Council of Mauritania, the Islamic Scholar Association, and the National Forum for Women's Rights launched a campaign that explained the serious health risks of FGM and emphasized that FGM was not a religious requirement. The Government continued intensive media and educational campaigns against FGM during the year. In addition to these activities, it was the clear policy of the Government to end FGM. Government hospitals and licensed medical practitioners were barred from performing FGM, and several government agencies worked to prevent others from carrying on this practice. According to several women's rights experts, the campaign against FGM appeared to be changing attitudes towards the practice.

Women have legal rights to property and child custody, and, among the more modern and urbanized population, these rights were recognized. By local tradition, a woman's first marriage, but not subsequent marriages, requires parental consent. In accordance with Shari'a as applied in the country, marriage and divorce do not require the woman's consent, polygyny is allowed, and a woman does not have the right to refuse her husband's wish to marry additional wives. In practice, polygyny was very rare among Moors but was common among other ethnic groups. Arranged marriages also were increasingly rare, particularly among the Moor population. Women frequently initiated the termination of a marriage, which most often was done by repudiation of husband or wife rather than divorce. It was also common in Moor society for a woman to obtain, at the time of marriage, a contractual agreement that stipulated that her husband must agree to end their marriage if he chose an additional wife. The reported rate of divorce among Moors was 37 percent, with a remarriage rate of 72.5 percent.

Women still faced legal discrimination. The testimony of two women was necessary to equal that of one man. The courts grant only half the amount of an indemnity to the family of a woman who has been killed that they award for a man's death. The Personal Status Code provides a framework to regularize the prevailing Shari'a-based family law, which without defining legislation had been applied unfairly. For example, formulas applied to property distribution varied widely from case to case. In addition, the validity of and right to establish prenuptial agreements was not always respected. However, women did not face legal discrimination in areas not addressed specifically by Shari'a. The law provides that men and women receive equal pay for equal work. While not applied universally in practice, the two largest employers, the civil service and the state mining company, observed this law. In the modern wage sector, women also received family benefits, including 3 months of maternity leave.

The Government sought to open new employment opportunities for women in areas that were traditionally filled by men, such as health care, communications, police, and customs services. Women became more involved in the fishing industry and established several women's fishing cooperatives.

The Secretariat for Women's Affairs worked with many NGOs and cooperatives to improve the status of women. The Government, women's groups, and national and international NGOs organized meetings, seminars, and workshops throughout the year to publicize women's rights.

Children.—The law makes special provision for the protection of children's welfare, and the Government had programs to care for abandoned children; however, inadequate funding hampered these programs. Education received the largest share of the national budget at 18.9 percent. The Government relied on foreign donors in such areas as child immunization.

The Government required attendance at school for 6 years, but full implementation of universal primary education was not scheduled to be completed until at least 2007, primarily because the Government lacked the financial resources to provide educational facilities and teachers throughout the country, especially in remote areas. There was a moderate increase in attendance from 2001, in which the school enrollment rate was 90 percent. Classes were fully integrated, including boys and girls from all social and ethnic groups. Children of slave families were allowed to attend school. There were no legal restrictions on the education of girls. Girls constituted 48.8 percent of all children enrolled in school in 1998. An estimated 90 percent of school-age girls attended elementary school in 1998 and 1999, compared with 88 percent for boys. At the secondary level, female students constituted 44 percent of those enrolled. Despite these increases, enrollment in the eastern part of the country, the Brakna, and along the Senegal River remained at a lower level. Female students made up 22.3 percent of the university's enrollment during the academic year. Female students also constituted 30.5 percent of students enrolled in technical schools. The literacy rate for women was 32 percent, compared with 50 percent for men. Almost all children, regardless of sex or ethnic group, attended Koranic school between the ages of 5 and 7 and gained at least rudimentary skills in reading and writing Arabic.

FGM was usually performed on young girls (see Section 5, Women).

Local NGOs estimated that there were more than 300 street children, largely as a result of poverty and of the urbanization of formerly nomadic families; however, the Government implemented a program to assist families with street children and to encourage their school attendance.

Persons with Disabilities.—The law does not provide specifically for persons with disabilities. The Government does not mandate preference in employment or education or public accessibility for persons with disabilities; however, it did provide some rehabilitation and other assistance for persons with disabilities. NGOs have become increasingly active in raising public awareness of issues affecting persons with disabilities. The school for the deaf and the blind in Nouakchott operated 6 classrooms and enrolled 67 students during the year; however, the school lacked sufficient trained staff. There was no societal discrimination against persons with disabilities.

National/Racial/Ethnic Minorities.—Ethnic minorities faced societal discrimination. Ethnic and cultural tension and discrimination arose from the geographic and cultural line between traditionally nomadic Arabic-speaking (Hassaniya) Moor herders and Peuhl herders of the Halpulaar group in the north and center, and sedentary cultivators of the Halpulaar (Toucouleur), Soninke, and Wolof ethnic groups in the south. Although culturally homogeneous, the Moors were divided among numerous ethno-linguistic clan groups and were distinguished racially as Beydane and Black Moor, or White Moors and Black Moors, although it often was difficult to distinguish between the two groups by skin color. "White" Moors, large numbers of whom were dark-skinned after centuries of intermarriage with members of sub-Saharan African groups, dominated positions in government and business. The Black Moors have remained politically weak and disorganized; poverty, migrations, and isolation of their communities have prevented the Black Moors from realizing the political power inherent in their numbers. The Halpulaar (the largest non-Moor group), the Wolof, and the Soninke ethnic groups were concentrated in the south and were underrepresented in the military and security sectors.

The land reform law was to provide land for rural landless persons, including White and Black Moor victims of desertification in the northern and central regions and for returning southerners who had been expelled from 1989 to 1991. The reform aimed to increase the amount of land under cultivation by leasing uncultivated land to those with the means to cultivate it. However, there may have been a net redistribution of land from southerners and Black Moors to White Moors under that program, since the south has been affected less by desertification than the more northerly regions historically inhabited by the Moors. Anecdotal evidence suggested that no more than 20 percent of the intended groups—landless persons and victims of desertification—have received land, and that much of the uncultivated land may have been redirected to wealthy White Moors.

The Constitution designates Arabic as the official language and Arabic, Pulaar, Soninke, and Wolof as the country's national languages; however, successive governments—both civil and military—have pursued various policies of "Arabization" in the schools and in the workplace.

Ethnic rivalry significantly contributed to political divisions and tensions. Some political parties tended to have readily identifiable ethnic bases, although political coalitions among them were increasingly important.

Section 6. Worker Rights

a. The Right of Association.—The Constitution provides for freedom of association and the right of citizens to join any labor organization, and workers exercised this right in practice. All workers except members of the military and police were free to associate in and establish unions at the local and national levels. However, the Government has the power to decide whether to recognize a trade union (see Section 6.b.). The majority of the labor force was in the informal sector, with most workers engaged in subsistence agriculture and animal husbandry; only 25 percent were employed in the wage sector. However, nearly 90 percent of industrial and commercial workers were organized.

The Labor Code does not restrict trade union pluralism, and there were four labor confederations: The Union of Mauritanian Workers (UTM), the General Confederation of Mauritanian Workers (CGTM), the Free Confederation of Mauritanian Workers (CLTM), and the General Union of Mauritanian Workers (UGTM). The UGTM, founded in 2002, was the most closely allied with the ruling PRDS. Many workers still viewed UTM, the oldest confederation, as also closely allied with the Government and the ruling PRDS; however, it has lost members to the CGTM and the CLTM. The CGTM was not affiliated with any party, although most of its members tend to favor the opposition. The CLTM was associated with the AC opposition party. The Government provided funds to the confederations in proportion to their memberships. All confederations supplied representatives to the country's four labor tribunals and were included in most government deliberative or consultative bodies. The national federations continued to organize training workshops for their memberships throughout the country.

Several independent trade unions, in particular three for teachers at the elementary, secondary, and university levels, were also active. There also were four unaffiliated professionally based labor unions.

Laws provide workers with protection against anti-union discrimination, and employees or employers may bring labor disputes to three-person labor tribunals administered jointly by the Ministries of Justice and Labor with the participation of union and employer representatives.

Unions were free to affiliate internationally, and international trade union activity continued. The UTM participated in regional labor organizations. The CGTM and UTM were both members of the International Confederation of Free Trade Unions. The UTM was a member of the Organization of African Trade Union Unity (OATUU), but the CGTM's application was not accepted, as the OATUU only accepts one member federation from each country.

b. The Right to Organize and Bargain Collectively.—The law provides that unions may organize workers freely without government or employer interference, although to be legally recognized a union is required to have the authorization of the Public Prosecutor who can provisionally suspend a trade union at the request of the Ministry of the Interior if it believes that the union has not complied with the law. General or sector agreements on wages, working conditions, and social and medical benefits were negotiated in tripartite discussion and formalized by government decree. Wages and other benefits could also be negotiated bilaterally between employer and union, and the results of such negotiations were filed with the Directorate of Labor. Although the Directorate has the ability to change the negotiated settlement between labor and business, there were no known cases of such action during the year.

The law provides workers with the right to strike. However, strikes in the private sector have to be preceded by submission of a non-conciliation or negotiation-breakdown report. Once a referral is made to arbitrate a dispute, the tripartite arbitration committee may automatically terminate any strike. Some trade union representatives stated that there was little social dialogue except in response to worker actions in a dispute.

Two strikes occurred during the year. In February, dockworkers struck for several weeks for higher wages. The workers received a slight wage increase; however, some of the leaders were allegedly fired soon after. In October, persons employed by a Tunisian subcontractor to build the Nouakchott-Nouadhibou road went on strike, protesting poor working conditions including unpaid overtime, lack of medical care, and poor food and housing in a desert environment. The strike was eventually resolved in favor of the workers' claims.

The Government can dissolve a union for what it considered an "illegal" or "politically motivated" strike; however, no unions were disbanded during the year.

The International Labor Organization (ILO) Committee of Experts noted that compulsory arbitration effectively prohibited strikes and asked the Government to bring its legislation into compliance with the requirements of ILO Convention 87 on freedom of association; however, there was no government action by year's end.

Three labor tribunals, composed of a president and two assessors (one who represented labor and one who represented employers), served as final arbiters for labor disputes.

There are no export processing zones.

c. Prohibition of Forced or Bonded Labor.—The law prohibits forced or bonded labor, including by children; however, the law only applies to the relations between employers and workers, and there were credible reports such practices occurred. Slavery is illegal and was abolished by law in 1981; however, there were still areas where the attitude of master and slave prevailed.

The ILO Committee of Experts has requested that the Government take measures to extend the prohibition to any form of forced labor and vestiges of slavery. Amnesty International criticized the Government for not taking further steps to ensure the abolishment of forced labor.

Citizens continued to suffer from the country's heritage of slavery.

Slavery has been officially abolished; however, the practice of chattel slavery was once a tradition.

Numerous reports suggested that some members of the long-dominant White Moor community may continue to expect or desire the servitude of Black Moors and southern ethnic groups. These reports also suggested that such attitudes impeded efforts to eliminate the vestiges and consequences of slavery, goals to which both the Government and major opposition parties were committed. Slavery-related practices persisted most strongly in the east and southeast, where education levels were generally lower and there was a greater need for manual labor in work such as herding livestock and tending fields.

There was not a system of officially sanctioned slavery in which government and society joined to force individuals to serve masters. However, there continued to be unconfirmed reports that slavery in the form of forced and involuntary servitude persisted in some areas. Voluntary servitude also persisted, with some former slaves and descendants of slaves continuing to work for former masters in exchange for money, lodging, food, or medical care. The reasons for the persistence of such practices varied widely among the different ethnic groups; however, poverty, persistent drought, and a weak economy provided few economic alternatives for many and left some former slaves and descendants of slaves vulnerable to exploitation by former masters. There were reports that some former slaves in some sedentary communities continued to work for their former masters or others without remuneration to retain access to land they traditionally farmed. Although the law provides for distribution of land to the landless, including to former slaves, this law has been enforced in only a few cases (see Section 5). Deeply embedded psychological and tribal bonds also made it difficult for many individuals who had generations of forebears who were slaves to break their bonds with former masters or their tribes. Some persons continued to link themselves to former masters because they believed their slave status had been religiously ordained and feared religious sanction if that bond were broken.

Adult females with children faced greater difficulties and could be compelled to remain in a condition of servitude.

Problems related to the vestiges and consequences of slavery usually entered the public domain in judicial cases, most often in the form of child custody and inheritance disputes between former masters and former slaves or their descendants. In most cases involving custody disputes between former masters and former female slaves, the Minister of Justice encouraged the courts to rule in favor of the women, and virtually all custody cases that have been tried were decided in favor of the women; however, court adjudication of such cases has been rare. The determination of such cases was problematic because there were polygyny, "secret" marriages, no written records, and divorce by repudiation (see Section 5). There were no reported cases during the year.

The Commissariat for Human Rights, Poverty Alleviation, and Integration focused on addressing the vestiges and consequences of slavery. The Government focused on education, literacy, and agrarian reform to eradicate the vestiges of slavery and address its consequences. However, the Government's record in cases in which an individual's civil rights were violated because of status as a former slave was poor. When complaints were filed with the Government that involved the detention of individuals against their will, the Government intervened in accordance with the law, although sometimes only after considerable pressure and time.

d. Status of Child Labor Practices and Minimum Age for Employment.—Child labor in some parts of the informal sector was common and a significant problem, particularly within poorer inner-city areas. The law provides that children cannot be employed before the age of 14 in the nonagricultural sector or under age 13 in

the agricultural sector unless the Minister of Labor grants an exception due to local circumstances. The law states that employed children between the ages of 14 and 16 should receive 70 percent of the minimum wage, and that those between the ages of 17 and 18 should receive 90 percent of the minimum wage. Young children in the countryside were commonly employed in herding, cultivation, fishing, and other significant labor in support of their families' activities. Young children in urban areas often drove donkey carts and delivered water and building materials. In keeping with longstanding tradition, many children served apprenticeships in small industries and in the informal sector. There was no child labor in the modern industrial sector.

The Government had a functional labor inspectorate with the authority to refer violations directly to the appropriate judicial authorities; however, the Government lacked sufficient resources to enforce existing child labor laws.

e. Acceptable Conditions of Work.—The minimum monthly wage for adults remained \$38.71 (9,872 ouguiya). The national minimum monthly wage did not provide a decent standard of living for a worker and family.

The standard, legal, nonagricultural workweek could not exceed either 40 hours or 6 days without overtime compensation, which was paid at rates that were graduated according to the number of supplemental hours worked. Domestic workers and certain other categories could work 56 hours per week. The Labor Directorate of the Ministry of Labor is responsible for enforcement of the labor laws, but in practice inadequate funding limited the effectiveness of the Directorate's enforcement.

The Ministry of Labor also is responsible for enforcing safety standards but did so inconsistently, due to inadequate funding. In principle, workers could remove themselves from hazardous conditions without risking loss of employment; however, in practice they could not.

The law protects legal but not illegal foreign workers, and foreign workers could join unions.

f. Trafficking in Persons.—The law prohibits trafficking in persons, and there were no reports that persons were trafficked to, from, or within the country. A law enacted on July 24 added substantial penalties, including fines and hard labor, for those found guilty of trafficking in persons. The Government had not initiated any legal action by year's end under this new law.

MAURITIUS

The Republic of Mauritius is a parliamentary democracy governed by a prime minister, a council of ministers, and a national assembly. In September, the Prime Minister, Sir Anerood Jugnauth, became Head of State while the Deputy Prime Minister, Paul Raymond Berenger, became Prime Minister. In accordance with a power sharing agreement negotiated during the 2000 electoral season between the two parties of the ruling coalition government, the Mauritian Socialist Movement (MSM) and the Militant Mauritian Movement (MMM), respectively. National and local elections, supervised by an independent commission, take place at regular intervals. According to international and local observers, the national elections, held in 2000, were free and fair and resulted in a victory for the opposition MSM and the MMM coalition. There were numerous political parties, and politics were open and vigorous. The judiciary was independent.

A paramilitary Special Mobile Force was responsible for internal security. The country does not have a military separate from the Police Forces. The Coast Guard, the Special Mobile Forces, and the Police Forces all report to the Commissioner of Police. The civilian authorities maintained effective control of the security forces. Some members of the security forces committed human rights abuses.

The economy was based on labor-intensive, export-oriented manufacturing (mainly textiles), as well as sugar and tourism. The country's population was more than 1.2 million. The standard of living was high, with a per capita gross domestic product of \$3,900. The Government was diversifying the economy by promoting investment in the information technology, financial services, and tourism sectors.

The Government generally respected the human rights of its citizens; however, there were problems in some areas. There were reports that police abused suspects and detainees and delayed suspects' access to defense counsel. The Government maintained control over the nation's television stations. At times police restricted freedom of assembly. Violence and discrimination against women and abuse of children continued to be problems. There were some restrictions on the rights of work-

ers in the Export Processing Zone (EPZ). Forced child prostitution and child labor occurred.

RESPECT FOR HUMAN RIGHTS

Section 1. Respect for the Integrity of the Person, Including Freedom From:

a. Arbitrary or Unlawful Deprivation of Life.—There were no reports of the arbitrary or unlawful deprivation of life committed by the Government or its agents.

Judicial inquiries into all six cases of deaths in police custody in 2002 and 2001 were pending at year's end.

The investigation into the 2001 beating to death of a man by prisoners and a prison guard was completed and submitted to the Office of the Director of Public Prosecutions (DPP) to determine whether to prosecute. There was no decision by year's end.

In June, the magistrate investigating the 1999 death in police custody of Kaya, a popular Creole singer, found that there was no foul play. However, some reports indicated that Kaya died of traumatic head injuries, which could not have been self-inflicted.

In October, Hizbullah leader Mohammad Fakemeeah (also known as Cehl Meeah) was released from prison after charges were dropped by the DPP. He and three others were charged with the 1996 killings of three rival Muslim political activists.

b. Disappearance.—There were no reports of politically motivated disappearances.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The law prohibits torture and inhuman punishment, and authorities generally respected this prohibition; however, there continued to be complaints of abuses by the police. The most frequent form of alleged police abuse was the use of force to coerce a suspect to sign a confession.

Unlike in the previous year, there were no reports that security forces raped women during the year.

During the year, the National Human Rights Commission (NHRC) received 161 human rights complaints. In addition, the Complaints Investigation Bureau, an office in the Police Department, received 186 complaints against police involving alleged brutality or use of force during the year.

Prison conditions generally met international standards. Food, water, and medical care were available to all prisoners, and sanitation was adequate.

On September 26 and 27, police officers injured 22 inmates of the Beau-Bassin prison when the Commissioner of Prisons ordered them in to enforce discipline. Prisoners had been protesting prison conditions over the previous 2 weeks. According to local press accounts, there was roughly a 24-hour delay in providing medical assistance for the injured. As a result, the Commissioner of Prisons was forced into early retirement.

Women were held separately from men, and juveniles were held separately from adults. Pre-trial detainees were held separately from convicted prisoners. HIV positive prisoners were held separately from the general prison population. The Government started a program to test all prisoners for HIV/AIDS; however, the program was not completed at year's end.

During the year, four persons died in custody, all reportedly from natural causes. The Government permitted prison visits by independent observers. During the year, the press, the NHRC, and international organizations made regular prison visits, and diplomatic observers visited a medium security prison.

d. Arbitrary Arrest, Detention, or Exile.—The Constitution prohibits arbitrary arrest and detention, and the Government generally observed these prohibitions.

The Police Force is a national force headed by a Commissioner of Police. There is no military. All security forces including the Coast Guard, the Special Mobile Forces, and the Police Forces report to the Commissioner of Police. The Special Mobile Force is a paramilitary unit that is responsible for internal security, and is backed by a general duty police force. Both forces were largely apolitical, but criticized for being inadequately trained to prevent or control rioting, or to investigate violent crimes. During the year, the second in command of the Central Investigative Bureau was investigated by the Independent Commission Against Corruption for allegedly spending a weekend free of charge at a luxury hotel with his family. The investigation was ongoing at year's end.

The Dangerous Drugs Act allows law enforcement authorities to hold suspected drug traffickers for up to 36 hours without access to bail or legal counsel, and the law also permits a 36-hour detention of suspects without legal counsel. During the year, there were two complaints to the Police, alleging delays in lawyer access to prisoners.

In most cases, suspects were provided prompt access to family and defense counsel; however, police in some cases delayed suspects' access to defense counsel. Minors and those who did not know their rights were more likely not to be provided prompt access. In 2002, the Government passed the Prevention of Terrorism Act; however, there were no arrests under this act during the year.

The Constitution prohibits forced exile, and the Government did not use it.

e. Denial of Fair Public Trial.—The Constitution provides for an independent judiciary, and the Government generally respected this provision in practice.

The judicial system consists of the Supreme Court, which has appellate powers, and a series of lower courts. Final appeal may be made to the Privy Council in the United Kingdom.

The Constitution provides for the right to a fair trial, and an independent judiciary generally enforced this right. Defendants had the right to private or court-appointed counsel.

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home or Correspondence.—The Constitution prohibits such actions, and the Government generally respected these prohibitions in practice.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution provides for freedom of speech and of the press, and the Government generally respected these rights in practice.

More than a dozen privately owned newspapers presented varying political viewpoints and expressed partisan views freely. The Government has the ability to counter press criticism by using strict libel laws; however, the Government did not use the measures. Libel suits between private parties were common.

Three independent, private radio stations operated during the year. Local radio news broadcasts were no longer banned.

Domestic television was government-owned and is regulated. A private news organization posted local news on the Internet, thereby circumventing the ban on private party television. Foreign international news services, such as the United Kingdom's Sky News, France's Canal Plus, and Cable News Network, were available to the public by subscription.

The Government did not restrict access to the Internet.

The Government did not restrict academic freedom.

b. Freedom of Peaceful Assembly and Association.—The Constitution provides for freedom of assembly; however, at times the police restricted this right. Police permission is required for demonstrations and mass meetings, and such permission was refused in certain cases during the year. For example, prior to an international trade forum in January, the Police Commissioner denied an application for a protest demonstration. Upon appeal, a judge overturned the Commissioner's decision, and the demonstration occurred as planned. No other demonstrations were denied during the year.

Unlike in previous years, there were no reports that police dispersed unauthorized demonstrations during the year.

The Constitution provides for freedom of association, and the Government generally respected this right in practice.

c. Freedom of Religion.—The Constitution provides for freedom of religion, and the Government generally respected this right in practice.

Religious organizations and faiths that were present in the country prior to independence, such as the Roman Catholic Church, the Church of England, the Presbyterian Church, the Seventh-day Adventists, Hindus, and Muslims, receive a lump-sum payment every year from the Ministry of Finance based upon the number of adherents, as determined by a 10-year census. Newer religious organizations (which must have a minimum of seven members) were registered by the Registrar of Associations and were recognized as legal entities with tax-free privileges. No groups were refused registration.

Tensions between the Hindu majority and Christian, Creole, and Muslim minorities persisted, but there were no violent confrontations during the year. Some minorities, particularly Creoles and Muslims, alleged that a glass ceiling existed within the upper echelons of the civil service, which prevents them from promotion to the higher levels of government.

For a more detailed discussion, see the 2003 International Religious Freedom Report.

d. Freedom of Movement within the Country, Foreign, Travel, Emigration, and Repatriation.—The Constitution provides for these rights, and the Government generally respected them in practice.

The law does not provide for the granting of refugee status or asylum to persons who meet the definition in the 1951 U.N. Convention Relating to the Status of Refugees or its 1967 Protocol. In practice, the Government provides protection against refoulement, but does not grant refugee or asylum status on the grounds that the country was small, had limited resources, and did not wish to become a haven for large numbers of refugees. There were no individuals recognized as refugees during the year.

Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government

The Constitution provides citizens with the right to change their government peacefully, and citizens exercised this right in practice through periodic, free, and fair elections held on the basis of universal suffrage. According to international and local observers, free and fair national elections were held in 2000, and the opposition MSM/MMM federation defeated the governing Labor Party/Parti Mauricien Xavier Duval coalition.

In September, the President, Sir Anerood Jugnauth, who formerly served as Prime Minister, became Head of State while Paul Raymond Berenger, who formerly served as Deputy Prime Minister, became Prime Minister. In accordance with the Constitution, the President was nominated by the Prime Minister, and confirmed by the National Assembly. Prime Minister Berenger was elevated to his position as part of a power sharing agreement negotiated in 2000 between the two parties of the ruling coalition Government, the MSM and the MMM. The agreement is that the leader of the MSM would lead the Government for the first 3 years of the 5-year term, after which the head of the MMM would take over as Prime Minister and the MSM leader would transition to the Presidency. This transition occurred on schedule in September and October, making Berenger the first Christian, non-Indian-descent Head of Government since independence.

Suffrage was universal except for approximately 100 fishermen on 6- to 12-month contracts who were residents of the island of Saint Brandon. These fishermen may vote on the main island provided they were registered and physically present on election day.

In September 2002, the island of Rodrigues successfully held its first elections for a regional elected assembly. The creation of the Assembly was a first step towards a decentralized and autonomous island of Rodrigues. The Assembly worked with the central Government in controlling funds for Rodrigues.

There were 4 women in the 70-seat National Assembly, and there was 1 female minister in the 25-member Cabinet.

Candidates for the National Assembly were required to identify themselves with one of four distinct ethnic groupings—Hindu, Muslim, Sino-Mauritian, or general population. For these purposes, “general population” was the category used to describe primarily the Creole and Franco-Mauritian communities. Based on these four categories, there were 37 Hindus, 21 members of the general population, 11 Muslims, and 1 Sino-Mauritian in the 70-seat National Assembly, and there were 16 Hindus, 5 from the general population, 3 Muslims, and 1 Sino-Mauritian in the 25-member Cabinet.

Section 4. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A few domestic and international human rights organizations, including Amnesty International, Transparency International, and SOS Femmes, operated without government restriction, investigating and publishing their findings on human rights cases. Government officials were generally cooperative and responsive to their views.

The NHRC investigated complaints of human rights abuses and was composed of a president, who must be a former Supreme Court judge, and three other members, one of whom must be a lawyer or a judge with 10 years of experience, and the remaining two must have experience in the human rights field. The NHRC is authorized to investigate abuses by any public servant, but it could not investigate complaints that were already the subject of an inquiry by the Director of Public Prosecutions, the Public Service Commission, or the Disciplined Forces Service Commission. The NHRC had the authority to visit centers of detention or prisons and to assess and make recommendations on conditions. The NHRC first tries to resolve complaints through conciliation. If not successful, it can forward cases to the Director of Public Prosecutions (if criminal in nature), to the service commissions for disciplinary measures, or to the responsible authority in question. During the year, the NHRC received 161 complaints of human rights abuses.

Section 5. Discrimination Based on Race, Sex, Disability, Language, or Social Status

The Constitution specifically prohibits discrimination on the basis of race, caste, place of origin, political opinion, color, or sex, and the Government generally enforced these provisions.

Women.—Domestic violence against women, particularly spousal abuse, was a problem, according to the Ministry of Women's Rights, Child Development, and Family Welfare; attorneys; and nongovernmental organizations (NGOs). The law criminalizes domestic violence and provides the judicial system with greater powers to combat this problem. In 2001, the NGO SOS Femmes published a study on domestic violence in the country in which 84 percent of the women surveyed reported being victims of physical abuse.

Alcohol or drugs was a contributing factor in nearly 70 percent of these domestic violence cases. According to the Ministry of Women's Rights, Child Development, and Family Welfare, between January and July, there were 69 reported cases of domestic violence against women. Nevertheless, many victims still chose not to prosecute or report their attacker, primarily due to cultural pressures.

Many women remained in abusive situations for fear of losing financial spousal support. A magistrate can order a spouse to pay child support, but there are reports that some spouses stopped working to avoid payment. The law criminalizes the abandonment of one's family or pregnant spouse for more than 2 months, the nonpayment of court-ordered food support, and sexual harassment.

Although specific laws make rape illegal including spousal rape, it was a problem. Prostitution is illegal; however, there were reports of prostitution during the year.

Traditionally women have played subordinate roles in society, and societal discrimination continued; however, women had access to education, employment, and government services.

The National Remuneration Board (NRB) changed minimum salaries to reflect more clearly gender equality in some industries. According to the Sex and Discrimination Act, enacted in March, women are afforded broadly defined wage protections. The law states "no employer shall discriminate against a person on the ground of that person's sex in terms of the conditions on which employment is offered," and this law was generally respected in practice.

In the agricultural sector, women are protected by law from being forced to carry loads above certain weight limits; however, remuneration is determined by the amount that one is able to carry during a period of time. As a result, women working in agriculture were often paid less than men because they carried less.

Children.—The Government placed strong emphasis on the health and welfare of children and displayed a commitment to expand educational opportunities for children. Education is tuition free and compulsory until the age of 12. Books are free for primary school, but not for secondary school. Those parents that cannot afford books could apply to the Government for an exemption and receive books free of charge. Attendance at the primary level was 100 percent, but only 64 percent at the secondary level. In 2001, the Government launched an education reform plan to increase mandatory education to the age of 16 by year's end. The plan eliminated the ranking of primary students based on their scores in a primary education certificate exam with the objective of making more students eligible to attend secondary school. During the year, the Government began building new schools and converting some schools, including private schools, into a regional network of secondary schools to accommodate the increase in secondary school students. In January, seven new secondary schools opened and three more secondary schools were constructed.

The Government provided full medical care for children.

Although incidents of child abuse were reported, private voluntary organizations claimed that the problem was more widespread than was acknowledged publicly. The state-funded National Children's Council and the Ministry of Women's Rights, Family Welfare, and Child Development administered most government programs. Both provided counseling, investigated reports of child abuse, and took remedial action to protect affected children.

Under the law, certain acts compromising the health, security, or morality of a child were crimes.

Child prostitution was a problem. A 1998 study reported that children entered into prostitution as early as age 13. Their clientele reportedly included industrialists, professionals, police officers, parliamentarians, and government ministers. The Government targeted child prostitution as a top law enforcement and prevention priority, and in 2002, the Government implemented a 5-year action plan with a series of recommendations to combat child prostitution. The plan was published in January. The Ministry of Women, Child Development, and Family Welfare ran a hot line for reporting cases of child prostitution, and only one case was reported

in 2002. Some NGOs formed regional awareness networks and developed training materials for educators. The results of a task force on prostitution's quantitative study on the magnitude of child prostitution in the country had not been released by year's end.

Child prostitution is a criminal act, whereby the adult was considered the offender, while the child involved was given social assistance. Child pornography also is a crime, and the child was offered social aid while the adult offender was prosecuted.

Persons with Disabilities.—There was no discrimination in employment, education, or in the provision of other state services against persons with disabilities, including mental disabilities. The law requires organizations that employed more than 35 persons to set aside at least 3 percent of their positions for persons with disabilities; however, the law was not always enforced. The law did not require that work sites be accessible to persons with disabilities, making it difficult for persons with disabilities to fill many jobs. There was no law mandating access to public buildings or facilities.

Section 6. Worker Rights

a. The Right of Association.—The Constitution explicitly protects the right of workers to associate in trade unions, and there was an active trade union movement. Approximately 351 unions represented 103,400 workers. Many unions were small, having fewer than 1,000 members, and 10 major labor federations served as umbrella organizations for these smaller unions. With the exception of members of the “disciplined force,” namely, the police and the Special Mobile Force, and persons in government services who were not public officers such as contractors, workers were free to form and join unions and to organize in all sectors, including in the EPZ. Labor unions were independent of the Government, and they established ties to domestic political parties and addressed political issues.

The Industrial Relations Act (IRA) prohibits anti-union discrimination, and there were no reports of anti-union activity by employers during the year. There was an arbitration tribunal to handle such complaints. The International Confederation of Free Trade Unions (ICFTU) reported that the law did not protect trade unions adequately against acts of interference by employers. The Mauritian Labor Congress (MLC) asserted that union membership was low in the EPZ in part because employers in the EPZ intimidated employees and restricted access to union organizers.

Under the law, unions may establish ties with international labor bodies, and some unions have done so. For example, the MLC was affiliated with the ICFTU.

b. The Right to Organize and Bargain Collectively.—The law protects the right of employees to bargain collectively with their employers. The NRB, whose chairman was appointed by the Minister of Labor, set minimum wages for nonmanagerial level workers. Most unions negotiated wages higher than those set by the NRB. Almost 13 percent of the labor force worked for national or local government.

Unions have the legal right to strike; however, the IRA requires a 21-day cooling-off period, followed by binding arbitration, which has the effect of making most strikes illegal. The Government has 21 days to respond to any labor dispute referred to the Ministry of Labor. If the Government does not respond within 21 days by referring the case either to the Permanent Arbitrary Tribunal or to the Industrial Relations Commission, then the workers have the legal right to strike. The IRA states that worker participation in an unlawful strike is sufficient grounds for dismissal, but workers may seek remedy in court if they believe that their dismissals are unjustified. According to the Ministry of Labor, there were 41 strikes during the year. The IRA grants the Prime Minister the prerogative to declare any strike illegal if he considers that it “imperils the economy.”

Reportedly 85,700 persons worked in the EPZ. Although only 10 percent of EPZ workers were unionized, national labor laws covered these workers. There are some EPZ-specific labor laws, including the provision for 10 hours per week of mandatory, paid overtime at a higher wage than for ordinary working hours. The ICFTU alleged that employers established employer-controlled work councils for workers in the EPZ effectively blocking union efforts to organize at the enterprise level. The 2000 ICFTU report stated that there was very little collective bargaining in the EPZ and that the NRB determined wages after submissions by employers and workers' representatives, effectively hindering the collective bargaining process.

c. Prohibition of Forced or Bonded Labor.—The law prohibits forced or bonded labor outside the EPZ, including by children, and there were no reports that such practices occurred. Labor laws that cover the EPZ allow for 10 hours of compulsory overtime a week and compulsory work on public holidays, although at a higher hourly wage.

According to the International Labor Organization's Committee of Experts, the Merchant Shipping Act contains provisions that were not compatible with international standards regarding forced labor. Certain breaches of discipline, such as by seamen, were punishable by imprisonment.

d. Status of Child Labor Practices and Minimum Age for Employment.—The law prohibits the employment of children under age 15 and limits the employment undertaken by youth between ages 15 and 18, and the Government generally respected this law in practice, however, child labor was a problem. According to the law, the penalties for employing a child are a fine of no more than \$66 (2,000 rupees) and a term of imprisonment not to exceed 1 year.

According to the Ministry of Women's Rights, Child Development, and Family Welfare, 1,600 children between the ages of 12 and 14 were employed or looking for work in 2000. Child labor in homes, on farms, and in shops was common on the island of Rodrigues.

Children unable to attend secondary school often sought apprenticeships in the trades. Vocational schools trained students who failed the primary education certificate exam at the end of the 6 year of primary education.

The Ministry of Labor was responsible for the enforcement of child labor laws and conducted frequent inspections. The Ministry of Labor was responsible for investigating reports of child labor abuses. Thirty inspectors were employed by the Ministry to investigate all reports of labor abuses, including those of child labor. During the year, the inspectors reported 19 cases of child labor.

e. Acceptable Conditions of Work.—The Government administratively established minimum wages, which varied according to the sector of employment, and mandated that the minimum wage rise each year based on the inflation rate. The minimum wage for an unskilled worker in the EPZ was \$61.57 (1,847 rupees) per month, while the minimum wage for an unskilled factory worker outside the EPZ was approximately \$83.71 (2,507 rupees) per month. These wages did not provide a decent standard of living for a worker and family, but the actual market wage for most workers was much higher due to a labor shortage and collective bargaining. During the year, the NRB adjusted minimum salaries for women (see Section 5). The standard legal workweek in the industrial sector was 45 hours. According to the MLC, 10 hours of overtime a week is mandatory at certain textile factories in the EPZ (see Section 6.b.).

The Government set health and safety standards, and Ministry of Labor officials inspected working conditions and ensured compliance with the law. Inspections were announced and unannounced. The small number of inspectors limited the Government's enforcement ability; however, through voluntary compliance by the employers the number of occupational accidents was reduced. The Ministry of Labor reported a general trend downward in the number of industrial accidents over the past 10 years. Company human resource or personnel managers reported on occupational health and safety matters. From July 2002 to June, 3,627 accidents were reported. Workers had the right to remove themselves from dangerous situations without jeopardizing their continued employment, and they did so in practice.

Since foreign workers often did not speak English, French, or Creole, it was difficult for them to demand their rights, which were the same as those of citizen employees, including the right to belong to a union. Illegal foreign workers, when identified, were deported.

f. Trafficking in Persons.—The law prohibits trafficking in children, but does not specifically mention trafficking in adults; however, there were no reports of trafficking in persons in the country during the year.

Commercial sexual exploitation of children was a problem (see Section 5).

MOZAMBIQUE

Mozambique is a republic with a constitutional Government, headed by President Joaquim Chissano who was reelected in 1999 in generally free and fair elections that were marred by some irregularities that did not impact the results. The Front for the Liberation of Mozambique (FRELIMO) won 133 seats in the 250-seat National Assembly, and the opposition coalition of the Mozambique National Resistance-Electoral Union (RENAMO-UE) won the remaining 117 seats. FRELIMO, which has ruled the country since independence in 1975, dominated policymaking and implementation. During legislative sessions, the National Assembly influenced the executive branch on some policy issues, and RENAMO had some limited influence on the executive. On November 19, the country held its second municipal elec-

tions, in which FRELIMO won in 28 of 33 municipalities; there was no violence, and the elections were considered generally free and fair. The Constitution provides for an independent judiciary; however, the executive branch dominated the courts, which lacked adequate resources, were chronically understaffed, susceptible to corruption, and largely ineffectual.

The forces responsible for internal security under the Ministry of Interior include: The Criminal Investigation Police (PIC), the Mozambican National Police (PRM), and the Rapid Intervention Force (FIR). The State Information and Security Service (SISE) reported directly to the President. The military, which is responsible for both internal and external security, continued to suffer from lack of funds and a long-term strategy. While civilian authorities generally maintained effective control of the security forces, there were some instances in which elements of the security forces acted independently of government authority. The political opposition claimed that the FIR operated in support of the ruling party. Members of the security forces committed serious human rights abuses.

The country is very poor; its population was an estimated 17 million. Approximately 80 percent of the workforce were employed in agriculture, mostly on a subsistence level, and approximately 75 percent of the population lived in poverty. Food insecurity continued in many regions due to poor climactic conditions. The economy was market-based, and the government budget remained heavily dependent on foreign aid. GDP growth for 2002 was approximately 8 percent. Annual per capita income was estimated at \$230 in 2002. High unemployment and underemployment in the formal and informal sectors continued. Corruption continued to be a problem in the public and private sectors; however, on October 16, the National Assembly passed the Anti-Corruption Law, which aims to curb corruption in government offices, the police force, hospitals, and schools.

The Government's human rights record remained poor; although there were some improvements in several areas, serious problems remained. Police continued to commit numerous abuses, including unlawful killings, beatings in custody, and arbitrary arrests and detentions. Prison conditions remained extremely harsh and life threatening; several prisoners died due to the harsh conditions. Despite efforts to clear long-standing case backlogs, prison overcrowding was widespread and lengthy pretrial detention was common. The Government generally respected freedom of the press; however, members of the ruling party influenced news coverage by media outlets owned by the Government and state enterprises. There were several incidents of press detention and intimidation. Police used excessive force during labor-related demonstrations. Both the Government and the law imposed some limits on freedom of association. The Government at times infringed on freedom of movement. Domestic violence against women, as well as widespread discrimination against women in employment and property rights, remained significant problems. The abuse and criminal exploitation of street children, including child prostitution, continued in urban areas. Discrimination against persons with disabilities and child labor remained problems. The Government ratified ILO Convention 182 on the Worst Forms of Child Labor. There were confirmed reports that women and children were trafficked to South Africa, which received increased government attention during the year.

RESPECT FOR HUMAN RIGHTS

Section 1. Respect for the Integrity of the Person, Including Freedom From:

a. Arbitrary or Unlawful Deprivation of Life.—There were no reports of political killings by security forces during the year; however, there continued to be reports of unlawful killings by security forces. A report released in August by the League of Human Rights (LDH) alleged that from 2000 to 2002, the police continued to harbor “squadrons of death” that were responsible for summary executions and operated with impunity. The report cites activities in the Maputo suburbs of Matola Rio, Boane, and Costa do Sol in the southern part of the country. The LDH also reported that the “Buffalo Battalion”, a group of former secret police operatives, continued to commit unlawful killings, primarily of suspected criminals.

On November 1, police shot to death Estevao Muinga, Justino Mate, Francisco Cintura, and Antonio Bene, who had been detained in a police station in the suburb of Liberdade, in the southern city of Matola. The police informed LDH that the four died in an abortive escape attempt; however, the police told relatives of the victims that they were shot while trying to raid a shop in Maputo.

Police killed persons during demonstrations and protests during the year (see Sections 2.b. and 6.b.).

Jose Fumo, a police officer who in 2002 opened fire on youths who were arguing and killed Mario Alfredo, was expelled from the police force and was serving a prison sentence at year's end.

Progress has been very slow in the investigation into the 2001 killing of the Banco Austral manager Antonio Siba-Siba Macuacua. The Government appointed Siba-Siba to revive Banco Austral, and he began to reduce the workforce and to attempt recover loans made predominantly to members of the ruling elite. Press reports have linked high-level government officials and their family members to the killing, including the President's son. In June, a suspect was detained and subsequently released for lack of evidence. By year's end, no charges had been filed in the case.

No action was taken, nor was any likely, against members of the security forces responsible for the February 2002 police killing of A. Matusse and the September 2002 police shooting of Antonio Maquiqui.

There were no known developments at year's end in police officer Bernardo Parafino's killing of Gildo Gerente in February 2002. Parafino was detained and charged with murder in 2002.

There were no developments, nor were any expected, in the 2001 killings by security forces.

Extremely harsh prison conditions, often leading to serious illness, continued to result in the deaths of several persons in custody (see Section 1.c.).

In March, a group of lawyers visiting Mogovolas district prison in the northern province of Nampula found that on February 15, a drunken guard had transferred three inmates to a smaller cell, where they died of suffocation. No reported action was taken against the guard by year's end.

The Government continued to refuse to reveal publicly the names of the more than 100 detainees in Montepuez who reportedly died of asphyxiation in 2000, preventing victims' relatives from seeking compensation.

The Government continued to cooperate with international organizations in demining efforts during the year to remove the hundreds of thousands of mines planted between 1960 and 1990. According to the National Demining Institute (IND), over 229 persons were killed in landmine accidents between 1997 and 2002. IND recorded 5 deaths resulting from landmine accidents during the year, although IND believes the figure may not be accurate due to their difficulty in gathering data nationwide.

Occasional mob and vigilante killings continued in both urban and rural areas due to general public frustration with the rising incidence of crime. During the year, unconfirmed reports of mob violence resulting in the deaths of suspected criminals were widespread throughout the country.

b. Disappearance.—There were no reports of politically motivated disappearances; however, criminal suspects disappeared during the year and were believed to be victims of the "Buffalo Battalion" (see Section 1.a.).

In September, in Sofala province, there were press reports that armed RENAMO members in military uniforms harassed and kidnapped members of FRELIMO; RENAMO officials denied the reports.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The Constitution expressly prohibits such practices; however, police continued to commit serious abuses, and torture, beatings, death threats, physical and mental abuse, and extortion remained problems. During the year, the LDH reported complaints of torture, including several instances involving the sexual abuse of women, beating, illegal detention, and death threats. The LDH reported in 2002 that the number of reported abuses continued to decline.

Police used excessive force when dispersing demonstrations during the year (see Section 2.b.).

There were reports that police abused prostitutes and street children (see Section 5).

Prison conditions were extremely harsh and life threatening. Two National Directorates of Prisons (DNPs), one under the Ministry of Justice (MOJ) and the other under the Ministry of Interior (MOI), operated prisons in all provincial capitals. The DNPs also held prisoners at an agricultural penitentiary in Mabalane and industrial penitentiaries in Nampula and Maputo. Most prisoners received only one meal per day, consisting of beans and flour. It has been customary for families to bring food to prisoners; however, there were occasional reports that guards demanded bribes in return for allowing the delivery of food to the prisoners.

Prison facilities remained severely overcrowded, generally housing two to six times the number of prisoners that they were built to accommodate. In 2001, the National Association for the Support and Protection of Prisoners (ANASCOPRI), a domestic non-governmental organization (NGO), surveyed the country's prisons and

found that, among others, Beira Central Prison held 705 inmates in a prison built to hold 400, Nampula held 724 in a prison built for 100; and Maputo Central Prison, built to hold 800 inmates, held 2,450 inmates. However, the Maputo Machava Maximum Security Prison, with a capacity of 600, held considerably less than that. Approximately 7,180 detainees were held in jails and prisons administered by the Ministry of Justice during the year.

There continued to be many deaths in prison, the vast majority due to illness and disease; however, some prisoners reportedly died from poisoning during the year. A group of lawyers visiting Maputo's top security prison in 2002 received complaints from inmates of serious health problems and abuse of their rights. The inmates complained about lack of medical health care and delays in transferring the sick to the hospital, which had led to the death of at least two inmates in 2002. The lawyers also found that most of the 600 men in the prison were unable to pay for a lawyer. There were reports that detainees spent longer in pre-trial detention than the sentence they received. In June, members of the National Assembly's Legal Affairs Committee reported that four detainees were being held for more than 4 years and another four for more than 5 years without their detention ever having been formalized. The parliamentary committee also found that 33 inmates were being held illegally for periods in excess of 2 months and that they had never been brought before a magistrate, which must occur within 48 hours, according to the law.

In May, Maputo city judicial authorities began holding marathon trials at the central prison and the top security prison to reduce overcrowding and prolonged pre-trial detentions. Cases selected were those involving minor offenses and those in which the investigative detention period had expired; over 20 cases were tried daily. By year's end, the prison population at Maputo central prison reportedly had decreased from 2,600 to 1,800 inmates.

MOI and MOJ facilities, while separate, often were connected physically. Military and civilian prisoners were held in the same prisons.

Women were held in separate areas of prisons from men. Prisons occasionally housed young children, usually infants, brought there by mothers sentenced for long periods; the children were allowed to stay with their mothers when no other caregivers were available. A visit conducted in September 2002 by a group of lawyers found that babies and persons with mental disabilities were included among the 400 inmates of the Beira Central Prison. The Penal Process Code contains legal guidelines for the judicial treatment of minors and forbids the imprisonment of minors below the age of 16; however, there were documented reports that some judges ordered the incarceration of minors in common prisons without trial and that minors under the age of 16 were housed with adults in the general population. In most areas, it is difficult to accurately assess age because the information was not well documented and many persons do not have identification cards. There were fewer reports of minors held in detention than in previous years. According to a study by the MOJ and the U.N. Development Program (UNDP) in 2001, approximately 3 percent of prisoners were between the ages of 13 and 15, and more than 39 percent of prisoners were between the ages of 16 and 20.

In MOI facilities, detainees who had not yet been charged were held with prisoners sentenced for serious offenses that specify maximum security. In MOJ facilities, detainees who had been charged but not yet tried were held with prisoners who had been tried and sentenced to prison for relatively minor cases where moderate security imprisonment was deemed sufficient. Pretrial detainees usually were held for several months before trial, and delays of more than 1 year were common.

International as well as domestic human rights groups may have access to prisoners at the discretion of the MOJ and MOI; however, officials sometimes cited unsanitary conditions or security risks as reasons to delay or cancel visits. During the year, the LDH visited several jails and prisons in the Maputo area and in the provinces. During the year, the National Assembly's Legal Affairs Committee and a group of local lawyers conducted separate visits to prisons in Beira and Maputo. In a March address to Parliament, the Attorney General stated that prison conditions—including overcrowding, poor hygiene and disease—had not improved in 2002.

d. Arbitrary Arrest, Detention, or Exile.—The Constitution provides that the duration of investigative detention be set by law; however, in practice, the police continued to arbitrarily arrest and detain citizens.

The police were poorly paid and lacked professionalism. Corruption extended throughout the ranks, and police used violence and detention to intimidate persons from reporting abuses. Police reportedly extorted money from street vendors, many of whom were widowed or divorced women, sometimes beating the women and stealing their merchandise. The investigative unit of the police, the PIC, was often criticized for impeding criminal investigations.

The national budget allocated more funding for the hiring and training of police, as well as for higher salaries, and a police academy provided training for new police officers. Human rights groups such as the DHD also have provided human rights training; however, the process was interrupted during the year due to administrative problems within DHD.

Security officials often detained persons for spurious reasons and demanded identification documents; many officers also extorted bribes to permit persons to continue their travel (see Section 2.d.). Many victims lived in areas where there was no notary public available to validate their documents. Many victims chose not to seek police assistance because of police demands for bribes or a lack of confidence that the police would help.

Under the Penal Process Code, only persons caught in the act of committing a crime can be held in detention; however, this provision was seldom enforced. Under the law, the maximum length of investigative detention is 48 hours, during which a detainee has the right to judicial authorities review of the case, after which the detainee can be detained up to another 60 days while the case is investigated by the PIC. In cases where a person is accused of a very serious crime carrying a sentence of more than 8 years, the detainee may be detained up to 84 days without being charged formally. If a court approves, such detainees may be held for two more periods of 84 days each without charge while the police complete the investigative process. The law provides that if the prescribed period for investigation has been completed, and no charges have been brought, the detainee must be released. However, MOJ officials noted that some police lacked adequate training and did not know how to charge a person properly. In many cases, the authorities either were unaware of regulations or ignored them, often also ignoring a detainee's constitutional right to counsel and to contact relatives or friends.

Drug cases were subject to a special regime. The law specifies that the legal period of investigative detention in drug trafficking cases is 10 days. The same law authorizes a long period of investigation—up to 9 months—in cases involving drug smuggling, drug production and transfer, and criminal association.

The bail system remained poorly defined, and prisoners, their families, and NGOs continued to complain that police and prison officials demanded bribes to release prisoners.

There were several reports that police harassed and arbitrarily detained journalists (see Section 2.a.).

An interministerial review committee periodically reviewed the status of detainees throughout the country to prevent unnecessary detentions. In 2002, ANASCOPRI reported that one minor was released as a result of this review committee.

The Constitution prohibits exile, and the Government did not use it.

e. Denial of Fair Public Trial.—The Constitution provides for an independent judiciary; however the executive, and by extension the FRELIMO party, continued to dominate the judiciary, which was understaffed and managed by inadequately trained appointees. A LDH report released in August accused the judicial system of a lack of transparency and of not acting in compliance with the principles of promotion and protection of human rights.

Justice Mangaze presided over the Higher Judicial Magistrate's Council (CSMJ), which in 2002 initiated 22 disciplinary proceedings against 13 judges and 9 other law officers; similar disciplinary actions were being conducted during the year. A law allows for faster implementation of CSMJ decisions affecting judges who appeal charges of misconduct, thus removing them from the bench more swiftly. Bribe-taking, chronic absenteeism, unequal treatment, and deliberate delays and omissions in handling cases continued to be problems during the year. On November 12, the Anti-Corruption Unit (UAC) in the Attorney General's office released its first report, which noted 116 reports of allegedly corrupt acts during the year. However, the UAC was understaffed, and by year's end, only three persons had been brought to trial, and there were no convictions.

The President appoints the president and vice president of the highest tribunal, the Supreme Court. Supreme Court nominations initially are prepared by CSMJ, the body responsible for overseeing professional behavior among magistrates, then a list of qualified persons for the Supreme Court is submitted to the President. CSMJ members are elected by their peers: four are elected by the National Assembly and two are appointed by the President; members tended to be either FRELIMO members or FRELIMO-affiliated. No National Assembly approval is needed for other judicial appointments, which are also appointed by the President.

There are two complementary formal justice systems: The civil/criminal system and the military system. The Supreme Court administers the civil/criminal system and the Ministry of National Defense administers the military courts. Civilians are not under the jurisdiction of, or tried in, military courts. The Supreme Court also

hears appeals, including military cases. Below the Supreme Court there are provincial and district courts. There also are courts that exercise limited, specialized jurisdiction, such as the administrative court, the customs court, and the maritime court. A Constitutional Council, created in November, was charged with determining the constitutionality of laws and decrees, supervising the electoral process, declaring and validating electoral results, and ruling on electoral disputes. Persons 16 years and younger fall under the jurisdiction of a court system for minors, and the Government can send minors to correctional, educational, or other institutions. As with the provincial and district courts, the specialized and minor court systems were ineffective due to a lack of qualified professionals.

Persons accused of crimes against the Government were tried publicly in regular civilian courts under standard criminal judicial procedures. A judge may order a closed trial because of national security interests or to protect the privacy of the plaintiff in cases concerning sexual assault. The Supreme Court has original jurisdiction over members of Parliament and other persons who are immune from trial in the lower courts.

In regular courts, all accused persons in principle are presumed innocent and have the right to legal counsel and appeal; however, authorities did not always respect these rights. Although the law specifically provides for public defenders, such assistance generally was not available in practice, particularly in rural areas, and most citizens were unaware of these rights and did not possess the means to obtain any form of legal counsel. Some NGOs continued to offer limited legal counsel at little or no cost to both defendants and prisoners.

A lack of licensed attorneys exacerbated the judicial system's weakness. There were an estimated 260 licensed attorneys in the country; the vast majority worked in Maputo. Many attorneys work in areas outside their specialty. There continued to be a shortage of qualified judicial personnel, with only 163 judges nationwide. There are appeals courts in all provinces, but few of these courts were staffed by formally trained judges, despite the fact that the law requires a law degree. Some districts had no formal courts or judges at all.

DANIDA, a Danish NGO, worked with the Ministry of Justice and the Supreme Court on judicial legislation, as well as funding physical rehabilitation of courts throughout the provinces.

Outside the formal court system, a number of local customary courts and traditional authorities adjudicated matters such as estate and divorce cases. These courts were staffed by respected local arbiters who had no formal training but who exercised a substantial judicial and executive role, particularly in the area of arbitration.

There were no confirmed reports of political prisoners; however, RENAMO continued to claim that all persons held in connection with the 2000 nationwide demonstrations were political prisoners, and continued to consider those convicted and sentenced also to be political prisoners.

f. Arbitrary Interference with Privacy, Family, Home or Correspondence.—The Constitution prohibits such actions, and the Government generally respected these prohibitions in practice. By law, police need a warrant to enter homes and businesses.

Opposition political groups continued to claim that government intelligence agencies monitored telephone calls, conducted surveillance of their offices, followed the movements of opposition members, used informants, and attempted to disrupt party activities.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The law provides for freedom of speech and of the press, and the Government generally respected these rights in practice; however, police detained journalists during the year. Limitations on these rights were permitted if they related to the media's obligations to respect the Constitution, human dignity, the imperatives of foreign policy, or national defense.

There were five independent weekly newspapers published in Maputo and six other independent weekly journals published in provincial capitals. According to the Panos Institute, the weekly newspapers had a combined total circulation of 50,910 in 2002. There were an additional 20 periodicals with a combined circulation of approximately 34,000. There were 6 periodicals that transmitted daily editions electronically, with a combined subscription of more than 1,500. The second oldest faxed daily, *Imparcial*, was owned by RENAMO. Several independent media had websites. Only a small minority of the population received news directly through the print media.

The daily newspapers *Noticias* and *Diario de Mocimboa*, and the weekly newspaper *Domingo*, largely reflected the views of the ruling party, but these media sources also carried significant criticism of government actions. For example, in No-

vember, the pro-government newspaper Domingo criticized the Government's National Institute of Social Security for failure to pay pensions and lack of transparency.

While the Government no longer owned most radio and television stations, government stations were the only broadcasters capable of countrywide transmission; however, there were local and independent broadcasts in most urban areas. Government media continued to show greater transparency in reporting and some independence of editorial content. Radio Mozambique, the public's most important source of information, was government-owned; however, its news coverage generally was considered unbiased and fair. For example, Radio Mozambique carried live the proceedings of the trial of the alleged killers of journalist Carlos Cardoso despite the negative implications of the trial on senior government officials. Radio Mozambique received the largest single subsidy from the state budget of any public media company. It broadcast in Portuguese and 18 indigenous languages; its external service broadcast in English as well as in Portuguese for citizens in neighboring South Africa. Radio Mozambique regularly broadcast public debates that included a variety of participants with differing opinions.

In addition to Radio Mozambique, there were 14 community-based, 4 religious, and 11 commercial private radio stations, most of which used local languages in addition to Portuguese and which covered most of the country. One station, Radio Terra Verde (RTV), was linked directly to RENAMO. Foreign radio programs, including the British Broadcasting Corporation (BBC), Radio France International (RFI), Radio Diffusao Portugal (RDP) Africa, and the Voice Of America (VOA), reached all major population centers and reported local news via local part-time reporters; the BBC and the RFI carried news in Portuguese but broadcast most of the day in English and French, respectively.

TV Mozambique (TVM) continued to demonstrate strong bias towards the Government; however, TVM also carried the proceedings of the trial of the alleged killers of journalist Carlos Cardoso. Portuguese Television for Africa (RTP Africa), a station owned by the Government of Portugal, also transmitted throughout the country. Privately owned television transmission continued to be limited to Maputo. International television news was available via cable in Maputo and via satellite nationwide.

While criticism of the President was not prohibited, the law provides that in cases of defamation against the President, truth is not a sufficient defense. This law was not tested in court and the provision was not invoked, despite considerable verbal and written criticism of the President during the year.

Following pressure from domestic and foreign NGOs during the year, libel charges were dropped against the fax newsheet Metical.

Police harassed and arbitrarily detained journalists during the year. For example, on July 23, police detained for 1 day Jose Chitula, a journalist from Imparcial, for allegedly addressing himself improperly to a senior FRELIMO official during a press conference. The FRELIMO official later withdrew the case.

On April 23, another journalist, Amin Nordine, writing for Vertical, was detained for 6 days in the central Mozambican city of Beira. A police patrol demanded that he produce his identity card, which he was not carrying with him. An argument ensued in which Nordine allegedly insulted the police. Nordine was formally accused of insulting the police, tried, and fined \$185 (4.4 million meticaais).

In January, RENAMO members in Montepuez, in the northern province of Cabo Delgado, briefly detained a journalist on suspicion of spying for FRELIMO; the journalist was researching details of RENAMO's electoral campaign.

On January 31, six men were sentenced to prison terms ranging from 23 to 28 years for the 2000 execution-style shooting of Carlos Cardoso, an investigative journalist who was the founder and editor of the news fax agency Metical. In early 2002, the Government detained seven individuals in connection with the case. One detainee was released without charge after being held for 10 months; both the Government and the family agreed that he had nothing to do with the crime. Although the trial was held on the grounds of the maximum security prison, it was open to the public and broadcast on both radio and television. The defendants claimed to have committed the killings on the orders of co-defendant Momad Assif Satar who, in turn, alleged he was acting on behalf of Nyimpine Chissano, the son of President Chissano. On September 29, seven prison guards accused of facilitating the escape of Anibalzinho were acquitted.

There was no new development, nor was any likely, in the following 2001 cases: the beating of journalist Rui de Carvalho, the anonymous death threat against Radio Mozambique journalist Jose Joao, or the theft from Fabio Mondlane.

The media reported freely on the November municipal elections, and for the first time, vote counting was open to journalists. However, there were reports that gov-

ernment-owned media were biased in favor of FRELIMO in their campaign coverage. The opposition also complained that government-owned media broadcast more quickly the results from municipalities won by the FRELIMO.

The Government did not limit access to the Internet, and 10 Internet service providers operated during the year.

The Government did not restrict academic freedom.

b. Freedom of Peaceful Assembly and Association.—The Constitution provides for freedom of assembly; however, authorities forcibly dispersed several demonstrations during the year. The law regulates public demonstrations but does not apply to private gatherings held indoors and by individual invitation, nor does it affect religious gatherings or election campaigning.

Organizers were required to inform district administrators of planned demonstrations rather than seek approval in advance from police and civil authorities. Local authorities may prohibit a demonstration from taking place only if it was likely to involve the occupation of public or private buildings. The law prohibited the use of excessive force by the police to control or disrupt demonstrations; however, the Government used excessive force to disperse several demonstrations during the year.

On May 13, Noticias reported that police shot in the air and used excessive force to disperse students at the Matola Secondary School; the students were holding a peaceful demonstration to demand better relations with school management and to protest the school's lack of teachers and equipment, such as desks.

In May, citizens who had worked in the former East Germany (known as Madjermanes) began Friday demonstrations to protest the Government's refusal to pay their pensions (see Section 6.e.). On July 4, police dispersed a group of Madjermanes who were preparing for their Friday march; seven were injured. The authorities had imposed a restriction on circulation on main streets of Maputo during the African Union summit.

On September 5, police officer Albitro Curva killed Virgilio Amade, a Madjermane, during a demonstration; another Madjermane was injured by a police dog. The police initiated an inquiry into the shooting, and Curva was arrested and awaiting trial at year's end. Following the shooting, the police and leaders for the Madjermane signed an agreement to regulate future demonstrations.

Despite the agreement, police cracked down on Madjermane marches during the November electoral campaign, accused participants of tearing down FRELIMO electoral posters, and arrested Madjermane leader Alberto Mahuai, who was detained and interrogated for 3 days. No marches have been held since November.

The law provides for freedom of association; however, both the Government and the law imposed some limits on this right. A political party is required to demonstrate that it has no regional, racial, ethnic, or religious exclusiveness and must secure at least 2,000 signatures of citizens to be recognized (see Section 2.c.). There are 35 registered political parties.

A government decree regulates the registration and activities of foreign NGOs. The Government requires nonpolitical groups such as NGOs and religious organizations to register. Foreign NGOs must register their presence and scope of work with the Ministry of Foreign Affairs and Cooperation; the Ministry then issues permits to those NGOs whose programs the Government decided complement its priorities. Observers believed that the requirements increased the already lengthy bureaucratic process that NGOs must follow to work in the country. Although the registration process was not always transparent and could take many months, the authorities rarely rejected applications from new associations.

c. Freedom of Religion.—The Constitution provides for freedom of religion, and the Government generally respected this right in practice.

The law requires religious institutions and missionary organizations to register with the Ministry of Justice, reveal their principal source of funds, and provide the names of at least 500 followers in good standing. The Christian Council reported that not all religious groups registered, but that unregistered groups worshiped unhindered by the Government.

The law governing political parties specifically forbids religious parties from organizing, and any party from sponsoring religious propaganda. The Independent Party of Mozambique (PIMO), a predominantly Muslim group without representation in Parliament, took positions based on religious principles, advocated moral behavior, and criticized the government for corruption. The Government has thus far tolerated PIMO's activities, and PIMO remained a minor political party.

Most places of worship nationalized by the Government have been returned to the respective religious organizations; however, the Catholic Church and certain Muslim communities complained that some other properties such as schools, health centers, and residences unjustly remained in state hands and continued to request their re-

turn. The Directorate for Religious Affairs is mandated to address the issue of the return of church properties. Government sources stated that the majority of properties were returned, with a few cases still being examined on an individual basis, including two cases in Maputo that remained unresolved by year's end. The return of properties such as schools and health clinics was often delayed because of the Government's need to construct new facilities.

Provincial governments have the final responsibility for establishing a process for property restoration. Papal Nunciatura has indicated that properties generally have been returned in poor condition, due to lack of government resources.

For a more detailed discussion, see the 2003 International Religious Freedom Report.

d. Freedom of Movement within the Country, Foreign Travel, Emigration, and Repatriation.—The Constitution provides for these rights; however, at times the Government infringed upon these rights.

Police traffic checkpoints established for safety or security concerns occasionally affected freedom of movement. To reduce harassment and confiscation of travelers' possessions at the borders, customs supervisors levied disciplinary fines and fired abusive customs agents. In large cities, the police often stopped foreign pedestrians and ordered them to present original passports or resident papers, sometimes refused to accept notarized copies, and fined or detained those who failed to show proper documents (most persons do not carry the originals of documents due to the risk of theft). Police also detained local citizens routinely for failure to carry identity papers and extorted bribes (see Section 1.d.).

The law provides for the granting of refugee status or asylum to persons who meet the definition in the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. In practice, the Government provides protection against refoulement and grants refugee status or asylum. The Government cooperated with the U.N. High Commissioner for Refugees (UNHCR) and offered asylum to refugees, the vast majority of whom came from central Africa. The Government has not granted official refugee status or work authorizations to many refugees who have arrived in recent years, which has impeded that ability of such refugees to integrate and move freely in the country. In 2001, a refugee center (known as Marratane) opened near the northern provincial capital of Nampula; during the first 6 months of the year, the UNHCR, the International Organization on Migration (IOM), and the government's refugee agency (NAR) oversaw the successful transfer of refugees residing in the existing Bobole transit center (located near Maputo) to the new camp in Nampula. Bobole camp was closed following the transfer.

As of December, the estimated population of refugees at Marratane camp was 3,800 persons, of whom approximately two-thirds were men. During the first several months of the year, UNHCR reported an increase in newly arrived refugees, primarily from the Great Lakes region. There were 16 nationalities represented at the camp, with the largest percentage of refugees from the Democratic Republic of the Congo, Burundi, and Rwanda. Refugee camp conditions met minimal standards, although some refugees claimed to fear attack by fellow refugees on the basis of ethnicity. Conflicts among rival Congolese groups and between Rwandans and Congolese were reported by the Camp Committee during the year; these conflicts were resolved peaceably.

On December 11, the Government, UNHCR, and the Government of Rwanda signed a tripartite agreement that would allow for the voluntarily repatriation of the approximately 1,000 Rwandan refugees in the country.

Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government

The Constitution provides citizens with the right to change their government peacefully, and in 1999 citizens freely exercised their right to vote in the country's second multiparty general elections, which international observers considered to be generally free and fair. The elections were marred by allegations of vote-counting irregularities; however, international observers determined that this did not impact the results. President Chissano was returned to office with approximately 52 percent of the vote, and the ruling FRELIMO party won 133 of the 250 National Assembly seats. The largest opposition group, RENAMO-UE, won 117 seats and 48 percent of the presidential vote. In 2000, the President appointed a new Cabinet, the new National Assembly took its oath of office, and the President announced new provincial governors. All ministers and governors, and most vice ministers, are FRELIMO members.

In the November 19 municipal elections, FRELIMO won 28 and RENAMO 5 of the country's 33 municipalities. Observers characterized the elections as generally

free and fair; however, voter turnout was low throughout the country. Smaller parties participated in the elections, but received few votes.

In June and July, the country updated its voter's registry in preparation for the November municipal elections. There were 15 political parties, coalitions, and civic organizations that successfully submitted their candidature to the National Electoral Commission; however, some minor parties complained that they were unable to submit candidature because authorities did not issue them the requisite certificate of residence and criminal record.

There were 102 women in the 250-member National Assembly, and women held 3 of the 23 ministerial positions and 5 of the 18 vice ministerial positions in the Cabinet. FRELIMO's policy mandated that at least 30 percent of the party's two governing bodies must be women. During the year, the Political Commission and Central Committee fulfilled this mandate. Nevertheless, cultural factors inhibited women's effectiveness in public life (see Section 5).

Representatives of minority ethnic groups, such as the Shangaan and Mokonde, held a number of key positions in both the legislative and executive branches. Leadership positions within FRELIMO traditionally have been dominated by the Shangaan ethnic group, while those in RENAMO traditionally have been dominated by the Ndaou ethnic group.

Section 4. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A number of domestic and international human rights groups operated without government restriction, investigating and publishing their findings on human rights cases; however, registration procedures for NGOs were onerous and expensive (see Section 2.b.). While the Government did cooperate with NGOs, many NGOs believed that the Government was slow to respond to their requests. The Government responded to human rights-related inquiries from the LDH and the DHD on a case-by-case basis.

In August, LDH published a report on human rights in the country. The report gave particular emphasis to problems in the judiciary, conditions in prisons, arbitrary arrest and detention of citizens, and violence against women.

The Government cooperated with UNHCR and other international NGOs in the relocation of refugees during the year (see Section 2.d.).

During the year, members of the National Assembly's Legal Affairs Committee visited Maputo's top security jail, reported a number of violations, and called for government intervention (see Section 1.c.). The LDH also visited prisons during the year.

Section 5. Discrimination Based on Race, Sex, Disability, Language, or Social Status

The Constitution forbids discrimination based on race, sex, or disability; however, in practice, discrimination against women and persons with disabilities persisted. Persons with HIV/AIDS were often fired from their jobs or rejected by their families, according to the Special Rapporteur of the Commission on Human Rights, who visited the country during the year.

Women.—Although official statistics were not kept, reports indicated that domestic violence against women—particularly spousal rape and beating—was widespread. Many women believed that their spouses had the right to beat them, and cultural pressures discouraged women from taking legal action against abusive spouses. Hospitals usually did not attribute evidence of physical abuse to domestic violence. There is no law that defines domestic violence as a crime; however, laws prohibiting rape, battery, and assault can be used to prosecute domestic violence. The NGO All Against Violence (TCV), which registered 620 cases of domestic violence during the year, noted that many women did not report such cases due to fear of retaliation by their husbands or inaction by the police. A group of women's NGOs continued to lobby members of the National Assembly during the year to criminalize domestic violence.

The organization TCV serves as a monitoring and educational group for problems of domestic violence and sexual abuse of women and children, including counseling of victims and mediating within families. The organization continued to expand during the year. All NGOs actively opposing domestic violence worked to involve police in education, enforcement, and identifying domestic violence as a criminal problem. For example, during the year, TCV opened offices in 14 police stations to assist victims of domestic violence.

Local NGOs reported that rape was a widespread and serious problem. Sexual harassment was regarded as pervasive in business, government, and education, although no formal data existed.

Prostitution is illegal; however, the practice was widespread and particularly prevalent along major transportation corridors and border towns where long-distance truckers stayed overnight. Young women with unemployed parents were at the greatest risk for being drawn into prostitution. There were reports that police officers abused prostitutes sexually and demanded money in exchange for allowing them to work. Such cases were rarely reported in the media.

Numerous development organizations and health-oriented NGOs emphasized programs to improve women's health and increasingly focused resources on combating the spread of HIV/AIDS and sexually transmitted diseases.

On December 9, the National Assembly passed a new Family Law, which replaces the colonial-era Civic Code and brings the law in line with equality provisions in the Constitution. The new law raises the marriage age to 18 for both sexes, eliminates husbands' de facto status as heads of families, and legalizes civil, religious, and common law unions. The law does not legally recognize polygyny; however, women in polygamous marriages are granted full marital and inheritance rights.

Customary law varied within the country. In some places, it appeared to provide women less protection than family law, and unless a marriage is registered, a woman has no recourse to the judicial branch for enforcement of the rights provided her by the civil codes. Women were the primary cultivators of family land in the country; however, under customary law, they often have no rights to the disposition of the land. The law specifically permits women to exercise rights over community land held through customary rights. Anecdotal evidence indicated that the land law had only a minimal effect on women's rights; the law appeared to formalize existing practice.

The Constitution grants citizenship to the foreign-born wife of a male citizen, but not to the foreign-born husband of a female citizen.

Women continued to experience economic discrimination in practice. Women constituted slightly more than half the population but were responsible for two-thirds of economic production. Women in the workplace received lower pay than men for the same work. According to parliamentarians who debated the proposed revision of the law, women were subject to sexual harassment and to discrimination in hiring because of potential absences on maternity leave; although the Labor Law entitles a woman to 60 days of maternity leave, employers often violated this right.

Children.—The Government has made children's rights and welfare a priority, but significant problems remained. In September, the Government, in consultation with civil society, launched a program to enhance the country's child protection policies. With the assistance of the Community Development Foundation (FDC) and the U.N. Children's Fund (UNICEF), the Government began a legal review of children's rights during the year.

Although the Government provides tuition-free primary education, a matriculation fee was charged for each child, which was a significant financial burden for many families. However, children with a certificate that testifies that the parents are below a certain poverty level do not pay any matriculation fees. Primary education was compulsory through the fifth year; however, there were few educational facilities, which limited enrollment. A few primary schools opened during the year throughout the country; however, schools were overcrowded, and there was widespread corruption in the school system. Newspapers frequently reported that the parents of school children had to bribe teachers or officials to enroll their children in school, and that girls exchanged, or were forced to exchange, sex with teachers for passing grades. Approximately 50 percent of children ages 6 through 10 were in primary school; however, only a fraction of children continued with secondary studies.

Girls continued to have less access to education than boys. UNESCO reported that during 2000–2001, girls comprised 34 percent of the students who enrolled in primary school and 39 percent in secondary schools.

An NGO, the Association to Support Mozambican Children (ASEM), operated 2 alternative-learning centers in Beira for more than 900 children who were not able to return to their regular schools after being expelled from their homes or because they had left school to work.

During the year, the Government took steps to address the problems of the approximately 500,000 children orphaned by HIV/AIDS in the country. From November 24 to 28, the Ministry of Women and Social Action held the country's first seminar to coordinate efforts to obtain accurate data and provide social services to children orphaned by HIV/AIDS.

It was estimated that 55 percent of child deaths in the country resulted from malnutrition or related illnesses. During the year, the Government continued a vaccine initiative and a program to manage childhood illnesses.

During the year, the Ministry of Women and Social Action and other agencies worked together with UNICEF to develop a plan to increase the number of registered births; the majority of children in the country were not formally registered, which limited their potential access to education and health care.

The Government continued to target maternal and child health problems and focused on immunizations for women of childbearing age and for young children. In 2002, the estimated maternal mortality rate was 1,100 per 100,000, a significant improvement over 2001. The mortality rate for infants was 126 per 1,000, and for children under the age of 5 it was 201 per 1,000.

The number of street children in the Maputo metropolitan area was reduced from an estimated 3,000 in 2001 to approximately 400 in 2002, due largely to the work of approximately 10 NGOs. Police sometimes beat street children who were frequently also victims of sexual abuse. Some remedial government programs continued, including programs on education, information dissemination, health care, and family reunification.

The Maputo City Women and Social Action Coordination Office continued its program of rescuing abandoned orphans and assisting single mothers who head families of three or more persons. They also offered special classes to children of broken homes in local schools. Other NGO groups sponsored food, shelter, and education programs in all major cities. ASEM, in Beira, also provided counseling to parents who had expelled children from their homes, which usually happened when a wife has children who were unacceptable to a new husband.

The trafficking of children for sexual exploitation remained a problem (see Section 6.f.).

The law does not provide specifically an age of sexual consent; however, offering or procuring of prostitution and pornography of any form, including that of children, were illegal under the Penal Code. Sexual abuse of a child under 16 also was illegal under the Penal Code. Exploitation of children below the age of 15 continued, and child prostitution remained a problem. Persons engaged in child prostitution, use of children for illicit activities, child pornography, child trafficking, or forced or bonded labor may be punished by prison sentences and fines; however, perpetrators of these crimes rarely were identified and prosecuted. Punishments for such crimes were not commensurate with that of a serious crime.

Child prostitution appeared to be most prevalent in Maputo, Nampula and Beira, and at border towns and overnight stopping points along key transportation routes. Child prostitution reportedly was growing in the Maputo, Beira, and Nacala areas, which have highly mobile populations and a large number of transport workers.

The law prohibits the access of minors to bars and clubs; however, the Government did not have adequate resources to enforce the law effectively. During the year, the Government trained police to aid child prostitutes and held a series of seminars to assist police in handling cases of child sexual abuse. Centers to accommodate child prostitutes when they were removed from danger, and the government information centers that provided information to families and friends of children who were raped or exploited, no longer operated.

Child labor remained a problem (see Sections 6.d.).

Persons with Disabilities.—The Constitution states that disabled citizens shall enjoy fully the same rights that it provides for all citizens; however, the Government provided few resources to implement this provision. Representatives of disabled groups and injured veterans frequently protested that societal discrimination continues against persons with disabilities. Approximately 1.9 percent of citizens have physical or mental disabilities.

Concerns of persons with disabilities included access to socioeconomic opportunities and employment, accessibility to buildings and transportation, and a lack of wheelchairs. The only provisions that the Government has enacted for accessibility to buildings and transportation for persons with disabilities were in the electoral law governing the country's first multiparty elections, which addressed the needs of voters with disabilities in the polling booths. Special access facilities were rare. In December 2002, a well-known citizen with disabilities, Zeca Morgado, who is a Deputy in the National Assembly, complained during celebrations of Disabled Day about the lack of full observance of the rights of persons with disabilities by both public and private institutions. Morgado accused the police of not properly acknowledging or dealing appropriately with persons with disabilities.

The Government only provided four schools nationwide for the hearing and vision impaired and for persons with physical and mental disabilities. There were few job opportunities for persons with disabilities in the formal sector, although the 1997 census reported that 55 percent of such persons worked or held a job. The Government operated mental health facilities; however, conditions were extremely poor.

In 2002, social workers found that some parents of children with disabilities in several districts, including the towns of Gorongosa and Dondo, did not permit their children to leave their homes. Provincial officials from the Ministry of Women and Coordination of Social Action continued their educational campaign to reverse traditional attitudes toward children with disabilities.

The Government continued to rely on NGOs to assist persons with disabilities. The Association of Disabled Mozambicans (ADEMO) addressed social and economic needs of persons with disabilities. During the year, the internal conflicts that hindered ADEMO's effectiveness were resolved.

National/Racial/Ethnic Minorities.—There was no systematic mistreatment or discrimination on the basis of race or ethnicity; however, the FRELIMO Government traditionally has included at all levels a large number of southerners, mostly from the Shangaan ethnic group, which has engendered complaints from residents of other parts of the country. There also were complaints that the Government favored economic development in the southern part of the country over other areas. The Government has taken several steps to address such concerns: The central and northern provinces were included in the Government's 5-year development plan, economic and social plan, poverty alleviation strategy, and investment incentive program, and the President, Prime Minister, and Cabinet members continued to spend a significant amount of time in the provinces during the year. The executive, judicial, and legislative branches included officials from central and northern parts of the country in senior positions.

Section 6. Worker Rights

a. The Right of Association.—The Constitution provides that all workers are free to join or refrain from joining a trade union, and workers enjoyed these rights in practice. The revised Labor Law regulated labor relations. Membership among the country's 13 unions was less than 200,000, or less than 1 percent of the workforce, and was concentrated in Maputo and a few other urban areas. Labor unions remained weak and lacked resources.

Trade unions remained concerned that large-scale layoffs due to privatization and free trade zones authorized under the 1999 revised law would result in less favorable labor rights due to government incentives offered to foreign investors.

There were two trade union federations in the country: The Organization of Mozambican Workers (OTM), which had been formally affiliated with the FRELIMO party, and the Confederation of Free and Independent Unions of Mozambique (CONSILMO), which was formed by three unions that broke away from the OTM. In 2002, CONSILMO was permitted to participate in national negotiations on the minimum wage with the Consultative Labor Commission, a body including representatives from labor, private employers, and the Government. CONSILMO maintained a working relationship with the OTM, and includes the powerful 28,000-member Union of Industrial Construction Workers of Mozambique (SINTICIM) construction trades union. The Public Servants Union (SFP) had an estimated 100,000 civil servants, making this potentially the largest union in the country.

The OTM has declared itself free of commitments to any political party, companies, or religious groups, and its regulations prohibited persons holding high ranks within any political party from simultaneously holding top positions in the trade union; however, other labor unions maintained that the OTM is not independent of FRELIMO. In 2002, the Government named Soares Nhaca, a former OTM President, as the Governor of Manica Province.

The law expressly prohibits discrimination against organized labor.

The Constitution and labor legislation give unions the right to join and participate in international bodies. The OTM was a member of the Organization of African Trade Union Unity and the Southern African Trade Union Coordinating Council.

b. The Right to Organize and Bargain Collectively.—The law protects the right of workers to organize and engage in collective bargaining. The Government did not set private sector salaries; existing unions were responsible for negotiating wage increases. The Consultative Commission on Labor met periodically to negotiate changes in the minimum wage. The Center for Arbitration, Conciliation, and Mediation helps settle business-to-business problems through binding arbitration.

The Constitution explicitly provides for the right to strike, with the exception of civil servants, police, military personnel, and other essential services (which include sanitation, fire fighting, air traffic control, health care, water, electricity, fuel, post office, telecommunications, and funeral services). The ILO has cited the Government's definition of essential services as overly broad, taking the position that only public servants engaged in the administration of the Government should be excluded. The law specifies that strikers must notify police, the Government, union, and employers 48 hours in advance of intended strikes. Provisions of the Labor Law

forbid retribution against strikers, the hiring of substitute workers, and lockouts by employers. Specific labor disputes generally were arbitrated through special workers' committees, formally recognized by the Government.

During the year, there were a number of strikes and demonstrations. On May 9, construction workers employed by Group Five/CMC, responsible for the construction of a natural gas treatment center in Temane, Inhambane province, demanded payment of a completion bonus, since the construction was nearly finished. This led to a confrontation with police, and police shot and killed 1 worker; 21 other workers were injured. In the negotiations that followed between management and workers, it was agreed that a completion bonus of \$8.00 (200,000 meticaís) per month would be paid in a lump sum at the end of each contract.

In June, approximately 300 local workers for the Chinese construction company AFECC went on strike to demand a formal work contract and improved working conditions, including the provision of meals and a reduction in work hours. The Chinese Technical Team (ETC), speaking on behalf of AFECC, called the strike illegal. However, there were no lay-offs as a result of the strike and the company began to provide meals. In August, local workers at the Cahora Basa Hydroelectric company (HCB) in Tete province, embarked on a strike over demands for equal pay and benefits between citizens and foreign employees. HCB did not agree to the demands; however, there were no lay-offs as a result of the strike, and employees continued working.

The law provides for the creation of export processing zones (EPZs), and the Government was authorized to confer EPZ benefits to any export-oriented company that met the criteria. There are EPZs in Maputo and in Beira. Workers in EPZs were subject to the same labor regulations as other workers, and worker rights were generally respected in practice.

c. Prohibition of Forced or Bonded Labor.—The Government prohibits forced or bonded labor, including by children, and there were no reports that such practices occurred in the formal economy; however, children in rural areas were used as labor to settle financial and other disputes, with their families delegating the children to work for limited periods of time to settle debts (see Section 6.d.).

d. Status of Child Labor Practices and Minimum Age for Employment.—The Labor Law regulated child labor; however, child labor remained a problem. In the wage economy, the minimum working age without restrictions is 18 years of age. The Labor Law permits children between the ages of 15 and 18 to work subject to certain restrictions. Children between the ages of 12 and 15 are permitted to work under special conditions authorized jointly by the Ministries of Labor, Health, and Education. For children between 15 and 18 years of age, the employer is required to provide for their education and professional training and to ensure conditions of work that are not damaging to their physical and moral development. For minors under 18 years, the maximum workweek is 38 hours, and the maximum workday is 7 hours. Minors under 18 years of age are not permitted to work in unhealthy or dangerous occupations or those requiring significant physical effort. Children must undergo a medical examination before beginning work. By law, children must be paid at least the minimum wage or a minimum of two-thirds of the adult salary, whichever is higher.

Because of high adult unemployment in the formal sector, estimated at around 50 percent, few children were employed in regular wage positions; however, children, including those under the age of 15, commonly worked on family farms; independently in seasonal harvests or commercial plantations, where they were paid, on a piecework basis for such work, which principally involved picking cotton or tea leaves; or in the urban informal sector, where they performed such tasks as guarding cars, collecting scrap metal, working as vendors, and selling trinkets and food in the streets. Regulations were not enforced in the informal labor sector. Children also were employed as poorly paid domestic laborers and the number appeared to be increasing.

Children orphaned by HIV/AIDS often were forced to work because they were left without any adult family members or with only extended family members who were unable to support them.

On April 17, the Government ratified ILO Convention 182 on the Worst Forms of Child Labor.

Forced child labor was a problem.

The Ministry of Labor is authorized to regulate child labor in both the informal and formal sectors. Labor inspectors were authorized to obtain court orders and use police to enforce compliance with child labor provisions and violations of child labor provisions were punishable with fines. Enforcement remedies generally were adequate in the formal sectors but remained inadequate in the regulation of informal

child labor. The Labor Inspectorate and police force lacked adequate staff, funds, and training to investigate child labor cases, especially in areas outside of the capital. The Government provided training for police on child prostitution and abuse (including pornography); however, there was no specialized child labor training for the Labor Inspectorate. The Government has disseminated information and provided education about the dangers of child labor.

e. Acceptable Conditions of Work.—The minimum industrial wage was approximately \$41 (982,717 meticaais) per month and the minimum agricultural wage was \$30 (719,061 meticaais) per month. On April 15, the Government approved a 21 percent increase in the industrial minimum wage and a 25 percent increase in the agricultural minimum wage, although not all workers may have received the full increase. Common working wages in Maputo were higher than in the rest of the country, averaging approximately \$50 a month. The industrial and agricultural minimum wages were set by ministerial decree, although the level was recommended through an administrative process that consisted of a tripartite commission composed of labor unions, government representatives, and employer groups. Neither minimum wage was considered sufficient to provide a decent standard of living for an average worker and family, and many workers turned to a second job, if available; maintained their own gardens; or depended on the income of other family members to survive. Only a small percentage of laborers worked at the minimum wage level. Less than 10 percent of workers were in salaried positions, and the majority of the labor force was employed in subsistence farming and the informal sector. Although the industrial sector frequently paid above minimum wage, there was little industry outside of the Maputo area.

The Ministry of Labor was responsible for enforcing the minimum wage rates in the private sector, and the Ministry of Planning and Finance in the public sector. Violations of minimum wage rates usually were investigated only after workers registered a complaint. It was customary for workers to receive benefits such as transportation and food in addition to wages. The standard legal workweek is 40 hours.

The law requires workers or employers to participate in a social security scheme, although they voluntarily may create and contribute to private accounts or plans with the National Institute of Social Security to cover retirement, unemployment compensation, and emergency benefits. Worker complaints about employers deducting social security contributions from wages but failing to pay them into accounts and lack of access to the Social Security system continued during the year.

During the year, the Government continued to fail to adequately reimburse Madjermanes who had previously worked in East Germany but whose pensions were embezzled. Hundreds of persons who had worked in East Germany held demonstrations throughout the year (see Section 2.b.).

In the small formal sector, the Government has enacted health and environmental laws to protect workers; however, the Ministry of Labor enforced these laws ineffectively, and the Government only occasionally closed firms for noncompliance. During the year, the Labor Ministry estimated that there were 165 industrial accidents during the year, of which 10 resulted in death. Most of these accidents were blamed on unsafe practices or the lack of safety equipment. There continued to be significant violations of labor legislation in many companies and services. Workers have the right to remove themselves from work situations that endanger their health or safety without jeopardy to their continued employment; however, this right was restricted in practice by threats of dismissal and peer pressure. Foreign workers are protected under the law.

f. Trafficking in Persons.—There are no specific laws that prohibit trafficking in persons; however, there were numerous reports of trafficking. Mozambique is a country of origin for international trafficked women and children. Poverty, a history of child migration, and weak border controls all contributed to trafficking. Trafficking in persons can be prosecuted under violations of labor, immigration, and child labor laws committed while trafficking. In 2002, there were seven cases in which exploiters were charged with indecent assault of a minor; penalties ranged from 2 to 8 years. In September, the Government, in coordination with several international NGOs, launched a program to enhance child protection laws, including the development of legislation covering areas such as child trafficking and labor (see Section 5).

On September 17, the daily paper *Noticias* reported that the police arrested two street vendors accused of trying to sell two children to a “witch-doctor” in the Maputo suburb of Magoanine. In the same article, it was reported that a Burundian citizen was arrested in Cuamba, in the northern province of Niassa, accused of abducting four young girls with the intent of trafficking them out of the country. In-

vestigations into these and other suspected cases of child trafficking were ongoing at year's end.

In May, the International Organization for Migration (IOM) reported that approximately 1,000 Mozambican women and children were trafficked to South Africa every year. The report notes that victims include both sex workers and non-sex workers. Many of the women trafficked were sold to brothels in Johannesburg or sold as concubines or "wives" to mineworkers in South Africa. Boys were trafficked as laborers on South African farms. Victims came from both urban and rural backgrounds. Traffickers included small networks of citizens based in Maputo and Nampula, and there were reports that organized crime groups were involved.

During the year, the Government continued its Campaign Against Trafficking of Children, which included various anti-trafficking and public awareness programs. In addition, the Government established a pilot program during the year at three police stations to assist child victims of trafficking.

NAMIBIA

Namibia is a multiparty, multiracial democracy. President Sam Nujoma, leader of the South West Africa People's Organization (SWAPO), was reelected in 1999 general elections, which international and domestic observers agreed were generally free and well administered despite some irregularities; SWAPO won three-quarters of the seats in the National Assembly. The judiciary was independent, but at times inefficient.

The police, including the paramilitary Special Field Force (SFF), supervised by the Ministry of Home Affairs, and the Namibian Defense Force (NDF), supervised by the Ministry of Defense, shared responsibility for internal security. The Namibian Central Intelligence Service (NCIS) has responsibility for national security-related intelligence inside and outside the country. Civilian authorities maintained effective control of the security forces. Some members of the security forces committed serious human rights abuses; however, there was improvement in some areas.

The market-based economy was heavily dependent on mining, fish, and tourism; the population was 1.8 million. More than 50 percent of the working population was engaged in subsistence agriculture. The per capita income of approximately \$1,730 masked an extreme disparity between the income levels of black citizens and white citizens, which resulted in large part from the pre-independence apartheid regime; however, the living standards of black citizens continued to improve, and the major economic resources in the country no longer were controlled exclusively by white citizens. White citizens and foreign interests still largely controlled ranching. Unemployment was approximately 31 percent and affected primarily the black majority. Government policies continued to promote equality through education, job creation, and promotion of entrepreneurial opportunities for the historically disadvantaged.

The Government generally respected the human rights of its citizens; however, there were serious problems in several areas. Security forces killed civilians and mistreated and reportedly tortured citizens during arrests and detentions. Unlike in the previous year, there were no reports of disappearances perpetrated by security forces. Some security force members who committed abuses were arrested and tried; however, the Government did not take action in other cases. Conditions in prisons and military detention facilities were Spartan. Problems with arbitrary arrest and lengthy pretrial detention continued. A large court backlog, due primarily to resource constraints, resulted in lengthy delays of trials. High-level government officials continued to respond to criticism of ruling party and government policies with verbal abuse. There continued to be pressure on journalists who worked for government-owned media outlets not to criticize the Government. Violence against women and children, including rape and child abuse, continued to be serious problems; however, the Government passed comprehensive anti-domestic violence legislation during the year. Women continued to experience serious legal and cultural discrimination. Racial and ethnic discrimination and serious disparities in education, health, employment, and working conditions continued. Discrimination against indigenous persons persisted. There were reports of forced labor, including by children, and child labor was a problem; however, the Government continued its efforts to end child labor. Unlike in previous years, there were no reports of trafficking in persons. Angolan Armed Forces (FAA) soldiers reportedly intimidated and abused civilians; however, there were fewer such reports than in previous years.

RESPECT FOR HUMAN RIGHTS

Section 1. Respect for the Integrity of the Person, Including Freedom From:

a. Arbitrary or Unlawful Deprivation of Life.—There were no political killings; however, security forces committed unlawful killings during the year.

On January 1, in Sinai village, an NDF member shot and killed Mohamed Sawana and injured Sonette Benson. The perpetrator was arrested, and the NDF provided assurances that disciplinary measures would be taken. At year's end, the suspect was out on bail, and the case was pending a decision by the Prosecutor General.

On July 31, police reportedly severely beat Alilo Ndungula, who was being detained in Eenhana police cells; Ndungula was subsequently taken to the hospital, where he died. Police claimed Ndungula died of gastroenteritis; however, human rights groups alleged that his death was a result of the beating. The case was under investigation at year's end.

During the year, the SFF member who shot and killed Kangere Kanjenje in 2002, allegedly for wearing a South West Africa Territorial Force T-shirt, was dismissed.

In March, the High Court sentenced Constable Chris Wacko Witbooi to 8 years' imprisonment for the 1999 fatal beating of a student in Okahandja.

There were no further developments in the following 2002 cases: The February killing of Wilhelm Hafeni Hamuteta by SFF forces, and the November killing by NDF members of five men accused of being affiliated with the Caprivi Liberation Army (CLA).

No actions were taken against security forces responsible for several killings reported in 2001. The 2001 death in custody of Ismael Mohamed remained under investigation at year's end. No further action was taken in the 2001 death in custody of Hans Dikua.

There were no developments in the 2002 killing of Kavango villager Sakaria Haundjange Stephanus by suspected Angolan rebels or the 2001 death of Nghihangwa Kandume after being in the company of FAA soldiers.

Landmines or unexploded ordinance killed and injured several persons during the year. For example, on June 21, unexploded ordinance killed 13-year-old Neuni Abraham at Nepara Village. The police Explosive Ordinance Disposal Unit and NDF operational clearance teams participated in demining activities during the year.

b. Disappearance.—There were no reports of politically motivated disappearances. There were no developments in the 2002 disappearance of Fransisco Chivela, who security forces detained on suspicion of being a "UNITA bandit."

During the year, there were media reports that several citizens abducted in 1999 and 2000 by UNITA forces had returned to the country.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The Constitution prohibits such practices; however, security forces sometimes beat or otherwise mistreated persons during the year. One person died after being beaten in custody (see Section 1.a.).

Despite a police directive that prohibited the use of sjamboks (heavy leather whips), security forces continued to use them, and to beat and otherwise mistreat persons they held in custody. Some prisoners alleged that they had been tortured in custody.

On January 1, an NDF member shot Sonette Benson in the thigh (see Section 1.a.).

In March, Swakopmund police arrested John Benjamin Pearce and Cynthia Boois for being intoxicated in public; Pearce claimed that police beat him and broke his hand, and Boois claimed that police had slapped her. The couple filed an assault charge; however, they subsequently withdrew the charge, and the case was closed.

On June 13, SFF members at Oshakati arrested and beat George Petrus, who filed a charge of assault with grievous bodily harm. The case was under investigation at year's end.

In July, two female NDF recruits claimed they were subjected to physical and verbal abuse after they refused sexual advances by their superior officers. No known action had been taken against the responsible officers by year's end.

On December 22, members of the NDF harassed men in Katutura and demanded that they remove their earrings. When the men refused, the NDF members beat Beau Pietersen and Hatani Mao Eichab with sjamboks. According to the NDF, which offered to pay medical expenses for the two victims, the incident was under investigation at year's end.

During the year, Joey Yon did not charge the police officers who beat him in 2002 after he assaulted a police officer. The officer who was assaulted filed charges against Yon, and the case was pending at year's end.

There were no developments in the following 2001 cases in which security forces beat or abused persons: The beating by SFF members of five farmworkers; the beating of Masati Muyenga by NDF soldiers; the torturing by NDF soldiers of Johannes Sondaha Kampumburu, Peter Mukonda, Paulus Shifure, Petrus Kalimbwe, and Joseph Simbinde Muvundu; and the shooting of Frederick Namaseb.

During the year, media and human rights groups continued to report on the ongoing court cases that resulted from security forces responding with violence to secessionist attacks in 1999 (see Section 1.d.). In May, the case filed by Zedrick Zahansi Katonga, who was arrested, detained, and allegedly tortured during the 1999 state of emergency, was settled out of court under confidential terms. Six other civil cases against security forces, including the case filed by Geoffrey Mwilima, were settled out of court during the year. More than 100 related cases were pending at year's end.

Unlike in the previous year, there were no reports that SFF members harassed persons who they stopped for identification checks.

During the year, some citizens of the Mafwe ethnic group complained of police harassment in the form of repeated interrogations about the 1999 secessionist attacks at Katima Mulilo (see Section 1.d.).

There continued to be reports of intimidation and abuse of civilians in the northern border areas by FAA soldiers; however, there were fewer such reports than in previous years. There was no further information on the 2002 rape by FAA soldiers of a woman with disabilities.

Landmines continued to injure persons (see Section 1.a.).

Conditions in prisons and military detention facilities were Spartan; however, the conditions generally met international standards. Visits by international organizations, as well as by a government-sponsored commission, found incidents of overcrowding and poor maintenance; however, unlike in previous years, there were no reports of the abuse of vulnerable groups, such as women. Victims of abuse were able to pursue legal remedies. The Ministry of Prisons and Correctional Services administered the country's prisons and jails and continued to work to improve conditions.

Female prisoners were held separately from male prisoners. The Government also made efforts to separate juvenile offenders from adult criminals, and there were separate facilities for child offenders in Windhoek and Mariental; however, in many rural areas, juveniles continued to be held with adults. There were several pilot programs that provided alternatives to incarceration for juvenile offenders. Pretrial detainees generally were held separately from convicted prisoners.

During the year, several persons died in custody from natural causes. For example, in Grootfontein prison, Benard Nyamazo Makunde died on January 19, and Felix Munangisa died on February 17. On October 16, Oscar Lupalezwi died of malaria at Katima Mulilo hospital, where he had been transferred from Grootfontein. On November 10, Euster Matomola Masake, who also had been detained at Grootfontein, died at Katima Mulilo. All four men were detained as high treason suspects connected with the 1999 secessionist attacks in Caprivi (see Section 1.d.).

The Government continued to grant nongovernmental organizations (NGOs) regular access to prisons and prisoners. The International Committee for the Red Cross (ICRC) requested and received prison access, including access to the high security Dorbabis detention facility.

d. Arbitrary Arrest, Detention, or Exile.—The Constitution forbids arbitrary arrest or detention except in situations of national emergency; however, security forces at times used arbitrary arrest and detention in practice.

The country's 10,000-member national police force (NAMPOL) is highly centralized with regional commands responsible to the Inspector General of Police, who reports to the Minister of Home Affairs. Approximately half of NAMPOL's overall complement is assigned to the SFF, a paramilitary unit made up primarily of combatants from the former People's Liberation Army of Namibia; SFF members were assigned to guard duty, roadblocks, and the maintenance of public order. NAMPOL lacked the resources, training, and personnel to consistently deter or investigate street crime.

The police continued to make use of a human rights training course and a human rights training manual designed by the Legal Assistance Center (LAC). At times security force members accused of committing abuses were arrested and tried in military courts or the civilian criminal justice system; however, in other cases, the Government did not take any action against those responsible for abuses.

Persons who are arrested must be informed of the reason for their arrest and must be brought before a magistrate within 48 hours of their detention. Those accused are entitled to defense by legal counsel of their choice, and those who cannot afford a lawyer are entitled to state-provided counsel; however, in practice, many

accused persons in remote and rural areas were not represented by counsel, primarily due to the lack of resources. Prisoners generally had access to legal counsel and family during regular visiting hours. Detainees had access to their lawyers prior to trial. There was a functioning bail system in place, and LAC reported that it generally was observed except in rural areas, where persons often were unaware of their legal rights.

Under a state of emergency, the Constitution permits detention without trial, although the names of detainees must be published in the Government's gazette within 14 days, and their cases must be reviewed within 1 month by an advisory board appointed by the President.

During the 1999 state of emergency declared in response to CLA attacks in Katima Mulilo, the security forces detained several hundred suspected CLA members and sympathizers, most of whom were released after 2 weeks. Of those who remained in detention, four died during the year (see Section 1.c.). In May, the Government released five detainees. During the year, three additional persons arrested in July 2002 were transferred from Mariental Prison to Grootfontein Prison and added to the list of high treason suspects. By year's end, 120 suspects remained in detention at Grootfontein. On October 27, trial proceedings began (see Section 1.e.).

In July, the Government applied to appeal the Botswana High Court's 2002 decision to reject the country's request to have 13 alleged Caprivi secessionists extradited to face charges of murder and high treason. In December, the Government of Botswana forcibly returned an unrelated group of eight refugees to the country, seven of whom were subsequently arrested on charges of high treason for their alleged role in the 1999 CLA attacks (see Section 2.d.). Human rights groups protested the repatriations. The seven remained in detention at year's end awaiting trial.

Citizens who were arrested arbitrarily used civil suits as legal recourse in many cases (see Section 1.c.). Aurelio Samakupa Sondjamba, who was held incommunicado at the Dordabis detention facility for more than 2 years and released without charge in December 2002, filed a claim for damages against the Government, which contested his claim; the case was awaiting a trial date at year's end.

Unlike in the previous year, security forces did not arrest persons suspected of collaboration with Angolan rebels.

During the year, Paulus Ndumba and Markus Vihemba, who were arrested in 2002, were released on bail. Human rights groups claimed the two men had been arrested for allegedly collaborating with UNITA rebels; however, police claimed the arrests were for stock theft. The case remained pending at year's end.

There was no further information on the following cases of arbitrary arrest and detention: The July 2002 arrest of three persons, who remained in detention at year's end for suspected involvement with the CLA; and the 2001 case of suspected rebel collaborator Rassen Lutambo.

Unlike in previous years, there were no reports that police arrested persons for not having identification cards. There was no further information in the 2001 arrest and detention of members of the Hai/Om San ethnic group for not having identification cards.

Unlike in the previous year, there were no reports that traditional leaders detained and imprisoned persons. The 2002 civil suit filed by Anna Shingenge, who was detained by King Munkundi of the Ongandjera Traditional Authority for 7 months, was pending trial at year's end.

A trial must take place within "a reasonable time," or the accused must be released. Human rights organizations have criticized the length of time that pretrial detainees were held, which has extended beyond 1 year in some cases (see Section 1.e.).

The Constitution prohibits forced exile, and the Government did not use it.

e. Denial of Fair Public Trial.—The Constitution provides for an independent judiciary, and the Government generally respected this provision in practice; however, the court system at times was inefficient.

On October 27, after repeated postponements, the trial began of the remaining detainees arrested in connection with the 1999 state of emergency. Initial proceedings focused on procedural challenges by the defense over the jurisdiction of the High Court in Grootfontein. The trial was ongoing at year's end.

The formal court system has 3 levels: 30 magistrates' courts; the High Court; and the Supreme Court. The latter also served as a court of appeals and as a Constitutional review court.

The Constitution provides for the right to a fair trial with a presumption of innocence until proven guilty, and the judiciary generally respected this provision; however, this right was limited somewhat in practice by long delays in hearing cases

in the regular courts and the uneven application of Constitutional protections in the traditional system.

The lack of qualified magistrates and other court officials and the high cost of legal aid resulted in a serious backlog of criminal cases, which often translated into delays of up to 1 year or more between arrest and trial, contravening Constitutional provisions for the right to a speedy trial. Some of those awaiting trial were incarcerated in the same conditions as those of convicted criminals.

Most rural citizens first encountered the legal system through the traditional courts, which dealt with minor criminal offenses such as petty theft and infractions of local customs among members of the same ethnic group. The law delineates which offenses may be dealt with under the traditional system. The law defines the role, duties, and powers of traditional leaders and provides that customary law is invalid if it is inconsistent with provisions of the Constitution.

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home or Correspondence.—The Constitution provides all citizens with the right to privacy and requires arresting officers to secure a judicial warrant before conducting a search, except in situations of national emergency; government authorities generally respected these rights in practice. In general, violations were subject to legal action.

Under the law, the NCIS is authorized to conduct wiretaps, intercept mail, and engage in other covert activities, both inside and outside the country, to protect national security; however, wiretaps and covert surveillance required the consent of a judge.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution provides for freedom of speech and of the press, subject to reasonable restrictions in situations such as a state of emergency, and the Government generally respected these rights in practice; however, at times, high-level government officials responded to criticism of the ruling party and government policies with verbal abuse. There also were reports of government pressure on reporters who worked for the government-owned media.

The Government owned one newspaper, the biweekly *New Era*, and contributed financially to the Namibia Press Agency, a parastatal. The ruling SWAPO party owned one publication, *Namibia Today*. There were six independent newspapers. Reporters for independent newspapers continued to criticize the Government openly and did not engage in self-censorship.

The Government owned and operated the Namibian Broadcasting Corporation (NBC) Radio and Television. NBC television and nine radio services that broadcast in English and indigenous languages were the most widely heard and influential media in the country. During the year, there were reports of government influence on and self-censorship by the staff of NBC operations and editorial content. In January, a new director general of NBC was appointed, and in May, President Nujoma named a new Minister of Information and Broadcasting, relinquishing the State House's nominal direct control over the portfolio.

There were nine private radio stations, one private television station, and a private cable and satellite television service that broadcast the Cable News Network, the British Broadcasting Corporation, and a range of South African and international news and entertainment programs. The ruling SWAPO party owned 51 percent of this cable service. There were no restrictions on the private ownership of satellite dishes, and the use of satellite dishes and cable television was growing.

Government departments were precluded from advertising in *The Namibian* newspaper or purchasing it with state funds because of the newspaper's critical coverage of the President and the Government. Political parties, including the ruling SWAPO party, advertised in *The Namibian*.

During the year, high-level government officials sharply and publicly criticized journalists in response to perceived criticism of the Government or ruling party. Such verbal attacks did not appear to have significantly affected the aggressive style of the independent media. Unlike in the previous year, there were no NGO reports that journalists from *The New Era*, which sometimes covered opposition views and party activities, were pressured to avoid coverage of controversial topics.

Government regulations required foreign journalists who sought to visit the country to apply for a temporary work permit from the Ministry of Home Affairs. No prior notice of their intended visit was necessary.

There were no restrictions on Internet access or use. There were growing numbers of domestic web pages, and the major newspapers had popular websites.

The Government did not restrict academic freedom.

b. Freedom of Peaceful Assembly and Association.—The Constitution provides for freedom of assembly and association, except in situations of national emergency,

and the Government generally respected these rights in practice. Organizers of public meetings were required to obtain prior police approval, but many public gatherings took place without such approval and without interference by the Government.

In July, police and SFF members dispersed a demonstration by immigration officers protesting the incorporation of their division into the national police.

c. Freedom of Religion.—The Constitution provides for freedom of religion, and the Government generally respected this right in practice.

For a more detailed discussion, see the 2003 International Religious Freedom Report.

d. Freedom of Movement within the Country, Foreign Travel, Emigration, and Repatriation.—The Constitution provides for these rights, except in situations of national emergency, and the Government generally enforced these rights in practice.

Unlike in the previous year, no curfews were imposed, and there were no reports that SFF members harassed persons they stopped for identification checks.

The law provides for the granting of refugee status and asylum to persons who meet the definition in the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. In practice, the Government provided protection against refoulement and granted refugee status or asylum; however, the Government required individual status determinations for asylum cases. The Government cooperated with the U.N. High Commissioner for Refugees (UNHCR) and other humanitarian organizations in assisting refugees. The Government also provided temporary protection to certain individuals who fall outside of the definition in the Convention.

On November 6, the UNHCR, Government of Rwanda, and the Government signed a tripartite agreement on the voluntary repatriation of the more than 500 Rwandan refugees who live in the country.

At year's end, the population at the Osire Refugee Camp was 14,864. Approximately 90 percent of this population was from Angola; the remaining refugees were from the Democratic Republic of the Congo, Burundi, Rwanda, and other African countries. During the year, 4,000 refugees voluntarily returned to Angola. The Government generally did not permit refugees and asylum seekers to work or live outside the Osire refugee camp. Education through grade 10 was available to all refugees at the camp, and the Government facilitated further secondary education at schools outside the camp. Unlike in previous years, new arrivals to the camp did not suffer from malnutrition. Some tension with local farmers persisted; farmers accused some refugees of stealing firewood, and refugees claimed they were not paid for informal labor.

The Government continued to maintain strict control over civilian access to the Osire refugee camp; however, the ICRC and the UNHCR had access to the camp.

In July, the Government applied to appeal the Botswana High Court's 2002 decision to reject the Government's request to have 13 alleged Caprivi secessionists extradited to face charges of murder and high treason (see Section 1.d.). There were no further developments by year's end.

In December, the Government of Botswana forcibly returned eight Namibian refugees to the country (see Section 1.d.).

Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government

Citizens exercised their right to change their government by electing a President and National Assembly for the second time since independence during the 1999 general election, which international and domestic observers agreed was generally free and well administered despite some irregularities. Observers noted instances of harassment of opposition members during the campaign and unequal access to media coverage and campaign financing. Nevertheless, voter turnout was more than 60 percent, and the election proceeded peacefully. Sam Nujoma, leader of the ruling party SWAPO, was re-elected for another 5-year term. Although the Constitution formerly limited the President to two terms in office, in 1998, the National Assembly amended the Constitution to permit President Nujoma to run for a third term. President Nujoma won 77 percent of the vote and SWAPO won 55 of 72 elected National Assembly seats. In the National Assembly, 4 opposition parties won a total of 17 seats, including the Congress of Democrats party, which won the largest number of opposition votes; the Democratic Turnhalle Alliance; the United Democratic Front; and the Monitor Action Group.

The Constitution establishes a bicameral Parliament and provides for general elections every 5 years and regional elections every 6 years. Members of the National Assembly are elected on a party list system on a proportional basis. National Council members are elected from within popularly elected Regional Councils.

High-level government officials criticized opposition politicians in response to perceived criticism of the Government. This did not significantly affect opposition political parties, which generally were able to undertake political activities such as advertising and holding party conferences and public rallies.

Women held 20 seats in the 78-seat National Assembly. There was a Women's Caucus in Parliament that reviewed legislation for gender sensitivity. There were 4 female ministers, including the Attorney General, and 4 female deputy ministers among the 45 ministerial and deputy ministerial positions. A woman held a cabinet-level position as Director of the National Planning Commission until May, when she became Minister of Finance. The Ombudswoman resigned her post in August to become the African Union Commissioner for Social Affairs in Addis Ababa; no permanent replacement had been appointed.

Historic economic and educational disadvantages limited the participation of the indigenous San ethnic group in politics; however, a member of the San community representing the SWAPO party was elected to the National Assembly in the 1999 general elections. Virtually all of the country's other ethnic minorities were represented in Parliament and in senior positions in the Cabinet. Members of smaller ethnic groups held the offices of Prime Minister, Deputy Prime Minister, and Speaker of the National Assembly.

Section 4. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A number of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases; however, high-level government officials continued to use harsh language in response to NGO criticism of the ruling party and government policies. Government officials continued to verbally attack human rights NGOs, including Amnesty International, the Minority Rights Group, and the National Society of Human Rights. Despite verbal attacks, NGOs continued to criticize government policies freely.

In addition, human rights organizations and academic organizations, such as the Media Institute for Southern Africa (MISA), the Centre for Applied Social Sciences, and the Human Rights Documentation Centre, worked openly on a variety of human rights problems affecting the press, women, ethnic minorities, and other groups. In August, President Nujoma said he "condemned" MISA; however, the Government allowed MISA to continue working freely.

During the year, representatives of international human rights organizations, including Human Rights Watch, visited the country.

Section 5. Discrimination Based on Race, Sex, Disability, Language, or Social Status

The Constitution prohibits discrimination based on race, creed, gender, or religion, and specifically prohibits "the practice and ideology of apartheid"; the Government generally enforced this prohibition. During the year, there was continued improvement in the attention paid to women's issues and the rights of persons with disabilities.

The law protects homosexuals from employment discrimination; however, during the year, senior government officials, including President Nujoma, continued to make disparaging public remarks about homosexuals. For example, in an August speech at the University of Namibia, President Nujoma criticized homosexuality, calling it "against nature and our culture."

Women.—Domestic violence against women, including beating and rape, was widespread. Traditional attitudes regarding the subordination of women exacerbated problems of sexual and domestic violence. The law defines rape in broad terms and allows for the prosecution of spousal rape. There continued to be an improvement in the attention paid to the problems of rape and domestic violence. In June, the Combating of Domestic Violence Bill was signed into law. In September, in the Windhoek Magistrate's Court in Katutura, a special courtroom was inaugurated to protect vulnerable witnesses from open testimony; the courtroom featured a cubicle made of one-way glass and a child-friendly waiting room.

Women and Child Protection Units, staffed with police officers trained to assist victims of sexual assault, were located in nine cities; during the year, LAC and other NGOs continued to provide training to these units. Police reported an increase in the number of women who reported rape and domestic violence.

The Constitution prohibits discrimination against women, including employment discrimination; however, men dominated positions in upper management. The Ministry of Labor and Employment Equity Commission, which reports to the Minister of Labor, was responsible for problems involving discrimination in employment; the Ministry of Women Affairs and Child Welfare was responsible for advocating for

women's rights. The law prohibits discriminatory practices against women married under civil law. Women married under customary (traditional) law continued to face legal and cultural discrimination. Traditional practices that permitted family members to confiscate the property of deceased men from their widows and children still existed; however, the frequency of such cases lessened considerably during the year.

Children.—The Constitution enumerates children's rights, including those in the area of education and health. During the year, approximately 20 percent of government expenditures were designated for education and 15 percent for health care; however, in practice, resource constraints and untrained support staff resulted in inadequate attention to child welfare.

The Constitution provides children with the right to primary and junior secondary education (grades 1 to 10); however, the numerous fees, which included fees for uniforms, books, boarding costs, and school improvement, placed a heavy burden on students' families, and precluded some children from attending school. In general, more girls than boys were enrolled in secondary schools. Many San children did not attend school.

During the year, the Government took several steps to provide medical care and other assistance to the growing number of HIV/AIDS orphans and other vulnerable children. The Government established a trust fund for such children and received commitments for contributions from the international donor community. The Government also adopted the program goals of the U.N. General Assembly Special Session for Orphans and Vulnerable Children.

Child abuse was a serious and increasingly acknowledged problem. The authorities vigorously prosecuted crimes against children, particularly rape and incest. The law protects children under 18 years of age by criminalizing sexual exploitation, child pornography, and child prostitution. The age of sexual consent was 16 years. During the year, courts handed down longer sentences against child rapists than in previous years, and the Government provided training for police officials to improve the handling of child sex abuse cases. Centers for abused women and children worked actively to reduce the trauma suffered by abused children.

There were a few reports of child prostitution. In such cases, the police prosecuted parents as well as the perpetrators. In April, the Government signed and ratified the Optional Protocol to the Convention on the Rights of the Child, On the Sale of Children, Child Prostitution, and Child Pornography.

Child labor was a problem (see Section 6.d.).

Persons with Disabilities.—While discrimination on the basis of disability is not addressed in the Constitution, the Labor Act prohibits discrimination against persons with disabilities in employment; however, enforcement in this area was ineffective. Although there was no legal discrimination against persons with disabilities, societal discrimination persisted. The Government legally does not require special access to public buildings for persons with disabilities, and some ministries remained inaccessible to them. Although some municipal governments have installed ramps and special curbing for persons with disabilities at street crossings, physical access for those with disabilities remained a problem. Disability issues continued to receive greater public attention than in previous years, with wider press coverage of the human rights problems that confront persons with disabilities.

Indigenous People.—The San, the country's earliest known inhabitants, historically have been exploited by other ethnic groups. The Government has taken measures to end societal discrimination against the San, including seeking their advice about proposed legislation on communally held lands and increasing their access to education; however, many San children did not attend school. During the year, San leaders filed a complaint against the Ministry of Home Affairs alleging that they were unable to obtain proper and accurate identification documents.

By law, all indigenous groups participate equally in decisions affecting their lands, cultures, traditions, and allocations of natural resources; however, San and other indigenous citizens have been unable to exercise fully these rights as a result of minimal access to education, limited economic opportunities under colonial rule, and their relative isolation.

The Government's authority to confer recognition or withhold it from traditional leaders, even in opposition to local preference, was controversial because of the leaders' influence on local events, including local police powers. In some cases, the Government withheld recognition from genuine traditional leaders for political reasons.

National/Racial/Ethnic Minorities.—Despite constitutional prohibitions, societal, racial, and ethnic discrimination persisted. Many nonwhites continued to complain that the Government was not moving quickly enough in education, health, housing, employment, and access to land. Some citizens continued to accuse the Government of providing more development assistance and professional opportunities to the nu-

merically dominant Ovambo ethnic group than to other ethnic groups. There also were reported cases of black farm workers suffering discrimination in remote areas at the hands of white farm owners.

Section 6. Worker Rights

a. The Right of Association.—The Constitution provides for freedom of association, including freedom to form and join trade unions, and workers exercised this right in practice. Farm workers and domestic servants working on rural and remote farms often were ignorant of their rights, and unions experienced obstacles in attempting to organize these workers; as a result, they reportedly suffered abuse by employers. Trade unions had no difficulty registering, and there were no government restrictions on who may serve as a union official. The law provides a process for employer recognition of trade unions and protection for members and organizers.

Trade unions lacked resources; less than 20 percent of full-time wage earners were organized.

Unions were independent of the Government and could form federations. The two principal trade union organizations were the National Union of Namibian Workers (NUNW) and the Trade Union Congress of Namibia (TUCNA). The NUNW and SWAPO were affiliated. The Government recognized the non-SWAPO aligned TUCNA, and treated it professionally; however, the TUCNA did not appear to have the same level of access that government officials accorded to the NUNW.

Employers were required to give a registered union access to its members, and this provision of the law has been implemented effectively.

The law specifically protects both union organizers and striking workers from employer retaliation, and there appeared to be only isolated cases of retaliation. However, the scarcity of judges and lack of expertise in labor law caused lengthy and unnecessary delays.

The law also empowers the Labor Court to remedy unfair labor practices and explicitly forbids unfair dismissals. Unfair dismissals occurred when employers terminated employment without following correct procedures and a substantially fair process. Unfair dismissals may be appealed to the Labor Court, and remedies include fines, compensation, and reinstatement, as determined by a labor court judge; however, there were not enough judges to address the backlog of cases.

Trade unions were free to exchange visits with foreign trade unions and to affiliate with international trade union organizations. Unions were affiliated with the Southern Africa Trade Union Coordination Council, the Organization of African Trade Union Unity, and the International Congress Federation of Trade Unions.

b. The Right to Organize and Bargain Collectively.—The law provides employees with the right to bargain individually or collectively and to recognize the exclusive collective bargaining power of the union when a majority of the employer's workers were members of that union. Collective bargaining was not practiced widely outside the mining and construction industries, which had centralized, industry-wide bargaining. Almost all collective bargaining was at the workplace and company level. However, as unions became more active, informal collective bargaining became more common. The Ministry of Labor cited lack of information and basic negotiation skills as factors hampering workers' ability to bargain with employers successfully.

Except for workers providing essential services such as jobs related to public health and safety, workers have the right to strike once conciliation procedures are exhausted, and 48-hour notice has been given to the employer and labor commissioner. Under the law, strike action can be used only in disputes involving specific worker interests, such as pay raises. Disputes over worker rights, including dismissals, must be referred to a labor court for arbitration (see Section 6.a.). The law protects workers engaged in legal strikes from unfair dismissal. The labor law does not prohibit labor by nonunion replacement workers, but most companies sought negotiated settlements rather than employing nonunion replacement workers.

Unlike in the previous year, there were no strikes; however, police dispersed a labor demonstration in July (see Section 2.b.).

There are export processing zones (EPZs) at the Walvis Bay and Oshikango industrial parks and a number of single-factory EPZs outside of these parks. The law applies to EPZs, and unions have been active in the EPZs since their establishment.

c. Prohibition of Forced or Bonded Labor.—The law prohibits forced and bonded labor, including by children; however, there continued to be media reports during the year that farm workers (including some children on family-owned commercial farms) and domestic workers often received inadequate compensation for their labor and were subject to strict control by employers. Given the Ministry of Labor's resource constraints, labor inspectors sometimes encountered problems in gaining access to the country's large, family-owned, commercial farms to investigate possible labor code violations.

d. Status of Child Labor Practices and Minimum Age for Employment.—Child labor was a problem. Under the law, the minimum age for employment is 14 years, with higher age requirements for night work and in certain sectors such as mining and construction. Children below the age of 14 often worked on family-owned commercial farms and in the informal sector, and some also worked in communal areas.

Criminal penalties and court orders were available to the Government to enforce child labor laws; however, such action involved a complicated procedure that must be initiated through a civil legal process.

The Government has taken steps to end child labor abuses. During the year, the Ministry of Labor continued to hire additional inspectors, who used revised inspection checklists to include specific inquiries on International Labor Organization (ILO) Convention 182 concerns. The Ministry continued to work together to monitor abuses with ILO representatives, who visited the country during the year.

e. Acceptable Conditions of Work.—There was no statutory minimum wage law; however, the mining and construction sectors set basic levels of pay. In 2002, representatives of farm owners and managers and the Ministry of Labor agreed upon a minimum wage for farm workers; however, in June, the Namibian Farmworkers Union claimed that nearly 40 percent of 200 farms surveyed paid their workers less than minimum wage. In Windhoek's historically disadvantaged high-population density areas, minimum wages for workers did not provide a decent standard of living for a worker and family. Wage levels for the less educated majority remained very low.

The standard legal workweek is 45 hours, and required at least one 24-hour rest period per week. An employer may require no more than 10 hours per week of overtime. The law mandates 24 consecutive days of annual leave, at least 30 workdays of sick leave per year, and 3 months of unpaid maternity leave. However, in practice these provisions were not observed or enforced rigorously by the Ministry of Labor.

The Government mandates occupational health and safety standards, and the Labor Act empowers the President to enforce these standards through inspections and criminal penalties. Labor laws generally were implemented efficiently; however, the Ministry of Labor still lacked an adequate number of trained inspectors to monitor adherence to such labor regulations as providing overtime pay and social security by some companies, especially small, family-owned operations. The law requires employers to ensure the health, safety, and welfare of their employees. It provides employees with the right to remove themselves from dangerous work situations; however, some workers did not have this right in practice.

The law accords the same rights to legal foreign workers as citizens.

f. Trafficking in Persons.—The law does not prohibit specifically trafficking in persons; however, unlike in previous years, there were no reports of persons being trafficked to, from, or within the country. The law does prohibit slavery, kidnapping, forced labor, including forced prostitution, child labor, and alien smuggling.

There were a few reports of child prostitution (see Section 5).

NIGER

Niger returned to democracy in 1999, following coups d'état in 1996 and 1999, and continued efforts to consolidate a democratic system and a constitutional government. Tandja Mamadou was elected president in 1999 with 60 percent of the vote in an election that international observers called generally free and fair. The National Movement for the Development of Society and the Democratic and Socialist Convention (MNSD/CDS) coalition, which backed Tandja, won 55 of the 83 seats in the National Assembly. In 2000, Tandja appointed MNSD member Hama Amadou as Prime Minister. The judiciary continued to show signs of independence; however, family and business ties could influence lower court decisions, and there were reports that the executive branch had influenced the judicial process.

Security forces consist of the army, Republican Guard, gendarmerie (paramilitary police), and national police. The police and gendarmerie have primary responsibility for internal security. Civilian authorities generally maintained effective control of the security forces. Some members of the security forces committed human rights abuses.

The country's population was approximately 11.2 million. The economy was market based and depended primarily on subsistence farming, herding, small trading, and informal markets. Approximately 15 percent of the economy was in the formal sector, primarily in light industry and government services. Approximately 63 percent of the population lived on less than a \$1 a day, and the country's per capita

income was less than \$200 a year. Drought, deforestation, soil degradation, and exceedingly low literacy were problems. The economy remained severely depressed.

The Government's human rights record remained poor; although there were some improvements in a few areas, serious problems remained. Security forces forcibly dispersed a violent student protest and injured numerous demonstrators; however, unlike in the previous year, there were no reports that security forces killed, tortured, or beat persons. There were reports that security forces along the western border allowed Malian bandits to steal and abuse persons. Prison conditions remained poor and life-threatening, and prolonged, pretrial detention remained problems. The Government limited freedom of speech and the press. The Government closed the university after student protests and continued to ban several Islamist organizations that engaged in or threatened violence. Domestic violence and societal discrimination against women continued to be serious problems. Female genital mutilation (FGM) persisted, despite government efforts and a new law to criminalize the practice. There was societal discrimination against persons with disabilities and ethnic minorities; however, unlike in previous years, there were no reports of societal discrimination against religious minorities. Worker rights generally were respected; however, there were reports that a form of slavery or servitude was widespread. Child labor occurred. There were reports of trafficking in persons, including reports of child prostitution.

RESPECT FOR HUMAN RIGHTS

Section 1. Respect for the Integrity of the Person, Including Freedom From:

a. Arbitrary or Unlawful Deprivation of Life.—There were no reports of the arbitrary or unlawful deprivation of life committed by the Government or its agents; however, in early January, police shot and killed one prisoner as he tried to escape (see Section 1.c.).

There were no developments in the February 2002 killing of a protester and the August 2002 death of two soldiers during a mutiny.

In January, three foreign tourists were killed when their vehicle struck a landmine near the border with Chad and Libya.

Ethnic violence resulted in deaths during the year (see Section 5.).

b. Disappearance.—There were no reports of politically motivated disappearances.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The Constitution prohibits such practices, and unlike in previous years, there were no reports that police tortured or beat persons.

During the year, the three gendarmes from Torodi charged with excessive use of force during an April 2002 interrogation were tried and convicted; 2 were sentenced to 1 year's imprisonment, and 1 was sentenced to 18 months' imprisonment.

Police used tear gas to disperse student protests on October 8; there were reports of several injuries (see Section 2.b.).

Conditions in all 35 of the country's prisons were poor and life threatening. Prisons were underfunded, understaffed, and overcrowded. For example, in Niamey's Civil Prison, there were approximately 550 prisoners in a facility built for 350; more than 400 of these were awaiting trial at year's end. Family visits were allowed, and prisoners could receive supplemental food, medicine, and other necessities from their families; however, nutrition and health conditions were poor, and deaths occurred from AIDS, tuberculosis, and malaria. A new maximum security prison in Koutoukale was completed during the year; however, it did little to relieve prison overcrowding. In January, police shot and killed one convicted drug trafficker as he attempted to escape from a prison in Birni N'konni.

Corruption among prison staff was rampant. There were credible reports that prisoners could bribe officials to leave prison for the day and serve their sentences in the evenings. Prisoners also could claim illness and serve their sentences in the national hospital.

Prisoners were segregated by gender, and minors and adults were incarcerated separately; there was one juvenile detention center. Pretrial detainees were held with convicted prisoners.

Human rights observers, including the International Committee of the Red Cross (ICRC), were granted unrestricted access to prisons and detention centers and visited them during the year.

d. Arbitrary Arrest, Detention, or Exile.—The Constitution prohibits arbitrary arrest and detention, and the law prohibits detention without charge in excess of 48 hours; however, police at times violated these provisions. Unlike in the previous year, there were no arbitrary arrests. The police force, which was under the direction of the Ministry of Interior, was ineffective, primarily because of inadequate re-

sources. Basic supplies, such as vehicle fuel, radios, uniforms, handcuffs, batons, and badges were scarce. Patrols were sporadic, and emergency response time in Niamey could take 45 minutes. Police training was minimal, and only specialized police units had basic weapon-handling skills. Corruption was widespread, and even crimes against local elites and foreigners were not investigated unless the victims bribed police. On December 31, the National Assembly adopted legislation granting police more decision-making authority and increasing compensation levels, in part to curb corruption.

If police failed to gather sufficient evidence within the detention period, the prosecutor can give the case to another officer, and a new 48-hour detention period began. Poor communications hindered accurate identification of detainees and could result in prolonging the 48-hour detention period. A defendant has the right to a lawyer immediately upon detention, and bail is available for crimes carrying a penalty of less than 10 years' imprisonment. Widespread ignorance of the law and lack of financial means prevented the accused from taking full advantage of these rights.

Numerous journalists were arrested during the year (see Section 2.a.).

Police, acting under authority granted them by the Security Law, occasionally conducted sweeps to detain suspected criminals.

In January, 272 persons arrested following the August 2002 mutinies were charged with high treason; many also were charged with participation in rebellious acts, arson, murder, attempted murder, looting, damage to property, and assault and battery (see Section 3). In May, 52 of the 272 had been released; at year's end, court proceedings were pending for those who remained in custody.

The two students detained in 2001 who went on a hunger strike in 2002 were provisionally released during the year; however, the students were not allowed to leave the country while investigative proceedings continued.

There were serious backlogs in the judicial system. Despite legal limits to the pre-trial confinement period of indicted persons, detention frequently lasted months or years; some persons have been waiting as long as 6 years to be charged.

The Constitution prohibits forced exile, and there were no reports of its use.

e. Denial of Fair Public Trial.—The Constitution provides for an independent judiciary; however, the executive branch sometimes has interfered with the judicial process. During the year, court proceedings occurred in the absence of defendants and their counsel, and reportedly were delayed against the soldiers detained in connection with the August 2002 mutiny. In civilian matters, there were credible reports that family and business ties influenced lower court decisions. Judges sometimes feared reassignment or having their financial benefits reduced if they rendered a decision unfavorable to the Government. Nevertheless, there continued to be evidence of increased judicial independence. In January, the Constitutional Court ruled against the Prime Minister in a case defending the legal composition of the High Council for Communications (CSC). In July, the Constitutional Court ruled against changes proposed by the Government to the Electoral Code. In 2002, the Constitutional Court noted that the Government did not have the right to remove the Sultan of Zinder from his position. The Sultan was released from prison during the year; however, he still faced fraud charges.

Defendants and prosecutors could appeal a verdict, first to the Court of Appeals, then to the Supreme Court. The Court of Appeals reviewed questions of fact and law, while the Supreme Court reviewed only the application of the law and constitutional questions. There also were customary courts.

Defendants had the right to counsel, to be present at trial, to confront witnesses, to examine the evidence against them, and to appeal verdicts. The Constitution affirms the presumption of innocence. The law provides for counsel at public expense for minors and indigent defendants charged with crimes carrying a sentence of 10 years or more. Although lawyers complied with government requests to provide counsel, the Government generally did not remunerate them. Widespread ignorance of the law prevented the accused from taking full advantage of these rights. There was only one defense attorney known to have a private practice outside the capital.

Traditional chiefs could act as mediators and counselors and had authority in customary law cases as well as status under national law where they were designated as auxiliaries to local officials. Chiefs collected local taxes and received stipends from the Government, but they had no police or judicial powers and could only mediate, not arbitrate, customary law disputes. Customary courts, located only in large towns and cities, tried cases involving divorce or inheritance. They were headed by a legal practitioner with basic legal training who was advised by an assessor knowledgeable in the society's traditions. The judicial actions of chiefs and customary courts were not regulated by law, and defendants could appeal a verdict to the formal court system. Women did not have equal legal status with men in the tradi-

tional and customary courts and did not enjoy the same access to legal redress (see Section 5).

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home or Correspondence.—The law generally requires that police conducting a search have a warrant, normally issued by a judge; however, police reportedly often conducted routine searches without warrants. Under the State Security Law, police may conduct searches without warrants when they have strong suspicion that a house shelters criminals or stolen property.

Republican Guards, many of whom reportedly were former Tuareg rebels, allowed Malian bandits, who also reportedly were Tuareg, to steal food and livestock and to commit other crimes against citizens living near the border in the Tillaberi region. No action was taken against the Republican Guards during the year.

The five officers and one civilian whose homes were searched without warrant in 2002 remained in preventive detention at year's end on charges of high treason.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution provides for freedom of speech and of the press; however, on numerous occasions, the Government limited these rights in practice. During the year, the Government temporarily closed down five private radio stations, arrested the editors of two weekly newspapers, and arrested numerous journalists.

The Government published a French-language daily newspaper, *Le Sahel*, and its weekend edition. There were approximately 12 private French-language weekly or monthly newspapers, some of which were affiliated loosely with political parties. The private press criticized government actions. Since literacy and personal incomes were both very low, radio was the most important medium of public communication. The Government-owned radio *La Voix du Sahel* transmits 14 hours per day, providing news and other programs in French and several local languages. There were several private radio stations, including *Radio France International*, *Africa Number One*, and *Radio Bonferey*; five were owned locally and feature popular news programs in local languages, including *Djerma* and *Hausa*. These private radio stations generally were less critical of the Government than were the private newspapers. *Radio Bonferey* presented religious (Islamic) broadcasts along with news coverage and talk shows on domestic issues. *Radio Anfani* and *Radio et Musique* presented news coverage that included a variety of points of view. The other private domestic radio stations were smaller and offered little domestic news programming. The Government-operated multilingual national radio service provided equitable broadcasting time for all political parties during the year.

Television was a far less important medium than radio. The Government-owned *Tele-Sahel* and *TAL-TV* broadcast programming in French and other major national languages. A private television station, *TV Tenere*, also broadcast local and foreign programming. The director of a private radio station operated a wireless cable television service for the capital, offering access to international channels.

Foreign journalists circulated and reported freely. Strict accreditation requirements were imposed on domestic and foreign journalists; however, there were no reports that any journalists had been denied accreditation. During the year, the CSC continued to allow domestic broadcasting services to rebroadcast programs of foreign origin, such as *Voice of America (VOA)*, *British Broadcasting Corporation (BBC)*, *Deutsche Welle* programs, and *Radio France International (RFI)*. The news coverage of the state-owned media reflected government priorities. Presidential activities and conferences dealing with development issues always were reported. Analysis or investigative reporting on domestic topics was extremely rare.

The Government continued to use existing law to criminalize slander and libel and to prosecute, convict, and imprison critics. In February, the Government closed down the private radio station *Nomade FM*, in *Agadez*, after the station criticized the Government's program of reinsertion and reintegration for former Tuareg rebels. The station, which was accused of ethnic incitement, was allowed to reopen a few weeks later.

On July 17, the weekly newspaper *Le Republicain* published an article that accused the Government of awarding several contracts to its supporters without going through a competitive bidding process. The Government subsequently summoned the owner and editor of the newspaper, *Maman Abou*, on two occasions to appear in court for arraignment proceedings; *Abou*, who was out of the country, did not appear. On November 5, security forces arrested and detained *Abou* for defamation; he also was charged with theft for his use of a government document in the July article. On November 7, *Abou*, who was in jail, was fined and given a suspended 4-month sentence for the defamation charge in a court proceeding about which neither he nor his attorneys had been informed; no trial preceded the court proceeding.

Abou's attorneys appealed the sentence on procedural grounds, arguing that Abou had been sentenced without trial and in absentia. The Government countered that Abou's failure to appear at the two arraignment proceedings in July nullified any claim that he was tried in absentia. The Minister of Justice added that the absence of the accused did not constitute grounds for halting prosecution proceedings. Despite the suspended sentence, Abou continued to be detained on the theft charge. On December 30, a hearing was held; however, Abou remained in prison at year's end.

In February, after serving 8 months in prison, the *Canard Libere* journalist charged in 2002 with two counts of libel against the Minister of Agriculture and Prime Minister, was released.

In September, the CSC withdrew the temporary broadcasting licenses of 15 private radio stations; 4 of the stations had failed to submit supplemental documentation required for obtaining a permanent license, and the licenses of the other 11 stations, which had not yet started broadcasting, were issued improperly. By year's end, the CSC had issued permanent licenses to the 4 stations, which began broadcasting; the 11 other stations still had not received licenses.

On September 13, Ibrahim Souley, a journalist from *L'Enqueteur*, a weekly newspaper in Niamey, was arrested after publishing an article that alleged that government contracts were often based on ethnic kinship. On October 13, Souley was released from jail and sentenced to a 1-year suspended sentence for "inciting ethnic hatred"; Souley also was barred from entering Niamey for 3 months.

On October 9, Moussa Tchangari, the director of a private media group, was arrested and accused of inciting an October 8 student protest at Abdou Moumouni University. Tchangari, who student leaders maintained had not encouraged them to demonstrate, was released the following day without charge.

On November 13, police in Zinder arrested Amadou Mamoudou, Harouna Mato, and Ismael Moutari of the independent ANFANI radio station for broadcasting "inaccurate, sensitive information" about a conflict between area residents that resulted in several deaths; all three journalists were released within 48 hours.

SONITEL, the state-owned telephone company that was privatized in 2001, was the country's only Internet service provider (ISP); and had a monopoly on Internet communication and international voice communication through the end of 2004. The Government did not restrict access to the Internet through SONITEL, although service frequently had technical difficulties.

The Government restricted academic freedom during the year. On October 8, students at Abdou Moumouni University barricaded main roads, set tires on fire, and damaged vehicles to protest scholarship arrears, poor housing conditions, the closure of the university food service, and the lack of a transportation services for students (see Section 2.b.).

In response to the demonstrations, the Ministry of Secondary and Higher Education closed the university on October 12 after agreeing to the students' demands on October 10. In the 2002–2003 academic year, as in the 2001–2002 year, students were unable to complete the academic year because of a late start and strikes by students and teachers. The University reopened on October 27.

b. Freedom of Assembly and Association.—The Constitution provides for freedom of assembly, and the Government generally respected this right. The Government retained the authority to prohibit gatherings either under tense social conditions or if advance notice (48 hours) was not provided. Political parties, including a coalition of opposition political parties, legally were permitted to hold demonstrations within a defined area. Unlike in the previous year, there were no reports that the Government delayed approving political party requests to demonstrate.

On October 8, police used tear gas to forcibly disperse students at Abdou Moumouni University who were demonstrating against scholarship arrears and education austerity measures; numerous students were injured (see Section 2.a.).

During the year, the two students arrested following a February 2001 demonstration were provisionally released (see Section 1.d.).

No action was taken against police who forcibly dispersed demonstrators in 2002.

The Constitution provides for freedom of association; however, citizens may not form political parties based on ethnicity, religion, or region. Eight militant Islamic organizations banned by the Government remained banned (see Section 2.c.). Two representatives from one of the banned organizations were arrested in June 2002 and remained in detention at year's end. There were 35 political parties.

c. Freedom of Religion.—The Constitution provides for "the right of the free development of each individual in their . . . spiritual, cultural, and religious dimensions," and the Government generally respected the freedom to practice religious beliefs, as long as persons respected public order, social peace, and national unity.

No religious group was subsidized; however, the Islamic Association, which acts as an official advisory committee on religious matters to the Government, had bi-weekly broadcasts on the government-controlled television station.

Religious organizations must register with the Interior Ministry. This registration was a formality, and there was no evidence that the Government has ever refused to register a religious organization.

The Government has banned eight Islamic organizations on the grounds that these organizations were responsible for “disturbing the peace.” No mainstream Islamic organizations or human rights organizations have challenged the legality of the bans, which still were in effect at year’s end.

There generally were amicable relations between the various religious communities; however, there have been previous instances when members of the majority religion (Islam) were not tolerant of the rights of members of minority religions to practice their faith. The cities of Say, Kiota, Agadez, and Madarounfa are considered holy by the local Islamic communities; unlike in previous years, there were no reports of conflict between Muslims and Christians in those areas.

For a more detailed discussion, see the 2003 International Religious Freedom Report.

d. Freedom of Movement within the Country, Foreign Travel, Emigration, and Repatriation.—The law provides for freedom of movement and restricts neither emigration nor repatriation, and the Government generally respected these rights in practice. Security forces at checkpoints monitored the travel of persons and the circulation of goods, particularly near major population centers, and sometimes demanded payments or bribes; however, there were fewer reports of such actions than in previous years. There were occasional reports of banditry, sometimes violent, during the year.

The law does not provide for granting of refugee status or asylum to persons who meet the definition in the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol, although the country is a signatory to the Convention. In practice, the Government provides protection against refoulement, but does not routinely grant refugee or asylum status. The UNHCR’s regional office in Benin was responsible for refugee assistance and protection in the country; the Government’s interministerial National Refugee Eligibility Committee performed refugee prescreening duties. The Government offers temporary protection and has offered asylum to several thousand persons primarily from Mali and Chad. A few Chadian refugee families remained in the country.

Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government

The Constitution provides for the right of citizens to change their government, and citizens were able to exercise that right during the November 1999 election. A coup in 1999 led to the installation of a military-led government, which instituted a 9-month transition to democracy. A 1999 referendum approved a new Constitution that provided for a power-sharing presidential system and granted amnesty to perpetrators of coups in 1996 and 1999. In late 1999, the first round of presidential elections, a presidential runoff, and legislative elections were held. In November 1999, Tandja Mamadou was elected president with 60 percent of the vote in an election that was considered by international observers to be generally free and fair; and the National Movement for the Development of Society and the MNSD/CDS coalition, which backed Tandja, won 55 of the 83 seats in the National Assembly. Five of the country’s 35 political parties were represented in the National Assembly. Municipal elections are scheduled for May 2004; presidential and legislative elections are scheduled for late 2004.

The country has a power sharing presidential system with the President as head of state and the Prime Minister as head of government. The President must choose the Prime Minister from a list of three persons presented by the majority party or coalition in the National Assembly. In 2000, Tandja appointed Hama Amadou as Prime Minister.

The Constitution provides for a representative one-chamber National Assembly, and an independent judiciary. Citizens 18 years of age and over can vote, and voting is by secret ballot.

Unlike in the previous year, there were no attempted army mutinies.

Women traditionally play a subordinate role in politics. The societal practice of husbands’ voting their wives’ proxy ballots effectively disenfranchised many women. This practice was used widely in the 1999 presidential and National Assembly elections. There was 1 woman in the 83-seat National Assembly; there were 4 female ministers in the Cabinet. The appointed mayors of Niamey, Tillaberi, and Agadez were women. The law mandates that women receive 25 percent of government posi-

tions; however, by year's end, women still did not fill that percentage of government positions.

All major ethnic groups are represented at all levels of government. The Government supported greater minority representation in the National Assembly through its continued support for "special constituencies." There were eight seats at the National Assembly designated for representatives of "special constituencies," specifically ethnic minorities and nomadic populations. President Tandja, who reportedly is half Peul and half Kanouri, is the country's first president who is not from either the Hausa or the Djerma ethnic groups, which make up approximately 56 percent and 22 percent, respectively, of the country's population (see Section 5).

Section 4. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

Several independent human rights groups and associations generally operated without government restriction, investigating and publishing their findings and conclusions that often were highly critical of the Government. Government officials often were unresponsive to their views and denied allegations of human rights abuses. The ICRC was active in the country.

The mandate of the Commission on Human Rights and Fundamental Liberties, which the Government created and funds, includes communication, advocacy, and investigation of human rights abuses. The Commission was restructured in 2002, and the Government added additional personnel; this restructuring appeared to limit the Commission's independence. During the year, the Commission provided human rights training to the military and hosted a human rights summit.

Section 5. Discrimination Based on Race, Sex, Disability, Language, or Social Status

The Constitution prohibits discrimination based on sex, social origin, race, ethnicity, or religion; however, in practice, there were instances of societal discrimination against women, children, ethnic minorities, and persons with disabilities, including limited economic and political opportunities. Despite strong government efforts to discourage discrimination against persons with HIV/AIDS, societal discrimination against such persons occurred.

Women.—Domestic violence against women was widespread, although reliable statistics were not available. Wife beating reportedly was common. Families often intervened to prevent the worst abuses, and women may (and did) divorce because of physical abuse. While women have the right to seek redress for violence in the customary or modern courts, few did so due to ignorance of the legal system, fear of social stigma, or fear of repudiation. Women's rights organizations reported that prostitution often was the only economic alternative for a woman who wanted to leave her husband.

Rape is a crime punishable by 10 to 30 years' imprisonment depending upon the circumstance and age of the victim. Reliable statistics were not available.

FGM was practiced by certain ethnic groups; approximately 20 percent of women in the country had undergone FGM, according to a 1999 World Health Organization global study. Clitoridectomy was the most common form of FGM. In May, as part of the reform to the Penal Code, the National Assembly passed previously rescinded legislation to criminalize FGM. Under the new law, those convicted of practicing FGM and their accomplices face prison sentences from 6 months to 3 years; if the victim of FGM dies, the practitioner can be sentenced from 10 to 20 year's imprisonment. The Government also took an active role in combating FGM and worked closely with a local NGO, UNICEF, and other donors to develop and distribute educational materials at government clinics and maternal health centers and participated in information seminars and publicity.

Prostitution, which is illegal and hidden, was more prevalent near major mining and military sites.

In May, as part of the reform to the Penal Code, sexual harassment was criminalized. Violators now face prison sentences from 3 to 6 months and fines from \$16.66 to \$166 (10,000 to 100,000 CFA francs). If the violator is in a position of authority, the prison sentence is from 3 months to 1 year and the fine is increased to from \$33.32 to \$332 (20,000 to 200,000 CFA francs).

Despite the Constitution's provisions for women's rights, deep-seated traditional and religious beliefs resulted in discrimination in education, employment, and property rights. Discrimination was worse in rural areas, where women did much of the subsistence farming as well as childrearing, water- and wood-gathering, and other work. Despite constituting 47 percent of the work force, women remained underrepresented in civil service and professional employment.

Legal rights as heads of household applied only to men; divorced or widowed women, even with children, were not considered to be heads of households. Among

the Hausa and Peul ethnic groups in the east, some women were cloistered and could leave their homes only if escorted by a male and usually only after dark.

National service, which lasted from 18 months to 2 years, was mandatory for all young men and women who completed university studies or professional training. Men were allowed to serve in the military as part of their national service obligation; however, even though women were allowed to serve in the military, they could meet their national service obligation only by serving as teachers, health service workers, or technical specialists.

The Ministry of Social Development has an office to promote and protect women's rights. The Government continued to work toward the passage of the Family Law, which addresses many fundamental rights of women.

Children.—Although the Constitution provides that the Government should promote children's welfare, financial resources for this purpose were extremely limited. The minimum period of compulsory education was 6 years; however, only approximately 32 percent of children of primary school age attended school, and approximately 60 percent of those who finished primary schools were boys. The majority of young girls were kept at home to work and were married at a young age, rarely attending school for more than a few years. This resulted in a female literacy rate of 7 percent compared with 21 percent for males. Literacy rates, particularly for girls, were even lower in rural areas.

Some ethnic groups allowed families to enter into marriage agreements under which young girls from rural areas were sent by the age of 10 or 12 and sometimes younger to join their husband's family under the tutelage of their mother-in-law.

FGM was performed on young girls in many parts of the country by certain ethnic groups (see Section 5, Women).

The trafficking of children, including for prostitution, was a problem (see Section 6.f.).

Child labor was a problem (see Section 6.d.).

Infanticide occurred, and 80 percent of the female prison population were charged with the crime. According to the Ministry of Justice, infanticide resulted from severe economic conditions.

In October, the National Assembly ratified two Optional Protocols concerning the Convention on the Rights of the Child: The Optional Protocol on the involvement of children in armed conflict, and the Optional Protocol on the sale of children, child prostitution, and child pornography.

Persons with Disabilities.—The Constitution mandates that the State provide for persons with disabilities; however, the Government had not implemented regulations to mandate accessibility to buildings, transportation, and education for those with special needs. Societal discrimination against persons with disabilities existed. Observers reported that many persons with mental disabilities were rejected by their families due to the stigma surrounding mental illness in the country.

National/Racial/Ethnic Minorities.—The Hausa and Djerma ethnic groups made up approximately 56 percent and 22 percent, respectively, of the country's population. These two groups also dominated government and business. Tandja Mamadou was the country's first president who is neither Hausa nor Djerma; however, Tuaregs, Arabs, Peuls, Toubous, and Kanouris had few representatives in the Government, and many of these ethnic groups asserted that the Hausa and Djerma groups discriminated against them. The Government increased education for ethnic minorities; health care for minorities was at the same level as the rest of the population. The Government was unable to accommodate the unique needs of nomadic persons, such as Tuaregs and many Peul, who continued to have less access to government services. During the annual Cure Salee festival of desert nomads, the Government provided medical and legal services; however, some nomads continued to be dissatisfied with government efforts to meet their needs.

In October, in the eastern region of Zinder, a group of Toubou killed six and injured three Tuaregs in apparent retaliation for a Tuareg attack the previous year that resulted in the deaths of two Toubou. Conflict between the two groups, who were nomadic herders, resulted from disputes over grazing areas and water points.

During the year, there were reports of continued banditry in the north that may have involved former Tuareg rebels (see Section 1.f.).

Limited security issues existed in the south as a result of continued conflict over land use between farming and herding groups.

Section 6. Worker Rights

a. The Right of Association.—The Constitution provides formal recognition of workers' right to establish and join trade unions; however, more than 95 percent of

the work force was employed in the nonunionized subsistence agricultural and small trading sectors.

The National Union of Nigerien Workers (USTN), a federation consisting of 38 unions, represented the majority of salary earners; most were government employees, such as civil servants, teachers, and employees in state-owned corporations. The USTN and affiliated National Union of Nigerien Teachers (SNEN) professed political autonomy, but they had informal ties to political parties. There were several breakaway union confederations and independent teachers' and magistrates' unions, including the Nigerien Labor Confederation (CNT), the Nigerien General Workers Union (UGTN), and the Democratic Confederation of Niger's Workers (CDTN). The police union remained suspended.

The Labor code prohibited antiunion discrimination by employers, and labor unions reported no such discrimination.

The USTN was a member of the Organization of African Trade Union Unity and was affiliated with the International Confederation of Free Trade Unions; it received assistance from some international unions. Individual unions such as the teachers union were affiliated with international trade union secretariats.

b. The Right to Organize and Bargain Collectively.—In addition to the Constitution and the Labor Code, there is a basic framework agreement between unions, employers, and the Government that defines all classes and categories of work, establishes basic conditions of work, and defines union activities. The Labor Code is based on International Labor Organization (ILO) principles, and it protects the right to organize. In private and state-owned enterprises, unions used their right to bargain collectively without government interference for wages above minimum and for more favorable work conditions. Collective bargaining also existed in the public sector. The USTN and CDTN represented civil servants in bargaining with the Government. Agreements between labor and management applied uniformly to all employees.

The Constitution provides for the right to strike, except for security forces and police, and workers exercised this right. The law specifies that labor must give notice and begin negotiations before work is stopped; public workers must maintain a minimum level of service during a strike; the Government can requisition workers to provide minimum service; and striking public sector workers may not be paid for the time they are on strike. The latter condition already prevailed in the private sector.

During the year, there were several strikes by education, health care, and customs workers, generally relating to fringe benefits and lack of good working conditions.

There are no export processing zones.

c. Prohibition of Forced or Bonded Labor.—The Labor Code prohibits forced or bonded labor, except by legally convicted prisoners; however, a traditional form of slavery or servitude still was practiced by the Tuareg and Arab ethnic minorities, particularly in remote northern regions and along the border with Nigeria. In May, the National Assembly criminalized slavery.

Persons were born into a traditionally subordinate caste and were expected to work without pay for those above them in the traditional social structure. According to Timidria, a local human rights NGO that actively worked against the practice, 7 percent of the population worked under such conditions. None of these individuals appeared to have been forced into slavery or servitude. Individuals could legally change their situations; however, most did not and accepted their circumstances. During the year, Timidria conducted a survey of 11,000 persons born into servitude; 80 percent indicated that the persons for whom they worked determined who they married and whether their children attended school.

On December 19, the ILO and a local NGO held a workshop on forced labor practices for traditional chiefs in Tahoua. The workshop was to include a symbolic ceremony in which nine members of a subordinate caste were to receive certificates of freedom. The workshop was allowed to continue; however, security forces interrupted the ceremony and temporarily seized equipment from journalists in attendance. Observers charged that the Government, which denies that slavery exists in the country, regarded the ceremony as a ploy for NGOs to gain notoriety and donations.

In 2002, a Tuareg man from Tanout claimed he was threatened with castration for planning a revolt against the person for whom he worked. After escaping and being forcibly returned to work by his community, he contacted a local NGO and was placed under government protection. The case was in the courts at year's end.

The Labor Code does not prohibit specifically forced and bonded labor by children, and there were credible reports of underage girls being drawn into prostitution and

of underage boys working as laborers in mines, slaughterhouses, and rice fields (see Sections 6.d. and 6.f.).

d. Status of Child Labor Practices and Minimum Age for Employment.—The law permits child labor in nonindustrialized enterprises under certain conditions; however, law and practice prohibit child labor in industrial work.

Child labor practically was nonexistent in the formal (wage) sector, and there were no known instances of the use of child labor in factories; however, children worked in the unregulated agricultural, commercial, and artisan sectors, and some—including foreign—youths were hired in homes as general helpers and baby sitters for very low pay. Children under the age of 14 must obtain special authorization to work, and those 14 to 18 years of age were limited to a maximum of 4½ hours per day and certain types of employment so schooling may continue. The law requires employers to ensure minimum sanitary working conditions for children. Ministry of Labor inspectors were responsible for enforcing child labor laws; however, resource constraints limited their ability to do so.

The majority of rural children regularly worked with their families from a very early age—helping in the fields, pounding grain, tending animals, getting firewood and water, and other similar tasks. Some children were kept out of school to guide a blind relative on begging rounds. Others sometimes were employed by Koranic teachers to beg in the streets (see Section 6.f.). During the year, 30 young boys were forced to work on a rice plantation for their Koranic teacher, according to a child rights group. Each boy earned \$1.66 a day (1,000 CFA francs), which was turned over to the teacher, who after several months purportedly left for Saudi Arabia with the money that the boys had earned. There was no official recognition of this labor.

Child labor also occurred in the largely unregulated gold mining sector and in slaughterhouses. The Ministry of Labor noted that children working in gold mines were particularly vulnerable to poor ventilation, collapse hazards, and insufficient lighting; they also were susceptible to alcohol and substance abuse. One local human rights group worked at a mine site to successfully eradicate the manual hauling of water by children to the mines and to build a school. In slaughterhouses, children were vulnerable to disease and accidents due to poor working conditions.

During the year, the Ministry of Labor, which was responsible for implementing ILO Convention 182 on the Worst Forms of Child Labor, worked with UNICEF and the International Program on the Elimination of Child Labor to complete the first phase of a program to determine the extent of the problem. The program addressed four areas: Improving conditions in underground gold mines around Komabongu; increasing awareness about child labor at the national slaughterhouse in Niamey; teaching marketable skills to street children in Birni N'konni; and reducing labor hours and teaching marketable skills to children who worked in agriculture on islands in the Niger River around Tillaberi.

Forced and bonded labor by children occurred (see Section 6.f.).

e. Acceptable Conditions of Work.—The Labor Code establishes a minimum wage for salaried workers of each class and category within the formal sector; however, minimum wages were not sufficient to provide a decent standard of living for workers and their families. The lowest minimum wage was \$33.33 (20,000 CFA francs) per month. Additional salary was granted at \$1.66 (1,000 CFA francs) per month per child. Government salaries have been largely paid on time, and past arrears have been paid down. Most households had multiple earners (largely in informal commerce) and relied on the extended family for support.

The legal workweek was 40 hours with a minimum of one 24-hour rest period; however, for certain occupations, the Ministry of Labor authorized longer workweeks of up to 72 hours. There were no reports of violations during the year.

The Labor Code also establishes occupational safety and health standards; however, due to staff shortages, inspectors focused on safety violations only in the most dangerous industries: Mining, building, and manufacturing. The gold mining industry was largely unregulated. Although generally satisfied with the safety equipment provided by employers, citing in particular adequate protection from radiation in the uranium mines, union workers in many cases were not well informed of the risks posed by their jobs. Workers have the right to remove themselves from hazardous conditions without fear of losing their jobs; however, in most cases this did not occur in practice.

The Labor Code protects both legal and illegal foreign workers and entitles them to remuneration from the employer even in the case of a labor dispute in the informal sector; however, claims by illegal workers were rare.

f. Trafficking in Persons.—The law does not prohibit trafficking in persons, and there were reports of trafficking. There also was evidence that the country is a transit point and destination for a small number of trafficked persons. Internal traf-

ficking occurred, and there was anecdotal evidence that clandestine networks victimized young girls who worked as household helpers.

During the year, the Government apprehended two groups who were trafficking boys and girls from Nigeria to Mali, although it was believed that their intended final destination was in north Africa or Europe. One of the groups was based in the country, but had connections to Sokoto and Kano in northern Nigeria, according to the Government. In August, the Nigerian traffickers were returned to Nigeria to face charges; the child victims also were repatriated to Nigeria.

Internal trafficking of young boys for labor and young girls for prostitution from rural to urban areas occurred. There were credible reports of underage girls being drawn into prostitution, sometimes with the complicity of the family. There were also reports that child prostitution was especially prevalent along the main East-West highway, particularly between the towns of Birni N'konni and Zinder. Child prostitution is not criminalized specifically, and there was no precise age of consent; however, the law prohibits "indecent" acts towards minors. It was left to a judge to determine what constituted an indecent act. Such activity and a corollary statute against "the incitement of minors to wrongdoing" were punishable by 3 to 5 years in prison.

There were also reports of internal trafficking that included the indenturing of boys to Koranic teachers. In response to economic hardship, some rural parents sent their sons to learn the Koran in the cities where, in return for their education, the boys supported their teachers by begging on the streets or doing manual labor (see Section 6.d.).

Trafficking in persons generally was conducted by small-time operators who promised well-paid employment in the country. Victims, primarily from neighboring countries, were escorted through the formalities of entering the country, where they found that their employment options were restricted to poorly paid domestic work or prostitution. Victims also must use a substantial portion of their income to reimburse the persons who brought them to the country for the cost of the trip. Compliance was enforced by "contracts," which were signed by illiterate victims before they departed their countries of origin; alternatively, the victim's travel document simply was seized. A local NGO also reported that some rural children were victims of domestic trafficking in which the victim (or his/her family) was promised a relatively decent job only to be placed in a home to work as a servant.

NIGERIA

Nigeria is a federal republic composed of 36 states and a capital territory, with an elected president and a bicameral legislature drawing their authority from the 1999 constitution. In April, President Olusegun Obasanjo of the Peoples Democratic Party (PDP) was reelected to a 4-year term after being declared winner in elections that international and domestic observers stated were marred by serious irregularities and fraud, including political violence. At year's end, opposition parties continued to challenge the election in court. The elections also resulted in the ruling PDP winning 70 percent of the seats in the national legislature and 75 percent of the state governorships. Although the judicial branch remained susceptible to executive and legislative branch pressures, the performance of the Supreme Court and decisions at the federal appellate level were indicative of growing independence. State and local judiciary were significantly influenced by political leaders and suffered from corruption and inefficiency more than the federal court system.

The Federal Nigeria Police Force (NPF) is tasked with law enforcement and the Inspector-General of Police (IGP) officially reported directly to the President. Internal security is the duty of the State Security Service (SSS), which reports to the President through the National Security Advisor. Police were unable to control ethno-religious violence on numerous occasions during the year, and the Government continued its reliance on the army in those cases. While civilian authorities generally maintained effective control of the security forces, there were some instances in which elements of the security forces acted outside the law. Security forces committed several serious human rights abuses.

The country's market-based economy grew 3.3 percent in real terms in 2002, and most credible estimates project a slight decline to 3.2 percent growth during the year. Inadequate infrastructure, endemic corruption, and general economic mismanagement hindered economic growth. Most of the population of approximately 130 million were rural and engaged in small-scale agriculture, which accounted for only 42 percent of gross domestic product (GDP). Increased unemployment was a problem. Much of the country's wealth remained concentrated in the hands of a

small elite. Corruption, nontransparent government contracting practices, and other systems favored the wealthy and politically influential, including: A banking system that impeded small and medium investor access to credit; and regulatory and tax regimes that were not always enforced impartially. Wages and benefits have not kept pace with inflation. The International Labor Organization (ILO) estimated that 91 million citizens lived below the poverty line and were subject to malnutrition and disease.

The Government's human rights record remained poor, and the Government continued to commit serious abuses. Elections held during the year were not generally judged free and fair and therefore abridged citizens' right to change their government. Security forces committed extrajudicial killings and used excessive force to apprehend criminal suspects, and to quell some protests. There were several politically-motivated killings by unknown persons during the year. Security forces regularly beat protesters, criminal suspects, detainees, and convicted prisoners; however, there were fewer reported incidents of torture by security agents than in previous years. Impunity was a problem. Shari'a courts sentenced persons to harsh punishments including amputations and death by stoning; however, no amputation or stoning sentences were carried out, and one of the judgments was dismissed on appeal during the year. Prison conditions were harsh and life threatening, and conditions contributed to the death of numerous inmates. Security forces continued to arbitrarily arrest and detain persons, including for political reasons. Prolonged pretrial detention remained a serious problem. The judicial system often was incapable of providing criminal suspects with speedy and fair trials. Government authorities occasionally infringed on citizens' privacy rights. The Government at times limited freedom of speech and press. The Government continued placing limits on freedom of assembly and association, citing security concerns. Some state governments placed limits on some religious rights, and some government programs discriminated between religious groups. The Government occasionally restricted freedom of movement for security reasons in areas of unrest and used lethal force at checkpoints. Domestic violence and discrimination against women remained widespread. Female genital mutilation (FGM) remained widely practiced in some parts of the country, and child abuse and child prostitution were common. Intercommunal violence remained a problem. Some militant members of the Ijaw ethnic group in the oil-producing Niger Delta region continued to commit serious abuses, including unlawful killings and kidnappings, leading to violent reprisal attacks by the Itsekiri ethnic group. Ethnic and regional discrimination remained widespread, and localized discrimination and violence against religious minorities persisted. Some restrictions on worker rights continued. Some persons, including children, were subjected to forced labor. Child labor continued to increase. Trafficking in persons for purposes of prostitution and forced labor was a problem, and collusion of government officials in trafficking was alleged. Vigilante violence continued throughout the country, particularly in parts of the South.

RESPECT FOR HUMAN RIGHTS

Section 1. Respect for the Integrity of the Person, Including Freedom From:

a. Arbitrary or Unlawful Deprivation of Life.—There were no political killings by security forces; however, national police, army, and security forces committed extrajudicial killings or used excessive force to apprehend criminals and to disperse protesters during the year, when crowds were perceived by police as possibly becoming violent. Multinational oil companies and domestic oil producing companies subcontracted police and soldiers from area units particularly to protect the oil facilities in the volatile Niger Delta region. Freelance security forces and former security forces accounted for a portion of the violent crime committed during the year. Police were instructed to use lethal force against suspected criminals and suspected vandals near oil pipelines in the Niger Delta Region.

The Federal anticrime taskforce, also known as "Operation Fire for Fire," was among the most frequent human rights offenders. Operation Fire for Fire was established in response to widespread public calls for the Government and police to address violent crime more vigorously. Police and anticrime taskforce personnel involved committed extrajudicial killings in the apprehension and detention of suspected criminals, and were instructed to use deadly force to subdue violent criminals. According to Inspector General of Police Tafa Balogun, from March 2002 until November, police killed more than 1,200 criminals and arrested more than 2,800. There were widespread complaints that Operation Fire for Fire has given a largely untrained police force broad latitude in using deadly force. In most cases, police officers were not held accountable for excessive or deadly force, or for the deaths of per-

sions in custody. They generally operated with impunity in the apprehension, illegal detention, and sometimes execution of criminal suspects (see Section 1.d.).

During the year, police, military, and anticrime personnel continued to regularly use lethal force against suspected criminals. For example, on May 2, a police officer reportedly opened fire on a commercial bus in Ado Ekiti, mistakenly killing two students, while searching for a fugitive. The policeman was arrested and detained but had not been formally charged at year's end.

On August 4, police reportedly killed three robbery suspects in Enugu State. The policemen alleged that the suspects were robbing passengers in a bus when they were caught. The policemen have not been arrested or detained for the killings.

On August 12, a police officer shot three suspects, accused of killing a police officer, while the suspects were in a jail in Kubwa. Police were investigating the shooting at year's end.

On September 8, the Bauchi State Police Command reported that police killed nine suspected armed robbers in various parts of the state: Four were killed in two separate shoot-outs, while the remaining five were killed while in custody in a police van to prevent their escape.

The policeman accused of the 2002 shooting of Ikenna Asikaburu, an 18-year-old student in Lagos, was dismissed from the force, but no compensation has yet been paid to the family.

Criminal suspects died from unnatural causes while in official custody, usually as the result of neglect and harsh treatment (see Section 1.c.). On May 12, a police sergeant allegedly tortured to death Haruna Mohammed while he was in custody in Bauchi. Mohammed was being held on suspicion of stealing \$75 (10,000 naira) from the Speaker of the State House of Assembly. The Bauchi House of Assembly formally petitioned the state police commissioner for an investigation. There were no further developments by year's end. There were only a few cases in which members of the police were held accountable for abuses. Harsh and life-threatening prison conditions and denial of proper medical treatment also contributed to the deaths of numerous inmates.

Security forces committed other unlawful killings during the year. Due to the large number of civilian deaths by police, armed police in public arguments often found themselves in the middle of large crowds that occasionally took revenge. In many cases, police accidentally killed persons while attempting to disperse crowds. For example, on January 24, a gin seller called police to assist in collecting a debt. In the ensuing argument, a policeman shot and killed the debtor's pregnant wife. The officer was taken into custody and was awaiting trial at year's end.

On May 14, in Edo State, a policeman argued with a commercial motorcycle rider, and a crowd formed. The policeman attempted to disperse the crowd by firing into the air, but killed two persons. An investigation was pending at year's end.

Violence and lethal force at police and military roadblocks and checkpoints continued during the year. For example, on May 19, police shot an Ebonyi State Medical student at a checkpoint after being arrested for refusing to pay a \$0.08 (10 naira) bribe. The policeman was arrested.

On June 25, a policeman shot and killed the driver of a commercial bus in Jigawa State, after the driver refused to pay a \$0.15 (20 naira) bribe. Police were investigating the shooting at year's end.

On September 8, soldiers shot a motorcycle operator who refused to pay a \$0.15 (20 naira) bribe at a checkpoint in Delta State. The Committee for the Defense of Human Rights (CDHR) reported that military officials originally tried to claim that the individual was an armed robber to cover-up the incident. The Nigerian Bar Association called upon the Chief of Army staff to financially compensate the family of the deceased and discipline and prosecute the responsible soldiers. One soldier was transferred.

Police and military personnel used excessive force and sometimes deadly force in the suppression of civil unrest, property vandalization, and interethnic violence, primarily in the oil and gas areas of the States of the Niger Delta and in Plateau State (see Sections 2.b., 5, and 6.b.). Although less frequent than in previous years, there were reported occurrences of summary executions, assaults, and other abuses carried out by military personnel and paramilitary mobile police across the Niger Delta. The Ondo State government had not released its report into the 2002 killing of four women on oil production platforms by year's end.

In mid-August, the Government began "Operation Restore Hope," a joint task force comprised of approximately 5,000 army, naval, air force, and mobile police personnel under the command of Army General Zamani, in response to violence in the Niger Delta region (see Section 5). Military personnel and youths have had repeated small-scale skirmishes, with total estimated casualties on both sides reaching 1,000

for the year. Many human rights organizations have accused the military and police of harassment, extortion, and excessive use of force during Operation Restore Hope.

In response to public pressure or formal requests from state governments, the Federal Government continued to deploy the army in troubled areas during the year. In September, after 2 years, the Government withdrew military forces from Plateau State. During the elections, the military was deployed, along with paramilitary and police, to maintain order in population centers throughout the country. There were reports that soldiers from some units committed serious abuses while performing this policing role, although the number of such incidents decreased from the previous year.

The Benue Commission established in 2002 to investigate the October 2001 killing of approximately 200 civilians, rape, extortion, and looting in Benue State by soldiers had not published its report and findings by year's end.

No action was taken against security forces in the following 2002 cases: The January killing of 3 persons in Bayelsa State; the February killing of 15 youths in Delta State; the March killing of up to 25 persons in Katsina State; the April killing of Flight Sergeant Augustine Ogbolu in Ondo State; the May killing of University of Lagos students Gbenga Akinmogan and Shakirat Owolabi; the June killing of Agene Akinrinde in Lagos; the June killing of Oluwatosin Adelugba at a Lagos checkpoint; the August killing of John Osazuwa in Edo State; and the October Joint Security Taskforce killing of 6 civilians during a communal clash in Plateau State.

No action was taken against security forces in the reported 2001 cases.

On February 24, the Federal High Court ruled that Mohammed Abacha, former President General Sani Abacha's son, could be arrested and tried for the 1996 attempted murders of Abraham Adesanya, leader of Afenifere, and Alex Ibru, publisher of the Guardian newspaper. Abacha was confined to the city of Kano at year's end.

There were several killings by unknown persons that may have been politically motivated. For example, on February 22, unknown persons shot and killed Uche Ogbonnaya, an opposition All Nigerian Peoples Party (ANPP) Senatorial candidate in Imo state, in his home in Owerri.

On March 5, unknown persons killed Marshall Harry, a National Vice Chairman of the ANPP who formerly was a prominent member of the ruling PDP. Shortly before his death, Harry alleged that Rivers State Governor Peter Odili's men were intimidating political opponents and called on police to protect his party members from these "political thugs." Although some arrests were made in connection with the killings, no one was formally charged. Harry's daughter, an eyewitness to the killings, publicly stated that the persons arrested were not the perpetrators.

There were no known developments in the following 2002 cases of politically motivated killings by unknown assailants: the June killing of magistrate Maria Theresa Nsa in Cross River State; the August killing of Victor Nwankwo in Enugu State; the October killing of gubernatorial candidate Dele Arojo; and the October killing of Professor Chimere Ikokuwu in Enugu State.

In October 2002, 11 of 27 suspects were charged with the murder of Justice Minister Bola Ige. The trial of 6 of the 11, including Senator Iyiola Omisore, who was elected in Osun State while in detention, started in March at an Ibadan high court. The trial started and stopped several times, and two judges resigned due to pressure and threats. The remaining five persons charged were still in detention pending the start of their trial at year's end.

Killings carried out by organized gangs of armed robbers remained common during the year. In most southeastern states, state governments supported vigilante groups, the most well-known of which was the "Bakassi Boys," officially known as the Anambra State Vigilante Service. Like most vigilante groups, the Bakassi Boys killed suspected criminals rather than turn them over to police. The influence of the Bakassi Boys diminished during the year.

Other organized vigilante groups in large cities, particularly Lagos and Kano, continued to commit numerous killings of suspected criminals. These vigilante groups engaged in lengthy and well-organized attempts to apprehend criminals after the commission of the alleged offenses. For example, on February 16, a vigilante group in Kano along with police killed three suspected robbers in a shoot-out.

On October 30, the Akwa Ibom State Police Command officially authorized the formation of vigilante groups by local communities for the purpose of hunting down armed bandits.

No action was taken against members of vigilante groups who killed or injured persons during the year or in previous years, although police reportedly harassed members of such groups. Unlike in previous years, there were no reports of "torture chambers" operated by the Bakassi Boys.

Reports of street mobs apprehending and killing suspected criminals diminished during the year, and there were no developments in cases from previous years. The practice of “necklacing” criminals (placing a gasoline-soaked tire around a victim’s neck or torso and then igniting it, burning the victim to death) also declined.

Politically-related violence occurred throughout the country from January through May. For example, on February 16, a clash between ANPP and PDP supporters in Benue State left seven persons dead.

During the May 3 state elections in Delta State, eight persons were killed at the polls: five in Burutu, two in Ozoro, and one in Oleh.

There were no developments in the following 2002 cases: the June killing of 2 persons in Delta State during a local PDP caucus; the July killing of 4 to 8 persons in primary-related violence in Bayelsa State; the unconfirmed killing of 50 persons in Bayelsa State in violence between two rival gangs; and the August killing of the Kwara PDP chairman.

The trial for the September 2002 murder of Barnabas Igwe, Chairman of the Anambra State branch of the Nigerian Bar Association, and his wife did not begin by year’s end.

Lethal interethnic, intraethnic, and interreligious violence occurred at diminished levels from previous years (see Section 5). Sporadic communal violence continued between Tivs, Jukuns, and other tribes in Adamawa, Kogi, Edo, Delta, Nassarawa, and Plateau States during the year, killing hundreds of persons.

During the year, rivalry and fighting between and among rival student affinity groups, commonly known as cults, in higher institutions led to the killing of persons and destruction of property. Cultism was on the rise, especially in the South and Middle Belt States, and seemed to coincide with the end of the 6-month national strike by university educators that kept most universities closed during the school year. For example, cultists killed a lecturer and four students at the University of Ilorin in Kwara State during the first 2 weeks of May.

Between July 6 and July 8, eight students were killed at Ebonyi State University, just 2 weeks after it reopened, forcing the school to close indefinitely.

There was no resolution in the 2002 cases involving deaths in cult clashes.

b. Disappearance.—There were reports of politically motivated disappearances during the year.

On May 24, government security operatives detained one of the imams from the Kaduna Central Mosque for allegedly inciting violence in advance of President Obasanjo’s May 29 inauguration. His supporters won a decision from the Kaduna High Court ordering the Government to produce him in court. The Government did not respond to the order, and the Imam remained missing at year’s end, presumed to be in detention.

On July 10, Mobile Police abducted Anambra State Governor Chris Ngige, forced his resignation, and held him for 5 hours. Ngige, a member of the ruling PDP, had allegedly pre-signed an undated resignation letter and had given it to Chris Uba, his political godfather. (A political godfather uses bribery and blackmail to help another person to obtain political office in exchange for receiving favors, usually contracts). Uba, with the aid of the Deputy Governor Okey Udeh and others, attempted to forcibly remove Ngige from office. On August 7, as prescribed by the 1999 Anambra State Constitution, a seven-member panel was convened to investigate allegations of “gross misconduct” by Udeh. On August 25, the Federal High Court ordered the panel to halt proceedings based on a motion filed by Udeh. The panel ignored the order and submitted its findings to the State House of Assembly. On September 9, the State House of Assembly voted to impeach Udeh. Udeh filed another suit with the Federal High Court claiming that his impeachment was unconstitutional, questioning the jurisdiction of the panel and State House of Assembly to move for his impeachment. On September 16, the Anambra State High Court issued an ex-parte order to terminate the previous Federal High Court order ceasing impeachment proceedings. On September 20, the Federal Government agreed to abide by the terms of the ex-parte order pending a ruling from a superior court. Legal proceedings were pending at year’s end.

Members of ethnic groups in the oil-producing areas continued to kidnap foreign and local employees and contractors of oil companies, allegedly to press demands for increased redistribution of wealth generated by joint ventures with the state-controlled petroleum corporation. Most often the kidnappers simply demanded ransom likely to be used for personal gain, or to finance armed aggression between rival ethnic factions in the Niger Delta, particularly the Ijaw and Itsekiri. In all instances, the victims were released unharmed after negotiations between the captors and the oil firms or after the intervention of security forces. In previous years, the firms usually paid ransom and promised improved conditions; however, during the year, the major oil producers have refused ransom demands.

Some kidnappings, particularly in the Delta, appear to have been part of long-standing ethnic disputes over resources. Due to limited manpower and resources, police and armed forces rarely were able to confront the perpetrators of these acts, especially in the volatile Delta region. For example, on January 14, unknown assailants kidnapped the Edo State ANPP Chairman from his office in Benin City and held him for 2 days.

On January 28, unknown assailants kidnapped the traditional ruler of Aiyetoro Ota in Ogun State and held him for 3 weeks.

On July 31, armed Ijaw youths kidnapped and later released a local Chevron worker outside of his home in Warri. Chevron reportedly refused to accede to ransom for any kidnapped employee, local or expatriate, at the request of the Government.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The Constitution prohibits such practices, and the law provides for punishment of such abuses; however, during the year, police, military, and security force officers regularly beat protesters, criminal suspects, detainees, and convicted prisoners. Police regularly physically mistreated civilians in attempts to extort money from them. The law prohibits the introduction into trials of evidence and confessions obtained through torture. In some cases, persons died from torture in custody (see Section 1.a.).

Different formulations for criminal law of Islamic Shari'a were in place in 12 northern states (see Section 2.c.). Shari'a courts delivered "hudud" sentences such as amputation for theft, caning for fornication and public drunkenness, and death by stoning for adultery. No state prescribes hudud punishments for apostasy. Because no applicable case has been appealed to the federal level, federal appellate courts have yet to decide whether such punishments violate the Constitution (see Section 1.e.). Caning is also a punishment under common law in the Northern region Penal Code and has not been challenged in the courts as a violation of the Constitution. In some cases, convicted persons are allowed to choose to pay a fine or go to jail in place of receiving strokes of the cane. These sentences were usually carried out immediately, while all sentences involving mutilation or death allow 30 days for appeal.

On October 1, a Shari'a court in Zamfara State sentenced Shafaiatu Tukur to 30 cane strokes and a \$60 (8,000 naira) fine for arson. Tukur was given the option of a 5-year prison sentence instead. Her decision had not been announced by year's end.

Stoning and amputation sentences have been overturned on procedural or evidentiary grounds, but not on constitutional grounds. For example, on September 25, the Katsina State Shari'a Court of Appeal overturned Amina Lawal's conviction of adultery on the grounds that she had not been allowed an appropriate defense by the lower court. No death sentences were carried out during the year.

During the year, there were at least 44 cases in 5 states with sentences of stoning or amputation pending appeal or sentence implementation. No stoning or amputation sentences were carried out during the year.

There was no update in the 2002 charge that 20 Movement for the Actualization of the Sovereign State of Biafra (MASSOB) activists were detained unlawfully and tortured in Imo State.

During the year, security forces beat persons. For example, on January 25, a suspected rapist briefly escaped custody in Ogun State. Four policemen in a neighboring compound caught the suspect and beat him severely. No investigation occurred by year's end.

On December 8, after an attempted impeachment of the Speaker of the House, mobile policemen beat three state legislators in the Ekiti State Assembly while clearing the chambers to maintain order.

No investigation occurred in the 2002 beating of five commercial motorcycle operators in Lagos by police officers and soldiers, or in the 2002 alleged beating of 800 women trespassing on the grounds of the headquarters of Shell and Chevron-Texaco by security forces.

Security forces beat journalists during the year (see Section 2.a.).

On September 5, two policemen were arrested in Lagos for allegedly raping prostitutes they had arrested.

Although there were numerous ethnic clashes during the year (see Section 5), the number of persons who were beaten or injured severely was lower than in previous years. The military was able to respond quickly, due largely to the fact that military units were already deployed in some areas when violence broke out. Police generally lacked the resources to control communal violence.

Hamza Al Mustapha, Muhammed Rabo Lawal, Colonel Yakubu, Ishaya Bamaïyi, and James Danbaba remained in detention under the secular criminal system as

suspects in the attempted murder of Ibru. The trial slowly moved forward during the year, with five witnesses testifying for the prosecution and bail formally being denied for the suspects. Lateef Shofolahan, Mohammed Aminu, and Barnabas ("Rogers") Msheilia were released from detention during the year.

Prison and detention conditions remained harsh and life threatening. Most prisons were built 70 to 80 years ago and lacked functioning basic facilities. Lack of potable water, inadequate sewage facilities, and severe overcrowding resulted in unhealthy and dangerous sanitary conditions. Some prisons held 200 to 300 percent more persons than their designed capacity. The Government acknowledged overcrowding as the main cause of the harsh conditions common in the prison system. The Comptroller-General of Prisons stated on September 23 that 40,447 inmates were held in a system of 148 prisons and 83 satellite prisons, and he redesignated prisoner capacity, declaring the new capacity to be 44,556 prisoners. Some human rights groups estimated a higher number of inmates, perhaps as many as 60,000. Excessive pretrial detention contributed to the overcrowding (see Section 1.d.).

Disease was pervasive in the cramped, poorly ventilated facilities, and chronic shortages of medical supplies were reported. Prison inmates were allowed outside their cells for recreation or exercise only irregularly, and many inmates had to provide their own food. Only those with money or whose relatives brought food regularly had sufficient food; petty corruption among prison officials made it difficult for money provided for food to reach prisoners. Poor inmates often relied on handouts from others to survive. Beds or mattresses were not provided to many inmates, forcing them to sleep on concrete floors, often without a blanket. Prison officials, police, and security forces often denied inmates food and medical treatment as a form of punishment or to extort money from them. Harsh conditions and denial of proper medical treatment contributed to the deaths of numerous prisoners. According to the NGO Prisoners Rehabilitation and Welfare Action (PRAWA), dead inmates promptly were buried on the prison compounds, usually without notifying their families. A nationwide estimate of the number of inmates who die in the country's prisons was difficult to obtain because of poor record keeping by prison officials. PRAWA and other NGOs alleged that prison conditions were worse in rural areas than in urban districts.

In January, 56 inmates in Lagos were placed in intensive care in Lagos prisons after a tuberculosis outbreak. There was no update on their condition by year's end.

In practice, women and juveniles were held with male prisoners, especially in rural areas. The extent of abuse in these conditions was unknown. In most cases, women accused of minor offenses were released on bail; however, women accused of serious offenses were detained. Although the law stipulates children shall not be imprisoned, juvenile offenders were routinely incarcerated along with adult criminals. There was no formalized procedure regarding the separation of detainees and convicted prisoners, and the method of confinement depended solely on the capacity of the facility; as a result, detainees often were housed with convicted prisoners.

The Ministry of Justice worked to create a judicial administration committee to address the questions of overcrowding, prison conditions, and rehabilitation. The NHRC also urged the Government and police not to detain persons in civil cases.

The Government allowed international and domestic NGOs, including PRAWA and the International Committee of the Red Cross (ICRC), regular access to prisons. PRAWA and the ICRC published newsletters on their work. The Government admitted that there were problems with its incarceration and rehabilitation programs and worked with groups such as these to address those problems. Unlike in previous years, no NGOs reported problems with access to prisons.

d. Arbitrary Arrest, Detention, or Exile.—The Constitution prohibits arbitrary arrest and detention; however, security forces generally did not observe these prohibitions. Police and security forces continued to use arbitrary arrest and detention.

The Nigerian Police Force (NPF) is tasked with law enforcement, and the Inspector-General officially reported directly to the President. Each state unit was commanded by an Assistant Inspector General. The Constitution prohibits local and state police forces. The NPF continued its aggressive anti-crime campaign dubbed "Operation Fire for Fire," which was responsible for human rights abuses and did not noticeably decrease the incidents of violent crime nationwide (see Section 1.a.). Corruption was rampant, usually taking the form of bribes at highway checkpoints, and more than 250 police were arrested during the year and another 300 dismissed from service for corruption. In addition, more than 30 officers around the country were arrested in connection with armed robbery.

Police and security forces were empowered to make arrests without warrants based on a reasonable suspicion that a person had committed an offense; they often abused this power. Under the law, police may arrest and detain persons for 24 hours before charging them with an offense. The law requires an arresting officer

to inform the accused of charges at the time of arrest and to take the accused to a police station for processing within a reasonable amount of time. By law, police must provide suspects with the opportunity to engage counsel and post bail. However, police generally did not adhere to these procedures. Suspects routinely were detained without being informed of the charges, denied access to counsel and family members, and denied the opportunity to post bail for bailable offenses. Detainees often were kept incommunicado for long periods of time. The provision for bail often was arbitrary or subject to extrajudicial influence. In many parts of the country, there was no functioning system of bail, so suspects were held in investigative detention for sustained periods of time. Numerous suspects alleged that police demanded payment before they were taken to court to have their cases heard. If family members attended court proceedings, police often demanded an additional payment.

There were several politically-motivated arrests during the year. For example, in December 2002, police arrested Festus Keyamo, the leader of Movement for the Actualization of the Future Republic of the Niger Delta. Amnesty International reported that Keyamo was held incommunicado; denied medical assistance, adequate food, and clothes; and was likely detained for his political beliefs in seeking autonomy for the Niger Delta region. On February 3, police released Keyamo.

On April 13, security agents arrested and detained James Bawa Magaji, an ANPP senatorial candidate, for 7 days for "protesting and reporting" the discovery of ballot boxes to the Kaduna Police Command. Magaji and ANPP supporters discovered that ballot boxes were kept in the warehouse of the state government instead of Independent National Electoral Commission (INEC).

On April 19, security agents arrested UNPP Gubernatorial Candidate in Katsina State, Colonel Abdul Mummin Aminu, for electoral malpractices after Aminu reported to the police that ballot boxes had been taken to the home of the local government chairman instead of the INEC counting center. When diplomatic and international election observers arrived, the house containing the boxes was burned to the ground. Aminu was released four weeks later.

Security forces detained journalists on a few occasions during the year (see Section 2.a.).

On September 11, security agents arrested Ali Rugange, a politician with the opposition ANPP, a photographer, and their driver for taking pictures in an attempted survey of personal properties belonging to the Vice President in Adamawa State. The two were not charged and Rugange filed suit for unlawful detention. Police stated the arrest was for "attempted mischief." A local court awarded Rugange \$385 (50,000 naira) to be paid by the police for wrongful arrest.

During the year, police arrested labor leaders during strikes (see Section 6.b.).

There were no updates in the following 2002 cases: the February suit against the Anambra State Police Commissioner alleging illegal arrest and detention filed by attorney Olusoga Omotayo; the June suit against five police officers and a traditional ruler in Enugu filed by Ibrahim Onuomada, a PDP youth leader; and the September raiding of MASSOB's headquarters by mobile policemen with alleged arrests of more than 1,000 members.

Members of the Oodua People's Congress (OPC) continued to be arrested and detained without trial. Although relations with police were markedly improved and OPC operated freely, they reported that 30 to 50 members were placed in custody during the year. Others were charged as armed robbers and tried accordingly.

Persons who happened to be in the vicinity of a crime when it was committed normally were held for interrogation for periods ranging from a few hours to several months. After their release, those detained frequently were asked to return repeatedly for further questioning. For example, on February 13, 17 persons were detained and on February 18, 14 more were detained in the investigation into the Idumagbo explosion in Lagos, in which 33 persons died. The persons detained were neighbors to the explosion site and employees of neighboring companies, and detentions lasted from 2 days to several weeks.

Lengthy pretrial detention remained a serious problem. Serious backlogs, endemic corruption, and undue political influence continued to hamper the judicial system (see Section 1.e.). On September 23, the Controller-General of prisons stated that 25,380, approximately 63 percent, of prisoners were detainees awaiting trial who had not been charged; other sources placed the number as high as 80 percent. Some had been waiting as long as 12 years, while many had approached the maximum length of their sentences. Multiple adjournments in some cases had led to serious delays. The NHRC urged the courts, the Ministry of Justice, and police to expedite cases awaiting trial. Police cited their inability to securely transport detainees to trial on their trial dates as one reason why so many were denied a trial. The NHRC reported that some detainees were held because their case files had been lost. Some

state governments released inmates detained for significant periods of time without trial, including 100 inmates in Edo State and 17 inmates in Akwa Ibom, during the year.

There were no developments in the 2002 suit filed by hundreds of inmates awaiting trial in Lagos challenging the constitutionality the criminal procedure invoked by magistrates to remand them to prison without standing trial. Most remained in detention at year's end.

Ismaila Gwarzo, national security advisor to former President Abacha, remained restricted to his hometown in Kano State at year's end.

The Constitution prohibits the expulsion of citizens, and the Government did not use forced exile. Many citizens who had lived abroad due to fear of persecution under previous military regimes continued to return to the country during the year.

e. Denial of Fair Public Trial.—The Constitution provides for an independent judiciary; however, the judicial branch remained susceptible to executive and legislative branch pressure. Decisions at the federal level were indicative of greater independence. The judiciary was influenced by political leaders particularly at the state and local levels. Understaffing, underfunding, inefficiency, and corruption continued to prevent the judiciary from functioning adequately. Citizens encountered long delays and frequent requests from judicial officials for small bribes to expedite cases.

The Ministry of Justice implemented strict requirements for level of education and length of service for judges at the Federal and State level. However, there were no requirements or monitoring body for judges at the local level, and this led to significant corruption and miscarriages of justice.

The recommendations of the 1993 Esho Panel, set up to investigate corruption in the judiciary, called for the "withdrawal" of 47 judicial officials. No judges have been removed for irregularities cited in the Panel's report; however, Justice Usman Kuserki was removed on January 23 for his July 2002 aborting of the ANPP national convention. During the PDP convention the 21 PDP governors threatened to take their states' votes away from the president if he did not make certain concessions. For nearly 24 hours it appeared that the Vice President was thinking about breaking ranks and fighting against the president for the nomination. In the middle of the night, Obasanjo contacted this judge to get an order to stop the convention so that he would not have to give in to the governors to get his nomination. The judge refused and was dismissed within weeks, purportedly due to his actions regarding the ANPP convention 7 months earlier.

The regular court system is composed of federal and state trial courts, state appeals courts, the Federal Court of Appeal, and the Federal Supreme Court. There are Shari'a (Islamic) and customary (traditional) courts of appeal in states that use those bases for civil or criminal law, including in the Federal Capital Territory (Abuja). Courts of the first instance include magistrate or district courts, customary or traditional courts, Shari'a courts, and for some specified cases, the state high courts. The Constitution also provides that the Government establish a Federal Shari'a Court of Appeal and Final Court of Appeal; however, the Government had not yet established such courts by year's end. The nature of the case usually determined which court had jurisdiction. In principle, customary and Shari'a courts had jurisdiction only if both plaintiff and defendant agree; however, in practice, fear of legal costs, delays, distance to alternative venues, and individual preference caused many litigants to choose the customary and Shari'a courts over other venues. In some states, cases involving only Muslims must be heard by a Shari'a court. Other states with Shari'a law still permitted Muslims to choose common law courts for criminal cases; however, societal pressure forced most Muslims to use the Shari'a court system.

According to the Constitution, persons charged with offenses have the right to an expeditious trial. Criminal justice procedures call for trial within 3 months of arraignment for most categories of crimes; however, there were considerable delays, often stretching to several years, in bringing suspects to trial (see Section 1.d.). Most detainees were poor and could not afford to pay the costs associated with moving their trials forward, and as a result they remained in prison. Wealthier defendants employed numerous delay tactics and in many cases used financial inducements to persuade judges to grant numerous continuances. Such practices clogged the court calendar and prevented trials from starting.

Trials in the regular court system were public and generally respected constitutionally protected individual rights in criminal cases, including a presumption of innocence, and the right to be present, to confront witnesses, to present evidence, and to be represented by legal counsel. However, there was a widespread perception that judges easily were bribed or "settled," and that litigants could not rely on the courts to render impartial judgments. Many courts were understaffed, and personnel were paid poorly. Judges frequently failed to appear for trials, often because they were

pursuing other means of income. In addition, court officials often lacked the proper equipment, training, and motivation to perform their duties, again primarily due to inadequate compensation.

In both common law and Shari'a courts, indigent persons without legal representation were more likely to have their sentences carried out immediately upon being sentenced, although all accused persons have the right to appeal. The Government instituted a panel of legal scholars to draft a uniform Shari'a criminal statute to replace divergent Shari'a statutes adopted by various northern states; however, states continued to apply their individual codes.

There were no legal provisions barring women or other groups from testifying in civil court or giving their testimony less weight; however, the testimony of women and non-Muslims usually was accorded less weight in Shari'a courts. In violation of mainstream Shari'a jurisprudence, some Khadi judges subjected women to harsh sentences for fornication or adultery based solely upon the fact of pregnancy, while men were not convicted without eyewitnesses unless they confessed.

There were no developments in the 2002 Human Rights Violations Investigation Panel (HRVIP) recommendations regarding the possible reversal of the Auta Tribunal's conviction Saro-Wiwa and the Ogoni-9 in 1995.

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home or Correspondence.—The Constitution prohibits such actions; however, authorities at times continued to infringe on these rights.

Mobile police reportedly raided Movement for the Survival of the Ogoni People (MOSOP) leader Ledum Mitee's residence, claiming they were searching for hidden weapons. A search of the residence did not yield any weapons. Mitee was not arrested.

Police and security forces continued the practice of placing relatives and friends of wanted suspects in detention without criminal charge to induce suspects to surrender to arrest. Human rights groups called for police to end the practice.

Purdah, the practice of keeping girls and women in seclusion from men outside the family, continued in parts of the country, which restricted the freedom of movement of women.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution provides for freedom of speech and of the press; however, the Government at times limited these rights. Some journalists practiced self-censorship.

The Government owned and controlled most of the electronic media and some publications; however, there was also a large and vibrant private domestic press that frequently was critical of the Government. There were two national, government-owned daily newspapers in English, the *New Nigerian* and the *Daily Times*. The *New Nigerian* published an additional Hausa edition. Several states owned daily or weekly newspapers that also are published in English. They tended to be produced poorly, had limited circulation, and required large state subsidies to continue operating. By year's end, there were more than 10 major daily newspapers, 5 weekly newsmagazines, and several sensational evening newspapers and tabloid publications.

Because newspapers and television were relatively expensive and literacy levels were low, radio remained the most important medium of mass communication and information. There was a government-owned national radio broadcaster, the Federal Radio Corporation of Nigeria, which broadcast in English, Hausa, Yoruba, Igbo, and other languages; 51 state radio stations broadcast in English and local languages. The NBC, the body responsible for the deregulation and monitoring of the broadcast media did not license any new private radio stations during the year. There were eight private radio stations operating during the year.

The National Television Station, NTA, was federally owned, and 30 states also operated television stations. There were nine privately owned television stations that broadcast domestic news and political commentary. There were two private satellite television services. The law requires that local television stations limit programming from other countries to 40 percent and restricted the foreign content of satellite broadcasting to 20 percent; however, the Government did not restrict access to, or reception of, international cable or satellite television.

International broadcasting, principally Voice of America and British Broadcasting Corporation, as well as *Deutsche Welle* and others, broadcast in English and Hausa and were an important source of news in the country. During the year, two international broadcasting organizations reported that their accreditation renewals initially were denied but they later were allowed to reapply.

During the year, there were cases of threats against and attacks on the press. On August 22, police arrested The Source reporter, Lawson Heyford, after he reported on communal clashes in Rivers state. Police detained Heyford for 4 days and was reportedly interrogated about his naming alleged responsible parties.

On August 30, police severely beat Daily Independent newspaper photographer, Akintunde Akinleye, on live television during the celebration of the Lagos traditional ruler's coronation. He regained consciousness and was released from the hospital one week later. Vice President Abubakar Atiku publicly apologized for the assault and paid compensation.

In 2002, Zamfara State Government rescinded the fatwa death sentence issued by the Deputy Governor on Isioma Daniels, one of the journalists responsible for an article about the Miss World Pageant that sparked violence in Kaduna (see Section 2.c.). Several small Islamic groups announced forgiveness of the journalist during the year.

There were no further known developments in the following 2002 cases: the February beating of a journalist by 10 policemen in Lagos or the arrest warrant for the Daily Times' managing director and editor for publishing negative stories about the Kogi State Governor.

There were no further known developments in the reported 2001 cases.

Editors reported that government security officers sometimes visited or called to demand information about a story or source; however, journalists and editors no longer feared suspension or imprisonment for their editorial decisions. Local NGOs suggested that newspaper editors and owners underreported actual human rights abuses and killings due in part to self-censorship. State broadcasters and journalists remained important tools for governors; these officials used the state-owned media to showcase the state's accomplishments and to promote their own political goals.

On February 4, Senator Jonathan Zwingina announced that the Senate had repealed Decree 60 creating the Press Council, which was charged with the enforcement of professional ethics and the sanctioning of journalists who violated these ethics. However, on July 14, the House of Representatives announced new rules for journalists covering the National Assembly that requires all material to be cleared before publication.

On June 30, security operatives bought hundreds of copies of TELL magazine in Abeokuta, Ogun State, in an attempt to limit the circulation of the magazine, which carried an article alleging corruption by the President and Vice President.

On November 24, three editors from the weekly news magazine the Insider were arrested and charged on November 26 with sedition and criminal defamation in relation to an article published in the magazine alleging the involvement of government officials in questionable oil deals. The three were released on bail and the case adjourned until 2004.

On December 28, the Deputy Governor of Kano State sued the Sun newspaper for libel. The paper alleged the deputy governor's involvement in a bribery scandal. Many journalists cited the libel laws as the main reason they practiced self-censorship.

While private television and radio broadcasters remained economically viable on some advertising revenues and business interests of the owners', despite the restrictions that the Government imposed on them, government-sponsored broadcasting companies complained that government funding and advertising were inadequate for their needs.

Foreign journalists who sought to enter the country to cover political developments generally have been able to obtain visas; however, they sometimes experienced multiple month-long delays, were issued only single entry visas, and forced to pay bribes to expedite visa processing. In March, the SSS briefly detained and harassed New York Times reporter Somini Sengupta and her two photographers in connection with reporting on clashes between Ijaw youths and the military near in Delta State.

There were no developments in the 2002 government announcement that Time (International) magazine reporter Stephen Faris was subject to arrest for publishing a "false" report, which President Obasanjo's investigative panel concluded was intended to damage the nation's international image.

The Government did not restrict Internet access, although unreliable and costly telephone service limited access and hindered service providers. Government-owned NITEL operated an Internet Source Provider (ISP) that competed with dozens of privately owned ISPs.

The Government continued to restrict academic freedom by controlling curriculum at all levels including mandating religious instruction, and the quality of secondary education remained poor. Student groups alleged that numerous strikes, inadequate facilities, and the rise of cultism (or gangs) on campuses, particularly in the South,

continued to hamper educational progress (see Section 1.a.). On several occasions during the year, police forces harassed and arrested students during protests (see Section 2.b.).

b. Freedom of Peaceful Assembly and Association.—The Constitution provides for freedom of assembly, and the Government generally respected this right, although some limits remained. In areas that experienced communal violence, police and security forces permitted public meetings and demonstrations on a case-by-case basis.

The Government continued to nominally require organizers of outdoor public functions to apply for permits, although both government authorities and those assembling often ignored this requirement.

The Government retained legal provisions banning gatherings whose political, ethnic, or religious content might lead to unrest. Open-air religious services away from places of worship remained prohibited in many states due to fears that they might heighten inter-religious tensions. The Ondo State ban on open-air religious events remained in effect during the year, and the Kaduna State government ban on processions, rallies, demonstrations, and meetings in public places still was being enforced on a case-by-case basis. A security forces committee ban on all political, cultural, and religious meetings in Plateau State continued to be implemented on an ad hoc basis.

The Government denied the opposition ANPP permits to hold rallies for their presidential candidate on multiple occasions. In some cases, the Government allowed the rally within a few days of the originally requested date. On September 23, Governor Shekarau of Kano State authorized an ANPP rally in contravention of a denial from the Inspector General of Police. During the rally, police tear-gassed ANPP supporters.

During the year, police killed 6 persons in Abuja, at least 10 persons in Lagos, and 6 students in Port Harcourt when dispersing otherwise peaceful protests.

On December 3, six members of the United Action for Democracy were arrested and beaten in Lagos when they attempted to hold a rally to protest the government's hosting of the Commonwealth Heads of Government Meeting. The activists filed suit on December 29 to protest both the detention and the beating.

Unlike in the previous year, police did not disrupt meetings of the OPC and allowed the organization to operate freely.

Police reportedly harassed members of MASSOB, MOSOP, and other groups. On March 29, anti-riot police killed seven MASSOB members in Imo state after reportedly disrupting a MASSOB meeting.

No action was taken against security forces who killed or injured persons while forcibly dispersing protests in 2002 or 2001, including the March 2002 raid on a weekly religious crusade in which the Enugu State Governor was implicated.

The Constitution provides for the right to associate freely with other persons in political parties, trade unions, or special interest associations, and the Government generally respected this right in practice. Unlike in the previous year, there were no reports that INEC used a stringent interpretation of constitutional requirements to block political parties from registering. The Constitution allows the free formation of political parties, and the number of parties registered with INEC increased to 31 in 2002.

c. Freedom of Religion.—The Constitution provides for freedom of religion and while the Federal Government generally respected religious freedom, there were some instances in which limits were placed on religious activity to address security and public safety concerns. Some state governments restricted these rights in practice in certain respects.

The Constitution prohibits state and local governments from adopting an official religion; however, some Christians alleged that Islam had been adopted as the de facto state religion of several northern states that have reintroduced criminal law aspects of Shari'a and continued to use state resources to fund the construction of mosques, the teaching of Kadis (Muslim judges), and pilgrimages to Mecca (Hajj). However, government funds also were used by some states to pay for Christian pilgrimages to Jerusalem. In general, states with a Christian or Muslim majority favored the majority faith. Both the federal and state governments were involved in religious matters, including the regulation of mandatory religious instruction in public schools, subsidized construction of churches and mosques, state-sponsored participation in the Hajj, and pilgrimages to Jerusalem. Muslims in some predominately Christian states complained about religious discrimination. Approximately half of the population is Muslim, approximately 40 percent Christian, and roughly 10 percent practiced traditional indigenous religions or no religion.

The Constitution provides that states may elect to use Islamic (Shari'a) customary law and courts, and some states interpreted this language as granting them the

right to expand the jurisdiction of their existing Shari'a courts to include criminal matters (see Section 1.e.). By year's end, 12 northern states had adopted variations of Shari'a-based criminal law—Zamfara, Sokoto, Kebbi, Niger, Kano, Katsina, Kaduna, Jigawa, Yobe, Bauchi, Borno, and Gombe. Adherence to Shari'a provisions was compulsory for Muslims in some states and optional in others and enforcement varied by locale. Adherence to Shari'a provisions was not compulsory for Christians in any of the 12 states.

Christian and Islamic groups planning to build new churches or mosques are required to register with the Corporate Affairs Commission (CAC). The CAC did not deny registration to any religious group during the year; however, some religious groups experienced delays in obtaining permission from local zoning boards to build houses of worship. Many nascent churches and Islamic congregations ignored the registration requirement, and a small number had their places of worship shut down because of enforcement of zoning laws. Some persons claimed that enforcement of these laws was selective.

Christians in the predominantly Muslim northern states continued to allege that local government officials used zoning regulations to stop or slow the establishment of new churches. Officials responded that many of these new churches were being formed in residential neighborhoods not zoned for religious purposes. State officials said the certification boards were dealing with a large backlog of cases for all persons, regardless of religious faith. Muslims continued to complain that they were denied permission to build mosques in predominantly Christian southern states.

The Government does not prohibit or discourage conversion from or to a particular religion, and unlike in the previous year, there were no reports that persons were arrested for conversion. There was no further action in the 2002 case of two men brought to trial in Zamfara State for converting from Islam to Christianity by year's end.

The law prohibits religious discrimination; however, reports were common that state and local government officials discriminated against persons practicing a religion different from their own, notably in hiring or awarding contracts, and private businesses frequently were guilty of informal religious and ethnic discrimination in their hiring practices and purchasing patterns. As religious differences often correspond with ethnic differences, discrimination at the local level is often a mixture of religious and ethnic biases.

There was no update in the 2002 case of 21 nurses fired for not wearing "Shari'a compliant dresses" in Bauchi State.

On February 19, members of a Muslim youth organization disrupted three secondary schools in Ibadan, protesting that girls were not wearing appropriate head coverings; several persons were injured. A similar invasion occurred the following week, and 51 persons were arrested and 39 arraigned on charges of public disturbance. All were released on bail, and no trial date had been set by year's end.

Several northern state governments continued to ban public proselytizing during the year to avoid ethno-religious violence, although it is permitted by the Constitution. The Katsina and Plateau State governments maintained a ban on public proselytizing for security reasons during the year; however, some groups were allowed to carry out activities despite these formal bans, which generally were enforced on a case-by-case basis. Both Christian and Muslim organizations alleged that the Ministry of Foreign Affairs and the Immigration Department restricted the entry into the country of certain religious practitioners, particularly persons suspected of intending to proselytize.

According to the Constitution, students were not required to receive instruction relating to a religion other than their own; however, public school students in many parts of the country were subjected to mandatory Islamic or Christian religious instruction. State authorities claimed that students were permitted to decline to attend these classes or to request a teacher of their own religion to provide alternative instruction. However, there were no teachers of "Christian Religious Knowledge" in many northern schools, and there were reports that in Enugu and Edo States Muslim students could not access "Islamic Religious Knowledge" in the public schools.

Although distribution of religious publications generally remained unrestricted, the Government periodically continued to enforce a ban on published religious advertisements. There were reports by Christians in Zamfara State that the state government restricted the distribution of Christian religious literature.

Although expanded Shari'a laws technically do not apply to non-Muslims, some non-Muslims, especially in Zamfara State, have been affected by certain social provisions of the laws, such as the separation of the sexes on public transportation. There also were reports that girls in government schools in Kano State were forced to wear the hijab.

A number of states sanctioned private vigilante Shari'a enforcement groups known as Hisbah. Zamfara State vested the local vigilante group with full powers of arrest and prosecution because the state believed police were not enforcing the Shari'a laws. Jigawa State also mobilized a statewide Shari'a enforcement committee to arrest, detain, and prosecute Muslim offenders. Informal Shari'a enforcement groups may have been used for some law enforcement functions in other northern states as well.

There were no further developments in the investigations into the violence in Kaduna regarding the Miss World Pageant in 2002.

Religious differences often corresponded to regional and ethnic differences. For example, the northern region was predominately Muslim. Many southern ethnic groups were predominantly Christian, although the Yoruba were approximately 50 percent Muslim. Both Muslims and Christians were found in large numbers in the Middle Belt. In many areas of the Middle Belt, Muslim Fulani tended to be herders, while the Muslim Hausa and most Christian ethnic groups tended more toward farming or urban living. It often was difficult to distinguish religious discrimination and tension from ethnic, regional, economic, and land use competition. Often religious tensions underscored what were predominantly ethnic and economic confrontations during the year (see Section 5). The Middle Belt experienced recurring ethno-religious violence during the year but overall violence decreased markedly from 2001 levels.

Ethno-religious conflict continued in many parts of Plateau during the year. Repeated outbreaks of violence caused dozens of deaths and resulted in the destruction of places of worship, shops, and homes.

Existing tensions between Christians and Muslims caused minor incidents, such as a traffic accident, to escalate into communal violence. For example, on June 9, in Numan, Adamawa State, a non-local Muslim water hawker stabbed and killed a Christian woman in a disagreement over the price of water. The woman had refused to pay and the seller stabbed her in view of her family. The woman's family retaliated and over the next 2 days, eight persons were killed, one mosque and four churches were burned, numerous houses were destroyed, and hundreds of persons fled the town.

In September, at Ahmadu Bello University in Kaduna State, a female Christian student was accused of blasphemy, which led to non-lethal clashes between Muslim and Christian students.

There were no developments in the 2002 or 2001 incidents of interreligious violence.

For a more detailed discussion, see the 2003 International Religious Freedom Report.

d. Freedom of Movement within the Country, Foreign Travel, Emigration, and Repatriation.—The Constitution provides for these rights, and the Government generally respected them; however, police occasionally restricted freedom of movement by enforcing curfews in areas with ethno-religious violence.

In the months leading up to and during the elections, police in the Federal Capital Territory limited the number of Muslims entering Abuja to attend Friday Juma'at prayers at the National mosque because of the Government feared the gathering would become a spontaneous rally or riot in favor of opposition presidential candidate Buhari.

Local Government Areas (LGAs) in Warri North, Warri South, and Warri Southwest experienced numerous curfews in response to inter-ethnic conflict during the year. Mobile police and military personnel manned checkpoints and restricted movement for 12 hours during the day, which reportedly calmed Warri town.

Roadblocks and checkpoints routinely were used by law enforcement agencies to search for criminals and to prevent persons traveling from areas of conflict to other parts of the country where their presence might instigate retaliatory violence. There were no reports that government officials restricted mass movements of individuals fleeing ethnic unrest. Security and law enforcement officials continued to use excessive force at checkpoints and roadblocks and engage in extortion and violence (see Section 1.a.).

The law provides that women are required to obtain permission from a male family member before having an application for a passport processed; however, this provision was not enforced strictly. Some men take their wives' and children's passports and other identification documents with them while traveling abroad to prevent their family from leaving the country.

There were confirmed reports that persons were questioned upon entry or exit to the country at Murtala Mohammed International Airport in Lagos. These persons, some of whom are community or political activists or had been opponents of the Abacha regime, remained in immigration computer systems as individuals to be

questioned by immigration or security officers. During the year, CDHR reported that Dr. Tajudeen Abdul Raheem, Chairperson of the International Government Council of the Centre for Democracy and Development (CDD), received his passport and an apology from police officials after being detained in 2002 trying to leave Murtala Mohammed Airport.

During periods of ethno-religious violence, numerous persons were displaced from their places of residence (see Section 5). The Red Cross estimated in April that more than 57,000 citizens were displaced due to different ethno-religious clashes, including 11,000 from a clash between Fulani herdsmen and farmers in Adamawa State in March. The local Red Cross also accused the Government of not providing sufficient aid to those displaced in the fighting.

In March, August, and September, tens of thousands of persons were displaced in the Niger Delta region in Bayelsa, Delta, and Rivers States due to continued ethnic and communal conflict.

No arrests were made after unknown gunmen assaulted displaced Tivs attempting to return to Taraba State in 2002. Unlike in the previous year, there were no reports that non-Tiv residents attacked Tivs trying to return to their homes in Benue. Officials in Benue estimated that as many as 6,000 Tiv IDPs were unable to return to their homes in other states. Other observers estimated that fewer than 1,000 persons remained.

The Lagos office of the U.N. High Commissioner for Refugees (UNHCR) estimated that 12,000 refugees, mostly ethnic Fulani herders, were in Cameroon at year's end. The refugees had fled eastern Benue and Taraba States following ethno-religious clashes between the Tiv and Jukun peoples in 2002. Approximately 5,000 Fulani returned during the year. No new Ogoni refugees arrived in Benin during the year, which has a population of approximately 235 Ogoni refugees. The UNHCR stated that there was "violence, insecurity, and a discrepancy in sharing resources, but it is not directed at the Ogoni", and it is safe for the Ogoni to return.

The law provides for the granting of asylum and refugee status to persons who meet the definition in the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. In practice, the Government provided protection against refoulement and granted refugee status or asylum. The Government cooperated with the UNHCR and other humanitarian organizations in assisting refugees through the NCR, its Federal Commissioner, and the National Emergency Management Agency (NEMA). The Eligibility Committee (on which the UNHCR had observer status), which governed the granting of refugee status, asylum, and resettlement, and reviewed refugee and resettlement applications met in November. The Committee granted 1,983 asylum seekers refugee status; 16 cases were rejected, with 1,124 cases pending at year's end.

There were an estimated 9,000 recognized refugees living in the country. At year's end, 400 refugees were repatriated from the country to Sierra Leone. Remaining refugees included others from Sierra Leone, Liberia, Chad, Rwanda, and the Democratic Republic of the Congo. The NCR reported that it provided education and health service programs to the refugees. The NCR reportedly also set up micro-credit programs for refugees in the areas of trading, poultry and fish farming, and cassava processing.

The U.N. Commissioner for Refugees in the country announced on June 24 that a refugee camp in Lagos State was holding 2,700 refugees from 5 countries in facilities designed to hold 1,200. One problem resulting from the cramped conditions was an impending population explosion as large numbers of teenage girls were pregnant.

The Government provided temporary protection during the year. In June, the Government agreed to resettle 5,000 Liberian refugees from the Nicla refugee camp in Cote d'Ivoire. Due to deteriorating conditions and voluntary departures at the Nicla camp, 3,000 Liberian refugees were resettled to Ogun state at year's end.

To restore stability to Liberia, the Government provided asylum for Charles Taylor, former President of Liberia, during the year.

Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government

The Constitution provides citizens with the right to change their government peacefully through periodic free and fair elections held on the basis of universal suffrage; however, citizens' right to change their government was abridged during National Assembly elections held on April 12 and presidential and gubernatorial elections held on April 19. State assembly elections were held on May 3. Local elections were due to be held in 2002 but were postponed indefinitely again in June.

Voter registration was carried out in 2002, and there were charges that millions of eligible voters were unable to register due to an apparent shortage of registration materials. In addition, there were allegations of improper hoarding of registration

materials by politicians. A final voters list, required by law for the elections, was not published. In January police arrested three men allegedly planning to print 5 million fake voter registration cards prior to the presidential and parliamentary elections.

Voters turned out for the legislative elections in much larger numbers than in 1999; however, widespread fraud marred the elections. The turnout was significantly less (under 50 percent) for the presidential and gubernatorial elections, which were also marred by widespread fraud. A total of 31 parties participated in the April 12 National Assembly elections, and 19 parties had presidential candidates in the April 19 presidential election. The European Union observer mission categorized the presidential elections as extremely poor, stating that in the worst six states, elections effectively were not held, and in the rest of the country the elections were seriously marred. All major independent observer groups, international and domestic, had negative statements about the fairness of elections and cited problems throughout the country. Types of reported fraud included ballot stuffing, intentional miscounting, underage voting, multiple voting, intimidation, and violence, including political killings (see Section 1.a.). There were numerous attempts to kill members of political parties during the election year. There also were several cases of politically-motivated arrests (see Section 1.d.). All parties participated in the misconduct; observers cited violations by the ruling PDP significantly more than others. Some election tribunal cases to adjudicate disputed elections were still ongoing at year's end; however, more than 90 percent of the cases that had been decided were simply dismissed on technicalities.

The President, Vice President, and other national and state officials serve 4-year terms, with limits of two elected terms per office. The next state and national elections are scheduled for 2007.

Actions by the Government's INEC during the election year raised serious rule of law questions. In Federal Court of Appeals hearings on an election tribunal case brought by a losing presidential candidate, INEC argued that it could not provide the court with official documents—such as the National Register of Voters, candidate lists for the election and the vote tally sheets—which the court had subpoenaed. Some of those documents are required by law to be compiled before a general election and not providing those and the others to the court even months after the election also made it appear INEC was ignoring the subpoena.

The Constitution outlaws the seizure of the Government by force and contains provisions for the removal of the President, Vice President, ministers, legislators, and state government officials for gross misconduct or medical reasons. Several public officials were scrutinized closely by the press and public and legislative investigators. In August 2002, the House of Representatives introduced a “resign or be impeached ultimatum” to President Obasanjo, but the effort eventually failed. Most of the opposition to the President came from legislators within his own party. In August and September, there was discussion of impeachment of the House Speaker, Bello Masari. In addition to the impeachment threat, public criticism of the President has been frequent and, at times, harsh. The President did not resort to force or intimidation to stifle the impeachment threat or the public criticism against him; however, more than half of the incumbent legislators of the President's party were not renominated for election.

On July 10, Mobile Police detained Anambra State Governor Chris Ngige, forced his resignation, and held him for 5 hours. Ngige, a member of the ruling PDP, allegedly gave Chris Uba, his political godfather, a pre-signed an undated resignation letter. Uba, with the aid of the Deputy Governor Okey Udeh and others, attempted to forcibly remove Ngige from office. On August 7, a seven-member panel convened to investigate allegations of “gross misconduct” by Udeh under the state Constitution. On August 25, the Federal High Court ordered the panel to halt proceedings based on a motion filed by Udeh. The panel ignored the order and submitted its findings to the State House of Assembly. On September 9, the State House of Assembly voted to impeach Udeh. Udeh filed another suit with the Federal High Court claiming that his impeachment was unconstitutional. On September 16, the Anambra State High Court terminated the previous Federal High Court order ceasing impeachment proceedings. On September 20, the Federal Government agreed to abide by the terms of the order pending a ruling from a superior court. Legal proceedings were pending at year's end.

The political system remained in transition. The three branches of the Government acted somewhat independently. The Senate and the House of Representatives acted on budget review and oversight, an election reform initiative, and resource allocation; however, legislative and executive ineffectiveness and inability to compromise resulted in little substantive legislation. There were continued calls for a

national conference to reexamine the constitutional and political structure of the country.

In 2001, the President signed an electoral law that extended the tenures of local governments by rescheduling local elections in 2003. State governors and state assemblies contested the provision as an infringement on the states' constitutional power to control local government.

In 2002, the judiciary issued several important constitutional decisions that define federalism based on the rule of law, including that the National Assembly lacked the authority to extend the tenure of local governments and the decision that delimited the distribution of oil revenues.

There are no legal impediments to political participation or voting by women. Men continued to dominate the political arena, and NGOs continued to protest the limited representation of women in the political process. Although there were more than 500 ministerial and National Assembly positions, there were only 3 female ministers, 3 female senators, and 12 female representatives. The PDP waived the party filing fees for women seeking PDP nominations for various political offices to encourage more female candidates.

There are no legal impediments to participation in government by members of any ethnic group. The Constitution mandates that the composition of the federal, state, and local governments and their agencies, as well as the conduct of their affairs, reflect the diverse character of the country to promote national unity and loyalty. This provision was designed as a safeguard against domination of the Government by persons from a few states or ethnic and sectional groups. The Government was an example of this diversity: President Obasanjo is a Yoruba from the southwest, the Vice President is a northerner, and the Senate President is an Igbo. The Government also attempted to balance other key positions among the different regions and ethnic groups. The Senate used its oversight role to reject many of President Obasanjo's ambassadorial appointments and insisted on three nominees from each state for each appointment. The political parties also engaged in "zoning," the practice of rotating positions within the party among the different regions and ethnic groups to ensure that each region was given adequate representation. Despite this effort, there were more than 250 ethnic groups, and it was difficult to ensure representation of every group in the Government (see Section 5). Many groups complained of insufficient representation. Middle Belt and Christian officers dominated the military hierarchy. Some persons in the North believe that the northern Hausa were underrepresented in the military.

Section 4. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A number of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials generally were cooperative and responsive to their views. Criticism of the Government's past human rights' record was abundant in various media; however, during the year the Center for Law Enforcement Education (CLEEN) sued the Government in Federal Court over the seizure of more than 2,000 copies of the report "Hope Betrayed? A Report on Impunity and State-Sponsored Violence in Nigeria" in 2002, which the court recognized as a potential human rights violation. At year's end, the court had not heard the case.

Human rights activists continued to complain that President Obasanjo and members of his Government did not meet with them as frequently as they did during the early years of his administration.

The Catholic Secretariat continued to hold a monthly open forum in Lagos on various subjects relating to past and present human rights issues. Discussion panels included a number of NGOs, media, and religious leaders. Each session ended with recommendations to the Government on how best to resolve these issues. The Government had not responded to any of these recommendations by year's end.

The NCR's report from its 2002 fact-finding mission to assess Ogoni living conditions in Ogoniland was pending at year's end.

The ICRC was active, with offices in Abuja and Lagos under the direction of a regional delegate. Its primary human rights activities during the year involved the training of prison officials on human rights, sanitation, and prisoner health (see Section 1.c.).

The Commission of Inquiry into Communal Clashes in Benue, Nassarawa, Plateau, and Taraba States completed its investigation, but its report was not made public by year's end. A number of groups continued to call for a full investigation into the 2001 killings of civilians in Benue by soldiers.

The NHRC, which was tasked with monitoring and protecting human rights in the country, enjoyed greater recognition by and coordination with NGOs, and

worked to establish its credibility as an independent monitoring body. The NHRC was chaired by retired Justice Uche Omo, included 15 other members, and had zonal affiliates in each of the country's six political regions. Since its inception, the NHRC has been denied adequate funding to do its job properly. The NHRC created a strategic work plan for the year and inaugurated steering and coordinating committees for the national action plan to be deposited with the UNCHR in December 2002.

During the U.N. Commission for Human Rights (UNCHR) in March and April, the NHRC was selected to become a member of International Coordinating Committee of National Human Rights Institutions (ICC).

The HRVIC, commonly known as the Oputa panel, was a one-time commission to investigate human rights abuses from 1966 to 1999, presented its findings to the President in 2002 and recommended compensation for victims of the worst human rights abuses; no one was compensated by year's end.

In 2002, Minister of Information and National Orientation, Professor Jerry Gana, reported that the Government would wait for all pending lawsuits, including one filed in 2002 by former Head of State Ibrahim Babangida that sought to ban the implementation of the panels' findings, to be decided before determining whether to publish the panel's recommendations.

Section 5. Discrimination Based on Race, Sex, Disability, Language, or Social Status

The Constitution prohibits discrimination based on community, place of origin, ethnic group, sex, religion, or political opinion. However, customary and religious discrimination against women persisted, social discrimination on the basis of both religion and ethnicity remained widespread, and ethnic and regional tensions continued to contribute to serious violence both between citizens and the security forces and between groups of citizens.

Women.—Domestic violence was a problem. Reports of spousal abuse were common, especially those of wife beating. Police normally did not intervene in domestic disputes, which seldom were discussed publicly. The Penal Code permits husbands to use physical means to chastise their wives as long as it does not result in "grievous harm," which is defined as loss of sight, hearing, power of speech, facial disfigurement, or other life threatening injuries. A women's rights group estimated that spousal abuse occurred in 20 percent of adult relationships. In more traditional areas of the country, courts and police were reluctant to intervene to protect women who accused their husbands formally if the level of alleged abuse did not exceed customary norms in the areas. Rape and sexual harassment continued to be problems.

Studies conducted by the U.N. development systems and the World Health Organization estimated the FGM rate at approximately 60 percent among the nation's female population. While practiced in all parts of the country, FGM was more predominant in the southern and eastern zones, and local experts estimated the prevalence may be as high as 100 percent in some ethnic enclaves in the south. Women from northern states were less likely to undergo FGM; however, those affected were more likely to undergo the severe type of FGM known as infibulation. The age at which women and girls were subjected to the practice varied from the first week of life until after a woman delivers her first child. Women's Center for Peace and Development (WOPED) believed that the practice was perpetuated because of a cultural belief that uncircumcised women were promiscuous, unclean, unsuitable for marriage, physically undesirable, and were potential health risks to themselves and their children, especially during childbirth.

The Federal Government publicly opposed FGM; however, it took no legal action to curb the practice. There were no federal laws banning FGM. Because of the considerable problems that anti-FGM groups faced at the federal level, most refocused their energies to combat FGM at the state and local government area (LGA) level. Bayelsa, Edo, Ogun, Cross River, Osun, and Rivers States have banned FGM. However, once a state legislature criminalized FGM, NGOs found that they had to convince the LGA authorities that state laws were applicable in their districts. The Ministry of Health, women's groups, and many NGOs sponsored public awareness projects to educate communities about the health hazards of FGM. They worked to eradicate the practice; however, they had limited contact with health care workers on the medical effects of FGM.

Prostitution was a serious social problem, particularly in urban areas. A number of states enforced existing laws or introduced laws to combat prostitution. All states that have adopted Shari'a have criminalized prostitution, and this ban was enforced with varying degrees of success. Prostitution was not illegal in Lagos State; however, authorities used statutes that outlaw pandering as a justification to arrest prostitutes.

There was an active market for trafficking in women (see Section 6.f.).

In some parts of the country, women continued to be harassed for social and religious reasons. Purdah continued in parts of the far north (see Section 1.f.).

Women also experienced considerable discrimination. There are no laws barring women from particular fields of employment; however, women often experienced discrimination because the Government tolerated customary and religious practices that adversely affected them. The Nigerian NGOs Coalition expressed concern about continued discrimination against women in the private sector, particularly in access to employment, promotion to higher professional positions, and in salary inequality. There were credible reports that several businesses operated with a "get pregnant, get fired" policy. Women remained underrepresented in the formal sector but played an active and vital role in the country's informal economy. While the number of women employed in the business sector increased every year, women did not receive equal pay for equal work and often found it extremely difficult to acquire commercial credit or to obtain tax deductions or rebates as heads of households. Unmarried women in particular endured many forms of discrimination.

While some women made considerable individual progress both in the academic and business world, women remained underprivileged. Although women were not barred legally from owning land, under some customary land tenure systems only men could own land, and women could gain access to land only through marriage or family. In addition, many customary practices did not recognize a woman's right to inherit her husband's property, and many widows were rendered destitute when their in-laws took virtually all of the deceased husband's property. Widows were subjected to unfavorable conditions as a result of discriminatory traditional customs and economic deprivation. "Confinement" was the most common rite of deprivation to which widows were subjected, and it occurred predominately in the East. Confined widows were under restrictions for as long as 1 year and usually were required to shave their heads and dress in black. In other areas, a widow was considered a part of her husband's property, to be "inherited" by his family. Shari'a personal law protects widows' property rights. An NGO reported that several women have succeeded in protecting their right in Shari'a courts. Polygyny continued to be practiced widely among many ethnic and religious groups. Women were required by law to obtain permission from a male family member to get a passport (see Section 2.d.).

Women were affected to varying degrees by the adoption of various forms of Shari'a law in 12 northern states. In Zamfara State, local governments instituted laws requiring the separation of Muslim men and women in transportation and health care. In practice, the testimony of women was not given the same weight as that of men in many criminal courts (see Section 1.e.).

Children.—While the Government increased spending on children's health in previous years, it seldom enforced even the inadequate laws designed to protect the rights of children. Public schools continued to be inadequate, and limited facilities precluded access to education for many children. The Constitution calls for the Government, "when practical," to provide free, compulsory, and universal primary education; however, compulsory primary education rarely was provided. In many parts of the country, girls were discriminated against in access to education for social and economic reasons. When economic hardship restricted many families' ability to send girls to school, many girls were directed into activities such as domestic work, trading, and street vending. The literacy rate for men was 72 percent but only 56 percent for women. Rural girls were even more disadvantaged than their urban counterparts—only 42 percent of rural girls were enrolled in school compared with 72 percent of urban girls. Many families favored boys over girls in deciding which children to enroll in secondary and elementary schools.

While most schools in the north traditionally have separated children by gender, it was required by law in Zamfara, Sokoto, and Kebbi State schools (see Section 2.c.).

Cases of child abuse, abandoned infants, child prostitution, and physically harmful child labor practices remained common throughout the country (see Sections 6.d. and 6.f.). The Government criticized child abuse and neglect but did not undertake any significant measures to stop customary practices harmful to children, such as the sale of young girls into marriage. There were credible reports that poor families sold their daughters into marriage as a means to supplement their incomes. Young girls sometimes were forced into marriage as soon as they reached puberty, regardless of age, to prevent the "indecent" associated with premarital sex. Human rights groups reported an increase in sexual assaults and rapes of young girls, especially in the North, and attributed the increase to a fear of AIDS and a resulting desire for young virgins.

FGM was commonly performed on girls (see Section 5, Women).

Persons with Disabilities.—While the Government called for private business to institute policies that ensured fair treatment for persons with disabilities, it did not enact any laws during the year requiring greater accessibility to buildings or public transportation, nor did it formulate any policy specifically ensuring the right of persons with disabilities to work. The Government ran vocational training centers in Abuja to provide training to beggars with disabilities.

National/Racial/Ethnic Minorities.—The country's population was ethnically diverse, and consisted of more than 250 groups, many of which spoke distinct primary languages and were concentrated geographically. There was no majority ethnic group. The four largest ethnic groups, which comprised two-thirds of the country's population, were the Hausa and Fulani of the north, the Yoruba of the southwest, and the Igbos of the southeast. The Ijaw of the South Delta were the fifth largest group, followed by Kanuri in the far northeast, and the Tiv in the Middle Belt.

The Constitution prohibits ethnic discrimination by the Government. Nonetheless, claims of marginalization, particularly by members of southern minority groups and Igbos, continued; in particular, the ethnic groups of the Niger Delta continued their calls for high-level representation on petroleum issues and within the security forces. Northern Muslims accused the Government of favoring Yorubas or Christians from the Middle Belt for those positions. Traditional linkages continued to impose considerable pressure on individual government officials to favor their own ethnic groups for important positions and patronage.

Societal discrimination on the basis of ethnicity was practiced widely by members of all ethnic groups and was evident in private sector hiring patterns, de facto ethnic segregation of urban neighborhoods, and a continuing paucity of marriages across major ethnic and regional lines. There was a long history of tension among some ethnic groups (see Section 2.c.).

Ethnic minorities, particularly in Delta, Rivers, Bayelsa, and Akwa Ibom States, have claimed environmental degradation and government indifference to their status in the Delta despite the fact that most of oil wealth comes from the Niger Delta region. Groups such as the Ijaw, Itsekiri, Urhobo, Isoko, and Ogoni continued to express their unhappiness about their perceived economic exploitation and the environmental destruction of their homelands, and incidents of ethnic conflict and confrontation with government officials and forces continued in the Delta area (see Sections 1.a. and 1.b.). Other ethnic groups saw the Kaiama Declaration by Ijaws, which claimed the entire Delta to be the property of the Ijaw, as threatening their rights. Disparate organizations of armed youths from a variety of ethnic groups continued to take oil company personnel hostage in the Delta Region (see Section 1.b.). Many oil companies continued to rely on local police and, in some cases, military troops to protect their facilities and personnel. The oil companies usually financially supported these security forces. Local youths claimed that the security personnel engaged in unlawful killings and other human rights abuses (see Section 1.a.).

Tensions flared in March with attacks on oil production facilities near Escravos, Delta State, and kidnappings of oil company personnel by Ijaw youths. The practice of bunkering, the diversion of oil production to the black market by all parties in the conflict, occurred frequently. Approximately 15 percent of the country's total yearly production was shutdown as a result of the violence initiated by Ijaw youths. Inter-ethnic fighting also displaced tens of thousands of local inhabitants. Violence ended in the region in April; however, hostilities renewed in August and continued at year's end.

On March 14, Ijaw militants involved in the theft of oil from pipelines and based in the Delta State community of Okenrenkoko clashed with military personnel. The military claimed it was responding to an armed threat from criminals; Ijaw communities accused the military of provoking hostilities through a premeditated attack. The violence led to the death of several soldiers, at least 10 Ijaw militants, and possibly some Ijaw civilians. Ijaw communities claimed that the military attacked Okenrenkoko, destroyed several homes and killing several villagers.

On April 11, approximately 200 Ijaw militants in speedboats raided the Itsekiri town of Koko, Delta state and reportedly killed 50 persons. The Ijaw militants destroyed more than 55 buildings, including the Koko Local Government building.

On August 13, fighting broke out in Warri town between rival Ijaw and Itsekiri militants. The local Red Cross reported that military efforts to quell the fighting, which lasted more than 7 days, resulted more than 100 deaths, civilian and combatant. The Government had not restored order in the region by year's end.

Competing economic aspirations among smaller ethnic groups related to the control of state and local governments led to violent conflicts during the year.

Conflict over land rights and ownership continued among members of the Tiv, Kwalla, Jukun, and Azara ethnic groups; each of these groups resided at or near the convergence of Nassarawa, Benue, and Taraba States. The Tiv, who were

thought to have migrated to the country later than other inhabitants of the disputed area, were regarded as interlopers by the "indigenous" ethnic groups despite the fact that they predominate in much of Benue and parts of other states.

Violence between Fulani herdsmen and farmers in Adamawa State lasted for 2 weeks in March, resulting in as many as 110 deaths, and 21,000 displaced from their homes.

Communal violence between members of the Ogori and Ekpedo ethnic groups in Kogi and Edo states began over boundary and land disputes. On July 2, Ogori youths from Kogi reportedly attacked Ekpedo villages near Agenebode, Edo, burning 99 houses. On July 20, Ekpedo youths killed and mutilated an Ogori community leader visiting an Ekpedo village to discuss the dispute in retaliation. Kogi and Edo state governors declared the disputed land a "buffer zone," and the matter has been referred to the National Boundary Commission.

Communal violence occurred in Plateau State, resulting in more than 80 deaths during the year as local communities continued to compete for scarce resources. The State Government reported that criminals and hired mercenaries from other areas of the country, Chad, and Niger added to the violence after being hired and induced by some communities to attack rival villages in the state. For example, 65 persons were killed in April, a village chief was killed by bandits in May, and 3 persons were killed in June and 15 more in July.

The violent border dispute in the east between Cross River and Akwa Ibom States flared during the year. Communal violence abated between Jukun-Kuteb (Taraba State). Ife-Modakeke, Osun state experienced renewed communal violence, but was diminished in nature compared with previous incidents.

There were no developments in previous years' incidents of ethno-religious violence.

Section 6. Worker Rights

a. The Right of Association.—The Constitution provides all citizens with the right to form or belong to any trade union or other association for the protection of their interests, and workers exercised this right in practice; however, several statutory restrictions on the right of association and on trade unions remained in effect.

According to figures provided by the National Labor Congress (NLC), total union membership was approximately 4 million. Less than 10 percent of the total work force was organized. With the exception of small number of workers engaged in commercial food procession, the agricultural sector, which employed the majority of the work force, was not organized. The informal sector, and small and medium enterprises, remained largely unorganized.

The Government has mandated a single-labor-federation structure for workers, with service and industrial unions grouped under it. The NLC was the only central labor federation permitted by law. Trade unions are required to be registered formally by the Government and a minimum 50 workers are required to form a trade union; only 29 trade unions had been formally recognized by the Government at year's end. The labor movement was composed of both junior and senior staff workers; however, nonmanagement senior staff members were barred from joining the trade unions while junior staff workers, primarily the blue-collar workers, were organized into the 29 industrial and service unions that were affiliated with the NLC.

The senior staff workers were organized into 21 associations that comprised the Trade Union Congress (TUC), which claimed a membership of approximately 400,000 to 600,000. The TUC, which was composed primarily of white-collar workers, was not officially sanctioned by the Government and was prohibited by statute from affiliation with the NLC; it was also denied a seat on the National Labor Advisory Council (NLAC). These legal restrictions diluted the bargaining strength of workers. The ILO Committee of Experts has repeatedly cited these and other restrictions, including: requiring all registered labor unions to affiliate with a single central labor federation (the NLC); establishing a minimum of 50 workers to form a trade union; providing for the possibility of compulsory arbitration; giving the registrar broad powers to supervise trade union accounts; and giving the Government discretionary power to revoke the certification of a trade union due to overriding public interests.

Several labor associations disassociated themselves with the TUC following complaints that the TUC had misled its constituents during the gasoline price strike in June. At least 8 of the TUC's 29 associations left it to form the Congress of Free Trade Unions (CFTU).

Workers, except members of the armed forces and employees designated as essential by the Government, may join trade unions. Essential workers included government employees in the police, customs, immigration, prisons, federal mint, central bank, and the telecommunications sector. Employees working in designated export

procession zone (EPZ) may not join a union until 10 years after the start-up of the enterprise (see Section 6.b.).

The Maritime Workers Union was active at year's end.

The Constitution prohibits anti-union discrimination, and there were no reports of such practice. Complaints of anti-union discrimination could be brought to the Ministry of Labor for mediation, conciliation, and resolution.

The NLC and labor unions were free to affiliate with international bodies; however, prior approval from the Minister was required. The NLC had affiliated with the Organization of African Trade Unions and the International Confederation of Free Trade Unions.

b. The Right to Organize and Bargain Collectively.—The labor laws provide for both the right to organize and bargain collectively between management and trade unions, and collective bargaining occurred throughout the public sector and the organized private sector. The Labor Minister could refer unresolved disputes to the Industrial Arbitration Panel (IAP) and the National Industrial Court (NIC). Union officials questioned the effectiveness of the NIC in view of its inability to resolve various disputes stemming from the Government's failure to fulfill contract provisions for public sector employees. Union leaders criticized the arbitration system's dependence on the Labor Minister's referrals. The Labor Minister made several referrals to the IAP during the year. The IAP and NIC were active; however, both suffered from a lack of resources.

Workers had the right to strike; however, certain essential workers were required to provide advance notice of a strike. A worker under a collective bargaining agreement could not participate in a strike unless his union complied with the requirements of the law, which included provisions for mandatory mediation and for referral of the dispute to the Government. The law allows the Government discretion to refer the matter to a labor conciliator, arbitration panel, board of inquiry, or the NIC. However, in practice the law does not appear to be enforced; strikes, including in the public sector, were widespread.

In January, the Academic Staff Union of Universities (ASUU) commenced a 6-month strike to protest, among other things, the nonpayment of research allowances and the nonimplementation of an agreement reached in 2001 to re-admit 49 dismissed lecturers of the University of Ilorin who had previously participated in a strike. ASUU suspended the strike on June 18 following the intervention of the IAP.

On March 31, the NLC directed all public sector employees to commence a 3-day warning strike to protest federal government refusal to pay an agreed upon 12.5 percent salary increase (see Section 6.e.). The strike followed the expiration of a 2-week ultimatum. Organizers called off the strike on April 1 after the Government agreed to prepare a supplementary budget the National Assembly to accommodate salary increases.

On June 30, NLC, joined by senior staff associations under the umbrella of the TUC, commenced a nationwide strike action to protest increases in gas prices. In the 10-day national strike, there were 18 confirmed killings of protestors by security forces. Security forces forcibly dispersed several demonstrations, arrested union leaders, and brutalized a journalist in Abuja. The strike was suspended following an agreement reached between government and labor leaders.

During the year, the Medical and Health Workers Union went on strike for 3 days regarding salary increases and payments of other allowances. They reached an agreement with the Ministry of Health, resolving the issue.

The Anambra State Government reached an agreement with public sector unions on the modalities for the payment of outstanding arrears during the year. The Government paid several months arrears; however, salaries were in arrears again at year's end. The state civil service was nearly paralyzed as many workers declined to work until salary arrears were paid.

During the year, smaller strikes continued in the oil sector, particularly in the Niger Delta. The National Union of Petroleum and Natural Gas Workers (NUPENG) and its senior staff counterpart Petroleum and Natural Gas Senior Staff Association of Nigeria (PENGASSAN) were particularly concerned about the increasing use of contract labor and the number of indigenous workers in management positions. On February 15, NUPENG and PENGASSAN branch units in Chevron and Shell staged warning strikes that lasted 5 days to protest an alleged plan to severely cut jobs and replace indigenous employees with third country nationals.

There were no developments in the following 2002 strikes: the January general strike protesting the Government's 15.3 percent fuel price hike; the February police strike demanding payment of 1-year's wage arrears; the May strike by the Nigerian Union of Railwaymen (NUR) over the nonpayment of 3 months' salary; and the July strike by the Lagos State Truck Owners Association, Port Harcourt dockworkers, and Shell (SPDC) contract workers.

There were no laws prohibiting retribution against strikers and strike leaders, but strikers who believed they were victims of unfair retribution could submit their cases to IAP, with the approval of the Labor Ministry. The IAP's decisions were binding on parties but could be appealed to the NIC. In practice the decisions of these bodies infrequently carried the force of law. Union representatives described the arbitration process as cumbersome and time-consuming, and an ineffective deterrent to retribution against strikers.

On October 3, the Inspector-General of Police in Abuja called President of the NLC Adams Oshiomhole in for questioning following a 3-hour meeting in Lagos on how to mobilize against higher fuel prices. Later in the month, as the fuel price crisis deepened, six leaders of the NLC were arrested as they picketed filling stations selling gasoline at above the official price. The leaders were detained and refused bail for 1 week.

The Government retained broad legal authority over labor matters and often intervened in disputes seen to challenge key political or economic objectives. However, during the year, the NLC increasingly spoke out on economic reform, fuel price deregulation, privatization, globalization, tariffs, corruption, contract workers, and political issues.

EPZs in Calabar, Cross River State, and Onne Port, Rivers State, operated during the year. Workers and employers in these zones were subject to national labor laws, which provided for a 10-year amnesty on trade unions, strikes, or lockouts following the commencement of operations within a zone. In addition, the law allows the EPZ Authority to handle the resolution of disputes between employers and employees instead of workers' organizations or unions. The ILO has criticized the EPZ Decree for not allowing any unauthorized person to enter any EPZ consequently making it very difficult for workers to form or join trade unions since union representatives are not allowed access.

c. Prohibition of Forced or Bonded Labor.—The law prohibits forced or bonded labor; however, there were reports that it occurred (see Section 6.f.), and enforcement of the law was not effective.

The Government does not prohibit specifically forced and bonded labor by children; however, the prohibition on forced labor extends to children. There were reports such practices occurred (see Section 5 and 6.d.).

d. Status of Child Labor Practices and Minimum Age for Employment.—Child labor remained a problem. The law prohibits employment of children less than 15 years of age in commerce and industry and restricts other child labor to home-based agricultural or domestic work. The law states that children may not be employed in agricultural or domestic work for more than 8 hours per day. The Decree allows the apprenticeship of youths at the age of 13 under specific conditions.

Economic hardship resulted in high numbers of children in commercial activities aimed at enhancing meager family income. The ILO estimated that approximately 12 million children between the ages of 10 and 14 (25 percent of all children) were employed in some capacity. Children frequently were employed as beggars, hawkers, and bus conductors in urban areas. The use of children as domestic servants was common.

There were reports of forced child labor (see Section 6.f.). There were occasional reports of forced child labor, including child slavery rings operating between Nigeria and neighboring countries.

The Labor Ministry had an inspections department whose major responsibilities included enforcement of legal provisions relating to conditions of work and protection of workers. However, there were fewer than 50 inspectors for the entire country, and the Ministry conducted inspections only in the formal business sector, in which the incidence of child labor was not significant.

Private and government initiatives to stem the growing incidence of child employment continued but were ineffective. UNICEF operated programs that removed young girls from the street hawking trade and relocated them to informal educational settings. UNICEF reported that the program had minimal success. In conjunction with the ILO, the Government formulated a national program of action in support of child rights, survival, protection, development, and participation; however, the program did not show any results by year's end due to logistical problems and changing personnel in the Ministry. A child rights bill was passed by the legislature during the year; however, there were no noticeable changes by year's end. ILO statistics indicated that the incidence of child labor is still on the increase, in spite of programs designed to reduce it.

e. Acceptable Conditions of Work.—The law sets a minimum wage, which was reviewed infrequently. Real private sector wages greatly exceeded the minimum wage. The minimum wage was \$56.70 (7,500 naira) per month (with a 13 month year as

the law mandates an extra month's pay for the Christmas holiday). Ghost workers (who appeared on the employment rolls but not on the job) remained a significant problem that was not addressed fully during the year. The Government directed each State administration to establish its own salary structure based on its ability to pay and in accord with the national minimum wage; however, in August, the Government and the NLC signed an agreement to increase the public sector wage by up to 12.5 percent for junior grades, representing half of the 25 percent earlier agreed upon. Many state governments have stated they are not in a position to pay the increase without massive layoffs or the elimination of ghost workers. The issue of the minimum wage caused several labor disruptions throughout the year, and remained unresolved in several states (see Section 6.b.).

In September, the Government announced an agreement to implement sliding scale wage increases for all federal civil servants retroactive to July 1, under which the lowest paid workers would receive the 12.5 percent increase while those at the top would get 4 percent; however, this increase had not been paid by year's end.

The law forbids any employer from granting a general wage increase to its workers without prior government approval; however, in practice private sector wage increases generally were not submitted to the Government for prior approval.

The law mandates a 40-hour workweek, 2 to 4 weeks annual leave, and overtime and holiday pay, except for agricultural and domestic workers. There is no law prohibiting excessive compulsory overtime. The law also establishes general health and safety provisions, some of which were aimed specifically at young or female workers. It requires that the factory division of the Ministry of Labor and Employment inspect factories for compliance with health and safety standards; however, this agency was greatly underfunded, lacked basic resources and training, and consequently neglected safety oversight of many enterprises, particularly construction sites and other nonfactory work. The Ministry often failed to reimburse inspectors for expenses incurred in traveling to inspection sites, and safety oversight of many enterprises often were neglected. The law requires employers to compensate injured workers and dependent survivors of those killed in industrial accidents. The Labor Ministry, which was charged with enforcement of these laws, has been ineffective in identifying violators. The Government has failed to act on various ILO recommendations to update its program on inspection and accident reporting. The Labor Decree did not provide workers with the right to remove themselves from dangerous work situations without loss of employment.

The law applies to legal foreign workers; however, in practice, not all multinational companies respected these laws in practice.

f. Trafficking in Persons.—On July 14, President Obasanjo signed a bill into law prohibiting human trafficking; however, trafficking in persons remained a problem. The country was an origin, transit, and destination country for trafficked persons, with an active, growing market for trafficking in women and children within the region and to Europe. The July law also created the National Agency for Prohibition of Trafficking in Persons (NAPTIP), which was active at year's end. President Obasanjo selected a Special Assistant for Human Trafficking and Child Labor in June.

The National police have an anti-trafficking unit, and official anti-trafficking units have been created in all 11 states. Immigration has anti-trafficking units as well. Many states that arrest traffickers were forced to release them when victims and their families refused to testify. The Government prosecuted only a few persons for trafficking during the year.

On September 28, immigration officers arrested 6 suspects in a child trafficking syndicate and repatriated 116 Beninois boys. The boys, aged 5 to 17 years, had been trafficked to work in a quarry in Ogun State. The U.N. reported that the boys' families were promised annual fees of \$36.42 and other gifts in return for their labor. Once in the country, the boys suffered poor working conditions, were inadequately fed, and given salaries of \$1.56 per month. Some of the boys had been held against their will for up to 5 years. The traffickers were awaiting trial at year's end. Approximately 380 children were repatriated to Benin during the year.

There were no developments in the 2002 cases against a high chief who since has been stripped of his title, the trafficker arrested for trafficking 10 teenage girls, the 30 trafficking cases pending in Edo State; or the reported 2001 cases of trafficking.

The full nature and scope of the trade remained unknown, but immigration and police officials throughout Europe continued to report a steady flow of Nigerian women lured and sold into prostitution in Europe, particularly Italy, the Netherlands, and Spain. In September, 562 trafficking victims had been deported to the country since the beginning of the year; over the past 3 years, 1,660 persons were returned to the country from Europe and North America. Nigerian Interpol claimed that some women entered the sex trade independently, were not controlled by syn-

dicates, and were economically motivated. Numerous human rights organizations claimed a majority of women entered the sex trade independently, were controlled by syndicates, were economically motivated, and were culturally pressured to do so to provide for families back home. These groups further claimed that the sex trade was inculcated into the culture and was an acceptable social practice for many young women; although, most women were unaware of the conditions in which they would be placed. However, several women's rights organizations reported that hundreds of women migrated to Europe in response to job offers as domestic workers or waitresses. Upon arrival, many were forced into prostitution to pay off debts. In addition, there was evidence that crime syndicates may use indebtedness, secret rituals, threats of beatings and rape, physical injury to the victim's family, arrest, and deportation to persuade those forced into and practicing sex work from attempting to escape or from contacting police and NGOs for assistance.

Nigerian girls are also reported to be trafficked to the United Kingdom as sex workers; however, the trade to the United Kingdom was reportedly less than that to other European countries.

Incidents of child trafficking in Lagos and other major cities during the year were suspected to be commonplace. Unlike in the previous year, there were no confirmed reports of smuggling children to the U.S. during the year. Child traffickers received a monthly payment from the employer, part of which was to be remitted to the parents of the indentured child servant. Traffickers took advantage of a cultural tradition of "fostering," under which it was acceptable to send a child to live and work with a more prosperous family in an urban center in return for educational and vocational advancement. Often the children in these situations only worked and did not receive any formal education; however, many families who employed children as domestic servants also paid their school fees. Other children were forced to serve as domestics or to become street hawkers selling nuts, fruits, or other items. There were credible reports that poor families sold their daughters into marriage as a means of supplementing their income (see Section 5).

According to ILO reports, there was an active and extensive trade in child laborers. Some were trafficked to Cameroon, Gabon, Benin, and Equatorial Guinea to work in agricultural enterprises. Other children were coerced into prostitution (see Section 5). Authorities also have identified a trade route for traffickers of children for labor through Katsina and Sokoto to the Middle East and East Africa. The eastern part of the country and some southern states such as Cross Rivers and Akwa Ibom were the points of trafficking of children for labor and, in some cases, human sacrifice. The country remained a destination for the trafficking of Togolese children.

Children from neighboring countries also were trafficked to the country for work as domestic servants.

The Government has conducted few investigations into the involvement of government officials in trafficking; however, allegations of such involvement reportedly were widespread. Some returnees have alleged that immigration officials actively connived with syndicates. In 2002, the Assistant Inspector General of Police investigated allegations of the collusion of customs officials in trafficking; however, there were no reports and investigation continued during the year. In 2002, the Government announced it was investigating a former customs officer and two others suspected of trafficking children in Abuja.

The Government provided support to international NGOs, which protect victims. Nigerian embassies in destination countries provided assistance to victims, and the Foreign Ministry created a position to facilitate victim repatriation. Regional centers to monitor child rights violations have been established.

There was federal and state government acknowledgement of trafficking, and prevention efforts were underway at all levels. Awareness campaigns, undertaken by NGOs, the U.N., prominent politicians, state governments, and members of the press continued to gain widespread attention. The issue of trafficking in persons for commercial sexual exploitation to Europe initially raised the awareness of trafficking, and the awareness of child trafficking for forced labor was growing. For example, Imo State continued to promote a comprehensive anti-trafficking campaign.

Police attempts to stem the trafficking of persons were inadequate, and frequently the victims of trafficking were subjected to lengthy detention and public humiliation upon repatriation.

RWANDA

Rwanda is a republic dominated by a strong presidency. The largely Tutsi Rwandan Patriotic Front (RPF) took power in 1994 and formed a Government of National

Unity that functioned during the transitional period following the civil war and genocide and ended with elections held during the year. On May 26, a country-wide referendum resulted in the approval of a new constitution, which mandated that presidential and legislative elections be held within 6 months. The Constitution recognizes a multi-party system and nullifies the suspension of political activity, although it provided few protections for parties and their candidates. On August 25, the country held its first multi-candidate national elections since independence; President Paul Kagame, who had held the presidency since the Transitional National Assembly elected him in April 2000, was elected to a 7-year term in largely peaceful but seriously marred elections. In September, President Kagame's party, the RPF, won the majority of the seats during legislative elections and therefore remained the principal political force that controlled the Government. The judiciary was subject to presidential influence and suffered from a lack of resources, inefficiency, and some corruption.

The Minister of Defense is responsible for external security and national defense; the Minister of Internal Security is responsible for civilian security matters as well as supervision of the prisons and the national police. The Rwanda Defense Forces (RDF), which maintain external security, and the police, which maintain internal security, comprise the security apparatus. Following the formal withdrawal of all its troops from the Democratic Republic of the Congo (DRC) in October 2002, the Government began to reorganize its military establishment to provide for a smaller force more suitable for territorial defense than for expeditionary action abroad. Government authorities did not always maintain effective control of the security forces, and there were several instances in which elements of the security forces acted independently of government authority. Some members of the security forces committed serious human rights abuses.

Proxy groups reportedly supported by the Government continued to operate in the DRC and committed serious human rights abuses. In addition, multiple credible sources have reported that the RDF still maintain a presence in key areas in the Kivus in the DRC, although there were no reports that these groups committed human rights abuses.

The country was very poor, and 60 percent of the population of 8.2 million lived in poverty. The economy is market-based and primarily driven by the agricultural sector. More than 80 percent of the labor force was engaged in subsistence agriculture. The 1994 genocide destroyed the country's social fabric, human resource base, institutional capacity, and economic and social infrastructure. Per capita annual income was \$250, and the country experienced an economic growth rate of 1.3 percent. Small-scale commercial activities increased, but the industrial base remained limited.

The Government's human rights record remained poor, and it continued to commit serious abuses. The right of citizens to change their government was effectively restricted. Members of Local Defense Forces committed unlawful killings. Unlike in the previous year, there were no reports of human rights abuses committed by security forces in the DRC. There were reports that an organized group targeted and killed witnesses to the 1994 genocide in certain provinces. There were reports of politically motivated disappearances. Police often beat suspects. Prison conditions remained life threatening; however, unlike during the previous year, there were no reports that prisoners died of outbreaks of disease and the cumulative effects of severe overcrowding. Arbitrary arrest and detention, particularly of opposition supporters, and prolonged pretrial detention remained serious problems. The judiciary did not always ensure due process or expeditious trials. The Government continued to conduct genocide trials at a slow pace. The Government restricted freedom of speech and of the press, and limited freedom of association and assembly. In some instances, local government officials restricted the freedom of religion. The Government harassed refugees who refused to leave the country voluntarily. The Government harassed NGOs, particularly during campaign periods. Societal violence and discrimination against women and ethnic minorities, particularly the Batwa, were problems. Child labor and trafficking in persons were problems.

RESPECT FOR HUMAN RIGHTS

Section 1. Respect for the Integrity of the Person, Including Freedom From:

a. Arbitrary or Unlawful Deprivation of Life.—There were no political killings; however, there were reports of arbitrary killings by members of the Local Defense Forces (LDF).

On March 7, two members of the LDF shot and killed Valens Nzigiyimana, Vice Mayor in Charge of Social Affairs in Gitarama Province. On July 18, a LDF officer killed a man named Saidi in Gisenyi Province. On August 31, Protogene

Maniragaba, an LDF officer, killed Isidore Ndaraye in Ruhengeri Province; the LDF officer also injured Straton Mbarushimana. All LDF suspects were subsequently arrested, and remained in prison at year's end.

There were no developments in the February 2002 killing in Kigali of RDF officer Alphonse Mbayire by a soldier in uniform.

In previous years, RDF troops participated in military operations during the war in the DRC on the side of the Goma-based Congolese Rally for Democracy (RCD/G) rebel movement, against the DRC government. In July 2002, in Pretoria, the Government and the DRC government signed an agreement calling for the DRC to end its support for Rwandan rebels and for the RDF to withdraw from DRC territory. By October 2002, according to the U.N.-South African Third-Party Verification Mechanism, all RDF forces had left the DRC. However, during the year, there were credible reports that the Government continued to provide material support for RCD/G forces and the Union of Congolese Patriots (UPC) forces in the Kivus, while likely maintaining a small RDF presence in the DRC.

There continued to be reports throughout the year of killings and other human rights abuses, including torture, rape, and looting, committed with impunity in the DRC by both pro-DRC and anti-DRC government forces, although RDF forces were reportedly no longer directly involved. Verification of these reports was extremely difficult, particularly those originating from remote areas and those affected by active combat in the eastern part of the DRC. The Government maintained that it no longer had troops in eastern DRC, and that its influence over RCD/G and UPC forces was decreasing. It rejected any responsibility for the numerous serious human rights abuses committed against civilians by RCD/G or UPC soldiers in the DRC.

At year's end, the Government had not opened any new inquiries into the abuses by its troops in previous years in the DRC.

During the year, the Government continued to prosecute members of the military on charges of committing murder, rape, or other offenses in the DRC prior to the October 2002 withdrawal. For example, during the year, a military court tried and sentenced RDF Private Onesphore Mushabizi to 10 years imprisonment for raping a woman in July 2001, between Goma and Masisi, DRC. A military court also tried five RDF sergeants accused of the 1998 murders of a Congolese woman named Jolie and her boyfriend, an RDF Sergeant named Gashuliat, at a Kinshasa military barracks. The court sentenced two RDF sergeants—Alphonse Nkusi and Edouard Sebuhero—to death and acquitted three others; Nkusi and Sebuhero's appeals were pending at year's end. The Ministry of Defense also has prosecuted members of the security forces alleged to have committed human rights violations during the year in military trials.

Military courts actively prosecute RDF soldiers accused of violating the human rights of citizens. In accordance with the Penal Code, the military courts sentenced Private Jean de Dieu Ntezimana and Private Francis Xavier Mbakeshimana to 5 to 10 years' imprisonment and fined them approximately \$20 (10,000 Rwandan francs) for beating a man to death on October 14, who had stolen goats. The trial of two other RDF officers—Sergeant Anselme Nyamaswa and Corporal Felicien Karangwa—for the beating death on April 20 of an agronomist, Mr. Nsanzimana, who had attacked another RDF sergeant, was pending at year's end.

Unlike in the previous year, there were no reports that unexploded ordnance from the 1994 civil war caused deaths during the year.

There were no developments in the investigation into the December 2001 shooting death of Gratien Munyarubuga.

According to Ibuka, an organization representing survivors of the 1994 genocide, assailants killed several witnesses to the genocide, reportedly to prevent testimonies and undermine the rural justice system introduced in 2002. For example, in the southwest province of Gikongoro, assailants killed a genocide witness and dismembered him in front of his family. By year's end, police had detained suspects in connection with some of the killings.

There were reports in the northwest of killings by insurgents who were allied with persons responsible for the 1994 genocide. Groups of armed insurgents looted villages and ambushed at least one vehicle on the road, killing civilians and destroying property. Such attacks were rare, and appeared to be aimed at destabilizing the tourism economy of the region.

The International Criminal Tribunal for Rwanda (ICTR), based in Arusha, Tanzania, continued to prosecute genocide suspects during the year (see Section 4).

b. Disappearance.—There were reports of politically motivated disappearances within the country.

On March 17, the Government released a report sharply criticizing the Democratic Republican Movement (MDR) party for divisionism. On April 14, the Transitional National Assembly recommended that the party be banned; in May, the cabi-

net accepted the recommendation, but the Supreme Court never acted upon the recommendation. Instead, the party dissolved when all existing political parties were required to reregister under the new political party law. In April, at least six persons—one of whom was named in the report—disappeared, four of whom were senior members of the government (three were military, one was a member of parliament).

On April 3, Damien Musayidizi, a demobilized ex-Rwandan Armed Forces (FAR) soldier and Personal Secretary to the Minister of Defense, disappeared. Musayidizi had worked for the previous Defense Minister, Brigadier General Emmanuel Habyarimana, who fled the country in March after being named in the Government's report on the MDR.

On April 7, MDR parliamentarian Dr. Leonard Hitimana disappeared in Kigali City. Hitimana was 1 of 48 individuals named in the government report on the MDR. Police announced that his vehicle was found at Kannyogo, Kaniga sector, Byumba province, close to the Uganda border. On April 23, Lieutenant Colonel Augustin Cyiza and Eliezar Runyaruka, a magistrate at Nyamata district court, disappeared in Kigali City on their way from UNILAK University. Their vehicle was found at Bukamba district, Ruhengeri province, bordering Uganda, and neither has been heard from since. The Government claimed that they could have fled the country into Uganda. Police never returned the vehicles they claimed to have found on the border to the families of those who had disappeared.

At year's end, none of these cases had been solved.

Unlike in the previous year, there were no reports that RDF forces seized and transferred prisoners from the DRC to the country.

There were no developments in the case of the missing Banyamulenge soldiers reportedly arrested in April and May 2002 by the RDF; the Government continued to deny that any such arrests had occurred.

There were no developments in the reported disappearances of two persons detained in 2002 at Ndoshu in the DRC by RDF and RCD/G forces.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The law prohibits torture; however, police officers often beat suspects at the time of arrest, and on at least one occasion, security forces reportedly committed acts of torture. Unlike in the previous year, there were no reports that RDF troops committed abuses against civilians in the DRC.

On April 1, police arrested RDF Major Félicien Ngirabware, interim commander of Nyakinama Military School, reportedly in connection with Brigadier General Habyarimana's self-imposed exile on March 30, and detained him at Kami military barracks in Kigali. There were credible reports that Major Ngirabware was tortured, and his family spent more than 2 months without information about his whereabouts. At year's end, he was still in prison; however, his family was able to visit him.

There continued to be numerous reports that security forces at times beat, harassed, and threatened political dissidents, journalists, and NGOs (see Sections 2.a., 2.b., and 4).

Unexploded ordnance that remained from the 1994 civil war caused no injuries during the year.

During the year, there were numerous, credible reports from local and international human rights groups that RCD/G forces engaged in the beating and torture of civilians in the DRC, particularly in the Kivus. There also were numerous reports that RCD/G and UPC soldiers raped women and girls.

Unlike in the previous year, there were no reports that RDF forces imprisoned persons in metal freight containers.

Prison conditions were harsh and life threatening. The International Committee of the Red Cross (ICRC) has registered approximately 80,000 prisoners detained on genocide or security-related charges and estimated that an additional 8,000 prisoners were detained on charges unrelated to the genocide; however, the Ministry of Justice routinely referred to the prison population as numbering 108,000. While the Government was committed to improving prison conditions, chronic overcrowding remained a major problem. During the year, the Government shut down the cachots (local detention centers) in all but two provinces in the country, which were considered to have the worst conditions. The prisoners were transferred to other prisons, which exacerbated prison overcrowding. Also during the year, the Government began work on the construction of a new prison; however, it was not completed by year's end. Sanitary conditions were extremely poor, and despite continuing efforts, the Government did not provide adequate food or medical treatment. The ICRC provided 50 percent of the food in the 18 main prisons and also provided additional expertise and medical, logistical, and material support to improve conditions for inmates. Prison deaths largely were the result of preventable diseases and suspected

cases of HIV/AIDS; however, unlike in the previous year, prison deaths did not result from the cumulative effects of severe overcrowding. There was an undetermined number of deaths in prison reported during the year.

Women were detained separately from men, and more than 3,700 minors—including those who were minors at the time of the crime—were incarcerated with adults throughout the prison system. Children under 14 were not legally responsible for their acts, and this led to the release of approximately 1,000 children and youths from prison under a presidential decree of January 1. The Government was making efforts to release them; however, an undetermined number of children classified as minors were incarcerated on genocide-related charges at year's end. Although the law prohibits the imprisonment of children with adults, the National Commission for Human Rights (NCHR) reported that at least 15 children and 100 infants were incarcerated with their mothers. Pretrial detainees generally were separated from convicted prisoners; however, there were numerous exceptions as a result of the large number of genocide detainees awaiting trial. Prisoners may also be hired out to perform work at private residences and businesses (see Section 6.c.). High profile political prisoners, such as former president Pasteur Bizimungu, were kept in special sections of regular prisons.

The ICRC, human rights organizations, diplomats, and journalists had regular access to the prisons. The ICRC continued its visits to communal jails and military-supervised jails.

Reports persisted that RCD/G forces used the private residences of rebel military commanders for incarcerations. Reports from former detainees indicated a pattern of beatings, undernourishment, and deliberate killings in these houses.

d. Arbitrary Arrest, Detention, or Exile.—The Constitution provided legal safeguards against arbitrary arrest and detention; however, authorities rarely observed them in practice, and security forces continued to arrest and detain persons arbitrarily.

The National Police are a young organization. Prior to 2000, police functions were carried out by the military, intelligence services, and judicial courts. The National Police are headed by the Commissioner General and have two Deputy Commissioners, one for operations and another for administration. Five Assistant Commissioners oversee the various units, such as traffic, intelligence, criminal investigations, protection, and the provincial areas. The police lack basic resources such as handcuffs, radios, and patrol cars. However, they participated in extensive training programs, and the police academy curriculum included training on human rights, non-lethal use of force, and professionalism. There was little problem with corruption or discipline within the police force due to national pride, strict training, and close monitoring.

The LDF (Local Defense Forces) are lesser-trained and locally staffed “civil disorder” units that fall under the Ministry of the Interior. The LDF perform basic security guard duties throughout the country, and were known to chase illegal street vendors, petty criminals, and prostitutes away from public areas. These units operate throughout the country. While they have no arrest powers, they reportedly acted with impunity.

The law requires that authorities investigate, then obtain a judicial warrant, before arresting a suspect. The police may detain persons for up to 48 hours without a warrant; formal charges must be brought within 5 days of arrest. These provisions were widely disregarded during the year. The law permits investigative detention if authorities believe that public safety is threatened or that the accused might flee. There is no bail, but the authorities may release a suspect pending trial, if they are satisfied that there is no risk that the person may flee or become a threat to public safety and order.

During the year, police used arbitrary arrest and detention frequently. Authorities detained numerous individuals after they expressed viewpoints unacceptable to the Government, including supporters and campaign workers of presidential opposition candidate Faustin Twagiramungu. Human rights organizations estimated that more than 300 persons were detained during the presidential campaign period in July; almost all were alleged supporters of Twagiramungu. Presidential candidate Dr. Theoneste Niyitegeka was detained daily from July 29 until August 1 after he filed a complaint against the Government for eliminating him from the race. Four members of the executive committee of the ADEP-Mizero party, led by former MDR president Celestin Kabanda, were detained daily from July 29 to August 26. One of those detained, Leonard Kavutse, made a public announcement at National Police headquarters severely criticizing his own party in what was widely believed to be a coerced statement. Kavutse remained in detention at year's end.

Unlike in the previous year, police did not arrest members of NGOs during the year.

Members of religious groups were arrested during the year (see Section 2.c.).

On June 8, Janvier Munyemana was arrested and placed in Kigali central prison. It turned out that he was mistaken for another man, and although the correct man was eventually found and arrested, Mr. Munyemana remained in prison at year's end.

On September 9, police arrested Alvera Mukantabana of Butare Province after her husband accused her of "divisionism." She was held in prison until October 17.

On July 30, the Supreme Court dismissed the second appeal of former President Pasteur Bizimungu, former transport minister Charles Ntakarutinka, and five other persons believed to be involved with Bizimungu's banned PDR-Ubuyanja party; the seven individuals were arrested in April and May 2002 on charges of "threatening national security by forming a criminal association." The Supreme Court ruled that the appeal had no legal basis and ordered them to remain in detention, pending trial before Kigali's Court of First Instance. At year's end, the seven individuals remained in custody awaiting trial.

At year's end, Pierre Gakwandi, Secretary General of the MDR, remained in prison, awaiting trial on charges of sectarianism, divisionism, and defamation of public personalities on charges related to an interview that appeared in the newspaper *Le Partisan* in 2002.

The Government continued to detain ex-combatants who returned to the country as part of the ongoing peace process between Rwanda and the DRC; detainees were placed in a reintegration program, which lasted from 8 to 12 weeks. These returnees included some children. The children generally were serving as porters for ALIR (now called the Democratic Front for the Liberation of Rwanda, or FDLR); few were serving as combatants for FDLR. Child soldiers were held separately from the adult combatants. Detainees at the demobilization camp at Mutobo frequently received visitors and sometimes were allowed to go home for visits.

An estimated 90 percent of the approximately 88,000 individuals incarcerated were awaiting trial on genocide charges. The law permits the continued detention of genocide suspects long enough to allow them to face trial either in a conventional court or in the Gacaca system (see Section 1.e.). Lengthy pretrial detention was a serious problem. Some suspects had been in jail since 1994. The Government did not have the capacity to process cases within a reasonable time.

Mobile groups, whose mandate was to establish or complete files that indicated the basis for charges for all genocide-related detainees, continued to operate during the year. Approximately 90 percent of detainees in custody during the year had files; however, the vast majority of those files were incomplete.

The Constitution prohibits forced exile, and the Government did not use forced exile; however, some individuals secretly left the country to live in self-imposed exile because they believed their lives were in danger. For example, in March, former Defense Minister Brigadier General Emmanuel Habyarimana, RPF parliamentarian Colonel Balthazar Ndengeyinka—both of whom were mentioned in the Government's March 17 report sharply criticizing the MDR—and Lieutenant Alphonse Ndayambayage, an aide of Habyarimana's, went into exile.

Theobald Rwaka Gakwaya, a former Interior Minister and founder of the Rwandan League for the Promotion and Defense of Human Rights (LIPRODHOR) remained in self-imposed exile abroad.

e. Denial of Fair Public Trial.—The constitution provides for an independent judiciary; however, the judiciary was subject to executive influence and also suffered from inefficiency, a lack of resources, and some corruption. The justice system collapsed during the war and genocide of 1994. With help from the international community, it was being rebuilt slowly and was beginning to function more normally. The Government did not have the capacity to ensure that provisions in the Constitution were enforced or that due process protections were observed.

Security forces at times ignored court decisions and refused to release prisoners. There were occasional reports of bribery of officials ranging from clerks to judges. The 12-member Anti-Corruption Commission, which was responsible for exposing numerous cases of corruption, was no longer in operation during the year. The new constitution provided for the creation of an ombudsman, who would be responsible for drafting an anti-corruption law; however, by year's end, such a law had not been drafted. An ombudsman was nominated by the president and approved by the Senate, per the Constitution, in November.

The Constitution provides for the adoption of a system of ordinary and specialized courts. Ordinary courts included the Supreme Court, the High Court of the Republic, the Provincial courts, and district courts. Specialized courts included Gacaca courts and military courts. At the year's end, judicial reforms were not implemented, and a system of communal courts, appeals courts, and a Supreme Court of six justices were not operational. The President may nominate two candidates for

each of two Supreme Court seats, and the Senate may choose one or reject both; in December, all judges for the Supreme Court were chosen by this process, but the lower courts had yet to be staffed.

The law provides for public trials with the right to a defense, but not at public expense; a presumption of innocence; and a right to appeal. The shortage of lawyers and the abject poverty of most defendants made it difficult for many defendants to obtain legal representation. Lawyers Without Borders continued to train Gacaca judges but did not provide defense or counsel to those in need. New court officers continued to be sworn in and assigned to courts across the country, but the Government did not have a sufficient number of prosecutors, judges, or courtrooms to hold trials within a reasonable time.

The RDF continued to dismiss soldiers for indiscipline and criminal offenses. The RDF routinely tried military offenders in military courts, which handed down sentences of fines, imprisonment, or both during the year. The law stipulates that civilians who were accomplices of soldiers accused of crimes be tried in military court. Civilians tried in military court had received stolen goods from soldiers, or had acted as accomplices with soldiers to commit theft. Military courts tried fewer than 20 civilians during the year.

The judiciary was focused on resolving the enormous genocide caseload of more than 80,000 detainees (see Section 1.d.). The Government continued with the program referred to as the Gisovu, or pre-Gacaca, project, a release program in which genocide-related detainees and prisoners who were elderly, ill, or without files were taken to their former villages to allow villagers to make complaints against them or to confirm that there was no reason to detain them. Local human rights organizations estimated that less than 10 percent of accused persons undergoing this process during the year were released. Re-arrests because of community criticism were rare but did occur. In January, the Government provisionally released close to 24,000 prisoners accused of genocide. These prisoners had confessed to their crimes, and were either elderly, ill, or had already served the sentence they would have received. Approximately 1,000 of these released prisoners were re-arrested, after having been implicated in additional crimes.

Gacaca courts, a grassroots participatory form of justice, served as the Government's primary judicial process for adjudicating genocide cases. The sixth chamber of the Supreme Court oversaw the implementation of Gacaca until May, when the new Constitution required the creation of a special commission to oversee Gacaca courts. By year's end, the law governing this new commission had not passed the legislature. The Gacaca law provides for reduced sentences for cooperation and credit for time served; lawyers were not permitted to participate officially in Gacaca. In June, the Government changed the procedure for observing Gacaca trials, making it difficult for human rights groups to monitor the trials. As a result, some groups stopped their observation activities altogether. In June, the Government suspended all Gacaca trials until after the end of the campaign period. Activities resumed in most Gacaca districts in October.

In addition to Gacaca courts, genocide-related cases were tried in the ICTR and by the Government in local courts (see Section 4). By year's end, local courts had judged approximately 7,800 persons on genocide-related charges, most following group trials. Of the 557 cases judged by local courts during the year, 18 resulted in death sentences, 54 in life imprisonment, 360 in sentences less than life, 106 in acquittals, and 19 in dismissals due to death or a lack of evidence. The vast majority of trials met international standards. The domestic human rights NGO LIPRODHOR actively monitored trials and interviewed released prisoners. No executions have been carried out since 1998.

In August, the Court of First Instance in Butare Province convicted 100 persons of committing crimes against humanity, including rape, torture, and murder, in connection with the 1994 genocide; 11 were sentenced to death, and 71 to life in prison. The other 18 were convicted of terms from 25 years to life, and 39 persons were acquitted during that trial. This was the largest mass trial in the country.

In December, a court found 18 persons guilty of genocide crimes committed in the country in 1994 and sentenced them to serve various terms in prison. They were convicted for having taken part in the killing of an estimated 20,000 civilians at the Nyarubuye Roman Catholic Church in the province of Kibungo. The leader of the group, Gitera Rwamuhizi, was sentenced to 25 years in prison. The rest received terms from 7 to 16 years.

A section of the Organic Genocide Law is designed to encourage confessions in exchange for reduced sentences for the vast majority of those involved in the genocide. As a result of efforts by the Government, international donors, and NGOs to widely advertise the confession provisions, 63,000 prisoners have confessed since the law was implemented in 1996. However, only a small number of confessions were proc-

essed, due to lengthy administrative review and hearing proceedings, and the lack of officials to process the confessions through the system.

There were numerous reports of political detainees (see Sections 2.b. and 3); however, there were no reports of political prisoners.

Few people had success pursuing their property restitution cases through the court system. There were reports that orphans, ex-combatants, and returning refugees had difficulty reclaiming their family land.

f. Arbitrary Interference with Privacy, Family, Home or Correspondence.—The Constitution prohibits such practices, and authorities generally respected these prohibitions; however, on September 8, police forcibly entered the home of opposition presidential candidate Faustin Twagiramungu and confiscated his computer, cellular phone, and many personal documents. During the year, government security agents followed Dr. Niyitegeka and Twagiramungu and tapped their phones.

Since 1997, more than 600,000 persons in the countryside have been relocated to government-designated resettlement sites in compliance with a “villagization” policy. Although the Government claimed that the move to villages was voluntary, some observers believe that government authorities compelled many persons to move; others may have relocated out of fear of security forces or insurgents. Human Rights Watch (HRW) reported that many of these individuals were forced to move against their will to substandard housing, often with little access to basic amenities, such as water. The Government denied that coercion occurred, but admitted it had encountered problems in the implementation of the program. While villagization remained government policy, the Government no longer compelled these persons to remain in the villages; however, restrictions on where houses could be built forced some individuals to remain. Thousands of persons still lived in inadequate housing not of their own choosing.

Since its withdrawal from the DRC in October 2002, the RDF has not practiced forced conscription. However, citizens who served in the military could be recalled to compulsory duty at any time.

During the year, there were numerous credible reports that RCD/G forces in the DRC forcibly recruited and transferred to the country numerous Kinyarwanda-speaking Congolese Hutus, including children, for military training. The Government denied that any such activities occurred.

There were reports that police harassed family members of former president Pasteur Bizimungu.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution provides for freedom of speech and of the press; however, the Government restricted these rights in practice, and the Government harassed journalists whose views were contrary to official views. Most journalists practiced self-censorship due to fear of government reprisals.

During the campaign period, the Government repeatedly accused opposition candidates and parties of using language that was divisionist, often using this as a pretext to eliminate them from the races.

Authorities detained numerous individuals after they expressed viewpoints unacceptable to the Government, including supporters and campaign workers of presidential opposition candidate Faustin Twagiramungu (see Section 1.d.).

During the year, the number of newspapers continued to increase. There were both privately and government owned newspapers, which published weekly in English, French, or Kinyarwanda; however, there were no daily newspapers. Newspapers were subject to government restrictions, and print journalists generally exercised self-censorship due to fear of government reprisal.

The Government largely controlled the broadcast media. In November 2002, a press law was passed that authorized private radio and TV broadcasting, subject to the approval of the Government; however, by year’s end the Government continued to own the only national radio station and the only television station, both of which nominally were independent of the Government. Radio Rwanda journalists were civil servants of the National Office of Information. At year’s end, the Government had granted licenses to several community-based radio projects, but had failed to give the projects frequencies, thereby rendering the licenses useless. During the campaign period, the Government publicly discussed jamming international radio stations.

Foreign media groups, including Voice of America, Deutsche Welle, and the British Broadcasting Corporation, broadcast in Kigali.

On January 22, police arrested and detained Ismail Mbonigaba, chief editor of the independent newspaper Umuseso, on charges of discrimination and sectarianism for publishing defamatory and divisive material. The Prosecution released him on February 27 on the grounds that his 7-day detention by police exceeded the maximum

period allowed by law. On March 16, Mbonigaba was dismissed from Umuseso following accusations that he embezzled newspaper funds.

On November 19, police seized an edition of Umuseso and arrested Umuseso Editor Robert Sebufirira on accusations of publishing false information and “defamatory” stories and inciting ethnic divisions. Police subsequently detained and beat Deputy Editor McDowell Kalisa and three Umuseso journalists during interrogations. All were released by November 21, without having been formally charged.

At year’s end, The Herald had not resumed publishing after its Chief Editor was deported to Uganda in 2002. He has never returned.

Valens Kwitegetse, a journalist for the government newspaper Imvaho, remained outside the country at year’s end. He was charged with using the media to promote ethnic hatred, and chose self-exile in Uganda.

On April 17, border police confiscated Ismail Mbonigaba’s new publication, *Indorerwamo*, which was printed in Uganda. The police spokesman indicated that the Government did not authorize the newspaper’s first publication. Restrictions were lifted within a few weeks.

There were two printing presses, one of which was owned by the Government. The second was owned by the Catholic Church, and was used only by the Church. Other newspapers had to either use the government press, or print their newspapers in Uganda.

During the campaign period, although the Government had promised equal media coverage for all candidates, in practice this did not occur. During both the presidential and legislative election campaigns, the Government used state-run newspapers, as well as the state-run radio and television stations, to accuse opposition candidates of divisionism. In September, the Government held a press conference to which it only invited government-run media. During the briefing, government officials asked journalists for help in exposing the divisive nature of opposition candidates’ campaigns.

The Government did not restrict access to the Internet or censor websites during the year.

The Government did not restrict academic freedom.

b. Freedom of Peaceful Assembly and Association.—The Constitution provides for freedom of assembly; however, authorities limited this right in practice. Authorities legally may require advance notice for outdoor rallies, demonstrations, and meetings. Authorities generally prohibited nighttime meetings, although they relaxed this restriction for religious groups.

Authorities prevented and dispersed political meetings and meetings held in private homes during the campaign for presidential and legislative elections. Authorities also threatened citizens to prevent them from attending already scheduled meetings.

Police forcibly dispersed political rallies during the campaign period; however, there were no reports of injuries.

The Constitution provides for freedom of association; however, the Government limited this right in practice. Private organizations were required to register; however, with few exceptions, the Government generally granted licenses without undue delay.

The Constitution provides for a multi-party system of government and for the free operation of political organizations; however, the Government did not always respect these provisions. The MDR party was outlawed and dissolved by the Government in accordance with an April recommendation by the Transitional National Assembly and the law governing the registration of political parties; its members subsequently split into three factions. Each of these factions attempted to register as a new political party prior to the presidential and legislative elections in August and September. Only one, the Party for Peace and Concord (PPC), was accepted. The President’s cabinet rejected the other two, which were led by opposition figures Celestin Kabanda and Stanley Safari in July, because of illegal provisions in the parties’ constitutions. Neither party was given the opportunity to amend its constitution; consequently, neither party was able to field candidates during the legislative elections.

Police harassed and intimidated MDR members during the year. During April, several individuals suspected of association with the banned MDR political party were arrested or had disappeared (see Sections 1.b. and 1.d.). In July, government officials harassed and intimidated friends and associates of opposition presidential candidate Dr. Theoneste Niyitegeka.

In eastern DRC, there were numerous reports that RCD/Goma and UPC forces restricted freedoms of assembly.

c. Freedom of Religion.—The Constitution provides for freedom of religion; however, while the Government generally respected this right in practice, it failed to prevent local authorities from abusing or restricting religious freedoms.

There were multiple reports that local authorities harassed and detained members of Pentecostal and Seventh-day Adventist churches. The majority of those detained by local officials were released within weeks of their arrest. In some provinces, schools continued to expel Jehovah's Witnesses children. A number of religious leaders reported intimidation and harassment related to the referendum for the new constitution held in May; according to religious officials, security forces detained and interrogated Protestant church leaders when it was believed their congregations were not voting in favor of the Constitution. In addition, a number of religious leaders reported intimidation and harassment again during the presidential and legislative elections.

On March 13, members of a Pentecostal church were arrested during a prayer service on Mt. Kigali. The group had gone into a cave to pray when local security forces arrested them. At the end of the year, the leaders of the group remained in detention.

At year's end, approximately three members of the Mouvement Sacerdotal Marial, a prayer group, including dissident Catholic priest Laurent Kalibushi, remained in detention; the Government arrested the group in March 2002 on accusations that the group was an "unhealthy and anti-social cult" with ties to the 2000 "doomsday cult" deaths in Uganda.

Some religious leaders were perpetrators of violence and discrimination during the year, and several clergy members of various faiths have faced charges of genocide in the country's courts, in the ICTR, and in foreign courts, notably in Belgium. In February, the ICTR concluded the trials of Elizaphan Ntakirutimana, a former Seventh-day Adventist pastor, and his son, Gerald Ntakirutimana. Both were found guilty of genocide, and both cases were under appeal at year's end. Of the 31 detainees awaiting trial at the ICTR, 3 were religious leaders during the 1994 genocide: Hormisdas Nsengimana, Rector of Christ-Roi College; Emmanuel Rukundo, a military chaplain; and Athanase Seromba, a Catholic priest.

The law requires that all nonprofit organizations, including churches and religious organizations, register with the Ministry of Justice to acquire the status of "legal entity." At year's end, no application had been denied, and no group's religious activities had been curtailed as a result of difficulties or delays in the registration process.

Unlike in the previous year, there were no reports that RDF troops targeted Catholic clergy for abuse in the DRC. No religious groups in the DRC reported any abuses targeted specifically at them, although several reported that "armed soldiers" pillaged and destroyed their property, forcibly dispersed religious services, and harassed religious leaders.

For a more detailed discussion, see the 2003 International Religious Freedom Report.

d. Freedom of Movement within the Country, Foreign Travel, Emigration, and Repatriation.—The Constitution provides for these rights; however, the Government at times did not respect them in practice. Citizens had to show identification upon request by security forces. Citizens must obtain a new national identity card when making a permanent move to a new district, and these new cards were issued routinely.

Unlike in the previous year, there were no reports that the Government confiscated passports of journalists.

By year's end, more than 80,000 Rwandan refugees remained outside the country; however, many other refugees returned to the country during the year. According to the UNHCR, more than 8,000 Rwandan citizens freely returned to the country from the DRC during the year. Another 2,000 Rwandan refugees were voluntarily repatriated from Tanzania. During the year, the Government signed tripartite agreements with eight African countries, including Zambia, Uganda, the DRC, the Republic of the Congo, Malawi, Namibia, Zimbabwe, and Mozambique, to establish a framework for the return of Rwandan refugees from these eight countries.

More than 400 Hutu former combatants and accompanying family members were repatriated to the country as part of an effort to demobilize, repatriate, and reintegrate Rwandan rebels in the DRC.

The law does not provide for the granting of asylum or refugee status to persons who meet the definition of the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. The Constitution recognized the right to asylum "under conditions determined by law"; however, there was no law in place to recognize refugees. In practice, the Government did not provide protection against refoulement, but it did grant asylum status and generally cooperated with the office of the U.N.

High Commissioner for Refugees (UNHCR), who granted refugee status, in assisting refugees and provided temporary protection to approximately 34,700 persons, the vast majority of whom were Congolese refugees who fled the DRC during the unrest of 1996.

Unlike in the previous year, there were no reports of the forced return of persons to a country where they feared persecution; however, more than 8,500 refugees who were forcibly repatriated in 2002 returned to the country's refugee camps to escape the harsh conditions in the DRC. Even after authorities discontinued the forced repatriations in October 2002, the Government continued to harass those who chose to stay in the country and drastically reduced services to the camps during the year. The Government banned the construction of new shelters at Gihembe Camp, in anticipation of a move at a later date. At year's end, the camp had become severely overcrowded, and living conditions were well below international standards.

Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government

The Constitution provides for the right of citizens to change their government peacefully; however, despite peaceful presidential and legislative elections during the year, this right was effectively restricted.

On May 26, a new constitution was adopted by referendum, ending a 9-year transitional period. The new constitution required that all political parties register with the Government, and all but one of the existing parties successfully re-registered (see Section 2.b.).

Founding members of Celestin Kabanda's party, ADEP-Mizero, were called into the police station daily from July 29 until August 26, the day after the presidential elections, effectively prohibiting the party from supporting any candidate during the presidential election and from running any candidates in the legislative elections. In addition, the Government pressured an estimated 600 former MDR members and members of the ADEP-Mizero to publicly denounce opposition presidential candidate Faustin Twagiramungu and independent legislative candidate Celestin Kabanda.

During the presidential and legislative campaign periods, Kagame's opponents and their supporters faced harassment and intimidation, including detention, which made it virtually impossible to campaign (see Section 1.d.). On the eve of the election, police arrested Twagiramungu's 12 provincial campaign organizers, saying they were preparing election-day violence. Most of them were released after the elections.

During the campaign period for both presidential and legislative elections, government officials confiscated campaign materials of opposition candidates.

On August 25, President Paul Kagame won a landslide victory against two independent candidates, Faustin Twagiramungu and Jean Nepomuscene Nayinzira. A fourth candidate, Alvera Mukabaramba, withdrew on the eve of the election. International election observers, representing both governments and NGOs, noted that the country's first post-genocide elections, though peaceful, were marred by numerous irregularities, including ballot stuffing, "guarded" polling booths, and irregular ballot counting in at least 2 of the 12 provinces; there were numerous credible reports of widespread intimidation and harassment of the opposition.

The Constitution also created a bicameral legislature, consisting of an 80-seat Chamber of Deputies and a 26-seat Senate. The term for Deputies was 5 years, while the term for Senators was 8 years, non-renewable. President Kagame's political party, the RPF, won the majority of the seats in the newly created Chamber of Deputies and Senate during legislative elections held over a 4-day period from September 29 to October 2. International election observers noted that the elections, though peaceful, were marred by numerous irregularities and widespread intimidation against the opposition. A coalition of five parties, including the ruling RPF, competed against three opposition political parties. Parties and independent candidates that ran in opposition to the RPF experienced intimidation and harassment similar to those faced by opposition candidates during the presidential elections; the Government reportedly canceled opposition rallies and confiscated campaign materials. Two independent candidates, Celestin Kabanda and Jean Baptiste Sindikubwabo, were disqualified 3 days before election day over allegations that they submitted false documents. There were numerous withdrawals from the legislative races the weekend prior to the elections.

In accordance with the Constitution, indirect elections were organized to designate 24 women deputies, 2 deputies representing youth organizations, 1 deputy with disabilities, and 1 senator from each of the 12 provinces. The women were chosen by a joint assembly composed of members of the respective district, municipality, town, or Kigali city councils and members of the executive committees of women's organizations at the provincial, Kigali City, district, municipal, town, and

sector levels. The National Youth Council elected the youth members; the Federation of Associations of the Disabled elected the handicapped member.

There were local elections for some positions such as district mayors and cell, district, and provincial level councils. Others were appointed, such as prefects and executive secretaries.

In addition to the RPF, six other political parties were represented in the newly mandated Chamber of Deputies and the Senate; however, none were considered to be fully independent of President Kagame and the RPF.

In accordance with the Constitution, all political organizations were required to join a consultative forum. In addition, the Organic Law Governing Political Organizations and Politicians, which the Transitional National Assembly passed on June 23, regulates the formation, structure, and functioning of political organizations; it also monitors their use of the media, management of financial assets, and relations between political organizations and other institutions. The law outlines a code of conduct that places tight controls on political organizations. For example, the law states that political organizations have the "moral obligation to condemn any biased ideas and behavior aimed at turning the State into a State governed by a cluster of politicians." The law also outlines the Government's ability to cancel an organization's mandate.

The Constitution requires that at least 30 percent of the seats in parliament be reserved for women; women won approximately 40 percent of the seats during September legislative elections. At year's end, there were 6 women in the 20-seat Senate, and 39 women in the 80-seat Chamber of Deputies. In addition, President Kagame appointed 9 women to ministerial positions, representing 32 percent of the positions in his cabinet.

There were no laws that restricted the participation of minorities in government and politics. Although the Constitution stipulated that marginalized groups should be represented in the Senate, the Batwa were not given such representation.

Section 4. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A variety of domestic and international human rights groups operated in the country, investigating and publishing their findings, but none of the domestic organizations had the resources to conduct extensive human rights monitoring. The Government tended to be suspicious of local and international human rights observers, particularly with regard to accusations against the Government during the campaign periods. The majority of the domestic human rights organizations are seen as being only nominally independent of the Government. The Government harassed those that attempted to report and act more independently. The Government attempted to prohibit the more independent organizations from gaining official observer status during the elections.

Local NGO activities often were limited to receiving and compiling reports from citizens about human rights abuses and conducting selected investigations, primarily because of resources but also because of some self-censorship. Reports were published occasionally; statements criticizing specific incidents were more common.

The Government generally did not provide to human rights organizations, and even other governments, systematic replies and rebuttals to allegations of human rights abuses. Under international pressure, the Government did provide a statement on reports of politically motivated disappearances (see Section 1.b.), 4 months after they occurred. However, it did not resolve these cases.

The Government directly threatened the domestic human rights NGO LIPRODHOR, by publicly criticizing its reports and trying to block international funding for its activities. LIPRODHOR was mentioned specifically in the MDR report, which accused members of LIPRODHOR of collaborating with MDR members and funneling money to the party from foreign donors.

There were a few reports of the forcible dispersal or prevention of NGO meetings during the year. Independent journalists and human rights workers said police regularly harassed them in the weeks prior to presidential elections. In addition, the Government forced some NGOs to suspend their programs during the elections in August and September. It also attempted to confiscate NGO vehicles just prior to the campaign period, and at one point, government officials tried to infiltrate NGO meetings.

In February, police prevented the regional NGO League for Human Rights in the Great Lakes (LDGL) from conducting a conference designed to address the controversial legal status of the Local Defense Forces.

At a May 9 meeting, an umbrella organization of 40 women's groups sharply criticized both domestic and international human rights organizations. Members of Pro-Femmes/Twese Hamwe and other women's groups joined parliamentarians and aca-

demics in criticizing the MDR for “divisionism”; the groups also criticized HRW for its support of the MDR and LIPRODHOR for being “divisive.” That Pro-Femmes/Twese Hamwe, which had previously received an award for its commitment to non-violence and tolerance, would publicly join government officials in such statements demonstrated the effect the Government had on civil society.

Restrictions on three members of a local NGO arrested in January 2002 and later released were lifted by the end of 2002; however, the NGO was still barred from operating at year’s end.

The Government continued to criticize reports by international human rights NGOs and was hostile towards those whose reporting was perceived by the Government to be biased and inaccurate. For example, in May, on state-controlled radio, the Government “strongly condemned the deceit used by Human Rights Watch to sabotage programs of the Government.”

The International Criminal Tribunal for Rwanda (ICTR), based in Arusha, Tanzania, continued to prosecute genocide suspects during the year, but at a slow pace. Since 1994, the ICTR has delivered verdicts on only 16 persons, including 5 during the year. Credible reports indicated that the ICTR continued to face serious problems, including poor management, incompetence, and corruption. The authorities sporadically prevented witnesses from attending and giving testimony at the ICTR, which delayed the judicial process. To expedite trials, the U.N. Security Council appointed a new ICTR Prosecutor on September 4, after it split the ICTR and International Criminal Tribunal for Yugoslavia (ICTY). Relations and cooperation between the Government and the ICTR improved following the appointment of Hassan Bubacar Jallow as the ICTR’s new Prosecutor. Discussions between the Government and the Tribunal continued on investigating RDF crimes, or “revenge killings,” committed in 1994.

Five trials were completed by year’s end. On February 19, the ICTR sentenced former Seventh-day Adventist pastor Elizaphan Ntakirutimana to 10 years’ imprisonment and his son Gerard Ntakirutimana to 25 years’ imprisonment (see Section 2.c.). On May 15, Laurent Semanza was sentenced to 25 years’ imprisonment and Eliezer Niyitegeka to life imprisonment. In addition, on December 3, Ferdinand Nahimana, a founding member of Radio Television Libres des Mille Collines (RTLM)—a privately owned and operated radio station whose members were all also government officials—and Hassan Ngeze, owner and editor of the Hutu extremist newspaper Kangura, were found guilty of genocide, incitement to commit genocide, and crimes against humanity and were sentenced to life in prison; the two worked for a radio station that broadcast lists of persons to be killed and revealed where they could be found. The third defendant, Jean-Bosco Barayagwiza, who was also a founder of RTLM and former political affairs director in the foreign affairs ministry, was sentenced to 35 years in prison; his sentence was reduced to 27 years because of the time he had already served prior to the trial.

Seven ICTR trials were in progress at year’s end: the Butare case against former Minister of Family and Women’s Affairs Pauline Nyiramasuhuko, Arsene Shalom Ntahobali, Alphonse Nteziryayo, Sylvain Nsabimana, Elie Ndayambaje, and Joseph Kanyabashi; the Cyangugu case against Emmanuel Bagambiki, Samuel Imanishimwe, and Andre Ntagerura; the Juvenal Kajelijeli case; the Jean de Dieu Kamuhanda case; the Sylvestre Gacumbitsi case; the case of former finance minister Emmaunel Ndindabahizi; and the military case against Theoneste Bagasora, Gratien Kabiligi, Aloys Ntabakuze, and Anatole Nsengiyumva. An additional 30 persons remained in detention, awaiting trial at the year’s end, while 2 persons awaited transfer to Arusha. Two of the three ICTR investigators arrested in 2001 on genocide charges were in custody awaiting trial at year’s end; the remaining investigator had been released from custody but was fired by the ICTR.

The Governments of Mali, Benin, and Swaziland have agreements with the ICTR to accept convicted prisoners. Six convicted genocidaires were serving their sentences in Mali: former Prime Minister Jean Kambanda, Jean Paul Akayesu, Alfred Musema, and Clement Kayishema, all of whom were sentenced to life in prison; Obed Ruzindana, who was sentenced to 25 years; and Omar Serushago, who was sentenced to 15 years. The Government of Italy has agreed to house Georges Riuggiu, the only non-Rwandan in ICTR custody; however, the agreement was not implemented by year’s end.

The NCHR produced only one communiqué before the election period, in which it severely criticized the pre-election report of HRW.

Section 5. Discrimination Based on Race, Sex, Disability, Language, or Social Status

The Constitution provides that all citizens are equal before the law, without discrimination on the basis of ethnic origin, tribe, clan, color, sex, region, social origin, religion or faith opinion, economic status, culture, language, social status, or phys-

ical or mental disability. The Government generally enforced these provisions; however, problems remained.

Women.—Domestic violence against women was common and wife beating occurred frequently. Cases normally were handled within the context of the extended family and rarely came before the courts. When the Government did become involved, such as in cases involving serious injury, the courts handled such cases efficiently, leading to the conviction of numerous suspects. During the year, numerous rape trials resulted in convictions with the maximum sentences for perpetrators. Prosecutions for rape continued during the year; those convicted generally received sentences of from 20 to 30 years' imprisonment.

Prostitution and trafficking were problems (see Section 6.f.).

Women continued to face societal discrimination. Women traditionally performed most of the subsistence farming. Since the 1994 genocide, which left numerous women as heads of households, women have assumed a larger role in the modern sector, and many run their own businesses. Nevertheless, women continued to have limited opportunities for education, employment, and promotion. Government efforts to expand opportunities for women included a clause in the Constitution providing that at least 30 percent of the seats in parliament be reserved for women; women won approximately 40 percent of the seats during September legislative elections. Other efforts included the sponsorship of scholarships for girls in primary and secondary school, the provision of loans to rural women, and a Ministry of Gender program to train government officials and NGOs in methods to increase the role of women in the workforce. The Family Code generally improved the legal position of women in matters relating to marriage, divorce, and child custody. The law allows women to inherit property from their fathers and husbands, and allows couples to choose the legal property arrangements they wish to adopt.

The Ministry of Gender and Women in Development was charged with handling problems of particular concern to women, and the Minister was an active advocate of women's rights. A number of women's groups were extremely active in promoting women's concerns, particularly those faced by widows, orphaned girls, and households headed by children.

Children.—The Government was committed to children's rights and welfare, and it attempted to provide education and health care to every child. Children headed at least 65,000 households. The Government worked closely with international NGOs to secure assistance for children who were heads of households, and sensitized local officials to the needs of children in such situations. More than 98 percent of the children who were separated from or lost their parents during the 1994 genocide and subsequent repatriations have been reunited with family members or placed in foster homes.

In June, the Government announced that all primary school fees would be waived. The fees were waived; however, in some districts, near the end of the term, principals refused to give out grades unless persons paid the fees. School fees routinely were waived for orphans. Public schools lacked essential and basic supplies and could not accommodate all children of primary school age. A UNICEF study reported that 400,000 school-age children were unable to go to school in 1999. Private schools often were too distant or too expensive to serve as an alternative for many children. Examination decided entry to secondary school.

According to a UNICEF report published during the year, 67 percent of primary school-age boys and girls were enrolled in school. Of the children who enter the first grade, 78 percent reach the fifth grade. Approximately 74 percent of men were literate compared with 60 percent of women.

Child prostitution was a problem (see Section 6.f.).

Both the Government and non-state militias have used children as soldiers in past conflicts. However, the Government no longer recruited children into its security forces. The Government's program of demobilization and reintegration continued during the year, with a number of child soldiers being among those moved through the program back to civilian life. The Government participated in an International Labor Organization (ILO)-International Program for Elimination of Child Labor (IPEC) program to prevent the involvement of children in armed conflicts and support the rehabilitation of former child soldiers. There were credible reports that in some regions, children were recruited to work for the LDF; however, these were isolated cases.

There were reports that Congolese children were transferred to the country for military training (see Section 1.f.).

Child labor was a problem (see Section 6.d.).

There were approximately 6,000 street children throughout the country. Local authorities rounded up street children and placed them in foster homes or govern-

ment-run facilities. The Gitagata Center still housed approximately 700 children, the majority of whom were rounded up in December. During the year, approximately 25 girls, who were subject to sexual abuse in the center, were removed and placed in a new center only for girls, managed by the Catholic Church. The Government opened a "Childcare Institution" in each of the 12 provinces that served as safe houses for street children, providing shelter and basic needs. The Government continued to work with NGOs throughout the year to address the question of street children.

There continued to be reports that RCD/Goma and UPC rebel troops abducted young women from the villages they raided in the DRC, to serve primarily as porters or sex workers.

Persons with Disabilities.—Although there were no laws restricting persons with disabilities from employment, education, or other state services, in practice, few persons with disabilities had access to education or employment. There was no law mandating access to public facilities.

National/Racial/Ethnic Minorities.—Before 1994, an estimated 85 percent of citizens were Hutu, 14 percent were Tutsi, and 1 percent were Batwa (Twa). However, Hutus and Tutsis were not clearly distinct groups, since the two have intermarried for generations. The 1994 mass killings and migrations probably affected the ethnic composition of the population, but the extent and nature of the changes remained unknown.

With the removal of ethnic labels from identification cards, the Batwa no longer were officially designated as an ethnic group. During the year, there were approximately 23,000 Batwa in the country, which represented less than 1 percent of the population. The Batwa, survivors of the Twa (pygmy) tribes of the mountainous forest areas bordering the DRC, existed on the margins of society and continued to be treated as inferior citizens by both the Hutu and Tutsi groups.

The Community of Indigenous Peoples of Rwanda (CAURWA), an advocacy group for the Batwa, reported that Biturira, a Batwa genocide suspect detained at Gikongoro prison, died in a pit latrine in July 2002. The man had been sent into the latrine by a prison guard to fetch a mobile phone that had fallen into the latrine. At the year's end, no investigation had been made into his death.

There were seven Batwa organizations focused on the protection of their interests, which included access to land, housing and education, and the eradication of discrimination against them; however, they generally were unable to protect their interests due to government restrictions on using ethnic labels. Because the Government no longer recognized ethnicity, the Batwa were unable to argue that they needed special services. Few Batwa had been educated formally. There was one Batwa on the NCHR, and no Batwa in the Senate, despite a constitutional provision that allows the president the right to appoint 4 members to the Senate "who shall ensure the representation of historically marginalized communities."

Large-scale interethnic violence in the country between Hutus and Tutsis has erupted on three occasions since independence in 1962, resulting on each occasion in tens or hundreds of thousands of deaths. The most recent and severe outbreak of such violence, in 1994, involved genocidal killing of much of the Tutsi population under the direction of a Hutu-dominated government and in large part implemented by Hutu-dominated armed forces called the ex-FAR and Interahamwe militia. That genocide ended later the same year when a predominately Tutsi militia, operating out of Uganda and occupied Rwandan territory, overthrew that government and established the Government of National Unity, which was composed of members of eight political parties and which ruled until the elections in August and September. Since 1994, the Government has called for national reconciliation and committed itself to abolishing policies of the former government that had created and deepened ethnic cleavages. The new constitution provides for the eradication of ethnic, regional, and other divisions and the promotion of national unity. Some organizations and individuals accused the Government of favoring Tutsis, particularly English-speaking Tutsis, in government employment, admission to professional schooling, recruitment into or promotion within the army, and other matters; however, the Government continued to deny this charge.

Incitement to Acts of Discrimination

During the year, the ICTR convicted and sentenced former media executives and journalists to prison terms for promoting racial hatred and inciting acts of violence against Tutsis and moderate Hutus during the 1994 genocide (see Section 4).

Section 6. Worker Rights

a. The Right of Association.—The law provided the right to create professional associations and labor unions, and workers generally exercised this right in practice. The labor movement was hampered because of the massive disruptions caused by

the 1994 genocide; however, unions continued to regroup and assert themselves during the year.

More than 80 percent of workers were engaged in small-scale subsistence farming. Union membership was voluntary and open to all salaried workers, including public sector employees. Organized labor represented only a small part of the work force. Approximately 7 percent of the work force worked in the modern (wage) sector, and approximately 75 percent of those active in the modern sector were union members.

There were no restrictions on the right of association, but all unions must register with the Ministry of Labor for official recognition. There were no known cases in which the Government denied recognition. The law prohibits unions from having political affiliations, but in practice this was not always respected.

There were 27 registered unions under 2 umbrella groups: 17 were under the Central Union of Rwandan Workers (CESTRAR), and 10 were jointly under the National Council of Free Unions in Rwanda (COSYLI), and the Association of Christian Unions (ASC-Umurimo).

The law prohibits anti-union discrimination, but no formal mechanisms existed to resolve complaints involving discrimination against unions. Union activists have complained that some employers threatened to fire employees who attempted to join a union.

Labor organizations may affiliate with international labor bodies. The CESTRAR was affiliated with the Organization of African Trade Union Unity and the International Confederation of Free Trade Unions.

b. The Right to Organize and Bargain Collectively.—The law provides for the protection of workers from employer interference in their right to organize and administer unions; however, the law does not include agricultural workers in this provision. The law provides for collective bargaining, although only the CESTRAR had an established collective bargaining agreement with the Government. In practice, the Government was intimately involved in the collective bargaining process since most union members were in the public sector (see Section 6.e.).

Participation in unauthorized demonstrations could result in employee dismissal, nonpayment of wages, and civil action against the union; however, authorization was not required for union meetings.

The law provides for the right to strike, except for public service workers and workers in essential services. A union's executive committee must approve any strike, and the union must first try to resolve its differences with management according to steps prescribed by the Ministry of Public Service and Labor. This process essentially prohibits strikes. There were no demonstrations by union members during the year.

There are no export processing zones.

c. Prohibition of Forced or Bonded Labor.—The law prohibits forced or bonded labor; however, prisoners were assigned to work details, which generally involved rebuilding houses, clearing land, or other public maintenance duties. Prisoners also may be hired out to perform work at private residences and businesses. It was unclear how much pay the prisoners were given in return for their work.

Unlike in the previous year, there were no reports that the national army forced Rwandan prisoners and Congolese civilians, including children, to mine columbite-tantalite, or coltan, in the Provinces of South Kivu and Maniema in the DRC, especially in the areas of Kalemie and Kalima.

The law does not prohibit specifically forced and bonded labor by children; however, with the exception of forced military recruitment and service (see Section 5), there were no reports that such practices occurred.

d. Status of Child Labor Practices and Minimum Age for Employment.—Except for subsistence agriculture, which occupies approximately 80 percent of the workforce, the law prohibits children under the age of 16 from working without their parents' or guardians' permission, and prohibits children under 16 from participating in night work or any work deemed hazardous or difficult, as determined by the Minister of Labor; however, child labor was a problem. Night work is defined by the Labor Code as work between 7 p.m. and 5 a.m.; children also must have a rest period of at least 12 hours between work engagements. The minimum age for full-time employment was 18 years, and 14 years for apprenticeships, provided that the child had completed primary school. According to a U.N. report released during the year, 31 percent of children aged 5 to 14 engaged in child labor. The Ministry of Public Service and Labor and the Ministry of Local Government did not enforce child labor laws effectively, and children headed many households.

The Government identified five forms of child labor as those that should be considered as the "worst forms of labor," including domestic work outside the family sphere; agricultural activities on tea, rice, and sugar cane plantations; work in

brickyards and sand extraction quarries; crushing stones; and prostitution. During the year, child labor persisted in the agricultural sector, among household domestics, and the brick-making industry. In addition, child prostitution was a problem (see Section 6.f.).

e. Acceptable Conditions of Work.—The Ministry of Public Service and Labor set minimum wages in the small modern sector. The Government, the main employer, effectively set most other wage rates as well. There is no single minimum wage; minimum wages varied according to the nature of the job. The minimum wages paid were insufficient to meet the basic needs of a worker and family, and in practice, workers accepted less than the minimum wage. Often families supplemented their incomes by working in small business or subsistence agriculture.

Officially, government offices and private sector entities had a 40-hour workweek; the maximum workweek was 45 hours. In July, the Government changed the workday schedule, so that the day began at 7 a.m. and ended at 3:30 p.m., with a 30-minute break for lunch. There was no mandated rest period. The law regulates hours of work and occupational health and safety standards in the modern wage sector, but inspectors from the Ministry of Public Service did not enforce these standards aggressively. Workers do not have the right to remove themselves from dangerous work situations without jeopardizing their jobs.

The law provides for equal protection of foreign workers.

f. Trafficking in Persons.—There was no specific anti-trafficking law, but laws against slavery, prostitution by coercion, kidnapping, rape, and defilement were available to prosecute traffickers; however, there were reports of trafficking.

During the year, the Government actively prosecuted cases of sex crimes, but did not keep separate trafficking statistics. The Government did not fully comply with the minimum standards for the elimination of trafficking in persons; however, it was making significant efforts to do so despite severe resources constraints.

There were reports that persons were trafficked to South Africa. Numerous children head households, and some of these children resorted to prostitution or may have been trafficked into domestic servitude. Child prostitution was a problem; an international organization estimated there were 2,140 child prostitutes in the major cities and several thousand street children.

There continued to be reports that Rwandan-backed Congolese militias operating in the DRC abducted men, women, and children for forced labor and sexual exploitation, and to serve as combatants. Unlike in the previous year, there were no reports that RDF troops abducted women and children from villages they raided to perform labor, military services, and sexual services.

SAO TOME AND PRINCIPE

The Democratic Republic of Sao Tome and Principe is a multiparty democracy. Fradique de Menezes was elected President of the country in a 2001 election deemed free and fair by international observers. In March 2002 parliamentary elections, also deemed free and fair, the Movement for the Liberation of Sao Tome and Principe-Social Democratic Party (MLSTP) won 24 seats, the Movement for the Democratic Force of Change (MDFM) coalition took 23 seats, and the Ue-Kedadji coalition won 8 seats; Gabriel Arcanjo Ferreira da Costa was named Prime Minister. In September 2002, President Menezes dismissed Costa and his government, and on October 2002, a new 13-member coalition government was formed under Maria das Neves, the first woman to hold the position of Prime Minister. That government remained in power, despite an attempted coup in July. The judiciary was generally independent; however, it was subject at times to influence and manipulation.

The Minister of National Defense and Internal Affairs supervise and control the military services, the police, and immigration. The Government and international donors continued to dedicate resources to improving soldiers' living conditions, salary, and benefits, all issues negotiated as part of ending the attempted coup. Some members of the security forces committed human rights abuses.

The mainstay of the mixed economy was the export of cocoa; coffee, vanilla, and pepper also were produced for export. The population was approximately 137,500; per capita annual income was \$280. Unemployment remained high, and endemic malaria slowed economic production. The Government has privatized all state-held land and was somewhat successful in its efforts at structural adjustment; however, the country remained highly dependent on foreign aid.

The Government generally respected the human rights of its citizens; however, there were problems in some areas. Security forces on occasion beat and abused detainees and violently dispersed a demonstration. Prison conditions were harsh, and

the judicial system was inefficient. Violence and discrimination against women were widespread, child labor was a problem, and labor practices on plantations were harsh.

RESPECT FOR HUMAN RIGHTS

Section 1. Respect for the Integrity of the Person, Including Freedom From:

a. Arbitrary or Unlawful Deprivation of Life.—There were no political killings during the year.

On April 17, one person died and three were injured after police attempted to disperse a violent demonstration; a subsequent investigation did not resolve whether police or demonstrators were responsible (see Section 2.b.).

On March 29, the court convicted a police sergeant of involuntary manslaughter in the October 2002 death of Ineas Cravid. The police sergeant was sentenced to 12 years in prison; two other officers involved in the case were convicted of abuse and violation of authority and sentenced to 8 and 4 years' imprisonment, respectively. All three officers filed appeals.

b. Disappearance.—There were no reports of politically motivated disappearances.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The Constitution prohibits such practices; however, there were reports that security forces at times beat and abused detainees in custody.

After an April 17 demonstration, authorities arrested and detained 37 demonstrators; some claimed that police beat them in custody (see Section 2.b.).

Prison conditions were harsh but not life threatening. Facilities were overcrowded, and food was inadequate. Women and men were held separately, and juveniles were separated from adults. Because of overcrowding, some pre-trial prisoners were held with convicted prisoners.

The Government permitted human rights monitors to make prison visits; however, no such requests were made during the year.

d. Arbitrary Arrest, Detention, or Exile.—The Constitution prohibits arbitrary arrest and detention, and the Government generally observed these prohibitions. However, on April 17, security forces arrested and detained 37 demonstrators, some of whom reported that they were beaten while in custody; all 37 were released after 5 days (see Section 2.b.).

The police force, under the Ministry of Defense, was ineffective and widely viewed as corrupt, despite the Government's replacement of two police directors during the year, ostensibly to improve police service. The Government agreed to reform the Criminal Investigation Police, a separate agency under the Ministry of Justice that conducted criminal investigations, as part of negotiations to end the attempted July coup; however, no action was taken during the year.

The Constitution does not prohibit forced exile; however, the Government did not use it.

e. Denial of Fair Public Trial.—The Constitution provides for an independent judiciary, however, the judicial system at times was subject to political influence or manipulation. The Government has important powers relating to the judiciary, including setting salaries for judges and all ministerial employees. Government salaries remained low, and suspicion persisted that judges may be tempted to accept bribes (see Section 6.e.).

The legal system was based on a Portuguese model. The court system had two levels: Circuit courts and the Supreme Court. The Supreme Court was the appellate court of last resort.

The Constitution provides for the right to fair public trial, the right of appeal, and the right to legal representation. However, in practice, the judicial infrastructure suffered from severe budgetary constraints, inadequate facilities, and a shortage of trained judges and lawyers, which caused delays from 3 to 9 months in bringing cases to court and greatly hindered investigations in criminal cases. To address the backlog during the year, the Government held a 2-week trial marathon in which three or four cases were heard daily for 14 consecutive days.

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home or Correspondence.—The Constitution prohibits such actions, and the Government generally respected these prohibitions.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution provides for freedom of speech and of the press, and the Government generally respected these rights. A Superior Council for Press, made up of representatives from each branch of the media, acts

as an arbitration board in cases of disputes; however, the Council has been inactive for several years.

Two government-run and six independent newspapers and newsletters were published sporadically, usually on a monthly or bi-weekly basis; resource constraints determined publishing frequency.

All parties freely distributed newsletters and press releases stating their views and criticizing the Government, the President, and one another.

Television and radio were state operated. While there were no independent local stations, no laws forbade them. The Voice of America, Radio International Portugal, and Radio France International were rebroadcast locally. The law grants all opposition parties access to the state-run media, including a minimum of 3 minutes per month on television.

On March 24, former Prime Minister Costa was convicted of defamation and calumny in a lawsuit brought by President Menezes. Costa, who had accused Menezes in an open letter to the National Assembly of mismanaging government funds and usurping government authority, was sentenced to a 1-month suspended sentence and a fine of \$66 (600,000 dobras).

The Government did not restrict access to, or the use of, email, the Internet, or satellite telephones. The only domestic Internet service provider was a joint venture in which the Government's Post and Telecommunications Office was a minority partner. The cost of Internet access remained high; consequently, access remained limited in practice.

The Government did not restrict academic freedom.

b. Freedom of Peaceful Assembly and Association.—The Constitution provides for freedom of peaceful assembly and association, and the Government generally respected these rights in practice. The Government required that requests for authorization for large-scale events be filed 48 hours in advance, but it usually granted the appropriate permits.

On April 17, local artisans marched on the Prime Minister's office to protest the Government's sale of land that had been promised to them. After security forces arrived to disperse the demonstration, shots were fired, resulting in the death of one demonstrator and the injuring of three others. Police investigators could not determine whether the shots had been fired by demonstrators or security forces; observers noted that security forces were poorly trained in crowd control.

c. Freedom of Religion.—The Constitution provides for religious freedom and the Government generally respected this right in practice.

For a more detailed discussion, see the 2003 International Religious Freedom Report.

d. Freedom of Movement within the Country, Foreign Travel, Emigration, and Repatriation.—The Constitution provides for these rights, and the Government generally respected them in practice.

After the July 16 attempted military coup, a curfew was imposed, and the International Airport was closed; by July 18, the Airport was reopened and the curfew lifted.

The law does not include provisions for the granting of refugee status or asylum to persons who meet the definition in the 1951 U.N. Convention Regarding the Status of Refugees and its 1967 Protocol; however, in practice, the Government granted refugee status or asylum. There were no reports of the forced return of persons to a country where they feared persecution. The Government cooperated with the U.N. High Commissioner for Refugees and other humanitarian organizations in assisting refugees.

Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government

The Constitution provides citizens with the right to change their government peacefully, and citizens exercised this right in practice through periodic, free, and fair elections held on the basis of universal suffrage. The Constitution provides for the election of the President, who as Head of State approves the Prime Minister. The Prime Minister appoints ministers of the Government.

President Menezes was elected in July 2001; in December 2001, he dissolved the National Assembly and called for new elections. In a March 2002 election deemed free and fair by international observers, the MLSTP won 24 seats, the MDFM coalition took 23 seats, and the Ue-Kedadji coalition won 8 seats; Gabriel Arcanjo Ferreira da Costa was named Prime Minister. In September 2002, President Menezes dismissed Costa and his government, and on October 2002, a 13-member coalition government was formed under Maria das Neves, the first woman to hold the position of Prime Minister.

On July 16, Major Fernando Pereira, head of the country's military training center, led a military coup attempt while President Menezes was visiting Nigeria. Coup leaders, who detained members of the Government, took over the national radio station, and closed the Airport, said they were frustrated by military living conditions and wage arrears, and demanded reform of the Criminal Investigation Police. On July 23, President Menezes resumed control of the Government after signing a framework agreement with the rebels to reform the military, establish legal and regulatory measures to manage the country's new oil wealth, and to initiate a national forum to establish developmental priorities. On November 27, the Commission of Guarantee, an international body established to oversee the implementation of the framework agreement, convened its first meeting.

There were 5 women in the 55-seat National Assembly, and women held 5 of 13 seats in the Cabinet. The Prime Minister and the President of the 3-member Supreme Court were women.

Section 4. Governmental Attitudes Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A small number of domestic human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials generally were cooperative and responsive to their views.

Section 5. Discrimination Based on Race, Sex, Disability, Language, or Social Status

The Constitution provides for the equality of all citizens regardless of sex, race, racial origin, political tendency, creed, or philosophic conviction. The Government actively enforced these provisions.

Women.—While the extent of the problem was unknown, domestic violence against women occurred, including rape. Although women have the right to legal recourse—including against spouses—many were reluctant to bring legal action or were ignorant of their rights under the law. Tradition inhibits women from taking domestic disputes outside the family.

The Constitution stipulates that women and men have equal political, economic, and social rights. While many women have access to opportunities in education, business, and government, in practice, women still encountered significant societal discrimination. Traditional beliefs left women with most child-rearing responsibilities and with less access to education and to professions; a high teenage pregnancy rate further reduced economic opportunities for women. An estimated 70 percent of households were headed by women.

Children.—A number of government and donor-funded programs operated to improve conditions for children, notably an ongoing malaria control project and acquisition of school and medical equipment.

Nutrition, maternity and infant care, and access to basic health services have improved, especially in urban areas. Mistreatment of children was not widespread; however, there were few protections for orphans and abandoned children.

Education was universal, compulsory through the 6th grade, and tuition-free to the age of 15. Students were responsible for buying books and uniforms; however, the Government provided both to children from poor families. Enrollment in primary school was estimated at 74 percent. After grade 6 or age 15, whichever came first, education was no longer free. There were no differences between the treatment of girls and boys in regard to education.

During the year, a social services program tried to collect street children in a center where they received classes and training. Conditions at the center were good; however, because of overcrowding, some children were sent back to their families at night, and these children frequently ran away. Children who stayed full time at the center did not run away.

Persons with Disabilities.—The law does not mandate access to buildings, transportation, or services for persons with disabilities. There were no reports of discrimination against such persons; however, local organizations have criticized the Government for not implementing accessibility programs for persons with disabilities as it promised.

Section 6. Worker Rights

a. The Right of Association.—The Constitution provides for freedom of association, and workers generally exercised this right in practice. Few unions exist in the very small formal wage sector. The two unions are the General Union of Workers and the National Organization of Workers of Sao Tome and Principe; government workers and members of farmers' cooperatives belonged to one of these unions. Independent cooperatives took advantage of the Government's land distribution program

to attract workers and in many cases to improve production and income significantly. Public sector employees still constituted the majority of wage earners.

There are no laws prohibiting anti-union discrimination; however, there were no reports of such discrimination.

There were no restrictions against trade unions joining federations or affiliating with international bodies, but none have done so.

b. The Right to Organize and Bargain Collectively.—The Constitution provides that workers may organize and bargain collectively; however, due to its role as the principal employer in the wage sector, the Government remained the key interlocutor for labor on all matters, including wages.

The Constitution provides for the freedom to strike, even by government employees and other essential workers. During the year, there was one strike by civil service workers that was resolved within 1 day through negotiations. Numerous other threats of strikes during the year were resolved through negotiation. There were no laws or regulations prohibiting employers from retaliation against strikers; however, there were no reports of retaliation following strikes.

There are no export processing zones.

c. Prohibition of Forced or Bonded Labor.—The law prohibits forced or bonded labor, including by children, and there were no reports that such practices occurred.

d. Status of Child Labor Practices and Minimum Age for Employment.—Child labor was a problem. Employers in the formal wage sector generally respected the legally mandated minimum employment age of 18. The law prohibits minors from working more than 7 hours a day and 35 hours a week. Children were engaged in labor in subsistence agriculture, on plantations, and in informal commerce, sometimes from an early age. Although no cases of child labor abuses have been prosecuted, the law states that employers of underage workers can be fined.

The Government has not ratified International Labor Organization Convention 182 on the worst forms of child labor.

e. Acceptable Conditions of Work.—Working conditions on many of the cocoa plantations—the largest wage employment sector—were extremely harsh. The legal minimum wage was \$23.50 (220,000 dobras) per month, with an additional stipend of \$2.20 (20,000 dobras) for civil servants. The average salary for plantation workers did not provide a decent standard of living for a worker and family, and the real value of their pay was further eroded by a 9 percent rate of inflation. Working two or more jobs was so common that the Government modified its hours so civil servants could pursue a second career; the labor law specifies areas in which civil servants may work if they pursue a second job. Privatization of the plantation sector generally eliminated fringe benefits provided when plantation production was controlled by the State. In principle, workers and their families were provided free (but inadequate) housing, rudimentary education for their children, and health care, as well as the privilege of reduced prices and credit at the “company store”; however, corruption was widespread, and workers often were forced to pay higher prices on the open market to obtain the goods theoretically provided at a discount as part of their compensation.

Civil servants in “strategic sectors,” such as the court system, the ministries of finance, customs, education, and the Criminal Investigation Police, earned up to 400 percent more than their counterparts in the remainder of the public sector.

The legal workweek was 40 hours, with 48 consecutive hours mandated for rest. Shopkeepers worked 48 hours a week. The law prescribes basic occupational health and safety standards. Inspectors for the Ministry of Justice and Labor were responsible for enforcement of these standards; however, resource constraints hindered their efforts. Employees had the right to leave unsafe working conditions.

f. Trafficking in Persons.—The law prohibits trafficking in persons, and there were no reports that persons were trafficked to, from, or within the country.

SENEGAL

Senegal is a moderately decentralized republic dominated by a strong presidency. In March 2000, Abdoulaye Wade, backed by a coalition of opposition parties, became President in an election viewed as both free and fair. In January 2001, 94 percent of the voters approved a new constitution that abolished the Senate, a body that had no directly elected members. Wade’s Sopi (Change) Coalition, composed of the Senegalese Democratic Party (PDS) and its allies, has 89 of 120 seats in the National Assembly and controls the majority of rural, regional, and city councils. The Government continued to implement decentralized regional and local administra-

tions. In March 2001, the Government and the secessionist Movement of Democratic Forces of the Casamance (MFDC) signed two peace agreements designed to end the 20-year insurgency. Although these agreements proved ineffective, there was a considerable reduction in the level of violence in the Casamance during the year. The Constitution provides for an independent judiciary; however, in practice it is subject to government influence and pressure.

The armed forces are professional, generally well disciplined, and firmly under civilian control. The police and the paramilitary gendarmerie are somewhat less professional and disciplined. The civilian authorities maintained effective control of the security forces. Some members of the security forces committed serious human rights abuses.

The country is predominantly agricultural with approximately 60 percent of the labor force engaged in agricultural work and 20 percent engaged in fishing. The economy is market-based with substantial foreign investment, particularly in the tourism sector. In 2002, the population was estimated at 9.9 million, 33 percent of which was urban and 67 percent rural. Per capita gross domestic product was estimated at approximately \$500, but this figure excludes the large informal economy. The Government continued to implement a series of economic policy reforms to enhance competitiveness by dismantling monopolies, liberalizing markets, and privatizing several state-owned industries. Inflation averaged 2.2 percent in 2002, after averaging 3.0 percent in 2001. The Government received external assistance from international financial institutions and other sources, amounting to 32 percent of the national budget.

The Government generally respected its citizens' rights; however, there were problems in some areas. Government forces were responsible for several deaths during the year, and several disappearances from previous years remained unresolved. At times, police tortured and beat suspects during questioning and arbitrarily arrested and detained persons. Prison conditions were poor. Impunity remained a problem. Lengthy pretrial detention largely due to an overburdened judiciary is a problem. Human rights advocates and nongovernmental organizations (NGOs) continued to report a decrease in arbitrary arrests and random violence in connection with the Casamance insurgency. The Government, at times, limited the freedoms of speech and association. Domestic violence and discrimination against women, female genital mutilation (FGM), child labor and trafficking in persons remained problems.

There were reports that rebel MFDC forces committed killings, torture, and rape.

RESPECT FOR HUMAN RIGHTS

Section 1. Respect for the Integrity of the Person, Including Freedom From:

a. Arbitrary or Unlawful Deprivation of Life.—There were no political killings; however, government forces reportedly were responsible for several civilian deaths. On February 23 in Mandina Mancagne, a village in the Casamance that has been resettled since the decline in violence, the military shot and killed a man who reportedly failed to stop after receiving warnings.

There were no further developments in the October 2002 shooting of a civilian at a roadblock by a government soldier.

During the year, no large-scale confrontation between government forces and rebels was reported in the Casamance region; however, the press continued to report frequent armed robberies attributed to MFDC rebels. The most serious incident took place on August 11, when 10-armed men stopped 6 passenger vehicles in the village of Djegoune and robbed the passengers. The gunmen isolated three men whose names indicated that they were not from the Casamance and shot them, killing two and leaving the third for dead.

b. Disappearance.—There were no reports of politically motivated disappearances during the year.

According to Amnesty International (AI), MFDC rebels detained six fishermen in July 2002 on the banks of the Casamance River near the village of Brin. One man with a name indicating he was from the Casamance was freed; the others were not seen again.

Disappearances from previous years remained unresolved.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The Constitution prohibits such treatment; unlike in previous years, there were no credible reports that police and gendarmes beat and tortured suspects during questioning and pretrial detention during the year. However, this remained a serious concern. Despite stronger legal provisions against torture, the Government was reluctant to prosecute members of the security forces accused of torture.

The local chapter of the human rights organization African Assembly for the Defense of Human Rights (RADDHO) reported that the May 2002 case of Alioune Sow,

who was beaten in the suburban Dakar police station of Guediawaye, was dropped following pressure from the policeman and Sow's family.

There were instances of unknown assailants attacking government offices and opposition politicians. For example, in July, a heavily armed group of approximately 20 men attacked the customs office in the village of Sare Ndiaye on the Gambian border; one officer was injured.

On October 5, unknown assailants brutally attacked Talla Sylla, leader of the opposition party Jef-Jel and vocal critic of President Wade. Sylla was evacuated to France to obtain medical treatment for his injuries. No arrests were made in the case, and the police were investigating the identities of Sylla's attackers at year's end.

During the year, the police on occasion beat journalists (see Section 2.a.).

Prison conditions were poor and prisons remained overcrowded. Food and health care were inadequate, but there were no reported deaths in prison as a result of these conditions.

In April, RADDHO and the local press reported that 26-year-old Alioune Badara Mbengue, who was held in pretrial detention since 1999 at Dakar's Central Prison, was handcuffed and tortured by prison guards in November 2002, resulting in amputation of both of his arms. Six prison guards were arrested but subsequently freed after fellow guards went on strike. The case was pending at year's end.

Women were held separately from men and juveniles were housed separately from adults. Although pretrial detainees were usually held separately from convicted prisoners, as required by law, they were occasionally kept with convicted prisoners due to limited space.

The Government permits prison visits by independent human rights monitors. During the year, local and international human rights groups such as RADDHO, the National Organization for Human Rights, and the International Committee of the Red Cross (ICRC) visited prisons. A delegation of the National Assembly, led by the Chairman of the Human Rights and Rule of Law Network, also visited prisons. However, the Secretary General of RADDHO noted some difficulties securing authorization to visit prisons after the Mbengue incident.

d. Arbitrary Arrest, Detention, or Exile.—The Constitution prohibits arbitrary arrest and detention; however, the authorities at times arbitrarily arrested and detained persons.

The police force contains 10 departments as part of the Directorate General of National Safety. In each of the country's 11 regions, police have at least 1 police station and at least 1 mobile safety brigade. Dakar has more than 15 police stations, which are spread throughout the city's districts. Most of the chiefs of police were well-educated and well-trained. A foreign government has also helped facilitate training of the police force in a number of areas such as crisis response, airport security, hostage negotiation, and trafficking in persons.

The Government generally did not try or punish members of the military, gendarmerie, or police for human rights abuses; however, authorities punished corruption. In August a chief of police was removed from his position and was being held for charges of corruption at year's end.

Although the law specifies that warrants issued by judges are required for arrests, the law also grants the police broad powers to detain prisoners for lengthy periods of time before filing formal charges. Police officers may hold suspects without filing formal charges for up to 48 hours after arrest, up to 96 hours if authorized by a public prosecutor, and up to 192 hours in cases involving threats to state security. During the first 48 hours of detention, the accused has no access to an attorney but has the right to a medical exam and possible access to family. If necessary, a prosecutor can also demand a medical examination of the accused. The accused has the right to an attorney after this initial period of detention. Bail is possible, but was rarely used.

The accused may not be held in custody for more than 6 months pending trial for minor crimes. In cases involving murder, threats to state security, and embezzlement of public funds, there are no limits on the length of pretrial detention. Judges are allowed the time necessary to investigate these more serious cases. A court may review such extensions on appeal. Judges have the right to order release pending trial without the prosecutor's consent.

The authorities may detain a prisoner for long periods while building their case; police were rarely prosecuted for violations of arrest and detention procedures. Prisoners were routinely held in custody unless and until a court demanded their release. Despite the 6-month limit on detention for most crimes, the average time between charging and trial was 2 years. In 2002, a local newspaper published a letter to President Wade from Elhadj Der, one of several persons held in pretrial detention

for up to 12 years, asking the President to intervene so that they can stand trial. There were no reports of progress in scheduling their trials by year's end.

The Government continued to detain foreigners in police custody who have finished serving prison sentences and who should be repatriated. On August 11, a local newspaper reported that 19 Africans and 1 European who had finished serving their sentences were transferred to "administrative detention" in Dakar's central police station until the papers expelling them from the country were signed. The article noted that the detention was mainly due to a lack of funds to purchase plane tickets for their repatriation.

During the year, military authorities in the Casamance region made an effort to reduce the number of human rights abuses committed by security forces under their command. Although NGOs confirmed that there were fewer complaints of arbitrary arrests, lengthy detention, and abuse during detention, there were no available statistics. In comparison with previous years, NGOs in the Casamance reported a significant decrease in the number of detentions of suspected MFDC rebels claimed by local families. However, in its 2002 annual report, AI stated that 40 persons, some allegedly in possession of light weapons, were arrested and charged with collaborating with the MFDC. Reportedly, only those convicted of "blood crimes" or murder remained in prison at year's end. The others reportedly were pardoned by President Wade and freed in March and April.

The Constitution prohibits forced exile, and it was not used.

e. Denial of Fair Public Trial.—The Constitution provides for a judiciary independent of the executive, the legislature, and the armed forces; however, in practice the judiciary was subject to government influence and pressure. Low pay, poor working conditions, and family and political ties made magistrates vulnerable to outside pressure. The press reported two cases in which the executive branch influenced the justice system: A judge who refused bail 10 times for pro-government union leaders and prison guards who were arrested in connection with the Mbengue case, were removed from their positions (see Sections 1.c. and 6.a.). Ministry of Justice officials have substantial authority to influence judicial procedures by keeping suspects in pretrial detention.

Based on French civil law, the legal system is composed of ordinary courts and several higher and special courts, including the Council of State, the Constitutional Council, the Court of Final Appeal, and the Accounting Court. These courts remained understaffed, and many of the special courts, including those that deal with unlawful enrichment, treason, and official malfeasance were dormant. Although Muslims have the right to choose customary or civil law for certain civil cases, such as inheritance and divorce, customary law cases are decided by civil court judges. There is a separate system of military courts for the armed forces and gendarmerie. The right of appeal exists in all courts except military courts and the special Unlawful Enrichment Court. Military courts may try civilians only if they were involved with military personnel who violate military law.

Defendants are presumed innocent and have the right to public trials, be present in court, confront witnesses, present evidence, and have an attorney. Some defendants were denied legal representation at public expense due to a lack of funds. Evidentiary hearings may be closed to the public and the press, but defendant and counsel have access to all evidence presented and may introduce their own evidence before the investigating judge decides to refer a case for trial. A panel of judges presides over ordinary courts in civil and criminal cases. Jurors also sit on the panels during special sessions of the criminal court.

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home or Correspondence.—The Constitution prohibits arbitrary invasion of the home, and the Government generally respected this prohibition in practice. The law requires search warrants issued by judges, and there were no reports during the year that the police proceeded without the requisite warrant.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution provides for freedom of speech and of the press; however, at times the Government limited this right in practice.

Regularly published magazines and newspapers, including foreign publications, covered a wide range of opinions. Political and economic views expressed in the independent press often were critical of the Government and its programs. Publishers are required to register prior to starting a publication; however, Government approval was routine.

Radio was the most important medium of mass information and the main source of news for citizens outside urban areas. Of the 32 privately owned radio stations, 24 were regular commercial enterprises and 8 were non-commercial radio stations,

set up by communities to broadcast community information and provide information on a variety of topics. There were also three international stations that rebroadcast within the country. All of the locally owned stations broadcast national news and political commentary. Some were frequently critical of the Government, but no government harassment was reported.

A government monopoly controlled local television, an important source of news. While there were no privately owned domestic television stations, French-owned and South African-owned pay television systems were readily available but offered no local news.

On January 22, police beat Ibrahim Fall, a journalist for the daily Info 7, while he attempted to cover the demolition of shops by government authorities at the Soumbédioune handicraft market in Dakar.

During the year, opposition members and journalists increasingly reported that they were threatened and harassed after criticizing the President. For example, in July, Abdou Latif Coulibaly, director of the independent radio station Sud FM, received anonymous death threats following publication of his book critical of President Wade. The Government subsequently provided him protection. At the same time, a libel suit against Coulibaly was reopened. Coulibaly's 3-month sentence was suspended in 2002 after review by the Court of Appeals. The Court of Appeals heard the case on December 8 and the decision was pending by year's end.

On October 24, a French journalist for Radio France International (RFI) was expelled from the country for her controversial reporting of the conflict in the Casamance and alleged interference in the country's internal affairs. In response, RFI temporarily suspended activities in the country.

The case against Alioune Fall, editor-in-chief of Le Matin newspaper, for reporting false news was dropped during the year.

On July 24, the High Audiovisual Commission (HCA), the country's media watchdog, criticized the government-run TV station RTS for not covering events that would likely embarrass the Government, such as a strike by prison guards and the suicide of a Muslim religious leader, Khadim Bousso.

The Government did not restrict access to the Internet. The country had at least nine Internet service providers, including providers offering high-speed Internet access and continued to pursue development of information systems. A personal account with unlimited access costs approximately \$17 (10,000 CFA francs) per month. Dakar had numerous cybercafes for those unable to afford personal accounts, and they also existed in many regions outside Dakar.

The Government generally did not restrict academic freedom. Unlike in the previous year, there was no informal ban on student meetings.

b. Freedom of Peaceful Assembly and Association.—The Constitution provides for the right of peaceful assembly, and the Government generally respected this right in practice. Prior authorization for public demonstrations is usually granted.

In previous years, the Government frequently denied permission for marches by the opposition or forcibly dispersed them. During the year, the Government approved most requests, but usually excluded downtown and shopping areas, citing security concerns. The Government permitted demonstrations against political violence in November.

A policeman arrested and charged with killing a student at the University of Dakar during a 2001 demonstration, was tried on August 5. The court considered the evidence weak and dropped all charges. The policeman, who spent 20 months in pretrial detention, was considered by the press to be a scapegoat. The case remained open at year's end.

No new developments were reported in the 2002 case of a television cameraman beaten by police during a demonstration.

The Constitution provides for freedom of association, and the Government generally respected this right in practice. However, on March 26, the Ministry of the Interior notified the Association of Families of the Victims of the Joola, a group representing families of the more than 1,800 persons who died during the September 2002 sinking of the Joola ferry, that the law mandated their association be dissolved. On July 15, the police questioned key leaders of the association in an attempt to force them to give their assets to a new, government-backed association of families of victims. NGOs and human rights organizations protested this action. The original group continued its activities, and police interference stopped after the group filed a court case. However, the Government sent the association a notification that it must vacate the offices given to them by the Government. The association had not vacated the property by year's end.

c. Freedom of Religion.—The Constitution provides for freedom of religion, and the Government generally respected this right in practice. Any group—religious or oth-

erwise—that wants to form an association with legal status must register with the Ministry of Interior in accordance with the civil and commercial code. Registration was generally granted.

During the year, a group of Muslim intellectuals and leaders presented to the Government draft legislation on the creation of Islamic Family Law based on Shari'a, applicable to all Muslims in the country. The Government and many elements of civil society rejected the proposed draft as a threat to religious tolerance and separation of religion and state.

RADDHO and local press reported that on August 10 and 17, youth from the neighborhood of Dieuppeul III in Dakar attacked the Assembly of God of Bethel church. Those responsible for the attack complained that chanting from the church prevented them from sleeping, they subsequently stoned members of the congregation, injuring five worshippers, including an 11-year-old boy. The pastor said they had received threats before the attack and had complained to the local police station, but no action was taken. RADDHO severely criticized these acts and the lack of tolerance of 50 local residents who before the attack had signed a petition demanding that the Assembly stop its religious activities.

For a more detailed discussion, see the 2003 International Religious Freedom Report.

d. Freedom of Movement within the Country, Foreign Travel, Emigration, and Repatriation.—The Constitution provides for these rights, and the Government generally respected them in practice. Some public employees, including teachers, are required by law to obtain government approval before departing the country, although this was enforced only on occasion.

At times, usually during sweeps for MFDC rebels, the security forces temporarily restricted access to or within the Casamance region. The security forces also maintained regular checkpoints in the Ziguinchor region of the Casamance to screen for MFDC rebels and arms transports. Security forces generally allowed travelers to proceed after checking documents and searching vehicles. There were military checkpoints in the Casamance on the road to Cap Skiring and on roads leading to the Gambian border. Roads were closed from 6:30 p.m. until morning.

MFDC rebels sought to extort supplies and money from civilians in the Casamance. Several times during the year MFDC rebels stopped passenger vehicles and robbed passengers (see Section 1.a.).

During the year, the Government helped reconstruct villages to enable refugees and internally displaced persons (IDPs) to return to their homes in the Casamance. In May, security forces transported approximately 400 refugees from the Gambian border to Ziguinchor, where they received aid, and then were returned to their native villages. The reduction of violence in the Casamance during the year has resulted in fewer refugees and IDPs.

The law provides for the granting of asylum and refugee status in accordance with the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. The Government cooperated with the U.N. High Commissioner for Refugees (UNHCR) and other such humanitarian organizations. Since 1989, the country has offered temporary protection for Mauritanian refugees, who generally lived in dispersed locations along the Mauritanian border and enjoyed free movement within the country. However, most could not obtain current refugee documents from the authorities and sometimes encountered administrative difficulties when using their expired refugee application receipts. While no formal repatriation agreement existed, both governments cooperated to permit generally unsupervised and largely informal repatriation. The exact number of remaining Mauritanian refugees was not known. Several hundred Bissau-Guinean refugees remained in the country. As of August, the UNHCR regional office in Dakar had registered 235 Liberian refugees in the country.

On July 18, the Government extradited to Mauritania Lieutenant Didi Ould M'Hamed, who had fled to the country after allegedly having participated in the June attempted overthrow the Mauritanian president. Fearing that Didi would be tortured in Mauritania, local human rights organizations protested the extradition, which had been approved by the Court of Appeals.

Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government

Citizens have the constitutional right to change their government through periodic multiparty elections, which they exercised during the 2000 presidential election that ended the Socialist Party's 40-year domination of government. After 26 years in the opposition, Abdoulaye Wade, backed by a coalition of opposition parties, defeated the incumbent president in what was considered to be a free and fair election. There were reports of several incidents of pre-election violence and minor pro-

cedural irregularities. In a 2001 national referendum, 94 percent of voters accepted a new Constitution. There were 72 legally-registered parties.

In August, the National Assembly created the High Council of the Republic (Haut Conseil), a consultative body of 90 appointees to advise the President and the Government on social and economic issues, as well as conflict resolution. The High Council is a combination of the former Senate and the Economic and Social Council, both of which existed under the previous constitution.

In the 2001 legislative elections, the President's coalition won 49.6 percent of the vote and 89 of 120 seats in the National Assembly. International and national observers characterized the elections as free and transparent. In 2002, the President's coalition won 52 percent of the vote in the first local elections held since 1996. This resulted in the control of 281 of the 441 rural, regional, and city councils by President Wade's governing coalition.

The National Electoral Observatory (ONEL) was established to oversee and supervise elections. The Ministry of the Interior remains responsible for the actual organization and implementation of elections, but ONEL has the power to order bureaucrats to obey electoral laws and initiate legal action against individuals and parties who violate these laws. ONEL presents a report on its findings after every election. The President appoints ONEL members during electoral years and discharges them by presidential decree after they deliver their report.

Although there are no legal bars for women to participate in politics, cultural and educational factors existed as barriers to participation. However, there were 7 female ministers in the 34-member Cabinet, and the number of women on electoral lists for local elections increased. There were 23 women in the 120 member National Assembly. In March 2001, President Wade named the first woman Prime Minister, Mame Madior Boye. Mr. Idrissa Seck replaced her in November 2002. Nevertheless, parties often ranked women low on electoral lists, making it hard for them to win a seat in the National Assembly (a prerequisite for being named a Minister).

Section 4. Governmental Attitudes Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A wide variety of human rights groups generally operated without government restriction, investigating and publishing their findings. Government officials generally were cooperative and responsive to their views.

The Government's National Committee on Human Rights has members from the Government and civic organizations, including private human rights groups. It may investigate abuses, including torture, on its own initiative.

Section 5. Discrimination Based on Race, Sex, Disability, Language, or Social Status

The Constitution states that "men and women shall be equal in law" and prohibits discrimination based on sex, race, class, or language; however, sex discrimination was widespread and the anti-discrimination laws often were not enforced.

Women.—There were credible reports that domestic violence against women, usually wife beating, was common. According to a study funded by the Canadian Center for International Research and Development done in Dakar and Kaolack in 1996, 87 percent of 515 women interviewed had suffered from some form of domestic violence. It also showed that domestic violence was more prevalent in the capital than in Kaolack. Police usually did not intervene in domestic disputes, and most persons were reluctant to go outside the family for redress. Domestic violence is punishable by a prison term of up to 5 years and a fine of \$825 (500,000 FCFA).

In contrast, society viewed rape as a very serious crime, and the law stipulates that persons convicted of rape may be imprisoned for up to 10 years. If the victim is a minor, age is considered an aggravating circumstance. Rape trials often resulted in convictions. Sexual harassment is punishable by a prison term of up to 3 years and a fine of \$825 (500,000 FCFA).

FGM was not practiced by the Wolof, the largest ethnic group (43 percent of the population), but was performed on girls of most other ethnic groups. Sealing, one of the most extreme and dangerous forms of FGM, was sometimes practiced by the Toucouleur, Mandinka, Soninke, and Bambara, particularly in rural areas. In the regions of eastern Saint-Louis, Matam, Tambacounda, Ziguinchor, and Kolda, where FGM was most prevalent, it was estimated that the majority of girls undergo FGM. FGM is a criminal offense under Senegalese law, carrying a jail term of 6 months to 5 years for those directly practicing FGM or ordering it to be carried out on a third person. The trials in a 2002 and a 2001 case against persons performing FGM were pending at year's end.

The Government had programs to educate women about the dangers of FGM, and there were national and local governmental action plans against FGM, piloted by the Ministry of Family, Social Development, and Solidarity. Much progress was

made in reducing the practice of FGM in the country. On March 30, 108 villages in the southeastern region banned the practices of FGM and underage marriages in their communities; on September 20 and 21, 202 villages prohibited the practice of FGM and underage marriages. In October, 13 villages in the northern region also banned FGM. Since 1997, 1,031 villages have prohibited FGM, constituting over 20 percent of the estimated 5,000 villages that had practiced FGM in the country. Those villages that have declared themselves against FGM have undertaken extensive basic education programs, social mobilization activities, and inter-village and inter-generational awareness programs.

Women faced pervasive discrimination, especially in rural areas where Islamic and traditional customs—including polygyny—and rules of inheritance were strongest. Under national law, women have the right to choose when and whom they marry, but traditional practices restricted a woman's choice. The minimum age of consent to marry is 21 years for males and 16 years for females. Under certain conditions a judge may grant a special dispensation for marriage to a person below the age requirement. This law was not enforced in some communities where marriages were arranged. Under family law, the woman's consent is required for a polygynous union, but once in a polygynous union, a woman need not be notified or given prior approval to the man's subsequent marriage. Women were discriminated against in obtaining educational opportunities. Only 23 percent of women over 15 years of age were literate, compared with 43 percent of men.

Only an estimated 20 percent of women have paid employment, and traditional practices made it difficult for women to obtain bank credit. Due to the fact that men are legally considered the head of household, women paid higher taxes than men for the same salary (they were taxed as single individuals without children) and employers paid child allowances to men but not to women. Women typically married young (usually by the age of 16 in rural areas) and averaged 5.7 live births. An estimated half of all women were in polygynous marriages.

In urban areas, women encountered somewhat less discrimination and were more active in government, politics, and business. Approximately 14 percent of lawyers were women. Urban women were more likely to benefit from government efforts to improve the respect for women's legal rights to divorce, alimony, and child support, and to seek education and employment. Urban women usually received equal pay for equal work.

Children.—The Ministry of Family, Social Development and Solidarity is responsible for promoting children's welfare and is assisted by the Ministry of Health and the Ministry of Education, which focus on child survival and education. The Government continued to increase the number of classrooms and encouraged more children, particularly girls, to enter and stay in school. However, girls were still discriminated against in obtaining educational opportunities. Only 23 percent of women over 15 years of age were literate, compared with 43 percent of men.

Although educational policy declares education to be compulsory, free, and universal for children until the age of 16, compulsory attendance was not enforced. Approximately 75 percent of boys and 67 percent of girls were enrolled in primary school.

FGM was performed primarily on young girls (see Section 5, Women).

The imprisonment for convicted pedophiles was up to 10 years.

Persons with Disabilities.—There are no laws that mandate accessibility for persons with disabilities, and most persons with disabilities were unable to perform the physically-intensive jobs available in the country. There was also a lack of equipment and training opportunities for persons with disabilities.

National/Racial/Ethnic Minorities.—The largest ethnic groups are the Wolof (more than 40 percent of the population), the Pular (also called Peuhl or Fulani, nearly 25 percent) and the Serer (more than 15 percent). Smaller groups include the Diola, Mandingo, and Soninke. Each group has its own primary language, but French and Wolof were used widely among all ethnic groups. While general regions of origin can be identified for most ethnic groups, these geographical areas are no longer distinct.

The Casamance region of the country, which lies south of the Gambia, is substantially less arid, less Islamic, and fewer Wolofs resided there than the rest of the country. Resentment on the part of Casamançais groups, including the Diola, of domination by northerners, including the Wolof, reportedly has contributed significantly to the MFDC rebellion in the Casamance, which began in 1982 and has led to many human rights abuses (see Sections 1.a. and 1.d.). During the year, there was considerably less violence in the Casamance, and at an October conference of the MFDC, the MFDC leadership declared that it no longer sought total independ-

ence from Senegal but emancipation. The two sides had not yet entered into a formal peace process by year's end.

Section 6. Worker Rights

a. The Right of Association.—The Constitution and the Labor Code provide all workers with the right of association and the freedom to form or join unions. The Labor Code requires the Minister of the Interior to give prior authorization before a trade union can exist legally, and the Government can also dissolve trade unions by administrative order. The International Labor Organization (ILO) continued to oppose these limitations on the freedom of association.

Any group of workers in the same occupation or profession, or in similar trades, may form a union. The Government may disband a union if its activities deviate from its charter.

The Labor Code does not apply to the informal and agricultural sectors. Approximately 60 percent of the population was engaged in agricultural work, and 40 percent of urban youth was officially unemployed. The small industrial component of the total work force of 4 million was almost totally unionized. The only union in the agrarian sector represented workers at a privately owned sugar company. Although they represented a small percentage of the working population, unions wielded significant political influence because of their ability to disrupt vital sectors of the economy.

The National Confederation of Senegalese Workers (CNTS), the largest union, had close ties to the Socialist Party (PS). While ostensibly an independent organization, the CNTS backed the PS and its policies throughout its 40 years of government control. After President Wade entered office in 2000, the CNTS' support for the PS became a source of tension with Wade's supporters. In an attempt to secure union backing for the PDS, President Wade facilitated the split of the CNTS into two separate unions: The CNTS and the National Confederation of Senegalese Workers-For Change (CNTS-FC), which supported President Wade and the PDS.

In 2002, individuals attacked and burnt the CNTS headquarters. One man died, and others were severely burned. The police arrested nine persons, including Cheikh Diop, a leader of the CNTS-FC, for the attack. Diop's lawyers tried unsuccessfully to obtain bail 11 times. The press reported that 1 of the judges who did not yield to government pressure and rejected 10 of the requests for bail was removed from his position as Dean of Judges. Six defendants were convicted of unlawfully demonstrating, and three were acquitted. They received sentences of 18 months in prison, which was equivalent to the time they had served in pretrial detention.

The National Union of Autonomous Labor Unions of Senegal (UNSAS) was the main rival of the CNTS. UNSAS is a federation of strategically important unions: Electrical, telecommunication, hospital, railroad and sugar workers; teachers; and hydrology technicians. The third major labor federation is the Confederation of Autonomous Workers.

There are legal prohibitions governing discrimination by employers against union members and organizers. Employers guilty of anti-union discrimination must reinstate workers.

The labor code permits unions to affiliate internationally. The CNTS was active in regional and international labor organizations and was the dominant local member of the Organization of African Trade Union Unity. The CNTS was also a member of the International Confederation of Free Trade Unions (ICFTU).

b. The Right to Organize and Bargain Collectively.—The law provides unions with the rights to organize and to bargain collectively, and these rights are protected in practice. The ICFTU 2002 survey noted that the national trade union centers were able to bargain successfully with the Government. There were no known cases of workers being prevented from exercising the right to organize and bargain collectively. The Ministry of Labor (MOL) may intervene in disputes between labor and management, if requested. It also plays a mediation role in the private and state enterprise sectors.

The Constitution and the Labor Code provide for the right to strike, but with significant restrictions. Unions representing members of the civil service must notify the Government of their intent to strike at least 1 month in advance; private sector unions must make a similar notification 3 days in advance. The Government or the employer can use the time to seek a settlement to the dispute through mediation, usually through the MOL, but they cannot stop the strike. The provision in the Constitution that a strike may neither infringe upon the freedom to work nor imperil the enterprise involved has not been tested. The Government has the power to requisition workers from both private enterprises and public services for the safety of persons and goods, the maintenance of public order, the continuity of public services, or to meet essential needs. There were no illegal strikes during the year.

Labor laws apply to all industrial firms, including those in the Dakar Industrial Free Trade Zone.

c. Prohibition of Forced or Bonded Labor.—The law prohibits forced or compulsory labor, including by children; however, there were some reports of forced child labor (see Section 6.d.).

d. Status of Child Labor Practices and Minimum Age for Employment.—The Constitution bans the exploitation of child labor, and the Government enforced this ban in the formal sector; however, there were some reports that forced child labor occurred. The Government passed regulations after its ratification of ILO Convention 182 to address the problems of child labor in the informal sector, including regulations defining the nature of hazardous occupations forbidden to children and young people; defining and prohibiting the worst forms of child labor; and defining categories of work forbidden to children and mandatory age limits for the ban. Children under the age of 15, the minimum age for employment, frequently worked in the much larger traditional or informal sectors, particularly on family farms in rural areas or in small businesses where the Government does not enforce minimum age or other workplace regulations. MOL inspectors closely monitored and enforced minimum age rules within the small formal-wage sector, which included state-owned corporations, large private enterprises, and cooperatives.

Some religious instructors in Koranic schools brought children from rural areas to Dakar and held them under conditions of involuntary servitude to earn both their living expenses and to support their teachers.

In 1998, the country began a 3-year implementation program to eliminate child labor through the International Program for the Elimination of Child Labor (IPEC). Originally scheduled to end in 2001, the national program implemented by IPEC ended in December.

e. Acceptable Conditions of Work.—The law mandates a monthly minimum wage, and the Ministries of Labor and Finance determine wage rates after negotiating with the unions and management councils. The minimum wage of \$0.37 (223.7 FCFA) per hour did not provide an adequate standard of living for a worker and family.

Within the formal sector, the law mandates for most occupations a standard workweek of 40 to 48 hours with at least one 24-hour rest period, 1 month per year of annual leave, enrollment in government social security and retirement plans, safety standards, and other measures. These regulations are incorporated in the Labor Code and are supervised by MOL inspectors; however, enforcement was uneven, particularly outside of the formal sector.

While there are legal regulations on workplace safety, they often were not enforced. There is no explicit legal protection for workers who file complaints about unsafe working conditions. Although workers have the right to remove themselves from unsafe working conditions, it was seldom exercised due to high unemployment and a slow legal system.

f. Trafficking in Persons.—The law prohibits the sale of persons, abduction, and hostage taking but does not specifically address trafficking in persons, and there were occasional reports of the trafficking of women for labor or sexual purposes. In September 2002, the office of the Human Rights Commissioner coordinated the country's national strategy against trafficking in persons. In May, the Government signed an agreement with a foreign government to train members of the gendarmerie and the national police in an effort to enhance the Government's capabilities to prevent trafficking in persons.

The country was a source and transit country for women and girls trafficked to Europe, South Africa, and the Middle East for sexual exploitation and a destination country for children trafficked from surrounding countries. Nigerian criminal organizations use Dakar as a transit point for women trafficked for purposes of prostitution to Europe, particularly Italy.

SEYCHELLES

Seychelles is a multi-party republic governed by President France Albert Rene and the Seychelles People's Progressive Front (SPPF) since a 1977 military coup. In September 2001, President Rene and the SPPF won reelection with 54 percent of the vote; Seychelles National Party (SNP) candidate Wavel Ramkalawan received 45 percent and independent candidate Dr. Philip Boule 1 percent. Some international observers concluded that the overall result was decided fairly; however, other international observers concluded that the election was not entirely free and

fair. December 2002 elections for the National Assembly were judged to be free and fair by international observers, and the ruling SPPF party won 23 of the 34 seats. The opposition SNP party won 11 seats, a significant increase over the 4 seats the opposition won in the 1998 elections. The President and the SPPF dominated the country through a pervasive system of political patronage, control over government jobs, contracts, and resources. The judiciary was inefficient, lacked resources, and was subject to executive interference.

The President has complete control over the security apparatus, which included a national guard force, the army, the Presidential Protection Unit, the coast guard, the marines, and the police. There also was an armed paramilitary Police Mobile Unit. Members of the security forces committed human rights abuses.

The economy was market-based and provided the country's approximately 82,000 residents with an average per capita income of \$8,000. The economy is primarily based on tourism; however, the fishing industry is an important sector. Overall growth continued sluggish, largely due to shortages of foreign exchange and the pervasive presence of inefficient state enterprises. There was no progress toward privatization during the year.

The Government generally respected the human rights of its citizens; however, there were problems in some areas. President Rene and the SPPF continued to wield power virtually unchecked. Security forces detained citizens during weekends to avoid compliance with the Constitution's 24-hour "charge or release" provision. The Government sometimes infringed on citizens' privacy rights. There were some restrictions on freedom of the press. Violence against women continued, and child abuse remained a problem. Women's rights were limited. Discrimination against foreign workers also was a problem.

RESPECT FOR HUMAN RIGHTS

Section 1. Respect for the Integrity of the Person, Including Freedom From:

a. Arbitrary or Unlawful Deprivation of Life.—There were no reports of the arbitrary or unlawful deprivation of life by the Government or its agents.

There was no action taken against the police officers responsible for the June 2002 killing of a prisoner during an alleged escape attempt by year's end.

b. Disappearance.—There were no reports of politically motivated disappearances.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The Constitution expressly forbids torture; however, there were reports of the use of torture, such as beatings, by security forces. Reportedly beatings of detainees, including with electrical wires, usually occurred on weekends while detainees were awaiting arraignment. Families were sometimes denied access, especially in cases where the detainee had been severely beaten.

There was no action taken, nor was any likely to be taken, against the responsible police officers who forcibly dispersed and detained a group of soccer players and their fans in 2001 on Praslin Island.

The criminal and civil trials of a man allegedly beaten by police in 2000 on the island of La Digue were still pending at year's end.

Conditions at the Long Island prison remained Spartan. In September, the Grand Police High Security Prison was established on Mahe for more violent criminals. During the year, the total number of inmates dropped to 149 of whom 2 were women, 27 were under the age of 23 years, and 7 were noncitizens. Family members were allowed monthly visits, and prisoners had access to reading but not writing materials.

Men were held separately from women, and juveniles were held separately from adults. Pretrial detainees were generally held separately from convicted prisoners.

There was no regular system of independent monitoring of prisons; however, local and international nongovernmental organizations (NGOs) were allowed to visit. There were no prison visits by NGOs; however, during the year, the local Bar Association was invited to visit prisons.

d. Arbitrary Arrest, Detention, or Exile.—The Constitution prohibits such practices; however, there were reports such practices occurred.

The Police Commissioner, who reports to the Chief of Staff of the Defense Forces, commands the police. Police are unarmed, and, as a result, they must work with the Special Security Unit (riot police) and with the Army (often referred to as the "task force").

The Constitution provides that persons arrested must be brought before a magistrate within 24 hours with allowances made for boat travel from distant islands. The law provides for detention without charge for up to 7 days if authorized by court order. In previous years, defense attorneys asserted that extended periods of

detention under harsh conditions were used to extort confessions from suspects. Police occasionally detained individuals on a Friday or Saturday to allow for a longer period of detention without charge; however, the practice appeared to diminish during the year. The police released such persons on Monday before the court could rule on a writ of habeas corpus.

Detainees have the right of access to legal counsel, but security forces, in hopes of eliciting a confession or other information, sometimes withheld this right. Free counsel was provided to the indigent. Bail was available for most offenses.

The law prohibits forced exile, and the Government did not use it. Following the 1977 coup, a number of persons went into voluntary exile, and others were released from prison with the condition that they leave the country immediately. A number of these former exiles that returned to the country were able to reacquire their property; however, several claims remained in the court system at year's end.

e. Denial of Fair Public Trial.—The Constitution provides for an independent judiciary; however, it was inefficient, lacked resources, and was subject to executive interference.

The judicial system includes magistrates' courts, the Supreme Court, the Constitutional Court, and the Court of Appeal. The Constitutional Court convenes weekly or as necessary to consider constitutional issues only. The Court of Appeal convenes three times per year for 2 weeks in April, August, and October to consider appeals from the Supreme Court and Constitutional Court only.

All judges are appointed for 7 years and may be reappointed by the President on the recommendation of the Constitutional Appointment Committee. All sitting judges were hired from other Commonwealth countries, including Mauritius, India, Sri Lanka, Nigeria, and Zambia; none were citizens, with the exception of the Chief Justice, who was a naturalized citizen. The Bar Association criticized the Government for not advertising domestically that judicial positions were available, since 30 citizens practiced law either domestically or abroad. Some observers criticized expatriate judges for a perceived lack of sensitivity on issues such as human rights. Legal entities of the Government, such as the Attorney General's Office, were reluctant to pursue charges of wrongdoing or abuse of power against senior officials.

Defendants had the right to a fair public trial. Depending on the gravity of the offense, criminal cases were heard by a magistrates' court or the Supreme Court. A jury was used in cases involving murder or treason. Trials were public, and the accused was considered innocent until proven guilty. Defendants had the right to counsel, to be present at their trial, to confront witnesses, and to appeal.

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home or Correspondence.—The Constitution provides for the right to privacy and freedom from arbitrary searches; however, the Government sometimes infringed on these rights. The law requires a warrant for police searches and seizures; however, there were reports that members of the police drug squad entered homes and detained persons without a warrant.

The law requires that all electronic surveillance be justified on the grounds of preventing a serious crime and approved by a judge; however, the Government maintained telephone surveillance of some political figures.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution provides for freedom of speech and of the press; however, it also provides for restrictions on speech "for protecting the reputation, rights, and freedoms of private lives of persons" and "in the interest of defense, public safety, public order, public morality, or public health." As a result, both freedom of speech and of the press were limited because civil lawsuits could easily be filed to penalize journalists for alleged libel.

The government-controlled Seychelles Broadcasting Corporation (SBC) continued to ban a local singer's music from being broadcast on the grounds that the songs were seditious. During the year, the SNP also was not permitted to broadcast its theme song in advertisements on SBC.

The Government had a near monopoly of the media and owned the only television station, all radio stations—the most important means for reaching the public—and the only daily newspaper, the Nation. The government-owned media adhered closely to the Government's position on policy issues and gave the opposition and news adverse to the Government only limited attention. While both opposition parties published an assortment of newsletters and magazines, only one significant opposition newspaper, the weekly Regar, was published. Government officials have sued Regar for libel 10 times in the last 7 years. During the year, the Government again sued Regar for libel. The Supreme Court had not heard President Rene's 2001 libel case against Regar by year's end; however, it met to discuss the admissibility of the President's case under the Constitution.

The license fees for a private radio or television station were prohibitively expensive and were a deterrent to the establishment of private radio and television stations. The license fees for a private newspaper were much more reasonable.

The law allows the Minister of Information Technology to prohibit the broadcast of any material believed to be against the “national interest” or “objectionable”; however, the law was not used during the year. The legislation also requires telecommunications companies to submit subscriber information to the Government.

The Internet was available in the country, and the Government did not restrict access to it.

Academic freedom was limited because persons could not reach senior positions in the academic bureaucracy without demonstrating at least nominal loyalty to the SPPF. There are no universities; secondary school teacher appointments were largely apolitical. The Government controlled access to the Polytechnic, the most advanced learning institution.

b. Freedom of Peaceful Assembly and Association.—The Constitution provides for freedom of assembly and association, and the Government generally respected these rights in practice; however, while generally permitting SNP rallies, the police on occasion refused to grant permission to the SNP to hold rallies, citing dubious reasons.

c. Freedom of Religion.—The Constitution provides for freedom of religion, and the Government generally respected this right in practice.

For a more detailed discussion, see the 2003 International Religious Freedom Report.

d. Freedom of Movement within the Country, Foreign Travel, Emigration, and Repatriation.—The Constitution provides for these rights, and the Government generally respected them in practice. Although it was not used during the year, the law allows the Government to deny passports to any citizen if the Minister of Defense finds that such denial is “in the national interest.” While the resident departure tax of approximately \$49 (SR 250) was payable in local currency, government foreign exchange regulations and the foreign exchange shortage hindered many citizens from being able to afford foreign travel, although they might have sufficient means in local currency.

The law provides for the granting of refugee status or asylum to persons who meet the definition of the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol; however the issue did not arise during the year. The Government provides protection against refoulement, and there were no reports of the forced return of persons to a country where they feared persecution.

Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government

Citizens exercised the right to change their government in the September 2001 presidential elections and in the 2002 National Assembly elections, although President Rene and the SPPF’s dominated the elections. Suffrage was universal. In the December 2002 National Assembly elections, judged to be free and fair by international observers, the opposition SNP party won 11 of the 34 seats.

In the September 2001 presidential election, approximately 90 percent of eligible voters participated. President Rene was reelected with 54 percent of the vote; SNP candidate Wavel Ramkalawan received 45 percent, and independent candidate Dr. Philip Boule received 1 percent. Ramkalawan challenged the election results; he accused the SPPF of intimidation, vote buying, and not respecting the election rules. During the year, he withdrew his court case. Observers from the Southern African Development Community noted “minor hitches” but stated their satisfaction with the election and in particular observed “transparency” during vote casting and counting. However, in October 2001, the Commonwealth Organization observers reported that the elections were peaceful but not entirely free and fair. Their report described instances of intimidation during voting and the lack of open competition during the campaign.

The President’s SPPF party continued to use its political resources and those of the Government to develop a nationwide organization that extended to the village level. The opposition parties have been unable to match the SPPF’s organization and patronage, in part because of financial limitations. Under the budget, \$98,800 (SR 500,000) was allocated to political parties; however, there were allegations that the SPPF spent much more during the 2002 and 2001 political campaigns. In the 2002 budget, the SPPF was allocated \$72,100 (SR 365,000), the SNP \$42,500 (SR 215,000), and the Democratic Party \$4,000 (SR 20,000).

Some members of opposition parties claimed that they lost their government jobs because of their political beliefs and were at a disadvantage when applying for government licenses and loans.

There were 10 women in the 34-seat National Assembly, 7 by direct election and 3 by proportional representation, and there were 3 women in the 12-minister Cabinet.

Section 4. Governmental Attitudes Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A number of domestic human rights groups, including churches, generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials were generally cooperative and responsive to their views.

The Friends for a Democratic Society, a private human rights organization, focused on raising awareness of individual rights was inactive. The Center for Rights and Development (CEFRAD) has a 5-year action plan that stressed respect for human rights, participation in a civil society, and sensible approaches to development. CEFRAD did not claim any results from its 5-year plan by year's end. CEFRAD also established ties with other national and international NGOs.

In 2002, the Government established a National Humanitarian Affairs Committee (NHAC), with a diverse range of members from both civil society and the Government. During the year, the Committee completed work on the Anti-Personnel Mine Prohibition and the General Conventions Act bills. Neither bill had been approved by the Legislature by year's end. The International Committee of the Red Cross acts as a technical adviser to the NHAC.

Section 5. Discrimination Based on Race, Sex, Disability, Language, or Social Status

The Constitution affirms the right to be free from all types of discrimination, but it does not prohibit discrimination based on these factors specifically. Nevertheless, in practice, there was no overt discrimination in housing, employment, education, or other social services based on race, sex, ethnicity, nationality, or disabilities.

Women.—Domestic violence against women, particularly wife beating, remained a problem and increased during the year. Police seldom intervened in domestic disputes, unless the dispute involved a weapon or major assault. The few cases that reached a prosecutor often were dismissed, or, if a case reached court, the perpetrator usually was given only a light sentence. Rape, spousal rape, and domestic abuse are criminal offenses. At year's end, the Probation Services recorded 130 cases of domestic violence against women and 3 cases of spousal rape. There was growing societal concern about domestic violence and increased recognition of the need to address it. During the year, local NGOs continued awareness campaigns and training programs regarding domestic abuse for women and girls.

Prostitution is illegal, but it was growing more prevalent.

The society largely was matriarchal. There were no reports of societal discrimination against unwed mothers, and 76 percent of births were out-of-wedlock during the year; fathers were required by law to support their children. There was no officially sanctioned discrimination in employment, and women were well represented in business. Inheritance laws did not discriminate against women.

Children.—The Division of Social Affairs in the Ministry of Social Affairs and Manpower Development worked to protect children's rights. Children were required to attend school through the 10th grade. Free public education was available through the secondary level until age 18. Students had to buy school uniforms, but did not have to pay for books or tuition. However, parents were sometimes asked to contribute some supplies. Parents contributed up to two-thirds of the cost of post-secondary education and training based on their income for both in country and overseas schools. According to government figures, all children between the ages of 6 and 16 attended school, and the percentages of boys and girls enrolled was roughly equal. There was a noncompulsory 5th year of secondary school. After completing secondary school, students can go to the Polytechnic School for Vocational Training, go abroad for university studies, or go to apprenticeship or short-term work programs. Children in the apprenticeship or short-term work programs received a training stipend, which was less than the minimum wage.

The age of consent was 14, and women under 20 years of age accounted for 14 percent of all births. Girls were not allowed to attend school when they were pregnant, and many did not return to school after the birth of a child.

An 18-member Family Tribunal heard and decided all matters relating to the care, custody, access, and maintenance of children, except paternity cases, which remained under the courts. During the year, 367 cases came before the Tribunal. Approximately 14 percent of all cases presented to the Family Tribunal were resolved during the first hearing. The Family Tribunal also was responsible for collecting and disbursing child support payments made by family members. In December, the Auditor General confirmed that there were missing child support funds totaling

\$255,400 (SR 1,297,615). The funds have not been recovered, and it was unlikely that there will be further action on the case. Social security funds were transferred to cover the child support obligations.

The law prohibits physical abuse of children. Sexual abuse of children, usually in low-income families, was a problem; however, there were only a few cases of sexual abuse reported during the year—generally by stepfathers and older brothers. Ministry of Health data and press reports indicated that there were a significant number of rapes committed against girls under the age of 15. Very few child abuse cases actually were prosecuted in court. The strongest public advocate for young victims was a semiautonomous agency, the National Council for Children. There was criticism that the police failed to vigorously investigate charges of child abuse.

Persons with Disabilities.—There was no discrimination against persons with disabilities in housing, jobs, or education; however, there was no legislation providing for access to public buildings, transportation, or state services.

Section 6. Worker Rights

a. The Right of Association.—The law provides workers with the right to form and join unions of their choosing; however, police, military, prison, and fire-fighting personnel may not unionize. Between 15 and 20 percent of the workforce was unionized.

There were three trade union organizations: The Seychelles Federation of Workers Union was dominated by the SPPF, the Seychelles Workers Union was independent, and the Seychelles National Trade Union had close connections to the opposition SNP party.

The law prohibits anti-union discrimination by employers against union members, and there were no reports such practices occurred.

Unions may affiliate freely with international bodies; the SFWU was a member of the International Confederation of Free Trade Unions.

b. The Right to Organize and Bargain Collectively.—The law provides workers with the right to engage in collective bargaining; however, free collective bargaining did not take place. The Government has the right to review and approve all collective bargaining agreements in the public and private sectors. There was little flexibility in setting wages. In the public sector, which employed 57 percent of the labor force, the Government set mandatory wage scales for employees. The employer generally set wages in the private sector in individual agreements with the employee, but, in the few larger businesses, the Government set wage rates.

The law authorizes the Ministry of Employment and Social Affairs to establish and enforce employment terms, conditions, and benefits. Workers frequently have obtained recourse against their employers through the Ministry.

Strikes require written permission or approval from the Commissioner of Police. The last recorded strike occurred in the early 1960s.

There were 26 companies that participated in an export processing zone known as the Seychelles International Trade Zone (SITZ). The SITZ was bound only by the Seychelles Trade Zone Act and was not obliged to adhere to labor, property, tax, business, or immigration laws.

c. Prohibition of Forced or Bonded Labor.—The law prohibits forced or bonded labor, including by children, and there were no reports that such practices occurred.

d. Status of Child Labor Practices and Minimum Age for Employment.—The Constitution states that the minimum age for employment is 15, “subject to exceptions for children who are employed part time in light work prescribed by law without harm to their health, morals, or education.” It is a criminal offense punishable by a fine of \$1,090 (SR 6,000) to employ a child under the age of 15. The Ministry of Employment and Social Services was responsible for enforcing child labor laws and investigating abuses of child labor. The Ministry handled such complaints within its general budget and staffing; no cases that required investigation were reported by year’s end.

e. Acceptable Conditions of Work.—The Government regulated the complicated minimum wage scale administratively; it covered the public and state-owned sectors and differentiated among various job classifications. The Ministry of Employment and Social Affairs enforced minimum wage regulations. The “recommended” minimum wage was \$368 (SR 2,025) per month. Trade unions contended that government entities paid some workers less than the legal minimum wage. Even with the free public services that were available, primarily health care and education, independent labor unions believed a single salary at the low end of the pay scale did not provide a decent standard of living for a worker and family. Private employers historically paid higher wages than the Government in order to attract qualified

workers; however, economic problems during the year led to downward pressures on wages.

The legal maximum workweek varied from 45 to 52 hours, depending on the economic sector; government employees worked fewer hours. Each full-time worker was entitled to a 30-minute break per day and a minimum of 21 days of paid annual leave. Workers were permitted to work overtime up to 60 additional hours per month. The Government generally enforced these regulations.

Foreign workers did not enjoy the same legal protections. There continued to be a growing trend to admit foreign workers, primarily from China, India, the Philippines, Thailand, and Madagascar, to work in the construction and commercial fishing sectors, because few citizens chose to work in these sectors. Although it was difficult to determine the living and working conditions of these workers, there was evidence that the labor laws were flouted routinely with the Government's knowledge and acquiescence. These workers were paid lower wages and forced to work longer hours than citizens.

The Ministry of Employment and Social Affairs has formal responsibility for enforcing the Government's comprehensive occupational health and safety regulations, and the Ministry of Health enforced such standards. An International Labor Organization (ILO) team found serious deficiencies in the management and effectiveness of government monitoring and enforcement efforts; however, there was no known government response to the ILO criticisms. Occupational injuries were most common in the construction, marine, and port industries. Safety and health inspectors rarely visited job sites. There were two work-related deaths during the year. Workers do not have the right to remove themselves from dangerous or unhealthy work situations without risking their continued employment, and a worker who removed himself from a potentially dangerous situation on the job was considered to have resigned.

f. Trafficking in Persons.—The law prohibits trafficking in persons, and there were no reports that persons were trafficked to, from, or within the country.

SIERRA LEONE

Sierra Leone is a constitutional republic with a directly elected President and a unicameral legislature. In January 2002, the devastating 11-year civil conflict officially ended, and the Government, backed by a large U.N. peacekeeping force, subsequently asserted control over the whole country. Revolutionary United Front (RUF) insurgents, who fought successive governments since 1991, and the Civil Defense Force (CDF), a government-allied militia, completed disarmament and demobilization in 2002. Ahmed Tejan Kabbah was re-elected President in 2002, and his Sierra Leone People's Party (SLPP) won a large majority in Parliament. Many international monitors declared the elections free and fair; however, there were numerous reports of election irregularities and abuses. The U.N. continued the Adjustment, Drawdown, and Withdrawal process and maintained a force of approximately 11,250 peacekeepers at year's end; the complete withdrawal of the U.N. Mission in Sierra Leone (UNAMSIL) was targeted for December 2004. From April to August, the Truth and Reconciliation Commission (TRC) held public hearings to air the grievances of victims and the confessions of perpetrators from the civil war. During the year, the Special Court of Sierra Leone (SCSL) war crimes tribunal indicted 13 persons. There still were sections of the country where the judiciary had not yet returned. The judiciary demonstrated substantial independence in practice, but at times was subject to corruption.

Among the Government's security forces, the Sierra Leone Police (SLP) officially has primary responsibility for internal order; however, on occasion, the Republic of Sierra Leone Armed Forces (RSLAF) and UNAMSIL share responsibility with the police in security matters. The RSLAF is responsible for external security. Civilian authorities maintained control of security forces throughout the year. Some members of the security forces committed human rights abuses.

The country had a market-based economy and remained extremely poor; per capita GDP was \$170. Approximately two-thirds of the working population engaged in subsistence agriculture. Limited agricultural production resumed after a virtual standstill during the war, and industrial mineral companies began rehabilitating mining sites to resume extraction; illegal diamond mining continued. There was little manufacturing, and there were few exports; approximately 60 percent of the Government's budget came from foreign assistance. Years of fighting and decades of corruption and mismanagement resulted in a devastated infrastructure.

The Government generally respected the rights of its citizens; however, there were serious problems in several areas. RSLAF soldiers beat to death a civilian. Security forces raped women and children; UNAMSIL forces also raped women and children. Although conditions in some prisons improved, many detention centers were overcrowded and unsanitary. Members of the SLP continued to arrest and detain persons arbitrarily. There were reports of extortion by police. Prolonged detention, excessive bail, and insufficient legal representation remained problems. The Government at times limited freedom of speech and the press during the year. Violence in Liberia, which produced an influx of more than 11,000 Liberian refugees during the year, contributed to instability in border areas. Violence, discrimination against women, and prostitution remained problems. Female genital mutilation (FGM) remained widespread. Abuse of children was a problem; however, numerous children who fought as child soldiers continued to be released and participated in reintegration programs during the year. Residents of non-African descent faced institutionalized political restrictions. Forced labor continued to be a problem in rural areas. Child labor remained a problem. There were reports of trafficking in persons.

There were some reports of abuses committed by former RUF/Armed Forces Revolutionary Council (AFRC) rebels. International aid groups believed that many girls who were abducted by the RUF remained sex slaves during the year.

During the year, there were incursions into the country by Liberian combatants, who sometimes raided villages and used inhabitants as porters.

RESPECT FOR HUMAN RIGHTS

Section 1. Respect for the Integrity of the Person, Including Freedom From:

a. Arbitrary or Unlawful Deprivation of Life.—There were no political killings; however, security forces committed unlawful killings during the year.

On June 6, three RSLAF soldiers allegedly beat to death a Fullah businessman. The soldiers were arrested and charged; however, the case had not been heard by year's end.

On February 3, a prisoner died at Magburaka Prison, allegedly from tetanus resulting from untreated wounds sustained in a January escape attempt. Human rights monitors claimed the dead prisoner showed signs of torture; the guard believed to be the assailant was reassigned to another prison. Prison guards beat another prisoner involved in the January escape attempt.

During the year, the SCSL indicted 13 persons for crimes against humanity and war crimes under the Geneva Convention (see Section 4).

At year's end, more than 60 RUF/AFRC members remained in Pademba prison awaiting trial (see Section 1.d.).

No known action was taken in the 2001 killings by CDF forces.

No action was taken against RUF rebels responsible for killings in 2001; it was unknown if specific incidents would be included in the SCSL cases against RUF leaders. Unlike in previous years, UNAMSIL was not responsible for killings.

There was no action taken against Guinean armed forces who participated in numerous killings in 2001. Guinean soldiers continued to occupy disputed land in Yenga, Kailahun District.

Multiple mass grave sites were discovered throughout the year: A site at Bendu Malen reportedly contained the bodies of more than 250 persons killed by the RUF; a site at Sahn Malen contained the remains of more than 30 juveniles killed in 1991 by the Sierra Leone Army (SLA), the precursor to the RSLAF; and a site near Bo, where Nigerians, Guineans, CDF members, SLA soldiers, and civilians were allegedly buried by the RUF in 1998 and 1999. Mass graves also were discovered in Pujehun District.

b. Disappearance.—From 1991 to 1999, the RUF abducted approximately 20,000 persons throughout the country; some victims escaped, and more than 10,000, primarily children, were released and went through a formal reintegration process. However, former RUF rebels continued to hold some persons, including women and children, as laborers or sex slaves at year's end. Some women reportedly remained with their captors during the year due to a lack of viable options and intimidation by their captors (see Section 5). According to child protection officers from non-governmental organizations (NGOs), the Government was severely hindered by a lack of resources and had taken little action to secure their release. The Ministry of Social Welfare, Children, and Gender maintained a database, with the help from UNICEF, which attempted to track children separated from their families during the war. International NGOs continued to work to secure the release of women and children from their captors, with government assistance on some occasions.

Unlike in the previous year, there were no reports that Liberian combatants abducted villagers. Some persons abducted in 2002 by Liberian forces returned the

same year to their homes in Mandavalahun, Sange, Kokobu, and Kolu in Kailahun District; however, the whereabouts of others remained unknown.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The Constitution prohibits such practices; however, there were reports that security forces engaged in torture and rape, and that police stole, extorted, and accepted bribes.

Security forces raped women and children during the year. On June 23, a police constable in Kambia was arrested and charged with raping an 8-year-old girl. By year's end, the constable had not been tried and reportedly was released from custody. Another police officer allegedly raped an elderly woman in Lunsar. In July, an RSLAF soldier allegedly raped a 9-year-old girl in Malikia Village, Kambia District; the same month, another RSLAF soldier allegedly raped a child in Kambia. During the year, an RSLAF soldier was sentenced to 56 days imprisonment and hard labor for raping a 9-year-old girl in Kenema.

On multiple occasions, police did not intervene while crowds beat alleged thieves.

There were no developments in the 2002 beating by two uniformed RSLAF soldiers of two former RUF combatants in the presence of two police officers.

No known action was taken against RUF members who committed abuses in 2001.

During the year, there were reports that UNAMSIL staff and soldiers raped persons. One UNAMSIL national staff member allegedly raped a woman at UNAMSIL headquarters at Mammy Yoko in Freetown; a subsequent investigation by UNAMSIL could not confirm the rape. In May, a UNAMSIL soldier allegedly raped a minor girl in Makeni; a UNAMSIL investigation was being conducted at year's end. The Personnel Conduct Committee, which UNAMSIL established in 2002 to receive complaints of impropriety, continued to operate, and the UNAMSIL Human Rights Section held training sessions on sexual abuse during the year for newly arrived peacekeepers.

Prison conditions improved in some locations during the year; however, conditions in other facilities were poor. International human rights observers who visited maximum-security Pademba Road Prison reported that prisoners had adequate access to food, medical care, recreation, and vocational skills training. However, in May, human rights observers visited prisons and police detention facilities in the Western Area, Kono, Bombali, Kambia, Port Loko, and Kenema District and reported that conditions frequently fell below minimum international standards because of overcrowding, unhygienic conditions, and insufficient medical attention. Such conditions resulted in numerous deaths during the year. Many problems resulted from the poor state of the judiciary; for instance, case backlogs in the courts led to severe overcrowding. Pademba Prison, which was designed to house 325 prisoners, held more than 800 prisoners. Conditions in holding cells in police stations were extremely poor, especially in small stations outside of Freetown. Government policy precluded family visits to prisoners at Pademba Prison except in exceptional circumstances and on a case-by-case basis. During the year, international monitors visited the SCSL detention facilities on Bonthe Island and the new facility in Freetown; conditions reportedly met acceptable standards. In August, all SCSL detainees were transferred to the Freetown facility.

International observers who visited Liberian combatants throughout the year at Mape and Mafanta Internment Camps reported that conditions were adequate; however, a number of juveniles were held with adults. Approximately 450 former Liberian combatants were detained at the 2 camps at year's end.

Male and female prisoners were housed separately. Adults and juveniles were incarcerated together. Pretrial detainees were held with convicted prisoners.

International monitors, including UNAMSIL and the International Committee for the Red Cross (ICRC), had unrestricted access to visit Pademba Prison and other detention facilities, including the SCSL detention facilities. At least one local human rights group claimed that it could not get unrestricted access to the prisons, although another local human rights group, Prison Watch, reported on detention facilities throughout the country.

d. Arbitrary Arrest, Detention, or Exile.—The Constitution prohibits arbitrary arrest and detention; however, government forces occasionally arrested and detained persons arbitrarily.

The SLP, which has primary responsibility for maintaining internal order, received insufficient resources, lacked investigative or forensic capabilities, and was widely viewed as corrupt and incompetent. During the civil war, numerous officers were killed or fled their posts, which resulted in a reduction of the country's police force from approximately 9,500 officers to 7,000. Budget constraints have impeded recruitment efforts, as have the lack of basic educational skills of applicants, many

of whom had no schooling during the civil war. In May 2002, the Government appointed Brima Acha Kamara as the first citizen to head the Inspector General of Police (IGP) in 5 years. During the year, IGP Kamara continued efforts to bring the SLP, which numbered more than 8,100 officers year's end, up to pre-war levels.

During the year, there were frequent reports that police officers took bribes at checkpoints and falsely charged motorists with violations, and impounded vehicles to extort money.

The law requires warrants for searches and arrests in most cases; however, arrest without warrant was common. There were adequate judicial protections against false charges; however, prisoners often were detained for prolonged periods on false charges. Detainees have the right of access to family or counsel; however, access to counsel was often delayed, and family visits were restricted at maximum-security Pademba Prison (see Section 1.c.). There are provisions for bail, and there was a functioning bail system; however, international observers described frequent cases of excessive bail. Many criminal suspects were held for months before their cases were examined or formal charges were filed.

Police often arrested persons at the request of individuals who claimed they were owed money by the arrestee. For example, in November, police arrested without charge a foreign businessman, who was detained for 2 days at the request of a former business partner who was trying to extract money.

The 31 members of the West Side Boys, who were charged in 2002 with 11 counts of murder in connection with incidents in 1999 and 2000, remained in detention awaiting trial at Pademba Road Prison at year's end. International human rights groups criticized their continued detention without trial; however, local human rights groups did not actively advocate on behalf of the West Side Boys because of a reported aversion to their activities.

At year's end, more than 60 RUF/AFRC members remained in Pademba prison awaiting trial, including: 47 RUF prisoners, who were arrested in 2000 and indicted in 2002 on 70 counts of murder and related charges; and 20 RUF/AFRC prisoners arrested in 2000 who have not been indicted.

There were frequent reports of prolonged pretrial detention, failure to follow arrest and detention procedures, and lack of legal assistance for prisoners. In August, RUF detainees at Pademba Prison reported to international monitors that they had been incarcerated without trial since May 2000, that they had not appeared in court since January, and that approximately 60 other former RUF members had not been permitted contact with family members or legal counsel.

The Constitution does not provide for forced exile, and the Government did not use it.

e. Denial of Fair Public Trial.—The Constitution provides for an independent judiciary, and the Government generally respected this provision in practice; however, the judiciary continued to function only in part of the country. The judiciary continued to reestablish operations in areas that were abandoned during the war, although there still were large parts of the country without judicial institutions. The judiciary at times was subject to corruption.

On December 22, former Minister of Transport and Communication Momoh Pujeh, who was convicted in September of illegally possessing rough diamonds, was released by the High Court after he served only 3 months of a 2-year sentence; the High Court claimed its reversal of the lower court's decision was based on insufficiency of evidence. However, observers noted that Pujeh was caught with the diamonds and an illegal mining permit.

The judicial system consists of the Supreme Court, appeals courts, the High Court, whose justices are chosen by the President, and magistrate courts. Local courts administered traditional law with lay judges; appeals from these lower courts moved to the superior courts.

The Constitution and the law provide for a speedy trial; however, in practice, the lack of judicial officers and facilities often produced long delays in the judicial process. Trials were usually fair; however, there was evidence that corruption influenced some cases. A majority of cases on the magistrate level were prosecuted by police officers, many of whom had little or no formal legal training.

In June, for the first time in more than a decade, cases were heard at the High Court in Port Loko. Justices of the Peace were present throughout the country. For most of the year, only one magistrate covered all provinces outside of the Western Area; however, by year's end, one magistrate was permanently stationed in Pujehun District.

Traditional justice systems continued to extensively supplement the central government judiciary in cases involving family law, inheritance, and land tenure, especially in rural areas. Unlike in the previous year, there were no reports that former

CDF and Movement of Concerned Kono Youth held informal courts in Kono District to settle disputes among area residents.

During the year, the SCSL indicted 13 persons for war crimes and other abuses (see Section 4).

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home or Correspondence.—The Constitution and law prohibit such practices, and the Government generally respected these prohibitions in practice.

Unlike in the previous year, there were no reports that youths from the Lower Bambara chiefdom tried to drive out former RUF commanders from the area.

No action was taken against the approximately 100 persons who destroyed dozens of homes in Kono District in 2002, allegedly to rid the area of non-Kono persons.

In January, Liberian combatants attacked Mandavalahun and reportedly forced some villagers to carry goods until the attackers fled back into Liberia. The affiliation of the Liberian attackers with either the Government of Liberia or rebel forces could not be reliably determined. Although there was an RSLAF presence in the area, it did not deter the attack. The RSLAF performed frequent border patrols to deter such attacks, and UNAMSIL maintained a heavy presence in Kailahun District; however, the porous border with Liberia made such cross-border raids difficult to stop completely.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution provides for freedom of speech and of the press; however, the Government at times limited these rights in practice.

More than 50 newspapers were published in Freetown during the year, covering a wide spectrum of interests and editorial opinion. Most of the newspapers were independent, and several were associated with opposition political parties. Reporting was often politicized and inaccurate, in large part because of poor training of journalists, insufficient resources, and a lack of commitment to objectivity. Corruption among journalists was widespread. The number of newspapers fluctuated weekly. Newspapers openly and routinely criticized the Government and its officials, as well as opposition parties and former rebel forces.

Due to low levels of literacy and the relatively high cost of newspapers and television, radio remained the most important medium of public information. Several government and private radio and television stations broadcast; both featured domestic news coverage and political commentary.

The Independent Media Commission (IMC) regulated independent media outlets. Although it was an independent body, some media observers alleged that the Government influenced it. In 2002, the IMC instituted a \$2,000 (4 million Leones) annual license fee for single channel radio stations. Radio journalists and media monitors claimed that this fee was prohibitively expensive and would limit severely the number of independent radio stations. The IMC threatened to close any radio station that did not pay the fee; however, by year's end, no stations had been closed. Unlike in the previous year, the IMC did not order newspapers to cease publication.

On October 9, Paul Kamara, editor of the For Di People newspaper, was found guilty of civil libel and fined \$25,000 (60 million Leones) for publishing an article that accused a High Court judge of corruption. Media groups charged that the action was an attempt to stop Kamara from publishing; the fine reportedly would require Kamara to divest himself of his press assets. On October 11, authorities arrested Kamara and two other employees of the newspaper on three counts of seditious libel against President Kabbah; the three were released on October 23. International media groups continued to call for the repeal of the criminal libel law under which Kamara was charged.

By year's end, the 2002 IMC case against Mohamed Koroma had not been heard by the High Court.

There was no action taken against police forces that detained the editor of the Democrat newspaper in 2001. There was no further development on the rumors of "killing squads" that allegedly targeted a list of seven journalists in 2001.

The Government did not restrict access to the Internet; however, the parastatal Sierratel communications company exercised a monopoly over land-line access to the Internet. A private company offered satellite-based Internet service; however, the cost precluded broad usage. The lack of competition and the poor condition of telephone lines often made Internet connectivity problematic.

The Government did not restrict academic freedom. University infrastructure destroyed during the conflict had not yet been restored fully by year's end. Classes were cancelled several times during the year due to the Government's failure to pay teachers on time.

b. Freedom of Peaceful Assembly and Association.—The Constitution provides for freedom of assembly, and the Government generally respected this right in practice.

Several large demonstrations took place during the year, including opposition party political rallies. Although some demonstrations were marred by violence, most were relatively peaceful. At times UNAMSIL forces backed up government security forces in dealing with demonstrations.

There was no further action on the July 2002 killing, allegedly by UNAMSIL troops, of two persons during a demonstration in Freetown.

The Constitution provides for freedom of association, and the Government generally respected this right in practice. There were numerous civic, philanthropic, and social organizations, and the registration system was routine and nonpolitical. No known restrictions were applied to the formation or organization of the 16 opposition political parties and the more than 60 registered civic action NGOs. Throughout the year, the RUF, the political party formed from the RUF, continued to exist, although it had serious problems with membership and organization.

c. Freedom of Religion.—The Constitution provides for freedom of religion, and the Government generally respected this right in practice.

For a more detailed discussion, see the 2003 International Religious Freedom Report.

d. Freedom of Movement within the Country, Foreign Travel, Emigration, and Repatriation.—The Constitution provides for these rights, and the Government generally respected them in practice; however, there were frequent reports that SLP officers manned roadblocks and stopped motorists to extort money from travelers.

Since April 2001, approximately 220,000 registered internally displaced persons (IDPs) have been resettled; many more were unregistered and returned to their homes without assistance. NGOs estimate that approximately 10,000 to 20,000 unregistered IDPs remained, mostly in urban areas. The last remaining IDP camps were closed in December 2002; however, two camps for war-wounded persons remained, one in Grafton, and another for amputees in Freetown.

Approximately 32,000 refugees were repatriated during the year. An estimated 40,000 persons remained in refugee camps in Guinea and Liberia; smaller numbers remained in Cote d'Ivoire, the Gambia, Ghana, and other countries and were expected to integrate locally in those countries.

The large influx of IDPs and refugees and the lack of resources caused tension with local residents; however, there were no reported incidents of violence. There were numerous reports that refugees and IDPs returned to find their homes occupied.

The law does not provide for the granting of refugee status or asylum to persons who meet the definition in the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol; however, in practice, the Government provided protection against refoulement and granted refugee status and asylum. The Government cooperated with the U.N. High Commissioner for Refugees (UNHCR) and other organizations in assisting refugees.

The Government also provided temporary protection to certain individuals who fall outside of the definition of the 1951 Convention Related to the Status of Refugees or its 1967 Protocol. During the year, the Government continued to provide temporary protection to an increasing number of Liberians who had fled the conflict in their home country. More than 67,000 Liberian refugees were living in the country by year's end, according to the UNHCR. Some camps, at times, were unable to provide adequate food or shelter for the influx of refugees, which sometimes caused instability in border areas. In April, the UNHCR opened its eighth refugee camp in the country near Tobanda village; the camp had a capacity for 10,000 persons.

International aid workers reported several cases of abuse and exploitation of refugees by aid workers throughout the year. For example, there were allegations, in March, that several NGO employees had sexual relationships with refugees below the age of consent; the contracts of these employees were not renewed.

The Liberian border officially closed, at times, during the year due to the civil conflict in Liberia; however, authorities permitted refugees, returnees, and other persons to move between the two countries regularly. There were some unconfirmed reports of bribery or coercion at border crossing points. At year's end, the border was open for all travel.

Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government

The Constitution provides for the right of citizens to change their Government; however, the May 2002 elections were marred by some irregularities.

Presidential and parliamentary elections were held in May 2002; 11 political parties were represented in the elections. President Kabbah of the SLPP was re-elected

with 70 percent of the popular vote. The RUF fielded presidential and parliamentary candidates, but won only 1.7 percent of the vote. In Parliament, the SLPP won 83 seats; only 2 other parties won seats. Only the SLPP was represented in the Cabinet after two cabinet members, who were earlier considered to be independent, joined the SLPP following the elections. Many international monitors declared the elections free and fair; however, there were credible reports of significant abuse of incumbency, uneven voter registration, manipulation of vote counting, and partisan action by the National Electoral Commission (NEC). There also were reports of voter coercion by party bosses and traditional leaders.

Locally elected councils and a traditional chieftain system controlled local government. Local elections, which were to have taken place in 1999, again were postponed; however, during the year, a commission to prepare for local elections was created. In January and February, largely peaceful elections were held to replace paramount chiefs; however, there were some instances of violence and political interference by the ruling party.

Only citizens can vote, and the Citizenship Act restricts the acquisition of citizenship at birth to persons of "patrilineal Negro-African descent." Since legal requirements for naturalization effectively denied citizenship to many long-term residents, a large number of persons of Lebanese ancestry, who were born and resided in the country, could not vote (see Section 5). A small percentage of the Lebanese population had been naturalized and did vote.

There were 16 women in the 112-seat Parliament, 3 women in the Cabinet, and 1 in the Supreme Court. A significant number of women were employed as civil servants.

Section 4. Governmental Attitudes Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A number of domestic and international human rights groups generally operated with few government restrictions, investigating and publishing their findings on human rights cases. Government officials generally were cooperative and responsive to their views. The National Forum for Human Rights (NFHR) served as an umbrella organization for human rights groups in the country. More than 30 human rights NGOs were registered with the NFHR, although only approximately 20 of these were said to be active. The majority of domestic human rights NGOs focused on human rights education, while only a few NGOs actively monitored and reported human rights abuses. The Campaign for Good Governance oversaw widespread monitoring activities.

Human rights monitors traveled freely in previously rebel-held areas. Intensive reporting, data collection, and investigations continued in these formerly inaccessible areas. Representatives of various international NGOs, foreign diplomats, the ICRC, and U.N. human rights officers were able to monitor trials and to visit prisons and custodial facilities during most of the year; however, the Government on occasion attempted to restrict such visits (see Section 1.c.).

UNAMSIL expanded its regional human rights offices to include eight provincial human rights offices in addition to the UNAMSIL Human Rights Section in Freetown, which conducted training, monitoring, reporting, and advocacy throughout the year. During the year, the UNAMSIL Human Rights Section led a campaign to establish a National Human Rights Commission as mandated by the 1999 Lome Peace Accord to oversee implementation of the TRC's final report; the Commission's mandate was under discussion at year's end.

The SCSL, a U.N.-Sierra Leone war crimes tribunal established in 2002 to try those who "bear the greatest responsibility for the commission of crimes against humanity, war crimes, and serious violations of international humanitarian law," indicted 13 persons during the year: Former RUF leader Foday Sankoh; Sam 'Maskita' Bockarie, Sankoh's deputy; RUF commander Morris Kallon; AFRC commander Akex Tamba Brima; RUF and AFRC/RUF commander Issa Sesay; CDF leader Sam Hinga Norman; AFRC commander Brima Kamara (AKA Bazzy); AFRC leader Santigie Kanu (AKA Five-Five); AFRC leader Johnny Paul Koroma (AKA JPK); RUF commander Augustine Gbao; Kamajor leader Allieu Kondewa; Kamajor leader Moinina Fofana; and former Liberian President Charles Taylor. Four of the 13 were not in custody at year's end: Sankoh, who died in July from a pulmonary embolism while in custody; Bockarie, who was killed during the year in Liberia; Charles Taylor, who was exiled to Nigeria during the year; and Koroma, who escaped from police custody in January and has not been seen since. All those indicted were charged with crimes against humanity, violations of Article 3 common to the Geneva Conventions and of Additional Protocol II, and other serious violations of international humanitarian law. Specific charges included murder, rape, extermination, acts of terror, sexual slavery, conscription of children into an armed force,

attacks on U.N. peacekeepers, and looting and burning of homes from 1997 to 1999. Initial appellate arguments were heard in November, and the first trials were expected to begin in early 2004.

In handing down the indictments of RUF leaders, the SCSL cited the following incidents among others: The June 1997 killings and burning of civilian houses in Telu, Sembahun, Mamboma, and Tikonko, Bo District; the February 1998 to June 1998 killings, rapes of women and children, mutilation, abduction, looting, and burning in Kono District; the January 1999 killings, rapes, mutilations, abductions, burning, and looting, in Freetown; and the use of child soldiers. The indictment of CDF leader Sam Hinga Norman included references to the following crimes: The November 1997 to February 1998 killings, looting, and burning at or near Tongo Field; the November 1997 to February 1998 killings during "Operation Black December" in the southern and eastern provinces; and the use of child soldiers.

The TRC, a hybrid U.N.-Sierra Leone war crimes tribunal established in 2002 to provide a forum for publicly airing the grievances of victims and the confessions of perpetrators from the civil war, held hearings from April through August; approximately 500 persons appeared before the Commission. The testimony of victims dominated the hearings; however, the testimony of perpetrators, who initially were reluctant to appear, increased toward the conclusion of the hearings. Public attendance at many of the hearings was low; however, proceedings were broadcast on radio and television. The TRC also conducted thematic hearings on good governance, corruption, the role of civil society, and the rights of women.

The U.N. and numerous NGOs, both domestic and international, continued to educate and sensitize the population about the TRC and the SCSL, and the Government supported these efforts.

Section 5. Discrimination Based on Race, Sex, Disability, Language, or Social Status

The Constitution prohibits discrimination against women and provides for protection against discrimination on the basis of race and ethnicity; however, residents of non-African descent, particularly the Lebanese community, faced institutionalized political restrictions on the acquisition of citizenship.

Women.—Domestic violence against women, especially wife beating, was common. The police were unlikely to intervene in domestic disputes except in cases involving severe injury or death. In rural areas, polygyny was common. Women suspected of marital infidelity often were subjected to physical abuse. Frequently women were beaten until they divulged the names of their partners. Because husbands could claim monetary indemnities from their wives' partners, the beatings often continued until the woman named several men even if there were no such relationships. There also were reports that women suspected of infidelity were required to undergo animistic rituals to prove their innocence.

Rape was recognized as a societal problem and was punishable by up to 14 years' imprisonment. There were reports that former rebel forces continued to force women and girls to act as sex slaves. There also were reports of the sexual abuse of refugees in refugee camps. Cases of rape were underreported, and indictments were rare, especially in rural areas. Medical or psychological services for rape victims were very limited. Rape victims were required to obtain a medical report to file charges; however, government doctors charged \$20 (50,000 Leones) for such an exam, which was prohibitively expensive for most victims. The International Rescue Committee opened centers in Freetown and Kenema to perform medical examinations and provide counseling for victims of sexual assault; human rights monitors also urged the Government to eliminate or lower the cost.

FGM was practiced widely at all levels of society, although with varying frequency. The less severe form of excision was practiced. UNICEF and other groups estimated that 80 to 90 percent of women and girls had undergone the practice; however, local groups believed that this figure was overstated. FGM was practiced on girls as young as 5 years old. No law prohibits FGM. Although a number of NGOs worked to eradicate FGM and to inform the public about its harmful health effects, active resistance by women's secret societies, in which FGM commonly occurred as part of initiation rites, countered efforts against the practice.

By year's end, the Director of Public Prosecutions had not decided whether to file charges against the 10 women arrested in 2002 in connection with the death of a 14-year-old girl following an FGM rite.

Prostitution was widespread and legal; however, prostitutes sometimes were arrested and charged with loitering or vagrancy. Many women and girls, particularly those displaced from their homes and with few resources, resorted to prostitution as a means to support themselves and their children.

The Constitution provides for equal rights for women; however, in practice, women faced both legal and societal discrimination. In particular, their rights and

status under traditional law varied significantly depending upon the ethnic group to which they belonged. The northern Temne and Limba tribes gave greater rights to women to inherit property than did the southern Mende tribe, which gave preference to male heirs and unmarried daughters. In the Temne tribe, women could not become paramount chiefs; however, in the Mende tribe, there were several female paramount chiefs. Women did not have equal access to education, economic opportunities, health facilities, or social freedoms. In rural areas, women performed much of the subsistence farming and had little opportunity for formal education.

Women were active in civic and philanthropic organizations. Domestic NGOs, such as 50/50 and Women's Forum, raised awareness of gender equality and women's issues and encouraged women to enter politics as candidates for Parliament.

Children.—The Government was committed to improving children's education and welfare; however, it lacked the means to provide them with basic education and health services. The Ministry of Social Welfare, Gender, and Children's Affairs had primary responsibility for children's issues.

The law requires school attendance through primary school; however, only 42 percent of school-aged children were enrolled in school, according to UNICEF. Schools, clinics, and hospitals throughout the country were looted and destroyed during the 11-year insurgency; most were not rebuilt by year's end. A large number of children received little or no formal education. Schools were financed largely by formal and informal fees, but many families could not afford to pay them. The average educational level for girls was markedly below that of boys, and only 6 percent of women were literate. At the university level, male students predominated.

FGM was performed commonly on girls (see Section 5, Women).

More than 7,000 child soldiers served alongside adults on both sides during the civil conflict. By 2002, when demobilization was completed, 6,845 child combatants had been demobilized since 1998, according to the National Commission for Disarmament, Demobilization, and Reintegration. Girls represented 8 percent of demobilized child soldiers and 30 percent of reunified noncombatant separated children. In previous years, UNAMSIL compelled the RUF to disarm, demobilize, and release its child soldiers; however, there were concerns that a significant number of children remained with their captors. Because U.N. and human rights observers estimated that girls represented 50 percent of those abducted during the war, and there were reports that the rebels released disproportionate numbers of boys, these groups feared that many girls continued to be held as sex slaves. During the year, more than 3,000 children from both groups participated in UNICEF's Community Education Investment Program (CEIP), which was designed to enable children separated from their families to return to school. CEIP provided each school that enrolled a child ex-combatant with learning, teaching, or recreational materials to assist 200 children for 1 year. Others were in special transitional centers, which were designed to help provide for their unique mental and emotional needs prior to reunification with their families. There continued to be reports that some families and communities rejected the returnees because of their perceived involvement in rebel atrocities. Child protection agencies reported that hundreds of boys and girls did not participate in the formal demobilization process. Locating the families of released child combatants often was difficult, and some did not want to assume responsibility for their children, some of whom were mentally and emotionally incapable of rejoining their families. However, 98 percent of the 7,134 children who were registered with child protection agencies as separated from their families or as ex-combatants had been reunited with their families by year's end.

Persons with Disabilities.—There was no outright discrimination against persons with disabilities in housing or education; however, given the high rate of general unemployment, work opportunities for persons with disabilities were few. Public facility access and discrimination against persons with disabilities were not considered public policy priorities. Although a few private agencies and organizations attempted to train persons with disabilities in useful work, there was no government policy or program directed particularly at persons with disabilities. No law mandates accessibility to buildings or provides assistance to persons with disabilities.

Some of the numerous individuals maimed in the fighting, or who had their limbs amputated by rebel forces, received special assistance from various local and international humanitarian organizations. Such programs involved reconstructive surgery, prostheses, and vocational training to help them acquire new work skills; however, amputees complained that they did not receive sufficient assistance compared to ex-combatants, who received assistance through the demobilization process. Attention to amputees increased the access of other persons with disabilities to health care and treatment.

National/Racial/Ethnic Minorities.—The ethnically diverse population consisted of at least 13 ethnic groups that all spoke distinct primary languages and were concentrated outside urban areas; however, all ethnic groups besides the Krio used Krio as a second language. Little ethnic segregation was apparent in urban areas, and interethnic marriage was common. The two largest ethnic groups were the Temne in the north and the Mende in the south. Each of these groups was estimated to make up approximately 30 percent of the population. There were reports of interethnic tension.

Ethnic loyalty remained an important factor in the Government, the armed forces, and business. Complaints of ethnic discrimination in government appointments, contracts, military commissions, and promotions were common.

Residents of non-African descent faced institutionalized political restrictions (see Section 3). Legal requirements for naturalization, such as continuous residence in the country for 15 years or the past 12 months and 15 of the previous 20 years, effectively denied citizenship to many locally born residents, notably members of the Lebanese community.

Section 6. Worker Rights

a. The Right of Association.—The Constitution provides for the right of association, and in practice, workers had the right to join independent trade unions of their choice. Police and members of the armed services were prohibited from joining unions. Approximately 60 percent of the workers in the formal sector in urban areas, including government workers, were unionized, but attempts to organize agricultural workers and mineworkers have met with little success. All labor unions generally joined the Sierra Leone Labor Congress (SLLC), but membership was voluntary. There were no reliable statistics on union membership.

The Trade Union Act provides that any five persons may form a trade union by applying to the registrar of trade unions, who has statutory powers under the act to approve the creation of trade unions. The registrar may reject applications for several reasons, including an insufficient number of members, proposed representation in an industry already served by an existing union, or incomplete documentation. If the registrar rejects an application, the decision may be appealed in the ordinary courts, but applicants seldom took such action.

The law does not prohibit anti-union discrimination against workers or employer interference in the establishment of unions; however, there were no reports of such cases during the year. An employee fired for union activities could file a complaint with a labor tribunal and seek reinstatement. Complaints of discrimination against trade unions were made to a tribunal.

Unions were free to form federations and to affiliate internationally. The SLLC was a member of the International Confederation of Free Trade Unions.

b. The Right to Organize and Bargain Collectively.—The Regulation of Wages and Industrial Relations Act provides the legal framework for collective bargaining. Collective bargaining must take place in trade group negotiating councils, each of which had an equal number of employer and worker representatives. Most enterprises were covered by collective bargaining agreements on wages and working conditions. The SLLC provided assistance to unions in preparations for negotiations; in the case of a deadlock, the Government could intervene. Although most cases involving industrial issues continued to go through the normal court system, the Industrial Court for Settlement of Industrial Disputes heard more than 20 cases during the year.

Workers had the right to strike, although the Government could require 21 days' notice. There were several significant strikes in the public sector during the year. Teachers and doctors went on strike over wages and unpaid salaries in the form of work stoppages and sick-outs. Dock workers went on strike after authorities briefly detained the president of the Dock Workers Union in connection with an October 3 attack on the Chairman of the Board of the Ports Authority.

No law prohibits retaliation against strikers, even for a lawful strike; however, the Government did not take adverse action against the employees and paid some of them back wages.

There are no export processing zones.

c. Prohibition of Forced or Bonded Labor.—The Constitution prohibits forced and bonded labor, including by children; however, forced labor remained a problem (see Section 6.d.). Under the Chiefdom's Council Act, individual chiefs may impose forced labor as punishment, and have done so in the past. They also may require members of their villages to contribute to the improvement of common areas, a practice that occurred only in rural areas. There is no penalty for noncompliance. There were reports of bonded labor in rural areas.

Some women and girls, although in significantly less numbers than before, allegedly remained with former RUF rebels as sex slaves (see Section 5).

Liberian forces used persons for forced labor (see Section 1.f.).

d. Status of Child Labor Practices and Minimum Age for Employment.—Child labor was a problem. The official minimum age for employment is 18 years; however, children between the ages of 12 and 18 years may work in certain non-hazardous occupations, provided that they had parental consent. Due to a severe lack of resources, the Government was unable to implement these laws.

Children routinely assisted in family businesses and worked as petty vendors. Adults employed a large number of street kids to sell, steal, and beg. In rural areas, children worked seasonally on family subsistence farms. Hundreds of children, including those 10-years-old and younger, mined in alluvial diamond fields for relatives. Because the adult unemployment rate remained high, few children were involved in the industrial sector or the formal economy.

Foreign employers hired children to work as domestic laborers overseas at extremely low wages and in poor conditions. The Department of Foreign Affairs and International Cooperation was responsible for reviewing overseas work applications to see that no one under the age of 14 was employed for this purpose; however, the reviews were ineffective.

The Constitution prohibits forced and bonded labor by children; however, such practices continued to exist. There were reports of bonded labor by children in rural areas. There continued to be reports that former RUF commanders forced children to mine diamonds. The Government had not asserted complete control over the diamond fields by year's end.

e. Acceptable Conditions of Work.—The minimum wage is approximately \$10.50 (21,000 Leones) per month; it had not been adjusted since 1997. The minimum wage was not sufficient to provide a decent standard of living for a worker and family. Most workers supported an extended family, often including relatives who were displaced by the insurgency in the countryside. It was common to pool incomes and to supplement wages with subsistence farming and child labor (see Section 6.d.).

The Government's suggested workweek is 38 hours, but most workweeks exceeded that figure.

Although the Government set health and safety standards, it lacked the funding to enforce them properly. Trade unions provided the only protection for workers who filed complaints about working conditions. Initially, a union could make a formal complaint about a hazardous working condition; if this complaint was rejected, the union could issue a 21-day strike notice. If workers were to remove themselves from dangerous work situations without making a formal complaint, they risked being fired.

The law protects both foreign and domestic workers; however, there were fewer protections for illegal foreign workers.

f. Trafficking in Persons.—The law does not prohibit trafficking in persons, and there were reports that persons were trafficked from and within the country. Child prostitution was a problem (see Section 5).

With the end of the war and the demobilization of child soldiers, trafficking in persons lessened significantly. The Government acknowledged unconfirmed reports of limited trafficking within and from the country; however, it lacked resources to address the problem adequately. There were no figures available on the extent of the trafficking problem. Children reportedly were trafficked to Liberia as forced conscripts and to Europe in false adoption schemes.

SOMALIA¹

Somalia has been without a central government since its last president, dictator Mohamed Siad Barre, fled the country in 1991. In 2000, the Djibouti Conference, made up of local and regional leaders, established a 3-year Transitional National Government (TNG) and selected a 245-member Transitional national Assembly (TNA). Despite the expiry of the term in August, both institutions continued to function at year's end. In August 2000, the TNA elected Abdiqassim Salad Hassan as Transitional President. Administrations in the northwest (Somaliland) and northeast (Puntland) of the country do not recognize the results of the Djibouti Conference, nor do several Mogadishu-based factional leaders. Serious inter-clan and

¹The United States does not have diplomatic representation in Somalia. This report draws in part on non-U.S. Government sources.

intra-clan fighting occurred in parts of the country, notably in Puntland, the central regions of Hiran and Middle Shabelle, the southern regions of Bay, Bakol, Gedo, Lower Shabelle, Middle Juba, Lower Juba, and in Mogadishu. In Baidoa, the Rahanweyn Resistance Army (RRA) that controls Bay and Bakol splintered, resulting in continued fighting by RRA leaders to assert control over Baidoa. No group controlled more than a fraction of the country's territory. Since October 2002, the Inter-Governmental Authority for Development (IGAD) sponsored a reconciliation conference led by Kenya, in association with Ethiopia, Djibouti, Eritrea, and Uganda. All major political and military leaders attended as well as elders, religious leaders, and members of civil society. There was no national judicial system.

Leaders in the northeast proclaimed the formation of Puntland in 1998. Puntland's leader, Abdullahi Yusuf, publicly announced that he did not plan to break away from the remainder of the country; however, the Puntland Administration did not participate in the Djibouti Conference or recognize the TNG that emerged from it. In 2001, traditional elders elected Jama Ali Jama as the Puntland President. Yusuf refused to accept the elders' decision, and in 2001, he seized by force the town of Garowe, reportedly with Ethiopian support. Jama fled to Bosasso. In 2002, President Yusuf seized Bosasso and controlled Puntland in general. Both Yusuf and Jama continued to claim the presidency, and there were continued efforts to resolve the conflict at year's end. In addition to Yusuf's and Jama's competing claims on the presidency, General Adde Musse in April attempted to seize Puntland with Somaliland support. After intensive mediation efforts by traditional elders, Musse reconciled with Yusuf. A ban on political parties in Puntland remained in place.

In the northwest, the Republic of Somaliland continued to proclaim its independence within the borders of former British Somaliland but did not have international recognition. Somaliland's Government included a parliament, a functioning civil court system, executive departments organized as ministries, six regional governors, and municipal authorities in major towns. Presidential elections were held on April 15 and the ruling United People's Democratic Party (UDUB) won a very close victory in elections determined to be credible and significantly transparent.

Clan and factional militias, in some cases supplemented by local police forces continued to function with varying degrees of effectiveness in the country. Police and militia members committed numerous, serious human rights abuses throughout the country.

The country's population was estimated to be between 7 and 8 million. The country was very poor with a market-based economy in which most of the work force was employed as subsistence farmers, agro-pastoralists, or pastoralists. Insecurity and bad weather continued to affect the country's already extremely poor economic situation. A livestock ban by Saudi Arabia continued and seriously harmed an already devastated economy. The country's economic problems continued to cause severe unemployment and led to pockets of malnutrition in southern areas of the country.

The country's human rights record remained poor, and serious human rights abuses continued. Citizens did not have the right to change their government because of the absence of an established central authority. Numerous civilians were killed in factional fighting, particularly in Puntland, Gedo, Bay, Bakol, Hiran, Lower Shabelle, Middle Shabelle, Middle Juba, Lower Juba, and in Mogadishu. Kidnapping remained a problem, particularly in Mogadishu. Prison conditions remained harsh and life threatening. Arbitrary arrest and detention remained problems. Impunity was a problem. In most regions, the judicial system relied on some combination of traditional and customary justice, Shari'a (Islamic) law, and the pre-1991 Penal Code. Citizens' privacy rights were limited. There were restrictions on freedom of speech, press, assembly, association, religion, and movement. Violence and discrimination against women, including the nearly universal practice of female genital mutilation (FGM), continued. Abuse of children remained a problem. Abuse and discrimination against ethnic and religious minorities in the various clan regions persisted. There was no effective system for the protection of workers' rights, and there were isolated areas where local gunmen forced minority group members to work for them. Child labor and trafficking in persons remained problems.

RESPECT FOR HUMAN RIGHTS

Section 1. Respect for the Integrity of the Person, Including Freedom From:

a. Arbitrary or Unlawful Deprivation of Life.—Political violence and banditry have been endemic since the 1991 revolt against Siad Barre. Since that time, tens of thousands of persons, mostly noncombatants, have died in inter-factional and inter-clan fighting. The vast majority of killings during the year resulted from clashes be-

tween militias or unlawful militia activities; several occurred during land disputes, and a small number involved common criminal activity. The number of killings continued as a result of inter-clan and intra-clan fighting between the following groups: The RRA sub-factions in Bay and Bakol regions; the Somali National Front (SNF) sub-factions in north Gedo; the Awlyahan and Bartire clans in Buale; the Dir and Habargidir clans in Galkacyo; the TNG and warlord Muse Sudi in Mogadishu; the forces of warlord Muse Sudi and those of Mohammed Dere in and around north Mogadishu and Jowhar; Abdullahi Yusuf's forces and those of General Adde Muse in Puntland; and the SRRC and Juba Valley Alliance in Kismayu.

Police and militia members killed several persons during the year. For example, on January 17, militiamen killed Mr. Abdullahi Omar Yabarow, a truck driver also known as Hareri Adle, and stole his truck on the road between Mogadishu and Afgoye. On February 26 and 27, 15 civilians were killed and over 50 others injured after fighting broke out between militiamen loyal to Muse Sudi Yalahow and Omar Filish in the Medina district of southern Mogadishu.

No action was taken against the responsible members of the security forces for abuses committed in 2002 and 2001, including during clashes with militia.

There was no action taken against the responsible members of militias in the reported 2001 cases of killing of members and supporters of the TNG.

Attacks against humanitarian and nongovernmental organization (NGO) workers resulted in at least four deaths during the year. On September 14, militia members reportedly killed a Kenyan national working with the Nairobi-based Adventist Development Relief Agency (ADRA) near Damassa village on the Kenya/Somalia border in revenge for a Marehan Ali Dere clan cattle rustler killed in August. On October 5, unknown persons shot and killed Sister Anna Lena Tonelli, an Italian aid worker, while she was visiting patients in the Borama General Hospital in Somaliland. On October 20, unknown persons shot and killed two British aid workers in their home in the Somaliland town of Sheikh. The motives for these killings remained unclear, and no suspects had been identified at year's end.

There were no developments in the February 2002 murder of Veren Karer, a Swiss national funded by a Swiss NGO who was running a primary school and clinic, and an October 2002 attack on a Doctors Without Borders (MSF) clinic in Adan Yabal in Middle Shabelle, during which one patient was killed and two persons were injured. The MSF clinic resumed operations during the year.

The Dr. Ismael Jumale Human Rights Center (DIJHRC) reported that more than 550 civilians were killed, mostly by militia members, during the year.

Conflicts between rival militias resulted in deaths during the year. For example, in July, 43 persons were killed and more than 90 others were injured during 2 days of fighting between Sa'ad Habir Dir sub-clan militia and Dir sub-clan militia. On July 27, approximately 120 Harin militiamen attacked the Leysan militia in Gofgadud village, northwest of Baidoa, killing 6 persons and injuring 10 others. In November and December, at least 100 persons were killed and more than 200 injured during several days of fighting over a land between the Darod sub-clan and the Dir sub-clan militias. No action was taken against those responsible by year's end.

There were no developments in the numerous reported cases of killings by militia members, including clashes between rural militias, in 2002 and 2001.

There were landmines throughout the country; however, statistics on the number of deaths caused by landmines were not available at year's end.

During the year, there were numerous killings by unknown assailants. For example, on July 3, unknown persons shot and killed Dr. Husayn Muhammad Nur, a prominent eye specialist, in front of his clinic in Mogadishu. On October 19, unknown persons shot and killed Shaykh Ibrahim Ali Abdulle, a prominent member of the TNG, in Nairobi, Kenya. On December 8, unknown persons shot and killed Colonel Mahmud Abdi Jama, a senior police officer, in Hargesia, Somaliland. No suspects had been identified in these cases by year's end.

Inter-clan fighting resulted in numerous deaths during the year. On August 28, two persons were killed and seven others injured after rival Abgal clan militias fought in Balad district, north of Mogadishu. On August 16, Hawadle clan members killed an unknown number of persons from the Galjeel clan in Buloburte apparently in revenge for a killing earlier in the year. On August 17, members of the Galjeel clan carried out a revenge killing against a member of the Hawadle clan in Jicibow. On September 15, unknown persons of the Sheikhal clan reportedly killed at least one person after a truck from the Habargidir clan was ambushed north of Jilib.

There were no developments in the reported killings due to inter-clan fighting in 2002 and 2001.

There were no additional developments in the 2001 report that Ethiopian soldiers killed 5 persons after they fired shots into a group of demonstrators in the southwest.

b. Disappearance.—There were no known reports of unresolved politically motivated disappearances, although cases easily might have been concealed among the thousands of refugees and displaced persons.

Unlike in the previous year, there were no reports that NGO workers were kidnapped.

There were numerous kidnappings by militia groups and armed assailants who demanded ransom for hostages. The DIJHRC reported that at least 185 abductions occurred in Mogadishu during the year. For example, on January 9, Idow Mohamed Ahmed, a businessman from Bakara market was kidnapped as he was leaving for his residence in Hawlwadag district in Mogadishu. He was released 5 days later after negotiations between his family and elders representing the kidnappers. On January 15, Hafsa Ahmed Sheikh Abdullah, a 13-year-old girl, was kidnapped from her residence in Hodan district in Mogadishu. She was released 2 days later after negotiations between her family and elders representing the kidnappers.

There were no investigations or action taken against the perpetrators of kidnappings that occurred during the year, in 2002 or 2001.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The Transitional National Charter, adopted in 2000, but still not implemented by year's end, prohibits torture, and the Puntland Charter prohibits torture "unless sentenced by Islamic Shari'a courts in accordance with Islamic law;" however, there were some reports of the use of torture by the Puntland and Somaliland administrations and by warring militiamen against each other or against civilians. Observers believed that many incidents of torture were not reported. Prison guards beat inmates in prison.

A July 2002 court sentence of amputation was not carried out after the TNG's Justice Minister and local human rights groups objected to the verdict.

Security forces, police, and militias also injured persons during the year. Acts of violence, including several killings, continued against supporters or members of the TNG (see Section 1.a.).

In their annual report, the DIJHRC reported that during the year there were 31 rape cases in Mogadishu, largely committed by militia members. There continued to be reports of rapes of Somali women and girls in refugee camps in Kenya during the year. The majority of the rapes were perpetrated by Somali bandits who crossed over the border; a small number of the rapes were committed by Kenyan security forces and police. The U.N. High Commissioner for Refugees (UNHCR) documented more than 100 reported cases between February and August 2002, but estimated that the actual number was likely 10 times greater. In 2002, the aid agency CARE estimated that approximately 40 women were raped every month in 4 refugee camps; other reports indicated that 10 percent of Somali women in the camps have been raped. The rapes usually followed looting attacks by bandits and occurred when women and girls left the camps to herd goats or collect firewood or at night when bandits enter the refugee camps. The victims ranged in age from 4 to 50 years of age, and many of the rapes reportedly resulted in pregnancies.

There were several attacks on humanitarian and NGO workers by militia and other groups, which resulted in deaths and injuries (see Section 1.a.).

There was no action taken on the February 2002 hand grenade attack on the residence of then TNG Prime Minister Hassan Abshir Farah or the numerous reported cases in 2001.

No action reportedly was taken against TNG, Somaliland, and Puntland forces, warlord supporters, or members of militias responsible for torturing, beating, raping, or otherwise abusing persons in 2002 or 2001.

Although reliable statistics were not available, a large number of persons were killed and injured as a result of inter-factional and inter-clan fighting (see Section 1.a.).

In December, there were reports that Ethiopian troops of Somali ethnicity participated in the capture of the town of El Waq, and they remained there at year's end.

Prison conditions remained harsh and life threatening. In 2002, Hareryale, a prison established between north and south Mogadishu, reportedly held hundreds of prisoners, including children. Conditions at Hareryale were described as overcrowded and poor. Similar conditions existed at Shirkhole prison, a prison in south Mogadishu, and at a north Mogadishu prison for Abgel clan prisoners run by warlord Muse Sudi. In 2001, the U.N. Secretary General's Independent Expert on Human Rights, Dr. Ghanim Alnajar, visited prisons in Hargeisa and Mogadishu and reported that conditions had not improved in the 3 years since his last visit.

Overcrowding, poor sanitary conditions, a lack of access to adequate health care, and an absence of education and vocational training persisted in prisons throughout the country. Tuberculosis was widespread. Abuse by guards reportedly was common in many prisons. The detainees' clans generally paid the costs of detention. In many areas, prisoners were able to receive food from family members or from relief agencies. Ethnic minorities made up a disproportionately large percentage of the prison population.

According to an international observer in 2002, men and women were held separately in the Puntland prison in Bosasso; this was the case in other prisons as well. Juveniles frequently were held with adults in prisons. A major problem continued to be the incarceration of juveniles at the request of families who wanted their children disciplined. The juveniles were held without charge, and they frequently spent long periods of incarceration with adults. Pretrial detainees and political prisoners were held separately from convicted prisoners.

The Puntland Administration permitted prison visits by independent monitors. Somaliland authorities permitted prison visits by independent monitors, and such visits occurred during the year. The DIJHRC visited prisons in Mogadishu during the year.

d. Arbitrary Arrest, Detention, or Exile.—In the absence of constitutional or other legal protections, various factions continued to engage in arbitrary detention.

Corruption within the various police forces was endemic. The police forces throughout the country engaged in politics. The TNG has a 3,500-officer police force and a militia of approximately 5,000 persons. In Somaliland more than 60 percent of the budget is allocated to maintain a militia and police force composed of former troops. Abuses by police and militia members were rarely investigated; impunity was a problem.

On April 1, the Juba Valley Alliance (JVA) authorities in Kismayo detained 24 crewmembers of a Korean-registered fishing vessel, Beira 9, near the port of Kismayo. The authorities demanded 3 months of fishing fees and an unspecified amount of money for security services. Although it was unclear whether any money was paid, the ship and crew were released after approximately 45 days.

There were reports that authorities in the TNG, Somaliland, Puntland, and in areas of the south detained local or foreign journalists (see Section 2.a.).

It was unknown whether persons detained in 2001 were released during the year.

The law does not prohibit forced exile; however, none of the authorities used forced exile during the year.

e. Denial of Fair Public Trial.—There was no national judicial system.

The Transitional Charter provides for an independent judiciary and for a High Commission of Justice, a Supreme Court, a Court of Appeal, and courts of first reference; however, the Charter still had not been implemented by year's end. Some regions established local courts that depended on the predominant local clan and associated factions for their authority. The judiciary in most regions relied on some combination of traditional and customary law, Shari'a, the Penal Code of the pre-1991 Siad Barre Government, or some elements of the three. For example, in Bosasso and Afmadow, criminals were turned over to the families of their victims, who then exacted blood compensation in keeping with local tradition. Under the system of customary justice, clans often held entire opposing clans or sub-clans responsible for alleged violations by individuals.

There were three functioning Shari'a-based entities—one in the Daynile area and two in the Beledweyne area; however, both largely acted as administrative units, not courts.

Although Somaliland has a Constitution based on democratic principles, it continued to use the pre-1991 Penal Code. The Constitution provides for an independent judiciary; however, the judiciary was not independent in practice. There is a serious lack of trained judges and of legal documentation in Somaliland, which caused problems in the administration of justice. Untrained police and other persons reportedly served as judges.

The Puntland Charter has been suspended since the infighting between Abdullahi Yusuf and Jama Ali Jama. The Charter provides for an independent judiciary; however, the judiciary was not independent in practice. The Puntland Charter also provides for a Supreme Court, courts of appeal, and courts of first reference. In Puntland clan elders resolved the majority of cases using traditional methods; however, those with no clan representation in Puntland were subject to the Administration's judicial system.

The Transitional Charter provides for the right to be represented by an attorney. The right to representation by an attorney and the right to appeal did not exist in those areas that apply traditional and customary judicial practices or Shari'a. These

rights more often were generally respected in regions that continued to apply the former government's Penal Code, such as Somaliland and Puntland.

There was no investigation or action taken against the more than 50 gunmen responsible for the 2001 attack on an Islamic court in Mogadishu.

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home or Correspondence.—The Transitional Charter provides for the sanctity of private property and privacy; however, looting and forced entry into private property continued in Mogadishu, although on a smaller scale than in previous years. The Puntland Charter and the Somaliland Constitution recognize the right to private property; however, authorities generally did not respect this right in practice.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Transitional Charter provides for freedom of speech and the press; however, the charter was not implemented by year's end, and there were incidents of harassment, arrest, and detention of journalists in all areas of the country, including Puntland and Somaliland. The Puntland Charter provides for freedom of the press "as long as they respect the law;" however, this right was not respected in practice. The Somaliland Constitution also provides for freedom of the press; however, this right was restricted in practice.

In 2002, the TNA passed a Press Bill that requires all media to register with the Minister of Information and imposes penalties for false reporting. Critics alleged that if enforced the law would give the TNG powers of censorship; however, there were no reports that the law was enforced during the year.

The print media consisted largely of short, photocopied dailies, published in the larger cities and often linked to one of the factions. Several of these newspapers nominally were independent and were critical of the faction leaders.

Somaliland has two daily newspapers, one government daily, and one independent. There also is an English language weekly newspaper. The Government tolerated criticism by journalists during the year.

The majority of citizens obtained news from foreign news broadcasts, primarily the British Broadcasting Corporation (BBC), which transmitted a daily Somali-language program. The major faction leaders in Mogadishu, as well as the authorities of the self-declared Republic of Somaliland, operated small radio stations. The TNG began operating an FM station in 2002. A radio station funded by local businesses operated in the south.

Journalists were harassed during the year. For example, on January 17, armed militiamen allied to a prominent Mogadishu businessman attacked the HornAfrik television and radio stations in Mogadishu in retaliation for a story they had aired allegedly linking the businessman to terrorists. The militiamen allowed the station to go on air later in the day after a series of mediated talks by clan elders.

On June 30, TNG authorities arrested and detained two Mogadishu-based Benadir radio journalists, Abdirahmam Muhammad Hudeyfi and Husayn Muhammad Ghedi. Benadir Radio alleged they were arrested "for exercising their right to inform the public." However, TNG authorities claimed that the two were arrested "for stealing a cellular phone." They were released without charge after 4 days.

On August 24, Puntland authorities arrested and detained two local independent journalists in Galkacyo, Puntland. The two journalists, Adam Nur Mohamed, editor of the Galkacyo-based Yamayska Weekly newspaper, and Dahir Abdulkader Aflow, a member of the former Bulsho Weekly newspaper, were kept in detention for approximately 28 hours before being released.

There were no developments in the 2002 cases in which journalists were harassed and arrested.

On May 12, Puntland authorities restored the broadcasting license of the Somali Broadcasting Corporation (SBC) after its owners petitioned Puntland President Yusuf. The SBC was accused of bias in favor of Yusuf's rival, Ali Jama.

On September 16, Somaliland's information minister, Abdullahi Mohammed Duale, issued a statement banning independent television and radio stations in Somaliland, alleging that they posed a threat to national security. Somaliland Television, which operated under a temporary license issued by the Government, was exempt from the ban.

In May, authorities lifted a ban on one of two BBC correspondents who had been prohibited in 2002 from filing reports in Puntland.

Several telephone companies and Internet providers operated freely and provided service throughout the country during the year. The authorities did not restrict access to the Internet.

There were restrictions on academic freedom; academics operated under restrictions similar to those imposed on members of the media. There was no organized

higher education system in most of the country. There were two universities in Mogadishu, two in Somaliland, and one in Puntland.

b. Freedom of Peaceful Assembly and Association.—There is no mention of freedom of peaceful assembly in the Transitional Charter, nor is there legal protection for freedom of assembly, and although citizens were free to assemble in public, the lack of security effectively limited this right in many parts of the country. The ban on demonstrations continued; however, demonstrations occurred throughout the country during the year. The Government of Somaliland banned political demonstrations following the closely contested April multiparty elections (see Section 3).

The Puntland Charter provides for freedom of association; however, the Puntland Administration banned all political parties. The Somaliland Constitution provides for freedom of association, and in a 2001 referendum, Somaliland voters approved legislation that governs the formation of political parties, and limits the number of political parties allowed to contest general elections to three. An ad hoc commission, nominated by the President and approved by the House of Representatives, was responsible for considering applications. The law provides that approved parties that win 20 percent of the vote in Somaliland elections would be allowed to operate. There were three approved parties operating after the April elections.

Professional groups and local NGOs operated as security conditions permitted.

c. Freedom of Religion.—There was no national constitution and no legal provision for the protection of religious freedom, and there were some limits on religious freedom.

The Transitional Charter establishes Islam as the national religion. Some local administrations, including Somaliland and Puntland, have made Islam the official religion in their regions.

In 2002, Abdallahi Yusuf decreed that only Shafi'iyyah, a moderate Islamic doctrine followed by most citizens, would be allowed in Puntland. Unlike in the previous year, Puntland security forces did not enter mosques in Bosasso to compel compliance during the year; however, the administration monitored religious activities very closely.

Under the regulations in Somaliland, religious schools and places of worship are required to obtain the Ministry of Religion's permission to operate. The Ministry must approve entry visas for religious groups, and certain unspecified doctrines were prohibited. In Puntland, religious schools and places of worship must receive permission from the Ministry of Justice and Religious Affairs to operate.

Proselytizing for any religion except Islam is prohibited by law in Puntland and Somaliland and effectively blocked by informal social consensus elsewhere in the country. Christian-based international relief organizations generally operated without interference, as long as they refrained from proselytizing. Unlike in the previous year, there were no reports that persons were deported for allegedly proselytizing.

Non-Sunni Muslims often were viewed with suspicion by members of the Sunni majority. There was strong social pressure to respect Islamic traditions. Organized Islamic fundamentalist groups, whose goal was the establishment of an Islamic state, appeared to regroup during the year. They were more actively engaged in the private sector and in political activities throughout the country.

There was a small, low profile Christian community. Christians, as well as other non-Muslims who proclaimed their religion sometimes faced societal harassment.

For a more detailed discussion, see the 2003 International Religious Freedom Report.

d. Freedom of Movement within the Country, Foreign Travel, Emigration, and Repatriation.—The Transitional Charter and the Puntland Charter provide for freedom of movement; however, this right continued to be restricted in some parts of the country. Checkpoints manned by militiamen loyal to one clan or faction inhibited passage by other groups. In the absence of a recognized national government, most citizens did not have the documents needed for inter-national travel.

On August 28, militia in Galkacyo halted a U.N. vehicle traveling with Somaliland license plates. After negotiations with the militiamen, the license plates were removed and the vehicle was permitted to continue on.

In 2001, in the Qoryoley district, militia members reportedly created checkpoints along the river where residents obtained water and charged them to take water from the river. The militia members also reportedly charged money from persons who were going into or out of the town. Persons who refused to comply with the extortion attempts reportedly were punished by having their belongings taken or were killed by militia members.

In September, the U.N. estimated that there were 350,000 internally displaced persons (IDPs) in the country, most of them women and children. Of this number, approximately 150,000 lived in Mogadishu, with another 15,000 in the southern port

city of Kismayo, and the remainder scattered around the country. The majority of IDPs in the country reportedly lived in old schools and former government buildings.

The U.N. estimated that approximately 205,000 Somalis were living as refugees in neighboring countries, including approximately 157,000 in Kenya at the end of 2002, a decrease from more than 400,000 at the height of the humanitarian crisis in 1992. There were approximately 28,000 Somali refugees in Ethiopia and 20,000 Somali refugees in Djibouti at year's end.

As security conditions continued to improve in many parts of the country, refugees and IDPs returned to their homes. According to UNHCR figures, by November, the UNHCR sub-office in Hargeisa in cooperation with relevant UNHCR offices in neighboring countries had repatriated 246 Somali refugees from Djibouti; 680 from Kenya; and 9,400 from Ethiopia. Despite sporadic harassment, including the theft of humanitarian provisions and convoys by militiamen, repatriation generally took place without incident. In September, the U.N. Independent Expert on Human Rights visited several IDP camps in Somaliland and found them among the worst in the world. He reported that the camps were overcrowded, had poor sanitation, and there was little or no access to employment and education. No local, regional, or U.N. authorities have taken responsibility for the camps.

Despite the relative stability in many parts of the country, many citizens continued to flee to neighboring countries, often for economic reasons. Most migrants left from the northeast and traveled via boat to Yemen. There were reports that hundreds of such migrants drowned in accidents at sea during the year. For example, according to a U.N. official, at least 21 refugees drowned after they and dozens of others were forced off a boat at gunpoint by smugglers on a voyage from the northeast to Yemen in September.

Although the law does not include provisions for the granting of refugee status or asylum to persons who meet the definition in the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol, there were no reports of the forced return of persons to a country where they feared persecution. A small number of Ethiopian refugees remained in the country, mostly in the northeast near Bosasso. The authorities in Somaliland have cooperated with the UNHCR and other humanitarian assistance organizations in assisting refugees.

At the end of 2002, some Tanzanian refugees were living in an open yard at the Hamar School, and a second group moved to another location. By year's end, some of the Tanzanian refugees have voluntarily returned to their home country while approximately 100 others were scattered and trying to earn a living in Mogadishu.

There were numerous reports of rapes of Somali women and girls in refugee camps in Kenya (see Section 1.c.).

Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government

In the absence of a fully functioning national government, citizens cannot exercise the right to change their government. In most regions, local clan leaders function as de facto rulers. Although many such groups derived their authority from the traditional deference given clan elders, most faced opposition of varying strength from clan groups and political factions.

In 2000 in Arta, Djibouti, more than 900 delegates representing all clans and a wide spectrum of Somali society were selected for a "Conference for National Peace and Reconciliation in Somalia." The Conference adopted a charter for a 3-year Transitional National Administration and selected a 245-member Transitional Assembly, which included 24 members of minority groups and 25 women. The assembly elected Abdiqassim Salad Hassan as Transitional President. In November 2001, Abdiqassim appointed Hassan Abshir Farah as Prime Minister.

The Transitional Charter, still not implemented by year's end, provides for universal suffrage. Both the Puntland and Somaliland administrations provided for universal suffrage.

Presidential elections in Somaliland were held on April 15, with the participation of three political parties: The Democratic United Peoples' Movement (UDUB), Solidarity Party (Kulmiye), and the Party for Justice and Democracy. The incumbent UDUB President, Dahir Riyale Kahin, won by only 80 votes. Kulmiye initially disputed the results; however, it was resolved through mediation by traditional elders. Unofficial diplomatic observers considered the elections credible and sufficiently transparent. Parliamentary elections were postponed indefinitely.

In Somaliland, there is a constitution and bicameral parliament with proportional clan representation, and an elected president and vice president. The Hargeisa authorities have established functioning administrative institutions in virtually all of the territory they claim, which equaled the boundaries of the Somaliland state that

achieved international recognition in 1960. In 2001, a referendum was held with 97 percent of voters supporting Somaliland independence; voters also ratified the political party legislation approved in 2000 by Parliament.

In 1998, Puntland was established as a regional government during a consultative conference with delegates from six regions, including traditional community elders, the leadership of political organizations, members of legislative assemblies, regional administrators, and civil society representatives. Representatives of Puntland-based sub-clans chose Abdullahi Yusuf as President. Puntland has a single chamber quasi-legislative branch known as the Council of Elders, which played a largely consultative role. Political parties were banned in Puntland. Regional elections in Puntland were held during 2001; however, President Yusuf refused to step down, and Chief Justice Nur assumed powers as interim president. In November 2001, elders elected Jama Ali Jama as the new President of Puntland, and he assumed power in Garowe. Yusuf refused to accept the decision, and, in December 2001, he militarily seized Garowe, reportedly with Ethiopian support, which forced Jama to flee to Bosasso. In May 2002, Yusuf occupied Bosasso by force and declared himself President of Puntland. During the year, General Adde Musse, a former army general, organized Jama Ali Jama's militiamen, drawn primarily from the Majerten Osman Mohamoud sub-clan, and established a base in Somaliland. General Musse's forces attacked Puntland twice from their base in Somaliland without success. Puntland traditional elders then intervened and brokered a peace agreement between Musse and Yusuf, which was signed in May. In May, the two joined their forces and began sharing power. General Musse's militiamen were integrated into the Puntland forces, and a good number of his senior officers absorbed into the Puntland administration.

Jama Ali Jama subsequently attended the Somali National Peace and Reconciliation Conference held in Kenya. He helped form the National Salvation Council (NSC), a new political alliance aimed at countering the Ethiopian-backed Somali Reconciliation and Restoration Council (SRRC). He appears to have a role to play at the national level, but he exercised no power in Puntland at year's end.

The Somaliland and Puntland administrations do not recognize the results of the Djibouti Conference. During the year, several Mogadishu-based faction leaders formed alliances with the TNG.

Somaliland and Puntland continued to contest the Sanaag and Sol regions and the Buhodle district during the year. Both governments sent administrators to the Sanaag and Sol regions, and both governments exerted influence in various communities. In December 2002, the Somaliland president traveled to Las Anod in Sool to assert Somaliland authority, and a battle with Puntland forces took place and several persons were killed. In December 2002, forces from Puntland seized Las Anod, arrested several pro-Somaliland officials, and established a new administration in the area. The occupying Puntland forces also started collecting revenues from the local population and destroying structures in the town center. Somaliland troops were mobilized approximately 40 miles east of Las Anod and the situation was very tense at year's end.

A reconciliation conference, begun in October 2002, continued during the year on the outskirts of Nairobi. The conference worked with political and military leaders and civil society representatives to form a new government. Somaliland did not join the conference. In late 2002, six committees were created and produced reports on land and property rights; disarmament, demobilization and reintegration; economic recovery; regional and international relations; conflict resolution and reconciliation; and a draft charter. Early in the year, the conference moved to Nairobi and Kenya's Special Envoy Elijah Mwangale was replaced by Ambassador Bethuel Kiplagat. A transitional charter was drafted and adopted, under highly disorganized and possibly irregular circumstances, by the Plenary at the reconciliation conference. However, in part because of the manner in which it was adopted, several factions did not accept the Charter. At year's end, there were efforts to call for a Somali leaders' retreat to discuss and settle all contested issues.

In the TNA, there were 25 women in the 245-seat Assembly. A woman held the post of Foreign Minister in the Somaliland Government; in addition, several women were important behind-the-scenes figures in the various factions. There were 5 female members of the 69-seat Puntland Council of Elders.

Minorities held 25 seats in the TNA.

Section 4. Governmental Attitudes Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A number of domestic and international human rights groups generally operated without official restriction, investigating and publishing their findings on human rights cases. Authorities were somewhat cooperative and responsive to their views.

Several local human rights groups were active during the year, including the Mogadishu-based DIJHRC, Isha Baidoa Human Rights Organization in Bay and Bakol regions, and the Hargeisa-based Horn of Africa Human Rights Watch Committee (Horn Watch). The DIJHRC investigated the continuing causes of conflict in the Mogadishu area, conducted effective human rights monitoring, protested the treatment of prisoners before the Islamic Shari'a courts, and organized periodic demonstrations for peace. The Horn of Africa Human Rights Watch Committee monitored human rights in Somaliland. The Mogadishu-based Somali Journalists Network (SOJON) monitored human rights violations against journalists in Mogadishu. Women's NGOs and members of civil society also played an important role in galvanizing support in the country for the reconciliation talks in Kenya.

NGOs and aid agencies operated freely throughout the country. Puntland leader Abdullahi Yusuf lifted a 2002 ban on U.N., European Union, and NGO operations in Puntland. Despite threats in March, authorities did not close any NGOs during the year.

Numerous international organizations operated in the country during the year, including the Red Cross, CARE, Save the Children, and various demining agencies such as the Halo Trust. The TNG and Somaliland authorities permitted visits by U.N. human rights representatives during the year.

Security problems complicated the work of local and international organizations, especially in the south. There were reported incidents of harassment against NGOs, resulting in at least four deaths (see Section 1.a.). Several attacks on NGOs disrupted flights and food distribution during the year. In August, local officials closed Galkacyo and Garowe airstrip to U.N. air operations because of a dispute over landing fees. On September 14, militia members reportedly killed a Kenyan NGO worker (see Section 1.a.).

Section 5. Discrimination Based on Race, Sex, Disability, Language, or Social Status

The Transitional Charter, adopted in 2000 but not implemented by year's end, contains provisions that prohibit discrimination on the basis of sex and national origin; however, societal discrimination and violence against women and widespread abuse of children continued to be serious problems. The Somaliland Constitution also contains provisions that prohibit discrimination on the basis of sex and national origin; however, these rights were not respected in practice.

Women.—Domestic violence against women occurred. Women suffered disproportionately in the civil war and in the strife that followed. There was no information available on the prevalence of domestic violence in the country. There were no laws that specifically address domestic violence; however, both Shari'a and customary law address the resolution of family disputes (see Section 1.e.). Police and militia members raped women, and rape was commonly practiced in inter-clan conflicts (see Section 1.c.). Laws prohibiting rape exist; however, they generally were not enforced. There were no laws against spousal rape. There were no reports that rape cases were prosecuted during the year. There were numerous reports of rapes of Somali women and girls in refugee camps in Kenya during the year (see Section 1.c.).

FGM was a widespread practice. There were estimates that approximately 98 percent of women have undergone FGM. The majority of women were subjected to infibulation, the most severe form of FGM. In Somaliland, FGM remained illegal under the Penal Code; however, the law was not enforced. In Puntland legislation prohibited FGM in northeastern areas of the country; however, in practice the law was not enforced strictly. U.N. agencies and NGOs have made intensive efforts to educate persons about the danger of FGM; however, no reliable statistics were available on the success of their programs.

Prostitution is illegal; however, it was a problem, but because it is culturally proscribed, it was not reported.

Women were subordinated systematically in the country's overwhelmingly patriarchal culture. Polygyny was permitted, but polyandry was not. Under laws issued by the former government, female children could inherit property, but only half of the amount to which their brothers were entitled. Similarly according to the Shari'a and local tradition of blood compensation, those found guilty in the death of a woman must pay only half as much to the aggrieved family than if the victim were a man.

Several women's groups in Mogadishu, Hargeisa (Somaliland), Bosasso (Puntland), and Merka (Lower Shabelle) actively promoted equal rights for women and advocated the inclusion of women in responsible government positions. During the year, the local NGO "Save Somali Women and Children" held a number of workshops on women's and children's rights, including a regular monthly "Gender Forum" in which women gathered to discuss women's rights.

Children.—Children remained among the chief victims of the continuing violence. Boys as young as 14 or 15 years of age have participated in militia attacks, and

many youths were members of the marauding gangs known as “morian,” “parasites,” or “maggots.” Even in areas with relative security, the lack of resources has limited the opportunity for children to attend school. Approximately 10 to 20 percent of the school-age population attended school; more boys than girls were enrolled in school. There were three secondary schools in Somaliland and more than three secondary schools in Mogadishu; however, only 10 percent of those few children who entered primary school graduated from secondary school. Parents generally paid fees for their children’s education. Schools at all levels lacked textbooks, laboratory equipment, and running water. Teachers were trained poorly and paid poorly. The literacy rate was estimated at 25 percent throughout the country; however, reliable statistics did not exist. There was a continued influx of foreign Muslim teachers into the country to teach in private Koranic schools. These schools were inexpensive and provide basic education; however, there were reports that these schools required the veiling of small girls and other conservative Islamic practices normally not found in the local culture.

Medical care was rudimentary, and only a small percentage of children had access to adequate medical facilities.

There was no information available on the prevalence of child abuse in the country; however, it occurred. There were reports of numerous rapes of Somali girls in refugee camps in Kenya during the year (see Section 1.c.).

FGM was performed on approximately 98 percent of girls (see Section 5, Women).

Child prostitution was a problem; however, because it is culturally proscribed, it was not reported.

Trafficking in children for forced labor was a serious problem (see Section 6.f.).

During August and September 2002, the U.N. Independent Expert on Human Rights visited Kismayo, Lower Juba, Bosasso, Puntland, and Hargeisa, Somaliland. He reported that children were recruited as soldiers in Puntland and that many juveniles were incarcerated with adults by their parents for disciplinary problems (see Section 1.c.).

Persons with Disabilities.—In the absence of a functioning state, the needs of persons with disabilities were not addressed. There were several local NGOs in Somaliland that provided services for persons with disabilities.

National/Racial/Ethnic Minorities.—More than 80 percent of citizens shared a common ethnic heritage, religion, and nomadic-influenced culture. In most areas, members of groups other than the predominant clan were excluded from effective participation in governing institutions and were subject to discrimination in employment, judicial proceedings, and access to public services.

Minority groups and low-caste clans included the Bantu (the largest minority group), the Benadiri, Rer Hamar, Brawanese, Swahili, Tumul, Yibir, Yaxar, Madhiban, Hawrarsame, Muse Dheryo, and Faqayaqub. Inter-marriage between these groups and mainstream clans was restricted. These groups had limited access to whatever social services were available, including health and education. Members of minority groups continued to be subjected to killings, harassment, intimidation, and abuse by armed gunmen of all affiliations.

Section 6. Worker Rights

a. The Right of Association.—The 1990 Constitution provided workers with the right to form unions, but the civil war and factional fighting negated this provision and broke up the single labor confederation, the then government-controlled General Federation of Somali Trade Unions. In view of the extent of the country’s political and economic breakdown and the lack of legal enforcement mechanisms, trade unions did not function freely.

The Transitional Charter, the Puntland Charter, and the Somaliland Constitution establish the right of freedom of association, but no unions or employer organizations existed.

b. The Right to Organize and Bargain Collectively.—Wages and work requirements in the traditional culture were established largely by ad hoc bartering, based on supply, demand, and the influence of the worker’s clan.

There are no export processing zones.

c. Prohibition of Forced or Bonded Labor.—The pre-1991 Penal Code prohibited forced or bonded labor, including by children; however, there reports that such practices occurred (see Sections 6.d. and 6.f.). Local clan militias generally forced members of minority groups to work on banana plantations without compensation. There are reports that in Middle and Lower Juba, including the port of Kismayu, Bantus were used as forced labor.

d. Status of Child Labor Practices and Minimum Age for Employment.—The pre-1991 Labor Code prohibited child labor; however, child labor was a problem, and

there were child soldiers (see Sections 5 and 6.f.). Formal employment of children was rare, but youths commonly were employed in herding, agriculture, and household labor from an early age. Substantial numbers of children worked. In 2002, it was reported that 32.5 percent of children between the ages of 5 and 14 worked. However, the percentage of children engaged in labor was believed to be even higher during the year. The lack of educational opportunities and severely depressed economic conditions contributed to child labor.

e. Acceptable Conditions of Work.—There was no organized effort by any of the factions or de facto regional administrations to monitor acceptable conditions of work during the year.

f. Trafficking in Persons.—The pre-1991 Penal Code prohibited trafficking; however, there were reports of trafficking during the year. The number of women being trafficked from the country appeared to be small.

Trafficking in children for forced labor was a serious problem. There were reports of a significant increase in the smuggling of children out of the country to relatives and friends in western countries where they worked or collected welfare and sent money back to family members in the country.

SOUTH AFRICA

South Africa is a multiparty parliamentary democracy in which constitutional power is shared between the President and the Parliament. President Thabo Mbeki led the African National Congress (ANC) party, which increased its seats to 275 in the 400-seat National Assembly after defections from opposition parties in March. Parliament was elected in free and fair elections in 1999; Parliament, in turn, elected the President. The country continued to consolidate the democratic transformation initiated by the 1994 elections. The Government included ministers and deputy ministers from the Inkatha Freedom Party (IFP), a predominantly Zulu-based party whose support is concentrated in KwaZulu-Natal, the Azanian People's Organization (AZAPO), and the New National Party (NNP), but was dominated by the ANC. The judiciary, including the Constitutional Court, was independent but overburdened.

The South African Police Service (SAPS) has primary responsibility for internal security, and the South African National Defense Force (SANDF) is responsible for external security but also has domestic security responsibilities. The SANDF and the SAPS border control and policing unit shared responsibility for border control. The Government continued to train and organize the Directorate of Special Operations (DSO), dubbed the Scorpions, to coordinate efforts against organized crime and corruption. The civilian authorities maintained effective control of the security forces. Members of the security forces committed serious human rights abuses.

The country has a market-based economy. The Government continued a restructuring effort to reduce its equity holdings and to increase competition in the telecommunications, transport, energy and defense sectors. According to the 2001 census, the country had a population of approximately 44.8 million. The manufacturing and services (including government) sectors, accounted for approximately 38 percent and 51 percent of GDP respectively, while the agricultural and mining sectors represented approximately 3 percent and 8 percent respectively. The economy grew at a rate of 3 percent in 2002. Average monthly wages rose by 10 percent while the average consumer inflation rate in 2002 was 9.2 percent. The distribution of income and wealth remained highly skewed along racial lines and between urban and rural citizens. Approximately 60 percent of the black African population and approximately 3 percent of the white population lived below the poverty line. Official unemployment remained high at approximately 30 percent. The country suffered from a significant shortage of skilled workers, and many black African citizens were poorly educated, ill housed, and unemployed.

The Government generally respected the human rights of its citizens; however, there were serious problems in several areas. Deaths due to use of excessive force by security forces and deaths in police custody were serious problems. Some members of the police beat, raped, tortured, and otherwise abused suspects and detainees. The Government took action to investigate and punish some of those involved. Prisons were overcrowded, and some prison employees and other prisoners abused some inmates. The judiciary was overburdened, and lengthy delays in trials and prolonged pretrial detention were problems. Legislation posed a potential threat to the independence of the media, and self-censorship existed. Xenophobia continued to be a problem. Violence against women and children remained serious problems, and discrimination against women and persons with disabilities also remained prob-

lems. Child labor, including forced child labor, was a problem. Child prostitution and trafficking in persons were serious problems. Vigilante violence and mob justice continued throughout the country.

The Truth and Reconciliation Commission (TRC), created to investigate apartheid-era human rights abuses, made recommendations for reparations for victims, and granted amnesty in return for full disclosure of politically motivated crimes. The TRC concluded its activities at the end of 2001 and released its final report on March 21. On November 21, the Government began allocation of \$4,600 (R30,000) reparations to individual apartheid victims identified by the TRC. By year's end, payments had been made to more than 9,000 persons.

RESPECT FOR HUMAN RIGHTS

Section 1. Respect for the Integrity of the Person, Including Freedom From:

a. Arbitrary or Unlawful Deprivation of Life.—There were no political killings by security forces; however, police use of lethal force during apprehensions resulted in significant number of deaths, and deaths in police custody were a problem. The Government investigated and punished some abusers and worked to prevent future abuses. The Government's Independent Complaints Directorate (ICD) investigated deaths in police custody and deaths as a result of police action. During the year, there were 217 deaths in police custody and 311 deaths as a result of police action. The ICD's report listed subcategories under deaths in police custody, which included natural causes, suicide, injuries in custody, injuries prior to custody, and possible negligence. The ICD's relationship with the SAPS improved during the year and cooperation increased.

The ICD investigated a number of incidents during the year (see Section 1.d.). On February 19, Inspector Frans Duba was convicted of murder and sentenced to 21 years imprisonment for the December 2001 killing of Elias Morudu, who allegedly had an extra-marital affair with Duba's wife. On July 15, Inspector Shozi was convicted of murder and attempted murder in the Port Shepstone Regional Court and sentenced to 5 years and 2 years, respectively, for the killing of his brother, whom he accused of having an affair with his wife, and the injuring of his wife during the shooting. The sentences would run concurrently.

In September 2002, SAPS Sergeant Ishmael Hendricks was sentenced to incarceration in a maximum-security mental institution for life for the June 2002 shooting death of five gas station attendants.

A SAPS member was charged with assault with intent to do grievous bodily harm for the June 2002 torture and killing of Inspector Leonard Hlagala while in police custody in Polokwane. The trial was still pending at year's end.

The trial of three police officers charged with murder, assault, and related crimes in the 2000 killing of a 14-year-old boy in Barkly East, Eastern Cape Province was scheduled for December 2; however, the case was remanded and had not been heard by year's end.

Racial tensions in the military between white commanding officers and their black African subordinates continued; however, there were no killings during the year.

A peace process continued between the IFP and the ANC, the two parties most closely associated with political violence in KwaZulu-Natal in previous years. Although political violence and farm attacks have decreased in KwaZulu-Natal during the past 3 years, other forms of violence such as faction fighting and taxi feuds remained higher than in other provinces, resulting in dozens of deaths during the year. The nongovernmental organization (NGO) South Africa Institute for Race Relations (SAIRR) ended its monitoring of political killings, due to the country's changed political conditions. There was a notable increased level of tolerance of political activity attributable to the IFP-ANC peace process, as well as an increased police presence.

On November 17, four men were sentenced for the January 21 killing of Prince Mazwi Zulu, son of Prince Gideon Zulu, a prominent member of the IFP, in an attack near Ulundi in KwaZulu-Natal. Bongzi Nene was convicted and sentenced to 20 years for armed robbery and possession of unlicensed firearms. Mlungisi Zulu was sentenced to life in prison for murder and 20 years for armed robbery; he received a further 20 years for two counts of attempted murder, 15 years for possession of unlicensed firearms, and another 2 years for unlawful possession of ammunition. Bhekisisa Kunene and Lucky Thwala were sentenced to life imprisonment for murder, 20 years for armed robbery, and 10 years for two counts of attempted murder. The other three persons arrested were subsequently released.

There were no further developments in the 2001 kidnapping and killing of two members of the Zulu royal family.

Unlike in the previous year, the ANC reported no politically motivated deaths in KwaZulu-Natal during the year. There were no convictions in the 2002 cases of politically motivated deaths in KwaZulu-Natal by year's end.

Reports of politically motivated killings between the United Democratic Movement (UDM) and the ANC in Western Cape continued, but it was uncertain whether politics or general crime was the motivating factor.

There were no developments in 2001 killings of UDM and ANC members.

Factional and intra-party rivalry and violence in the Nongoma, Bergville, and Mandini areas increased during the year. Violence was mainly taxi-related but had political overtones as Sbu Ndebele, the Member of the Executive Council (MEC) for Transport and KwaZulu-Natal ANC leader, attempted to transform and formalize the IFP-dominated taxi industry. Approximately 9 taxi owners and 14 passengers, including 2-year-old Minihle Cele, were killed in taxi-related shootings.

There were no developments in the 2002 and 2001 taxi-related killings.

There continued to be reports that xenophobia led to a number of violent attacks on foreigners. In September, Catholic social workers in Cape Town claimed that xenophobia was a major contributing factor in the deaths of as many as 28 refugees during the previous 18-month period. At year's end, detectives continued to investigate the case of three Angolans and one citizen killed in January 2002 in clashes between locals and refugees in the Joe Slovo area in Milnerton, a Cape Town suburb.

No incidents of domestic terrorism occurred during the year. On May 19, the trial began against the 22 right-wing Afrikaners, charged with murder, high treason, terrorism, and sabotage in the October 2002 Soweto bombings. The court postponed the trial a number of times to resolve legal aid matters. During August, the prisoners brought a number of pretrial applications before the court, claiming violations of their human rights. Most of the applications were turned down, and the trial was ongoing at year's end.

On May 26, right-wing Afrikaners Leon Peacock, Hercules Viljoen, and Alan Rautenbach, who plotted to blow up the Vaal Dam in 2001, were convicted of sabotage. The court sentenced Peacock and Viljoen to 8 years in prison, of which 3 were conditionally suspended. Rautenbach received a 5-year sentence, of which the court conditionally suspended 3 years. Peacock received an additional fine of \$154 (R1,000) or 30 days imprisonment, as well as a further 3 years for the illegal possession of a firearm and ammunition. He was to serve 1 year of this sentence concurrently with his 8-year term, with the rest conditionally suspended. On July 15, the court granted the three men bail, and their release was pending the outcome of an appeal at year's end.

Vigilante action and mob justice continued during the year. The Institute for Security Studies (ISS) reported that mob justice was an increasing problem, although no figures were available. Vigilante attacks were particularly prevalent in Gauteng, the Western Cape, and KwaZulu-Natal. In May, a mob stoned to death two youths accused of terrorizing community members in Chesterville, outside of Durban. On July 27, a mob attacked, set alight and killed three young men from Inanda; police arrested five suspects in connection with the incident. In 1 week in June, five persons died in separate vigilante attacks in Gauteng. In some of the incidents, between 50 and 100 community members were involved in the attacks. On July 27, approximately 50 persons participated in the hacking and necklacing of the three men, who allegedly were involved in criminal activities in Kwa Mashu, north of Durban.

Three men arrested in 2002 for hacking to death seven men faced charges of murder and attempted murder. No updates were available at year's end.

A vigilante group called Mapogo A Mathamaga has grown in membership and reportedly has more than 90 branches and 50,000 members throughout the country, including offices in at least nine cities. Mapogo targeted persons they suspected of property crimes against their members, tortured suspected criminals, and beat persons with clubs and whips.

In December 2002, Bertrams Pringle, Willie Skhosana, and Mapogo member Robert Van der Colff were charged with murder for beating Adam Potgieter and Samuel Moletsane to death for allegedly stealing construction equipment. The trial was pending at year's end.

Numerous court cases involving People Against Gangsterism and Drugs (PAGAD) continued throughout the year. There were hundreds of cases under investigation against suspected members of PAGAD and scores of trials pending based on charges that included murder, attempted murder, possession of explosives, possession of an unlicensed firearm, armed robbery, and conspiracy to commit murder. The courts released only one PAGAD member on bail by year's end and there were no cases of bail denial during the year; however, the Muslim community protested the infre-

quent availability of bail to PAGAD members and staged periodic small-scale protests, criticizing the treatment as unfair compared with the judicial treatment of non-Muslims.

There were no reports that People Against Drugs and Violence (PADAV), the Eastern Cape counterpart to PAGAD, killed persons during the year; however, cases from previous years continued. PADAV is an Islamic-oriented, community-based organization with a mandate calling for stronger action against crime and drugs. The trial of 12 PADAV members for a series of vigilante crimes committed in 2000 and 2001 was underway at year's end.

Unlike in previous years, there were no reports that witnesses who were testifying against PAGAD members were intimidated or killed.

In September, PAGAD members Ebrahim Jeneker, Mogamat Isaacs, and Faizel Samsodien were placed on trial during the year for escaping from court holding cells in 2002. The trials were ongoing at year's end. On April 22, Ebrahim Jeneker was found not guilty of the 1999 murder of a top Western Cape police investigator, Bennie Lategan. Cape High Court acting judge Cecile Williams stated that the evidence against Jeneker and co-accused Ismail Edwards had been unreliable. Edwards is serving a jail sentence for the bombing of the Lansdowne police station in 1998.

Abubakar Jacobs, arrested in December 2002, was in police custody awaiting trial for his suspected role in the death of four persons. PAGAD leader Salie Abader filed a suit against authorities for "wrongful arrest and malicious prosecution;" he was acquitted in 2002 after being detained for more than a year for the killing of a gang leader. Also in the Western Cape, in November, two PAGAD members began serving 15-year prison sentences for the killing of a young girl in a November 1998 gang shoot-out.

Killings of farm families in rural parts of the country continued. There was widespread concern among white farmers that they were targeted for racial and political reasons; however, according to police and academic studies of farm attacks, the perpetrators reportedly were common criminals motivated by financial gain. It also was reported that in the majority of cases, the perpetrators were not farm workers. According to Agriculture South Africa (AgriSA), 631 farm attacks and 64 killings took place between January and October, and there were 901 farm attacks and 148 killings during 2002. The Independent Committee on Motives for Farm Attacks conducted an investigation into farm attacks and its report was due for release on August 20; however, the Minister for Safety and Security referred it back to the committee for clarification. Priority Committees, consisting of the SAPS, SANDF, and farming communities, worked to address violent crime on farms; however, security forces actions largely were viewed as responding to attacks, not preventing them.

There was at least one report that a white employer killed a black African farm laborer during the year. On February 11, a white employer, Gerrit Maritz, allegedly killed a farm worker, Jotham Mandlaki, in Komatipoort for failing to show up for work. The accused appeared in court in February, and was released on bail of \$2,308 (R15,000). The case was postponed for further investigation and had not been heard by year's end.

In Limpopo Province, where traditional beliefs regarding witchcraft remained strong, there were occasional reports of attacks on persons accused of witchcraft by their rural communities. Traditional leaders cooperated with Ministry of Safety and Security programs and reported threats against persons suspected of witchcraft to the police. Occasional witchcraft-related incidents occurred during the year in KwaZulu-Natal and Limpopo Provinces (see Section 1.f.). For example, on February 20, a 35-year-old man was killed in the Osebeni area in KwaZulu-Natal for suspected involvement in witchcraft; police arrested 10 suspects. No additional information was available on the case at year's end.

Muti killings—killing to obtain body parts for traditional healing—continued during the year. In July, the head of a woman was found floating in a dam near Johannesburg, and it was speculated that it was a muti-related killing. Although no official statistics were available, SAPS estimated that there were between 150 and 300 such killings each year.

b. Disappearance.—There were no reports of politically motivated disappearances.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The Constitution's Bill of Rights prohibits such practices; however, some police officers beat, raped, tortured, and otherwise abused suspects and detainees. Some incidents of torture and ill-treatment by police and SANDF occurred during interrogation, arrest, detention, and searches of persons' homes.

In September, the ICD reported 23 incidents of torture and 16 rapes committed by police officers between April 2002 and March. During the year, the Government investigated these allegations and prosecuted some offenders (see Section 1.a.). For

example, in November 2002, a SAPS member allegedly assaulted a pregnant woman and solicited a bribe to stop the case against her minor son, whom he was investigating. The ICD investigated charges of assault with intent to do grievous bodily harm and instructed the SAPS to open a case of defeating the ends of justice against the suspected officer. The complaint was still under investigation when the ICD released its annual report in September.

There were no developments in the 2001 shooting between residents and police in Avilla Park in Vredendal, Western Cape Province. An investigation was ongoing at year's end.

Incidents of police harassment and attacks against foreigners continued, particularly during coordinated police raids of areas where foreign nationals resided. Some state hospitals reportedly routinely refused treatment to indigent foreigners, despite regulations that required such treatment.

On July 10, a police dog in Secunda, Mpumalanga mauled a crime suspect, Titus Mahlatse. The police officer accused the man of theft, allegedly handcuffed him, and then set the dog on him. After an ICD investigation, the Directorate of Public Prosecutions (DPP) decided to prosecute the police officer on assault with intent to do grievous bodily harm. The DPP also reversed an earlier decision not to prosecute the same police officer in a similar incident that occurred in 2000.

In March, a court convicted Dino Guiotto and Kenneth Loubser, two former members of the North East Rand Dog Unit, on three charges of assault with intent to do grievous bodily harm and attempting to defeat the ends of justice. They had set their police dogs on three illegal immigrants in 1998. The court sentenced Loubser to 5 years in jail, with 3 suspended, on three assault charges, and sentenced Guiotto to a 5-year prison sentence, of which 2 years were suspended.

The 2001 trials of two police officers from the Pretoria SAPS dog unit, who pleaded not guilty to using their dogs to attack two Mozambican immigrants, were pending at year's end.

There were credible reports of beatings by security personnel in detention centers; overcrowded, unhygienic detention facilities; and the theft of money and personal possessions from refugees by security personnel (see Section 2.d.). There were reports of police abuse of detainees awaiting deportation.

Unlike in the previous year, police did not use excessive force during strikes.

The trial of the suspect in the 2001 shooting of ANC councilor Wandile Nkwele was ongoing at year's end.

There were no reports of bombings during the year. The case against Boeremag members accused of bombings in 2002 was ongoing (see Section 1.a.).

Vigilante action and mob justice resulted in attacks on suspected criminals and drug dealers, some of whom were killed (see Section 1.a.).

Xenophobia continued during the year. Xenophobia was expressed in institutional and social interactions with foreigners, and poor, black African immigrants were particularly vulnerable to victimization from fraud to crimes of violence. Many of those attacked were hawkers and street vendors. There were a number of unconfirmed reports of violent attacks on foreigners, including refugees and asylum seekers (see Section 2.d.).

There were incidents in which white employers abused their black African farm laborers (see Section e.). NGOs claimed that rural police and courts refused to arrest or prosecute whites in many cases.

Unlike in the previous year, there were no reports that illegal strikes resulted in worker violence.

Prisons did not meet international standards, and prison conditions did not always meet the country's minimum legal requirements. Severe overcrowding in some prisons led to poor health; as many as 75 inmates may occupy a cell designed to hold 40 inmates. The Department of Correctional Services (DCS), which manages prisons, reported that in March there were 131,604 prisoners in custody, with 58,144 awaiting sentences, in facilities designed to hold only 111,241. According to DCS and ISS in July, overcrowding was at 71 percent. Prisoners often were required to sleep in shifts because of a lack of space. AIDS was the leading cause of natural death in prisons; in 2002, there were 1,087 deaths, 90 percent AIDS-related. In the first 7 months of 2001, 1,101 inmates died of HIV/AIDS. The natural death cases in country's prisons have increased 500 percent since 1995 and continued to grow.

Prison employees and other prisoners abused and assaulted prisoners physically and sexually. Press reports indicated that some detainees awaiting trial contracted HIV/AIDS through rape. Food frequently was of poor quality and insufficient quantity. Unlike in the previous year, there were no reports that prison employees stole food from prisoners. There were also improvements in prisoners' access to health care during the year with 24-hour health care service available to all offenders.

The Special Investigating Unit established the Jali Commission to investigate allegations of corruption and sexual abuse in prisons. The Commission began in 2002 and reported finding widespread irregularities involving prisoners leaving the premises illegally, nepotism, drug trafficking, irregular appointments of personnel, and massive medical aid fraud. The Commission also highlighted evidence of extortion, abuse of parole procedure, abuse of disciplinary enquiries and appeal procedures, and educational qualifications fraud. On January 21, the Inter-Ministerial Security Committee (IMSC) on the implementation of recommendations of the Jali Commission reviewed a report submitted by the Minister of Correctional Services, which listed the measures taken by the Department in response to the Commission's reports. From April 2002 to March 31, 270 reports of corruption in prisons were received; DCS dismissed 55 officials for corruption, and disciplined 175 officials; 23 officials were criminally convicted and 17 cases are not yet finalized. No further information was available on the nature of the discipline at year's end. Further investigation and verification followed in a number of cases. One officer resigned and one absconded. Some officers tried to appeal in court the disciplinary measures the Department took against them.

The hearings of 17 employees at the Grootvlei prison in Bloemfontein caught on camera in 2002 for violating prison rules and criminal dereliction of duty were pending at year's end.

Problems remained at the Lindela Repatriation Center, the largest detention facility for undocumented immigrants in the country, particularly as a result of occasional overcrowding. Home Affairs conducted sweeps of squatter camps and sent illegal immigrants to Lindela to await repatriation. Some of the refugees alleged that Home Affairs employees assaulted them and requested bribes.

C-MAX prisons were designed to hold the country's most dangerous criminals. Human rights groups have raised serious concerns regarding C-MAX facilities, including the Government's criteria for transferring prisoners from other prisons to a C-MAX facility and the restrictive, solitary conditions of the prisons.

Male and female prisoners were held separately; however, female prison wards often were on the same grounds as male wards, and Amnesty International reported that male prisoners raped women prisoners. DCS statistics from March 2002 documented that there were 28,347 youth offenders (prisoners under age 21), 4,111 of whom were 17 years of age or younger. Juveniles normally were not housed with adults; however, on occasion they were detained together. There were credible reports that youths from juvenile wards were sold to adult prisoners for sexual exploitation, including rape. Juveniles between the ages of 14 and 18 accused of serious crimes, including murder or rape, sometimes were placed in pretrial detention in prisons with adult offenders. Pretrial detainees were generally held separately from convicted prisoners.

Immigrant children detained in the Lindela Repatriation Center received the same general treatment as adult detainees, were not provided with separate sleeping facilities from adults, and were not always provided with food and clothing.

A Child Justice Section existed within Sexual Offences and Community Affairs (SOCA) to ensure fair and rehabilitative management of child offenders. Between 1999 and 2002, diversion services were provided to approximately 40,994 children through prosecutor's referrals to programs provided by the Department of Social Development and NGOs. Diversion practices were introduced in at least 14 areas throughout the country during the year.

The Government generally permitted independent monitoring of prison conditions, including visits by human rights organizations; however, only those organizations that were able to send lawyers were allowed to visit prisons. Other prisoners' rights organizations routinely were denied access. The Judicial Inspectorate visited all prisons during the year.

d. Arbitrary Arrest, Detention, or Exile.—The Bill of Rights prohibits detention without trial; however, prolonged pretrial detention continued to be a problem.

SAPS is the primary instrument of state policing, with a presence throughout the country. The SAPS, under the Ministry of Safety and Security, continued its major restructuring and transformation from a primarily public order security force to a more accountable, community service-oriented police force; however, it remained ill-equipped, overworked, and undertrained. There were 102,354 police officers and 20,337 civilians working in SAPS. The majority of police resources remained focused on former white areas and business districts, and police service was unevenly distributed across the provinces, ranging from 313 residents per police officer in the Free State to 669 residents per police officer in Limpopo Province. The civilian to police officer ratio was 461:1 in 2001. Corruption in the police force was a problem, and police were regularly convicted of crimes and prosecuted (see Section 1.a.).

The ICD received 1,002 allegations of criminal offences by police. The majority of these allegations concerned serious assaults (35.2 percent), and attempted murder (12.6 percent). Corruption accounted for 10.5 percent of all allegations reported to the ICD, which was a 253 percent increase from the previous year. The ICD received reports of 2,913 cases of police misconduct; most cases were for neglect of duty. The other cases related to failure or refusal to perform duties, gross discourtesy, ill treatment of a lower-ranking employee, and misappropriation or misuse of public property. For example, on March 17, three accused persons were being escorted from the court to the cells by a SAPS member. One of the detained, who was unarmed at the time, attempted to flee. The SAPS escort shot and killed the detainee. The results of the ICD investigation were unavailable at year's end.

The Government made efforts to address abuses with an official anti-torture policy and training programs for police and SANDF officers that included human rights. Broad efforts to reform police practices continued, and the ICD investigated reports of police misconduct and corruption (see Section 1.a.); however, the number of reported incidents of abuse increased. In particular, the number of corruption cases increased from 30 in 2002 to 106 during the year.

The SAPS continued to create partnerships between local police forces and the communities they served. Municipalities also established metropolitan police forces in major cities with local control; however, SAPS continued to have deficiencies in mid-level leadership and institutional memory that were harmful to its overall performance.

The Bill of Rights provides that every detained person has the right to be informed promptly of the reasons for their detention; to be advised promptly of the right to remain silent and the consequences of waiving that right; to be charged within 48 hours of arrest; to be detained in conditions of human dignity; to consult with legal counsel at every stage of the legal process; to communicate with relatives, medical practitioners, and religious counselors; and to be released (with or without bail) unless the interests of justice require otherwise. Courts and police generally respected these rights; however, there continued to be a problem with prison conditions and bringing detainees to trial expeditiously.

The law states that any child under the age of 14 must be released within 24 hours into the custody of a parent or guardian when possible. In February, the Department of Justice introduced the Child Justice Bill to Parliament designed to protect the rights of child offenders. The legislation was still pending at year's end.

Human rights groups, judges, and judicial scholars have expressed concern about the Criminal Procedure Second Amendment Act, which mandates minimum jail sentences and prohibits bail in certain cases.

According to the South African Human Rights Commission (SAHRC), prisoners waited an average of 6 months to be tried in the regional courts and 6 months to 1 year in the high courts; however, in extreme cases detention may extend up to 2 years. This problem primarily was the result of an understaffed, underfunded, and overburdened judiciary (both magistrates and prosecutors) (see Section 1.e.).

The Court Process Project (CPP), initiated in 2001, was designed to control criminal cases in a more structured way—from the police stations where they originated through the adjudication process until the convicted person was handed over to the appropriate prison or welfare/health authorities. This process included electronically storing the fingerprints and picture of the accused, which assisted authorities in minimizing the incidence of mistaken identity or deliberate identity switching by detainees. The system also was designed to prevent docket thefts and to curtail the activities of corrupt police and court officials. Since its launch, the CPP reduced from 145 to 74 the average number of days to conclude a case. The project was still in the pilot phase at year's end.

There were reports that authorities abused detainees awaiting deportation. Under the provisions of the law, an illegal immigrant may be detained for 48 hours pending the determination of his or her status. A person declared illegally in the country may be detained for an additional 30 days pending his or her removal from the country. In practice persons may be held in detention for several days before being declared as an illegal immigrant or released, and those declared as illegal regularly were held for more than 30 days.

The Constitution does not prohibit forced exile; however, there were no reports of forced exile during the year.

e. Denial of Fair Public Trial.—The Constitution provides for an independent and impartial judiciary, and the Government generally respected this provision in practice; however, the judiciary was understaffed, underfunded, and overburdened.

The Constitutional Court is the highest court for interpreting and deciding constitutional issues, while the Supreme Court of Appeal is the highest court for interpreting and deciding other legal matters.

Judges and magistrates hear criminal cases, and determine guilt or innocence. There is a presumption of innocence for criminal defendants. The law requires that a panel of lay assessors, along with a magistrate, hear cases involving murder, rape, robbery, indecent assault, and assault leading to serious bodily harm. The two assessors may overrule magistrates on questions of fact. Magistrates also can use assessors in an advisory capacity in bail applications and sentencing.

The Bill of Rights provides for due process, including the right to a fair, public trial within a reasonable time after being charged, and the right to appeal to a higher court. It also gives detainees the right to state-funded legal counsel when "substantial injustice would otherwise result;" however, a general lack of information for accused persons regarding their rights to legal representation and the Government's inability to pay for these services were continuing problems.

The Government has opened 39 justice centers in the country, composed of the Departments of Justice, Correctional Services, Welfare and Health, and the SAPS, to speed up the administration of justice, free up the court rolls, and alleviate overcrowding in prisons. There were serious backlogs in the numbers of cases that have gone to trial.

Saturday Courts and privately contracted Additional Courts, which operated in specific districts where there were significant backlogs and where space was available in existing court buildings, were used to address the backlog of cases in the courts. The Additional Courts used private sector employees or retirees with judicial experience. The Saturday and Additional Courts completed 17,073 cases at the end of July and 61,340 cases since its inception in 2001. From January to September, the regional and district courts finalized 64,011 cases; there were 168,123 cases outstanding and the backlog of cases was 104,112.

The Promotion of Equality and Prevention of Unfair Discrimination Act provides for the establishment of Equality Courts within magistrates' courts and High Courts to adjudicate complaints. All High Courts were Equality Courts for their areas of jurisdiction. There were 47 Equality Courts in the country at year's end.

There was public concern regarding the capacity of the criminal justice system to deal with the high level of crime, and the increasing incidence of vigilante justice reflected this concern (see Section 1.a.).

The National Directorate of Public Prosecutions (NDPP) was preparing cases against persons who were denied amnesty, failed to apply for amnesty, or were implicated in human rights abuses during the TRC process (see Section 4).

There were no reports of political prisoners.

The Land Claims Court settled cases previously screened and evaluated by the Commission on Restitution of Land Rights. Claims only could be filed for land dispossessions that occurred after the promulgation of the Natives Land Act of 1913, not including dispossessions that occurred in 1913, the year of the former Government's most significant land redistribution. Compensation offered to claimants were the return of the original land, a deed to another piece of land, financial remuneration, or preferential access to government housing. The Commission ceased accepting applications after 1998, but the cases have moved slowly, which has caused increasing tension and frustration and has resulted in some land occupations by squatters. In 2001, the Commission began determining which claims were valid, and the process was 95 percent complete by January. At the end of March, 36,940 of 37,838 claims were verified. The Ministry of Land Affairs was authorized to offer settlements without first going to court, which has expedited the resolution process. At the end of June, 37,551 restitution claims, involving 90,543 households and 491,201 beneficiaries had been settled. The Land Claims Commission received a budget increase of \$76,923,076 (R500 million) to \$131,384,615 (R854 million) for the year, but the Chief Land Claims Commissioner reported in August that \$184,615,384 (R1.2 billion) was required to settle outstanding claims for the year.

On September 19, the National Assembly passed the Restitution of Land Rights Amendment Bill, which allows the Minister of Agriculture and Land Affairs to "purchase, acquire in any other manner or expropriate land" to speed up the restitution process. Before land could be expropriated, the Minister would have to give adequate notice of the intention and expropriated land would be compensated fairly. The bill allows landowners recourse through the courts if they feel the compensation amount received is not adequate. There were no expropriations during the year.

f. Arbitrary Interference with Privacy, Family, Home or Correspondence.—The Constitution prohibits such practices, and the Government generally respected these prohibitions. Violations generally were subject to effective legal sanction.

Unlike in the previous year, there were no reports of police abuses during sweeps and home searches. No action was taken against officers responsible for abuses during home searches and sweeps in 2002.

In November 2002, Parliament passed the Regulations of Interception and Provision of Communication-Related Information Bill, which provides for state monitoring of all telecommunications systems for criminal investigations, including cell phones, the Internet, and e-mail. The Bill requires an order from a judge in most cases; however, in some cases, high-ranking police or army officers were authorized to grant permission. The President signed the legislation into law on December 2002, but it had not been enforced by year's end.

The Promotion of Access to Information Act is to assist authorities in obtaining personal information and is used solely in criminal investigations; however, opposition parties and human rights NGOs objected to its broadly defined provision that enabled the Government to access an individual's personal information.

There were reports that farmers illegally evicted farm residents; however, the Department of Land Affairs could not substantiate some alleged illegal evictions and many evictions apparently were not reported.

There were reports that persons accused of witchcraft were attacked and driven from their villages in rural communities (see Section 1.a.). Some survivors of attacks and their families were living in "witch villages" for safety in Limpopo Province. The villages had no running water or electricity. Although some persons returned to their homes, many persons remained in the villages and requested government assistance for schools and basic infrastructure, some of which was provided. During the year, the homes of persons accused of practicing witchcraft were burned down. For example, on February 19, an estimated 100 youths accused a 74-year-old woman of witchcraft and set her house on fire at Mohodi village in Senwabarwana in Limpopo Province.

In August 2002, three men were charged with arson of the house of a woman they believed to be practicing witchcraft in Ezibeleni in northern KwaZulu-Natal. Two of the accused failed to return for the trial in September 2002, and were still at large. No additional information on the case was available at year's end.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution provides for freedom of speech and of the press, and the Government generally respected these rights in practice; however, these rights can be limited by law in some circumstances. Several apartheid-era laws that remained in force posed a potential threat to media independence.

The Constitution bans the advocacy of hatred based on race, ethnicity, gender, or religion that constitutes incitement to cause harm. In July, the SAHRC ruled on a petition by the Freedom Front that the slogan "Kill the Boer, kill the farmer," chanted by the ANC Youth League on two separate occasions in 2002, was hate speech, and a violation of the law. No action was taken against those responsible.

The media were active and expressed a wide variety of views; however, some journalists expressed concern that the Government wanted to control the media.

All newspapers were owned by conglomerates. One of the prominent companies, New Africa Media, was a black African-owned consortium that controlled the country's largest circulated daily newspaper, The Sowetan, as well as a larger publishing business, Times Media Limited. Print media reached approximately only 20 percent of the population, due to high levels of illiteracy, the lack of newspapers in rural areas, and the cost of newspapers. The majority of the population received the news through radio broadcasts from the national broadcaster (SABC) and community radio stations.

The government-owned SABC continued to own and control the majority of the television and radio outlets. The SABC was managed by black African executives, provided broadcasting in the country's main African languages, and offered news coverage of the Government and the leading opposition parties. The SABC maintained editorial independence from the Government, although the balance between editorial independence and national interest remained a delicate topic with government officials. Critics alleged that the ANC wants greater control over the SABC. On November 19, Parliament approved a new SABC board; however, opposition parties and other critics expressed criticism that the management was chosen for political reasons without regard for media expertise or relevant experience. SABC-TV, which broadcasts in seven languages, captured approximately 85 percent of viewership.

SABC dominated the radio scene with its 11 stations, including 9 broadcasting in African languages and Afrikaans, and several commercial radio stations, although there were a large number of low-power, not-for-profit community radio stations. Many of these stations had talk shows that carried lively debate on government policies and practices. Government broadcast regulators regularly issued community radio licenses.

The only commercial television station, e.tv, reaches 75 percent of the population; however, its share of the viewership was only approximately 10 percent. Most of e.tv's schedule consisted of newscasts and foreign-produced programs; the Government urged e.tv to meet its licensing conditions, which required programming to include at least 30 percent local content. Midi Television, a black-owned consortium composed of a number of associations and syndicates representing workers, women, and persons with disabilities, held majority ownership of e.tv. In addition to e.tv, the SABC competes with two pay-per-view broadcasters, M-NET (encoded UHF transmissions) and MultiChoice (satellite broadcasts). Pay-per-view stations reached approximately 5 percent of viewers.

In October, the Government granted Radio Islam a 4-year license.

There were several government agencies with media-related responsibilities, such as the Independent Communications Authority of South Africa (ICASA). The ICASA is not completely independent from the Ministry of Telecommunications. A bill that included further limits to the power of ICASA and gave greater authority to the Minister of Communications had not been signed into law by year's end.

The Minister of Communications has a direct role in the awarding of telecommunication-service licenses.

The Government and media owners established the Media Development and Diversity Agency (MDDA) in 2002 to encourage ownership and control of, and access to, media by historically disadvantaged communities and historically diminished indigenous language and cultural groups; to channel resources to community and small commercial media; to develop human resources and capacity in the media industry; and to research media development and diversity. The beneficiaries were community media and small commercial media.

High-ranking government officials on occasion reacted sharply to media criticism of government programs and problems and at times accused journalists, particularly black African journalists and editors, of disloyalty and white journalists and editors of racism. A large number of journalists believed that the Government's sensitivity to criticism caused self-censorship in the media.

Several laws remained in effect that permitted the Government to restrict the publication of information about the police, the national defense forces, prisons, and mental institutions. While these laws were not used often, journalists perceived them to be a threat to constitutional rights. These laws were not invoked during the year.

The Foreign Publication Board reviewed and judged written and graphic materials published in or imported into the country. The Board had the power to edit or ban books, magazines, movies, and videos, and it regularly exercised that power, mostly regarding pornographic material.

Internet access was unrestricted for persons with the ability to pay for the service. The number of Internet users continued to expand quickly. All major newspapers maintained Internet sites, most of which were updated daily with the latest news and features. In 2001, Parliament passed a bill that provides for state monitoring of telecommunications, including the Internet and e-mail (see Section 1.f.).

The Government did not restrict academic freedom.

b. Freedom of Peaceful Assembly and Association.—The Constitution provides for freedoms of assembly and association, and the Government generally respected these rights in practice. Unlike in previous years, there were no reports that police used excessive force to disperse strikes.

c. Freedom of Religion.—The Constitution provides for freedom of religion, and the Government generally respected this right in practice.

The Bill of Rights prohibits the State from unfairly discriminating directly or indirectly against anyone on religious grounds, and it states that persons belonging to a religious community may not be denied the right, with other members of that community, to practice their religion and to form, join, and maintain religious associations. Cases of discrimination against a person on the grounds of religious freedom can be taken to the Constitutional Court.

On August 4, the national and provincial Ministers of Education adopted a policy that calls for Religion Education in public schools; the curriculum includes instruction on the religions of the world with particular attention to the religions of the country, a focus on worldviews, and an emphasis on values and moral education. Religious instruction in one particular religion is no longer permissible at public schools.

For a more detailed discussion, see the 2003 International Religious Freedom Report.

d. Freedom of Movement within the Country, Foreign Travel, Emigration, and Repatriation.—The Constitution provides for these rights, and the Government generally respected them in practice.

The law provides for the granting of asylum and refugee status to persons who meet the definition in the 1951 U.N. Convention Relating to the Status of Refugees or its 1967 Protocol and has a system for implementing such law. In practice, the Government provided protection against refoulement and granted refugee status or asylum; it also provided temporary protection to certain individuals who do not qualify as refugees or asylees. The President signed the new Immigration Act into law in May 2002 that regulates general admission of persons to, their residence in, and their departure from the country. The Refugee Act deals specifically and exclusively with refugees and asylum seekers.

The Government cooperated with the U.N. High Commissioner for Refugees (UNHCR) and other humanitarian organizations in assisting refugees. During the first 4 months of the year, the Department of Home Affairs received 7,501 new asylum applications; the Department only decided a few hundred applications during the same period. As of March 31, there were approximately 27,500 persons with refugee status and 71,800 files were pending a decision. The majority of recognized refugees came from Somalia, the Democratic Republic of the Congo (DRC), and Angola; there also were refugees from Rwanda, Burundi, and the Republic of the Congo.

The UNHCR assisted the Government in processing asylum applications. Human rights groups criticized the Department of Home Affairs for not following the provisions of the Immigration Act. Applicants for asylum and NGOs assisting refugees reported abuse and assaults by immigration authorities and requests for bribes to process applications for permits to remain in the country. Human rights groups also reported asylum seekers being turned away at borders or repatriated immediately upon arrival at airports without benefit of formal asylum processing. At year's end, there was no additional information available on the SAHRC lawsuit against the Department of Home Affairs to compel it to process all applications by asylum seekers.

On August 18, the Constitutional Court heard an application for confirmation of an order of the Pretoria High Court, which declared sections of the Immigration Act unconstitutional. The challenged provisions allowed immigration officers to declare persons at ports of entry illegal foreigners and have them detained. The Constitutional Court upheld the Pretoria High Court's decision and declared that the challenged sections unjustifiably limit the rights contained in the Constitution not to be deprived of freedom arbitrarily or without just cause and not to be detained without trial.

Despite numerous procedural safeguards, efforts to combat a growing illegal immigration problem occasionally resulted in the Government wrongfully deporting aliens who were in the country legally; however, there were no reports of the forced return of persons to countries where they feared persecution.

Xenophobia led to a number of violent attacks on foreigners. In the Eastern Cape, the SAHRC was involved in re-housing Somali refugees after locals looted their shops and assaulted them, alleging that the refugees caused citizens to lose jobs.

Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government

The Constitution provides citizens with the right to change their government peacefully, and citizens exercised this right in practice through periodic free and fair elections held on the basis of universal suffrage. In 1999, national elections were held that observers deemed to be free and fair. There was an improved level of overall tolerance during the campaigning and voting period compared with the 1994 elections, attributable to IFP-ANC talks, as well as to an increased police presence. Complaints primarily concerned posters being removed or defaced, individuals being threatened because of political affiliation, and other incidents of intimidation. A commission appointed to study possible electoral system alternatives for the 2004 general elections recommended significant changes in a majority report. The Cabinet decided to maintain the current system, recommended in a minority report.

The country has a bicameral parliament, an executive state presidency, and an independent judiciary, including a Constitutional Court.

The two houses of Parliament are the National Assembly, with 400 members, and the National Council of Provinces (NCOP), consisting of 6 permanent and 4 rotating delegates from each of the 9 provinces. The NCOP, created to give a greater voice to provincial interests, was mandated to approve legislation that involved shared national and provincial concerns according to a schedule in the Constitution and to concur on other legislation. There was an 18-member Council of Traditional Lead-

ers, which the Constitution accords an advisory role in matters of traditional law and authority.

Four parties—the ANC, the IFP, AZAPO, and the NNP—shared executive power. The ANC dominated the Government and gained in parliamentary strength in the 1999 elections. ANC members occupied 24 of the 27 ministerial positions. In 1999, the ANC leader, Thabo Mbeki, succeeded Nelson Mandela as President and Head of State. In 2001, the NNP reached an agreement to cooperate in government with the ANC at national, provincial, and local levels.

A 2002 Constitutional Court ruling allowed elected officials at the municipal and local levels of government to defect to another party without losing their seats on city or municipal councils. The court also ruled that defections at provincial and national levels satisfied constitutional requirements; however, the court held that a procedural flaw in the legislation necessitated a constitutional amendment to permit defections at the provincial and national levels. A subsequent constitutional amendment allowed for a 15-day period in March during which members of the NA and provincial legislatures were allowed to defect to other parties or establish new parties. As a result, a number of additional parties are represented in Parliament, including the African Independent Movement, Alliance for Democracy and Prosperity, Independent Democrats, National Action, and the Peace and Justice Congress. The ANC increased its seats from 266 to 275 and obtained a two-thirds majority. The official opposition, the Democratic Alliance (DA), increased its seats from 38 to 46. The Afrikaner Unity Movement ceased to exist.

There continued to be reports of inter-party rivalry and violence during the year (see Section 1.a.). Both the ANC and IFP reported incidents of political intimidation in some rural areas of KwaZulu-Natal during several by-elections during the year.

On November 26, the National Council of Provinces approved the Traditional Leadership and Governance Framework Bill. The legislation defines and regulates the role of traditional leadership within the new system of democratic governance, and brings the institution in line with the Constitution. The Bill was pending the President's signature at year's end. Although the relationship between traditional leaders and Government remained strained, there were fewer reports that leaders actively hindered government activities.

There were no legal impediments to women's participation in government or politics. There were 120 women in the 400-seat National Assembly, and there were 21 women among the 54 permanent delegates of the NCOP. Women occupied three of four parliamentary presiding officer positions (speaker and deputy speaker of the National Assembly, and chair of the NCOP). Women held 9 of 27 ministerial positions, as well as 8 of 16 deputy ministerial slots.

There were approximately 136 members of minorities in the National Assembly. There were 8 members of minorities in the cabinet.

Section 4. Governmental Attitudes Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A number of domestic and international human rights groups operated without government restriction, investigating and publishing their findings on human rights cases. Government officials generally were cooperative and responsive to their views. Many organizations participated in governmental bodies that gathered public input and tried to fashion policies related to human rights.

The UNHCR, the National Consortium on Refugee Affairs, and the SAHRC continued their "Roll Back Xenophobia" campaign to raise public awareness of the situation and rights of refugees and the difference between refugees and economic migrants. The campaign produced publications, organized several public relations events, and trained police officers on the need to protect refugees and to deal properly with foreign nationals.

The government-created SAHRC was responsible for promoting the observance of fundamental human rights at all levels of Government and throughout the general population. The SAHRC also has the power to conduct investigations, issue subpoenas, and hear testimony under oath. On September 2, the SAHRC released results of its investigation into allegations of abuse of black farm workers, local justice system prejudice against farm workers, and violence against white farm owners (see Section 1.a. and 6.e.). The results indicated that farm attacks were in general criminally and not politically motivated. The SAHRC undertook a number of other activities during the year, including a national action plan and strategy to combat racism, the "Roll Back Xenophobia" campaign, a study of socio-economic rights, and educational rights.

The Office of the Public Protector investigated abuse and mismanagement by the Government, and acted as an office of last resort to which citizens reported unfair treatment by government entities. Such complaints generally took the form of con-

cerns over lost pension checks or unfair hiring practices. The office handled an increasing number of complaints but was hampered by severe resource constraints.

The TRC was empowered by legislation to investigate apartheid-era gross human rights abuses committed between 1960 and 1994, to grant amnesty to perpetrators of a broad range of politically motivated crimes, and to recommend compensation for victims of human rights abuses. The amnesty committee concluded its proceedings in June 2001. On March 21, the TRC released the last two volumes of the seven-volume report to the President following an out of court settlement reached by TRC and the IFP that allowed for limited changes to its content.

Volume six contained the final reports of the amnesty, reparation and rehabilitation, and human rights violations committees, and volume seven contained the victim findings, with a complete list of victims of human rights violations. On April 15, Parliament debated the TRC report. The President announced a 1-time payment of \$4,600 (R30,000) to 22,000 apartheid victims identified through the TRC. The Department of Justice was finalizing the reparation policy in August to facilitate payment to victims. On November 21, the first reparations were paid from the President's fund at the Department of Justice.

The Khulumani Victims Support Group continued to lobby the Government for additional reparations following the Government's decision in April to grant reparations to approximately 22,000 individuals and families. In October, supporters of the Khulumani group staged a small, peaceful rally in Cape Town, coinciding with its release of its reparations policy document.

The Human Rights Investigative Unit has authority to prosecute persons who failed to ask for amnesty or to whom amnesty had been denied. The unit scrutinized all human rights abuses addressed by the TRC's amnesty committee. In 2001, the TRC's amnesty committee submitted its final report; it was estimated that no more than 20 cases potentially could be prosecuted, which could take up to 5 years. The Amnesty Committee recommended against an additional general amnesty for apartheid perpetrators; however, the President announced that perpetrators who did not apply for amnesty through the TRC were eligible for immunity from criminal prosecution if they provided new information to assist the Human Rights Investigative Unit with investigations. According to the Special National Projects Unit responsible for the TRC-related cases, 30 apartheid perpetrators came forward with new information by May, and the investigations are ongoing.

Section 5. Discrimination Based on Race, Sex, Disability, Language, or Social Status

The Constitution prohibits discrimination on the grounds of race, disability, ethnic or social origin, color, age, culture, language, sex, pregnancy, or marital status; however, entrenched attitudes and practices, as well as limited resources, restricted the practical effect of these protections in some cases. The Promotion of Equality and Prevention of Unfair Discrimination Act places a responsibility on the State and any person in the public domain to promote equality. The Act addresses discrimination in a broad context in the workplace, health care, education, services, pensions, and other socio-economic areas. Although no official discrimination against persons with HIV/AIDS existed, social stigma associated with HIV/AIDS remained a general problem. There were occasional reports of human rights abuse of individuals by their families and communities.

Women.—There was a high rate of domestic violence, including physical, sexual, emotional, and verbal abuse, as well as harassment and stalking of former partners. The law defines victims of domestic violence, facilitates the serving of protection orders on abusers, requires the police to take victims to a place of safety, and allows police to seize firearms at the scene and arrest abusers without a warrant. The law extends legal protection from domestic abuse to persons who are not in legal or common-law marriages. Violating a protection order is punishable by a prison sentence of up to 5 years, or 20 years if additional criminal charges are made.

Societal attitudes and a lack of infrastructure, resources, and training for law enforcement officials hampered the implementation of domestic violence legislation, and it was difficult for women's cases to be prosecuted effectively. It was believed that the number of women who filed complaints represented only a fraction of those who suffered abuse, and doctors, police officers, and judges often treated abused women poorly. Statistics on prosecution and conviction of domestic abusers were not available at year's end.

The Medical Research Council released a study in 2002, based on data collected in 1998, on the prevalence and sources of violence against women by intimate partners in the three provinces of the Eastern Cape, Mpumalanga, and Limpopo. The findings showed that lack of education, alcohol abuse, and exposure to domestic violence as a child played a significant role in the abuse. The study, based on a sample of 1,306 women, showed in the Eastern Cape 33.8 percent experienced violence; in

Mpumalanga 37.9 percent; and in Limpopo Province 28.3 percent. The study stated that as many as five women are estimated to be killed each week by an intimate partner.

Domestic violence and rape was the subject of extensive media coverage, much of which was focused on the need to improve implementation of domestic violence legislation and to impose longer sentences on convicted abusers.

The Government financed 25 shelters for abused women. This number was inadequate, particularly in the rural areas. The SAPS operated 33 Child Protection Units and 45 Family Violence, Child Protection, and Sexual Offenses (FCS) Units, which dealt specifically with these problems. FCS Investigating Officers and other police officers were trained annually, including in gender sensitivity training. The Government conducted domestic violence awareness campaigns, such as the annual 16 Days of Activism.

Rape, including spousal rape, is illegal; however, it remained a very serious problem. The extremely high incidence of rape occurred in part due to a poor general security climate and societal attitudes condoning sexual violence against women. According to ISS, 119 persons per 100,000 of the population were raped in the 2001/2002 fiscal year. Rape, sexual assault, and sexual harassment of black African female farm workers by farm owners, managers, and by other farm workers were common. In the large majority of rape cases, the women knew their attacker and the perpetrator went unpunished. A study by the South African Law Commission during the year reported that only 5 percent of rape cases ended with a conviction. Although judges in rape cases generally followed statutory sentencing guidelines, women's advocacy groups occasionally criticized judges for using questionable criteria, such as the victim's behavior or relationship to the rapist, as a basis for imposing lighter sentences.

The Government established 40 sexual offense courts throughout the country, designated waiting rooms for victims, established counseling, installed more than 2,000 intermediary facilities at courts, and trained judicial officers. According to the SOCA unit within the NDPP, the conviction rate for sexual offences cases managed specifically by the Sexual Offences Courts rose to 65 percent in 2002. The Sexual Offences Courts reduced the average period of cases from 2 years to between 6 and 8 months. The SOCA established four rape-care centers, known as Thuthuzela centers, which specialized in rape care management and streamlined a network of existing investigative, prosecutorial, and medical and psychological services in the hospital where it was located.

On December 13, a group of men raped Lorna Mlosana in Khayelitsha, outside of Cape Town. When Mlosana, an AIDS activist, told them that she had HIV/AIDS, the men beat her to death. A friend of the woman who attempted to intervene was also beaten by the men. Police had detained two men in case, and the investigation was ongoing at year's end.

Female genital mutilation (FGM) was practiced in some rural areas of the Eastern Cape and KwaZulu-Natal; however, it was not considered to be widespread and was confined to isolated cases. The law specifically prohibits FGM as unfair discrimination.

Prostitution is illegal, but it was widespread and practiced rather openly. The Constitutional Court ruled in October 2002 that the sections of the Act prohibiting prostitution were constitutional and confirmed unanimously the High Court's 2001 decision that the prohibition of brothels was constitutional. The provisions of the Sexual Offenses Act were not discriminatory. There were reports of harassment by policemen demanding sexual favors of prostitutes under threat of penalizing them for lewd conduct or public loitering.

There were reports that women were trafficked into the country for prostitution (see Section 6.f.).

Although no official statistics were available, reports indicated that sexual harassment was a widespread problem. An attorney from the Women's Legal Center, an NGO, estimated in 2001 that 76 percent of women had experienced some form of sexual harassment; 40 percent of these women had left their jobs or changed jobs as a result of the harassment. Perpetrators of sexual harassment can be prosecuted under a number of laws; however, there were few successful prosecutions.

Discrimination against women remained a serious problem despite equal rights under family law and property law with regard to inheritance, divorce, and custody of children, and equal legal rights under the judicial system. In July, the South African Law Commission released a report containing recommendations and a proposed draft Bill to recognize Islamic marriages as valid; however, Parliament had not tabled specific legislation by year's end.

On September 28, the Cape High Court found that provisions of the Black Administration Act—that prevents black African women, girls, younger male children, and

illegitimate children from inheriting their parents' estates if there was no legal will—are discriminatory and unconstitutional. The finding came after two Khayelitsha girls were almost forced out of their father's house after he died. In accordance with customary law, the house went to the grandfather, who wanted to sell it, and evict the two girls.

Polygyny continued to be practiced by several ethnic groups. Exacting a bride price ("lobola") also was a traditional practice of some ethnic groups.

Discrimination against women in the workplace was prohibited under the law; however, in practice women experienced economic discrimination in areas such as wages, extension of credit, and access to land. For example, township housing transfer schemes favored existing titleholders who tended to be men. Rural areas are often administered through traditional structures that do not typically grant land tenure to women, which was a precondition for access to housing subsidies. Women, especially black African women, typically had lower incomes and less job security than men. Most women were engaged in poorly paid domestic labor and micro-enterprises, which did not provide job security or benefits (see Section 6.e.).

Female farm workers often experienced discrimination. Female farm workers' access to housing often was dependent on their relationship to male farm workers. Women generally occupied the less well-paid farming jobs or received lower wages than men who performed the same type of work. Many female farm workers were denied maternity leave in violation of the law or were allowed only the minimum time to give birth and return to work.

In 2002, the Department of Labor reported—based on data supplied by employers with 150 or more employees—women currently hold 18 percent, while men hold 82 percent of senior management positions. Women are best represented in the health and welfare sectors with 76 percent and least represented in the mining sector (4 percent). Approximately 19 percent of women who worked were domestic laborers; the majority of these workers were black African women with little or no education.

The Department of Trade and Industry provided incentive grants to promote the development of small and medium businesses and micro-enterprises for women, young persons, and persons with disabilities.

A number of governmental and nongovernmental organizations monitored and promoted women's human rights. Numerous active women's rights groups focused on such areas as violence against women and the economic advancement of women.

Children.—The Government remained committed to providing for children's rights and made some progress toward delivering them, including improvements in the provision of education, a focus on reducing the incidence of fetal alcohol syndrome, and a campaign against child abuse; however, the demand for such services far exceeded the resources available.

The law provides greater educational opportunities for disadvantaged children—traditionally black African children—through a uniform system for the organization, governance, and funding of schools. It mandated compulsory education from ages 7 to 15 and ensured that children cannot be refused admission to public schools due to a lack of funds. According to the Department of Education, approximately 90 percent of 7- to 15-year-olds and 83 percent of 16- to 19-year-olds were enrolled in school. While in general, there were comparable attendance numbers for boys and girls, a number of factors, including unplanned pregnancies, domestic responsibilities (particularly in rural areas), and gender stereotypes contributed to high dropout rates and lower secondary school pass rates for girls.

Approximately 60 percent of nonpersonnel resources were devoted to the 40 percent most needy schools. Each of the nine provincial departments of education had responsibility for the schools in their provinces, which resulted in the uneven distribution of educational facilities. The disparity affected the areas of Eastern Cape, the Limpopo Province, and KwaZulu-Natal most severely. The availability and quality of primary schooling still was a problem, especially in rural areas where schools may not be easily accessible or where children worked (see Section 6.d.). Most schools in rural and urban KwaZulu-Natal reportedly faced many problems of inadequate learner support materials, long-vacant teaching posts, overcrowding, late pupil registration, and vacation time vandalism. To address this problem, the Government continued to build new schools and introduced basic skills development and prevocational training into the curriculum.

Although the law prohibits corporal punishment in schools, there were reports that teachers used physical violence to discipline their students. In addition, there continued to be racially motivated violence among students in schools. On November 6, a white mother (Shannon Ferreira), her 16-year-old daughter (Michelle Ferreira), and the daughter's boyfriend (Byron Shaw) were charged with assault and defamation against Nosipho Mkhize, a black African school girl in Cape Town. Mkhize alleged that she was brutally assaulted and defecated on after she confronted the

mother for accosting another pupil. The case was still pending at year's end. On November 28, the case against the three whites was heard by the Goodwood Magistrates Court, but was subsequently postponed and was still pending at year's end. On December 3, Mkhize also formally applied for a separate Equality Court hearing into the incident, as the three accused allegedly shouted racial insults at her. The case had not been heard at an Equality Court by year's end.

There were a number of governmental social welfare programs for children, known as "Presidential Initiatives," including free health care for pregnant women and children under 6 years of age and school meal programs for primary school children; however, in practice it sometimes was difficult for persons in rural areas to obtain access to health care facilities and other social welfare programs.

HIV/AIDS activists, physicians and opposition parties continued to widely criticize the Government for failing to protect adequately young children from HIV/AIDS transmission through the provision of anti-retroviral (ARV) medication to pregnant and breast-feeding women. Although the Government responded positively to a Constitutional Court finding that they must provide programs to prevent the transmission of HIV from mothers to children by expanding the number of antenatal clinics providing nevirapine to HIV-positive mothers to prevent HIV transmission to their children, it has not been able to implement that program in all provinces in a timely way; however, significant improvements were achieved in three provinces and programs were being developed in other provinces during the year. The Government was unable to provide for the rapidly growing number of children who were affected by HIV/AIDS, including both infected children and AIDS orphans. NGOs pursued legal action to impose the implementation of a public sector comprehensive HIV/AIDS treatment strategy that uses anti-retroviral drugs.

On August 8, the Government announced that it would make ARV medication accessible for the treatment of AIDS in public health facilities. Although an operational plan was developed, its implementation was delayed throughout the country, except in Western Cape Province.

Violence against children, including domestic violence and sexual abuse, remained widespread. While there was increased attention to the problem, a lack of coordinated and comprehensive strategies to deal with violent crimes continued to impede the delivery of needed services to young victims. In August, the Government tabled the Criminal Law (Sexual Offences) Amendment Bill in Parliament. Among other things, the Bill criminalizes committing a sexual act within the view of a child below the age of 16. The crime of incest has been made gender neutral with the introduction of a new definition of sexual penetration. The Bill also places an obligation on a person convicted of a sexual offence to disclose this if he applies for employment that would place him in a position of authority over children. The bill was still pending with Parliament at year's end.

There continued to be numerous reports of child rape during the year. Between January 2000 and June 2001, the police reported 31,780 cases of rape and attempted rape of children; however, observers believed that these figures represented a small percentage of the actual incidents of child rape, because most cases involved family members and were not reported. The country had a low conviction rate for rape and child abuse. The minimum sentence for rape of a child was life in prison, but judges have the discretion to grant more lenient sentences.

There has been a series of rapes of baby girls that continued during the year. In July 2002, a man was arrested and convicted for the 2001 rape of a 9-month-old girl in Upington. He received a life sentence for rape and an additional 18 years for indecent assault. There were reports that the rapes were linked to a belief, which the Government and NGOs tried to correct through education campaigns during the year, that sex with virgins cured diseases such as HIV/AIDS (see Section 6.f.).

There continued to be reports of widespread rape, sexual abuse, sexual harassment, and assaults of girls at school by teachers, students, and other persons in the school community. The Minister of Education reported that in 2002 more than 12 teachers were removed from their positions and determined ineligible to teach for having sex with students. The law requires schools to disclose sexual abuse to the authorities; however, administrators often disregarded the obligation by concealing sexual violence or delaying disciplinary action. The level of sexual violence in schools also increased the risk for girls of contracting HIV/AIDS or other sexually transmitted diseases, as well as unwanted pregnancies. The Government introduced initiatives to address school violence, including awareness campaigns and providing police contact information to facilitate the reporting of incidents; however, it does not have a national policy to address sexual violence and harassment in schools. In April, the Minister of Education launched the Girls' Education Movement (GEM) in Parliament to bring about positive changes in girls' lives.

Virginity testing on young girls and traditional male circumcision still were prevalent in various parts of the country. The law prohibits virginity testing; however, the law was not enforced. In June, virginity testing and certification ceremony was held at the Qawukeni Great Place in the Eastern Cape and more than 500 virgins were certified. Masimanyane Women's Organization and the SAHRC severely criticized the practice. KwaZulu-Natal Department of Health, while not encouraging virginity testing, provided test kits to inspectors to use the platform as an entry point for promoting HIV/AIDS awareness.

Several teenage boys died or were mutilated and hospitalized as a result of unsafe practices during traditional circumcision rituals in Eastern Cape and KwaZulu-Natal. In June, at least 23 initiates died following circumcisions. Five persons were arrested in the Eastern Cape after 20 initiates died. During the initiation season between May and July, hospitals treated 105 initiates in hospitals in the Eastern Cape. In Limpopo, authorities closed down 15 illegal initiation schools.

FGM still was performed on young girls in some rural areas of the Eastern Cape and KwaZulu-Natal (see Section 5, Women).

Child prostitution and trafficking was a problem (see Section 6.f.).

Child labor was a problem (see Section 6.d.).

In May, the Children's Institute of the University of Cape Town released a poverty study. According to the report, an estimated 11 million children younger than 18 were living in poverty in 2002. Between 57 percent and 75 percent of children were living in poverty of varying degrees. Children younger than 8 who were living in poverty had the right to assistance through social grants. In October 2002, only 42 percent were benefiting from the Child Support Grant.

Persons with Disabilities.—The Constitution prohibits discrimination on the basis of disability; however, in practice government and private sector discrimination against persons with disabilities in employment existed. Society increasingly was open to the protection of the rights of persons with disabilities. The law mandates access to buildings for persons with disabilities; however, such regulations rarely were enforced, and public awareness of them remained minimal. The law requires employers with more than 50 workers to create an affirmative action plan with provisions for achieving employment equity for persons with disabilities. The National Environmental Accessibility Program, an NGO comprising persons with disabilities as well as service providers, established a presence in all nine provinces to lobby for compliance with the regulations and to sue offending property owners when necessary. A new code provides persons with disabilities with protection from harassment and, in conjunction with the Employment Equity Act, also provides guidelines on the recruitment and selection of persons with disabilities, reasonable accommodation for persons with disabilities, and guidelines on proper handling of employee medical information; however, enforcement of the code was limited. It was estimated that persons with disabilities constituted only 0.02 percent of the public service workforce, compared with 5.9 percent of the general population.

Indigenous People.—The Khoikhoi were the first indigenous people in the country, and lived mainly in the south-western Cape. The Khoikhoi were nomadic herders of cattle and sheep.

The numbers of the Khoikhoi decreased over the years, and they were displaced during the apartheid years. This led to social disintegration, and had a severe impact on their culture and traditions. Only a few thousand Khoikhoi remained, some of whom worked as farmers or as laborers on farms. Although by law the Khoikhoi have similar political and economic rights as other citizens, their participation was limited, due to limited opportunity, minimal access to education, and relative isolation.

In recent years, various initiatives were launched to restore the rights of the Khoikhoi, and revive the culture and language, which is also reflected in the country's new coat of arms. The SABC launched a Khoikhoi radio show during the year.

On October 14, the Constitutional Court returned the land and mineral rights owned by Alexkor, the state diamond mining company, to the Richtersveld Khoikhoi community, ending a 5-year battle with the company. The court confirmed an earlier order by the Supreme Court of Appeal, that the Richtersveld Khoikhoi community had been removed from their land in 1923 under racist laws and practices, and were therefore entitled to have the land, and the mineral rights, returned to their exclusive use and benefit.

National/Racial/Ethnic Minorities.—The law prohibits discrimination on 19 grounds and requires employers with 50 or more employees to ensure that previously disadvantaged groups—defined for legal purposes as blacks (including "Africans," "Colored," and "Asians"), women, and persons with disabilities—are represented adequately at all levels of the workforce. However, these previously dis-

advantaged groups remained underrepresented in the workforce, particularly at the professional and managerial levels. The Government continued efforts to reorganize and redesign the educational, housing, and health care systems to benefit all racial and ethnic groups in society more equally. In 2002, the Department of Labor reported that black African employees represent 20 percent of all senior management positions, while whites constitute 80 percent. The employers cited a lack of training and development, poor recruitment processes, and an antagonistic corporate culture as the main impediments to affirmative action. The armed forces have struggled with the process of integrating black Africans into the predominantly white officer corps (see Section 1.a.). Reports of tension and racism among SANDF troops in the DRC continued during the year.

Xenophobia led to attacks on foreigners (see Section 2.d.). Foreigners faced harsh reactions from anti-immigrant groups such as the Unemployed Masses of South Africa, which criticized immigrants for job losses.

The continued killings of mostly white farm owners by black African assailants created concern among white farmers that they were being targeted for racial and political reasons (see Section 1.a.). There also were reports that white employers abused and killed black African farm laborers but avoided penalty due to collusion with the authorities (see Section 1.a.).

Section 6. Worker Rights

a. The Right of Association.—The Constitution and the Labor Relations Act (LRA) provide for freedom of association, and workers exercised this right in practice. All workers in the private sector, and workers in the public sector, with the exception of members of the National Intelligence Agency (NIA) and the Secret Service, were entitled to join a union. Members of the SANDF were allowed to join a union, but they were prohibited from striking. Union membership in the private sector continued to decline steadily, as a result of job layoffs and declining formal sector employment. The largest trade union federation, the Congress of South African Trade Unions (COSATU), lost approximately 200,000 members in the past 5 years, bringing its membership down to 1.7 million. Total union membership was approximately 3.9 million persons, which constituted approximately 26 percent of the economically active population, with a total of 485 registered unions.

COSATU was formally aligned with the ANC and the South African Communist Party (SACP). COSATU's largest rival, the Federation of Unions of South Africa (FEDUSA), was a nonpartisan labor federation. A relatively minor labor federation, the National Council of Trade Unions (NACTU), was independent of any political grouping.

In March, a labor federation, the Confederation of Southern African Workers Union (CONSAWU), was established. CONSAWU consisted of 28 unions, claimed membership of 330,000 workers, and was independent of any political grouping. Although its members represent a variety of sectors, its main constituent union is the predominantly Colored teachers' union, the National Professional Teachers Organization of South Africa (NAPTOSA). CONSAWU's objective was to recruit non-affiliated unions across the racial and political spectrum.

No employee may be fired or discriminated against because of membership in or advocacy of a trade union.

Although labor laws protected farm workers, the COSATU-affiliated South African Agricultural, Plantation and Allied Workers Union (SAAPAWU), and the NACTU-affiliated National Union of Farmworkers have encountered difficulties trying to organize farm workers, because union organizers were considered trespassers on private property. In addition, farm workers or farm residents who attempted to organize were harassed, dismissed, and evicted. The Department of Labor (DOL) and unions have enlisted the cooperation of Agri-SA, the national farmers' organization, to educate farmers about workers' rights and to improve working conditions. The DOL reported that 4.5 percent of the agricultural labor force was unionized. A 2000 DOL survey found that employment conditions in the agricultural sector were deplorable and the majority of farm workers "live in circumstances of absolute and relative poverty;" the majority of farm workers were not unionized; and they were exploited by employers.

The Government did not restrict union affiliation with regional or international labor organizations. COSATU, FEDUSA, and NACTU were affiliated with the International Confederation of Free Trade Unions (ICFTU).

b. The Right to Organize and Bargain Collectively.—The law defines and protects the rights of workers to organize and bargain collectively. The Government did not interfere with union organizing and generally has not interfered in the collective bargaining process; however, some COSATU unions claimed that NIA agents have infiltrated their ranks.

The LRA, which applies to both the public and private sectors, protects workers against unfair dismissal, recognizes their right to form trade unions, provides for the right to strike, and establishes a simple set of procedures that protect striking workers from the threat of dismissal. The LRA also provides for "organizational rights," such as trade union access to work sites, deductions for trade union dues, and leave for trade union officials, which strengthened the ability of trade unions to organize workers. Essentially, for a strike to proceed, all that was required was that a dispute be referred for conciliation. If conciliation failed to resolve the dispute or lasted more than 30 days, a trade union may advise an employer in writing of its intent to strike as long as it gave 48 hours notice to a private sector employer or 7 days notice if the employer is the Government. The LRA also allows employers to hire replacement labor for striking employees, but only after giving 7-days' notice to the striking trade union. Employers have the right to lock out workers if certain conditions were met. Strikes by workers in essential services, such as police and hospital workers, were prohibited. If disputes between workers in essential services and their employers cannot be resolved through collective bargaining or conciliation, they were referred to arbitration.

Organized labor also had the right to engage in "socioeconomic protest," whereby workers may demonstrate, without fear of losing their jobs, to further broader social objectives.

There was an increase in the number of strikes during the year, primarily because a number of long-term wage agreements were renegotiated in the major sectors such as mining, metal, and engineering. This accounted for the 240,000 person days lost during the first half of the year, compared with 130,000 in the first half of 2002.

At the end of March, ZZZ, one of the country's largest agro-businesses located in Tzaneen, Limpopo Province, dismissed approximately 2,000 striking farm workers after refusing to comply with the new minimum wages for farm workers, which came into effect on March 1 (see Section 6.e.). The COSATU-affiliated South African Agricultural Plantation and Allied Workers' Union (SAPAWU) challenged the dismissal and was demanding reinstatement of the dismissed workers. In September, following protracted negotiations, SAAPAWU and the ZZZ reached an out of court settlement under which the company agreed to reinstate the dismissed workers.

On May 26, hundreds of NUMSA members went on a 3-week strike at Iscor, the country's largest steel producer, over a demand for higher wages and a one-time back-payment to cushion the effect of the restructuring process. The strike was legal, but there were reports of isolated incidents of violence and intimidation by striking workers.

There were two examples of illegal strikes during the year. In February, approximately 400 Metrobus drivers went on a strike for 5 weeks over changes to the conditions of work and the shift allocation system. The strike, which caused a major disruption to municipal services, was the first time members of the Cosatu-affiliated South African Municipal Workers Union (SAMWU) and Fedusa-aligned Independent Municipal and Allied Trade Union (IMATU) worked together against the employer. The strike was not violent and there were no reports of intimidation.

In March, a legally unprotected 10-day strike involving approximately 18,000 National Union of Mineworkers (NUM) members at Impala Platinum Mines on the East Rand in Johannesburg, also contributed to the increase in the number of strikes during the year. The company changed its funeral benefit scheme, and workers demanded access to the provident fund. The issue of micro-lending, which exposed workers to huge debts, also lay behind the strike.

Unlike in the previous year, there were no strike-related killings during the year. There were no developments in the strike-related killings during 2002.

Union participation as an equal partner with business and Government in the National Economic Development and Labor Council (NEDLAC), a tripartite negotiating forum, ensured a direct voice for labor in the formulation of economic, social, and labor policy. Through NEDLAC, organized labor has been able to participate in the formation of the country's labor legislation.

The Commission for Conciliation, Mediation, and Arbitration (CCMA) successfully resolved many disputes and gradually was playing an interventionist role in disputes before they deteriorated into full-fledged strikes or lockouts. The CCMA improved its settlement rate for conciliation to 73 percent of cases heard, with an average of 212 arbitrations a day. However, some labor groups and employers complained that many CCMA commissioners render inconsistent judgments and need more specialized training. Labor groups also complained about the use of lawyers by some employers, which it states puts workers at a disadvantage.

There is also a labor court, which has jurisdiction to resolve disputes that the CCMA was unable to mediate to the satisfaction of both parties, and a labor appeals court.

Workplace forums may be established to promote broad-based consultation between management and labor. The forums could be established by trade unions only in businesses with more than 100 employees. A few factories reportedly have established workplace forums; however, these forums were rarely used, with the exception of the Amplats Platinum Mine.

There are no export processing zones.

c. Prohibition of Forced or Bonded Labor.—The Constitution prohibits forced or bonded labor, including by children; however, there were reports that children were forced into prostitution or exploited by their parents to earn money for their families (see Section 6.f.). According to a survey conducted by Statistics South Africa (StatsSA), up to 2,000 children worked to pay off outstanding debts to employers or obligations to their landlords.

d. Status of Child Labor Practices and Minimum Age for Employment.—Child labor remained a problem. The Constitution defines child labor as work by children under 18 years that is exploitative, hazardous, or otherwise inappropriate for their age, or detrimental to their schooling, or social, physical, mental, spiritual, or moral development; it is illegal to employ children under 15 years of age. DOL inspectors enforced this policy effectively in the formal nonagricultural sector and less effectively in other sectors. The violation of the laws regulating child employment was punishable by a maximum prison sentence of 3 years; however, criminal prosecution frequently was reserved for “extreme circumstances,” and there were no prosecutions during the year. Many DOL inspectors were so poorly trained that courts often dismissed investigations of cases involving child labor. The inspectors attempted to resolve most problems by counseling employers, child workers, and parents, and by cooperating with the Departments of Welfare and Education. Inspectors often had difficulty gaining access to farms where children may have been employed.

Many children, especially in the rural areas of the country, were expected to help with household chores and school maintenance. According to a survey conducted by StatsSA, 45 percent of children (4.5 million of the 13.4 million children) between the ages of 5 and 17 worked for 1 hour or more per week in an economic activity, 5 hours or more per week in school labor, or 7 hours or more in household chores. The most common economic activity for children was gathering wood and water for domestic use. Of the 2 million children who spent at least 1 hour per week in activities for pay, profit, or family economic gain, 59 percent were involved in agriculture and 33 percent in trade.

Child laborers from Zimbabwe and Mozambique worked in the country on commercial farms, for the taxi industry, or as domestic servants.

There were reports that children were forced into prostitution and that some children work in conditions that amount to bondage (see Section.).

The Government prepared a draft Child Labor Action Program (CLAP) after months of consultations with civil society, unions, government departments, and other interested parties, including children. The draft plan identified numerous policy reforms to enhance existing anti-child labor efforts and give direction to Child Labor Intersectoral Groups (interagency child labor groups that function throughout the country at all levels of government). The International Labor Organization supported the consultation and drafting process. The draft plan had not undergone a high-level policy and financial review by year’s end. The Government also prepared child labor training manuals for labor inspectors and conducted courses on enforcing child labor laws.

e. Acceptable Conditions of Work.—There was no legally mandated national minimum wage. Unionized workers in the formal sector of the economy set wage rates on an industry-by-industry or plant-by-plant basis through annual negotiations with employers or employer organizations. Such wages generally were sufficient to provide a decent standard of living for a worker and family. In those sectors in which workers were not organized sufficiently to engage in the collective bargaining process, the law gives the Minister of Labor the authority to set wages, including for farm laborers and domestic workers; however, income disparities between skilled and unskilled workers and the income distribution gap between rural and urban workers meant that many unskilled or rural workers were unable to provide a decent standard of living for themselves and their families.

In March, the Minister of Labor introduced a minimum wage for farm workers and in November increased the minimum wage from \$123 (R800) to \$132.60 (R861.90) a month in urban areas and from \$100 (R650) to \$ 107.70 (R700.05) a month in rural areas. Minimum hourly rates for domestics came into effect in No-

ember 2002. The hourly rates for domestics depended on the number of hours worked and could range from \$0.55 (R3.59) to \$0.75 (R4.87) an hour. The Government also extended the Unemployment Insurance Fund (UIF) benefits to vulnerable workers such as domestics and farm workers, which increased their security in the workplace. A DOL survey found that an estimated 25 percent of domestic employers complied with the new dispensation on minimum wages and conditions of work. DOL inspectors conducted home visits to check whether employers were complying with the Domestic Worker Sectoral Determination and the UIF Act.

The law standardizes time-and-a-half pay for overtime, establishes a 45-hour workweek, and authorizes 4 months of maternity leave for women. A ministerial determination exempted businesses employing fewer than 10 persons from certain provisions of the Act concerning overtime and leave.

Occupational health and safety issues were a top priority of trade unions, especially in the mining, construction, and heavy manufacturing industries and the country's industrial and mining processes were dangerous and sometimes deadly. The law provides for the right of mine employees to remove themselves from work deemed dangerous to health or safety. In addition, a tripartite mine health and safety council and an inspectorate of mine health and safety were responsible for enforcing the act and monitoring compliance with its provisions. The law specifically made it an offense for a company to discriminate against an employee who asserted a right granted by the law (for example, to leave a hazardous work site) and required mine owners to file annual reports that provided statistics on health and safety incidents for each mine being worked. DOL reported that 147 persons were killed during the year in mine accidents.

Some white farmers still give the predominantly black farm workers cheap alcohol (a system of payment known as "tot") in lieu of wages, according to a SAHRC report released on September 2. Following a 2-year investigation, the SAHRC found that illegal evictions were still being carried out; farmers were setting their dogs on their employees; there was lack of access to service delivery; lack of compliance with labor legislation; lack of information on HIV/AIDS; and that there was unacceptable levels of violence and crime against farm workers and farm owners.

Working conditions on farms generally were poor. Many farmers did not accurately measure working hours, and they often required their laborers to work 11 hours per day and 6 days per week. In addition, 12-hour days were common during harvest time, and few farmers provided overtime benefits. Human Rights Watch reported low wages and the absence of basic services in farm workers' housing. There were reports that farmers ignored laws relating to health and safety and other labor rights for their workers. Health and safety regulations often were not observed during the use of chemicals in agricultural work.

In June, an employee died while cleaning an underground tank at a wine farm in the Western Cape. DOL inspectors found that "despite working in a closed environment with no ventilation, workers were not issued with respiratory equipment," and referred the matter to the police. The investigation was ongoing at year's end. In August, DOL inspectors issued a prohibition notice against the company that was responsible for erecting a stage that collapsed during a Women's Day celebration; one person was paralyzed in the incident.

There were no laws or regulations in other industries that permitted workers to remove themselves from work situations deemed dangerous to their health or safety without risking loss of employment; however, the law protects employees from retaliation who with "reasonable belief that the health or safety of an individual has been, is being, or is likely to be endangered," disclosed dangerous workplace conditions to the appropriate authorities.

Illegal foreign workers had no protection under the LRA. They often were underpaid and forced to work long hours in very poor, unsanitary, and unsafe conditions. DOL conducted several "blitz" inspections during the year and several businesses, including "sweatshop" type locations, were fined and forced to shut down or improve safety and health conditions. A guilty verdict carries either a \$11,538 (R75,000) fine or a 2-year prison term. In January, DOL inspectors issued 12 prohibition notices and 139 contravention notices during a raid on factories in KwaZulu-Natal. DOL recommended the prosecution of five employers during a raid in Durban factories, and the matter was before the courts at year's end. DOL carried out similar raids in the Free State and Mpumalanga Provinces.

There were no accurate numbers on Zimbabweans entering the country and working on farms; however, the Department of Home Affairs reportedly deported an estimated 30,000 illegal Zimbabweans during the year.

f. Trafficking in Persons.—The law does not specifically prohibit trafficking in persons, and trafficking in persons was a problem. The country does not have a comprehensive anti-trafficking law; however, the Government inserted an anti-child

trafficking provision into the Child Welfare Act and DOL had a comprehensive plan in its National Child Labor Action Program for dealing with trafficking. The Government was prosecuting a high profile case against a prominent brothel and several child prostitution cases in Cape Town at year's end.

The country has laws that can be applied to prosecute offenses related to trafficking and various entities of the Government investigated trafficking cases on an ad hoc basis. The 2001 criminal case against the owner of brothel in Johannesburg and various civil cases were pending at year's end. The courts generally dealt with trafficking through deportations and fines, rather than exacting criminal penalties; however, with increasing knowledge of trafficking, prosecutors were pursuing different options.

The country was a transit and destination point for the trafficking of persons from other countries in Africa, Asia, Eastern Europe, and the states of the former Soviet Union for prostitution and forced labor. Women and children were trafficked into the country by domestic and international organized crime syndicates for the sex industry. The extent of trafficking operations was not known. In May, the International Organization for Migration (IOM) published a report on the trafficking of women and children in southern Africa and found nine distinct trafficking operations: trafficking of women from refugee-producing countries to the country; trafficking of children from Lesotho to towns in the Eastern Free State; trafficking of women and girls from Mozambique to Gauteng and KwaZulu-Natal; trafficking of women from Malawi to Northern Europe; trafficking of girls and boys from Malawi to Northern Europe; trafficking of women and girls from Malawi to the country overland; trafficking of women from Thailand to the country; trafficking of women from China to the country; and trafficking of Eastern European women to the country.

Domestic and international organized crime syndicates were responsible for trafficking children into the country for the sex industry. Child prostitution increased, primarily in Cape Town, Durban, and Johannesburg. The NGO Molo Songololo estimated that there were 28,000 children working as prostitutes in the country. Along trucking routes, child prostitutes were sought after because of the belief that they were more likely to be disease-free or that, if they were virgins, sex with them cured diseases such as HIV/AIDS. The child sex industry increasingly has become organized, with children either forced into prostitution by gangs or exploited by their parents to earn money for the family. The law prohibits the commercial sexual exploitation of children, sexual intercourse with children under 16, and permitting a female under 16 to stay in a brothel for the purpose of prostitution. The Government established a task force to develop a plan of action to combat the sexual exploitation of children and created training courses for the police force and the judiciary regarding the problem; however, the 33 SAPS Child Protection Units lacked the capacity to deal adequately with the problem of child prostitution.

Although there is considerable variation in the profiles of trafficked women and children and their traffickers, in most cases, traffickers lured women and children with promises of employment or educational opportunities abroad.

According to the IOM, there were four major criminal syndicates in the country that trafficked women: The Chinese Mafia, Bulgarian syndicates, the Russian Mafia, and African criminal groups, mainly from Angola, Nigeria, and the DRC. There were also ad hoc traffickers including white South African men and African refugees.

Trafficked women who worked in the sex industry lived with other trafficked victims in segregated areas; were under constant surveillance; had no money or identifying documents; were indebted to the agents who arranged their travel; worked up to 18 hours each day; worked double shifts, on weekends, and when ill; were fined for infractions of strict rules; and had little communication with other workers. If in transit, they were provided with documentation and accommodation before being moved to final destinations.

The Government established an anti-trafficking unit at Johannesburg International Airport, and border police incorporated protection of women and children into their training curriculum. Police and judicial officials received training on the commercial sexual exploitation of children, and labor inspectors were trained and performed inspections of businesses and agricultural farms throughout 2002. The country cooperated with neighboring countries, but police units handling trafficking problems were understaffed and information sharing with neighbors was sometimes hindered by corruption. The country uses its 40 Sexual Offenses courts to handle trafficking cases, but relied heavily on NGOs to provide witness protection. NGOs provided shelter, medical, and legal assistance for child prostitutes and a hotline for victims of child abuse. The Government donated land and buildings for various shelters for victims of sexual abuse, street children, and orphans.

There were no reported government anti-trafficking awareness campaigns to prevent trafficking. Terre D'Homme, an NGO working in the trafficking field, conducted a media campaign to promote awareness of trafficking in persons in southern Africa. In addition, magazines and local newspapers published several articles on the subject during the year.

SUDAN

Sudan has an authoritarian government in which all effective political power was in the hands of President Omar Hassan al-Bashir. Bashir and his party have controlled the Government since he led a 1989 military coup, with the instigation and support of the fundamentalist National Islamic front (NIF). In 1999, Bashir broke with the ideological leader of the NIF, Hassan al-Turabi, disbanded Parliament, suspended parts of the 1998 presidentially decreed Constitution, and declared a state of national emergency that abrogated basic liberties; in December, the state of emergency was extended for another year. In 2000, Bashir was reelected and his political party, the National Congress/National Islamic Front (NC/NIF), won 340 out of 360 seats in the Parliament in deeply flawed presidential and parliamentary elections that all major opposition parties boycotted. Turabi's popular National Congress Party (PNC) was disestablished and continued to be a proscribed political organization. NC/NIF members and supporters continued to hold key positions in the Government, security forces, judiciary, academic institutions, trade unions, professional associations, and the media. The major opposition political parties for the most part remained marginalized from the political process; however, as the peace negotiations progressed during the year, opposition parties became more vocal in their demand for inclusion, and the Government sought their support to add legitimacy to the agreements. The judiciary was not independent and was subject to government influence.

The Intergovernmental Authority on Development (IGAD), under Kenyan leadership, continued to work towards an end to the country's civil war. After several unsuccessful peace efforts, in July 2002, the Government and the Sudan People's Liberation Movement/Army (SPLM/A) signed the historic Machakos Protocol that resolved two of the most contentious issues in the civil war: The role of religion and the state during an interim period and the right of self-determination for the south. The terms of the Protocol called for a 6½-year interim period and a referendum for southerners in which they could vote to remain unified with the north or vote for secession. In October 2002, the parties signed a Memorandum of Understanding (MOU) that called for a cessation of hostilities and unimpeded humanitarian access to all areas of the country, and which both parties largely have respected; however, at year's end, access to the Darfur region was restricted due to the conflict. Peace talks resumed and continued during the year, and on September 25, First Vice President Ali Osman Taha signed a security agreement with John Garang, the leader of the SPLM/A. Discussions regarding wealth sharing and the three contested areas were ongoing at year's end.

In addition to the regular police and the Sudan People's Armed Forces, the Government maintained an external security force, an internal security force, a militia known as the Popular Defense Forces (PDF), and a number of police forces. The security forces were under the effective control of the Government. Members of the security forces committed numerous, serious human rights abuses.

The country's mostly agricultural economy continued to be crippled by the civil war, destruction of infrastructure, economic mismanagement, and the existence of more than 4 million internally displaced persons (IDPs) and refugees in a country of an estimated 30 million persons. The infusion of Islamic banking and financial assets as well as increased revenue from oil production injected new capital into some sectors of the economy; however, corruption, mismanagement, and increasing military expenditures limited the impact. The country continued taking some steps towards transitioning from a socialist to a market-based economy; however, the Government and NC supporters remained heavily involved in the economy. The Government took important steps to reform its finance and foreign exchange systems. Approximately 86 percent of the labor force was engaged in agriculture.

The Government's human rights record remained extremely poor, and although there were improvements in some areas, numerous, serious abuses remained. Citizens did not have the ability to change their government peacefully. Security forces and associated militias were responsible for extrajudicial killings and disappearances. Security forces regularly beat, harassed, arbitrarily arrested, and detained incommunicado opponents or suspected opponents of the Government, and there were

reports of torture. Security forces and associated militias beat refugees, raped women abducted during raids, and harassed and detained persons. Government security forces and pro-government militias acted with impunity. The Civilian Protection Monitoring Team (CPMT), created by agreement between the two parties subsequent to the Machakos Protocol, and the Joint Military Commission operating in the Nuba Mountains, had some success in monitoring and curbing serious abuses during the year. Government and government-supported militia committed serious abuses in response to rebel attacks in the Darfur region during the year, including razing numerous villages. As a result, as many as 3,000 unarmed civilians were killed, more than 600,000 civilians were internally displaced, and an estimated 100,000 refugees fled to neighboring Chad by year's end.

Prison conditions remained harsh and life threatening, and prolonged detention was a problem. The authorities did not ensure due process in civilian or military courts. The Government continued to infringe on citizens' privacy rights. The Government still did not fully apply the laws of war to the southern insurgency, has taken few prisoners of war (POWs), and did not cooperate with the International Committee of the Red Cross (ICRC) regarding access to or treatment of POWs. Cooperation with U.N.-sponsored relief operations generally was poor, although there was some improvement. Humanitarian relief flights had significantly improved access throughout the south during the year; however, government forces continued to obstruct the flow of humanitarian assistance, particularly to the Darfur region. Restrictions on press freedom under the National Security Emergency decree increased as the Government suspended publications and closed newspapers during the year. The Government frequently arrested editors and journalists who criticized or disagreed with government policy. The Government continued to severely restrict the freedoms of speech, assembly, association, religion, and movement, and arrested and harassed those who exercised these rights. The Government continued the Islamization and Arabization of the country, and there were credible allegations of forced Islamization of non-Muslims. Local human rights nongovernmental organizations (NGOs) were routinely harassed and arrested. Violence and discrimination against women and abuse of children remained problems. Female genital mutilation (FGM) remained widespread. Discrimination and violence against religious and ethnic minorities and government restrictions on worker rights persisted. Security forces and associated militias were responsible for forced labor (including forced child labor), the abduction of women and children, and the forced military conscription of underage young men. Child labor was widespread. Slavery and trafficking in persons remained significant problems.

Antigovernment insurgent groups and associated militia forces also continued to commit numerous, serious abuses. There were reports of SPLM/A violations of citizens' rights. During the year, the SPLM/A was responsible for killings, beatings, rape, arbitrary detention, and forced military conscription of underage young men. The SPLM/A continued to manipulate humanitarian assistance for military advantage.

RESPECT FOR HUMAN RIGHTS

Section 1. Respect for the Integrity of the Person, Including Freedom From:

a. Arbitrary or Unlawful Deprivation of Life.—There were no reports of political killings during the year; however, there were numerous reports of extrajudicial killings. Government forces and allied militia continued to pursue a scorched earth policy aimed at removing populations from the areas of the oil pipeline and oil production, and violence in Darfur increased significantly. The Government attacked civilian facilities and housing, which resulted in numerous civilian deaths, including of children (see Section 1.g.). Deaths resulted from landmines during the year (see Section 1.g.).

Government-supported militias raided villages in Darfur, driving thousands of refugees from their lands and many over the border into Chad (see Sections 1.g. and 2.d.). However, government-supported militias stopped raiding Dinka villages in Bahr el-Ghazal, killing men, abducting women and children, and destroying and looting property following the February signing of the Addendum to the MOU on Cessation of Hostilities (see Section 1.g.).

Forced conscriptions resulted in the death of at least one person during the year (see Section 5). The CPMT reported that on June 25, South Sudan Democratic Forces (SSDF) militia abducted and severely beat two civilians and two militiamen in Omdurman Souk. Civilian James Ran Kai died as a result of the beating while in the custody of the militia. The other three persons were released at the beginning of August. By year's end, the Government had not taken any action against those responsible in the SSDF.

At least one person died as a result of torture while in the custody of government security forces. In May, according to the World Organization Against Torture (OMCT), security forces arrested Jum'a Omer Alnur, a tailor and political activist in Dongola, in the north. He and five other men, all Nubans, were subjected to torture while in custody. Alnur was reportedly tortured with a water pipe, electric wire, and acid. On June 26, he slipped into a coma after being admitted to Khartoum hospital. Awad Ibrahim Gawar, another of the men, died after 24 hours in custody; no medical assessment was made after his death. By year's end, the Government had not taken any action in response to the incidents.

Police killed persons while forcibly dispersing demonstrations (see Section 2.b.). There was no known action taken, nor was any likely to be taken, in the reported 2001 cases of security force killings.

During the year, there was a decrease in the number of political and other killings reportedly committed by rebel forces in areas of active conflict, such as the Nuba Mountains and northern Bahr el-Ghazal during the year; however, details generally were unavailable. Unlike in the previous year, there were no reports that SPLM/A forces and allied militias summarily executed persons in the southern part of the country. There were no reports that the SPLM/A and allied militias laid landmines following the April ceasefire (see Section 1.g.). There were reports of Sudanese Liberation Army (SLA) and Justice and Equality Movement (JEM) killings in Darfur (see Section 1.g.).

There was no known action taken, nor was any likely to be taken, in the reported 2002 or 2001 killings by rebel forces in the south.

There were reports of interethnic and intraethnic violence that resulted in deaths in Khartoum. On July 22, according to CPMT reports, fighting in the Kalakla area between two government-aligned militias—that of Paulino Matieb and Peter Gadet—resulted in two deaths and nine injuries, including reportedly four civilians. Police intervened, and approximately 22 militia members were arrested and charged with rioting, disturbance of the peace, and causing harm to others.

b. Disappearance.—There were continued allegations that the Government was responsible for the arrest and subsequent disappearance of persons suspected of supporting rebels in government-controlled zones in the south, the Nuba Mountains, and in the Darfur region.

There were reports that during raids on civilian settlements, government forces and government-supported militia abducted persons, including women and children, for use as domestic servants, forced labor, or sex slaves (see Sections 1.g. and 6.c.). In the last approximately 15 years, an estimated 15,000 Dinka women and children have been abducted; between 10,000 and 12,000 persons, primarily Dinka, remained abducted or unaccounted for at year's end. Observers believed that some of those abducted were sold into slavery, while others were used as forced labor or drafted into the military. In some cases, the abductees escaped or eventually were released or ransomed; however, in other cases, they were killed.

The Kenya-based Rift Valley Institute documented more than 11,000 persons abducted by government-supported militia in northern Bahr el-Ghazal during the last 20 years, more than 90 percent of whom were still missing at year's end. According to the report, only 528 of those documented were known to have survived and returned home.

There was no known action taken, nor was any likely to be taken, in the reported 2001 cases of disappearances.

The Committee to Eradicate the Abduction of Women and Children (CEAWAC) continued to report a lack of necessary funding to document, rescue, and transport abductees back to their families. During 2002, CEAWAC formed 22 joint-tribal committees, conducted 2 field missions resulting in the documentation of more than 150 cases of abduction, and transported 26 to a facility in Fulla until their families could be located; however, the facility in Fulla was closed during the year. CEAWAC reported that 300 abductees returned during the year. The Government did not publicly identify the abductors or forced labor owners and chose not to prosecute them.

In May 2002, the International Eminent Persons Group completed its investigation into the extent of slavery, abductions, and associated abuses by government and SPLA forces in the conflict. The Group concluded that armed pro-government militias were responsible for committing these crimes and operated with virtual impunity. The Group also concluded that abductions met prescribed definitions of slavery; however, the Group was unable to determine the scale of abduction and enslavement. The group made several suggestions to stem abductions; some of these suggestions were implemented during the year. For example, the rail line from Babanusa, via Aweil, through SPLM/A-held territory, to Wau, which was directly linked to slave trading, was shut down in 2002 and remained suspended at year's end.

There continued to be reports of abductions by SPLA forces and allied militias. The CPMT reported the systemic abuse of civilians, including abductions, along the Eritrean border under National Democratic Alliance (NDA) and SPLA control. For example, the CPMT reported that in March, two civilians were abducted near the village of Deresta, northeast of Kassala, and subsequently released. Follow-up on the reports was hindered by a lack of cooperation by SPLM/A allied groups and general insecurity of the region.

There was at least one report during the year that rebel forces in Darfur abducted persons. On November 13, one government humanitarian aid worker and four others working for an independent relief organization near Geneina town in Western Darfur were reportedly abducted. The four nongovernmental workers were reportedly released by the end of November; however, at year's end, there was no information available on the status of the government employee.

There also were reports of periodic intertribal abductions of women and children in the Eastern Upper Nile (see Section 5).

The LRA kidnapped Ugandan children and took them to the southern part of the country (see Section 6.f.).

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The Constitution prohibits torture; however, government security forces continued to torture, beat, and harass suspected opponents and others. Impunity continued to be a serious problem.

In accordance with Shari'a, the Criminal Act provides for physical punishments including flogging, amputation, stonings, and "crucifixion"—the public display of a body after execution. The Government officially exempted the 10 southern states, in which the population was mostly non-Muslim, from parts of the law that permit physical punishments based on Shari'a. There were no reports of court-ordered Shari'a punishments, other than lashings, in government-controlled areas of the south. The law legally can be applied in the south, if the state assemblies approve it.

On May 17, a 14-year-old girl, unmarried and 9 months pregnant, was sentenced to 100 lashes of the whip on charges of adultery. The man charged in connection with this case was acquitted because of lack of evidence. The girl was appealing the sentence at year's end.

In June, a 13-year-old girl in Nyala was sentenced to 30 lashes for not wearing socks, and the sentence was carried out the same day.

On October 14, according to the OMCT-affiliated Sudanese Organization Against Torture, Nyala Special Court in Darfur sentenced Mohamed Hassan Hamdan, a 16-year-old nomad belonging to the Ja'afra tribe, to "cross amputation" (amputation of the right hand and left foot). Mohamed Hassan Hamdan was convicted for armed robbery (hiraba). Five other individuals were also accused of armed robbery in August near the Rehaid Albirdi area, southwest of Nyala, but Mohamed Hassan Hamdan was the only one convicted. An appeal was reportedly filed that was pending at year's end.

On December 29, the Nyala criminal court sentenced Sanousi Alhaj Ismaeal to death by hanging without due process. Ismaeal was arrested on August 30 and accused of killing a man. The OMCT reported that police officers allegedly tortured Ismaeal to force him to confess.

At year's end, there was no information available on the status of 14 prisoners charged with armed robbery and sentenced to death by hanging in May 2002.

Amnesty International (AI) and others continued to report on a number of student victims of torture during the year. It was confirmed during the year that security forces beat and otherwise abused students arrested in Khartoum during demonstrations at Khartoum and Bahr el-Ghazal Universities in October 2002. Student leaders and others deemed to be opponents of the Government were singled out for particularly harsh treatment.

There was no further development in the following 2002 cases: the November pro-government Islamic student militia's beating of students at Khartoum University, and the student militia's attack of student hostels in Shambat.

At least one person died as a result of torture while in the custody of government security forces (see Section 1.a.).

There were reports that government security forces tortured and beat persons suspected of supporting the rebels in Darfur, including making detainees stand all night in a crowded room and holding a detainee's head under water.

On August 12, security forces in Kass arrested and severely beat 24 men suspected of supporting the rebels in Darfur. On September 9, security forces released all but two of the men. There was no known action taken against the responsible members of the security forces by year's end. No additional information was available at year's end.

Refugees were subjected to beatings and mistreatment by security forces. Soldiers, PDF members, and pro-government militia forces raped women (see Section 1.g.).

During the year, security forces injured persons while forcibly dispersing demonstrations (see Section 2.b.).

There was no information at year's end in the 2001 cases of Sebit Hassan Ramadan or Osman Robon, and no action was taken against members of security forces who tortured, beat, raped, or otherwise abused persons in 2002 or 2001.

Government forces and allied militias were responsible for injuring many civilians during attacks on rebel forces, during raids on civilian settlements, and during bomb attacks on civilian targets (see Section 1.g.). There were reports that persons abducted during raids were subjected to torture, rape, and forced servitude (see Section 6.c.).

SPLM/A and affiliated forces were responsible for a number of civilian injuries and for raping women (see Section 1.g.).

There was no further information on the SPLA-affiliated forces' attack on IDPs at Mbiya and rape and other abuses in Raga, Western Bahr el-Ghazal.

Conditions in government prisons remained harsh, overcrowded, and life threatening. Most prisons were old and poorly maintained, and many lacked basic facilities such as toilets or showers. Health care was primitive, and food was inadequate. Prison officials arbitrarily denied family visits to prisoners. High-ranking political prisoners reportedly often enjoyed better conditions than did other prisoners.

The Government routinely mistreated persons in custody. There were reports that security forces held detainees incommunicado, beat detainees, deprived them of food, water, and toilets, and forced them to sleep on cold floors. In May, according to AI, security forces seriously beat detained students from Zalingei University; some of the students were hospitalized.

At year's end, the July 2002 death sentence for the 88 persons from Nyala who were seriously beaten while in custody had not been carried out.

Female prisoners were housed separately from men, and rape in prison reportedly was rare.

Minors often were held with adults. In order to care for their children, many women prisoners were forced to take their children with them into the prison, where the children were unable to receive an education. In December, it was reported that more than 100 women and 50 children were incarcerated at Omdurman prison with some of the women still awaiting trial. Accurate figures were unavailable. At holiday times, the prisons tended to release women and children, although they were subject to re-arrest for continuing criminal activities, such as brewing and selling of homemade alcoholic beverages.

The Government did not permit regular visits to prisons by human rights observers. No independent domestic human rights organizations monitored prison conditions.

During several months during the year, the ICRC was not allowed access to POWs in the south; however, by year's end, they were able to access all POWs.

d. Arbitrary Arrest, Detention, or Exile.—The law prohibits arbitrary arrest and detention without charge; however, in practice, the Government continued to use arbitrary arrest and detention under the state of emergency provisions.

There are a number of police forces, including regular police units, the Popular Police Force (PPF), and Public Order Police (POP). Effectiveness varied depending on the strength of the local militias and security forces. Police corruption was a problem, and police officers supplemented their incomes by bribing the local civilians. The PPF is a parallel pro-government force that received higher pay than the regular police. The POP is a law enforcement entity that enforced Islamic law (Shari'a), including enforcing proper social behavior such as restrictions on alcohol and "immodest dress."

Under the Constitution and the Criminal Code, an individual may be detained for 3 days without charge, which can be extended for 30 days by order of the Director of Security and another 30 days by the Director of Security with the approval of the prosecuting attorney. Under the amended National Security Act, which supercedes the Criminal Code, when an individual is accused of violating national security, that individual may be detained for 3 months without charge, and the detention is renewable by the Director of Security for another 3 months. Under the state of emergency, the Government is not constrained by the National Security Act and reportedly detained individuals indefinitely without judicial review. Persons arrested by security forces often were held incommunicado for long periods of time in unknown locations without access to their lawyers or family members.

The law allows for bail, except for those accused of crimes punishable by death or life imprisonment, and there was a functioning bail system during the year.

In general, the Government detained persons for a few days before releasing them without charge or trial; however, detentions of persons perceived as political opponents generally were much longer. There were reports that security forces tortured, detained without charge, and held incommunicado political opponents (see Sections 1.a and 1.c.). Security forces arrested numerous persons suspected of supporting the rebels in Darfur (see Section 1.g.), some of whom were tried, convicted, and sentenced to death under Special Courts (see Section 1.e.). Security forces frequently harassed political opponents by summoning them for questioning, forcing them to remain during the day without questioning, and then ordering them to return the following day. This process sometimes continued for weeks.

Authorities continued to detain political opponents of the Government during the year. For example, in November, security forces arrested Osman Fagarai, police general and the Secretary General of the Internal Bija Congress, and detained him for approximately 1 month without charges. Fagarai was arrested after he made a statement (later published in the local press) that the suffering of the Bija's was worse than that of the people of Darfur and he asked the Bijas and Darfurians to join in demanding their participation in power and wealth sharing as negotiated with the South.

In August, President Bashir promised to release all political detainees as part of peace talks with the rebel SPLM/A. By November, a number of political prisoners were released, including Hassan Al-Turabi, former Speaker of the National Assembly and head of the PNC. However, security forces detained a number of persons after Turabi's release, including many from Darfur. An undetermined number of Darfurians remained in detention at year's end (see Section 1.g.).

A number of journalists were arrested and detained during the year (see Section 2.a.).

Members of NGOs and civil society groups were arrested and detained during the year (see Section 4).

Security forces continued to detain persons because of their religious beliefs and activities (see Section 2.c.). Detentions based nominally on religion generally were of limited duration; however, the Government routinely accused persons arrested for religious reasons of common crimes and national security crimes, which resulted in prolonged detention.

Security forces often targeted southern women in IDP camps because they produced and sold a traditional home-brewed alcohol. Such women were arrested and imprisoned for up to 6 months under Shari'a (see Section 1.c.).

Vagrant children who committed crimes were detained for indefinite periods (see Section 5).

It was estimated the SPLM/A retained several hundred POWs in indefinite detention at year's end (see Section 1.c.).

Unlike in the previous year, there were no reports that SPLM/A officials detained local staff members of international humanitarian organizations.

The law prohibits forced exile, and the Government did not use it. Opposition leaders remained in self-imposed exile in Cairo, Asmara, and other locations during the year.

e. Denial of Fair Public Trial.—The Constitution provides for an independent judiciary; however, the judiciary was largely subservient to the Government or the President, especially in cases of crimes against the state. The Chief Justice of the Supreme Court was nominated by a Judiciary Committee and appointed by the President. As the senior judge in the judicial service, the Chief Justice also controlled the judiciary. On occasion, courts displayed a degree of independence. For example, appeals courts on several occasions overturned decisions of lower courts in political cases, particularly decisions from public order courts.

The President appoints the Constitutional Court's seven members. The judicial system includes four types of courts: Regular courts; military courts; special courts; and tribal courts. Tribal courts were in place in rural areas to resolve disputes over land and water rights, and family matters. Within the regular court system, there are civil and criminal courts, appeals courts, and the Supreme Court. Special Security Courts were abolished during the year; however, the Government created Special Courts in Darfur under the state of emergency to try crimes against the state. The Criminal Act governs criminal cases, and the Civil Transactions Act applies in most civil cases. Shari'a is applied in the north. There continued to be reports that non-Muslims were prosecuted and convicted under Shari'a "hudud" laws. Courts did not apply Shari'a formally in the south. Public order cases were heard in criminal courts.

The Constitution provides for fair and prompt trials; however, this was not respected in practice in many cases. Trials in regular courts nominally met international standards of legal protections. The accused normally have the right to an

attorney, and the courts are required to provide free legal counsel for indigent defendants accused of crimes punishable by death or life imprisonment; however, there were reports that defendants frequently did not receive legal counsel and that counsel in some cases could only advise the defendant and not address the court. Unlike in the previous year, there were no reports that the courts refused to allow certain lawyers, including Ghazi Suleiman, to represent defendants.

Only military personnel were tried in military courts. Unlike in the previous year, there were no known cases of civilians tried in military courts. Military trials, which sometimes were secret and brief, did not provide procedural safeguards. Military trials sometimes have taken place with no attorney permitted and did not provide an effective appeal from a death sentence. Witnesses may be permitted to appear at military trials.

The Special Courts Act created special three-person security courts to deal with a wide range of offenses, including violations of constitutional decrees, emergency regulations, some sections of the Penal Code, as well as drug and currency offenses. Special courts, composed primarily of civilian judges, handled most security-related cases. Attorneys could advise defendants as “friends of the court” but normally could not address the court. Lawyers complained that they sometimes were granted access to court documents too late to prepare an effective defense. Sentences usually were severe and implemented at once; however, death sentences were referred to the Chief Justice and the Head of State. Defendants could file appellate briefs with the Chief Justice. Special Courts were in operation during the year in Darfur, as allowed under the state of emergency.

Emergency tribunals, composed primarily of military judges, continued to try “banditry” cases in the western part of the country. Defendants were not permitted access to legal representation. The emergency tribunals ordered sentences such as death by stoning and amputations during the year. Sentences were carried out quickly, with only 1 week allowed for appeal to the district chief justice; there were reports that persons were executed the day after sentencing. Emergency tribunals ordered executions during the year.

Lawyers who wished to practice must maintain membership in the government-controlled Bar Association. The Government continued to harass and detain members of the legal profession who it viewed as political opponents. For example, in August, a lawyer who protested in a handbill the bombing of civilians in Habilla in west Darfur was arrested and detained in September. He was eventually released in October after the Government released political prisoners.

Civil authorities and institutions did not operate in parts of the rebel-held south and the Nuba Mountains. Parts of the south and the Nuba Mountains fell outside effective judicial procedures and other governmental functions. According to credible reports, government units summarily tried and punished those accused of crimes, especially for offenses against civil order.

Magistrates in SPLM/A-held areas followed a penal code roughly based on the 1925 Penal Code. The SPLM has a judicial system of county magistrates, county judges, regional judges, and a court of appeals. While officials have been appointed for most of these positions, the court system did not function in many areas due to lack of infrastructure, communications, funding, and an effective police force. Some cases were heard at the magistrate and county levels. The SPLM recognized traditional courts or “Courts of Elders,” which usually heard matters of personal affairs such as marriages and dowries, and based their decisions on traditional and customary law. Local chiefs usually presided over traditional courts. Traditional courts particularly were active in Bahr el-Ghazal. In rural areas outside effective SPLM control, tribal chiefs applied customary laws.

After a presidential announcement in October, the Government freed a number of political detainees, including Turabi; however, security forces continued to detain numerous persons suspected of supporting the rebels in Darfur.

f. Arbitrary Interference with Privacy, Family, Home or Correspondence.—The Constitution prohibits such actions; however, the Government routinely violated these rights in practice. Security forces frequently conducted night searches without warrants and targeted persons suspected of political crimes. Government forces occupied PNC offices during most of the year; however, the offices were returned to the PNC following the release of Turabi from prison. The Government also occupied the offices of a Nuban women’s group in the north (see Section 2.d.), and security forces searched the residences of persons suspected of making alcoholic beverages, which were illegal under Islamic law (see Section 1.d.).

Security personnel routinely opened and read mail and monitored telephones. The Government continued to officially restrict the ownership of satellite dishes by private citizens through use of its licensing requirement; however, satellite dishes were

widely available. A wide network of government informants conducted pervasive surveillance in schools, universities, markets, workplaces, and neighborhoods.

The Government razed an increased number of squatter and IDP dwellings during the year, many in a purported re-zoning plan, but without any interim plans for the thousands of persons affected. For example, in October, the Government destroyed 500 households in Salaheen, 600 in Zuberu, 418 in Ebet Khitim, and 420 in Omer Mukhtar.

Government forces pursued a scorched earth policy aimed at removing populations from around the oil pipeline and other oil production facilities, which resulted in deaths and serious injuries (see Section 1.g.). The Government also forcibly removed persons during the year around the oil pipeline during the year. For example, in July, the Government forced more than 100 families in Kordofan at gunpoint to leave their land. The Government told the families new plots would be provided in Khartoum; however, the families had received no new land and no compensation by year's end.

Government armed forces and allied militias burned and looted villages and stole cattle (see Section 1.g.).

The Government continued to conscript citizens forcibly for military service, including high school age children (see Section 5).

A Muslim man may marry a non-Muslim, but a Muslim woman cannot marry a non-Muslim, unless he converts to Islam (see Section 5); however, this prohibition was not observed or enforced universally, particularly in the south and among Nubans. Non-Muslims may adopt only non-Muslim children; no such restrictions apply to Muslim parents.

The insurgent SPLM/A generally was not known to interfere with privacy, family, home, or correspondence in areas that it controlled; however, rebel factions continued to conscript citizens forcibly, including high school age children.

During the year, there continued to be unconfirmed reports that the SPLA forcibly recruited Sudanese refugees in northern Uganda for service in their forces.

g. Use of Excessive Force and Violations of Humanitarian Law in Internal and External Conflicts.—Since the civil war resumed in 1983, more than 2 million persons have been killed, and more than 4 million persons displaced, including 2 million in Khartoum alone, as a result of fighting between the Government and insurgents in the south, interethnic conflict, and famine. In February, the Sudanese Liberation Army (SLA) emerged in Darfur as the primary armed opposition in a violent conflict with the Government.

In the southern war zone, the SPLA controlled large areas of the states of Equatoria, Bahr el-Ghazal, and Upper Nile and also operated in the southern portions of the states of Darfur, Kordofan, and Blue Nile. The Government controlled a number of the major southern towns and cities, including Juba, Wau, and Malakal. During the year, military activity decreased throughout the south, especially following the signing of the Addendum to the MOU on Cessation of Hostilities in February. All sides in the fighting were responsible for violations of humanitarian human rights abuses and violations. The SPLM/A and its northern allies controlled the border area with Eritrea and continued to occupy the symbolically important town of Hamesh Khoreb. The Government continued efforts to strengthen its control of the oil producing areas in Western Upper Nile.

As part of the Agreement on the Protection of Civilians from intentional military attack, the Government and the SPLA agreed to allow the international community to form the CPMT. Located in Rumbek and Khartoum, the team was staffed with expert personnel experienced in investigating allegations of military attacks against civilians. The team investigated numerous violations, and found that both sides committed human rights abuses during the year.

Government forces routinely killed, injured, and displaced civilians, and destroyed clinics and dwellings intentionally during offensive operations. There were confirmed reports that government-supported militia intentionally attacked noncombatant civilians, looted their possessions, and destroyed their villages. Despite having signed a Cessation of Hostilities Agreement with the SPLM in October, the Government and allied militia launched a series of military actions in December 2002.

In February, the CPMT investigated the deaths, abductions, and displacement of civilians, and looting and destruction of villages in the Western Upper Nile in December 2002 and January; however, the CPMT was unable to determine if government or SPLM/A forces were responsible for initiating the attacks. The CPMT also initiated an investigation into the military attacks that took place in Western Upper Nile at year's end.

The CPMT investigated the May attack on Longochok and nearby villages and reported that evidence strongly suggested it was the SPLM/A and an element of the Fellata, not the Government or government-supported militia forces, that contrib-

uted to an indeterminate number of deaths, displacement of civilians, and destruction and looting of civilian property.

Scorched earth tactics by the Government and government-supported forces along parts of the oil pipeline and around some key oil facilities decreased significantly after the signing of the Addendum to the MOU in February. These forces seriously injured persons, destroyed villages, and drove out inhabitants to create an uninhabited security zone. There was a significant decrease in indiscriminate government bombing of civilian locations in the south throughout the year. Such bombings often were associated with military actions by both sides or continuing government efforts to clear the population from near the oil producing areas in Western Upper Nile and adjacent areas.

Unlike in the previous year, there were no reports that the Government's PDF militia attacked several villages in northern Bahr el-Ghazal.

There was continued violence on the Bentiu-Adok Road. In fighting that began in December 2002 and continued during the year, the CPMT team reported that government soldiers moving south from Bentiu along the road to Leer killed and beat civilians and raped women; thousands of civilians were forcibly displaced. The CPMT also reported that in January, the Government and government-supported militia attacked on multiple occasions the areas of Lara, Tam, Nhialdou, Leel, and the villages south of Mayom and Mankien, including the use of aerial bombings. The attacks resulted in the death and injury of civilians, the destruction and looting of property, and the displacement of persons.

Although the flow of humanitarian assistance to the south increased during the year, there continued to be reports of restrictions, including on aid delivery to Juba and Bahr al-Ghazal (Jabel). Unlike in the previous year, there were no reports that the Government targeted NGOs in bombing raids.

There were no reports that the Government prosecuted or otherwise penalized attacking militias or made efforts to protect civilian victims from attacks; government forces provided logistic and transportation support, and weapons and ammunition to pro-government militias throughout the country.

There was no known action taken in the 2002 and 2001 cases of government aerial bombings, or against the PDF members responsible for abuses by year's end. There was no further action on the government investigation into the February 2002 government helicopter gunship attack on a World Food Program (WFP) distribution compound in Bieh, Western Upper Nile, killing 17 civilians and injuring dozens of other persons.

Government and government-supported forces and SPLM/A affiliated forces raped women and forcibly conscripted men and boys (see Section 5).

Despite an agreement to stop using anti-personnel mines, during the year both sides continued to lay mines. Deaths and injuries continued to occur during the year from landmines previously laid by the Government to protect garrison towns and from landmines left by the SPLM/A and its allies during the war. The International Campaign to Ban Landmines (ICBL) reported that at year's end, both the Government and the SPLM/A had only provided information on the boundaries of minefields and mined routes, without any maps, detailed information or numbers of landmines.

Deaths resulted from landmines during the year. For example, on October 3, eight persons were killed and two injured when a landmine-removal team drove over a landmine in the Nuba Mountains, an area controlled by the SPLA.

Government forces routinely killed rebels from the south captured in battle. Only a small group of prisoners captured before the 1989 coup and a few rebels from the south taken in the east in 1998 reportedly were held as POWs in government-controlled areas. The Government did not admit that it held POWs and did not return any POWs during the year. It has not responded to ICRC inquiries about POWs and has refused the ICRC access to POWs.

Problems with relief flights in the south were caused by the Government's denials of visas or work permits to foreign humanitarian workers as well as aircraft clearances to the U.N.'s Operation Lifeline Sudan (OLS). Humanitarian relief flights enjoyed significantly improved access throughout the south, although there were initial difficulties in opening up humanitarian access to Southern Blue Nile, an area traditionally outside the mandate of the OLS. Such difficulties were resolved through an agreement between the Government and OLS during the year; however, complete unrestricted access, particularly in the areas of Southern Blue Nile and the east, was not granted.

On April 26, the Nile River corridor was re-opened for the transport of humanitarian assistance and in May, WFP used a cross line barge operation to deliver food for the first time since 1998. In April, the first cross-line road delivery of food assistance to the Nuba Mountains started.

In September, the Government announced new travel regulations to make it easier for humanitarian assistance organizations to travel as necessary through the south; however, travel difficulties remained, and some officials reportedly were disregarding the new rules.

The SPLM/A and allied insurgent forces routinely displaced, killed, and injured civilians, raped women, and destroyed clinics and dwellings intentionally. For example, the CPMT reported that on June 6, the SPLM/A participated in the attack and recapture of the town of Akobo, Bieh State, which resulted in an undetermined number of civilian deaths and injuries.

The SPLM/A has taken a number of POWs over the years and often cooperated with the ICRC, allowing them regular visits to the POWs (see Section 1.c.). The SPLM/A released a limited number of POWs for humanitarian reasons during the year.

There were credible reports of SPLM/A taxation and diversion of relief supplies. The SPLM/A leadership repeatedly committed itself to eliminating these problems; however, in practice it appeared unable to consistently impose those commitments on its forces in the field. Unlike during the previous year, there were no reports that SPLA-allied forces attacked international relief organizations.

A Joint Military Commission monitored a ceasefire in the Nuba Mountains. Conditions in the Nuba Mountains region continued to improve and IDPs began to return to the area during the year.

Violence increased in the Darfur region during the year. The conflict stemmed from SLA and JEM allegations of government neglect of the region and ethnic tensions between nomadic pastoralists and sedentary farming communities, which have been exacerbated by scarce resources and the Government's support of the nomad militias. In February, the SLA inaugurated a campaign of attacks against government installations, police barracks, and Khartoum-installed leaders. In parallel, the Government increased its clampdown on local leaders, used military tribunals to try those accused of insurrection, and ramped-up military operations. The SLA and JEM continued an aggressive campaign against the army, and the Government escalated a counterinsurgency campaign utilizing Arab militias—including some from neighboring countries—who then burned, looted, and raped throughout the region. On December 15, a ceasefire agreement signed on September 21 broke down, leading to an escalation of fighting. Reports indicate more than 600,000 civilians had been internally displaced, an estimated 100,000 refugees fled to neighboring Chad, and as many as 3,000 unarmed civilians were killed by year's end. The Government continued to refer to the SLA and JEM as "rebels" and "bandits."

There were numerous reports of government-supported killings in Darfur. For example, in July, a spokesperson for the SLA operating in Darfur claimed that more than 50 civilians had been killed in government attacks on villages during aerial bombings. There were reports that government planes bombed Kornoy and Tina, on the border with Chad, daily. AI reported that hundreds of civilians, mainly from sedentary groups such as the Fur, Zaghawa, Masalit, and Tungur have been killed or injured.

Government-supported militias raided villages in Darfur, driving thousands of refugees from their lands and many over the border into Chad. For example, on July 25, after an attack on Shoba, a Fur village south of Kabkabiya, AI reported that at least 51 villagers, including many elders, were killed. On August 5, according to the SLA, pro-government militias killed approximately 300 civilians in Kuttum, and destroyed and burned houses and shops.

Reports of attacks by government-supported Arab nomad militias (the "janjaweed"), acting in support of its counterinsurgency campaign, point toward a government-sanctioned policy of targeting ethnic groups represented in the SLA and the JEM.

There were reports that the Government and government-supported militia tortured and beat persons suspected of supporting the rebellion in Darfur (see Section 1.c.).

Government forces obstructed the flow of humanitarian assistance to the Darfur region. Many thousands of civilians fled into Chad and were without access to any aid because of continued fighting. Although the Government announced new travel regulations in September for the south, by year's end the humanitarian assistance organizations were routinely denied access to most areas of Darfur. By year's end, there was no access to any area in North Darfur outside of El Fasher, and little in West and South Darfur. In December, WFP planes were denied permission to fly to Darfur.

The rebel groups in Darfur were also responsible for abuses during the year. In February, SLA rebels killed a government agricultural engineer in Jebel Mara.

In March, SLA rebels attacked the city of Tina on the border with Chad, killing a government customs official, injuring others, and looting the customs office. The attack followed the announcement on March 25 that talks had collapsed between the Government and the SLA.

On October 20, nine local humanitarian aid workers were killed in the western Darfur region. Unknown persons attacked while the workers were driving a truck containing food.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution provides for freedoms of thought, expression, and of the press “as regulated by law;” however, the Government severely restricted these rights in practice. Government detentions, intimidation, and surveillance of journalists and an increased number of suspensions of newspapers continued to inhibit open, public discussion of political issues. Journalists practiced self-censorship, and the Government confiscated entire issues of newspapers if it objected to an article.

There were a large number of daily newspapers, mainly in urban areas, and differing political views were reflected to some extent. Several newspapers also reprinted articles from the international press, some of which were critical of government policies. There was one government-controlled newspaper in Arabic. In July, the Government launched its own English daily, the Sudan Vision. A number of independent publications were under intensive scrutiny during the year and experienced intimidation, interruption, and arrest of their editors.

The Government directly controlled radio and television and required that they reflect government policies. Television has a permanent military censor to ensure that the news reflected official views. There were no privately owned television or radio stations, although the Government and private investors jointly owned one television cable company. The Government often charged that the international, and particularly the Western, media had an anti-Sudan and anti-Islam bias. Some foreign radio stations were available in the country.

In spite of the restrictions on ownership of satellite dishes (see Section 1.f.), citizens had access to foreign electronic media; the Government did not jam foreign radio signals. In addition to domestic and satellite television services, there was a pay cable network, which directly rebroadcast uncensored Cable News Network, the British Broadcasting Company, the London-based, Saudi-owned Middle East Broadcasting Corporation, Dubai-TV, Kuwait-TV, and a variety of other foreign programs.

The Government exercised control of news reporting, particularly of political topics, the war, and criticism of the Government, especially over government actions and policies in Darfur, through the National Press Council and security forces. Newspapers were prohibited from publishing articles about the war with the exception of information provided by the Ministry of Defense or official government statements. Nevertheless, the local press did report the findings of the CPMT investigations.

A number of journalists and editors were arrested and detained during the year. For example, on May 6, security forces arrested Nihal Bol, the Khartoum Monitor’s managing editor. Bol was detained for approximately 24 hours for questioning about articles written on the demolition of a church in Khartoum North, the relationship between Christianity and Islam, and the position of Islam on traditional drinks such as Merissa. On May 10, the Government fined Bol \$400 (1 million SD), and ordered that Bol should be jailed for inciting religious discord. Bol was released on May 11, when his family paid the fine.

On May 7, security forces arrested and beat Yusuf al-Beshir Musa, a journalist for Al-Sahafa, for publishing “false reports” on the conflict in Darfur. He was released on May 11 and re-arrested on May 12.

On December 18, police detained the Al-Jazeera director, Islam Salih Belo, and closed the Al-Jazeera office in Khartoum because of reports published on the conflict in Darfur, landmine victims, and tuberculosis issues. Belo was detained incommunicado for 7 days. The National Press Council encouraged the lifting of their license, and the office remained closed and its equipment confiscated at year’s end.

The National Press Council applied the Press law and was directly responsible to the President. It was charged with licensing newspapers, setting press policy, and responding to complaints. In the event of a complaint, it can give a newspaper a warning or suspend it for up to 15 days. It also can suspend a newspaper indefinitely and suspend journalists for up to 2 weeks. The National Press Council consisted of 21 members: 7 selected by the President; 5 from the National Assembly; 7 directly elected by journalists from the Journalists’ Union; and 2 selected by the Journalists’ Union leadership. Observers believed the Journalist’s Union was gov-

ernment-controlled. The National Press Council was active in suspending journalists and newspapers during the year.

During the year, the National Security Offices imposed restrictions on press freedom by suspending publications, confiscating already printed editions, conducting pre-publication censorship, and restricting government advertising to pro-government media only. Numerous newspapers were closed, some repeatedly, during the year, including al-Awan, al-Ayam, Al-Azminha, al-Captain, al-Sahafa, al-Watan, the Khartoum Monitor, and Raai al-Shaab. For example, on May 10, during the trial of Nhial Bol, a court banned the Khartoum Monitor for publishing for 2 months because of “blasphemous” articles. After being allowed to publish once on July 11 and then being closed again the next day, the Khartoum Monitor resumed daily publication on October 15 only to be suspended again on November 24 and charged with “crimes against the state” for publishing articles on slavery, questioning the independence of the judiciary, and reporting on the peace negotiations between the Government and the SPLM/A. The Khartoum Monitor remained closed at year’s end.

In September, the Government accused the al-Alwan of publishing material to “arouse sedition and disorder” following the printing of an interview with the spouse and son of Turabi that was critical of President Bashir and his deputy. Later in September, Al-Awan was suspended for publishing “false information” about the release of political detainees, and for “crimes against the state.” Al-Alwan resumed publication in October.

On several occasions during the year, security forces seized copies of newspapers. For example, on May 6 and 7, the Government confiscated copies of al-Sahafa for a May 3 article containing reports of the Foreign Minister accusing Chad and Kenya of being involved in the unrest in Darfur, and on July 29, the Government confiscated all copies of al-Sahafa in retaliation against its July 28 report of the killing of 12 conscripts and injury of 31 student conscripts in a car accident, which the PDF spokesperson denied. In September, the NPC suspended Al-Sahafa for 3 days for violation of Islamic law for printing an airline’s advertisement that promoted wine in France.

After President’s Bashir’s announcements in October about easing press restrictions, newspapers were not closed down while a court case was lodged against it; however, the security forces closed newspapers, and delayed investigations and court hearings, which resulted in significant financial losses for the newspapers before a charge was substantiated.

Internet access, which was potentially monitored, was available through two Internet service providers. There were no reported government restrictions on Internet access.

The Government restricted academic freedom. In public universities, the Government appointed the vice-chancellors who were responsible for running the institutions. While many professors lectured and wrote in opposition to the Government, they exercised self-censorship. Private universities were not subject to direct government control; however, professors also exercised self-censorship. The Government continued to determine the curriculum.

Although the Government introduced Student Discipline and Code of Conduct Acts in many universities in January 2002, which required strict Islamic standards of dress and association, and applied to Muslim and non-Muslim students alike (see Section 2.c.), the dress standard was not strictly enforced. In May, the Government announced that it would provide uniforms to female university students that were “modest”; however, the Government had not done so by year’s end.

There were no further developments in the following 2002 cases: the February suspension of a student human rights activist from Omdurman College of Technological Science for carrying out human rights activities; and the March arrest and severe beating by security forces of a male student in Khartoum.

In July, student elections were held peacefully at the University of Khartoum, and the anti-government coalition won the elections. Classes at the University of Khartoum re-opened in April and May after being closed in November 2002 following student protests that called for student union elections.

The SPLM/A and the NDA provided few opportunities for journalists to report on their activities. The SPLM/A restricted the freedom of speech among populations under its control.

b. Freedom of Peaceful Assembly and Association.—The Constitution provides for freedom of assembly; however, the Government continued to severely restrict this freedom. In 2001, the Government declared a ban on all rallies and public demonstrations in the country, and announced that no permits would be authorized or issued. In September, President Bashir announced a lifting of these restrictions; however, the continuing National Security Emergency decree and the Criminal Procedure Act, which requires government approval for gatherings involving more than

five persons, effectively circumscribed the right of assembly. The authorities generally permitted only government-authorized gatherings and routinely denied permission for or disrupted gatherings they view as politically oriented. In October, a political rally was held on the grounds of the University of Khartoum with no interference.

Islamic orders associated with opposition political parties, particularly the Ansar (the Umma Party) and Khatimia (the DUP) continued to be denied permission to hold large public gatherings during most of the year.

Security forces used excessive force, including beatings, tear gas, and firing of live ammunition to disperse unapproved demonstrations. For example, in March, police killed one student from Al-Nilain University and another from the University for Science and Technology while dispersing demonstrations against war in Iraq.

No action was taken against security forces that forcibly dispersed demonstrations or meetings in 2002 or 2001.

The Constitution provides for freedom of association; however, the Government severely restricted this right in practice. There were 20 officially registered political parties; however, the law includes restrictions that effectively prohibit traditional political parties if they were linked to armed opposition to the Government. The amended Political Parties Act allows some former banned political parties to resume their activities; however, the parties still were unable to participate in elections unless the registrar was notified in writing. In November 2002, security forces arrested Hassan Satti, a loyalist of Hassan al-Turabi, for hosting an "Iftar" dinner, an act the Government stated was a ruse for a political party meeting. Satti was detained for 10 days and released without charges. Observers believed that the Government controlled professional associations.

The Government restricted diplomatic, international, and regional organizations' contact with local political organizations that the Government considered to be waging war against it. In September, security forces arrested and detained six or seven lawyers for discussing the conflict in Darfur and providing "false information" to a foreign official; the lawyers were released following the signing of the ceasefire in Darfur in September.

c. Freedom of Religion.—The Constitution provides for freedom of religion; however, the Government severely restricted this right in practice. The Constitution states that "Shari'a and custom are the sources of legislation," and in practice the Government treated Islam as the state religion and declared that Islam must inspire the country's laws, institutions, and policies. Ten southern states, whose population was mostly non-Muslim, were exempted from Shari'a.

There were reports that security forces harassed and at times threatened use of violence against persons on the basis of religious beliefs and activities. There continued to be reports that Christian secondary school students in Khartoum were not allowed to continue their compulsory military service because they attended church. Without this, they were barred from higher education. Codes of dress and association based on strict Islamic standards were introduced to universities in 2002; although not strictly enforced, they reflected an effort by the Government to force religious observance on male and female members of opposition and non-Muslim student groups. During the year, Islamic students harassed, beat, and otherwise abused non-Sudanese African students.

In July, 14 leading Islamic scholars and 2 university professors issued a fatwah declaring communists, socialists, and others adhering to non-Shari'a (non-Islamic) law as apostates who deserved to be killed. More than 400 professionals and intellectuals protested the announcement of the fatwah in a public announcement.

The Government placed the same restrictions on churches as it did on nonreligious corporations. Religious groups must register to be recognized or worship legally. Unregistered religious groups found it impossible to construct a place of worship and were harassed by the Government. Registration reportedly was very difficult to obtain in practice, and the Government did not treat all groups equally in the approval of such registrations and licenses.

The Catholic Church has not registered under the 1994 act requiring religious organizations to register, maintaining that previous registrations in 1905 and 1963 remained valid. As a result, its marriage licenses are not recognized in the country. The Catholic Church has the Vatican authorize the licenses after issuing them locally.

Authorities continued to restrict the activities of Christians, followers of traditional indigenous beliefs, and other non-Muslims, as well as certain Islamic groups. The Government generally was least restrictive of Christian groups that historically had a presence in the country, including Coptic, Roman Catholics, and Greek Orthodox and was more restrictive of newer Christian groups. Although the Government considered itself an Islamic government, restrictions often were placed on the reli-

gious freedoms of Muslims, particularly on those orders linked to opposition to the Government.

Government approval was required for the use and construction of houses of worship. Applications to build mosques generally were granted in practice; however, the process for applications for non-Muslim churches was more difficult. The Government did not authorize the construction of any churches in the Khartoum area or in the district capitals; the Government often claimed that local Islamic community objections restricted the issuance of permits. While the Government permitted non-Muslims to participate in services in existing, authorized places of worship, the Government continued to deny permission for the construction of any Roman Catholic churches, although some other Christian groups have received permission. However, the Government permitted some makeshift structures in displaced persons camps to be used for Roman Catholic services.

Under the Criminal Act, non-Muslims may convert to Islam; however, conversion by a Muslim was punishable by death. In practice, authorities usually subjected converts to intense scrutiny, ostracization, intimidation, and torture, and encouraged them to leave the country.

PDF trainees, including non-Muslims, were indoctrinated in the Islamic faith. In prisons and juvenile detention facilities, government officials and government-supported Islamic NGOs pressured and offered inducements to non-Muslim inmates to convert. Some persons in the government-controlled camps for IDPs reportedly at times were pressured to convert to Islam. Children, including non-Muslim children, in camps for vagrant minors were required to study the Koran, and there was pressure on non-Muslims children to convert to Islam. Unlike in previous years, there were no credible reports of forced circumcision during the year. There were credible reports that some children from Christian and other non-Muslim families, captured and sold into slavery, were forcibly converted to Islam.

Muslims could proselytize freely in the government-controlled areas, but non-Muslims were forbidden to proselytize.

Authorities sometimes harassed foreign missionaries and other religiously oriented organizations, and delayed their requests for work permits and residence visas. For example, Catholic priests in the north continued to have problems obtaining visas and internal security agents occasionally subjected them to interrogations.

The Government required instruction in Islam in public schools in the north. In public schools in areas where Muslims were a minority, students had a choice of studying Islam or Christianity. Christian courses were not offered in the majority of public schools, ostensibly due to a lack of teachers or Christian students, which meant that many Christian students attended Islamic courses.

Children who have been abandoned or whose parentage was unknown—regardless of presumed religious origin—were considered Muslims and citizens and could be adopted only by Muslims (see Section 1.f.).

In December, the Inter-Religious Council (SIRC), a government-sponsored NGO created in November 2002 to foster religious dialogue, formed a committee to promote religious freedom and investigate alleged violations. For example, SIRC worked with the Government during the year on compensation to the Catholic Church for property confiscated by the Government. In May, the Government permitted the airing on the state-controlled national television station of a film on the life of Jesus Christ.

Minority religious rights were not protected. In government-controlled areas of the south, there continued to be credible evidence of prejudice in favor of Muslims and an unwritten policy of Islamization of public institutions, despite an official policy of local autonomy and federalism. Some non-Muslims, and Muslims not in the ruling party, lost their jobs in the civil service, the judiciary, and other professions. Few non-Muslim university graduates found government jobs. Some non-Muslim businessmen complained of petty harassment and discrimination in the awarding of government contracts and trade licenses. Reports continued that Muslims (particularly supporters of the NIF) received preferential treatment for the limited services provided by the Government, including access to medical care.

Aerial bombings by the government in southern rebel-held areas have struck hospitals, schools, mosques, Christian churches, and interrupted religious services (see Section 1.g.).

In SPLA-controlled areas, Christians, Muslims, and followers of traditional indigenous beliefs generally worshiped freely; however, many of the region's Muslim residents have departed voluntarily over the years. The SPLM officially favored secular government; however, Christians dominated the SPLM and local SPLM authorities often had a very close relationship with local Christian religious authorities.

For a more detailed discussion, see the 2003 International Religious Freedom Report.

d. Freedom of Movement within the Country, Foreign Travel, Emigration, and Repatriation.—The Constitution provides for these rights; however, the Government severely restricted these rights in practice.

Movement generally was unhindered for citizens outside the war zones; however, travelers who failed to produce an identity card at checkpoints risked arrest. Foreigners needed permits for domestic travel outside of Khartoum, which often were difficult to obtain and sometimes refused. Foreigners must register with the police on entering the country, obtain permission to move from one location to another, and re-register at each new location within 3 days of arrival. Foreign NGO staffs at times had problems obtaining entry visas as well as work or travel permits once they had entered the country.

Foreign diplomats could travel to many locations with a government escort; however, the Government restricted their access to the areas of conflict. In September, the Government eased travel restrictions for diplomats and only required notification, no permits, for some states. For air travel to Damazin, Dongala, Halfa, Kadugli, Juba, Kassala, Malakal, Port Sudan, and Wau only notification is required, while travel by land or outside these towns requires a written travel permit. All other areas require written travel permits, including all regions of Darfur. On November 9, the Humanitarian Assistance Commission prevented a foreign diplomat from boarding a WFP flight to Nyala, Darfur, allegedly for not having filled in the correct forms.

The Government denied exit visas to some categories of persons, including policemen and physicians, and maintained lists of political figures and other citizens who were not permitted to travel abroad. For example, the Government has banned all travel by several outspoken human rights activists in Khartoum. Some former political detainees have been forbidden to travel outside Khartoum. The Government claimed it had canceled the exit visa requirement for its citizens; however, in practice the Government still denied travel privileges to certain individuals when they arrived at exit ports (such as airports). For example, in January, the Government stopped women belonging to the Sudanese Women Empowerment for Peace Program, who were trying to leave for a workshop in Nairobi. None of the eight women were allowed to leave. Similarly, in June, the Government stopped members of the Nuba Women's Ru'ya Association from traveling to a conference in Nuba; the Government later occupied their offices in Khartoum, which remained closed at year's end.

The Government denied exit visas to NDA representatives during the year.

Women cannot travel abroad without the permission of their husbands or male guardians; however, this prohibition was not enforced strictly, especially for National Congress members.

The SPLM/A restricted freedom of movement among populations under its control. Citizens from the north or from government-controlled areas reportedly were denied permission to enter SPLM areas and were treated as foreigners. In the early months of the year, the SPLM/A would not allow northern interpreters to accompany the CPMT investigation teams into SPLM/A held area; however, there were no reports of such restrictions after April. Insurgent movements in the south also required foreign NGO personnel to obtain permission before traveling to areas that they controlled; however, they generally granted such permission. NGO workers who have worked in government-held areas encountered problems receiving permission to work or travel in insurgent-held areas.

There were estimates that up to 4 million persons were displaced internally due to the civil war. The U.N. estimated that at least 600,000 persons had been displaced by the conflict in Darfur.

Tens of thousands of persons, largely southerners and westerners displaced by famine and civil war, continued to live in squatter slums in the Khartoum area. Although the Khartoum state government announced plans in 2002 to upgrade conditions in some camps and a new planned settlement area, the continued forcible displacement of tens of thousands of southerners during the year, without real resettlement options, marked a decline in the Government's treatment of displaced persons. Also, in October, UNDP reported that the Government forced those who were supposed to be relocated to pay large sums of money to move to a home. In October, thousands were left without homes and were forced to forego school and jobs while they waited to be relocated. The Federal Ministry for Humanitarian Affairs (FMHA) was created during the year to guide NGO activities for IDPs although it is not yet clear that the ministry's contribution will be a positive one.

In November, the U.N. High Commissioner for Refugees (UNHCR) reported that there were 572,061 Sudanese refugees in neighboring countries, largely due to the conflict in the south. The largest number was in Uganda, with 223,079. At year's end, there were approximately 100,000 refugees in Chad from Darfur. Refugees

were also present in Central African Republic, Democratic Republic of the Congo (DRC), Eritrea, Ethiopia, and Kenya.

The law provides for the granting of asylum and refugee status to persons who meet the definition in the 1951 U.N. Convention Relating to the Status of Refugees or its 1967 Protocol. In practice, the Government generally provided protection against refoulement and granted refugee status and asylum; however, there was no standard determination procedure and there were reports of the forced return of refugees to their countries of origin. The Government cooperated with the UNHCR and other humanitarian assistance organizations and accorded refugees generally good treatment. The UNHCR reported that there were approximately 327,000 refugees in the country, primarily from Eritrea, Ethiopia, Chad, Uganda, DRC, and Somalia. Approximately 150,000 refugees were in camps, and the rest were scattered in urban areas throughout the country. The Government also provides temporary protection to certain individuals who do not qualify as refugees or asylees; however, no statistics were available for the year.

Fighting between the Government and the NDA along the eastern border with Eritrea delayed the repatriation process of longtime Eritrean refugees; however, most Eritrean refugees that lived near the border voluntarily returned to Eritrea. At year's end, more than 106,000 had been repatriated since the 2000 agreement with the Eritrean government, and there were reportedly more than 300,000 Eritreans still in the country.

There were some reports that government officials mistreated refugees, including beatings and arbitrary arrests. Refugees could not become resident aliens or citizens, regardless of their length of stay. The Government allowed a large number of refugees to work.

In February, the UNHCR reported a number of Ethiopians arrested in citywide sweeps. According to government officials, they had lost their refugee status; however, they were subsequently released from prison and allowed to remain in the country. In 2002, UNHCR reported that security authorities had arrested, fined, and deported many Eritreans in Khartoum for alleged conspiracy with the Government of Eritrea to pass information on the mobilization of government forces. During the year, government authorities claimed the Eritreans were deported because they no longer qualified as refugees.

Improved security in the south due to the ceasefires has increased the return of displaced populations into areas of origin that have been severely affected by the war and lacking basic services. There were reports that a number of refugees and displaced persons voluntarily returned to the country during the year, particularly to the Nuba Mountains region.

Since 2001, more than 12,000 pre-1991 Ethiopian refugees chose to return with UNHCR assistance. There were reports that approximately 600 Ethiopians remained in camps in the East and unconfirmed reports of 12–13,000 refugees in urban areas.

Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government

The Constitution provides citizens with the right to change their government peacefully; however, in practice citizens had no genuine opportunity to change their government. Presidential and parliamentary elections were held in December 2000, and there were allegations of serious irregularities, including official interference, electoral fraud, inadequate opportunities for all voters to register, and inadequate election monitoring. All major opposition parties boycotted the election. President Bashir was elected to another 5-year term, and the NC/NIF won 340 out of 360 seats in Parliament in the deeply flawed process.

In 1999, President Bashir disbanded the Parliament, suspended portions of the Constitution, and decreed a state of national emergency, which suspended basic civil liberties. Parliament resumed in February 2001; however, with 98 percent of the Parliament in the ruling National Congress Party, the Parliament did not act independently of the President. The state of emergency remained in effect at year's end, and on December 29, Parliament voted to extend it for another year.

The law allows the existence of political parties; however, the Government continued routinely to deny permission for and disrupt gatherings that it viewed as politically oriented (see Section 2.b.). Security forces arrested, detained, and on occasion, beat political opponents during the year (see Sections 1.c. and 1.d.).

The federal system of government was developing a structure of 26 states, with governors and senior state officials appointed by the President. The Government considered this strategy as a possible inducement to the rebels for accommodation through a principle of regional autonomy; however, southerners were underrep-

resented in the central Government, and local appointees were not universally viewed as representative of their constituencies.

Women had the right to vote. There were 12 women members in the 360-seat Parliament. There were two female ministers: The Minister of Social Welfare and a member of the Council of Ministers. There also were two female State Ministers.

There were approximately 55 southerners in the 360-seat Parliament, and approximately 30 Christians in the Council of Ministers.

Section 4. Governmental Attitudes Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

Due to government restrictions, there were only two independent domestic human rights group—the Sudan Human Rights Group (SHRG) and the Sudan Human Rights Organization (SHRO). The SHRO operated out of Cairo. There also were two local NGOs that addressed health concerns related to the practice of FGM and other “traditional” practices (see Section 5).

The Government was uncooperative with and unresponsive to human right groups, and did not meet with them during the year. The Government harassed, intimidated, and detained its members.

On June 19, security officers arrested Ghazi Suleiman, chair of the SHRG and leader of the political party National Alliance for the Restoration of Democracy (NARD), and 36 political activists meeting at Suleiman’s home. Although the 36 were released after a few hours, Suleiman was detained for 2 days. On July 2, security forces arrested Suleiman for his involvement in the “Khartoum Document,” a statement by political activists and civil society representatives on the peace process, and in August, Suleiman was again arrested, and detained for 15 days without charges.

Local humanitarian aid workers were killed during the year (see Section 1.g.).

Unlike in the previous year, there were no reports of government attacks on NGOs (see Section 1.g.).

In January, AI visited the country and issued its findings in a report published in July. AI had not been permitted to visit the country in 13 years.

While there were improvements in access to conflict areas in the south, the Government restricted international humanitarian organizations’ access to the Darfur region (see Section 1.g.).

Rebels reportedly abducted NGO workers in Darfur (see Section 1.b.).

In April, Gerhart Baum, the U.N. Special Rapporteur for Human Rights in Sudan, reported to the U.N. Human Rights Commission that “the country remains under the iron-tight grip of the omnipresent security apparatus, which continues to enjoy virtual impunity.” He expressed particular concern about the conflict in Darfur; however, his mandate was not renewed after April.

The Human Rights Advisory Council, a government body whose rapporteur was the Solicitor General for Public Law, continued its role in addressing human rights problems within the Government. The Council was composed of representatives of human rights offices in 22 government ministries and agencies. While the Council was charged with investigating human rights complaints, its effectiveness was hampered by lack of cooperation on the part of some ministry and agency offices.

Section 5. Discrimination Based on Race, Sex, Disability, Language, or Social Status

The Constitution prohibits discrimination based on race, sex, or religious creed; however, discrimination against women and ethnic minorities continued. Mechanisms for social redress, especially with respect to violence against women and children, were ineffective.

Women.—Violence against women was a problem; however, since reliable statistics did not exist, its prevalence was unknown. Many women were reluctant to file formal complaints against such abuse, although it was a legal ground for divorce. The police normally did not intervene in domestic disputes.

Displaced women from the south were vulnerable to harassment, rape, and sexual abuse. The Government did not address the problem of violence against women, nor was it discussed publicly. The punishment for rape under the Criminal Act varied from 100 lashes to 10 years imprisonment to death. In most cases, convictions were not publicized; however, observers believed that sentences often were less than the maximum provided for by law. Pregnant unmarried women and young girls were convicted during the year of adultery (see Section 1.c.).

FGM was widespread, particularly in the north. An estimated 90 percent or more of girls and women in the north have undergone FGM, with consequences that have included severe urinary problems, infections, and even death. Infibulation, the most severe type of FGM, was the most common type. Usually it was performed on girls between the ages of 4 and 7 by traditional practitioners in improvised, unsanitary

conditions, which caused severe pain, trauma, and risk of infection to the child. No form of FGM was illegal under the Criminal Code; however, the health law forbade doctors and midwives from performing infibulation. There were reports that women displaced from the south to the north were imposing FGM on their daughters, even if they themselves have not been subjected to it, especially among IDPs who have acculturated to the north. A small but growing number of urban, educated families were abandoning the practice completely. A larger number of families, in a compromise with tradition, have adopted the least severe form of FGM, "sunna," as an alternative to infibulation. The Government neither arrested nor prosecuted any persons for violating the health law against infibulation. The Government does not support FGM, and it has introduced information about FGM in some public education curriculums. One local NGO was working to eradicate FGM.

In August, there was a highly publicized government-sponsored 3-day conference on FGM. The Minister of Health spoke out against the practice, and the media provided extensive coverage of FGM for the first time. President Bashir announced publicly that he supported the "sunna" form; later his spokesperson said he had been misquoted.

Prostitution is illegal but widespread.

Trafficking in women was a problem (see Section 6.f.).

The law prohibits sexual harassment. Although it was reported to have occurred during the year, reliable statistics were not available.

Some aspects of the law discriminated against women, including certain provisions of Shari'a interpreted and applied by the Government, and many traditional law practices. In accordance with Shari'a, a Muslim woman has the right to hold and dispose of her own property without interference. Women were assured an inheritance from their parents; however, a daughter inherited half the share of a son, and a widow inherited a smaller percent than did her children. It was much easier for men to initiate legal divorce proceedings than for women. These rules only applied to Muslims and not to those of other faiths for whom religious or tribal laws applied.

Although a Muslim man may marry a non-Muslim, a Muslim woman cannot marry a non-Muslim unless he converted to Islam; however, this prohibition was not observed or enforced in areas of the south not controlled by the Government or among Nubans. Unofficial, nonregistered marriages, known as "orfy" or traditional weddings, are valid legally but do not guarantee the wife's legal rights. For example, in an orfy customary marriage, a woman is not entitled to alimony or pension, has no judicial protection without official recognition by her spouse, and must file a legal petition to establish her children's parentage. Women cannot travel abroad without the permission of their husbands or male guardians; however, this prohibition was not enforced strictly, especially for National Congress members.

During the year, the law was changed to allow citizen women who were married to foreigners to pass their citizenship to their children if they so chose. In the past, the children were automatically deemed to have the citizenship of their father.

A number of government directives required that women in public places and government offices and female students and teachers conform to what the Government deemed an Islamic dress code (see Section 2.a.). At the least, this necessitated wearing a head covering; however, enforcement of the dress code regulations was inconsistent.

A Khartoum-based NGO reported that female students were threatened with rape while detained at police stations. In February 2002, there were a number of incidents in which young women were detained at police stations and sometimes beaten for alleged improprieties of appearance or behavior.

Women generally were not discriminated against in the pursuit of employment; however, women were not allowed to work after 10:00 pm, in theory limiting their employment opportunities. Nonetheless, many women did work after 10:00 pm, and in official positions such as airport security.

Children.—The Government commitment to children's rights and welfare was uneven throughout the country. Education was compulsory through grade eight; however, according to UNICEF, approximately half of school-age children attended primary school. There were wide disparities among states and some gender disparity especially in the eastern and western regions; for example, enrollment was 78 percent in Khartoum State and only 26 percent in South Darfur State. In the north, boys and girls generally had equal access to education (50 percent and 47 percent respectively), although many families with restricted income choose to send sons and not daughters to school. Although there was little data on enrollment rates, it was estimated that the vast majority of the school age children of IDPs were not receiving an education because of inadequate facilities or because they could not afford the fees. Nomadic groups also were disadvantaged. Although the gender gap

in enrollment between boys and girls was only 3 to 5 percent in favor of the boys, girls were more affected by early withdrawal due to family obligations or early marriage. In the urban areas of the south, primary school age children in basic education were estimated at 68 percent of all boys and 67 percent of all girls. The Government officially required that young men between the ages of 17 and 19 enter military or national service to be able to receive a certificate upon leaving secondary school; the certificate was a requirement for entry into a university. More than 50 percent of university students were women, in part because men were conscripted for war and in part because women in general scored higher on the entrance exams.

The Government operated camps for vagrant children. Police typically send homeless children who have committed crimes to these camps, where they were detained for indefinite periods. Health care and schooling at the camps generally were poor, and basic living conditions often were primitive. All of the children in the camps, including non-Muslims, must study the Koran, and there was pressure on non-Muslims to convert to Islam (see Section 2.c.). Male teenagers in the camps often were conscripted into the PDF, including some girls in the south. There were reports that the Government's PDF seized underage recruits from the streets of Khartoum. Conscripts faced significant hardship and abuse in military service, often serving on the frontline. There were reports that abducted, homeless, and displaced children were discouraged from speaking languages other than Arabic or practicing religions other than Islam.

FGM was performed frequently on girls (see Section 5, Women).

A large number of children suffered abuse, including abduction, enslavement, and forced conscription (see Sections 1.b. and 6.c.). The Government forcibly conscripted young men and boys into the military forces to fight in the civil war. For example, on October 8, government-supported militiamen abducted three civilian boys from the El Lafa Souk, Kalakla, in Khartoum. Acting under the orders of Paulino Matieb, leader of the South Sudan Unity Movement (SSUM) and commander of the Government's SSDF, the militia conscripted the boys into the SSUM. The CPMT confirmed these abductions and reported that they were part of a broader campaign of forced conscription and extortion (particularly targeting Nuer boys) that continued in Khartoum. Government authorities frequently carried out conscription by raiding buses and other public places to seize young men. No one was jailed during the year for evading compulsory military service.

Rebel factions have conscripted citizens forcibly, including high school age children. During the year, the SPLM/A engaged in efforts to demobilize child soldiers; however, there were reports that child soldiers were involved in military incidents during December 2002, which raised concerns that the SPLM/A again was using forced recruitment of children. UNICEF reported that an estimated 7,000–8,000 child soldiers remained with the SPLM/A.

The ICRC cooperated with UNICEF to remove child soldiers during the year.

Persons with Disabilities.—The Government did not discriminate against persons with disabilities, but has not enacted any special legislation for persons with disabilities, such as mandating accessibility to public buildings and transportation. The law requires equal educational opportunities for persons with disabilities.

National/Racial/Ethnic Minorities.—The estimated population of 27.5 million was a multiethnic mix of more than 500 Arab and African tribes with numerous languages and dialects. Northern Muslims, who formed a majority of approximately 16 million persons, traditionally have dominated the Government. The southern ethnic groups fighting the civil war (largely followers of traditional indigenous religions or Christians) total approximately 6 million. The fighting in Darfur has been characterized in racial terms, as Arab Muslims against black African Muslims (see Section 1.g.).

The Muslim majority and the Government continued to discriminate against ethnic minorities in almost every aspect of society. Citizens in Arabic-speaking areas who did not speak Arabic experienced discrimination in education, employment, and other areas. For university admission, students completing high school were required to pass examinations in four subjects: English language; mathematics; Arabic language; and religious studies. Even at the university level, examinations in all subjects except English language were in the Arabic language, placing nonnative speakers of Arabic at a disadvantage.

There were periodic reports of intertribal abductions of women and children in the south, primarily in the Eastern Upper Nile. The abductions were part of traditional warfare in which the victor took women and children as a bounty and frequently tried to absorb them into their own tribe. There were traditional methods of negotiating and returning the women who were taken in these raids.

There were deaths in conflicts between ethnic groups, such as continued fighting between Dinka and Nuer or between Nuer tribes. Intertribal fighting among Nuer tribesmen also continued during the year.

Incitement to Acts of Discrimination.—The Government and government-supported militias actively promoted hatred and discrimination.

Section 6. Worker Rights

a. The Right of Association.—The Constitution provides for the right of association for economic and trade union purposes; however, the Government restricted this right in practice. The Government prescribed severe punishments, including the death penalty, for violations of its labor decrees. The Trade Union Act established a trade union monopoly. Only the government-controlled Sudan Workers Trade Union Federation (SWTUF) can function legally, and all other unions were banned. The ICFTU continued to recognize the “Legitimate” Sudan Workers Trade Union Federation (SWLTUF), the national trade union center that functioned prior to the ban, which operated in exile.

The Government has not responded to International Labor Organization (ILO) criticism of the Trade Union Act as incompatible with the principles of freedom of association.

During the year, two union leaders were detained: Mahjoub al-Zubair was held for 3 weeks, and Haydar Zain al-Abdin was held for 1 week. Both were former leaders of the SWTUF and were active in the NDA. The former workers’ union leaders arrested in 2002 were released after 3 weeks.

The law does not prohibit anti-union discrimination by employers.

SWTUF was affiliated with international labor bodies, such as the African Workers’ Union and the Arab Workers’ Union.

b. The Right to Organize and Bargain Collectively.—Labor organizing committees have the right to organize and bargain collectively; however, in practice, government control of the steering committees meant that the Government dominated the process of setting wages and working conditions. The continued absence of labor legislation allowing for union meetings, the filing of grievances, and other union activity greatly reduced the value of these formal rights. Local union officials have raised some grievances with employers, although few raised them with the Government. There were credible reports that the Government routinely intervened to manipulate professional, trade union, and student union elections (see Section 2.a.).

The Labor Code, which strengthened government control over trade unions and continues to deny trade unions autonomy to exercise their basic right to organize or to bargain collectively. The code provides that unions should be democratic, national, and neutral, defend the welfare of their members, and should raise productivity. There was nothing in the code regarding organizational structure, strikes, or term limits. Union funds were subject to control by the auditor general.

A tripartite committee comprising representatives of the Government, the SWTUF, and business set wages. Specialized labor courts adjudicated standard labor disputes; however, the Ministry of Labor has the authority to refer a dispute to compulsory arbitration. Although the Government agreed to a 15 percent salary increase during the year, the increase was not applied to all workers.

The Government continued to summarily dismiss military personnel as well as civilian government employees whose loyalty it considered suspect.

Strikes were banned and were considered illegal unless the labor office granted approval, which has never been given. In most cases, employees who tried to strike were subject to employment termination. Although there have been no general strikes since 1998, there were a number of local strikes during the year, particularly by teachers who were not receiving their salaries.

There is one export processing zone located in Port Sudan.

c. Prohibition of Forced or Bonded Labor.—The Constitution prohibits forced or bonded labor, including by children; however, there were reports that such practices continued (see Section 6.d and 6.f). The enslavement of women and children, particularly in the war zones, and their transport to the central and northern parts of the country continued.

Some NGOs reported that victims of government bombings and of the civil war in general who fled to government-controlled peace camps were subjected to forced labor.

Unlike in the previous year, there were no reports that militia raiders, “murahileen,” with the support of forces directly under the control of government authorities, systematically raided villages and captured women and children as remuneration for their services in Bahr el-Ghazal and Upper Nile. The Government took no action to hold those responsible for the abductions and continued to support tribal militias. Abductees frequently were forced to herd cattle, work in the fields,

fetch water, dig wells, or do housework. They also were subjected to arbitrary punishment, torture, and rape, and at times, killed. These practices had a pronounced racial aspect, as the victims exclusively were black southerners and members of indigenous tribes of the Nuba Mountains. There were reports of the sale and purchase of children, some in alleged slave markets. The Government continued to deny that slavery and forced labor existed but acknowledged that abductions occurred (see Section 1.b.). There were unconfirmed reports of captured women and children during raids by the government-supported “janjaweed” in Darfur during the year.

Both the Government and rebel factions continued to conscript men and boys forcibly into the fighting forces (see Section 5).

The SPLA/M and affiliated forces continued to force southern men to work as laborers or porters.

d. Status of Child Labor Practices and Minimum Age for Employment.—The Constitution provides that the Government protect children from exploitation; however, the Government did not enforce the provisions and child labor was a serious problem. Although the legal minimum age for workers was 18 years, the law was not enforced in practice. Children as young as 11 or 12 years of age worked in a number of factories, particularly outside the capital, including the factories at Um Ruwaba that produced edible oils. In addition, severe poverty has produced widespread child labor in the informal economy. For example, children are commonly seen washing dishes or cleaning tables at restaurants, and collecting money for mini-bus drivers. In rural areas, children traditionally assisted their families with agricultural work from a very young age.

In March, the Government ratified ILO Convention 182 on the Worst Forms of Child Labor and ILO Convention 138 on the Minimum Age for Admission to Employment; however, the Government has not taken any action to investigate abuses or protect child workers.

There were credible reports that children were taken as slaves (see Section 6.c.). There were also reports that children were forcibly conscripted (see Section 5).

Child labor existed in SPLM/SPLA-held areas, particularly in the agricultural sectors. Child labor in such areas was exacerbated by lack of schools, extreme poverty, and the lack of an effective legal minimum age for workers.

e. Acceptable Conditions of Work.—The legislated minimum wage was enforced by the Ministry of Labor, which maintained field offices in most major cities. Employers generally respected the minimum wage. Workers who were denied the minimum wage could file a grievance with the local Ministry of Labor field office, which then was required to investigate and take appropriate action if there was a violation of the law. The Ministry of Finance agreed to raise the minimum wage from \$26 (6,881 SD) to \$28 (7,410 SD) per month; however, it remained an insufficient amount to provide a decent standard of living for a worker and family and the increase was not applied to all workers’ wages. There were reports during the year that some workers were not paid their regular wages.

The workweek was limited by law to an 8-hour day, with a day of rest on Friday, which generally was respected.

Although the laws prescribe health and safety standards, working conditions generally were poor, and enforcement by the Ministry of Labor was minimal. The law does not address the right of workers to remove themselves from dangerous work situations without loss of employment.

Legal foreign workers had the same labor rights as domestic workers. Illegal workers had no such protections and, as a result, typically worked for lower wages in worse conditions than legal workers. Southern IDPs generally occupied the lowest paying occupations and were subject to economic exploitation in rural and urban industries and activities.

f. Trafficking in Persons.—Although the law does not prohibit specifically trafficking in persons, the Constitution specifically prohibits slavery and forced labor; however, slavery, forced labor, and trafficking in persons persisted, particularly affecting women and children (see Sections 1.b. and 6.c.). There continued to be credible reports that government and government supported militias abducted women and children for their use as domestic servants, forced labor, or sex slaves; the majority of abductees were taken to the government-controlled part of the country.

Libyans have been implicated in the purchase of Sudanese slaves, particularly women and children who were captured by government troops. There were also reports of Sudanese boys being trafficked to Qatar as camel jockeys, and to Saudi Arabia to work as domestic servants and menial laborers.

There are credible reports that intertribal abductions of women and children continued in the south; abductees were absorbed into tribes or kept as domestic servants or sex slaves (see Section 5).

There were continuing unconfirmed reports that the SPLA forcibly recruited Sudanese refugees in northern Uganda for service in their forces.

During the past 15 years, the Lord's Resistance Army (LRA) kidnapped between 3,000 and 10,000 Ugandan children, took them to the southern part of the country, and forced them to become sex slaves or soldiers. In March 2002, the Government signed an agreement to stop supporting the LRA and permit Ugandan army access in the south to pursue the LRA; the agreement remained in force during the year.

The LRA continued to operate in the south and to hold a large number of child abductees during the year.

SWAZILAND

Swaziland is a modified traditional monarchy with executive, legislative, and limited judicial powers ultimately vested in the King (Mswati III). The King ruled according to unwritten law and custom, in conjunction with a partially elected parliament and an accompanying structure of published laws and implementing agencies. The 2001 municipal elections and parliamentary elections during the year increased representative government; however, political power continued to rest largely with the King and his circle of traditional advisors, including the Queen Mother. The judiciary was generally independent; however, the King exerted certain judicial powers, and High Court judges struggled to resist pressure to yield any powers to those outside the judiciary.

Both the Umbutfo Swaziland Defense Force and the Royal Swaziland Police operate under civilian control and are responsible for external and internal security. Some communities questioned the ability of the National Police to operate effectively at the community level and have formed community police. Members of both the National Police and the community police committed human rights abuses.

The country had a free market economy, with relatively little government intervention; its population was approximately 1.1 million. The majority of citizens were engaged in subsistence agriculture and the informal marketing of agricultural goods, although a relatively diversified industrial sector accounted for the largest component of the formal economy. The country depended heavily on South Africa, from which it received almost all of its imports and to which it sent the majority of its exports. A quasi-parastatal organization established by royal charter, and responsible to the King, maintained large investments in major sectors of the economy, including industry, agriculture, and services, and required partnership with foreign investors and international development agencies.

The Government's human rights record was poor, and it continued to commit serious abuses. Citizens were not able to change their government peacefully. Police used excessive force on some occasions, and there were reports that police tortured and beat some suspects. Impunity was a problem. The Government infringed on citizen's privacy rights. The Government continued to limit freedom of speech and of the press. The Government restricted freedom of assembly and association and prohibited political activity, although numerous political groupings operated openly and voiced opinions critical of the Government. The police on several occasions harassed political activists. There were some limits on freedom of movement. Legal and cultural discrimination, violence against women, and abuse of children remained problems. Some societal discrimination against mixed race and white citizens persisted. Worker rights remained limited. Trafficking in persons occurred.

RESPECT FOR HUMAN RIGHTS

Section 1. Respect for the Integrity of the Person, Including Freedom From:

a. Arbitrary or Unlawful Deprivation of Life.—There were no reports of the arbitrary or unlawful deprivation of life by the Government or its agents.

There were no developments in the 2001 police killing of a 20-year-old man, or the 2001 death by poisoning in police custody of two 20-year-olds.

b. Disappearance.—There were no reports of politically motivated disappearances.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The law does not specifically prohibit such practices, although under the Prison's Act correctional facility officers may be prosecuted if they engage in such practices; however, there were reports that government officials employed them. There were credible reports by criminal defendants that the security forces used torture during interrogation and abused their authority by assaulting citizens and using excessive force in carrying out their duties. For example, in August, police reportedly beat a

member of the Swaziland Federation of Trade Unions (SFTU) following his arrest during a legal protest action.

Police sometimes beat criminal suspects and occasionally used the “tube” style of interrogation, in which police suffocate suspects through the use of a rubber tube around the face and mouth. According to unofficial reports, police still used the Kentucky method of interrogation in which the arms and legs of suspects are bent and tied together with rope or chain, then the person is beaten.

There was no action taken against members of the security forces responsible for the 2002 beating of a woman accused of theft.

Police also banned and forcibly dispersed demonstrations (see Section 2.b.).

Prison conditions generally met international standards; however, there were reports that torture, lack of basic hygiene, and unsafe sexual practices were spreading HIV/AIDS among the prisoners. Government detention centers remained overcrowded, and conditions were generally poor. The use of non-bailable provisions resulted in the continued overcrowding and other unfavorable conditions in government detention centers where suspects were held during pretrial detention (see Section 1.d.).

Women were held in separate prison facilities; however, at times children (age 3 and under) of female inmates lived with their mothers in the women’s prison. A November press report alleged that male guards forced female prisoners into sex.

The Government routinely permitted prison visits by diplomats, journalists, human rights monitors, and representatives of international organizations. During the year, the local Red Cross visited several prisons.

d. Arbitrary Arrest, Detention, or Exile.—The law prohibits arbitrary arrest and detention, and the Government generally respected these prohibitions.

The police force is generally professional and uncorrupt; it suffered from a lack of resources, material and human, as well as bureaucratic inefficiency. There were credible allegations that the force was susceptible to political pressure. The Government generally failed to prosecute or otherwise discipline police officers for abuses. An internal complaints and discipline unit investigated reports of human rights abuses by the police, but no independent body had the authority to investigate police abuses. Courts have invalidated confessions induced through physical abuse and have ruled in favor of citizens assaulted by police.

The law requires warrants for arrests, except when police observed a crime being committed or believed that a suspect might flee. Detainees may consult with a lawyer of their choice and must be charged with the violation of a statute within a reasonable time, usually 48 hours, or, in remote areas, as soon as the judicial officer appeared.

The Government continued to limit the provisions for bail for crimes appearing in the Non-Bailable Offenses Order, which listed 11 offenses. The Minister of Justice may amend the list by his own executive act. The mere charge of the underlying offense, without any evidentiary showing that the suspect was involved, was sufficient to employ the non-bailable provision. The non-bailable offense provision exacerbated ongoing judicial problems such as lengthy pretrial detention, the backlog of pending cases, and prison overcrowding. Following a November 2002 Court of Appeals ruling invalidating the Non-Bailable Offenses Order, the courts began granting bail. Despite these court decisions, police continued to detain suspects even though they had paid bail. There reportedly were 124 cases of unlawful detention pending against the Government at year’s end. Suspects often were released for time served after being sentenced.

There were no developments in the detention of a young woman and the grandfather of evicted Chief Mtfuso during the 2002 forced eviction of residents in the kaMkhweli and Macetjeni areas.

The law prohibits forced exile, and the Government did not use it.

e. Denial of Fair Public Trial.—The law provides for an independent judiciary; however, the King has certain judicial powers, and government officials, including the King, the Prime Minister, the Minister of Justice and Constitutional Affairs, and the traditional governor of the royal family, challenged the judiciary’s independence by attempting to influence and also to reverse court decisions. High Court judges resisted pressure to yield any powers to those outside the judiciary; however, the Government ignored judgments that did not favor them. For example, the Government refused to release from detention, suspects who had paid their bail, and it also refused to comply with a court order to permit unions to conduct a strike during the August international conference for Commonwealth nations (the SMART Partnership Conference), which was aimed at promoting social dialogue as a means of solving national problems.

In November 2002, the Director of Public Prosecutions (DPP) brought obstruction of justice and sedition charges against the Attorney General (AG) based on his attempted coercion of the High Court judges. The Government blocked the DPP's efforts to prosecute the AG by refusing to serve process in the case, and the DPP was forced to resign in January. The Government has also charged the DPP with obstruction of justice in connection with his involvement in a car accident several years ago. The case was pending at year's end.

In November 2002, the Prime Minister ordered the Clerk of Parliament transferred to the Ministry of Agriculture, stripped him of his administrative powers, and transferred those powers to the Principal Secretary in the Prime Minister's office. The Clerk challenged his transfer and requested the intervention of the Labor Commissioner. The case still was pending at year's end.

In November 2002, the Court of Appeals ruled that King Mswati had no authority to rule by decree until a new constitution was put in place, which invalidated the Non-Bailable Offenses Order (see Section 1.d.). Also in November 2002, the Government declared that it would disregard the court's ruling because it challenged the "legitimate authority of the King." As a result of this statement, every judge on the Court of Appeals resigned. During the year, the Government unsuccessfully tried to recruit replacement judges to staff the Court of Appeals.

Judicial powers are vested in a dual system, one independent and based on Western law, the other based on a system of national courts that followed unwritten traditional law and custom. In treason and sedition cases, the King can circumvent the regular judiciary by appointing a special tribunal, which may adopt rules and procedures different from those applied in the High Court; however, this power has not been used since 1987.

The Western judiciary consisted of the Court of Appeals (composed entirely of expatriate, usually South African, judges), the High Court, and magistrate courts, all of which were independent of executive and military control. The expatriate judges, frequently distinguished members of their respective bars, served on 2-year renewable contracts. Local judges served indefinitely with good behavior. In magistrate courts, defendants were entitled to counsel at their own expense. Court-appointed counsel was provided in capital cases or when difficult points of law were at issue. There were well-defined appeal procedures up to the Court of Appeals, the highest judicial body. A lack of an independent court budget, lack of trained manpower, inadequate levels of salary remuneration, and poor casework management remained problems for the judiciary.

Most citizens who encountered the legal system did so through the traditional courts. The authorities may bring ethnic Swazi citizens to these courts for minor offenses and violations of traditional law and custom. In traditional courts, defendants were not permitted formal legal counsel but could speak on their own behalf and were assisted by informal advisers. Sentences were subject to review by traditional authorities and could be appealed to the High Court and the Court of Appeals. The public prosecutor legally has the authority to determine which court should hear a case, but in practice the police usually made the determination. Accused persons had the right to transfer their cases from the traditional courts. Prolonged delays in trials were common.

An administrative order from the King strengthened the judicial powers of traditional chiefs appointed by him. The order provided for chiefs' courts with limited civil and criminal jurisdiction and authorized the imposition of fines up to approximately \$44 (300 emalangeni), and prison sentences of up to 3 months. Accused persons were required to appear in person without representation by a legal practitioner or advocate. However, chiefs' courts only were empowered to administer customary law "insofar as it is not repugnant to natural justice or morality," or inconsistent with the provisions of any law in force. The order provides that defendants may appeal decisions of the chiefs' courts to regional appeal courts and to the higher courts of appeal. Appeals in criminal matters can be taken to the Judicial Commissioner as a last resort, and the High Court was the court of last resort for civil matters.

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home or Correspondence.—The law requires a warrant from a magistrate before police may search homes or other premises; however, at times police did not respect this requirement in practice. Police officers with the rank of Sub-Inspector or higher had the right to conduct a search without a warrant if they believed that evidence might be lost through the delay in obtaining a warrant. Searches without warrants occurred (see Section 2.a.). For example, on November 30, police stopped and searched the cars and luggage of ten members of the People's United Democratic Movement (PUDEMO) as they traveled from the border with South Africa to Mbabane.

There were instances of physical surveillance by the police on members of labor unions and banned political groups. For example, during the August SMART Partnership International Conference, police closely monitored SFTU Secretary General Jan Sithole and Swaziland Federation of Labor (SFL) Secretary General Vincent Ncongwane. Police also used video cameras to record meetings of union members.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The law does not provide for freedom of speech or of the press, and the Government limited these rights through a formal ban on political parties and occasional harassment of journalists. The Government also discouraged critical news coverage of the royal family, and journalists practiced self-censorship in regard to the immediate royal family and national security policy.

There was one daily independent newspaper and one daily newspaper owned by Tibiyi Taka Ngwane, the King's investment company. In general, both newspapers covered a wide variety of sensitive topics and criticized government corruption, inefficiency, and waste, frequently using harsh language; however, the Government used the same media to rebut such allegations. With some exceptions, the Government continued to withhold its advertising from the independently owned daily newspaper. The Prime Minister's office distributed a free weekly circular reporting on government policy and activities.

The Government generally had a monopoly over television and radio programming. There were two government-owned radio stations. There was one independent radio station, which only broadcast religious programs. There is a privately owned television station, which is officially independent; however, the owner's mother is the daughter of the former king, Sobhuza, and its reporting favored the status quo. The government-owned television and radio stations, the most influential media in reaching the public, generally followed official policy positions. Government broadcast facilities retransmitted Voice of America and British Broadcasting Corporation news programs in their entirety.

Private companies and church groups owned several newsletters, magazines, and a radio station that broadcast throughout the region but generally avoided political controversy. The Christian Broadcasting Company radio station was allowed to operate despite the government policy not to permit private broadcasters to operate.

In April, the Minister of Public Information advised media representatives not to write anything controversial about the Government; however, the Minister took no action to enforce this advice.

Unlike in the previous year, police did not beat journalists.

In September, the Government reportedly threatened to confiscate issues of a South African paper, *The Sunday Times*, after it published a story and photographs detailing King Mswati III's fifth wife's, LaMagwaza's, involvement with an ethnic Swazi man living in South Africa. The Government bought almost the entire distribution of the paper in the country on the day the story was published.

In 2002, police entered the only privately owned radio station and confiscated a video of a sermon in which a pastor, Justice Dlamini, severely criticized certain cultural practices, including the Reed Dance and Inewala ceremony.

The Government did not restrict access to the Internet.

The Government restricted academic freedom. The practice of self-censorship and the prohibition on political gatherings limited academic freedom.

b. Freedom of Peaceful Assembly and Association.—The law does not provide for freedoms of assembly and association, and the Government restricted these rights in practice. A decree prohibits meetings of a political nature, processions, or demonstrations in any public place without the consent of the Commissioner of Police. The authorities routinely withheld permission to hold such meetings.

During the year, the police forcibly dispersed several demonstrations and meetings. For example, on April 5, police used tear gas to forcibly disperse a small group of protestors demonstrating against one of King Mswati III's brothers, Prince Maguga, who had ordered residents from their land in Macetjeni and kaMkhweli in 2002.

During the year, police harassed, arrested, and disrupted the meetings of pro-democracy activists and members of banned political parties. For example, on April 12, police prevented 30 members from the banned political party PUDEMO from holding a political rally in the border town of Lavumisa. On May 28, the Operational Support Service Unit of the police used tear gas to prevent PUDEMO and their youth group, the Swaziland Youth Congress, from demonstrating in Mbabane. On September 23, police prevented another planned PUDEMO demonstration in honor of the group's 20th anniversary.

Police also banned and dispersed meetings held by workers' unions. Police generally took such actions when they believed that political discussions were occurring,

or were likely to occur, at these meetings. On August 13, police forcibly dispersed a protest action authorized under the Industrial Relations Act (IRA) by using tear gas, rubber bullets, and an anti-riot vehicle with a water cannon, injuring several persons. On August 14, despite having a court order authorizing a demonstration, police detained SFTU Secretary General Jan Sithole and several SFTU members in Matsapha to prevent them from demonstrating. Another SFTU demonstrator, Roland Rudd, who was charged with possession of gasoline bombs, alleged that police beat him.

There was no action taken against police officers responsible for forcibly dispersing demonstrations in 2002 or 2001.

Former King Sobhuza's 1973 decree prohibits political parties.

c. Freedom of Religion.—There is no formal legal provision for freedom of religion; however, the Government generally respected freedom of religion in practice, although authorities on occasion disrupted or cancelled prayer meetings that were considered to have political implications.

New religious groups or churches were expected to register with the Government upon organizing in the country. There is no law describing the organizational requirements of a religious group or church. All religions were recognized unofficially. Groups were registered routinely, and there were no reports of any groups being denied registration during the year.

On June 10, a teacher was fired and three primary school children were expelled from the Manyandeni Primary School in Hluthi in Shiselweni because they were members of the Jehovah's Witnesses.

Government permission was required for the construction of new religious buildings. Non-Christian groups sometimes experienced minor delays in obtaining permits from the Government.

For a more detailed discussion, see the 2003 International Religious Freedom Report.

d. Freedom of Movement within the Country, Foreign Travel, Emigration, and Repatriation.—The law does not provide for these rights, and the Government placed some limits on them in practice. Citizens may travel and work freely within the country; however, under traditional law, a married woman requires her husband's permission to apply for a passport, and an unmarried woman requires the permission of a close male relative. Citizenship law nominally permits nonethnic Swazis to obtain passports and citizenship documents; however, individuals seeking these documents sometimes experienced lengthy processing delays, in part due to the prejudice that mixed-race and white persons were not real citizens (see Section 5). Political dissenters often had their citizenship questioned and could experience difficulty in obtaining travel documents. The Constitutional Review Commission made a recommendation that effectively could render a child stateless should it be born to a citizen mother and a foreign father; however, it was not included in the final draft of the Constitution.

The Government treated several thousand ethnic Swazis living across the border in South Africa, who were not citizens of the country, as virtually indistinguishable from Swazi citizens and routinely granted them travel and citizenship documents.

The law provides for the granting of refugee status and asylum to persons who meet the definition in the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. In practice, the Government provided protection against refoulement. The Government cooperated fully with the office of the U.N. High Commissioner for Refugees (UNHCR), as well as the various nongovernmental organizations (NGOs) involved in the care of refugees. According to the UNHCR, there were an estimated 1,000 refugees in the country, the majority coming from central Africa and from Angola.

Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government

Citizens were not able to change their government peacefully. The King retained ultimate executive and legislative authority, and political parties were prohibited. Passage of legislation by Parliament required the King's assent to become law, which he was not obliged to give. When Parliament was not in session, the King could legislate by decree under his residual emergency powers. The King chooses the Prime Minister and, in consultation with the Prime Minister, also chooses the Cabinet, many senior civil servants, and the heads of government offices.

Citizens elected most members of the lower house of Parliament. According to law, 55 seats in the 65-seat House of Assembly are popularly contested, and the King appoints the remaining 10 seats. On October 18, parliamentary elections by secret ballot took place. International observers monitored the elections. Commonwealth observers concluded that the elections were not free and fair because the

Parliament has no real authority. Since many former members of Parliament were not reelected, voters apparently felt free to express their dissatisfaction with these former members' performance. Observers also recommended that the Government permit voter registration on an ongoing basis to improve the rate of registration. The continuing ban on political parties and restrictions on political activity prompted some political groups to call for a boycott of the elections by their members. Election officials reported that approximately 228,000 of the 400,000 eligible citizens registered for the parliamentary elections, and that approximately 40,000 citizens voted, although critics questioned that figure. Election procedures generally were carried out in an orderly fashion; however, police arrested several persons for using forged voter registration certificates and for trying to vote more than once. Alleged irregularities led to legal challenges in three constituencies. PUDEMO boycotted the elections; however, members of other organized but banned political groups participated in the elections and three opposition members were elected to Parliament. As required by law, the elected members of the House of Assembly nominated 10 members from the public to serve in the Senate (upper house). The King appointed an additional 20 Senate members.

In May, the Constitutional Drafting Committee released a draft Constitution, and the Government commenced a civic education program in each administrative center (Tinkhundla) to allow citizens to comment on the draft. Discussions on the content of the draft were ongoing at year's end.

Several traditional forums existed for the expression of opinion, including community meetings, national councils, and direct dialogue with area chiefs; however, these local channels were not meant as a vehicle for political change. They often depended on the interests of leaders and were not consistently effective channels for expressing political dissent.

Chiefs were custodians of traditional law and custom and were responsible for the day-to-day running of their chiefdom. Although law and customs were not codified, chiefs essentially were responsible for maintaining law and order in their respective chiefdoms. For example, chiefs had their own community police who could arrest a suspect and bring the suspect before an inner council within the chiefdom for a trial. In addition to the law, chiefs traditionally were empowered by virtue of unwritten customary laws to impose fines and some form of punishment on their subjects. Chiefs were an integral part of society and acted as overseers or guardians of families within the communities and traditionally reported directly to the King. Local custom mandates that chieftaincy is hereditary.

Women generally had full legal rights to participate in the political process; however, in accordance with societal practice, widows in mourning (for periods that can vary from 6 months to 3 years) are prevented from appearing in certain public places and from being near the King and, as a result, can be excluded from voting or running for office. There were 13 women in the 65-member House of Assembly, 10 women in the 30-seat Senate, and 3 female ministers in the Cabinet. A woman served as Secretary to the Cabinet and the head of the civil service. Three women served as principal secretaries, the most senior civil service rank in the ministries.

Section 4. Governmental Attitudes Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A number of domestic human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials were generally cooperative and responsive to their views. Human rights groups have spoken out on a number of occasions, criticizing the lack of accountability and transparency in government circles. In April, the U.N. Human Rights Commission Special Rapporteur on Judicial Independence stated that the country needs "a separation of powers between its executive and judicial branches in order to function as a fully democratic nation."

Section 5. Discrimination Based on Race, Sex, Disability, Language, or Social Status

The labor law forbids employers to discriminate on the basis of race, sex, or political affiliation. Under the labor law, employees may bring suit against employers for discrimination, and there also were provisions for criminal prosecutions. The labor law reportedly has been used on occasion to bring moral suasion to bear against employers. Mixed race citizens sometimes experienced governmental and societal discrimination. The Government prohibits persons who are HIV positive from joining the military, and testing of military applicants is mandatory. Testing in other sectors of society is voluntary. There is a social stigma associated with being HIV positive, and this apparently discouraged persons from seeking to be tested.

Women.—Domestic violence against women, particularly wife beating, was common, despite traditional restrictions against this practice. Women have the right to

charge their husbands with assault under both the Western and the traditional legal systems, and urban women frequently did so, usually in extreme cases when intervention by extended family members failed to end such violence. Rural women often had no relief if family intervention did not succeed, because the traditional courts could be unsympathetic to “unruly” or “disobedient” women and were less likely than the modern courts to convict men for wife beating.

Rape also was common and regarded by many men as a minor offense, while women often were inhibited from reporting such crimes by a sense of shame and helplessness, especially when incest was involved. In the modern courts, sentences frequently resulted in several months in jail, a fine, or both. The incidence of rape increased during the year.

Prostitution is illegal; however, police disregarded it. In addition, to combat the HIV/AIDS pandemic government officials proposed the placement of condoms where prostitutes were known to congregate.

The law provides some protection from sexual harassment, but its provisions were vague and largely ineffective. Several NGOs provided support for victims of abuse or discrimination. Despite the law’s requirement for equal pay for equal work, men’s average wage rates by skill category usually exceeded those of women.

Women occupied a subordinate role in society. In both civil and traditional marriages, wives were legally treated as minors, although those who married under civil law may be accorded the legal status of adults, if stipulated in a signed prenuptial agreement. A woman generally required her husband’s permission to borrow money, open a bank account, obtain a passport, leave the country, gain access to land, and, in some cases, take a job.

The dualistic nature of the legal system complicated the issue of women’s rights. Since unwritten law and custom govern traditional marriage, women’s rights often were unclear and changed according to where and by whom they were interpreted. Couples often married in both civil and traditional ceremonies, creating problems in determining which set of rules applied to the marriage and to subsequent questions of child custody and inheritance in the event of divorce or death. In traditional marriages, a man may take more than one wife. For example, in October 2002, King Mswati III allegedly instructed his agents to take three additional young women into royal custody while he considered whether or not to take them as wives. During 2002 and this year, the King took two of the three women to be his tenth and eleventh wives. The mother of one of the women sued in court alleging that her daughter’s taking by royal emissaries was a kidnapping but postponed the suit in 2002, and took no further action during the year. The third woman was reportedly living with the Queen Mother, but had not been taken as a wife.

A man who marries a woman under civil law legally may not have more than one wife, although in practice this restriction sometimes was ignored. Traditional marriages considered children to belong to the father and to his family if the couple divorced. Children born out of wedlock were viewed as belonging to the mother. Under the law, a woman did not pass citizenship automatically to her children. Inheritances were passed through male children only.

Changing socioeconomic conditions, urbanization, and the increasing prominence of female leaders in government and civic organizations were breaking down barriers to equality. Women routinely executed contracts and entered into a variety of transactions in their own names. The Government committed itself to various women’s initiatives, and the Ministry of Home Affairs coordinated women’s issues. Although gender sensitization was not part of the formal school curriculum, some schools organized debates and other mechanisms to address gender issues. The University Senate also has a subcommittee that encouraged students and faculty to hold seminars and workshops on gender issues.

Children.—The Government passed a number of laws that directly addressed children’s issues. The Government did not provide free, compulsory education for children; the Government paid teachers’ salaries while the student paid fees for books and contributed to the building fund. Supplemental money sometimes must be raised for building upkeep, including teachers’ housing. The country had a 70 percent primary school enrollment rate. Children were required to start attending school at the age of 6 years. Most students reach grade 7, which was the last year in primary school, and a large percentage of students finish grade 10. The public school system ends at grade 12. A government task force continued to educate the public on children’s issues.

In general medical care for children was inadequate. The wait for medical care was long, nursing care in public hospitals was poor, and hospitals were overcrowded and understaffed. Most prescription drugs were available in urban facilities, but rural clinics had inadequate supplies of certain drugs.

Child abuse was a serious problem, and the Government did not make specific efforts to end such abuse. The incidence of child abuse and rape increased during the year. Of 680 reported cases of rape, one third of the victims were younger than age 10. Children convicted of crimes sometimes were caned as punishment. There were a growing number of street children in Mbabane and Manzini. The law prohibits prostitution and child pornography and provides protection to children less than 16 years of age from sexual exploitation and sets the age of sexual consent at 16 years of age; however, female children sometimes suffered sexual abuse, including by family members. There were reports that Mozambican and Swazi girls worked as prostitutes in the country. There were allegations and a news report that children, including street children, were increasingly vulnerable to sexual exploitation.

Persons with Disabilities.—There were no laws that protect the rights of those with disabilities or that mandate accessibility for persons with disabilities to buildings, transportation, or government services; however, all new government buildings under construction included improvements for those with disabilities, including accessibility ramps.

National/Racial/Ethnic Minorities.—Governmental and societal discrimination was practiced widely against nonethnic Swazis, namely white persons and persons of mixed race. Although there were no official statistics, an estimated two percent of the population were nonethnic Swazis. Nonethnic Swazis have experienced difficulty in obtaining official documents, including passports (see Section 2.d.). Nonethnic Swazis also suffered from minor forms of governmental and societal discrimination such as needing special permits or stamps to buy a car or house, delays in receiving building permits for houses, and difficulties in applying for a bank loan.

Section 6. Worker Rights

a. The Right of Association.—The IRA provides for the right to form associations, including trade unions, and workers exercised this right in practice. However, the Government continued to harass labor unions. For example, in January, the Government harassed members of the Swaziland National Association of Teachers (SNAT) by hiring approximately 3,000 teachers but refusing to pay them for 3 months. SNAT executives charged that the Government's actions weakened the organization because they could not collect dues from the teachers during the 3-month period. During the year, the Government continued to ignore certain foreign direct investors who violated international labor standards and domestic labor laws with impunity leading to a Generalized System of Preferences investigation of the country's alleged violations of international workers' rights.

The main trade union federation was the SFTU. A second trade union federation was the SFL.

Unions were free to draw up their own constitutions within the framework of the IRA, which specifies a number of provisions that must be addressed, including the election of officers by secret ballot. There was no collusion between the Government and business in relation to worker rights. The Labor Commissioner may register unions quickly, once they have met all the legal requirements of the IRA.

The law requires employers to recognize a union when it achieves more than 50 percent membership among employees. Employers must allow representatives of legally recognized unions to conduct union activities on company time. Although many employers resisted union recognition and forced the issue to the Industrial Court, the Court generally ruled in favor of the unions in these cases. In August, business and labor representatives in the garment sector entered into an agreement clarifying the procedures governing union recognition. The agreement clarifies how employers and unions will conduct verifications and what proof of membership unions must show during a verification.

The law forbids anti-union discrimination; however, anti-union discrimination continued to be prevalent, and manufacturers continued to refuse to recognize duly elected unions. In the case of unfair dismissal, the court can order reinstatement and compensation for the employee, as well as fine the employer. Union leaders made credible charges that management in various industries dismissed workers for union activity. The allegations of union discrimination were most common in the garment sector.

Unions were free to associate with international labor bodies and maintained regular contact. The International Labor Organization is active in the country.

b. The Right to Organize and Bargain Collectively.—The law provides for the right to organize and bargain collectively, and collective bargaining was widespread. The IRA provides for the collective negotiation of the terms and conditions for employment and dispute resolution mechanisms. In addition, the law also provides for the administration of a court devoted to the adjudication of labor related issues and es-

tablishes a tripartite labor advisory board. Approximately 80 percent of the formal private sector was unionized, and several collective bargaining agreements were reached during the year. For example, collective bargaining agreements were reached between the SFL and banks. The Industrial Court may refuse to register collective bargaining agreements in the event of nonobservance of any requirement of the IRA. The IRA permits workers councils, which may be established in factories with 25 or more employees in the absence of a trade union, to negotiate terms and conditions of work, wages, and welfare. These workers councils were established in practice.

Disputes were referred to the Labor Commissioner and the Industrial Court, if necessary. The IRA also provides for disputes to be referred to the Conciliation, Mediation, and Arbitration Committee, chaired by the Chief Executive Officer.

The IRA provides that employees, who are not engaged in essential services, have the right to participate in peaceful protest action to promote their socioeconomic interests and details the steps to be followed when disputes arise, including the definition of a legal or illegal strike. There also were penalties for employers who conduct unauthorized lockouts; however, penalties were not imposed during the year. The IRA shortened the notice that an organization or federation was required to give before it commenced a protest action. The IRA empowers the Government to mediate employment disputes and grievances through the Labor Advisory Board. When disputes arose, the Government often intervened to reduce the chances of a strike, which may not be called legally until all avenues of negotiation have been exhausted, and a secret ballot of union members has been conducted. The IRA prohibits strikes in "essential" services, which included police and security forces, correctional services, fire fighting, health, and many civil service positions. There were no reports of any lockouts during the year.

In previous years, there were a number of legal strikes, usually over wages and benefits, the dismissal of fellow workers, or socioeconomic issues. In addition, during the year, members of the SFTU and SFL carried out legal strikes in January, February, and August.

The Government had not paid back wages to 32 state television employees who were dismissed in 1999 by year's end.

During the year, the Government maintained that all outstanding labor issues have been addressed; however, the SFTU continued to press for action on 27 demands, including recognition of affirmative action, a national uniform minimum wage, an end to discrimination against women, the provision of better housing for workers, inclusion of worker representatives in constitutional discussions, and the lifting of the 1973 Decree that suspended the Constitution and outlawed political parties. The country did not participate in the 2003 ILO Annual Conference.

There were widespread allegations that some garment manufacturers did not comply with the labor laws and that the Government did not enforce the law effectively within this sector. It was reported that the AG did not bring any cases against garment manufacturers for labor law violations, despite government inspectors having identified several manufacturers that were in violation of the law. As a result of the August business and labor agreement in the garment sector clarifying the procedures governing union recognition, relations improved somewhat (see Section 6.a.).

There are no export processing zones.

c. Prohibition of Forced or Bonded Labor.—The law prohibits forced or bonded labor, including by children, and the Government generally enforced this prohibition effectively; however, the SFTU cited the 1998 Administrative Order as a form of forced labor, because it reinforced the tradition of residents doing traditional tasks for chiefs without receiving compensation and allowed the chiefs to fine their subjects for failing to carry out the manual labor, which occurred in practice.

d. Status of Child Labor Practices and Minimum Age for Employment.—Child labor was a problem. The law prohibits the hiring of a child below the age of 15 in an industrial undertaking, except in cases where only family members were employed in the firm, or in technical schools where children were working under the supervision of a teacher or other authorized person. Legislation limits the number of night hours that can be worked on schooldays, and limits children's work hours overall to 6 per day and 33 per week. Employment of children in the formal sector was not common; however, children below the minimum age frequently were employed in the agricultural sector, particularly in the eastern cotton-growing region. Children also were employed as domestic workers, and as herd boys in rural areas. The Ministry of Labor was responsible for enforcement, but its effectiveness was limited by personnel shortages.

The Government had not decided to participate in the ILO's International Program for the Elimination of Child Labor program by year's end; however, the Government did decide to participate in a foreign government-sponsored education program aimed at eliminating child labor.

e. Acceptable Conditions of Work.—There was a legally mandated sliding scale of minimum wages depending on the type of work performed. The minimum monthly wage for a domestic worker was approximately \$44 (300 emalangeni), for an unskilled worker \$61 (420 emalangeni), and for a skilled worker \$88 (600 emalangeni). These minimum wages generally did not provide a worker and family with a decent standard of living.

Labor, management, and government representatives have negotiated a maximum 48-hour workweek in the industrial sector except for security guards, who worked up to six 12-hour shifts per week. The law permits all workers 1 day of rest per week. Most workers received a minimum of 12 days annual leave. The Labor Commissioner enforced standards in the formal sector; however, enforcement was lax or nonexistent especially in the garment sector.

The law protects worker health and safety. The Government set safety standards for industrial operations, and it encouraged private companies to develop accident prevention programs. Growth in industrial production necessitated more government action on safety issues; however, the Labor Commissioner's office conducted few safety inspections because of staffing deficiencies and an alleged desire not to "scare off foreign investors." Workers had no formal statutory rights to remove themselves from dangerous work places without jeopardizing their continued employment; nor did any collective bargaining agreements address the matter. There were extensive provisions allowing workers to seek redress for alleged wrongful dismissal; these provisions frequently were invoked.

There were allegations that working conditions within some garment factories were substandard. In particular, there were allegations that women who tried to take maternity leave were dismissed, that employers paid employees at casual or probationary wage scales regardless of their position or length of service, and that some supervisors were abusive to employees.

f. Trafficking in Persons.—The law does not prohibit trafficking in persons, and there were reports of trafficking. Underaged Mozambican and Swazi girls reportedly worked as prostitutes in the country (see Section 5). There also were reports that Swazi women were trafficked to South Africa for prostitution.

TANZANIA

The United Republic of Tanzania is a multiparty state led by the President of the mainland, Benjamin Mkapa. The Zanzibar archipelago, although integrated into the country's governmental and party structure, has its own President and Parliament and continues to exercise considerable autonomy. In 2000, President Mkapa was elected to a second term and the ruling Chama Cha Mapinduzi (CCM) party made significant gains in elections that were considered free and fair on the mainland, but which were seriously marred by irregularities and politically motivated violence on Zanzibar. Interim by-elections held in May filled the parliamentary seats that were vacated when members of the opposition Civic United Front (CUF) elected in 2000 boycotted the Parliament to protest the irregularities in that election. These interim elections were judged free and fair by diplomatic and domestic observers. The national judiciary was formally independent but was corrupt, inefficient, and subject to executive interference.

The police force has primary responsibility for maintaining law and order. Citizens' patrols known as "Sungusungu" continued to support the police force in rural areas, including refugee camps, and were re-established during the year in urban areas. The military was composed of the Tanzanian People's Defense Force (TPDF). The People's Militia Field Force (FFU) was a division of, and directly controlled by, the national police force. While civilian authorities maintained effective control of the security forces, there were some instances in which elements of the security forces acted independently of government authority. Members of the security forces committed numerous human rights abuses.

The country continued to make the transition from a centrally directed economy to a market-based economy. Agriculture provided 82 percent of employment for the population of approximately 37 million, according to 2002 estimates. The GDP growth rate was 5.6 percent. Wages generally kept pace with inflation; however, drought-related increases in food prices reportedly caused hardship in the final weeks of the year. The Government attempted to improve its fiscal management,

encouraged foreign and domestic investment, and dismantled state economic controls; however, mismanagement, poor infrastructure, pervasive corruption, and a large external debt constrained economic progress. In addition, an estimated HIV/AIDS prevalence rate of between 9 and 24 percent continued to place an increasing burden on the country's resources through rising medical expenditures, absenteeism from work, labor shortages resulting from morbidity and mortality, and training of replacement labor.

The Government's human rights record remained poor; although there were improvements in a few areas, serious problems remained. Citizens' right to change their government was severely circumscribed in the 2000 general elections; while they were peaceful and well administered, by-elections held during the year provided this right only to a very limited segment of the population. Security forces committed unlawful killings. Police officers tortured, threatened, and otherwise mistreated suspected criminals and prisoners during the year. Prison conditions remained harsh and life threatening. Arbitrary arrest and prolonged detention remained problems. The judicial system often did not provide expeditious and fair trials. Pervasive corruption continued. The Government limited freedom of privacy, speech, the press, assembly, and association. The Government forcibly expelled refugees and refused persons seeking asylum or refugee status. The Government pressured Burundian refugees to voluntarily repatriate. In the west, anti-refugee resentment and hostility continued. The Commission on Human Rights and Good Governance investigated several cases of abuse during the year. Sexual and gender-based violence and discrimination against women and girls remained problems, including in refugee camps. Female genital mutilation (FGM) remained a serious problem. Workers' rights were limited and child labor persisted. Trafficking of children and child prostitution were problems. Mob justice remained widespread and resulted in several unlawful killings.

RESPECT FOR HUMAN RIGHTS

Section 1. Respect for the Integrity of the Person, Including Freedom From:

a. Arbitrary or Unlawful Deprivation of Life.—There were no reports of political or extrajudicial killings this year; however, there were reports of unlawful killings, and security forces continued to use excessive, lethal force against citizens.

In remarks published on June 27, Minister of Home Affairs (MHA) Omari Ramadhani Mapuri asked police to kill armed bandits and told them that they should refuse to be harmed first. He was speaking at the completion of the training course, at the inauguration ceremony for the police and assistant officers.

In June, police killed three suspected criminals in Dodoma in connection with the May 25 killing of three policeman by armed bandits in Dar es Salaam.

There was one report of killings in custody during the year (see Section 1.c.).

By year's end, no investigation was launched into the November 2002 case of a man who died in custody of a head injury.

There were no developments in the January 2002 killing of a man caught viewing military aircraft through binoculars; the February 2002 killing of a policeman by a soldier; or the May 2002 killing of a man with mental disabilities.

No action was taken during the year against police officers responsible for the 2001 killings of at least 31 demonstrators on the island of Pemba or the 2001 killing of a CUF member in Stonetown, Zanzibar.

Unlike in the previous year, there were no reports of violent clashes between clans.

There were reports that organized vigilante groups committed unlawful killings during neighborhood patrols. For example, during the year, there were reports that vigilantes mistakenly attacked and killed a night guard while searching for robbers at a primary school in coastal Tanga.

On September 21, four Sungusungu members were arrested and charged with murder of Haridi Hussein, a suspected thief in Lukobe village, Morogoro. Hussein was beaten to death after he was spotted outside of a villager's house, and the Sungusungu suspected he was a robber. Another villager reported the incident to the village council, which arrested the Sungusungu members. There was no further information on the case at year's end.

Mob justice against suspected criminals persisted, despite government warnings against it. Throughout the year, the media reported numerous incidents in which mobs killed suspected thieves; the suspects were stoned, lynched, beaten, hacked to death with machetes, or doused with gasoline and set on fire.

On January 18, five young men were killed and three men severely injured in mob justice incidents in the Bugando hills area of Mwanza. The dead were Sylvester Mathayo (age 18), Siwatu Ngereza (age 16), Hassan Yusuph (age 18), Joel Elias (age

18), and Patrick Leonard (age 18). The injured, who were put in remand at Butimba Prison, were Fadhil Omari (age 17), George Lucas (age 18), and Mande Charles (age 17).

The widespread belief in witchcraft in some instances led to the killing of alleged witches by those claiming to be their victims, aggrieved relatives, or mobs. According to the Government, more than 3,072 witch killings have occurred since 1970, most in the western part of the country. One arrest was made during the year for the murder of an alleged witch; however, most perpetrators of witch killings or mob justice eluded arrest, and the Government did not take preventive measures during the year. In addition, there were reports that, to maintain village security, the Sungusungu considered witches to be criminals.

b. Disappearance.—There were no reports of politically motivated disappearances.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The Constitution prohibits such practices; however, there continued to be numerous reports that police officers tortured, threatened, and otherwise mistreated suspected criminals and prisoners during the year. Beatings and floggings were the methods most commonly used. The Government seldom prosecuted police for abuses.

For example, on September 9, Dar es Salaam auxiliary police raided and beat with clubs street traders without issuing any warning to disperse.

On November 7, police beat street traders in Dar es Salaam. Several traders sustained injuries, and one trader, Manjira, reported that his leg was broken.

There were reports that torture was used to extract confessions. On September 16, Sasi Marwa accused police officers at the Stakishari Police station in Dar es Salaam of beating him and tying his genitals with a bicycle tube to extract a confession.

Caning and other forms of corporal punishments were used in schools (see Section 5). Local government officials and courts occasionally used caning as a punishment for both juvenile and adult offenders. Overall use of caning in schools and by courts was declining.

For example, on October 2, Village Chairman in Masasi, Abasi Mwira, said a District Commissioner lashed him in public for failing to supervise the implementation of local food shortage prevention program.

On October 6, Mbeya District Commissioner Moshi Chang'a urged the villages not to cut down trees or else they would receive a fine of \$300 (300,000 shillings) and lashes, and be forced to replant trees on the destroyed area. By year's end, there were no reports that such punishment was administered.

Security forces used excessive force to disperse large gatherings (see Sections 2.b. and 2.c.).

There were no reports during the year that police sexually abused or raped detainees.

The investigation of a police officer who allegedly raped a 16-year-old girl in 2001 was pending at year's end.

There were no developments in the case of the January 2002 bomb explosions in Zanzibar Town.

Prison conditions remained harsh and life threatening. In 2002, the Minister of Justice stated that the Government had failed to implement the U.N. standard rules for treatment of prisoners, due to massive overcrowding at prisons nationwide, which prevented the Government from housing serious offenders separately. The prisons, some of which were built during the colonial era, were designed to hold between 2,000 and 2,699 persons; however, in August, the Chief Commissioner of Prisons reported that the prison population was 45,000 on any given day. Three prisons—Maswa, Babati, and Kahama—were overcrowded by over 1,200 percent. A total of 41 percent of all prisoners were remandees awaiting trial. The Chief Commissioner said that the Government was financially incapable of building more prisons and remand houses. The Community Services Act allows persons convicted of minor offenses to be sentenced to community service instead of jail time; however, by year's end the Act had not been used.

The Government created a National Parole Board to identify prisoners eligible for parole. The Board identified 2,098 prisoners who qualified for parole; however, none of them had been paroled by year's end.

Prisoners were subjected to poor living conditions, and the daily amount of food allotted to prisoners was insufficient. Authorities did not allow convicted prisoners to receive food from outside sources and often moved prisoners to different prisons without notifying prisoners' families. In violation of the law, some rural district courts forced remandees who were awaiting trial to pay for their upkeep and transport.

Prison dispensaries offered only limited treatment, and friends and family members of prisoners generally had to provide medication or the funds with which to purchase it. Diseases, such as dysentery, malaria, and cholera were common and resulted in numerous deaths. There were reports that guards abused prisoners during the year.

The Prisons Act requires prisoners to be separated based on age and gender, and female prisoners were held separately from male prisoners in practice. Women sent to remand prison reported that they were forced to sleep naked and subjected to sexual abuse by wardens. Because there were only two juvenile detention facilities in the country, juveniles were frequently not separated from adults in practice.

Pretrial detainees were held with convicted prisoners but were allowed to receive food from the outside.

On September 16, relatives of deceased prisoner Issa Shabani accused the Ukonga prison guards of beating him to death and covering up their action. Shabani sustained head wounds. The Prisons Department said the death resulted from malaria and injuries from a fall.

By year's end, no trial date was set for five police officers charged in the November 2002 case of 17 prisoners who suffocated to death in an overcrowded jail cell in Mbeya. On January 13, the Regional Commissioner of Mbeya complained that the judiciary had refused to cooperate with the special commission created to investigate the prisoners' deaths. The Government demoted the MHA, the Ministry responsible for oversight of prisons, because of the deaths.

Local nongovernmental organizations (NGOs) were permitted to monitor prison conditions; however, the Government did not grant permission to international NGOs to monitor prison conditions. The ICRC visited prisoners on Zanzibar and provided surgical supplies, financial support, and training to the region's medical facilities. The U.N. High Commissioner for Refugees (UNHCR) monitored conditions in the small prison that held special categories of refugees. The Government permitted UNHCR visits to prisons holding refugees in Dar es Salaam.

d. Arbitrary Arrest, Detention, or Exile.—The law prohibits arbitrary arrest and detention; however, arbitrary arrest and detention were problems.

The police force was underfunded and inefficient. The use of excessive force, police corruption, and impunity were serious problems and worsened during the year. Citizens often complained that police were slow to investigate crimes and prosecute criminals. According to NGO reports, police often lost evidence, and suspects with sufficient means successfully avoided prosecution by bribing police officers. Communities perceived a general lack of protection amid an increase in crimes committed by armed criminals. The general lack of trust in the police force and in the court system resulted in a high incidence of mob justice during the year (see Section 1.a.).

During the year, the Government took steps to reform the police force. Approximately 140 National Police personnel were trained in Civil Disorder Management. The internal investigation of a police officer accused of harassing and attempting to bribe a local businessman was ongoing at year's end. Despite these actions, those of the Prevention of Corruption Bureau, and a separate and ineffectual arm of the police force tasked with combating police corruption, there continued to be numerous reports in the press and complaints from civil society groups and citizens about police corruption during the year.

At the beginning of the year, the Commission for Human Rights and Good Governance conducted training for senior level police officers at the training institute in Moshi on respect for human rights, including not using violence to extract confessions.

The People's Militia Laws grant legal status to the traditional Sungusungu neighborhood and village anticrime groups. Local governments appoint the members with the help of individual households who decide which among them will join the Sungusungu watch. The Sungusungu were most commonly found in rural areas such as the Tabora, Shinyanga, and Mwanza regions, and in refugee camps. Members of Sungusungu have rights similar to those given to police, including the right to arrest persons. However, Sungusungu do not have the right to carry firearms; they carry wooden clubs for their protection. In return, they were expected to be held accountable for any abuses. During the year, following the increase in armed crimes and the murder of policeman in Dar es Salaam, local governments have encouraged the resurgence of Sungusungu in urban neighborhoods. Residents of a neighborhood in which Sungusungu operated were required by law and custom to either donate a small sum to the Sungusungu for patrols or, if they did not have money, to provide one person from their household to participate in patrols.

In refugee camps, Sungusungu groups composed of refugees acted as security forces.

The law requires that a person arrested for a crime, other than a national security detainee as defined under the Preventive Detention Act, be charged before a magistrate within 24 hours; however, in practice the police often failed to comply with this provision. In some cases, accused persons were denied the right to contact a lawyer or talk with family members. Prompt access to counsel was limited by the lack of lawyers practicing in rural areas.

The law restricts the right to bail and imposes strict conditions on freedom of movement and association when bail is granted. Judges set bail on a discretionary basis based on the merits of each case; however, there was no provision for bail in cases of murder or armed robbery. Bribes often determined whether bail was granted.

Under the Preventive Detention Act, the President may order the arrest and indefinite detention without bail of any person considered dangerous to the public order or national security. This act requires that the Government release detainees within 15 days of detention or inform them of the reason for their detention. The law allows a detainee to challenge the grounds for detention at 90-day intervals. The Preventive Detention Act was not used during the year. The Court of Appeals ruled that the act cannot be used to deny bail to persons not considered dangerous to society; however, the Government still has not introduced corrective legislation. The Government has additional broad detention powers under the law, which permit regional and district commissioners to arrest and detain for 48 hours persons who may "disturb public tranquility."

The Government arbitrarily arrested persons. On July 24, police officers brought in and questioned CUF Chairman Lipumba for 2 hours concerning remarks he made about Zanzibar President Karume.

Police continued to make arbitrary arrests and use the threat of them to extort money. For example, on August 16, a police officer was arrested for using the threat of arrest to solicit a bribe of \$30 (30,000 shillings) from a motorist.

By year's end, there were no developments in the August 2002 case of opposition leader Christopher Mtikila, who was no longer in prison.

Police arrested refugees for leaving the camps without permits (see Section 2.d.). There were reports that prisoners waited several years for trial, sometimes because they did not have the means to bribe police and court officials. Because of backlogs, serious cases for violent offenses took years to come to trial. Observers estimated that approximately 5 percent of persons held in remand ultimately were convicted, and often those convicted already had served their full sentences before their trials were held. The authorities acknowledged that some cases had been pending for several years.

The cases of 12 inmates in Keko who have been imprisoned for as many as 10 years reportedly continued to progress through the courts, and three cases were in the appeals process by year's end.

At year's end, a civil suit against the Government by 18 CUF members who spent more than 2 years in prison without being convicted remained pending.

Unlike during the previous year, there were no reports that nongovernmental militiamen detained persons.

The Constitution does not permit the forced exile of its citizens, and the Government did not use forced exile in practice.

e. Denial of Fair Public Trial.—The Constitution provides for an independent judiciary; however, the judiciary remained under-resourced, corrupt, inefficient, and subject to executive influence.

Independent observers continued to criticize the judiciary, particularly at the lower levels, as corrupt and inefficient and questioned the system's ability to provide a defendant with an expeditious and fair trial. Clerks took bribes to decide whether or not to open cases and to hide or misdirect the files of those accused of crimes. Magistrates occasionally accepted bribes to determine guilt or innocence, pass sentences, withdraw charges, decide appeals, and determine whether cases were judged as civil or criminal matters. In addition, there were few courts available to citizens, and the cost of traveling to the nearest court was often prohibitive. In June, the Minister for Justice and Constitutional Affairs said "the majority of the population has yet to enjoy the right to justice."

The Government made no progress in addressing judicial corruption. Judicial ethics committees failed to offer recommendations to improve the credibility and conduct of the judiciary.

The legal system has five levels of courts combining the jurisdictions of tribal, Islamic, and British common law. Christians and Muslims are governed by criminal law. In family law civil matters, Christians are governed by customary law unless they can prove to a judge that customary law does not apply to them (for example, if they have not been living in a traditional community or are foreigners). In certain

civil matter such as marriage, divorce, child custody, and inheritance, Muslims are governed by Islamic law. Islamic law was applied only to adjudicate civil cases involving Muslims. In family matters, the content and application of some customary and religious laws were discriminatory towards women (see Section 5).

The court system consists of primary courts, district courts, magistrates' courts, a High Court on Zanzibar and one on the mainland, and a Court of Appeal, which serves as the highest court for both the mainland and Zanzibar. Primary courts, which are present in each administrative region, have jurisdiction for civil suits related to customary and Islamic law, and civil and Christian matrimonial suits. Judges were appointed by the Chief Justice, except those for the Court of Appeal and the High Courts, who were appointed by the President. All courts, including Islamic courts, were staffed by civil servants.

Zanzibar and the mainland have separate judicial systems, with the exception of the Court of Appeal, which is used by both systems. Zanzibar's court system, excluding its Kadhi courts, generally parallels that of the mainland. In Zanzibar Kadhi's Courts operate in place of primary courts. The Kadhi courts have jurisdiction in civil cases arising from Islamic law and custom. The Kadhi Court system consists of Kadhi Courts and the Court of the Chief Kadhi. Appeals from the Court of the Chief Kadhi go to the High Court of Zanzibar for final rulings; cases in the Kadhi system cannot be appealed to the Court of Appeal. All other cases can be appealed to the Court of Appeal. Cases concerning Zanzibar constitutional issues were heard only in Zanzibar's courts.

While the majority of judges on Zanzibar were Muslim, there were very few Muslim judges, if any, on the mainland; consequently, some Muslim groups complained that it was inappropriate for Christian judges on the mainland to continue administering Islamic law for Muslims in family matters.

Criminal trials were open to the public and to the press; courts were required to give reasons on record for holding secret proceedings. In November 2002, Parliament passed the Prevention of Terrorism Act, which excludes everyone except the interested parties from trials of terrorist suspects and suppresses information to protect the identity of witnesses in those trials.

There was no trial by jury. The law provides for a right to defense counsel only for serious offenses. The Chief Justice assigns lawyers to indigent defendants charged with serious crimes such as murder, manslaughter, and armed robbery. There were only a few hundred practicing lawyers in the country, and most indigent defendants charged with lesser crimes did not have legal counsel. The law provides for the presumption of innocence, and provides criminal defendants with the right of appeal.

There was a separate court for young offenders; however, this court was underutilized and many juvenile offenders still were tried in adult courts. Some cases continued to be sent through the traditional court system where they were processed faster due to a less significant backlog than in the regular civil court system. The law provides for military tribunals; however, military tribunals have not been used since independence. Military courts did not try civilians, and there were no security courts. Defendants in civil and military courts could appeal decisions to the High Court and the Court of Appeal.

In refugee camps, Burundian mediation councils, comprised of male refugee elders, often handled domestic abuse cases of Burundian refugees even though the law does not allow these councils to hear criminal matters.

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home or Correspondence.—The Constitution generally prohibits such actions without a search warrant; however, the Government did not consistently respect these prohibitions in practice. The Prevention of Terrorism Act permits the police to conduct searches without a warrant in certain urgent cases.

Only courts can issue search warrants; however, the law also authorizes searches of persons and premises without a warrant if necessary to prevent the loss or destruction of evidence connected with an offense or if circumstances are serious and urgent. In practice, members of security forces rarely requested warrants and often searched private homes and businesses at will. The security forces reportedly monitored telephones and correspondence of some citizens and foreign residents.

The Zanzibar government enforces the Zanzibar Spinsters and Female Divorcees Protection Act, which makes it an incarcerable offense for any woman to become pregnant out of wedlock. In theory, the man is also liable; however, because DNA testing is not available in Zanzibar, only women have been sentenced under the law. From 2000 to year's end, 47 cases were brought to court, and 30 woman have served jail time.

During the year, the Sungusungu in Nkoma forced a widowed woman to remarry by threatening to forcibly relocate her.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution provides for freedom of speech and the press; however, the Government limited these rights in practice. The only private newspaper published on Zanzibar, Dira, was banned in December. The law limits the media's ability to function effectively. The print media were subject to considerable government restrictions, including the enforcement of a voluntary code of ethics under which newspapers have been fined or suspended, and inhibitive libel laws, which resulted in self-censorship by journalists. The Government allowed political opponents unrestricted access to the media on the mainland, but the Zanzibar Government banned the only independent newspaper in the semi-autonomous Isles.

Citizens on the mainland generally enjoyed the right to discuss political alternatives freely; however, there were instances in which freedom of speech was severely restricted. The law requires political parties to support the continuation of the Union. Opposition political party members and others openly criticized the Government and ruling party in public forums; however, persons using "abusive language" against the country's leadership were subject to arrest, and the Government used this provision to detain some opposition figures (see Section 1.d.).

Authorities occasionally restricted political and religious speech by Muslims during the year (see Section 2.c.).

During the year, there were more than 100 newspapers published in English and Kiswahili, including 10 dailies. Many of the mainland's newspapers were privately owned. On Zanzibar, Dira was the only locally produced independent newspaper. In addition, there were a dozen periodicals in the country, some of which were owned or influenced by political parties, including the CCM and the CUF. Mainland publications, including one government-owned newspaper, regularly reported events that portrayed the Government critically.

Approximately 20 radio stations, including privately owned ones such as Radio Uhuru, whose primary owners are Kenyan, and more than 10 television stations, all but one of which on the mainland were privately owned, broadcast in Dar es Salaam and in a few other urban areas; however, the Government occasionally circumscribed their activities. Radio stations could not broadcast in tribal languages. On Zanzibar, the Government controlled radio and television; however, many residents could receive mainland broadcasts. All radio stations are legally required to broadcast the government-produced news program at 8:00 pm.

The Zanzibar News Act circumscribed journalists' freedom by giving authorities greater powers to harass, detain, and interrogate journalists. Under the Act, the Speaker of the Zanzibar House of Representatives announced during the year the suspension of Sarah Mosi, a journalist for the Majira newspaper, from reporting for 1 year for allegedly misreporting on Parliamentary proceedings. Mosi was working on the mainland at year's end.

In March, the Government revoked the citizenship of the editor of Dira, which routinely criticized the Government (see Section 2.d.).

Journalists and the Media Law Reform Project continued to complain that the Government has deliberately limited information to the press through several laws, including the Newspaper Act, the National Security Act, and the Broadcasting Act. For example, journalists who reported arrests could be charged with obstructing police activity under the Police Act. In addition, the law authorizes the Government to prevent television cameramen from filming the swearing-in of an opposition Member of Parliament (M.P.); however, during the year, the media provided coverage of inauguration without interference from the Government. Media groups continued to call for the creation of a Freedom of Information Act to abolish such legislative prohibitions.

Throughout the year, the Government continued to pressure newspapers to suppress or change articles unfavorable to it. The Government reportedly did not censor news reports, but it attempted to influence their content by applying pressure on editors and producers by other means. During the year, there were reports that the Government withheld lucrative government advertising from newspapers deemed too critical of the administration.

On July 20, an editor and reporter from the Kiswahili newspaper Alasiri was sentenced for contempt of court for allegedly misreporting a court proceeding about the disputed deaths of miners in Bulyanhulu in 1996. The court fined the publisher approximately \$950 (1 million Tanzanian shillings) in damages and ordered Alasiri to print an apology to the MHA.

On October 27, Zanzibar's High Court ordered Dira to pay approximately \$646,000 (660 million shillings) in damages for printing "false and malicious state-

ments” about the children of Zanzibar President Amani Abeid Karume. The order followed several disagreements between the Government and Dira, which had published articles about past human rights violations by the Government. On November 23, the Zanzibar Government suspended Dira from publishing for an indefinite period for “lack of professional ethics.” On November 24, the Zanzibar Government banned Dira outright under the Zanzibar Registration of Newsagents, Newspapers, and Books Act. At year’s end, Dira’s management was seeking an injunction while challenging the Act under which it was banned.

At year’s end, two newspapers, reportedly suspended in 2001 because of lewd content, remained closed at year’s end.

Some journalists, particularly those in Zanzibar, exercised self-censorship on sensitive problems.

Government officials continued to be unresponsive to journalist’s requests for information; however, in March, President Mkapa launched an initiative to improve public access to information. President Mkapa asked government leaders to avoid hindering the media’s attempts to disseminate information and appointed communications officers in various government departments. Each ministry was required to establish communications units to increase transparency and provide the public with timely information. In addition, the Government adopted a new Information and Broadcasting Policy on November 14 that recognizes the Media Council as the designated body to act on incidents where the public or Government feels the media acted unprofessionally. The Council played a role in trying to mediate the Dira conflict during the year.

The Media Council operated with limited effectiveness during the year. Although courts handled defamation cases, the Council served as an adjudicating body when journalists infringed upon the voluntary code. The Media Council meditates disputes between complaining parties and the press. The party bringing a complaint may request a compensation amount. Then both parties negotiate with the Media Council on extent of damages and appropriate compensation. During the year, there were no compensation claims mediated by the Media Council.

The Government did not restrict access to Internet or block access to sites for political reasons.

The Government did not restrict academic freedom.

b. Freedom of Peaceful Assembly and Association.—The Constitution provides for freedom of assembly; however, the Government limited this right in practice. Security forces interfered with citizens’ rights to assemble peacefully on a few occasions. To hold rallies, organizers are required to obtain police permission in advance. Police have the authority to deny permission on public safety or security grounds or if the permit seeker belonged to an unregistered organization or political party. Authorities arrested citizens for assembling without the appropriate permit.

The Government prevented opposition parties from holding rallies. In July, a permit request to hold a rally for the Tanzanian Labour Party was denied. Unlike in previous years, CUF meetings were not banned.

Authorities forcibly dispersed religious gatherings during the year (see Section 2.c.).

The cases against 41 Muslims arrested during a demonstration in 2001 remained pending at year’s end. It was unknown whether those arrested remained in detention at year’s end.

The Constitution provides for freedom of association; however, the Government limited this right in practice. The Registrar of Political Parties has sole authority to approve or deny the registration of any political party and is responsible for enforcing strict regulations on registered parties. The Tanzanian People’s Party (TPP) and the Popular National Party (PONA), which were deregistered in 2002 for a lack of compliance with their respective constitutions, remained unregistered at year’s end.

Under the law, citizens may not form new political parties independently, but must comply with certain requirements to register them with the Office of the Registrar. The Electoral Law prohibits independent candidates; requires all standing M.P.s to resign if they join another party; requires all political parties to support the union with Zanzibar; and forbids parties based on ethnic, regional, or religious affiliation. Parties granted provisional registration may hold public meetings and recruit members. They have 6 months to submit lists of at least 200 members in 10 of the country’s 26 regions, including 2 regions in Zanzibar, to secure full registration and to be eligible to field candidates for election. Unregistered parties were prohibited from holding meetings, recruiting members, or fielding candidates.

Under the Societies Ordinance, the MHA must approve any new association. The MHA estimated there were 3,000 registered NGOs. The Government continued a

general suspension of registration of religious NGOs on the grounds that many were being formed for the purpose of evading taxes.

c. Freedom of Religion.—The Constitution provides for freedom of religion; however, there were some limits on freedom of religion.

There were two reports that security forces arrested and used violence against members of religious groups. On February 11, riot police on Zanzibar used rubber bullets and tear gas to disperse a group of worshippers from the Answar Sunni group, which was observing the Idd al Hajj holiday 1 day earlier than the date proclaimed by Zanzibar's mufti. The group did not have a permit. Three persons were injured. Answar Sunni had been involved in a long-running dispute with the Zanzibar government over which Muslim leaders had the authority to set annual religious observances.

On September 9, the FFU forcibly dispersed with tear gas and batons a meeting of 62 Muslims gathered for a religious event for which they had obtained a permit in advance. There were some reports of injuries. The Muslim group came into contact with a Christian gathering at the same venue, and some Muslims criticized Christianity. Police arrested six Muslims for sedition against Christianity and the Government during an assembly. At year's end, the case had not been brought to trial, and the six remained in prison.

The Mainland Government required that religious organizations register with the Registrar of Societies at the Ministry of MHA, and there were no reports during the year that the Government refused the registration of any group.

The Government banned religious organizations from involvement in politics, and banned politicians from using language designed to incite one religious group against another or to encourage religious groups to vote for certain political parties. The law imposes fines and jail time on political parties that campaign in houses of worship or educational facilities.

Government policy forbids discrimination against any individual on the basis of religious beliefs or practices; however, individual government officials allegedly favored persons who shared the same religion in the conduct of business.

The law prohibits preaching or distribution of materials that are considered inflammatory and represent a threat to the public order; however, there were no reports of religious materials banned during the year.

Societal violence based on religion occurred on occasion. In October, a Catholic church and church-owned vehicle were bombed on the island of Pemba; there were no arrests by year's end. During Ramadan in Zanzibar, a group of young Muslim men attacked and beat two Christian women for not dressing modestly.

Generally, there were stable relations between the various religious communities; however, tensions continued to increase between Muslims and Christians. The Government failed to respond to these growing tensions.

The Muslim community claimed to be disadvantaged in terms of its representation in the civil service, government, and parastatal institutions, in part because both colonial and early post-independence administrations refused to recognize the credentials of traditional Muslim schools. As a result, there was broad Muslim resentment of certain advantages that Christians were perceived to enjoy in employment and educational opportunities. Muslim leaders complained that the number of Muslim students invited to enroll in government-run schools still was not equal to the number of Christian students.

Some observers reported signs of increasing tension between secular and fundamentalist Muslims, as the latter felt that the former had joined with the Government for monetary and other benefits. The fundamentalist Muslims accused the Government of being a Christian institution, and Muslims in power as being interested only in safeguarding their positions.

For a more detailed discussion, see the 2003 International Religious Freedom Report.

d. Freedom of Movement within the Country, Foreign Travel, Emigration, and Repatriation.—The Constitution provides for these rights, and the Government generally respected them; however, bureaucratic inefficiency and corruption delayed implementation in practice. Passports for foreign travel at times were difficult to obtain, mostly due to bureaucratic inefficiency and officials' demands for bribes.

Mainlanders were required to show identification to travel to Zanzibar, although the requirement largely was ignored in practice. Zanzibaris needed no special identification to travel to the mainland. Mainlanders were not allowed to own land in the islands, except in partnership with foreign investors. There was no prohibition against mainlanders working in the islands; however, in practice few mainlanders were hired.

In March, the Government revoked the citizenship of Ali Nabwa, the managing editor of *Dira*, a popular independent newspaper on Zanzibar that has routinely criticized the Government and was banned. Nabwa's citizenship has not been restored; however, he had not been deported by year's end.

The case of a journalist whose citizenship was also revoked in 2001 was still pending at year's end.

The law includes provisions for the granting of refugee and asylum status to persons who meet the definition in the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. However, in practice, the Government frequently did not respect these provisions; on a number of occasions it refused refugees and refused persons seeking asylum or refugee status.

The Government applied ad hoc asylum procedures. The determination of refugee status rests solely with the MHA, who was authorized to grant or reject applications for asylum. The Minister can declare any group of persons to be refugees by notice in the Government Gazette, and the Government determined Burundians and Congolese to be prima facie refugees. The Minister may also decide on cases individually. These individuals are required by law to register with the Director for Refugee Services and subsequently appear before a National Eligibility Committee (NEC) in which the UNHCR participates as an observer. In practice, this procedure was not always observed.

Despite the MHA's mandate, the army and regional and district commissioners exercised a great deal of independent control over refugees in their regions. For example, the District Commissioner made the decision to restrict access into and out of the camps and to rescind the 4-kilometer rule, which had allowed refugees to leave camps without a permit if they stayed within a 2.4 mile (4 kilometer) radius of the camps. In addition, the TPDF screened refugees as they arrived at the border and did not allow the UNHCR to be present.

In Kigoma, government officials (immigration, police, and MHA) screened new arrivals at the only official entry point in Kigoma, Kibirizi 1. They often rejected asylum seekers and immediately handed them to Immigration Services for deportation. The majority of these refugees were Congolese and Burundians. Government officials rejected a request by the UNHCR to have access to this screening exercise and to rejected cases.

On June 1, the Kibondo District Commissioner visited the refugee way stations on his regular border monitoring visit and ordered the staff working in the way stations not to continue to receive new refugees arriving from Burundi as of that day. He also allegedly instructed village leaders to ensure that no asylum seekers from Burundi were allowed in the way stations and ordered the immediate removal of an asylum seeker who had arrived at one of the way stations. The MHA in Dar es Salaam reversed the decision.

In July, the Kigoma Regional Commissioner closed all entry points along the lake in Kigoma, for "security reasons." One entry point, Kibirizi 1, was reopened in August.

During the year, there were numerous reports that the Government refused persons seeking asylum or refugee status. For example, On June 16, 29 refugees from the Democratic Republic of the Congo (DRC) were prevented from disembarking. They remained without access to food, medical care, and water for over 12 hours and were returned to the DRC.

In July, 10 Burundian refugees were handed over to the Burundi Consulate in Kigoma with instructions that they should be returned to Burundi. At least three of these refugees did not want to return to Burundi. However, on July 27, they were deported.

In July, the military in Mtanga village returned three boats with Congolese refugees to the DRC.

In early October, 10 Congolese refugees who were registered by the MHA in Dar es Salaam were sent to Kigoma to be referred to a refugee camp; in Kigoma, they were again interviewed and their refugee status was rejected. They were also refused.

The Government's application of Immigration laws to refugees instead of applying the 1998 Refugees Act was a problem. Sentences under Immigration laws are more stringent in comparison to the Refugees Act. After serving their sentences under the Immigration Act, asylum seekers and refugees often were issued with Prohibited Immigrant Notices and deported.

For example, on May 16, four Burundian refugees who had been arrested for being outside of a camp without a permit were deported to Burundi. They were charged, presented before a court, and acquitted; however, the Kasulu Immigration Officer, in collaboration with the police, then re-arrested them and arranged for their deportation.

In early September, approximately 100 refugee prisoners who had benefited from a presidential pardon were immediately handed over to the Immigration Services and refouled to Burundi. Many of these refugees had been held on minor offenses such as leaving a camp without a permit.

On September 15, a National Refugee Policy was issued that states that refugees and asylum seekers are only allowed to stay in the country for 1 year, after which they must return to safe areas in their country of origin. This policy had not been implemented by year's end.

As of December 28, the number of UNHCR-assisted refugees in the country was 479,988. The country hosted 329,768 Burundian refugees and 150,220 Congolese refugees living in 12 UNHCR-assisted camps in the northwest, as well as an estimated 470,000 Burundian refugees who arrived prior to 1994 and were not being assisted by the UNHCR. Many Burundian refugees returned home under the perceived threat of refoulement or diminished food supplies. In addition, the UNHCR, with strong encouragement from the Government, continued to facilitate limited returns to designated areas in Burundi that were considered secure. As of December 28, the UNHCR had assisted in the repatriation of 35,673 refugees since January 1. According to the UNHCR, the Government did not register many refugees from the DRC, and in some areas along the country's border with the DRC, police were informally controlling groups of DRC refugees.

The Government's relations with the UNHCR were strained after the Government increased pressure on Burundian refugees to repatriate. In addition, in January, the Government expelled the head of a UNHCR sub-office in Ngara; he was not allowed back in the country.

During the year, the Government revoked Rwandans' refugee status. The UNHCR announced in December that it was including five additional provinces to the list of provinces in which it would assist in voluntary repatriations. The UNHCR maintained a policy of facilitating returns to designated safe provinces.

Anti-refugee sentiment among the 2 million citizens living in refugee-affected areas of the country was high due to pressure on local resources; the belief that refugees were responsible for an increase in crime, small arms trafficking, HIV/AIDS, and environmental degradation; and the provision of goods and services for refugees that were not available to the local population. However, many services, in particular health care, offered by the UNHCR, NGOs, and international organizations were available to the local population. In September, President Mkapa issued a public statement blaming refugees for the increase in small arms to the country; he also called on the international community to establish safe havens in war-torn countries to prevent refugees from entering neighboring countries. In addition, he asked regional leaders to consider replacing international asylum and refugee protections for victims of conflict with a system of safe havens.

It was illegal for refugees to live outside of the camps or settlements, or to travel outside of their respective camps without permission. However, refugees in the Kasulu region often had to travel more than 5 miles to collect firewood and water because local supplies were inadequate; these refugees, usually women and children, were subject to theft, physical abuse, and rape. There were a number of police positions funded to patrol the camps. Food and water shortages and outbreaks of disease plagued refugee camps in the west during the year. Food shortages resulted in the commercial sexual exploitation of many women and children who struggled to feed themselves and their families. The authorities restricted employment opportunities outside the camps.

There were reports that some refugees engaged in vigilante justice within camps, occasionally beating other refugees. There was significant hostility and resentment against Burundian refugees during the year and continuing concern regarding violence allegedly perpetrated by some armed Burundian and Rwandan refugees. Local officials reported incidents of banditry, armed robbery, and violent crime, allegedly perpetrated by refugees in the areas surrounding refugee camps. Sexual and gender-based violence remained a problem in refugee camps. The UNHCR, in coordination with the Government and local NGOs, continued a program to increase awareness about sexual and gender-based violence and deal with abuses in the camps.

The Government did not adequately investigate, prosecute, or punish perpetrators of abuses in refugee camps. There were mediation councils in the refugee camps and police patrols in the camps but most cases were not referred to local authorities.

There were several reports that Burundian rebels conducted training and recruitment in the camps; there were also reports that the rebels recruited children from the country's refugee camps (see Section 6.f.).

Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government

The Constitution provides citizens with the right to change their government peacefully; however, this right was circumscribed severely in 2000 on Zanzibar.

On May 18, by-elections were conducted on Pemba, one of the islands of the semi-autonomous Zanzibar archipelago. The by-elections filled the 17 seats in Zanzibar's House of Representatives and the 15 seats in the National Parliament that had been declared vacant after the CUF boycotted the 2000 general elections. The CUF won all of the 15 parliamentary seats and 11 of the 17 Zanzibar House of Representative seats. The by-elections, which were judged free and fair by international observers and a local NGO, signified a significant step toward reconciliation between the ruling CCM and opposition CUF following violent disputes and tensions resulting from elections in 2000.

The Zanzibar Electoral Commission (ZEC) disqualified six CUF candidates prior to the elections, after one of the smaller opposition parties, NCCR-Maguezi, filed a legal case arguing that the CUF candidates were expelled for having boycotted the legislature and thus were ineligible to run for these seats within 5 years of being expelled from them, as stated by the Zanzibar Constitution. The CUF countered that the CUF candidates had never occupied their seats and thus could not be expelled for boycotting parliamentary seats they had never held. Voters in those six constituencies marred ballots to protest the disqualifications. On election day, police fired tear gas during a late-night violent confrontation between CCM and CUF supporters in Chake Chake.

The country held general elections in 2000, in which the ruling CCM's candidate Benjamin Mkapa was elected President with 71 percent of the vote. In the parliamentary elections, the CCM won 202 of the 232 elected seats. In the Zanzibar presidential election, Abeid Amani Karume defeated the CUF candidate. On the mainland, international observers concluded that the elections were free and fair and conducted peacefully; however, in Zanzibar four separate international observer teams concluded that the vote was marred by irregularities, voter intimidation, and politically motivated violence. In addition, 16 CUF members were expelled from the National Parliament after boycotting the legislature to protest the Zanzibar election results.

As a result of widespread allegations of corruption during the 2000 general elections and post-election violence, the 2001 Muafaka II reconciliation accord provides for the ZEC and the Joint Presidential Supervisory Commission to establish a Permanent Voters' Registry (PRV). Despite the requirement to do so before the May by-elections, a PVR had not been established by year's end.

In November 2002, the Presidential Commission charged with investigating the violent aftermath of the 2000 general election on Zanzibar issued its comprehensive report. The report stated that 31 persons were killed and approximately 581 injured in the 2001 election violence. The Commission made no recommendation for prosecution of the members of security forces responsible for these abuses; however, it recommended for electoral reform, civic education, and improved judicial and police training.

As of July, 16 political parties were registered. SAFINA, a new party, had an interim registration. CCM controlled 295 seats, approximately 93 percent of the seats, in the National Assembly.

Unlike in previous years, police in Zanzibar did not detain, arrest, or harass CUF members and suspected supporters.

The Constitution requires that women occupy 20 percent of seats in Parliament, and women are appointed by their respective political parties to serve in these seats, popularly known as "Special Seats". There were 60 women in the 295-seat legislature; 12 female M.P.s were elected members of the CCM; 47 female M.P. s occupied the Special Seats; and 1 female M.P. was nominated by President Mkapa. Women occupied seven seats in the Zanzibar House of Representatives. There were three women in the cabinet of the national Government, and one in the cabinet of the Zanzibar Government. In addition, one woman served as a justice of the Court of Appeal.

Section 4. Governmental Attitudes Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

Numerous domestic human rights groups generally operated without government interference, investigating and publishing their findings on human rights cases. The Government generally was cooperative and responsive to their views; however, the government-mandated registration process limited some NGOs' work. In addition, there were reports that many parliamentarians harbored mistrust towards NGOs and believed they existed solely to make money.

Active domestic human rights NGOs included the Center for Human Rights and Promotion, the Legal and Human Rights Center, Tanzania Media Women's Association, Tanzania Women Lawyers' Association, the Center for People living with AIDS, and the Inter-Africa Council. There were also many smaller local human rights NGOs based outside of Dar es Salaam. All were independent of the Government. The Government met with domestic human rights NGOs, responded to their inquiries, and in some cases participated in training seminars, such as those concerning police conduct, female genital mutilation, child labor, and women's rights.

International human rights groups included a local chapter of Amnesty International and the International Committee of the Red Cross.

In December 2002, Parliament enacted the NGO Act, which requires all NGOs, including NGOs previously registered under other ordinances, to register with a government-appointed NGO Coordination Board. Failure to register or meet any of the Act's other requirements is a criminal offense. Although the Act had not been implemented by year's end, NGOs widely criticized the law because they feared it would limit their scope of operations and that the Government would use the denial of registration as a political tool.

The November 2002 Prevention of Terrorism Act, which imposes strong sanctions on NGOs suspected of ties to terrorism, had not been implemented by year's end; however, Muslims believed it unfairly targeted their religiously affiliated NGOs.

The Government denied or revoked registration under existing legislation to three NGOs: Lawyers' Environmental Action Team (LEAT), the African Human Rights and Justice Protection Network, and the Zanzibar Human Rights Association. The Government revoked LEAT's registration because it deemed the group's allegations of unsafe working conditions and purported deaths in the mining sector in 1996 lacked credibility. The 2001 cases of seditious intent against Tanzania Labor Party chairman Augustine Mrema and LEAT President Rugemeleza Nshala and LEAT leader Tundu Lissu, which regarded the purported mining deaths, were still pending at year's end. The Government denied registration to the African Human Rights and Justice Protection Network because it considered the NGO "too political."

The International Criminal Tribunal for Rwanda War Crimes (ICTR) continued to be hosted in Arusha. The Government has been supportive of and cooperative with the ICTR.

The Commission for Human Rights and Good Governance accepts outside requests for and initiates investigations into human rights abuses committed by the Government, companies, or individuals, such as police brutality, torture, incidents of mob justice, violations of women's and refugee rights, and labor grievances. The Commission is also mandated to act as a plaintiff in a trial; however, it does not have judicial powers. Furthermore, it has no jurisdiction over matters pending before a court or other tribunal (the Commission can make recommendation for remedies but courts must decide on them), any dispute that involves the Presidents, or relations between the Government and a foreign state or international organization. The Commission also has no legal mandate to operate in Zanzibar but the Government of Zanzibar has agreed to allow the Commission to investigate cases on Zanzibar.

Critics of the Commission criticized the organization's lack of independence from the Government, arguing that it would render the entity ineffective. Critics specifically pointed to the selection process used to choose commissioners, in which five commissioners are appointed by the President based on the recommendation of a government selection committee. However, NGOs viewed the Commission's work favorably, and some sent cases to the Commission for investigation.

At year's end, the Commission was under funded, understaffed, and overburdened by the caseload of 2,000 unresolved labor grievances. However, the Commission was more active both in hearing complaints and conducting targeted human rights programming during the year. By June, it had received more than 5,000 cases, 30 percent of which it said it had investigated.

In response to the Mbeya suffocation deaths of 17 prisoners in November 2002, the Commission conducted a country-wide prison inspection during January to assess prison management and overcrowding, and receive complaints from prisoners. Their official findings and recommendations had not been released by year's end. At year's end, the Commission continued hearing testimonies in a case brought by 135 villagers from Nyamuma in the Mara Region who accused the Government of burning their houses and food reservoirs in 2001 to displace them from the Serengeti National Park.

Section 5. Discrimination Based on Race, Sex, Disability, Language, or Social Status

The Constitution prohibits discrimination based on nationality, ethnicity, political affiliation, race or religion; however, the Government did not always effectively en-

force these prohibitions. Discrimination based on sex, age, or disability was not prohibited specifically by law but was discouraged publicly in official statements. Discrimination against women, refugees, and ethnic minorities persisted, and societal ethnic tensions continued to be a problem.

The Tanzania Parliamentarians' AIDS Coalition (TAPAC) addressed discrimination against persons infected with HIV/AIDS. However, there were reports that discrimination—including limitations on housing, healthcare, and education—continued to occur against the 2 million persons in the country living with HIV/AIDS. There were isolated reports that private employers fired or did not hire persons based on the perception that they had HIV/AIDS.

Women.—Domestic violence against women remained widespread. The law does not specifically prohibit spousal battery. Action rarely was taken against perpetrators of physical abuse against women. Police often had biases against pursuing domestic abuse cases and demanded bribes to investigate allegations. Traditional customs that subordinate women remained strong in both urban and rural areas, and local magistrates often upheld such practices. It was accepted for a husband to treat his wife as he wished, and wife beating occurred at all levels of society. Women have been punished by their husbands for not bearing children. Cultural, family, and social pressures prevented many women from reporting abuses to authorities. The Tanzania Media Women's Association (TAMWA), reported that as many as 60 percent of women were beaten by their husbands.

The law provides for life imprisonment for persons convicted of rape; however, rape continued to be a serious problem. Several persons were prosecuted and convicted for rape and battery under this law during the year. Sexual and gender-based violence continued to be a problem in the refugee camps (see Section 2.d.).

During the year, there was a reported increase in rape cases in Zanzibar. One official estimated that the majority of rape cases went unreported, and only 5 percent of actual rape cases were filed in a court of law. According to a Zanzibar High Court judge, those cases that were filed were often rejected in court due to a lack of evidence. Some police reportedly advised rape victims to clean themselves before going to hospitals for examinations, which contributed to the removal of important evidence. According to the Vuga Deputy Court Magistrate, between 2000 and June, 118 rape cases were filed at the Vuga Resident Magistrate's Court in Zanzibar; however, by year's end, none of the accused had been convicted, and 74 cases were still pending.

Between 10 and 18 percent of the female population underwent female genital mutilations (FGM). According to a 2002 survey conducted by the LHRC, based on data obtained through recent interviews and past surveys, FGM was performed on females in about half of the country's mainland regions, with the extent of the abuse varying by region. In Arusha and Tarime, FGM was openly and defiantly practiced before local authorities, with a prevalence rate of 85 percent among rural females in each region; in addition, approximately 100 percent of Arusha's Maasai females underwent FGM. Other regions with high FGM prevalence rates included Dodoma (68 percent), Mara (44 percent), and Kilimanjaro (37 percent).

The law prohibits the practice of FGM on any female under the age of 18; however, FGM still was performed at an early age by approximately 20 of the country's 130 main ethnic groups. There was no legal protection for adult women. On October 11, 3 women were sentenced to 30 years in prison for performing an FGM procedure on a 10-year-old girl in Singida, which resulted in the girl's death in July 2002. No action was taken in the October 2002 death of a young girl following an FGM procedure in Dodoma.

Reducing the practice of FGM remained difficult because police did not have adequate resources to protect victims, and some regional government officials favored the practice or feared speaking out against it because of the perceived political consequences of opposing FGM and the power of traditional leaders who supported FGM. Many communities were unaware of the law prohibiting FGM for females under 18, and some communities viewed the law as an unjust threat to societal tradition. A lack of medical information on the harmful and long-term health effects of FGM was also a problem; many communities believed FGM increased fertility, reduced sexual desires leading to prostitution, and reduced infant mortality. Many fathers believed they would receive higher "bride prices" for daughters who had undergone FGM; operators of FGM relied on the practice for income; and even when parents opposed the practice, some girls nonetheless underwent FGM to benefit from the traditional celebrations and gifts given by their communities following the mutilation.

Seminars sponsored by the Government and NGOs were held regularly to educate the public on the dangers of FGM and other traditional practices, such as the tradi-

tion of inherited wives, which critics contended contributed to the spread of HIV/AIDS.

The law prohibits prostitution; however, it remained common, including child prostitution. Poor rural woman, young girls immigrating to urban areas, and refugees were at high risk of engaging in prostitution. Prostitution resulting from sex tourism, particularly in Zanzibar, remained a problem (see Section 6.f.).

The law prohibits sexual harassment against women in the workplace. Male colleagues sometimes harassed women seeking higher education, and the authorities largely ignored the practice.

Although the Government advocated equal rights for women in the workplace, it did not ensure these rights in practice. In the public sector, which employed 80 percent of the salaried labor force, certain statutes restricted women's access to some jobs or hours of employment (see Section 6.e.). While progress on women's rights was more noticeable in urban areas, strong traditional norms still divided labor along gender lines and placed women in a subordinate position. Discrimination against women was most acute in rural areas, where women were relegated to farming and raising children and had almost no opportunity for wage employment. The Land Act overrides customary law if it denies women their right to use, transfer, and own land. Women's rights of co-occupancy are also protected.

The overall situation for women was less favorable in Zanzibar. Although women generally were not discouraged from seeking employment outside the home, women in Zanzibar and on many parts of the mainland faced discriminatory restrictions on inheritance and ownership of property because of concessions by the Government and courts to customary and Islamic law. While provisions of the law provide for certain inheritance and property rights for women, the application of customary, Islamic, or statutory law depended on the lifestyle and stated intentions of the male head of household. The courts have upheld discriminatory inheritance claims, primarily in rural areas. Under Zanzibar law, unmarried women under the age of 21 who become pregnant were subject to 2 years' imprisonment (see Section 1.f.).

Several NGOs provided counseling and education programs on women's rights problems, particularly sexual harassment, sexual and gender-based violence, molestation, and woman's legal rights.

Children.—Government funding of programs for children's welfare remained low. The Government made some constructive efforts to address children's welfare, including working closely with UNICEF and other international and local organizations to improve the well-being of neglected children and the country's 2 million orphans.

The law provides for 7 years of compulsory education through the age of 15; however, primary education, while tuition-free on the mainland, was not tuition-free in Zanzibar. Fees were charged on Zanzibar for books, uniforms, and enrollment beyond Form 2, the equivalent of the second year of high school; as a result, some children were denied an education. Parents also paid for uniforms on the mainland. The law provides for free primary school education for all children under the age of 12 on the mainland; however, there were inadequate numbers of schools, teachers, books, and other educational materials to meet the demand. In some cases, children were unable to attend school because poorly paid teachers demanded money to enroll them. The primary school dropout rate was between 30 and 40 percent, and net primary school enrollment/attendance was 47 percent. The literacy rate was approximately 70 percent; for girls it was 57 percent compared with 80 percent for boys. The rate of girls' enrollment in school was lower than that of boys and generally declined with each additional year of schooling. In some districts, the attendance of girls continued to decline as the result of the need to care for younger siblings, household work, and early marriage, often at the behest of parents. Despite a law to permit pregnant girls to continue their education following maternity absences, the practice of forcing pregnant girls out of school continued.

Corporal punishment in schools was a problem. For example, in November, a pupil at Mandangeni Kirua Vunjo Primary School in Moshi Rural District was admitted to the Kilimanjaro Christian Medical Centre (KCMC) after his teacher allegedly beat him with a ruler.

Two thirds of new cases of HIV/AIDS infections occurred among youths. Both UNICEF and World Vision have HIV/AIDS awareness programs for children.

FGM was performed on girls, primarily in the central region (see Section 5, Women).

The law criminalizes child prostitution and child pornography. The minimum age for protection from sexual exploitation is 18 years. Under the law, sexual intercourse with a child under 18 years is considered rape regardless of consent; however, the law was not effectively enforced in practice because it was customary for girls as young as 14 years of age to be considered adults for the purposes of sexual

intercourse and marriage. Child marriages are sanctioned under the law with parental consent for girls 12 years of age and older. There were reports of child prostitution and other forms of trafficking in children (see Section 6.f.).

There were reports that Burundian rebels recruited children from refugee camps in the country for use in Burundi as child soldiers and domestic servants in rebel camps.

Child labor was a problem (see Section 6.d.).

There were an estimated 815,000 children orphaned by AIDS. There were significant numbers of street children in both Dar es Salaam and Arusha. In the refugee camps, orphans were generally absorbed into other families. Those who were not absorbed generally qualified as extremely vulnerable individuals and received additional support and counseling.

Persons with Disabilities.—Although there was no official discrimination against persons with disabilities, in practice, persons with physical disabilities effectively were restricted in their access to education, employment, and other state services due to physical barriers. The Government did not mandate access to public buildings, transportation, or government services for persons with disabilities and provided only limited funding for special facilities and programs.

Indigenous People.—Pastoralist tribes experienced discrimination in schools for wearing traditional dress or ornaments. Government policy requires all children attending schools to wear uniforms.

National/Racial/Ethnic Minorities.—The Barabaig and other nomadic persons in the north continued to seek compensation for past government discrimination seeking to make them adopt a more modern lifestyle and to restrict their access to pastoral lands that were turned into large government wheat farms.

The Asian population, which was viewed unfavorably by many African citizens, was approximately 50,000 persons. There were no laws or official policies that discriminated against Asians; however, as the Government placed great emphasis on market-oriented policies and privatization, public concern regarding the Asian minority's economic role increased. This concern led to demands by small, populist opposition parties for policies of "indigenization" to ensure that privatization did not increase the Asian community's economic predominance at the expense of the country's African population.

Section 6. Worker Rights

a. The Right of Association.—The law provides for workers to form and join unions, and the workers exercised this right in practice. The Union and Zanzibar Governments separately enforced worker rights. The labor law that applies to the mainland applies to both public and private sector workers, but restricts the right of association for those workers broadly defined as "essential" because it limits their right to strike. The labor law in Zanzibar applies only to private sector workers.

Approximately 350,000 of the country's 2 million persons employed in the private formal sector were organized. An estimated 2 to 4 percent of the workforce was unionized. Registered trade unions nominally represented 50 percent of workers in industry and government. An estimated 5 to 8 percent of the agricultural work force was unionized. Union membership continued to decline during the year primarily due to the growth in the informal sector and the general sentiment that unions remained ineffective. All workers, including those classified broadly as essential service workers, were permitted to join unions.

The Trade Union Act permits workers to form unions voluntarily without requiring membership in an umbrella organization. There were a total of 12 unions operating in the country by year's end, including the teacher's union, which was the largest and most active union, as well as health workers' unions, and other job-specific groups. The Trade Union Congress of Tanzania was the coordinating union umbrella group that 10 of the unions belonged to and was the principal liaison with government on labor matters of a general interest.

The law permits the Registrar of Trade Unions to impose large fines, imprisonment, or both for failing to register a trade union. The Registrar also was permitted to deregister the smaller of two trade unions when more than one existed in an industry and to order the smaller union to rescind memberships. The Registrar can suspend a trade union for contravening the law or the union's own rules, suspend a union for 6 months on grounds of public order or security, and invalidate the union's international trade union affiliation if certain internal union procedures are not followed. The Registrar did not use these powers during the year.

The Security of Employment Act prohibits discriminatory activities by an employer against union members. Employers found guilty of anti-union activities were required under the law to reinstate workers. The Warioba Commission found that

bribes often determined whether a worker dismissed from his job was actually reinstated. The labor law in Zanzibar does not protect trade union members from anti-union discrimination; however, there were no reports of anti-union discrimination during the year in Zanzibar.

Unions were permitted to affiliate with international bodies. The local transport union was affiliated with the International Federation of Transport Unions, and the teacher's union was affiliated with Educators International.

b. The Right to Organize and Bargain Collectively.—Collective bargaining was protected by law but did not apply to the public sector, and collective bargaining occurred. The Government sets wages for employees of the Government and state-owned organizations administratively, although privatization and reductions in public sector employment reduced the number of such employees to approximately 5 percent of the work force.

Unions negotiated directly with the Association of Tanzanian Employers on behalf of private sector members. Collective agreements must be submitted to the Industrial Court for approval and may be refused registration if they do not conform with the Government's economic policy. The International Labor Organization (ILO) observed that these provisions were not in conformity with ILO Convention 98 on Collective Bargaining and the Right to Organize. By 2002, 11 of the 12 unions had collective bargaining agreements.

Workers had the legal right to strike only after complicated and protracted mediation and conciliation procedures leading ultimately to the Industrial Court, which received direction from the Ministry of Labor Youth Development, and Sports. If a union was not satisfied with the decision of the Industrial Court, it then could conduct a legal strike. The mediation and conciliation procedures can prolong a dispute for months without resolving it. There were no laws prohibiting retribution against legal strikers. Frustrated workers staged illegal wildcat strikes and walkouts pending a resolution of their cases in the Industrial Court.

There were no formally sanctioned strikes during the year but there were two wildcat strikes: A 3-day absentee strike by workers at the National Bank of Commerce and one by the association of daladala drivers (local buses) in Zanzibar. Essential workers were not permitted to strike.

The law provides for the establishment of export processing zones (EPZs); there were three EPZs on Zanzibar and three on the mainland. EPZ working conditions were comparable to those in other areas. Labor law protections applied to EPZ workers.

c. Prohibition of Forced or Bonded Labor.—The Constitution prohibits forced or bonded labor, including by children; however, there were reports that such practices occurred (see Sections 6.d. and 6.f.). Subsequent laws have limited the prohibition by allowing for unpaid work for community development projects and prison labor. In some rural areas, villagers still were obligated by law to work without pay in the village community gardens or on small construction projects such as repairing roads.

The Prisons Act allows for prisoners to work without pay on projects within the prison, such as on agriculture so the prison could be self-sufficient. In practice, prisoners were used to do forced labor on projects outside of the prison, such as road repair and government construction projects.

There continued to be reports that forced and bonded labor by children occurred (see Sections 5 and 6.d.).

d. Status of Child Labor Practices and Minimum Age for Employment.—Child labor continued to be a problem. The Government prohibits children under the age of 14 from working in the formal wage sector in both urban and rural areas; however, the law did not apply to children working on family farms or herding domestic livestock. Children between the ages of 12 and 15 may be employed on a daily wage and on a day-to-day basis, with parental permission, and they must return to the residence of their guardian at night. The law provides that the minimum age for contract work in approved occupations is set at 15 years; however, this was also not respected.

The law prohibits young persons from employment in any occupation that is injurious to health and that is dangerous or otherwise unsuitable. The Ministry of Labor, Youth Development, and Sports is responsible for enforcement; however, the number of inspectors was inadequate to monitor conditions. The effectiveness of government enforcement reportedly declined further with increased privatization.

The ILO estimated that the labor force participation rate of children was 60 percent in rural areas and 28 percent in urban areas. According to a government survey released during the year, of the estimated 12 million children aged 5 to 17 years old, 4.7 million were engaged in economic activities. According to the ILO, up to 25

percent of these children were suspected to be engaged in some kind of exploitative child labor or hazardous industries. The ILO and UNICEF reported that children who left home to work as domestic laborers in other towns or villages often were subjected to commercial sexual exploitation. Children worked in mines, commercial agriculture, or as domestic laborers, child soldiers, or prostitutes.

Approximately 3,000 to 5,000 children engaged in seasonal employment on sisal, tea, tobacco, and coffee plantations. Children working on plantations generally received lower wages than their adult counterparts, even if in comparable jobs. Work on sisal and tobacco plantations was particularly hazardous to children. Between 1,500 and 3,000 children worked in unregulated gemstone mines. Small children, so-called "snake boys," worked in dangerous tanzanite mines where deaths were known to occur. Unlike in previous years, there were no reports of snake boy deaths during the year. Girls often were employed as domestic servants, mostly in urban households and sometimes under abusive and exploitative conditions. In the informal sector, children assisted their parents in unregulated piecework manufacturing.

Several government ministries, including the Ministry of Labor, Youth Development, and Sports, the Bureau of Statistics, and the Department of Information Services, have special child labor units. The Government implemented a program for the elimination of child labor. The Government also worked with the ILO on the "Time Bound Program to Eliminate the Worst Forms of Child Labor." By June, the program had withdrawn and rehabilitated 3,667 children from the worst forms of child labor. The program includes education for withdrawn children and small monetary grants to their families to insure that the children do not re-enter the worst form of child labor.

e. Acceptable Conditions of Work.—The legal minimum wage for employment in the formal sector was \$53 (48,000 shillings) per month. Even when supplemented with various benefits such as housing, transport allowances, and food subsidies, the minimum rate was not always sufficient to provide a decent standard of living for a worker and family, and workers depended on their extended family or on a second or third job. Despite the minimum wage, most workers, particularly in the growing informal sector, were paid less.

There was no standard legal work week for private sector workers; however, a 5-day, 40-hour work week was in effect for government workers. Most private employers retained a 6-day, 44- to 48-hour work week. In general, women could not be employed between 10 p.m. and 6 a.m., although this restriction was usually ignored in practice. Several laws regulate safety in the workplace. The Ministry of Labor and Social Welfare and Youth Development managed an Occupational Health and Safety Factory Inspection System; however, its effectiveness was limited. Labor standards were not enforced in the informal sector, and a large percentage of the workforce was employed in the informal sector.

Workers could sue an employer through their union if their working conditions did not comply with the Ministry of Labor's health and environmental standards. A labor complaint must be filed before a Labor Officer, who convenes a hearing where the employer and employee state their cases. The employee or employer can appeal that decision to the Minister of Labor and Social Welfare and Community Development. Some labor officers were corrupt and accepted bribes from employers to not accept or certify these complaints. There were no reports that workers who lodged and won such complaints faced retribution; however, workers did not have the right to remove themselves from dangerous situations without jeopardizing their employment if they lodged a complaint and lost. Legal foreign workers have the same wage and working condition rights as other workers.

f. Trafficking in Persons.—The law prohibits trafficking of persons for sexual purposes, but not other forms of trafficking, and trafficking remained a problem. Trafficking for sexual purposes punishable by 10 to 20 years of imprisonment, or a fine of \$100 (100,000 shillings) to \$300 (300,000 shillings). No one has ever been sentenced under this law. Other laws could be used to prosecute trafficking, such as labor laws against forced and bonded labor.

The Ministry of Labor, Youth Development, and Sport and the Ministry of Community Development, Women's Affairs, and Children, and the police have a shared responsibility for trafficking.

In early October, the police arrested and charged a woman and a man for trafficking five children in the Iringa region; by year's end, there were no further developments. On October 21, Police Spokesperson, Assistant Commissioner of Police, Aden Mwamunyange, issued a warning in Iringa to parents not to hire out their children as domestic workers. He also announced the police were beginning an investigation into the rise of child trafficking in Iringa region. There was no further information at year's end.

The country was a source and destination country for trafficked persons. Children were trafficked from rural to urban areas for work (see Section 6.d.). The ILO and UNICEF reported that children who left home to work as domestic laborers ("housegirls") in other towns or villages often were subjected to commercial sexual exploitation. Some girls were trafficked to Zanzibar from different parts of the mainland and Kenya to work as prostitutes for Zanzibaris and in the tourist industry. There were unconfirmed reports that the women and girls may have been trafficked to South Africa, the Middle East, North Africa, Europe, and the United States. The country was also a destination for trafficked persons from India and Kenya.

There were reports that children in the country's large refugee population were highly vulnerable to being trafficked to work on farms, and some refugees were recruited as child soldiers for participation in armed conflicts in neighboring countries (see Section 5). Children in low-income families were at significant risk of being trafficked, and girls were more vulnerable than boys, as girls were considered more of an economic burden on their families. The country was also experiencing a boom in the number of child-headed households as more adults succumbed to HIV/AIDS-related disease and death, leaving their dependents at very high risk for child labor and trafficking.

Awareness of trafficking in persons in the country remained extremely low, and there were very few estimates or statistics on the extent of trafficking. However, according to KIWOHEDE, a local NGO that provided counseling to abused and exploited women and children, the southern Iringa region was the origin of up to 20 percent of the country's domestic labor or housegirls. Five other regions of the country—Mtwara, Shinyanga, Kagera, Dar es Salaam, and Dodoma—provided approximately 10 percent of the total number of housegirls. Most domestic child laborers were trafficked to Dar es Salaam. Some were sent with assistance from their family; some went on their own to escape life in rural areas; and some were brought by someone who had offered to help them find work in the city, legitimate or otherwise.

Another NGO, the Center for Human Rights Promotion reported that men recruited village girls who had completed primary school but were not entering secondary school. They offered the girls money and employment, and promised a better life if the girls accompanied them to the urban areas. These girls reportedly ended up in prostitution or domestic labor.

One form of trafficking that occurred in the country was the traditional practice of low-income parents entrusting a child to a wealthier relative or respected member of the community who was charged with caring for the child as one of his or her own. Some persons took advantage of this traditional practice and placed the child in a situation where he or she was at risk of being exploited and/or abused. Many parents were unaware of the risk to their children or, because of extreme poverty and lack of education, thought they simply had no other recourse. Most commonly, girls were sent to work as house girls, and boys to work on farms, in mines, and in the large informal sector.

There were reports that government officials employed children as domestic help; on occasion, conditions of domestic employment constituted forced labor, and sometimes placement and transport to households was organized by small scale free-lance agents who recruited children from rural villages. Some police reportedly received bribes from brothel owners for protection from arrest. The Government took no action against government officials engaged in trafficking.

The Government provided short-term medical training and health care supplies to an NGO working with trafficking victims, and in cases where trafficked foreign women were arrested for prostitution, the women were repatriated to their country of origin. However, the Government participated in the ILO's Time Bound Program to Eliminate the Worst Forms of Child Labor to help end child prostitution and child domestic labor. To understand the extent of trafficking and remedies for trafficking, the Child Labor Unit of the Ministry of Labor established in May a working group comprised of representatives from the MHA and the Ministry of Community Development, Women's Affairs, and Children.

Small domestic NGOs worked with trafficking victims, including child prostitutes and domestic laborers to provide them with education, shelter, and legal information. There were no government or NGO media campaigns to inform the public about the dangers of trafficking specifically, but there were media campaigns to educate persons about the worst forms of child labor.

TOGO

Togo is a republic dominated by President Gnassingbe Eyadema, who came to power in 1967 following a military coup. Eyadema and his Rally of the Togolese People party (RPT), strongly backed by the armed forces, continued to dominate political power and maintained firm control over all levels of the country's highly centralized Government. In December 2002, the newly elected National Assembly modified the Constitution, which had limited the President to two 5-year terms, and permitted President Eyadema to seek re-election. Contrary to a public statement that he would not seek re-election, President Eyadema ran against four opposition party leaders and one independent candidate on June 1, and his RPT party declared victory, claiming 57.22 percent of the vote. The election was marred by voter inability to access their registration cards, and the Government failed to investigate allegations of irregularities, including intimidation of opposition party monitors and the stuffing of ballot boxes. The executive branch continued to influence the judiciary.

The security forces consist of the army (including the elite Presidential guard), navy, air force, the Surete Nationale (including the national police), and the Gendarmerie. The police and Gendarmerie perform domestic intelligence functions. Approximately 90 percent of the army's officers and 70 percent of its soldiers are from the President's Kabye ethnic minority. President Eyadema effectively controlled all security forces. Members of the security forces committed serious human rights abuses.

Approximately 80 percent of the country's estimated population of 5 million was engaged in subsistence agriculture, but there was also an active commercial sector. Economic growth continued to lag behind population growth. The Government privatized one large hotel during the year. Anti-corruption efforts continued, but the Government's budgetary and fiscal discipline continued to be weak. International and bilateral donors continued to suspend foreign aid because of the Government's weak democratization efforts, poor human rights record, and failure to repay its debts.

The Government's human rights record remained poor, and it continued to commit numerous abuses. Citizens' right to change their government was restricted. Security forces committed unlawful killings and beat civilians. Impunity was a serious problem. The Government jailed and at times tortured political opponents and critics of the Government. Prison conditions remained very harsh. Arbitrary arrest and detention were problems. Several political arrests occurred, and prolonged pretrial detention was common. The judiciary did not ensure fair and expeditious trials. Security forces often infringed on citizens' privacy rights. The Government and the security forces restricted freedom of speech and of the press and harassed journalists and political opponents. The Government restricted freedom of assembly, association, and movement. The National Commission for Human Rights (CNDH) continued to be dominated by supporters of the President, and the Government restricted and impeded the work of independent human rights groups. Violence and societal discrimination against women remained problems. Female genital mutilation (FGM) persisted among some ethnic groups. Discrimination against ethnic minorities remained a problem. The Government limited workers' rights to collective bargaining. Child labor was a problem. Trafficking in women and children remained problems.

RESPECT FOR HUMAN RIGHTS

Section 1. Respect for the Integrity of the Person, Including Freedom From:

a. Arbitrary or Unlawful Deprivation of Life.—Security forces committed unlawful killings during the year. For example, during the June election, Special Security Force for the Presidential Election (FORSEP) officers killed three civilians, Kokou Akama and Kossi Egbla, a Union of Forces for Change (UFC) representative, at a polling station in Tsevie, and Komi Eklutse Kpoedzou in Kpadape, in two separate clashes. According to press reports, FORSEP officers patrolling the voting stations fired on voters who tried to stop the voting process after asserting that ballot boxes were already filled before the voting started. Voters also alleged that they were not allowed to vote because their voter registration cards could not be found. Angry voters burned tires and blocked roads in an effort to stop the voting. No action was taken against the FORSEP members who killed the civilians by year's end.

One person died during the year when police and demonstrators clashed (see Section 2.b.).

In August, the Togo Civil Society Organization for National Dialogue's (CNCS) Human Rights and Public Freedoms Committee investigated the report that the bodies of seven soldiers reportedly were found in a ravine in the central part of the country. Although no bodies were found, the CNCS asked the Government to allow

the government agency, the National Commission for Human Rights (CNDH), to investigate. There were no results reported at year's end.

There was no action taken, nor was any action likely to be taken, in the cases of unlawful killings from previous years.

b. Disappearance.—There were no reports of politically motivated disappearances. No action was taken, nor is any likely to be taken, on the 2001 U.N./Organization of African Unity Commission of Inquiry report of the disappearance in 1998 of six persons. The Government has denied it had anything to do with their disappearances.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The law prohibits torture and physical abuse of prisoners and detainees; however, security forces often beat detainees after arresting them. Some suspects credibly claimed to have been beaten, burned, or denied access to food and medical attention. Impunity remained a problem, and the Government did not prosecute publicly any officials for these abuses.

Security forces reportedly detained and tortured opposition members (see Section 1.d.).

Security forces harassed, intimidated, and beat journalists (see Section 2.a.).

Security forces forcibly dispersed demonstrations and injured persons (see Section 2.b.).

There was no action taken, nor was any likely to be taken, against those responsible for the following cases: The June 2002 alleged beating of two opposition Action Committee for Renewal (CAR) party members by security forces; the 2001 alleged torture and incommunicado detention of former Army Chief of Staff Lieutenant Colonel (LTC) Kouma Bitenewe; and the 2001 beating by security forces of two UFC members in the northern city of Kara.

Prison conditions remained very harsh, with serious overcrowding, poor sanitation, and unhealthy food. At year's end, Lome's central prison, meant to hold 350 prisoners, held 1,285 inmates, including 39 women prisoners. Medical facilities were inadequate, and disease and drug abuse were widespread. Lawyers and journalists reported that prison guards charged prisoners a small fee to shower, use the toilet, or have a place to sleep. Sick prisoners reportedly had to pay approximately \$2.75 (1,500 CFA francs) to guards before being allowed to visit the infirmary.

The children of convicted women were often incarcerated with their mothers, who were housed separately from the male prisoners. Juvenile prisoners were held separately from adults. Pretrial detainees were not held separately from convicted prisoners.

The International Committee of the Red Cross (ICRC) visited prisons during the year; however, other international and local private organizations were denied access to prisons for monitoring purposes. Diplomatic representatives were given access to their detained citizens.

d. Arbitrary Arrest, Detention, or Exile.—The Constitution prohibits arbitrary arrest and detention; however, the Government generally disregarded these prohibitions.

Police are generally ineffective and highly corrupt. FORSEP, established to avoid possible clashes during elections, was composed of members of various police units. Impunity was a problem. The Government in general did not investigate or punish effectively those who committed abuses, nor did it prosecute persons responsible in previous years for unlawful killings and disappearances.

Judges or senior police officials are authorized to issue warrants. Although detainees have the right to be informed of the charges against them, police sometimes ignored this right. The law allows authorities to hold arrested persons incommunicado without charge for 48 hours, with an additional 48-hour extension in cases deemed serious or complex. Family members and attorneys officially had access to a detainee after 48 or 96 hours of detention; however, authorities often delayed, and sometimes denied, access. The law stipulates that a special judge conduct a pretrial investigation to examine the adequacy of evidence and decide on bail; however, in practice detainees often were held without bail for lengthy periods with or without the approval of a judge.

The Government continued to use brief investigative detentions of less than 48 hours to harass and intimidate opposition activists and journalists (see Section 2.a.). The Government at times has resorted to false charges of common crimes to arrest, detain, and intimidate opponents. For example, in January, military police reportedly photographed and followed five members of a newly formed political party named Republican Opposition Front (FOR) after they met with diplomats. Security forces reportedly arrested and searched the homes of three FOR members while the other two fled to Benin.

On February 9, security forces arrested and detained Marc Palanga, a UFC leader in the North, and three other persons at the Gendarmerie of Kara. The arrestees claimed that on at least two occasions they were taken to Camp Landja and tortured by military personnel. No reason was ever given for their arrest, and they were released without charge on February 17. Shortly after his release Palanga received treatment for injuries sustained while in detention. On February 22, gendarmes from Kara re-arrested Palanga on suspicion of having a gun, and accused him of making false allegations that he was tortured during his earlier detention against LTC Ernest Gnassingbe, the President's son and commander of the Kara Paracommandos military base. At year's end, Palanga was still detained without any formal charges brought against him. One of the men arrested with him, Mazama Katassa, escaped in September and reported that Palanga's wife was arrested and detained for several hours on September in retribution for the escape.

On May 11, Jean-Pierre Fabre, Secretary General of UFC, and four others were arrested and detained in connection with the police investigation of the burning of the TOTAL gas station and the bombing at the restaurant l'Okavango on May 7 following the National Assembly's rejection of opposition leader Gilchrist Olympio's presidential candidacy. The Minister of Interior said that police wanted to verify if there was a link between these crimes and what he alleged was Fabre's call for violence the previous day (see Section 3).

On June 9, Mr. Kodjo Kondo, campaign director for presidential candidate Dahuku Pere in the Plateaux region, was arrested and detained at police headquarters for 3 days without any official charge.

In February, Kokou Avigan and Alabi Sofoiu, members of the CAR political party, arrested in September 2002, were released from jail without being formally charged or tried.

After forcibly dispersing demonstrations during the year, members of the security forces arrested and detained participants, sometimes without charges (see Section 2.b.).

A shortage of judges and other qualified personnel, as well as official inaction, resulted in lengthy pretrial detention—in some cases several years—and confinement of prisoners for periods exceeding the time they would have served if tried and convicted. Lawyers estimated that in January 70 percent of the prison population was pretrial detainees (see Section 1.c.).

The Constitution prohibits exile, and the Government did not employ it; however, several opposition and human rights workers remained in self-imposed exile because they feared arrest.

In May, a former Army Chief of Staff, LTC Kouma Bitenewe, fled to Benin after he claimed that members of the Kara Paracommandos Regiment headed by LTC. Gnassingbe attacked him in Kara. An opposition party leader reported that, prior to the attack, Lt. Col Bitenewe had visited several army camps and encouraged military personnel to vote for presidential candidates other than President Eyadema. Bitenewe remained outside the country at year's end.

e. Denial of Fair Public Trial.—The Constitution provides for an independent judiciary; however, in practice the executive branch continued to exert control over the judiciary.

There were three associations of magistrates in the country: The Union of Magistrates of Togo (SMT), the National Association of Magistrates (ANM), and the Professional Association of Magistrates of Togo (APMT). A majority of the APMT members are supporters of President Eyadema. Judges who belonged to the pro-Eyadema APMT reportedly received the most prestigious assignments, while judges who advocated an independent judiciary and belonged to the ANM and SMT were marginalized.

The Constitutional Court stands at the apex of the court system. The civil judiciary system includes the Supreme Court, Court of Sessions, and Appeals Courts. A military tribunal exists for crimes committed by security forces; its proceedings are closed. The court system remained overburdened and understaffed. Magistrates, like most government employees, were not always paid on time.

The judicial system employs both traditional law as well as the Napoleonic Code in trying criminal and civil cases. Trials were open to the public, and judicial procedures generally were respected. Defendants have the right to counsel and to appeal. The Bar Association provides attorneys for the indigent. Defendants may confront witnesses and present evidence on their own behalf.

In rural areas, the village chief or council of elders is authorized to try minor criminal and civil cases. Those who rejected the traditional ruling could take their cases to the regular court system, which was the starting point for cases in urban areas.

There was a report of one political prisoner, Marc Palanga, at year's end. Claude Ameganvi, leader of an opposition labor party and union activist who was convicted in 2002 for defamation of the President, was released in February.

f. Arbitrary Interference with Privacy, Family, Home or Correspondence.—The Constitution prohibits such practices; however, security forces often infringed on these rights. In criminal cases, a judge or senior police official may authorize searches of private residences, and in political and national security cases, the security forces need no prior authorization. Police conducted searches without warrants, looking for arms caches as well as for criminals, often under the guise of searching for identity cards. Armed security checkpoints existed throughout the country, and security forces regularly searched vehicles, baggage, and individuals in the name of security (see Section 2.d.).

Security forces entered private residences for the purpose of disrupting meetings among opposition political figures (see Section 2.b.).

Citizens believed that the Government monitored telephones and correspondence, although such surveillance was not confirmed.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution provides for freedom of speech and of the press; however, the Government restricted these rights in practice. The Government repeatedly harassed and intimidated print media journalists through threats, detentions, and criminal libel prosecutions. Civilian and military police occasionally harassed newspaper vendors and confiscated issues of some opposition newspapers. Advertisers reported being intimidated. Unlike in the previous year, independent newspapers were permitted to circulate outside of the capital. Journalists practiced self-censorship. Pro-opposition newspapers were not permitted to operate in most towns in the central and northern regions.

The Press and Communication Code restricts freedom of expression in the country. The law imposes a 5-year term of imprisonment and a \$7,600 fine for any journalist found guilty of defaming military or government officials. The severest penalties were reserved for offenses to the “honor, dignity . . . and the public functions” of “the President, Prime Minister, National Assembly president, parliamentarians, members of government and public institutions.” The law set standards of professionalism for journalists and required that the licenses of journalists could be revoked if they were convicted more than once of offenses such as defamation or if they violated standards of professional conduct. In addition, the law requires independent newspapers to ensure their reporting staffs are at least one-third “professional journalists,” a status accorded only by the Government. Unlike in the previous year, no one was charged with defamation.

The Constitution established the High Authority of Audiovisual and Communications (HAAC) to provide for the freedom of the press, ensure ethical standards, and allocate frequencies to private television and radio stations. Although nominally independent, in practice HAAC operated as an arm of the Government. In July, the Togolese Council of Editors of Private Press (CTEPP) was formed with a \$1,800 (1 million CFA francs) grant from President Eyadema ostensibly intended to strengthen the professionalism of independent journalists. Media organizations that predate the CTEPP, including the Association of Press Editors (ATEPP) and Union of Editors and Press (UGEP), insisted that the establishment of the CTEPP was an attempt by the Government to guide resources to select publications.

Despite government interference, there was a lively independent press, most of which was heavily politicized, and some of which was highly critical of President Eyadema. More than 15 privately owned newspapers published with some regularity. The only daily newspaper, Togo-Presse, was government-owned and controlled. There were several independent newspapers that published on weekly and biweekly schedules. The official media heavily slanted their content in favor of the President and the Government.

Radio remained the most important medium of mass communication. Some private radio stations broadcast domestic news; however, they offered little of the political commentary and criticism of the Government that was widespread in the print media.

The government-owned Television Togo and the independent TV-2 were the only major television stations in the country. TV-2 carried France-based TV-5's international news programming. Three smaller television stations operated during the year but their broadcasts were limited to certain areas, and their content primarily was of a religious nature.

On March 26, the Government barred the foreign press corps from working in the country. The Committee to Protect Journalists (CPJ) severely criticized the Government's decision and believed it stemmed from foreign reporters' declining to cover

a government-sponsored seminar on elections in Africa. After a few weeks, the Government lifted the March informal ban on foreign reporters.

In December 2002, publication manager of *Le Courrier du Citoyen*, Nikoue Djahlin Sylvestre, was arrested on the premises of HAAC for publishing an article that criticized President Eyadema's decision to seek re-election. While Djahlin was in jail a second article was published and attributed to him: "Rights violation in Togo: kill us all and reign on our bodies." Djahlin was charged with "incitement to rebellion" for the first article and released in May, after a 5-month detention.

In February, Kodjo Saliadin, editor of the private journal *Tribune du Peuple*, was charged with "Outrage to the National Police" for an article that alleged a UFC activist, Anoumou Ekoe, had been arrested for participating in a UFC demonstration in September 2002. Saliadin was released in October. At year's end, he was awaiting trial.

Members of the security forces frequently threatened, arrested, and detained journalists, sometimes without charging them with any offense. For example, on June 14, police arrested two journalists, Dimas Dzikodo and Jean de Dieu Kpakpabia, in a cyber café. Dzikodo had in his possession photographs of alleged victims of security force brutality that he had received anonymously. The two journalists claimed they were subsequently beaten severely around the wrists, legs, and ankles during the detention. The following day a third journalist, Philip Evegnon, was arrested. After 38 days of detention, Evegnon and Kpakpabia were found not guilty and released. Dimas Dzikodo was found guilty of "attempting to publish false information" and fined \$877 (500,000 CFA francs).

The Government interfered with several radio stations during the year. On January 30, police raided Nana FM, a private radio station that often broadcast programs critical of the Government and confiscated the transmitter and amplifier. The equipment was returned 12 hours later, and Nana FM resumed broadcasting. Although Director Peter Dogbe was told by Pitang Tchalla, Minister of Communication, that it was a mistake that his materials were confiscated, security forces subsequently notified the station that it had to vacate its premises. The station had been located in the middle of a Lome market that provided a large, accessible audience. On February 28, the station moved to a new location.

In February, the HAAC ordered Tropik FM, a popular station that frequently featured opposition members, to stop broadcasting until further notice. Tropik resumed broadcasting 1 month later.

There was no pre-publication censorship of print media in law or practice; however, journalists practiced varying degrees of self-censorship, and security forces frequently interfered with the distribution of newspapers.

HAAC was charged with ensuring equal access to state media, as mandated by the Constitution; however, during the month prior to the presidential elections, the President was given an inordinate share of airtime. Opposition candidates were allowed 10 minutes to present their platforms, and, in many cases, their broadcasts were edited extensively. President Eyadema, on the other hand, was given 45 minutes to 1 hour to present his case.

The Togolese Media Observatory (OTM), a nongovernmental organization (NGO) established to protect press freedom and to improve the professionalism of journalists, continued to operate. OTM's board and membership included both government and private journalists. During the year, it met regularly to discuss journalistic ethics and professional standards.

The Government did not restrict access to the approximately 15 Internet service providers in the country. Most Internet users were businesses rather than households. Access to the Internet and fax machines also was available in many small stores and cafes in Lome and other cities.

Unlike in the previous year, the Government did not restrict academic freedom. The University of Lome remained calm during the year. There were no political demonstrations on the campus, but security forces maintained a presence there. A government informer system continued to exist. Reportedly, gendarmes went undercover on campus and registered for classes. Teachers' salaries and students' stipends were rarely paid on time. During the year, tuition was increased to \$90 (50,000 CFA francs). Two pro-Eyadema student groups, the High Council of the Student's Movement (Haut Conseil des Mouvements Etudiants) and the General Union of Students and Interns of Togo (Union General des Etudiants et Stagiaires du Togo), continued to operate. The independent student organization Student Committee of the University of Lome (CEUL) became inactive after two elected representatives, Kondi Gnandi and Kodjo Gbodzisi, were expelled from the University in 2001 for organizing student rallies that demanded improvement of campus facilities.

b. Freedom of Peaceful Assembly and Association.—The Constitution provides for freedom of assembly; however, the Government restricted this right in practice. Op-

position political parties were rarely permitted to hold public meetings in Lome, and authorities systematically interfered with the freedom of political opponents to assemble in the central and northern regions. Government officials prohibited, and security forces forcibly dispersed, public demonstrations critical of the Government.

If a political party wishes to hold a demonstration or rally on public property, it is required to obtain permission from the Minister of the Interior; however, if a political party intended to hold a rally on private property, permission was not required. During the 2 weeks prior to the June presidential election, political parties were allowed to hold public rallies, if traffic and business operations were not disrupted.

In March, 27 UFC party supporters were arrested at the home of a UFC member at the start of a weekly meeting and detained for 2 days. Although they reported that they were not physically abused, their UFC membership cards were confiscated and their homes were searched during their detention.

On September 25, a public demonstration against the Government in the northern city of Mango resulted in the death of one civilian. Government officials went to Mango to discuss relocation of settlers illegally occupying land designated as a nature reserve; however, demonstrators confronted them. Military police from the nearby army camps of Kara and Dapaong fired into the crowd, killing one person and injuring several others. Military personnel were not arrested or charged; however, a member of the opposition UFC party was arrested for inciting the riot and remained detained at year's end.

No known action was taken, nor is any likely to be taken, against security forces that used excessive force when dispersing demonstrations in 2002 and 2001.

Under the Constitution, citizens have the right to organize associations and political parties; however, the Government restricted this right in practice. While political parties were able to elect officers and register, opposition party offices were not permitted to operate in most towns in the central and northern regions.

There were many NGOs; they were required to register with the Government.

c. Freedom of Religion.—The Constitution provides for freedom of religion, and the Government generally respected this right in practice.

The Government has established requirements for recognition of religious organizations outside the country's three main faiths, Roman Catholicism, Protestantism, and Islam, which were officially recognized. Other religions were required to register as associations. The Interior Ministry issues official recognition. From January until October, all 11 associations that had applied were registered. Upon filing with the Ministry, associations were given a receipt allowing them to begin operations. The Civil Security Division also has enforcement responsibilities when there are problems or complaints associated with a religious organization. If an application provided insufficient information for recognition to be granted, the application often remained open indefinitely. Members of groups that were not officially recognized could practice their religion but did not have legal standing.

For a more detailed discussion, see the 2003 International Religious Freedom Report.

d. Freedom of Movement within the Country, Foreign Travel, Emigration, and Repatriation.—The Constitution provides for these rights; however, the Government restricted them in practice. Armed security checkpoints and arbitrary searches of vehicles and individuals were common. Undisciplined acts of some soldiers manning roadblocks, such as frequent demands for bribes before allowing citizens to pass, impeded free movement within the country. During the presidential campaign, opposition party members alleged that the Government prevented them from traveling and campaigning in the North and from entering certain towns.

In August, police detained Jean Pierre Fabre of the UFC for 4 hours while he was trying to cross the Benin border with his family on vacation. He was then taken to the Magistrate's office, where he was ordered to appear before the Magistrate the following Monday. He was escorted home and prevented from leaving for several days. No charges were ever filed and no reasons were provided for the detention.

The Government permitted citizens to use a national identity card instead of a passport for travel to other member countries of the Economic Community of West African States (ECOWAS). Unlike in previous years, the Government did not require that a married woman have her husband's permission to apply for a passport.

Although the law does not include provisions for the granting of refugee status and asylum to persons who meet the definition in the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol, in practice, the Government provided protection against refoulement and granted refugee status or asylum. The Government did not always cooperate with the Office of the U.N. High Commissioner for Refugees (UNHCR) and other humanitarian organizations in assisting ref-

ugees during the year. UNHCR reported on January 30 that the Government rejected the U.N.'s request to take approximately 7,000 Liberian refugees endangered in Cote d'Ivoire.

In December 2002, UNHCR estimated there were 11,000 refugees from Ghana living in the North, near the cities of Bassar, Sotouboua, and Dankpen. A total of 508 Ghanaian refugees were in the process of being repatriated at year's end. According to the Government, there were approximately 800 refugees (mostly from Rwanda and the Democratic Republic of the Congo) registered in Lome and an approximate 1,200 additional refugees living in rural villages. According to 2002 UNHCR estimates, approximately 1,600 Togolese refugees lived in Benin and another 800 in Ghana.

Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government

The Constitution provides for the right of citizens to change their Government peacefully; however, the Government restricted this right in practice. Presidential elections were held June 1. The election was marred by violence and numerous irregularities (see Sections 1.a. and 1.d.). The President used the military to intimidate and harass citizens and opposition groups (see Sections 1.d. and 2.b.). The presence of often heavily armed security forces produced an intimidating atmosphere prior to election day. President Eyadema's RPT party claimed to have garnered 57.22 percent of the vote in the June 1 presidential election. This official result did not match unofficial counts carried out by opposition monitors in polling stations. Emanuel Bob Akitani of the UFC claimed that he won the election with 70.77 percent of the vote but presented no reliable supporting evidence. The National Council of Election Monitoring (Conseil National de Surveillance des Elections), an electoral committee set up by a network of nongovernmental organizations (NGOs), and the National Consortium of Civil Society (Concertation National de la Societe Civil), an active human rights group, determined the results of the election to be: Emanuel Bob Akitani, 36.31 percent; Maurice Dahuku Pere, 22.96 percent; President Gnassingbe Eyadema, 22.27 percent. However, even these figures were considered by some observers to be unreliable. The international observers for the election were invited and supported by the Government and did not include groups with internationally recognized reputations as objective and neutral observers. The Constitution provides for disputing an election; however, the three complaints filed by opposition parties were all dismissed by the Constitutional Court without a legitimate investigation. Following the June 1 presidential elections, three opposition parties filed complaints with the Independent Electoral Commission (CENI), which referred them to the Constitutional Court. They alleged numerous irregularities in the voting process. Neither the CENI nor the Constitutional Court seriously investigated these irregularities. The entire process, including the decision not to investigate the complaints, lacked transparency.

On May 7, 2 days after the National Assembly rejected the candidacy of opposition leader Gilchrist Olympio, tire burnings occurred and a TOTAL gas station mini-mart (rumored to belong to a leading RPT official) was set on fire in Lome. Four persons were detained for questioning. Two leaders of the popular opposition party UFC, Jean Pierre Fabre and Patrick Lawson, were summoned for questioning. Lawson was detained but Fabre did not respond to the summons. On May 7, a bomb exploded at a popular restaurant in a residential area of Lome. No injuries were sustained and no one was arrested. In response to these two incidents and in anticipation of future possible clashes, on May 15 the Government established the FORSEP.

On June 1, the day of the election, a skirmish in the prefecture of Tsevie turned violent when voters alleged that ballot boxes were already filled when voting started and then they were prevented from casting ballots due to the lack of voter registration cards. Three people were killed by FORSEP officers, two in Tsevie and one in the Kpalime area (see Section 1.a.). One polling station in Tsevie was burned. The voting in that polling station was stopped, but voting continued throughout the rest of the country.

In August 2002, four leading opposition parties joined forces to create The United Opposition Front, known as Le Front, to demonstrate solidarity against the Government. Opposition parties that did not join Le Front included the UFC party of Gilchrist Olympio, the son of the former president who was assassinated in 1963, and the Opposition Pan-African Patriotic Convergence party of former Prime Minister Edem Kodjo. In spite of this show of unity, four opposition parties subsequently ran their own candidates in the June presidential election, once again splitting the opposition vote.

The Government and the State remained highly centralized. President Eyadema's national government appointed the officials and controlled the budgets of all sub-national government entities including prefectures and municipalities, and influenced the selection of traditional chiefs. The National Assembly has little authority or influence over President Eyadema and has limited influence on the executive branch of Government. The National Assembly largely approved the proposals of the President and the executive branch.

Long-delayed legislative elections were held in October 2002, but the opposition parties who were members of the Lome Framework Agreement boycotted the races. President Eyadema's RPT party won 72 out of 81 seats in the National Assembly. Three newly formed opposition parties and one independent candidate shared the remaining nine seats. The Government said voter turnout was 67 percent, a figure contested by the main opposition parties as well as some of the government-sponsored international election observers. There were reports of intimidation and fraud.

In December 2002, the newly elected National Assembly passed 34 modifications to the Constitution. President Eyadema promulgated the law on December 31. Among the changes was a revision of Article 59 eliminating the two-term limit for the Presidency. In addition, the new amendments lowered the age of presidential candidates from 45 to 35; stipulated only one round of voting for all future elections; and created a new legislative body, the Senate, to join the National Assembly in forming a bicameral Parliament. A residency requirement for presidential candidates was added, rendering the principal opposition leader Gilchrist Olympio ineligible to run. Many of the changes restored powers to the Presidency taken away by the Constitution, including new language strengthening the President's authority over national policy, the power to dismiss the Prime Minister, and the power to appoint a greater number of judges, especially to the country's highest bench, the Constitutional Court. The Constitutional Court was also tasked as final arbiter in resolving future election disputes.

In addition to removing the limit on presidential terms, legislation was passed during the year providing for the creation of prefecture, municipal, and regional councils. The legislation empowers members of the regional councils to vote for members of a Senate, which, along with the National Assembly, will comprise a bicameral Parliament. The legislation only provides Senate members the power to review proposed legislation.

There are no legal restrictions on the participation of women and ethnic minorities in government. There were 5 female members in the 81-member National Assembly, and there were 5 female ministers in the President's 20-member Cabinet. Members of southern ethnic groups were underrepresented.

Section 4. Governmental Attitudes Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

The Government generally allowed groups to investigate alleged violations of human rights; however, the Government occasionally threatened or hindered the activities of human rights activists and was inconsistent in following up on investigations of abuses. There were several domestic private human rights groups, including the Togolese Human Rights League (LTDH), the Center of Observation and Promotion of the Rule of Law (COPED), and the Togolese Association for the Defense and Protection of Human Rights (ATDPDH). Years of government threats and intimidation of human rights leaders, combined with a lack of results from human rights initiatives, have led some human rights groups to become inactive.

In June, following receipt of the annual Amnesty International (AI) report, senior officials reportedly called AI's local representative, Kwasi Gaglo, to the Presidential Palace to question him aggressively about the validity of the document and the process by which information had been gathered. Former officials of the domestic chapter of AI remained in exile.

On April 4, a foreign NGO, the National Democratic Institute (NDI), halted its program to train political parties in the objectives and practice of democracy and withdrew from the country after the Government made it impossible for NDI to perform its work.

The National Commission for Human Rights (CNDH) continued to be dominated by supporters of the President.

Section 5. Discrimination Based on Race, Sex, Disability, Language, or Social Status

The Constitution prohibits discrimination on the basis of ethnic group, regional or family origin, sex, religion, social or economic status, or personal, political, or other convictions; however, the Government did not provide effective redress for discrimination complaints. Discrimination against women and ethnic minorities remained problems. Members of President Eyadema's Kabye ethnic group and other

northern ethnic groups dominated much of the public sector, especially the military. Individuals with HIV/AIDS faced social discrimination, including rejection by their immediate families. Anti-retroviral medications to treat HIV/AIDS were not widely available in the country.

Women.—Domestic violence against women continued to be a problem. Police were not given any authority to protect women in abusive situations, and women were not made aware of the formal judicial mechanisms that would give them protection. As a result, the police rarely intervened in domestic violence incidents. Wife beating was estimated to affect approximately 10 percent of married women.

FGM continued to be practiced. The most commonly practiced form of FGM was excision, which usually was performed on girls a few months after birth. Most of the larger ethnic groups did not practice FGM; however, among the practicing groups rates ranged from 40 to 98 percent. FGM is illegal and penalties for practitioners ranged from 2 months to 5 years in prison as well as substantial fines. The law was rarely applied because most FGM cases occurred in rural areas where neither the victims nor the police understood the law. Traditional customs often superseded the legal system among certain ethnic groups. The Government continued to sponsor seminars to educate and campaign against FGM. Several NGOs, with international assistance, organized educational campaigns to inform women of their rights and how to care for victims of FGM.

There was some trafficking of young women (see Section 6.f.).

The Constitution declares women equal under the law; however, women continued to experience discrimination, especially in education, pension benefits, and inheritance as a consequence of traditional law. A husband legally could restrict his wife's freedom to work or control her earnings. In urban areas, women and girls dominated market activities and commerce; however, harsh economic conditions in rural areas, where most of the population lived, left women with little time for activities other than domestic tasks and agricultural fieldwork. The Labor Code, which regulated labor practices, required equal pay for equal work, regardless of gender; however, this provision generally was observed only in the formal sector. Under traditional law, which applied to the vast majority of women, a wife has no maintenance or child support rights in the event of divorce or separation and no inheritance rights upon the death of her husband. Polygyny was practiced.

The Ministry of Social Affairs, Promotion of Women, and Protection of Children, along with independent women's groups and related NGOs, continued to campaign actively during the year to inform women of their rights.

Children.—Although the Constitution and family code laws provided for the protection of children's rights, in practice government programs often suffered from a lack of money, materials, and enforcement. Although the law protected children, there were many practices that discriminated against children, especially girls.

The Government provided education in state schools, and school attendance was compulsory for both boys and girls until the age of 15. Approximately 79 percent of children aged 6 to 15 years, mostly boys, attended school. In that age group, approximately 92 percent of boys and 92 percent of girls started primary school; however, only an estimated 43 percent of boys and 23 percent of girls reached secondary school. Approximately 3 percent of boys and 0.6 percent of girls reached the university level. Literacy rates were 57 percent for adult men and 45 percent for adult women. During the year, the General Directorate of Education Planning in the Ministry of Education estimated one-third of the national budget was spent on education.

Orphans and other needy children received some aid from extended families or private organizations but little from the Government. There were social programs to provide free health care for poor children. In rural areas, traditionally the best food was reserved for adults, principally the father.

FGM was performed on approximately 12 percent of girls (see Section 5, Women).

There were reports of trafficking in children (see Section 6.f.).

Child labor was a problem (see Section 6.d.).

Persons with Disabilities.—The Government did not mandate accessibility to public or private facilities for persons with disabilities. Although the Constitution nominally obliged the Government to aid persons with disabilities and shelter them from social injustice, the Government provided only limited assistance in practice. There was no overt state discrimination against persons with disabilities and some held government positions. However, persons with disabilities had no meaningful recourse against private sector or societal discrimination, and in practice there was discrimination against persons with disabilities.

National/Racial/Ethnic Minorities.—The population included members of approximately 40 ethnic groups that generally spoke distinct primary languages and

were concentrated regionally in rural areas. Major ethnic groups included the Ewe (between 20 and 25 percent of the population), the Kabye (between 10 and 15 percent), the Kotokoli (between 10 and 15 percent), the Moba (between 10 to 15 percent), and the Mina (approximately 5 percent). The Ewe and Mina were the largest ethnic groups in the southern region and the Kabye was the largest group in the less prosperous northern region.

Although prohibited by law, societal discrimination on the basis of ethnicity was practiced routinely by members of all ethnic groups. In particular, discrimination against southerners by northerners and against northerners by southerners was evident in private sector hiring and buying patterns, in patterns of de facto ethnic segregation in urban neighborhoods, and in the relative rarity of marriages across the north-south ethnic divide. Discrimination extended into the public sector, where the centralization of the Government allowed little scope for regional or ethnic autonomy, except through the circumscribed authority of traditional rulers and the use of dispute resolution systems.

The relative predominance in private sector commerce and professions by members of southern ethnic groups, and the relative prevalence in the public sector and especially the security forces of members of President Eyadema's Kabye group and other northern groups, were sources of political tension. Political parties tended to have readily identifiable ethnic and regional bases: The RPT party was more represented among northern ethnic groups than among southern groups; the reverse was true of the UFC and CAR opposition parties.

In addition, due to the congruence of political divisions and ethnic and regional divisions, human rights abuses motivated by politics at times had ethnic and regional overtones.

Unlike in the previous year, there were no reports of violence involving ethnic Ibos from Nigeria.

Section 6. Worker Rights

a. The Right of Association.—The Constitution provides most workers with the right to join unions; however, security forces, including firefighters and police, did not have this right.

The Constitution also prohibits discrimination against workers for reasons of sex, origin, beliefs, or opinions. The World Bank estimated that the country's total workforce was approximately 2 million persons, and the formal sector accounted for approximately 20 percent of the economy. Approximately 60 to 70 percent of the formal sector workforce were union members or supporters.

The Labor Code prohibits foreign nationals from performing administrative or management functions in trade unions.

There were several major trade union federations, including the National Confederation of Togolese Workers (CNTT), which was closely associated with the Government; the Labor Federation of Togolese Workers (CSTT); the National Union of Independent Syndicates (UNSI); and the Union of Free Trade Unions.

The Labor Code prohibits anti-union discrimination, and there were no reports that such discrimination occurred. The Ministry of Labor is charged with resolving labor-related complaints, but it did not always do so effectively.

Federations and unions are free to associate with international labor groups. The CNTT and the UNSI were affiliates of the International Confederation of Free Trade Unions, and the CSTT was an affiliate of the World Confederation of Labor.

b. The Right to Organize and Bargain Collectively.—The Labor Code nominally provides workers with the right to organize and bargain collectively; however, the Government limited collective bargaining to producing a single nationwide agreement that had to be negotiated and endorsed by representatives of the Government, labor unions, and employers. All formal sector employees were covered by the collective bargaining agreement that set nationwide wage standards for all formal sector workers. The Government participated in this process both as a labor-management mediator and as the largest employer in the formal sector, managing numerous state-owned firms that monopolized many sectors of the formal economy. Individual groups in the formal sector could attempt to negotiate agreements more favorable to labor through sector-specific or firm-specific collective bargaining, but this option was rarely used.

The Constitution provides most workers the right to strike; however, security forces and government health workers did not have this right. Government health care workers could join unions. There is no specific law prohibiting retribution against strikers by employers. There were no strikes during the year.

The law allowed the establishment of export processing zones (EPZs). Many companies had EPZ status, and more than 30 were in operation. The EPZ law provides exemptions from some provisions of the Labor Code, notably the regulations on hir-

ing and firing. Employees of EPZ firms did not enjoy the same protection against anti-union discrimination as did other workers. Workers in the EPZs were prevented from exercising their freedom of association because unions did not have free access to EPZs or the freedom to organize workers.

c. Prohibition of Forced or Bonded Labor.—The law does not specifically prohibit forced or bonded labor, including by children, and children sometimes were subjected to forced labor, primarily as domestic servants (see Sections 6.d. and 6.f.).

d. Status of Child Labor Practices and Minimum Age for Employment.—Child labor was a problem, with many children being employed in the agricultural sector, working on family farms. Some children started working as young as 5 years of age. These children routinely missed at least two-thirds of the school year. In some cases, children worked in factories.

The Labor Code prohibits the employment of children under the age of 14 in any enterprise. For some types of industrial and technical employment, the minimum age is 18. Inspectors from the Ministry of Labor enforced these age requirements but only in the formal sector in urban areas. In both urban and rural areas, particularly in farming and small scale trading, very young children traditionally assisted in their families' work. In rural areas, parents sometimes placed young children into domestic work in other households in exchange for one-time fees as low as \$25 to \$35 (15,000 to 20,000 CFA francs).

The Ministry of Health, Social Affairs, Promotion of Women, and Protection of Children was responsible for enforcing the prohibition of the worst forms of child labor; however, few resources were allotted for its implementation, and enforcement was weak. In July, the Ministry of Health, Social Affairs, Promotion of Women, and Protection of Children was divided into two ministries, and the new Ministry of Social Affairs, Promotion of Women and Protection of Children was responsible for child labor concerns.

e. Acceptable Conditions of Work.—The Government sets minimum wages for different labor categories, ranging from unskilled through professional positions. In practice less than the official minimum wage often was paid, mostly to unskilled workers. Official monthly minimum wages ranged from approximately \$20 to \$33 (14,700 to 23,100 CFA francs) and did not provide a decent standard of living for a worker and family. Many workers supplemented their incomes through second jobs or subsistence farming. The Ministry of Labor was responsible for enforcement of the minimum wage system but did not enforce the law in practice.

Working hours of all employees in any enterprise, except for the agricultural sector, normally were not to exceed 72 hours per week; at least one 24-hour rest period per week was compulsory, and workers were expected to receive 30 days of paid leave each year. The law requires overtime compensation, and there were restrictions on excessive overtime work; however, the Ministry of Labor's enforcement was weak, and employers often ignored these provisions.

A technical consulting committee in the Ministry of Labor sets workplace health and safety standards. It may levy penalties on employers who do not meet the standards, and employees have the right to complain to labor inspectors of unhealthy or unsafe conditions without penalty. In practice, the Ministry's enforcement of the various provisions of the Labor Code was limited. Large enterprises were obliged by law to provide medical services for their employees and usually attempted to respect occupational health and safety rules, but smaller firms often did not.

Workers have the legal right to remove themselves from unsafe conditions without fear of losing their jobs; however, in practice some could not do so.

Labor laws do not provide protection for legal or illegal foreign workers.

f. Trafficking in Persons.—The law does not prohibit specifically trafficking in persons, although other statutes against kidnapping, procuring, and other crimes linked to trafficking were used to prosecute traffickers, and trafficking was a problem. The country remained a country of origin, transit, and destination for trafficking in persons, primarily children. More young girls than boys were the victims of trafficking. Trafficking in women for the purpose of prostitution or nonconsensual labor as domestic servants occurred.

Local committees were voluntarily set up in every region, and without financial or legal support, these committees investigated reports of trafficking. The Government had little or no funding to investigate traffickers or trafficking rings. The police had limited success in intercepting victims of trafficking, and prosecution of traffickers was rare. In 2001, the Government reported that 297 children had been trafficked from the country. Most persons that security forces arrested or detained for trafficking ultimately were released for lack of evidence. No records were available of the number of individual traffickers who were prosecuted during the year.

Government agencies involved in anti-trafficking efforts included the Ministry of Social Affairs and Protection and Promotion for Family and Children, the Ministry of Health; Ministry of the Interior and Security; the Ministry of Justice; and security forces (especially police, army, and customs units). The Government cooperated with the Governments of Ghana, Benin, and Nigeria under a Quadripartite Law allowing for expedited extradition among those countries.

The majority of the country's trafficking victims were children from the poorest rural areas, particularly those of Kotocoli, Tchamba, Ewe, Kabye, and Akposso ethnicities and mainly from the Maritime, Plateau, and Central regions. Adult victims usually were lured with phony job offers. Children usually were approached by friends or family acquaintances. Children sometimes were trafficked abroad by parents misled by false information. Sometimes parents sold their children to traffickers for bicycles, radios, or clothing.

Children were trafficked into indentured and exploitative servitude, which amounted at times to slavery. Victims were trafficked elsewhere in West Africa and to Central Africa, particularly Cote d'Ivoire, Gabon, Nigeria; Europe, primarily France and Germany; and the Middle East, including Saudi Arabia. Children were trafficked to Benin for indentured servitude and to Cote d'Ivoire and Ghana for domestic servitude. Boys were trafficked for agricultural work in Cote d'Ivoire and domestic servitude and street labor in Gabon. They were fed poorly, clothed crudely, cared for inadequately, and not educated or permitted to learn a trade. There were reports that young girls were trafficked to Nigeria for prostitution.

The country was a transit point for children trafficked from Burkina Faso, Ghana, Cote d'Ivoire, and Nigeria. There were credible reports that Nigerian women and children were trafficked through the country to Europe (particularly Italy and the Netherlands) for the purpose of prostitution.

From February 2001 to February 2002, the Government reported that authorities intercepted 351 children ages 10 to 17 in the process of being trafficked.

Traffickers were believed to be men and women of Togolese, Beninese, and Nigerian nationalities.

The Government provided limited assistance for victims. Terre des Hommes, an NGO, assisted recovered children until their parents or next-of-kin could be notified. Assistance was also available from a government-funded Social Center for Abandoned Children. NGOs have taken the lead in addressing this concern. CARE International-Togo, in collaboration with four local NGOs, developed a trafficking education and awareness program in three different regions of the country. During the year, ILO/International Program for the Elimination of Child Labor (IPEC) worked with other NGOs to increase awareness of the trafficking problem and to encourage the Government to pass and enact a law setting fines and penalties for anyone caught in the process of trafficking children.

The Government did not conduct public awareness campaigns during the year.

UGANDA

Uganda is a republic led by President Yoweri Museveni, who continued to dominate the Government following his reelection to a second 5-year term in March 2001. He has ruled since 1986 through the Movement, an organization that continued to receive state support and function both as a political party and a state institution. Movement supporters remained in firm control of the legislative branch. Election observers believed that the 2001 presidential and parliamentary elections generally reflected the will of the electorate; however, both were marred by serious irregularities, particularly in the period leading up to the elections, such as severe restrictions on political party activities, incidents of violence, voter intimidation, and fraud. A 2000 national referendum on the role of political parties extended the Movement form of government indefinitely and severely restricted political activities. However, a March 21 court decision ruled that two sections of the law preventing political parties from operating while the "Movement System" remained in place were unconstitutional. Other parties, though active in Parliament, have refused to register in protest of the continuing ban on most political party activities. The judiciary generally was independent but remained understaffed and weak; in addition, the President had extensive powers of judicial appointment.

The Uganda People's Defense Force (UPDF) was the key security force, and a civilian served as Minister of Defense. UPDF soldiers and members of Local Defense Units (LDUs) assisted the police in rural areas. The Internal Security Organization (ISO) remained under the direct authority of the President, and was an intelligence-gathering body; however, its operatives occasionally detained civilians. The

Chieftancy of Military Intelligence (CMI), under UPDF control, detained civilians suspected of rebel and terrorist activity. The police were organized as a national force under the authority of the Ministry of Internal Affairs. The UPDF continued "Operation Iron Fist" against rebels of the Lord's Resistance Army (LRA) in the northern and eastern and conducted operations against LRA sanctuaries in southern Sudan with the permission of the Sudanese government. To reinforce the Government's efforts, local leaders formed armed militia groups to fight the rebels. In June, the Government withdrew the UPDF from the Democratic Republic of the Congo (DRC) and international peacekeepers were deployed in Bunia and other areas. The country provided the use of its airfields and other logistical support for international peacekeepers; however, there continued to be reports that the Government supported militia activities in the DRC. While civilian authorities maintained effective control of the security forces, there were frequent instances in which elements of the security forces acted independently of government authority. Members of the security forces committed numerous serious human rights abuses.

The country's population was approximately 25.4 million. The economy grew at a rate of approximately 4.9 percent during the year. Agriculture accounted for approximately 40 percent of the total Gross Domestic Product (GDP), and foreign economic assistance accounted for approximately 48 percent of total government expenditures. Foreign investment was approximately 3 percent of GDP. The privatization of state-owned enterprises continued. The Government continued to take steps against corruption.

The Government's human rights record remained poor; although there were some improvements in a few areas, serious problems remained. Domination by the Movement of the political process limited the right of citizens to change their government. Security forces committed unlawful killings. Security forces were responsible for short-term disappearances. Torture by security forces and beating of suspects to force confessions were serious problems. Security forces were responsible for incommunicado detention, and prison conditions remained harsh and life threatening. The Government punished some security force officials who were guilty of abuses; however, impunity remained a problem. Arbitrary arrests and detention, including those of opposition politicians and their supporters, and prolonged pretrial detention were problems. Poor judicial administration, lack of resources, a large case backlog, and lengthy trial delays limited due process rights, including the right to a fair trial. Security forces at times infringed on citizens' privacy rights. The Government at times restricted freedom of speech, the press, and association, and severely restricted freedom of assembly. There were some limits on freedom of religion and movement. Domestic violence against women, rape, and abuse of children, particularly sexual abuse, remained serious problems. Discrimination against women and persons with disabilities remained problems. The Government at times recruited and used child soldiers. The Government worked with nongovernmental organizations (NGOs) to combat the practice of female genital mutilation (FGM), which occurred in some parts of the country. There continued to be limits on worker rights. Forced labor, including by children, occurred and child labor was common, mostly in the informal sector. There were reports of trafficking in persons. Vigilante justice remained a problem.

The LRA, led by Joseph Kony, committed numerous, serious abuses and atrocities. The LRA increased attacks in the northern and eastern parts of the country, and rebels routinely abducted, tortured, and killed civilians, including children. The LRA used children as soldiers, held children and others in slave-like conditions, and subjected female captives to rape and other forms of severe sexual exploitation during the year.

RESPECT FOR HUMAN RIGHTS

Section 1. Respect for the Integrity of the Person, Including Freedom From:

a. Arbitrary or Unlawful Deprivation of Life.—There continued to be unconfirmed reports of politically motivated killings by government forces, and members of security forces committed unlawful killings during the year.

During the year, the Government executed persons after denying them basic rights of due process. On March 3, the army executed by firing squad three UPDF soldiers. The military court martial found Private Richard Wigiri guilty of murdering Monica Achiro in December 2002, and a military court martial near Kitgum found the other two soldiers, Privates Kambacho Ssenyonjo and Alfred Okech, guilty of the January 4 killing of three civilians. The defendants reportedly did not have access to legal representation, and the execution was carried out approximately an hour after the sentences were passed.

According to Human Rights Watch, in late August, the Joint Anti-Terrorism Task Force (JATF) arrested Ismael Muviru, Mutwabil Walakira, Captain Sewamuwa Daudi, and another man whose name was not known, in Kampala and detained them without charge in Katikamu subcounty, Luwero District. On September 1, the CMI reportedly executed the men in Katikamu subcounty, Luwero District; there were no reports that the men were tried.

During the year, the UPDF conducted an investigation into accusations that the March 2002 execution of two UPDF soldiers was unconstitutional; the two soldiers were convicted in 2002 by a military court-martial for killing a priest, his cook, and his driver. The investigation found that the UPDF's execution of the two soldiers, which occurred 2 hours after the verdict's delivery and without granting the soldiers the right of appeal, was carried out according to the law. The father of one of the soldiers subsequently filed a case with the Uganda Human Rights Commission (UHRC) and claimed the execution was carried out for political reasons; the case remained pending at year's end.

During the year, there were credible reports that persons died as a result of torture by security forces. For example, in February, civilian John Binge died in custody after operatives of the Violent Crimes Crack Unit (VCCU) in Kampala allegedly tortured him. By year's end, no action had been taken in Binge's case.

On June 19, relatives of Nsangi Murisidi of Kampala and Amnesty International (AI) accused the VCCU of killing Murisidi after his arrest in Kampala by VCCU operatives on June 14. Following the arrest, Murisidi's family was denied access to him. On June 18, VCCU officers in Kireka provided a lawyer a death certificate that stated the causes of death were extensive loss of fluid and blood, severe bleeding in the brain, and extensive burns on the buttocks. By year's end, no action had been taken in Murisidi's case.

On August 6, the UHRC Tribunal in Kampala awarded Edward Wesonga, Member of Parliament (M.P.) for Bubulo East County, approximately \$16,500 (33 million shillings) as compensation for the death of his relative, Patrick Pongo, who died under mysterious circumstances while in a Tororo District police cell in 1998.

On September 1, the court in Gulu sentenced to death Kakira Prison warden Absolom Omolo Owiny for the December 2001 murder of Michael Wanok after the court determined that Owiny had tortured Wanok to death.

There were no developments in the case of Patrick Owomigisha Mamenero, who died in CMI custody in July 2002, allegedly due to torture with a blunt instrument or the case of a juvenile who died after inmates beat him in custody in Mbarara District in June 2002.

There were reports that police use of excessive force while dispersing gatherings resulted in deaths (see Section 2.b.).

During the year, members of the security forces continued to commit other unlawful killings. For example, on February 7, members of the Special Revenue Protection Services (SRPS) shot and killed a Congolese citizen, Rose Masika, at Lubirha Market near the border post of Mpondwe; she was reportedly killed in crossfire between SRPS officers and a robbery suspect. On February 15, Musa Eweru, the Kasese resident district commissioner, apologized for Masika's death and announced that the Government would pay approximately \$500 (1 million shillings) in compensation. At year's end, no payment had been made, and no action had been taken against members of the SRPS responsible for the killing.

On February 14, a UPDF soldier identified only as Lumumba allegedly strangled a civilian to death, reportedly in a personal dispute, at an army detachment at Alwal in Kilak County, Gulu District. M.P. Michael Ochula confirmed the killing, but the Government failed to take action against the soldier by year's end.

On May 1, UPDF soldiers killed Esther Angeyo, reportedly in an accidental shooting, outside the Pabbo Internally Displaced Persons (IDP) camp. In May, the Government announced that it would compensate Angeyo's husband, Mzee Nyero Santo Akol, for the death of his wife. At year's end, no payment had been made, and no action had been taken against the UPDF soldiers responsible for the killing.

On May 8, police in Kanungu District killed Joel Kamanyire, a head prefect of St. Augustine School, while trying to stop a students' riot. At year's end, two police constables reportedly had been arrested and an investigation was pending.

On July 11, police killed a student at Kitgum High School while trying to disperse rioting students. At year's end, there no action had been taken against the police officers responsible for the killing.

On August 4, police in Kiboga District killed a civilian and injured two others during a mission to evict 1,800 persons from disputed land that they were reportedly occupying illegally. During the year, there were no reports of action taken against the police officers responsible for the killing.

According to the Catholic Justice and Peace Commission (CJPC), on October 10, a UPDF soldier in Pader District in Gulu, arrested two mothers, raped one of them, and killed the other when she refused to have sex with him. The Commission also reported that on October 23, a UPDF soldier in Gulu District shot the driver of a vehicle that had just been involved in an accident; three other UPDF soldiers had died in the accident.

Unlike in the previous year, there were no reports that bystanders were killed as a result of "Operation Wembley," a 2002 anti-violent crime operation.

On September 17, the High Court in Kampala sentenced to death a police constable, Martin Oyat, for the murder of Makerere University student George Babigumira in July 2001.

There were no developments in the April 2002 killing of two farm workers in Sembabule District by the bodyguard of Lieutenant General David Tindefuza.

There were no developments in the case of the LDU officer arrested in May 2002, and charged with the murder of a 5-year-old child who was killed in the cross-fire between security personnel and thieves in Mukono District or the 2002 killing case of Peter Oloya, who allegedly tried to disarm a UPDF soldier during a prison transfer.

By year's end, there was no action taken against members of security forces responsible for campaign-related killings in 2001, including during interventions in clashes between supporters of different political candidates in various districts and counties, including Rukungiri District and Pabbo IDP camp in Kilak County, and other locations. There was no further action taken against unknown persons responsible for killings prior to the 2001 presidential election.

There were no developments in the following 2001 cases: The April shooting by LDU members of two persons and the injuring of another in Kabarole District, the August killing of Annet Nakimuli by a police constable during an eviction in Kampala, the killing of a woman and injuring of 14 persons by UPDF soldiers in an IDP camp in Kilak County, Gulu District.

During the year, security forces killed numerous civilians during conflict involving the LRA. For example, in February, UPDF soldiers reportedly shot and killed a Sudanese national in an ambush intended for LRA rebels at the Pabbo IDP Camp. At year's end, no action had been taken against the soldiers responsible for the killing.

On July 24, UPDF helicopter gunships killed 13 civilians in Pader District. In a similar incident on July 22, nine persons were killed in Obalang, Katakwi District. In July, the army mistook five civilians for LRA rebels, killing three and injuring two in Lira District. Although the Government instituted investigations into the three incidents, findings were not released by year's end, and no action had been taken against the UPDF soldiers responsible for the killings.

There was no action taken against UPDF soldiers responsible for the following 2002 killings: The August killing of two civilians by a helicopter gunship in Lira District, the September killing of Emmanuel Onencan who was mistaken for a rebel, the October killing in combat with LRA forces of a village official in Omoro County, Gulu District, and the killing of one person in the crossfire between UPDF troops and Allied Democratic Front (ADF) rebels in May 2002.

There were no reports of further developments in 2001 cases in which security forces were responsible for civilian deaths during confrontations with the LRA.

During the year, there were reports that UPDF members were responsible for killings and other abuses in the DRC. Both before and after the UPDF's withdrawal in June, there were numerous massacres and incidents of extreme violence during the ongoing conflict between various ethnic groups and their associated militias. Some of the worst abuses occurred in parts of northeastern DRC that were under UPDF control or influence. There were credible reports that some of these militias received arms and other support from the UPDF. Militia fighting resulted in the deaths of hundreds of civilians from the DRC. Independent observers often found access difficult due to hazardous security conditions and frequent impediments imposed by authorities.

In early March, approximately 30 civilians were killed in the DRC during a fight for control of Bunia between the UPDF and rebels of the Union of Congolese Patriots.

In July, the International Committee of the Red Cross (ICRC) rejected an August 2002 UPDF report of investigations into the 2001 killings of six relief workers in the Ituri District, DRC. In a communication to the army, ICRC said none of the UPDF responses provided convincing evidence of how the six staff members were killed. The organization demanded another thorough investigation into the killings. ICRC field operations remained suspended in Bunia, but ICRC staff were active in other parts of eastern DRC.

There were no developments in the cases of killings committed by unidentified assailants prior to the 2001 election.

LRA attacks increased significantly during the year, resulting in numerous atrocities. There were numerous LRA attacks on villages, and internally displaced person (IDP) camps in which persons were killed, injured, raped, mutilated, or abducted (see Sections 1.b., 2.d., and 5). During the year, LRA attacks resulted in the deaths of approximately 3,000 persons, including children; numerous injuries; and the destruction of homes and property. For example, on August 23, LRA rebels killed 50 civilians and burned down a primary school in Akeriau village in Katakwi District.

On September 1, LRA rebels killed 25 civilians when they ambushed a bus in Katine Sub-County, Soroti District.

On November 6, LRA rebels killed approximately 60 civilians, reportedly beheading some and burning or hacking to death others, and burned several thatched huts in the villages of Awayopiny, Alanyi, and Omarari, in Lira District.

No action was against LRA rebels who were responsible for numerous killings in 2002 and 2001.

During the year, the LRA increased its use of landmines, and there continued to be deaths and injuries resulting from LRA-laid landmines. For example, on August 1, one woman died and an unspecified number of civilians were injured in a landmine blast near the Amaseniko IDP camp in Katakwi District during an LRA attack. On October 30, 3 persons, including a UPDF soldier, died when a truck carrying 30 passengers in Katakwi District hit a landmine allegedly placed by the LRA. Between January and June, the UPDF disposed of 120 landmines allegedly placed by the LRA.

Armed cattle rustlers of the Karamojong ethnic group, pastoralists with a long tradition of raiding cattle, conducted raids during the year in Katakwi, Kotido, Kumi, Nakapiripirit, Moroto, Kaberamaido, Pader, Lira, and Kapchorwa Districts in the northeast. These raids resulted in more than 1,800 deaths, including the deaths of relief workers, and the displacement of 30,000 persons. For example, on May 30, Karamojong warriors killed World Vision Coordinator Davis Chelangat along Moroto-Nakapiripirit Road. In an effort to stop the killing of civilians by Karamojong warriors, the Government continued its Karamoja disarmament program (see Section 5). UPDF forces killed numerous persons during clashes with armed Karamojong warriors during the year.

There were no developments in the case of an August 2002 bombing incident or the 2001 series of urban bombings.

Incidents of vigilante justice were reported frequently during the year. There were numerous instances in which mobs beat, stoned, or burned to death individuals suspected of petty theft, witchcraft, or infidelity. For example, on June 15, two suspected thieves were burned to death by angry residents of Busoota in Mbale District.

During the year, authorities prosecuted persons who engaged in mob violence. For example, in August, a judge in Masaka sentenced three men to death after convicting them of the May 2001 murder of Benon Mmaali through mob justice in Sembabule District. In August, the Court of Appeal in Kampala sentenced to death two men who killed a robbery suspect in 1999 in Pallisa District.

There were a few reports of ritual killings of children during the year (see Section).

During the year, ethnic Pokot warriors from Kenya killed more than 60 civilians.

b. Disappearance.—There were no confirmed reports of politically motivated disappearances due to action by government forces; however, there continued to be some reported cases of disappearances during the year. In most cases, the person reported as disappeared was found after several days of incommunicado detention in the custody of police or security forces (see Section 1.d.).

Around January 2, former Makerere University guild president Peter Ojur reportedly disappeared while returning to the country from Kenya. In late December 2002, Ojur had left the country with his wife on the way to Nairobi; he supposedly left Nairobi for Uganda on January 2. On March 19, UPC chairman Dr. James Rwanyarare claimed that security services members had detained Ojur and that they might have killed him. However, family members claimed that security operatives had sought Ojur on several occasions to no avail, including after he had already disappeared. Police and army spokespersons denied having arrested or taken him into custody. His whereabouts were unknown at year's end.

There were no developments in the 2001 disappearance of Ahmed Mugere and Richard Mutebi, two supporters of opposition leader Kizza Besigye.

UNICEF reported that as many as 38,000 children and adults have been abducted since 1986 by rebel groups. Approximately 20,000 of the abductees were children taken by the LRA, and 20 percent of the adults were female.

During the year, the LRA significantly increased its abductions of civilians for training as guerrillas and as sex slaves, cooks, and porters; most victims were children and young adults. The LRA abducted an estimated 6,800 children and young girls between January and June (see Section 5). Some of these children escaped, were released, or were rescued during the year.

For example, on May 11, the LRA abducted 44 students from Sacred Heart Seminary in Gulu District. The rebels reportedly killed four students, and the UPDF rescued five. The whereabouts of the remaining students was unknown. On May 20, LRA rebels abducted 30 persons from Alebtong in Moroto and Otuoke counties in Lira District. On June 23, LRA rebels abducted 56 students from Lwala Secondary School in Katakwi District. The UPDF rescued 23, and 33 remained missing.

No further information was available on several persons abducted by rebels along with two elderly Italian priests in September 2002.

Unlike in previous years, there were no reports that the ADF abducted civilians.

The UPDF's Child Protection Unit continued to provide special treatment to rescued abductees upon arrival to military facilities. It also escorted them to NGO facilities, which provided physical assistance and counseling to the children and their families. The Government also worked closely with NGOs in the north to facilitate their assistance programs for amnesty seekers and rescued children; however, these programs were primarily financed by donors. The Amnesty Commission provided orientation and training to the country's embassies in Sudan and Kenya to better assist applicants, including former abducted child soldiers, enter into the amnesty program.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The Constitution prohibits such practices; however, there were widespread and credible reports throughout the country that security forces tortured and beat suspects in unregistered detention facilities to force confessions. The Uganda Human Rights Commission (UHRC) Tribunal confirmed several such allegations and ordered the Government to compensate the victims. In addition, there were many credible reports of torture committed by security forces, particularly the VCCU, which took over the functions of the 2002 anti-violent crime operation codenamed "Operation Wembley"; on occasion, the practice of torture resulted in death (see Section 1.a.). In March, the Reform Agenda (RA), an opposition political pressure group, called for a commission of inquiry into the alleged torture of political detainees. A commission appointed during the year found that security forces had not committed torture.

On May 28, the police reportedly tortured Bumali Mubiru. In June, a local human rights organization petitioned the Inspector General of Police, Major General Katumba Wamala, to order VCCU to stop torturing suspects in Mbale District and cited the case of Mubiru. By year's end, no action had been taken.

In September, the RA accused the VCCU of torturing Sam Okiring, the group's coordinator in Pallisa District. Okiring was allegedly beaten and denied food for several days following his arrest on August 15. By year's end, there was no investigation by the authorities.

Several persons claimed to have been tortured or beaten while in custody. There continued to be reports during the year that members of the LDUs, who frequently lacked training, mistreated prisoners and detainees; however, there were fewer reports than in the previous year.

In February, inmates in Kigo Prison complained to M.P.s that security forces were torturing them through the use of snakes and crocodiles. An inspection tour of the prison by foreign officials found that several prisoners showed a variety of scars. The prisoners bearing scars claimed they had been severely beaten by the Internal Security Organization in unregistered detention facilities known as "safe-houses." Following widespread public outcry and an exchange of accusations, the Parliamentary Subcommittee on Defense and Internal Affairs presented a report exonerating security forces of torture charges; however, several members of the subcommittee disputed the validity of the report. On July 16, the UHRC acting chairperson Joel Omara testified before the Legal and Parliamentary Affairs Committee that several persons in Kigo Prison had been tortured by security organizations and that CMI personnel were being used to illegally arrest and torture persons to encourage them to pay their financial debts.

Police and security forces at times harassed and detained opposition activists and journalists (see Sections 1.d. and 2.a.).

Unlike in the previous year, there were no reports that UPDF soldiers tortured persons in protected villages, IDP camps, and refugee camps.

There were reports that UPDF soldiers raped persons in protected villages and IDP camps. In addition, in districts affected by the LRA, there were allegations that security forces failed to provide adequate protection for "night commuter" women and girls traveling nightly from outlying camps and villages to seek safety from the

LRA in urban centers. There were several reported rapes and assaults by unidentified assailants committed against these young girls. According to one NGO, rapes committed against the night commuters had become so common that some parents sought cash payments from the perpetrators, thereby making the assault public knowledge.

The Government investigated some cases of abuse by security forces, and tried and punished some offenders (see Section 1.a.).

The UHRC Tribunal awarded compensation to several persons who had been abused by police. For example, on February 26, the UHRC Tribunal awarded approximately \$28,500 (59 million shillings) to Stephen Gidudu as compensation for 3 months of torture following his wrongful arrest by UPDF soldiers in Mbale District in 1997.

On April 3, the UHRC Tribunal ordered the Government to pay approximately \$11,000 (22 million shillings) to Bell Otto Opira for violation of his personal liberty and torture over a 43-day period following his arrest by UPDF soldiers in Gulu in April 2001.

On April 11, the UHRC Tribunal awarded approximately \$15,000 (30 million shillings) to Christopher Sajjabbi Nsereko after finding that torture by police caused him hearing loss and impotence following his arrest for unknown reasons in 1997.

On June 25, the UHRC Tribunal ordered the Government to pay approximately \$9,500 (19 million shilling) to British citizen Mahmood Hassouna after security agents wrongfully arrested and beat him on several occasions in 2002.

However, the Government failed to prosecute some persons who had allegedly committed abuses. There were no further developments in the March 2002 beating of civilians by UPDF soldiers in Achowa sub-country, the May 2002 assault of Esther Angela and Grace Aleper in Karamoja; and the August 2002 torture of a student by Lieutenant Julius Mwali.

There was no action taken against the UPDF soldiers and unidentified persons responsible for campaign-related abuses committed in 2001.

During the year, reports that security forces committed violations of humanitarian law decreased in the west, but remained a problem in the north due to the upsurge in LRA activity and government efforts to disarm the Karamojong in the northeast. The number of reported abuses against civilians by the Government increased during the year as a result of increased activities and abductions by the LRA. Civilians were frequently injured during fights between UPDF forces and rebels (see Section 1.a.).

LRA attacks on private homes, schools, churches, and IDP camps increased during the year, as did the LRA's use of landmines, and the LRA committed numerous atrocities. The LRA continued to abduct children and force them into virtual slavery (see Section 5).

There were numerous instances in which mobs attacked suspected thieves and other persons known or suspected to have committed crimes (see Section 1.a.). Motivated in part by distrust or misunderstanding of the formal judicial system, these mobs engaged in stonings, beatings, and other forms of mistreatment. Such mistreatment included tying suspects' wrists and ankles together behind their backs, stripping suspects of their clothes and parading them through the streets, and other forms of torture and inhuman or degrading treatment.

Prison conditions remained harsh and life threatening, primarily as a result of the Government's severely inadequate funding of prison facilities. In addition, there were several reports that security forces and guards tortured inmates. Prison conditions came closest to meeting international standards in Kampala, where prisons provided medical care, running water, and sanitation; however, these prisons also were among the most overcrowded. There were an estimated 18,100 inmates in the country's prisons and police cells. By one estimate, the country's prisons held approximately three times their planned capacity. The central prison system continued to work with NGOs and the donor community to improve prison buildings, water and sanitation systems, food, and the provision of uniforms; however, progress was minimal during the year. Although the law provides for access to prisoners by their families, ignorance of this right and fear of prison authorities often limited family visits. Prisoners held on charges of treason complained that security officers kept files on and harassed their visitors. The UHRC reported that it received allegations that officers in charge of police cells sometimes demanded bribes to allow visits.

In January, over 150 prisoners rioted in Butuntumala Prison in Luweero, complaining of poor diet and harsh punishments. In March, inmates of Kirinya Prison in Jinja rioted, complaining that they had been held for too long on remand. The prisoners demanded to be charged or released. In April, prisoners rioted in Mbale prison complaining that their one daily ration of corn meal was insufficient.

Inmates at most prisons grew maize, millet, and vegetables; however, the UHRC accused prison farms of overworking inmates (see Section 6.c.).

The Community Service Act reduces prison congestion by allowing minor offenders to do community service instead of being imprisoned. Since November 2001, 1,435 offenders have been sentenced to community service in the pilot districts of Mukono, Mpigi, Masaka, and Masindi.

Female prisoners were held in segregated wings with female staff in most prisons. According to human rights advocates, rape generally was not a problem, although female prisoners also suffered from severely substandard conditions. A project funded by a foreign government constructed 10 new prison houses for females this year. Due to lack of space in juvenile facilities, juveniles often were held in prisons with adults. The central prison system maintained one juvenile prison and four remand homes. School facilities and health clinics in all five juvenile institutions were defunct; prisoners as young as age 12 performed manual labor from dawn until dusk. Severe overcrowding also was a problem at juvenile detention facilities and in women's wings. The remand home in Kampala, designed for 45 inmates, held more than 80 children. In Kampala jails, pretrial detainees were kept separate from convicted prisoners; however, in the rest of the country, due to financial constraints, pretrial detainees and convicted prisoners sometimes were held together.

There were a number of deaths in custody, some due to torture (see Section 1.a.). Both civilian and military prisons were believed to have high mortality rates from overcrowding, malnutrition, diseases spread by unsanitary conditions, HIV/AIDS, and lack of medical care; however, accurate estimates were unavailable. According to the Prisons Department, 286 inmates died in custody between January and October. Approximately 60 percent of these deaths were due to HIV/AIDS-related diseases. During the year, government agencies sponsored or participated in several conferences on the judicial system and prison conditions, and worked closely with international and domestic human rights organizations on prison reform efforts.

During the year, the Government permitted access to prisons by foreign diplomats, the ICRC, and local NGOs, principally the Foundation for Human Rights Initiative (FHRI) and the Uganda Prisoners' Aid Foundation. The UHRC visited numerous prisons and reported on its findings publicly; however, during the year, the UHRC complained that it was not given access to UPDF detention facilities. Prison authorities required advance notification of visits, a process that often was subject to administrative delays.

d. Arbitrary Arrest, Detention, or Exile.—The Constitution prohibits such practices; however, members of the security forces arrested and detained citizens arbitrarily.

The police force is widely perceived to be ineffective both in urban and rural areas. Major constraints included lack of vehicles, equipment, and training, and low pay. Police committed numerous abuses, and impunity was a problem. During the year, Government and international donors provided a variety of different training programs to the police. There were also significant anti-corruption efforts, resulting in the dismissal of some local police officials.

LDUs operated principally in rural areas. Such forces consisted entirely of volunteers and were authorized to carry arms. Their principal purpose was to provide defense to populations affected by rebellions. However, in some cases, they also participated in offensive military operations and carried out police functions. The structure and legal mandate of LDUs were often unclear. Some LDUs committed abuses during the year, including killings and the recruitment and use of child soldiers.

By September, the Police Human Rights Desk had received 368 complaints concerning abuses allegedly committed during the year; 276 had been resolved but resulted in no prosecutions, and 92 were pending investigations.

In conjunction with the UHRC, the police continued a training program to educate officers on internationally recognized human rights standards. The UHRC and NGOs conducted similar programs with UPDF officials during the year. In addition, the police, UPDF, and the Prisons Department used a human rights manual in their training programs. The UPDF made attempts to improve relations between soldiers and civilians.

Under the Constitution, search warrants issued by competent judges or prosecutors are required to make an arrest; however, in practice, suspects often were taken into custody without warrants. A suspect must be charged within 48 hours of arrest and be brought to trial or released on bail within 120 days (360 days for a capital offense). Suspects must have access to a lawyer; however, there was no provision for family visitation. The Constitution provides for bail in all but capital cases and cases of treason. If the case is presented to the court before the expiration of this period, there is no limit pretrial detention. Detainees must be informed immediately of the reasons for their detention; however, in practice the authorities sometimes did

not enforce these procedural protections. The Anti-Terrorism Act permits suspects to be held for more than 48 hours without charge, repeals section 28 of the Penal Code that limits the definition of terrorism to illegal possession of firearms, and requires the death penalty for all convicted terrorists.

Several persons were detained under the Anti-Terrorism Act during the year. For example, in March, the General Court Martial charged policeman Benson Ikonyat with terrorism. He was allegedly found with army uniforms and guns at Amusu village in Kumi District in December 2002. The suspect denied the charge and was remanded to custody. It was not known whether he remained in detention at year's end.

On May 29, the General Court Martial charged a UPDF soldier, Corporal Patrick Olupot, and three civilians, Okello Luka, Hussein Emuut Alias Odong, and Umaru Okello, with terrorism. They were allegedly found with bullets, hand grenades, and five machine guns in Mulera, Kumi District, in August 2002. They were remanded after they denied the charge. It was not known whether they remained in detention at year's end.

Arbitrary arrest, including mass arrests known as "panda gari," remained a problem, and police at times harassed and detained opposition activists (see Section 2.b.). During the year, there were many reports of arbitrary detention; however, few were reported to human rights groups or verified independently.

On January 8, security forces arrested RA supporter Dan Magarura without a warrant at his home in Kampala. He remained missing for 12 days and was reportedly held in incommunicado detention. On January 21, he was charged in court with treason. It was not known if he had been released by year's end.

On January 12, security officials arrested Pascal Gakyaro, a supporter of the RA and former supporter of exiled former presidential candidate Besigye. On January 20, after the intervention of M.P. Issa Kikungwe and a High Court order to produce the civil servant, Gakyaro was presented by the Inspector General of Police before the High Court. At year's end, he was being held in Kigo Prison outside Kampala while the State considered charges of treason against him.

On May 2, security agents in Kabale arrested Patrick Biryomumaisho Kirasha and four others accused of recruiting persons for the People's Redemption Army (PRA) rebel group. They were taken to an unknown location in Kampala. At year's end, they remained in detention.

On July 4, UPDF soldiers arrested Gulu State's Attorney Sydney Asubo for having allowed the release of a suspected LRA collaborator. Asubo was later released after being detained at UPDF barracks in Gulu. The Director of Public Prosecution petitioned the UPDF to take action against the UPDF officer who ordered the illegal arrest; however, no action had been taken at year's end.

According to Human Rights Watch (HRW), in August, the JATF in Kampala detained 14 men, and 4 of the men were executed (see Section 1.a.). At year's end, the other 10 men reportedly continued to be held without charge at unofficial detention centers in Kampala.

Police at times detained journalists (see Section 2.a.).

Mass arrests remained a problem. For example, in early March, VCCU operatives arrested 270 suspected criminals in raids throughout Kampala; it was not clear on what evidence the persons were arrested. Half of them were released after a 2-day screening while more than 100 continued to be held without charge at year's end. On March 9, security agents arrested 120 persons in Mbale to screen them for criminal charges and free those against whom no charges could be filed; it was not known how many, if any, remained in detention at year's end. On March 31, UPDF soldiers arrested 100 civilians and 96 UPDF soldiers in Gulu in a sweep that targeted tax defaulters, suspected thugs, and UPDF soldiers engaged in illegal or unauthorized activities; it was not known how many, if any, remained in detention at year's end.

There were fewer reports during the year that LDU members arbitrarily arrested citizens.

On January 13, a Kampala court acquitted Winnie Byanyima, M.P for Mbarara Municipality and wife of opposition leader Besigye, of the 2001 charges of unlawful possession of a firearm.

On February 14, the High Court ordered the Attorney General to pay approximately \$115,000 (230 million shillings) to 21 persons arbitrarily arrested in September 2002, and detained by UPDF soldiers in the northern part of the country.

On March 17, Frank Byaruhanga was released from prison following a recommendation from the Amnesty Commission, a government body; he had been arrested on charges of treason in 2001.

There were no developments in the April 2002 civil lawsuit against the Attorney General for the illegal detention of former Besigye campaign manager Bob Kabushoga in January 2002; the September 2002 case of the 14 opposition youths

charged with treason in Gulu; the September 2002 case of Francis Malinga Egosot, a former Presidential Task Force secretary for Besigye, who filed harassment charges against the police following his arrest and short detention; or in the civil lawsuit filed against the Government for the wrongful detention and assault of Hajji Ramathan Muwonge in 2001.

Steven Mukama, Vincent Kasozi, and Henry Subi, who were reported missing in September 2002 and were later found in police custody, were awaiting resolution of the charges of terrorism, aggravated robbery, and illegal possession of arms at year's end.

Legal and human rights groups criticized the excessive length of detention prior to trial, which in many cases amounted to several years; such lengthy pretrial detentions both violated the constitutional rights of the detainees and contributed substantially to prison overcrowding (see Section 1.c.). Pretrial detainees comprised 60 percent of the prison population. The average time in pretrial detention was between 2 and 3 years. During the year, the UHRC heard several cases brought by prisoners challenging the length of their detention.

During the year, there were reports that civilians were detained in military barracks and unregistered detention facilities. There were credible allegations that the CMI ordered detainees held incommunicado at police stations or in so-called safe houses.

During the year, there were reports of political detainees. The RA alleged that more than 280 of its members had been arrested in 2002 and during the year due to their political opinions. The Government maintained that the arrests were lawful and that some of the individuals would be prosecuted for treason.

The Constitution does not prohibit forced exile; however, the Government did not use exile as a means of political control. During the year, some UPDF officers and Besigye supporters left the country. For example, in February and March, UPDF Colonel Edson Muzoora, Lieutenant Kashillingi, Major Tom Mugizi, and Captain Mohammed Kiwanuka allegedly fled the country to join anti-Museveni groups in Rwanda. In July, Justus Ssemakadde Katambari, a member of Uganda Young Democrats, a political organization, and key agent for Besigye in the Buganda region during the 2001 presidential elections allegedly fled the country for Rwanda due to harassment by security operatives.

Former presidential candidate Besigye and a number of persons on his national task force remained in self-imposed exile during the year.

Some former rebels returned to the country during the year under the 2000 amnesty program.

e. Denial of Fair Public Trial.—The Constitution provides for an independent judiciary. While the judiciary generally was independent, the President had extensive legal powers of judicial appointment. The President appoints Supreme Court, High Court, and Court of Appeal judges with the approval of Parliament. The President also nominates, for the approval of Parliament, members of the Judicial Service Commission, who make recommendations on appointments to the High Court, the Court of Appeal, and the Supreme Court. The lower courts remained understaffed, weak, and inefficient, and.

The highest court was the Supreme Court, followed by the Court of Appeal, which also functioned as the Constitutional Court for cases of first instance, the High Court, the Chief Magistrate's Court, local council (LC) level three (sub-county) courts, LC level two (parish) courts, and LC level one (village) courts. A minimum of six justices could sit on the Supreme Court and the Court of Appeal.

There were unconfirmed reports of bribery and discrimination against women in some LC courts in rural areas, particularly in cases related to land ownership rights. The LC courts had the authority to settle civil disputes, including land ownership and debt cases, and criminal cases involving children. These courts, often the only ones available to villagers, reportedly exceeded their authority by hearing criminal cases, including murder and rape. LC court decisions could be appealed to magistrate's courts; however, there often were no records made at the village level, and some defendants were not aware of their right to appeal.

The civilian judicial system contained procedural safeguards, including bail and the right of appeal; however, an inadequate system of judicial administration and a lack of resources, resulting in a serious backlog of cases, circumscribed the right to a fair trial. The High Court made little progress in hearing and disposing of backlog cases. Of the 87-case backlog remaining from 2002 and the 115 cases that arose during the year, the High Court had disposed of 112 by year's end. All non-military trials were public.

Many defendants could not afford legal representation. The Constitution requires that the Government provide an attorney for indigent defendants accused of capital offenses, but there rarely was enough money to retain adequate counsel. The Ugan-

da Law Society (ULS) operated legal aid clinics in four regional offices, although services remained limited due to funding constraints. The ULS also assisted defendants in military courts. The local chapter of Uganda Women Lawyers Association (FIDA-U) and the FHRI practiced public interest law from offices in Kampala. The Law Development Center operated a legal aid clinic to address cases involving children and those accused of petty crimes. A public defense service also operated; however, it lacked government funding and relied solely on donor support.

Specialized courts also existed. The Industrial Court (IC) arbitrated labor disputes. Commercial courts resolved commercial disputes, improved commercial justice, and reduced case backlogs.

The military court system often did not assure the right to a fair trial. Although the accused had the right to legal counsel, some military defense attorneys were untrained and could be assigned by the military command, which also appointed the prosecutor and the adjudicating officer. The law establishes a court-martial appeals process; however, a sentence passed by a military court, which could include the death penalty, could be appealed only to the senior leadership of the UPDF. Under circumstances deemed exigent, a field court martial could be convened at the scene of the crime; however, the law does not permit an appeal under this provision.

In January, Operation Wembley, under which security forces could arrest and try by court martial civilians found in possession of military property, was phased out and replaced by the VCCU, which also used military courts to try suspects. The VCCU arrested and detained at least 500 suspects on various counts including terrorism, aggravated robbery, murder, illegal possession of firearms and desertion.

According to Human Rights Watch, the Government continued to arrest and charge persons for treason, especially captured rebel fighters, including children, and opposition supporters (see Section 1.d.). During the year, numerous human rights abuses continued to be committed in connection with treason cases, including political detention, detention without charge, detention in unregistered and unofficial locations, and mistreatment, including torture. At year's end, prison officials reported that there were an estimated 160 persons detained on charges of treason. Detainees included members of the Islamic Tabliq group, some of whom were released and then rearrested (see Section 2.c.).

In 2000, President Museveni signed an amnesty law, which applies to all persons involved in insurgencies since the Movement came into power in 1986. During the year, some political detainees were released under the amnesty law, but exact figures were not available. The amnesty law was extended through April 2004.

There was at least one political prisoner. Bright Gabula Africa who was sentenced to death for treason, remained imprisoned pending the outcome of his appeal to the Advisory Committee on the Prerogative of Mercy, a largely autonomous constitutional body.

f. Arbitrary Interference with Privacy, Family, Home or Correspondence.—The Constitution prohibits such actions, and the Government generally respected these prohibitions in practice; however, there were some exceptions. Although the law requires that police obtain search warrants before entering private homes or offices, at times police did not obtain warrants prior to searches.

The Anti-Terrorism Act authorizes certain law enforcement officials to intercept communication to detect and prevent terrorist activities.

There continued to be reports that prison officials routinely censored prisoners' mail.

The Government at times punished family members of suspected criminals and political opposition members. For example, on July 26, George Mugisha, father of RA activist Anne Mugisha, was arrested and temporarily detained for alleged links with a rebel group. He was released after 2 hours due to the lack of evidence, but he claimed the arrest was a form of mistreatment due to his daughter's political activities.

Some family members of perceived political opponents to the Government had difficulties at border crossings while leaving the country (see Section 2.d.).

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution provides for freedom of speech and of the press; however, the Government at times restricted these rights in practice. In addition, the law criminalizes offenses committed by the media and limited the media's ability to function effectively. The Government at times intimidated journalists, and this may have resulted in the practice of self-censorship by journalists.

On occasion, persons were arrested and detained for criticizing the Government. For example, in March, the Criminal Investigation Division (CID) RA arrested, detained, and interrogated vice-chairperson Winnie Byanyima for statements she al-

legedly made in February concerning alleged government willingness to arm a Rwandan rebel group. She was released after questioning, although the Department of Public Prosecutions reportedly was deciding whether to file charges at year's end.

On August 22, the Uganda Law Council prohibited lawyers from participating in radio talk shows or making public statements on legal matters without permission from the council. The council directive provided for disciplinary action to be taken against any lawyer in breach of a 1977 council regulation on professional conduct. The ban remained in effect during the reporting period but was widely disregarded. Lawyers continued to make public statements and appeared on radio talk shows without penalty.

Public media were generally free and outspoken. There were many privately-owned publications and broadcasters. The New Vision, a government-owned daily newspaper with a circulation of 35,000, sometimes included reporting that was critical of the Government. The Monitor, the country's largest independent daily newspaper, consistently was critical of the Government. The East African, a Kenya-based weekly publication that provided extensive reporting on the country, continued to circulate without government hindrance.

The Government continued to operate Radio Uganda, the only national radio station, and one television station (UTV), whose reporting was not considered to be independent. At year's end, there were at least 50 radio stations, mostly private, operating throughout the country; however, on August 31, the Government announced that it would stop registering FM radio stations to prevent too many stations from overburdening the airwaves and adversely affecting the quality of broadcasting; however, by year's end, the Government continued registering stations. Several independent media outlets in Kampala broadcast daily or weekly political talk shows, including live off-site radio public debates called "bimeeza," which were often very critical of the Government.

There were four local private television stations and more than a dozen private television stations available via satellite. The number of independent media broadcast sources increased during the year.

Police at times arrested, detained, interrogated, and otherwise harassed journalists during the year. For example, on January 6, police arrested Vincent Matovu, editor of the news pamphlet *Mazima*, and charged him with two counts of sedition for the publication of articles in October and November 2002 about LRA activity in Pader and Kapchorwa Districts. In February, Matovu was released on bail from Luzira Prison; at year's end, his trial, which began in November, was ongoing.

In March, radio talk show host Karim Zziwa was arrested and held overnight on charges of criminal trespass after he brought a recording device into the Movement National Conference.

On June 17, the Government banned radio stations in the northeastern town of Soroti from broadcasting any news about LRA rebel activity and accused radio station Kyoga Veritaas FM of inciting panic and promoting the LRA's cause after it broadcast interviews with persons who had been abducted and released by the LRA. On June 22, police in Soroti raided the offices of Kyoga Veritas FM and detained the station's staff for allegedly broadcasting "false news" stories about LRA rebel attacks in the area and messages from LRA leaders; the Government subsequently closed the station. On July 2, security operatives again raided the station and seized documents and computers. The Government allowed the radio station to reopen on August 31, but directed the station not to broadcast security-related information.

On October 23, police arrested three journalists for the newspaper *New Vision* and allegedly physically assaulted them while they attempted to report on a strike at a textile firm. The three were released the same day.

There were a few reports that citizens harassed journalists. For example, on February 23, followers of Imelda Namutebi, a pastor in the suburbs of Kampala, attacked, severely beat, and robbed Nicholas Kajoba, a journalist for the state-owned daily *New Vision* who was assigned to write a story about Namutebi. The newspaper had published letters criticizing Namutebi for marrying a man who was already married. By year's end, police had conducted no investigation into the incident.

On December 7, 15 persons reportedly belonging to the ruling party attacked and beat Hadija Nakitende, a reporter for CBS radio and vice-president of the Association of Ugandan Journalists, in Kampala. The attack occurred while Nakitende was covering a meeting of the youth wing of the opposition Democratic Party. By year's end, police had conducted no investigation into the incident.

Media laws require journalists to be licensed, to meet certain standards, such as possessing a university degree in journalism or the equivalent. The law also provides for a Media Council with the power to suspend newspapers and deny access

to state information. The Media Council was staffed but not operational during the year.

The Government at times criticized journalists. For example, in late February, State House protested the Monitor newspaper's publication of unflattering pictures of President Museveni, and sharply criticized the newspaper for trying to "demean" the President.

In June, the Government prohibited Monitor reporter Frank Nyakairu from covering functions involving the Presidency; the prohibition, which remained in effect until year's end, was reportedly a result of his contribution to a story about an alleged UPDF helicopter crash in October 2002.

On November 10, the Attorney General banned the media from reporting the declarations of assets and liabilities made by the country's political leaders.

Unlike in the previous year, the Government did not order stations to stop interviewing "exiled political dissidents" accused of terrorism and subversive activity.

During the year, the Government cited national security as grounds to suppress media reporting of the Government's efforts to fight the LRA, particularly reports that the LRA had killed UPDF soldiers. By year's end, the Government continued its attempts to restrict conflict-related coverage, which reportedly resulted in the practice of self-censorship by journalists.

In March, UPDF spokesperson Major Shaban Bantariza warned media houses and journalists not to publish or broadcast military information that was restricted, confidential, or classified. He warned that media outlets who abetted soldiers in leaking information would be subject to punishment, including the possibility of court-martial.

The court case against two editors and a journalist for the Monitor on charges of publishing false information that threatened national security after publishing a story about an alleged UPDF helicopter crash in October 2002 was ongoing at year's end.

By year's end, the Supreme Court had not ruled on the Monitor's appeal that challenged the legality of the law prohibiting the "publication of false news."

The Government did not limit access to the Internet and did not censor websites during the year.

The Government did not restrict academic freedom. Students and faculty sponsored wide-ranging political debates in open forums; however, there were reports that police blocked and forcibly dispersed some university political debates. For example, on October 9, anti-riot police at Makerere University used water cannons and tear gas to disrupt a public debate sponsored by the political pressure group Popular Resistance Against Life Presidency on the issue of eliminating the presidential term limit from the Constitution. Students responded to police action by throwing rocks, and the debate turned into a riot, which lasted several hours.

Political education and military science courses known as "Chaka Mchaka" continued during the year on a national level; however, the courses were not mandatory.

b. Freedom of Peaceful Assembly and Association.—The law restricts freedom of assembly, particularly for political groups, by prohibiting any activities that interfere with the Movement system of governance; in practice, security forces often enforced these restrictions. For groups legally authorized to operate, permits were not required for public meetings; however, groups were required to notify the police prior to such gatherings. Police denied permission to hold public rallies to several opposition political groups during the year and on several occasions, disrupted or intervened and dispersed opposition meetings and other events.

During the year, there continued to be credible reports that security personnel, including UPDF soldiers, intimidated members of the opposition and disrupted numerous rallies and political events. For example, in January, riot police prevented a planned Democratic Party (DP) rally in Rakai District when they prevented DP president Paul Ssemogerere and other DP officials from addressing a crowd at a local football match. DP officials claimed that riot police used tear gas on DP supporters to stop the rally. Also in January, district officials prevented opposition politician James Garuga Musinguzi from holding political meetings in Kanungu District.

In May, police arrested several DP youth activists and representatives of the Norwegian Labour Youth during a workshop held in Bushenyi District. The DP members and their foreign guests were released after 6 hours of questioning.

In May, police blocked a Conservative Party political rally in Kampala and prevented the party's Secretary General Ken Lukyamuzi from addressing the crowd. There were no reports that the police or LDUs used force.

In July, security operatives blocked the convocation of a RA consultative meeting in Ntugamo District. RA officials claim that police used unwarranted force against some of the participants. RA spokespersons threatened to sue the Government if it

blocked another such meeting, and asserted that the meetings were authorized under the POA.

On December 7, pro-Movement youth reportedly disrupted a meeting of the Democratic Party's youth wing, Uganda Young Democrats, in Kabale District. According to reports, a group of 10 Movement supporters beat participants of the meeting and said multiparty politicians were not welcome in Kabale District. About 70 UYD members, including MP Michael Mabikke, were injured. On December 10, Kabale Resident District Commissioner Lt. James Mwesigye denied that he had ordered the attack and condemned it. He reportedly ordered the police to arrest the culprits; however, by year's end, no arrests had been made.

During the year, several local government officials threatened to arrest opposition party members who held rallies; however, the officials made no arrests by year's end.

Police blocked nonpolitical demonstrations during the year. On May 14, riot police blocked more than 200 ethnic Banyoro demonstrators from Hoima District from entering Kampala to protest stalled road works in their home area.

There were reports that local government officials dispersed meetings of religious groups and sometimes denied groups the right to assemble for security reasons (see Section 2.c.).

The High Court scheduled a hearing for January 2004 in the case of a policeman who allegedly killed freelance journalist Jimmy Higinyi during a Ugandan Peoples Congress (UPC) political rally in January 2002.

No further action was taken against the members of the police who forcibly dispersed demonstrations in 2002 and 2001.

The Constitution provides for freedom of association; however, the Government restricted this right in practice, particularly for political parties and organizations. NGOs were required to register with the NGO Board, which included representation from the Ministry of Internal Affairs as well as other ministries.

c. Freedom of Religion.—The Constitution provides for freedom of religion; however, in practice, the Government imposed some restrictions.

The law requires religious groups and foreign missionaries to register with the Government; failure to register is a criminal offense. The Government continued to refuse registration to the World Last Message Warning Church due to continuing suspicions arising from the killings of more than 1,000 citizens in Kanungu in 2000. There were no reports that the Government refused to grant such registration to any other religious organization.

Several religious groups, which had been shut down by police as suspected "cults" in previous years, remained closed at year's end. In addition, bans against nighttime prayer meetings by evangelical churches, reportedly for security reasons were still in effect in residential areas of several districts.

On May 27, police in Sembabule District closed Prophetess Nabaasa Gwajwa's center of worship in Ntuusi village and evicted her followers for not registering. By year's end, 55 Gwajwa followers who police had arrested during a protest at district police headquarters remained in custody; the ban on the group's activities remained in effect.

There were some reports that security officials harassed and detained Muslims. On December 15, 17 of the 15 Tabliq Muslims who were acquitted of treason by the High Court and then rearrested in 2002 by the JATF on allegations that they had made contact with ADF rebels were released on bond.

Muslims occupied positions of authority in local and central government; however, some Muslim leaders claimed that the number of positions did not reflect their percentage of the population.

Unlike in previous years, there were no reports of societal violence against traditional African religious institutions.

The LRA was responsible for several attacks against religious institutions during the year. On April 25, LRA rebels abducted Father Gabriel Durigon, an Italian parish priest, during a raid on Gulu Cathedral. On June 6, LRA rebels abducted and later released Father Alex Ojera, a parish priest in Apac. On June 12, a statement attributed to LRA leader Joseph Kony ordered the LRA to "destroy all church missions and kill all priests in Northern Uganda"; Kony reportedly gave the order out of anger over the successful efforts of the Acholi Religious Leader's Peace Initiative (ARLPI) to entice some senior LRA commanders to leave the LRA and rejoin society. On June 17, the LRA killed a Catholic priest and one other civilian and injured several nuns during an attack on Oditel Camp in Katakwi District.

For a more detailed discussion, see the 2003 International Religious Freedom Report.

d. Freedom of Movement within the Country, Foreign Travel, Emigration, and Repatriation.—The Constitution provides for these rights; however, the Government at times limited them in practice. Some local officials reportedly demanded payment of fees for permission to change a place of residence. A married woman must obtain her husband's written permission on her passport application if children are traveling on her passport.

On July 28, security forces arrested Edith Byanyima, sister of RA vice-chairperson Winnie Byanyima and denied her passage into Rwanda. She was charged with destroying property at the immigration booth; however, she claims the Government harassed her due to her sister's political views. Security forces also denied passage to Anselm Besigye, the 3-year-old son of Byanyima, and former presidential candidate Besigye. The immigration authorities claimed that Anselm did not have proper travel documents. During the second week of August, Anselm Besigye was allowed to leave the country for Rwanda.

Opposition presidential candidate Besigye's 2001 petition to the UHRC Tribunal, which alleged wrongful restrictions on the movement of RA members, remained pending at year's end.

Under the 2000 Amnesty Act, government assistance was provided to former rebels to assist their return to the country. As a result of a December 2002 peace agreement, the Uganda National Rescue Front II (UNRF-II) was successfully demobilized as a rebel force. Several former rebels were integrated into the UPDF and UNRF II leader Major General Ali Bamuze was promoted. Several former rebels received reintegration packages to help them reenter civilian life. However, others in the group complained that the Government had not delivered assistance that had been promised.

A significant increase in attacks by the LRA and Karamojong warriors caused many ethnic Acholis and Iteso to leave their homes for urban centers, IDP camps, and villages guarded by the UPDF and LDUs. According to the U.N. Office of the Coordinator for Humanitarian Affairs, there were over 1.2 million IDPs as a result of this violence. At year's end, the number of IDPs per affected district were: Gulu, 416,254; Kitgum, 233,883; Pader, 229,115; Lira, 48,963; Katakwi, 159,533; Soroti, 92,321; Kumi, 19,006; and Kaberamaido, 35,039.

During the year, the LRA conducted several attacks on IDP camps in Katakwi District. In early July, LRA rebels attacked Oditel IDP camp in Katakwi and stole food, drugs, and other supplies meant for IDPs. On July 27, LRA rebels abducted 169 civilians and burned 580 grass-thatched huts during an attack on Achowa IDP camp. At the end of July, LRA rebels abducted an unspecified number of civilians while attacking an IDP camp in Obalanga Subcounty in Katakwi District.

In the north, security forces continued their policy of maintaining so-called protected villages with UPDF detachments nearby as a means of protecting civilians and denying support to the LRA. Despite substantial NGO and donor community assistance, conditions continued to worsen due to increased LRA activity. The Government failed to provide adequate security to the protected villages or IDP camps, which were the targets of large-scale rebel attacks (see Section 1.a.).

Approximately 25,000 persons were refugees in the DRC, Sudan, and Kenya during the year.

The law does not include provisions for the granting of refugee status or asylum to persons who meet the definition of the 1951 U.N. Convention Relating to the Status of Refugees or its 1967 Protocol. However, in practice, the Government provided protection against refoulement and granted refugee status or asylum. The Government did not always cooperate with the Office of the U.N. High Commissioner for Refugees (UNHCR) and with other humanitarian organizations in assisting refugees. There were serious disagreements between UNHCR representative Saihu Saihou and the Government over the modalities of the proposed relocation of Sudanese refugees from Masindi District to Yumbe District. As a result Mr. Saihou left the country 5 months before the end of his contract. The Government continued to provide temporary protection to certain persons who did not qualify as refugees or asylees and provide land for temporary resettlement to citizens from neighboring countries. This practice was extended to significant numbers of refugees during the year. More than 85 percent of the approximately 206,000 refugees in the country were from southern Sudan; there also were refugees from the DRC, Rwanda, and other countries.

During September, the Government utilized police and army forces to relocate forcibly approximately 16,000 Sudanese refugees from the Kiryandongo Refugee Camp in Masindi District to locations in the West Nile Region. There were reports that between six and nine persons were killed during a riot to protest the unpopular transfer; however, police claim that no persons were killed. The UNHCR protested the relocation and the Government's refusal to allow the UNHCR access to the

camp. Several M.P.s claimed that the Sudanese refugees who were forcibly relocated would be forcibly recruited by the Sudanese Peoples Liberation Army (SPLA) to fight the LRA; however, the Minister for Disaster Preparedness and Refugees denied these claims, and there were no reports of such forcible recruitment by year's end.

Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government

The Constitution provides citizens with the right to change their government; however, Movement domination of the Government and some restrictive constitutional and statutory provisions limited citizens' effective exercise of this right. The law bans most political party activities, including the sponsoring of candidates for election, the issuing of platforms, and the staging of political rallies.

The Constitution provides for an autonomous, independently elected President and a 305-member unicameral Parliament whose members are elected to 5-year terms. The President dominated the Government, and Movement supporters remained in control of the Parliament. However, members of the Movement disagreed on several critical issues, including the question of whether the constitutional presidential term limit should be lifted. Supporters of President Museveni retained a majority in Parliament, but not necessarily in sufficient numbers to pass constitutional amendments.

In March 2001, six candidates competed in the presidential elections, including President Museveni and Kizza Besigye. President Museveni was reelected with 69.3 percent of the total votes cast; Besigye received 27.3 percent of the vote. The presidential election generally reflected the will of the population; however, there were many complaints of irregularities prior to and on election day, particularly regarding the voting process. There also were reports that soldiers intimidated voters. There were numerous reports of election-related violence and intimidation by both the Government and the opposition prior to and on election day.

In June 2001, elections were held for the 214 directly elected parliamentary seats. Observers stated that the elections generally reflected the will of the population; however, there were numerous instances of election-related intimidation and violence. The number of opposition M.P.s increased to 35 from 12, including 9 UPC M.P.s and at least 6 M.P.s from the DP. Others were affiliated loosely with the DP; however, the affiliation of several other M.P.'s was unclear. There were 230 M.P.s elected from the Movement party, giving it a clear majority; however, a number of moderate Movement M.P.s kept their seats in spite of President Museveni's active campaigning for their opponents.

In September 2002, the findings of a parliamentary committee investigating violence and irregularities in the 2001 presidential, parliamentary, and LC elections were made public and revealed that Movement supporters accounted for 29 percent of all cases of violence during the elections. The UPDF accounted for 17 percent and EC officials for 16.5 percent. The committee recommended that the Government desist from using the army and other security organs to advance partisan interests during elections, and that the army should register at civilian polling stations to avoid the appearance of malfeasance. It also recommended that acting Army Commander Major General James Kazini, Presidential Advisor on Political Affairs Major Kakooza Mutale, Brigadier Julius Oketa, and other security personnel be investigated further and prosecuted for alleged crimes related to election violence; however, by year's end, no action had been taken.

The Government maintained, at government expense, the Movement Secretariat, an organization that functioned as a government institution and whose membership was limited to those who supported the Movement. In September, the Parliament passed amendments to the Movement Act that extended the term in office for Movement officials and created Movement chairpersons and councils at the district and sub-county levels. Opponents criticized the bill as an attempt to strengthen the Movement before its transformation into a political party.

The Government prohibited non-Movement political gatherings, required employees in the President's office to register their political affiliation in writing, and dispersed numerous political meetings not sanctioned by the Movement (see Section 2.b.). The 2000 referendum on the role of political parties resulted in the indefinite extension of the Movement form of government and the indefinite continuation of restrictions on political parties. The 2002 Political Organizations Act (POA) regulates political parties' activities, including requiring parties to submit a list of names and addresses of at least 50 members from at least one third of all districts in the country. On March 22, the Supreme Court declared unconstitutional Sections 18 and 19 of the POA, which prohibited political parties from holding rallies, taking part in election campaigning, and holding offices outside Kampala. The implication

of the court ruling was that political parties that registered under the POA would be allowed to mobilize at the district level. However, several political parties refused to register under the POA, and district officials, under instructions from the Attorney General, continued to disperse party activities at the district level during the year (see Section 2.b.).

Election candidates were required by law to prove that they met certain educational requirements. Several by-elections were held during the year to fill the seats of those disqualified in 2002 for submitting false certification of educational qualifications.

During the year, the EC organized three parliamentary by-elections in Bubulo East County, Busiki County, and Nakasongola. These elections were reported to have been free and fair. However, several district by-election processes were marred by violence. For example, in Mayuge District, a district official was charged with murder for killing his election opponent. A campaign rally turned violent in Mukono District and riot police were deployed to restore order. During the year, the EC also organized local elections on several occasions, which were peaceful and reportedly free and fair.

There were some developments in legal challenges to the 2001 parliamentary election results. On May 8, former RDC Ngoma Ngime, who belonged to the ruling party, lost his September 2002 High Court appeal challenging the election of opposition candidate Winnie Byanyima as M.P. for Mbarara Municipality.

A December 2002 Court of Appeal ruling invalidated the 2001 parliamentary election results for Kinkizi West County, in which Minister of Defense Amama Mbabazi of the ruling party defeated James Musinguzi of the opposition. In January, Musinguzi withdrew from a scheduled run-off election, citing an unfair playing field, and Mbabazi won the seat uncontested.

The Constitutional Review Commission's (CRC) recommendations on constitutional changes were delivered to the Cabinet in December but have not been made public; however, the Cabinet presented a list of its suggestions for constitutional change to the CRC in September that included the introduction of a multiparty system, increasing executive authority over the legislature, and the lifting of presidential term limits.

Corruption continued to be a major problem; however, the Government took positive steps to combat it during the year. For example, Parliament's Local Government Account Committee (LGAC) investigated local officials over financial irregularities raised in government audits. In July, the LGAC referred Owoi Achiel, Gulu Chief Administrative Officer, to the police for prosecution over his failure to account for \$19,000 (39 million shillings) meant for construction of classrooms. The Committee recommended in October that the police investigate Emmanuel Opilla Lemasu, Principal Internal Auditor of Lira District, over corruption and incompetence. In November, the Committee asked CID to probe the loss of more than \$250,000 (500 million shillings) at Uganda Railways Corporation.

Legislation requires the declaration of wealth by government officials and their family members, and government officials made declarations of wealth in accordance with the law during the year. The Inspector General of Government's (IGG) regional offices increased from seven to nine, increasing the IGG's visibility and capacity to investigate corruption complaints. In March, the Ministry of Ethics and Integrity set up a hotline for policemen to call to report corruption cases.

The Constitution requires elections through electoral colleges for the 81 seats reserved for special interest group in Parliament. These seats are reserved for women (56), organized labor (5), persons with disabilities (5), youth (5), and the army (10). The UPDF High Command, chaired by President Museveni, selected the 10 army representatives.

The Government used quotas in an aggressive effort to place women in positions of authority. Women won 12 non-reserved seats for the 295-member Parliament in the 2001 election. In total, there were 72 female M.P.s in the seventh Parliament. The woman Vice-President resigned during the year and was replaced by a man, but there were 4 women ministers and 12 women junior ministers in the President's 66-member Cabinet. One woman served as Deputy Chief Justice of the Supreme Court, and another woman headed the police force's CID.

The Government also took action against several high-ranking military officers suspected of maintaining under-strength units and pocketing salary payments for so-called "ghost soldiers." Many of the officials, including a former army commander, faced courts-martial that were ongoing at year's end.

Section 4. Governmental Attitudes Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A number of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials generally were responsive to their views; however, President Museveni issued a statement in August calling on civil society organizations to avoid involvement in partisan politics.

Active domestic groups included the FHRI; FIDA-U; Human Rights Focus; the National Association of Women's Organizations of Uganda (NAWOU); the International Federation of Human Rights; and the Human Rights and Peace Center of Makerere University. Government officials frequently attended conferences and seminars hosted by NGOs on social problems and continued to cooperate with NGOs on legal and prison reforms.

On March 13, the Government called for a code of conduct for NGOs to minimize the misuse of funds and prevent actions that undermine the credibility of the NGOs. The code had not been enforced by year's end.

The Government allowed visits by the ICRC, the UNHCR, and international human rights NGOs, including Amnesty International (AI). The ICRC continued its suspension of all field activities in the country because of the killings of six ICRC workers in 2001, and it continued to criticize the results of a government investigation into the killings (see Section 1.a.). The ICRC maintained only local staff at branches in Kasese, Bundibugyo, Fort Portal, Gulu, and Kitgum during the year. The ICRC also suspended visits to military detention facilities.

During the year, the U.N. released a report that accused various foreign armies in the DRC, including the UPDF and the armed groups it has reportedly continued to support, of exploiting the DRC's minerals and other resources, and perpetrating violence and human rights abuses to facilitate that exploitation.

The Constitution establishes the UHRC as a permanent independent body with quasi-judicial powers. The President appointed the UHRC's eight-member board. Under the Constitution, the UHRC may subpoena information and order the release of detainees and the payment of compensation for abuses. In several cases during the year, the UHRC Tribunal awarded compensation to complainants who had proven their allegations against government organs (see Section 1.c.). The UHRC continued to pursue suspected human rights abusers, including high-level officials in the Government and military, and had branches countrywide, including in Mbarara, Fort Portal, and Jinja. The UHRC Tribunal headquarters received 1,029 new cases during the year, including some against senior government leaders and military and police officials; the Soroti office received 582 complaints, the Gulu office received 108, and the Mbarara office received 281. In September, the Government submitted a package of proposed constitutional changes, including a proposal to abolish the UHRC. Local and international human rights groups objected to the proposed abolition of the UHRC; there was no action by year's end.

Section 5. Discrimination Based on Race, Sex, Disability, Language, or Social Status

The Constitution prohibits discrimination based on these factors; however, the Government did not enforce the law effectively in matters of locally or culturally accepted discrimination against women, children, persons with disabilities, or certain ethnic groups. The continued instability in the north led to violations of the rights of some Acholi, an ethnic group that comprises a significant part of the population. Most violations of Acholi rights resulted from LRA actions.

Women.—Domestic violence against women, including rape, remained common. A Johns Hopkins University study released in January indicated that one in three women living in rural areas experienced verbal or physical threats from their partners, and 55 percent received physical injury as a result of domestic abuse. The law prohibits general assault; however, there were no laws that specifically protected women from battery or spousal rape. Law enforcement officials, reflecting general public opinion, continued to view wife beating as a husband's prerogative and rarely intervened in cases of domestic violence. Women remained more likely to sue for divorce than to file assault charges against their husbands.

The law requires that bride-prices be nonrefundable gifts to the parents of the bride. In March, women representatives from civil society organizations asked the CRC to abolish the bride-price; however, it had not been abolished by year's end.

In August, Human Rights Watch (HRW) issued a report investigating the correlation between domestic violence and women's vulnerability to HIV/AIDS infection in the country. The report concluded that married women were particularly vulnerable to HIV/AIDS infection as a result of forced sex in marriage by husbands with multiple partners or wives. HRW's report identified numerous social and legal obstacles

to women's ability to protect themselves against HIV/AIDS infection in abusive relationships.

Thousands of women and girls were victims of abduction and rape by rebel forces. There were also reports that women were raped by the UPDF (see Section 1.c.).

FGM was practiced by the Sabinu ethnic group, located in the rural Kapchorwa District, and the Pokot ethnic group (also known as the Upe), which inhabited the northeastern border with Kenya. There were approximately 10,000 Sabinu and approximately 20,000 Pokot in the country. Among the Sabinu, initiation ceremonies involving FGM were carried out every 2 years. Because the ceremony took place in 2002, there were no recorded cases of FGM among the Sabinu during the year. However, FGM cases were recorded in the Karamoja region. In September, an official in Moroto District confirmed more than 30 cases of FGM in his sub-county.

There was no law against FGM, but the Government and women's groups working with the U.N. Population Fund continued to carry out programs to combat the practice through education. These programs received strong government support and some support from local leaders. The programs emphasized close cooperation with traditional authority figures and peer counseling. Significant press attention to these ongoing efforts brought public attention to the problem during the year.

Prostitution was illegal; however, it was common. There were no credible statistics available on the occurrence of prostitution during the year.

There were reports of trafficking in women during the year (see Section 6.f.).

Sexual harassment also was common. For example, in March, the Association of Uganda Women Medical Doctors protested at their annual conference against male doctors who threaten to withhold promotion from female doctors and nurses who did not yield to sexual advances.

Traditional and widespread societal discrimination against women continued, especially in rural areas. Many customary laws discriminate against women in the areas of adoption, marriage, divorce, and inheritance. In many areas, women could not own or inherit property, or retain custody of their children under local customary law. Divorce law requires women to meet stricter evidentiary standards than men to prove adultery. Polygyny was legal under both customary and Islamic law, and a wife had no legal ability to prevent her husband from marrying another woman. In some ethnic groups, men also could "inherit" the widows of their deceased brothers. Women did most of the agricultural work but owned only 7 percent of the agricultural land. There were limits on a married woman's ability to travel abroad with her children (see Section 2.d.).

Numerous women's rights NGOs sponsored conferences, empowerment sessions, and training programs on women's rights throughout the country. There were active women's rights groups, including FIDA, Action for Development, the National Association of Women Judges (NAWJ), Akina Mama Wa Afrika, the Forum for Women in Democracy, and NAWOU, which promoted greater awareness of the rights of women and children. Women as Partners for Peace sponsored a forum to discuss democracy and conflict resolution. FIDA continued with its program on proposed reforms of outdated and discriminatory laws.

Children.—The Government demonstrated a commitment to improving children's welfare. Education received the largest percentage of the national budget. During the year, the Government did not enforce effectively the Children's Statute, which outlines broad protections for children. Government efforts to enforce the statute's provisions were hampered by the large proportion of children in the population (50 percent of the country's population was under 15), staffing and fiscal constraints on the judiciary, and cultural norms. The law stipulates parents' responsibilities and provides extensive protection for children in a wide variety of areas, including financial support, foster care placement, adoption, determination of parentage, and treatment of children charged with offenses. The law also prohibits children from taking part in any activity that was likely to injure the child's health, education, mental, physical, or moral development; however, the Government often did not enforce these prohibitions.

The Government continued the Universal Primary Education (UPE) program, which provided free education through the seventh grade; however, education was not compulsory. According to UNICEF, the country's primary school enrollment rate was 87 percent for both boys and girls.

Key components of the UPE program included eliminating compulsory uniform requirements, providing free textbooks, and eliminating school and Private Learning Examination (PLE) fees. UPE increased funding for education, provided additional skills training for teachers, and reduced the textbook to student ratio; however, some provisions had not been implemented fully by year's end. Strained finances, corruption, instability in some areas, infrastructure problems, and inadequate teacher training prevented full implementation. The UPE program made education more

accessible financially; however, parents still had to pay for school supplies and some school costs.

Girls and boys theoretically had equal access to education in the lower grades; however, the proportion of girls in higher school grades remained low because families traditionally favored boys when making educational decisions. Boys also were more likely to finish primary school and perform better on the PLE. The Government continued several programs to promote a national plan for the education of girls. However, according to UNICEF, only 57 percent of adult women were literate compared with 78 percent of adult men.

Child abuse remained a serious problem, particularly rape and other sexual abuse of young girls, offenses known as "defilement". Defilement applied to all cases of sexual contact outside of marriage involving girls younger than 18 years of age, regardless of consent or the age of the perpetrator. The perpetrators of rape often were family members, neighbors, or teachers. In the first 3 months of the year, there were 3,337 reported cases of defilement. At year's end, 1,684 defilement suspects were found guilty of the crime, with 1,653 still awaiting trial. Defilement carried a maximum sentence of death; however, no court sentenced rapists to death during the year. In practice, defilement cases were often settled by a payment to the girl's parents.

There was an increase in the number of teachers and headmasters arrested for defilement. For example, in March, the headmaster of Town View Secondary School in Kapchorwa was arrested and charged with two counts of defilement. Also in March, Sembabule police arrested two headteachers on charges of defiling school-girls. In July, the headmaster of Home Affairs Secondary School in Kapchorwa was arrested for defiling students.

Corporal punishment is banned; however, many schools used it. For example, primary school teacher Carolyne Bako allegedly caned a 13-year-old student who fell into a coma during the beating. There were no reports of legal action against the accused teacher. In July, the Education Standards Agency threatened to deregister any teacher or headmaster administering corporal punishment. In August, five government primary school teachers in Kampala were investigated by the City Education Officer over allegations of caning.

There were several allegations and some confirmed reports of ritual killings of children during the year. For example, in January, a man in Lyatonde, identified only as Mugisha, allegedly beheaded a 10-year-old girl and drank her blood. He was later beaten to death by an angry mob. In February, five suspects were arrested in Kapchorwa for allegedly killing and mutilating the body of a child as part of a ritual sacrifice. At year's end, there were no developments in the cases against the suspects. In May, a Luwero man was arrested for allegedly killing his 4-year-old daughter and drinking her blood on the advice of a witchdoctor in a ritual to acquire wealth. By year's end, there were no developments in his case.

There were no developments in the June 2002 ritual killing of a girl in Luwero, the September 2002 case of a Mukono man arrested for allegedly trying to sell his 6-year-old son to a traditional healer, or in the 2001 cases of ritual killings.

The marriage of young girls by parental arrangements was common, particularly in rural areas.

FGM was performed on girls in the Sabiny and Pokot tribes (see Section 5, Women).

Child prostitution and trafficking was a problem (see Section 6.f.).

The legal recruitment age for military service was 18 years; however, in practice some recruiters allowed 17-year-olds to enlist. The LDUs were allowed to recruit children under the age of 18 with parental consent. There were reports that the military detained and used former LRA child soldiers on reconnaissance and intelligence missions.

A November U.N. Report on Children and Armed Conflict reported that the Government continued to recruit children into the UPDF, including children who had previously served as combatants for the LRA. UNICEF estimated that there were 300–400 underage soldiers in Uganda's 60,000 person army. Other children were reported to have been recruited into LDUs. The UPDF denied that it had actively recruited child soldiers, but said some might have been allowed to join through deception or oversight. Other reports, however, accused the UPDF of detaining ex-LRA child combatants for unacceptably long periods and in some cases using them on intelligence and reconnaissance missions. In June, the UNICEF screened UPDF recruits at the Lugore military training camp in Gulu District and demobilized children found to be underage.

There were an estimated 2 million children who had lost one or both parents. This large number of orphans resulted from wars and other instability, population displacement, and HIV/AIDS.

Child labor was a problem (see Section 6.d.).

The LRA continued to abduct thousands of children and, at clandestine bases, forced them into virtual slavery as laborers, soldiers, guards, and sex slaves (see Section 1.b.). In addition to being beaten, raped, and forced to march until exhausted, abducted children were forced to participate in the killing of other children who attempted to escape. More than 85 percent of LRA forces were made up of children whom the LRA abducted and forced to fight as rebels; most LRA rebels were between the ages of 11 and 16.

Thousands of children in the north sought refuge in Gulu and other urban centers to avoid abduction by the LRA. Some children slept in churches and hospitals, while others slept under balconies or on the street if necessary. By year's end, several NGOs had begun providing more organized shelter for these night commuters. However, even at the shelters, conditions were harsh.

Persons with Disabilities.—The Constitution provides persons with disabilities with “a right to respect and human dignity”; however, widespread discrimination by society and employers limited job and educational opportunities for such persons. There was no statutory requirement for the accessibility of buildings for persons with disabilities. Most buildings had one floor; however, taller buildings in larger cities rarely had elevators and those that operated seldom were reliable. There was a Minister of State for Disabled Persons, and five seats in Parliament were reserved for representatives of persons with disabilities. There was also a Department for Disabled Persons within the Ministry of Gender, Labor, and Social Development; however, this institution lacked sufficient funding to undertake or support any initiatives.

The Children's Statute also requires children with disabilities to be treated and given necessary special facilities; however, in practice inadequate funding hampered its enforcement.

National/Racial/Ethnic Minorities.—Civil strife in the north led to the violation of the rights of members of the Acholi ethnic group, who primarily resided in the districts of Gulu, Kitgum, and Pader. Both government forces and the LRA terrorists, who themselves largely were Acholi, committed abuses. The LRA in particular was implicated in the killing and kidnapping of Acholi tribe members (see Section 1.a.). There continued to be allegations that the UPDF targeted Acholi during combat operations against the LRA.

During the year, raids by armed Karamojong warriors in Katakwi, Kotido, and Kapchorwa Districts in the Northeast resulted in more than 1,800 deaths. The raids reportedly exacerbated ethnic tensions in the northeast (see Section 1.a.). The Government's mandatory disarmament program for Karamoja, which has caused confrontations between the UPDF and the Karamojong, continued. However, negotiations began for a Karamojong-led solution involving UPDF officers and politicians from the Karamoja region. Under a new security initiative for Karamoja, the UPDF and police concentrated on improving security conditions by arresting cattle rustlers and preventing cross-border incursions.

Section 6. Worker Rights

a. The Right of Association.—The Constitution provides for the right of every person to join workers' associations or trade unions; however, the Government at times did not respect this right in practice. Employers often did not observe the requirement to recognize a union. After a long process, the Government granted registration to the Uganda Allied Teachers' Union during the year. The right to form unions extended to civil servants; however, many “essential” government employees were not permitted to form unions, including police, army, permanent secretaries in the ministries, heads of departments and state-owned enterprises, school principals, and other management-level officials. The Government failed to enforce the rights of some employees to join unions in newly privatized industries and factories.

The law allows unionization if 51 percent or more of the work force supported it, and if the proposed union represented at least 1,000 employees. These requirements effectively prevented workers in important parts of the private sector from forming unions, especially in the textile, hotel, and construction sectors. Both the International Labor Organization (ILO)'s Committee of Experts (COE) and Committee on Freedom of Association (CFA) requested that this dual requirement be amended.

The National Organization of Trade Unions (NOTU), the largest labor federation, included 19 unions with a membership of 145,000, out of an estimated 2 million persons working in the formal sector. NOTU was independent of the Government and political parties and included medical workers and the civil service union. NOTU's influence on the overall economy remained minimal, since approximately 90 percent of the labor force worked as peasant farmers. Even in areas in which cash crops were significant, unionization remained practically nonexistent. NOTU's influence

may be further diminished due to controversy over the election of NOTU's second ranking officer, the chairman general, in October. The losing candidate and his supporters complained that the polling was unfair and announced the formation of a rival union federation, the Central Organization of Free Trade Unions (COFTU). At year's end, 5 of NOTU's 19 unions defected to COFTU; however, COFTU's legal status had not yet been recognized by the Ministry of Gender, Labor, and Social Development.

On April 10, the Ministry of Gender, Labor, and Social Development lifted the 2001 ban on meetings and elections within the labor movement.

The law does not prohibit anti-union discrimination by employers, and union activists were not protected sufficiently from retribution for union activities; however, there were no reported incidents of government harassment of union officials during the year. There were allegations that local government officials urged workers at a prominent textile firm not to take part in unionization efforts.

Labor unions freely exercised the right to affiliate with and participate in regional and international labor organizations. NOTU was a member of the International Confederation of Free Trade Unions.

b. The Right to Organize and Bargain Collectively.—The law provides for the right to organize and bargain collectively; however, the right to organize was rarely defended by the Government, and true collective bargaining occurred only in the small private sector of the modern economy. In 1999, the International Textile, Garment, and Leather Workers Federation (ITGLWF) formally complained to the ILO about the denial of the right to organize, which affected members in all but 1 of 16 factories. The case was pending at year's end.

There were examples of collective bargaining in the private sector during the year. For example, in March, members of the staff union at Uganda Clays received an 80 percent increase in wages and allowances following the signing of an agreement on benefits between the union and company management. With technical assistance from an ILO project, workers in the hotel management, transport, and security sectors signed collective-bargaining agreements with their employers to clarify terms and conditions of employment. The Government adopted a cooperative tripartite approach involving the Government, employers, and labor to setting wages and resolving labor disputes. Both the Government and employers could refer disputes to the Industrial Court (IC); however, the IC lacked funds and rarely convened.

The Constitution provides the right to strike; however, the Government seldom defended this right and government policy required labor and management to make "every effort" to reconcile labor disputes before resorting to strike action. This directive presented unions with a complicated set of restrictions. If reconciliation did not appear to be possible, labor had to submit its grievances and give notification of the strike to the Minister of Labor, who usually delegated the dispute to the IC. In principle, IC rulings were final, but in practice, they could be appealed to the High Court, an option often taken by employers. The Minister of Gender, Labor, and Social Development generally did not permit strikes in the absence of a determination from the IC that "every effort" had not been exhausted. The Government only took limited action on organized labor complaints; however, frustrated laborers often went on strike anyway.

There were several strikes during the year. For example, in January, workers at the Uganda Electricity Generation Company went on a 3-day strike after the Uganda Electricity Board (UEB) promised to guarantee employee terminal benefits. Employees went back to work after the chairman of the union received confirmation of benefits from UEB. In August, police arrested 6 workers at the Toro Kahuna Tea Estates on charges of destruction of property during a strike protesting low pay; management fired 65 workers 2 weeks after the strike.

On October 21, the workforce at Tri-Star Apparels, a leading textile firm, went on strike alleging poor working conditions, management threats to fire union organizers, and the purported physical beating of a female employee by her supervisor. High level negotiations involving representatives of workers, management, and the Government failed to end the dispute. The work stoppage ended when management fired 265 workers and brought in replacements. The dismissed workers then camped out in front of Parliament to protest management's action, which they claimed violated employment legislation. On October 30, the Cabinet directed Tri-Star management to pay the fired workers approximately \$30,000 (60 million Uganda shillings) in severance settlements; it was not known whether management paid the workers by year's end.

There are no export processing zones (EPZs).

c. Prohibition of Forced or Bonded Labor.—The law prohibits forced or bonded labor, including by children; however, there were reports such practices occurred

(see Sections 6.d. and 6.f.). A lack of resources prevented the Government from enforcing this prohibition effectively in practice. There was strong evidence that prison officials hired out prisoners to work on private farms and construction sites, where they often were overworked. Throughout the country, prison officials routinely supplemented their meager wages with cash crops grown by prisoners on the prison grounds (see Section 1.c.). Male prisoners performed arduous physical labor while female prisoners produced marketable handicrafts such as woven basketry. Juvenile prisoners performed manual labor, often for 12 hours per day. Compensation, when paid, generally was very low; skilled prisoners earned approximately \$0.25 (500 shillings) per day, and unskilled prisoners earned approximately \$0.05 (100 shillings). However, the law requires that pretrial detainees receive back pay for all work that they performed once they are released.

d. Status of Child Labor Practices and Minimum Age for Employment.—The law prohibits employers from hiring workers below the age of 18; however, child labor was common, especially in the informal sector. Demographics contributed to the problem of child labor; half of the population was under 15 years of age. Many children left school and went into agricultural or domestic work to help meet expenses or perform the work of absent or infirm parents, a situation common throughout the country (see Section 5). The problem was acute, particularly among the large orphan population.

In urban areas, children sold small items on the streets, were involved in the commercial sex industry, or begged for money (see Section 6.f.). Adults did most tea harvesting; however, some children were employed in this sector as well.

Smuggling was one of the larger informal industries and employed large numbers of child laborers at the borders with Kenya and Tanzania. Children walked back and forth across the unguarded borders, transporting small amounts of fuel, sugar, coffee, or other commodities.

The Government incorporated the provisions of ILO Convention 182 on the Worst Forms of Child Labor into the draft Employment Bill 2000; however, the law had not been passed by year's end. In February, the ILO registered the Government's ratification of Convention 138 on the Minimum Age for Admission to Employment. The draft Employment Bill, which contained provisions to fulfill Convention 138's requirements, had not been passed by year's end.

The law prohibits forced and bonded labor by children; however, a lack of resources prevented the Government from enforcing this prohibition effectively. There were reports the UPDF used ex-LRA child soldiers on reconnaissance and intelligence missions (see Section 5).

The LRA often forced abducted children into virtual slavery as guards, laborers, soldiers, and sex slaves (see Section 1.b.).

The Ministry of Gender, Labor, and Social Development enforced the law on child labor; however, financial constraints limited the ministry's efforts. The Government made efforts to decrease the incidence of child labor during the year. The Government coordinated its efforts to stop child labor through the National Steering Committee on Child Labor, which brought together representatives of the Ministry of Gender, Labor, and Social Development; the Ministry of Education and Sports; the Ministry of Local Government; the Federation of Uganda Employers; the National Organization of Trade Unions; NGOs; journalists; and academicians. The Government organized a number of child labor awareness workshops, disseminated printed information, and sponsored radio and television discussions to educate the public on child labor issues. Several human rights NGOs also continued programs during the year aimed at removing children from hazardous work.

The Government also cooperated with the ILO and foreign governments in several initiatives to combat child labor, including an ongoing 4-year International Program for the Elimination of Child Labor (IPEC) to withdraw 2,600 children from hazardous labor and a 4-year Education Initiative to reduce child labor in the north.

e. Acceptable Conditions of Work.—The minimum legal wage was \$3.00 (6,000 shillings) per month, a rate set in 1984; however, this wage was not enforced effectively in practice. The Government and the private sector negotiated a new rate during the year; however, no minimum wage legislation had been passed by year's end. The minimum wage was insufficient to provide a decent standard of living for a worker and family.

Wages continued to be determined through negotiation between individuals and their employers, unions, and proprietors, or through negotiation within the boards of directors at state-owned industries. Other benefits, such as housing and transport allowances, which often were equal to base wages, supplemented salaries. The Ministry of Public Service's salary scale for civil servants started support staff at approximately \$38 (76,000 shillings) per month, up to supervisors at \$666 (1,332,000

shillings) per month, plus modest increases for years worked. All included provisions for paid overtime. The higher end of this wage scale provided minimal standards of living for a worker and family; however, most civil servants had great difficulty earning enough money to pay their children's school costs. Many civil servants and their dependents worked second jobs, grew their own food, or sought other ways to supplement their incomes.

In industries that employed workers on an hourly basis, the normal work week was 40 hours. There was no legal maximum workweek; however, employers were supposed to pay a time-and-a-half rate for each additional hour worked beyond a 48-hour work week. Many industries paid workers incrementally to avoid overtime and circumvent the prohibition on child labor. Many companies employed workers as "casual laborers" or "contract workers" to avoid providing benefits.

The condition of employee housing on the tea and sugar plantations at the major state-owned corporations, and within military and police barracks, was substandard. Sanitation and water facilities often were inadequate.

Building codes often were not enforced. Some structures tripled in height above the original foundations, which often compromised the structural integrity of these workplaces. Machinery in factories often lacked safeguards.

The law establishes some occupational health and safety standards. The Workers' Compensation Act provides compensation, based on monthly salaries, for workers injured or killed at work. The Ministry of Gender, Labor, and Social Development's Department of Occupational Health was responsible for enforcement of occupational safety regulations; however, in practice inspections were rare, primarily due to the lack of vehicles and funding for inspection trips. There were fatal accidents at several construction projects at a rate of approximately one per month. The limited occupational safety regulations under the law did not protect workers who refused to perform dangerous work from being fired; however, strong unions in certain dangerous industries protected such workers.

Foreign workers are protected under the Occupational Health and Safety Law. The law does not exclude illegal workers; however, any illegal worker that filed a claim had to prove they were working legally or face penalties.

f. Trafficking in Persons.—The law prohibits trafficking in persons; however, there were reports that persons were trafficked to, from, or within the country. The Criminal Code prohibits slavery with penalties of up to 10 years' imprisonment and requires the CID to combat trafficking. The CID did not keep records on the magnitude of the trafficking problem and it was unknown if its efforts were effective. There were no reports of trafficking-related arrests or convictions during the year.

In addition to trafficking related to LRA abductions, the Government acknowledged that internal trafficking of children for labor and commercial sexual exploitation was a growing problem. In urban areas, some children were involved in the commercial sex industry, particularly in border towns and in Kampala.

There continued to be unconfirmed reports that the SPLA forcibly recruited Sudanese refugees in the north for service in their forces (see Section 2.d.).

The LRA abducted civilians for training as guerrillas; most victims were children and young adults whom the LRA forced into virtual slavery as guards, laborers, soldiers, and sex slaves (see Section 1.b.).

The Government, through the military, continued efforts to combat LRA trafficking in persons despite severe resource constraints. The Government began Operation Iron Fist in 2002 to eradicate the LRA threat. It continued to offer amnesty to ex-rebels, providing resettlement packages with educational benefits and vocational training. The Government also established protected camps garrisoned by the UPDF that have helped to prevent abductions (see Sections 1.b. and 2.d.).

ZAMBIA

Zambia is a republic governed by a president and a unicameral national assembly. Since 1991, multiparty elections have resulted in the victory of the Movement for Multi-Party Democracy (MMD). MMD candidate Levy Mwanawasa was elected President in 2001, and the MMD won 69 out of 150 elected seats in the National Assembly. Domestic and international observer groups noted general transparency during the voting; however, they criticized several irregularities. Opposition parties challenged the election results in court, and court proceedings were ongoing at year's end. The anti-corruption campaign launched in 2002 continued during the year and resulted in the removal of Vice President Kavindele and the arrest of former President Chiluba and many of his supporters. The Constitution mandates an independent judiciary, and the Government generally respected this provision;

however, the judicial system was hampered by lack of resources, inefficiency, and reports of possible corruption.

The police, divided into regular and paramilitary units under the Ministry of Home Affairs, have primary responsibility for maintaining law and order. The Zambia Security and Intelligence Service (ZSIS), under the Office of the President, is responsible for intelligence and internal security. Civilian authorities maintained effective control of the security forces. Members of the security forces committed numerous serious human rights abuses.

Approximately 60 percent of the labor force worked in agriculture, although agriculture contributed only 15 percent to the gross domestic product. Economic growth increased to 4 percent for the year. A severe budget shortfall precipitated by the Government's agreement to a wage and benefit increase for government employees resulted in the suspension of balance of payment support from donors and the postponement of debt forgiveness. The Government's failure to pay housing allowance increases for civil servants prompted nationwide strikes during the year. Approximately 73 percent of the country's estimated 10 million population lived below the poverty line.

The Government's human rights record remained poor; although there were some improvements in a few areas, serious problems remained. Police officers committed several unlawful killings and tortured, beat, and otherwise abused criminal suspects and detainees. Some police officers who committed these abuses were disciplined or remained in detention pending trial; however, most did so with impunity. The lack of professionalism, investigatory skill, and discipline in the police force remained serious problems. The Government launched the Police Public Complaints Authority (PPCA) during the year to combat police misconduct. Prison conditions were harsh and life threatening. Arbitrary arrests, prolonged detention, and long delays in trials were problems. The police infringed on citizens' privacy rights. The Government at times sought to restrict press freedom. Police forcibly dispersed demonstrations and obstructed rallies of the political opposition, labor unions, and civil society groups. Violence and discrimination against women remained widespread. Child abuse, child labor, and discrimination against persons with disabilities were problems. Workers' rights were limited. There were reports of trafficking in persons.

RESPECT FOR HUMAN RIGHTS

Section 1. Respect for the Integrity of the Person, Including Freedom From:

a. Arbitrary or Unlawful Deprivation of Life.—There were no political killings; however, security forces committed numerous unlawful killings during the year. The Legal Resources Foundation (LRF), an independent human rights organization that counseled victims' families and represented them in actions against the Government, consistently investigated and publicized such incidents.

On May 27, police in the Lusaka neighborhood of Kabwata shot and killed Tombozгани Chirambo, head coach of a local basketball team, as he returned home following an evening practice session. Following complaints by Chirambo's family and the Law Association of Zambia (LAZ), the Government arrested and charged two officers with murder. The court ordered the two officers held without bail; however, there was no trial by year's end.

Police killed several suspects during apprehension and in custody. For example, on January 29, Lusaka police arrested Chomba Mulamba, a Congolese national, on suspicion of illegal possession of a firearm. Police transported Mulamba to nearby detention cells, where they severely beat him, breaking his ribs and both of his legs. Mulamba remained in the cell for several days with no medical care. Following protests from his uncle, police transported Mulamba to the hospital, where he died following the amputation of one of his legs. No action was taken against those responsible by year's end. On May 6, LRF reported that Tobias Kapenda Tembo died after two police officers beat him in Livingstone. No action was taken against the perpetrators by year's end.

On November 14, police in Kabwe arrested and beat Chisenga Chisenga on suspicion of theft. When his father visited him in the police cell shortly after his arrest, Chisenga was unable to stand, had several contusions, and was bleeding from the mouth and ears; he was pronounced dead 4 hours after his arrest. The police claimed Chisenga committed suicide; however, Chisenga's father charged that police refused to provide medical care for his son. The police promised to investigate Chisenga's death; however, no action had been taken by year's end.

Police forcibly dispersed demonstrations during the year; at least one person was killed (see Section 2.b.).

On February 17, former State House Permanent Secretary Gibson Zimba and his accomplices were sentenced to death for the 2001 murder of three teachers; LRF initiated a civil suit in the case during the year.

On February 19, the Lusaka High Court sentenced police officer Patson Mwale to 20 years in prison for the 1999 murder of Ben Shatuka.

On May 1, the police officer who killed Joe Mpembeni in 2002 over an unpaid beer debt was convicted of murder. No action was taken on the civil suit filed by LRF.

On July 25, the state sentenced Moses Mulenga and Amon Banda to death for the 1999 murder of Major Wezi Kaunda, the son of former president Kenneth Kaunda.

The results of the inquest into the 2002 killing by police of Alison Phiri and David Nkwambwa were not released by year's end.

There was no known action taken in the 2002 killings by police officers of Fackson Kafumukache, Henry Simwinga, and Mukata Sifu.

There was no known action taken in the 2001 police killings of Eddie Muonga and Lemeck Siamapande.

In July and August, Mai Mai rebels from the Democratic Republic of the Congo (DRC) killed numerous civilians during raids on villages near Kaputa.

b. Disappearance.—There were no reports of politically motivated disappearances. Unlike in the previous year, there were no reports of abductions by Angolan government forces or National Union for the Total Independence of Angola rebels.

There was no information on the whereabouts of seven citizens detained by Angolan government forces in 2002 after they crossed the border into Angola.

Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The Constitution prohibits such practices; however, police frequently used excessive force when apprehending, interrogating, and detaining criminal suspects or illegal immigrants. Authorities detained, interrogated, and physically abused family members or associates of criminal suspects in attempts to identify or locate suspects. Officers who tortured, beat, or otherwise abused suspects generally were not disciplined or arrested for such acts, although local human rights organizations, particularly LRF, were active in pressing for such action.

On March 26, police in Lusaka arrested and tortured Kalengo Kalowani, whom they suspected of involvement in vehicle theft; Kalowani was later hospitalized from his injuries. Police promised an internal investigation; however, no action was taken against the responsible officers by year's end.

On April 5, police in Lusaka arrested Shebo Silumelume on suspicion of attempted sexual assault. While interrogating Silumelume, police severely beat him and shot him in the back of the head, causing permanent brain damage. Police launched an internal investigation; however, no known action was taken against the responsible officers by year's end.

In May, police in Lusaka tortured for 3 days Webster Mfula, whom they had arrested on suspicion of aggravated robbery. Interrogators reportedly stretched Mfula's legs atop a metal bar, crushed his feet, and subsequently denied him medical treatment; two of Mfula's toes were amputated as a result of his injuries. LRF pursued the matter in the courts; however, no further action was taken by year's end.

On October 10, the Government charged two Kabwe police officers with assault for torturing a suspect on October 4. The suspect, who was arrested on suspicion of theft, was hospitalized from the injuries he sustained during torture.

During the year, in response to recommendations made in the 2000 Torture Commission report, the Government announced that alleged victims of state-sanctioned torture following the 1997 coup attempt may file individual claims for compensation in the local courts.

Police also sexually abused detainees during the year. For example, on May 7, police in Livingston sexually assaulted Mary Goma, who had been arrested in connection with a theft at her place of business. Goma, who was pregnant, lost so much blood as a result of the assault that doctors were forced to induce an abortion. On June 19, police announced an investigation into the case; however, no known action was taken against the responsible officers by year's end.

On July 14, a police officer physically and sexually assaulted Linda Zulu in the presence of hundreds of witnesses near Lusaka's City Market. At least one other police officer stood by while her attacker and local youths assaulted Zulu. The police Victims Support Unit (VSU) investigated the case; however, no known action was taken against the responsible officers by year's end.

In February, the Government agreed to pay \$1,600 (8 million kwacha) in compensation to police officer Likomba Simunji, who 20 senior police officers unlawfully detained and tortured in 2000; the award followed a successful LRF lawsuit. On May 22, police arrested Joseph Chitambo, a senior police official, who extorted

money from a local couple in his capacity as a public servant; Chitambo was charged with theft and extortion by a public servant.

No action was taken against the responsible police officer in the 2002 beating of Leonard Zimba, who filed a civil suit against the State; the suit was pending at year's end.

There were no known developments in the 2002 cases of Joe Shapi Mulenga and Wilbrod Chewe. The results of the 2002 internal investigation into rapes by police officers were not known by year's end.

There was no known action during the year, nor was any action likely to be taken, against police officers responsible for numerous 2001 cases of torturing, beating, or abusing persons.

In July, Choma-area village Headman Victor Muzimo and his two messengers were sentenced to 1-year imprisonment with hard labor for whipping a village resident accused of theft. In handing down the sentence, the presiding judge noted that the law did not permit chiefs or village headmen to inflict corporal punishment on their subjects.

Prison conditions were harsh and life threatening. According to official December statistics, prisons designed to hold 5,500 inmates held more than 13,200 prisoners, 5,100 of whom were pre-trial detainees. The Lusaka Central Prison, built to hold 400 inmates, reportedly held 1,396 prisoners at year's end; some prisoners slept sitting upright. Severe overcrowding, combined with poor sanitation, inadequate medical facilities, meager food supplies, and lack of potable water, resulted in serious outbreaks of dysentery and other diseases, including tuberculosis. Between January and September, 149 convicted prisoners and 107 detainees died in custody, primarily from tuberculosis and malaria. During the year, the Government released \$120,000 (600 million kwacha) to improve prison sanitation and access to potable water. Unlike in the previous year, there were no reports of starvation in the prisons; however, the nongovernmental organization (NGO) Boy Empowerment International, which began donating food during the year to inmates from families too poor to deliver food, noted that such inmates were frequently deprived of food.

On May 3, the Government announced the presidential pardon and immediate release of 16 prisoners whose crimes had been committed with the mitigating factor of mental illness or defect; none still suffered from mental illness when released.

Women and men were held separately; however, juveniles often were not held separately from adults. For example, on January 5, a 6-year-old boy was transferred from Mumbwa State Prison to the Mukobeko Maximum Security Prison to await trial for the 2002 killing of a 3-year-old. During his stay in the two prisons, the first grader shared the same cells and daily routines as the adult inmates. On February 20, following a petition by LRF, the court reduced the charge to manslaughter and released the boy on bail; on March 4, the Kabwe High Court dismissed the charges against the boy.

Pretrial detainees were not held separately from convicted prisoners.

There were reports of prison deaths due to neglect during the year.

The Government permitted prison visits by both domestic and international NGOs and by resident foreign diplomats during the year. Provincial human rights committees periodically inspected prison conditions; LRF continued its prison visits during the year.

d. Arbitrary Arrest, Detention, or Exile.—The law prohibits arbitrary arrest and detention; however, the Government did not respect these prohibitions. Criminal suspects were arrested on the basis of insubstantial evidence or uncorroborated accusations.

Police posts in towns throughout the country reported to one of nine provincial police stations, which in turn reported to the central police command in Lusaka. Lack of professionalism, investigatory skill, and discipline in the police force remained serious problems. Human rights training during the year raised police awareness of human rights; however, the use of excessive force continued, and corruption was widespread. Police released prisoners in exchange for bribes, detained citizens in private debt disputes for a portion of the payment owed, extorted at roadblocks, and required document processing "fees" or "gas money" to commence investigations. Some of those police officers arrested were convicted and sentenced to prisons; however, most went unpunished unless an NGO took up the case on behalf of the victim. Punishment, if any, usually came years after the abuse was committed, and the accused officers often remained on duty in the interim.

During the year, the Government took some steps to address these problems. On May 7, the Government officially launched the PPCA, to which members of the public could direct complaints of police harassment and abuse. On May 18, following the submission of a complaint to the PPCA by a local businessman, the Inspector General (IG) of Police, who has 60 days to carry out the PPCA's instructions, per-

sonally arrested two police officers for theft of a motor vehicle. On June 16, the police department announced that it had arrested 148 police officers engaged in criminal activities since the 2002 inception of the Police Professional Standards Unit. On August 18, President Mwanawasa and the Minister of Home Affairs publicly criticized the police for continued human rights violations. On September 19, the PPCA directed the IG of Police to dismiss four police officers for unlawfully detaining suspects in May 2002. The recently-appointed IG, who claimed that the PPCA lacked the statutory authority to direct him to take action, refused to carry out the directive. Government officials were trying to resolve the jurisdictional dispute between the PPCA and the IG at year's end.

There was a functioning bail system; however, prisons were overcrowded in part because of the numerous offenses for which bail is not granted, including treason, murder, aggravated robbery, and violations of narcotics laws, as well as lesser offenses such as motor vehicle theft. During the year, there were public calls for the addition of child sexual abuse to the list of nonbailable crimes (see Section 5).

Indigent detainees and defendants rarely had the means to post bail. The Government's legal aid office was responsible for providing representation for indigent detainees and defendants in criminal or civil cases; however, in practice, few received assistance. The office had nine attorneys during the year.

Police arbitrarily arrested family members of criminal suspects (see Section 1.f.).

Police frequently arrested individuals as a pretext for stealing their property or extorting bribes. For example, on February 3, Mansa police reportedly arrested Mackson Chapwe on charges of disorderly conduct and took his money and wristwatch. Upon his release 2 days later, police informed Chapwe that his possessions were missing, and returned the items only after the intervention of LRF.

On April 2, according to LRF, a police officer arrested and detained Mulenga Mumbi and his wife on suspicion of theft. After 7 days, during which the officer occasionally beat the couple, the officer offered to release them for \$30 (150,000 kwacha). The couple refused to pay the officer, who later denied ever having made the offer to release them from custody. Police stations frequently became "debt collection centers," where police officers acting on unofficial complaints detained debtors without charge until they paid the complainants; in return, the police received a percentage of the payments. Officers found engaging in this practice reportedly were disciplined.

Authorities detained three journalists during the year (see Section 2.a.).

On January 28, the court dismissed for insufficient evidence the charges against three United Party for National Development (UPND) activists who were arrested in December 2002 for the murder of freelance journalist Charles Lwiindi; some observers believed the arrests were politically motivated.

Pre-trial detention often was prolonged. In criminal cases, the law requires that a detainee be charged and brought before a magistrate within 24 hours; in practice, the authorities held most detainees for more than 1 month from the time of detention to the first appearance before a magistrate. In some cases, defendants were awaiting trial for as long as 2 to 3 years. In past years, some defendants had waited as long as 10 years for completion of appeals processes that reached the Supreme Court. These long delays were a result of inadequate resources, inefficiency, lack of trained personnel, and broad rules of procedure that give wide latitude to prosecutors and defense attorneys to request adjournments (see Section 1.e.). Such delays resulted in a May 14 brawl at the Lusaka Magistrate's Court between police and 20 detainees, who refused to board a prison bus to protest a court adjournment that further delayed the adjudication of pending cases; one detainee was injured in the brawl. Attorneys and family members were permitted access to pre-trial detainees.

The law prohibits forced exile, and the Government did not use it. Unlike in previous years, the Government did not deport persons; however, in July, the President publicly suggested that NGO leaders critical of the Government might be deported (see Section 4).

On March 4, Liberal Progressive Front President Roger Chongwe returned to the country from self-imposed exile.

e. Denial of Fair Public Trial.—The Constitution provides for an independent judiciary, and the Government generally respected this provision in practice; however, the judicial system was hampered by lack of resources and inefficiency. The President nominates and the National Assembly confirms the Chief Justice and other members of the Supreme Court.

Courts continued to act independently and at times made judgments and rulings critical of the Government (see Section 3). For example, on September 24, the Supreme Court nullified the 2001 electoral victory of MMD parliamentarian and Minister of Defense Michael Mabenga and stripped him of his parliamentary seat and ministerial portfolio. The court further recommended that Mabenga, who diverted

money from the local Constituency Development Fund to finance his campaign, be charged criminally for theft of public funds during the 2001 campaign; however, no charges had been filed against Mabenga by year's end.

On February 25, the judiciary charged former President Chiluba with 59 counts of corruption, and in early August, the court added another 96 charges; other officials from the previous and current Government faced similar charges. On December 9, Chiluba, former intelligence chief Xavier Chungu, and five other former government officials went on trial for "plundering the national economy"; the trial was ongoing at year's end.

On December 18, the Supreme Court upheld the treason convictions and death sentences of 44 of the 59 soldiers arrested following the October 1997 attempted coup. The Court ruled that the Government had failed to prove the substantive involvement in the coup of 10 prisoners, who were immediately freed; 5 soldiers died awaiting their appeal.

The Supreme Court had appellate jurisdiction for all legal and constitutional disputes. The High Court, which held regular sessions in all nine provincial capitals, had authority to hear criminal and civil cases and appeals from lower courts. Magistrate courts had original jurisdiction in some criminal and civil cases; local, or customary, courts handled most civil and petty criminal cases in rural areas.

Local courts employed the principles of customary law, which varied widely throughout the country. Lawyers were barred from participating in proceedings in such courts, and there were few formal rules of procedure. Presiding judges, who usually were prominent local citizens, had substantial power to invoke customary law, render judgments regarding marriages, divorces, inheritances, other civil proceedings, and rule on minor criminal matters. Judgments often were not in accordance with the Penal Code; for example, they tended to discriminate against women in matters of inheritance (see Section 5).

Trials in magistrate courts were public, and defendants had the opportunity to confront their accusers and present witnesses; however, many defendants lacked the resources to retain a lawyer, and the limited resources of the Government's legal aid department meant that legal aid was unavailable for many citizens. Courts were congested, and there were significant delays in trials while the accused remained in custody (see Section 1.d.). In many cases, at least 6 months elapsed before a magistrate committed the defendant to the High Court for trial. Following committal, preparation of the magistrate court record for transmittal to the High Court took months, or, in some cases, as long as a year. Once a case reached the High Court for trial, court proceedings lasted an average of 6 months. Approximately 30 of 72 magistrate positions were filled by fully qualified attorneys; the rest were filled by lay magistrates.

On March 30, magistrates and local court justices went on strike for nearly 2 weeks to demand better pay and conditions of service. On July 9, judiciary workers again walked off the job in cities throughout the country, demanding government payment of housing allowances; operations in the judiciary slowed to a halt during the 2-week strike. On August 27, judicial workers joined other civil servants in a nationwide strike to protest the non-payment of housing allowances to government workers, slowing down judicial operations in September (see Section 6.b.).

On October 13, High Court Chief Justice Ernest Sakala announced that the courts would rely increasingly on mediators to reduce case backlogs, particularly in the Industrial Relations Court; mediators were not bound by strict rules of evidence or procedure. No information was available on the initiative by year's end.

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home or Correspondence.—The Constitution prohibits such actions; however, the Government frequently did not respect these prohibitions in practice. The law requires a search or arrest warrant before police may enter a home, except during a state of emergency. Police routinely ignored this requirement and often arrested alleged criminals at their homes without an arrest warrant.

The Constitution grants the Drug Enforcement Commission and the ZSIS authority to wiretap telephones for probable cause. Authorities sometimes detained, interrogated, and physically abused family members of criminal suspects to obtain their cooperation in identifying or locating suspects. For example, on February 10, police arrested two children, aged 13 and 18, and charged them with obstruction of justice for failing to disclose the whereabouts of their father, Joshua Chinyama. With the assistance of LRF, Chinyama sued the police in court; however, no decision had been reached in the case by year's end.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution provides for freedom of speech and of the press; however, the Government at times restricted these rights in practice. The law includes provisions that may be interpreted broadly to restrict these freedoms. Journalists in the government-owned media generally practiced self-censorship; however, the private print media routinely criticized the Government.

A number of privately owned newspapers questioned government actions and policies, and these circulated without government interference. The government-controlled Times of Zambia and Zambia Daily Mail were two of the most widely circulated newspapers.

In addition to the government-controlled radio station, there were several church-related radio stations, six private commercial radio stations, and three community radio stations in the country. Radio Phoenix rebroadcast programs from Voice of America, British Broadcasting Corporation (BBC), and South African Broadcasting Corporation. A Catholic radio network, Radio Yatsani, continued broadcast operations; however, its radio license limited the station to three newscasts of 3 minutes each per day, and the Government still had not approved its application for a television station by year's end. Yatsani officially had permission to rebroadcast programs from Vatican Radio and news clips from the BBC; however, it first had to have excerpts approved by the Ministry of Information, a process that effectively eliminated timely rebroadcasts. On May 5, Radio France International began broadcasting to Lusaka and Kitwe in French and English.

The Government-owned ZNBC was the sole local-content television station, and opposition political parties complained that government control of the station and of two major newspapers limited their access to mass communication. TV Africa, based in South Africa, provided free broadcasts of local and BBC programming. Multichoice, a telecommunications company based in South Africa, and CASAT provided satellite and analog wireless subscribers with television services, which included broadcasts of foreign news sources. None of the services included local news coverage.

The police harassed and arrested journalists during the year. On January 21, police detained without charge Monitor newspaper journalists Arthur Simuchoba, Calvin Kaley, and Chali Nondo; the three were questioned for several hours about an October 2002 article that charged the President's brother with corruption; the International Secretariat of Reporters Without Borders criticized their detainment. On February 5, Nondo was arrested and questioned about an article regarding magical charms used by former Minister of Foreign Affairs Katele Kaluma; he was released the same day.

During the year, the Government interfered with radio and television stations. For example, on February 27, Information Minister Newstead Zimba threatened to revoke the operating license of Radio Icengelo, a private religious station, for granting air time to opposition politician Michael Sata. Zimba further cautioned community radio stations and the Trinity Broadcasting Network not to criticize the Government or use sarcasm; however, the Government took no further action during the year.

On September 19, the country's only private television station, Omega, was granted a stay of execution to the High Court's order to cease operations; the Government claimed that Omega had failed to comply with aspects of its regulatory agreement. On November 1, police officers raided Omega and ordered the staff to cease test broadcasts immediately. Observers noted that the Government's action may have been in response to the involvement of former Press Secretary Richard Sakala, who was a major investor in Omega and a leading defendant in the Government's ongoing anti-corruption trials. The Government took no further action during the year; however, the station remained closed. The Government exercised considerable influence over the government-owned media, including reviewing articles prior to publication and censuring individuals responsible for published articles or programs deemed offensive by the Government. As a result, journalists in the government media generally practiced self-censorship, and the media continued to be supportive of the Government.

In response to headlines and stories alleging official corruption, those accused and others brought numerous libel suits against the Post, an independent daily newspaper, and the bi-weekly Monitor newspaper.

On May 12, the Lusaka High Court instructed the Sheriff of the country to seize assets from the Monitor newspaper, the Inter-African Network for Human Rights and Development (AFRONET), and former Monitor reporter Calvin Kaley to pay for over \$18,000 (90 million kwacha) in damages and \$12,000 (60 million kwacha) in interest owed by Kaley, the Monitor, and AFRONET to three human rights commissioners; in 2000, the commissioners had won a libel suit against Kaley, the

Monitor, and AFRONET following the Monitor's publication of an article accusing the commissioners of corruption. AFRONET and the Monitor sold all of their vehicles to pay the judgement.

On June 30, Peter Mumba, Permanent Secretary of the Ministry of Home Affairs, sued the Monitor for libel in response to allegations in an April edition that Mumba had been implicated in a corruption investigation; the lawsuit was pending at year's end.

The law provides that investigative tribunals can call as witnesses journalists and media managers who print allegations of parliamentary misconduct. Failure to cooperate with a tribunal can result in charges of contempt punishable by up to 6 months in jail. The media criticized these provisions as clear infringements of freedom of the press and as a means for parliamentarians to bypass the court system.

The Government did not restrict access to the Internet. Many newspapers, both private and government owned, had websites.

The Government did not restrict academic freedom. Although the law gives the University Council a mandate to address faculty concerns, the Minister of Education was empowered to appoint the members of the Council; some academics criticized this provision as an infringement of academic freedom.

b. Freedom of Peaceful Assembly and Association.—The Constitution provides for freedom of assembly; however, the Government occasionally interfered with this right in practice.

During the year, government officials, opposition leaders, and NGOs criticized the Public Order Act (POA), which requires rally organizers to notify the police 7 days in advance of a rally, and which the police often used to deny demonstration permits. On January 21, Acting Home Affairs Minister Ludwig Sondashi criticized the POA for its failure to conform to democratic standards; the same day, Francis Musonda, the IG criticized the POA as an anachronism from the authoritarian years of colonial rule. On June 25, Amnesty International accused police of using the POA to arbitrarily obstruct opposition parties and NGOs in their efforts to hold public demonstrations; police denied the accusation.

On March 6, Kitwe police obstructed the planned rally of Michael Sata, the President of the opposition Patriotic Front Party, citing a presidential visit to the city the same day. On March 20, Lusaka police again obstructed a Sata rally, citing the unfavorable security situation in Lusaka.

On March 8, the Government closed the University of Zambia (UNZA) following a month-long strike by lecturers and researchers over unpaid leave benefits and long service bonuses (see Section 6.b.). Lusaka police subsequently obstructed a demonstration scheduled for March 14 by the Zambian Independent Monitoring Team (ZIMT), which had called for demonstrations to demand the reopening of UNZA. The police commanding officer reportedly vowed never to allow a ZIMT rally. On March 27, police forcibly dispersed a student demonstration to end the ongoing strike; one student was shot and killed. Police promised an investigation into the killing; however, the results were not released by year's end. University classes resumed in June.

On August 9, police officers threatened opposition members of Parliament and their supporters with violence before allowing a rally to continue in Lusaka; the rally organizers had a valid permit for the gathering. Lusaka's commanding officer, Chendela Musonda, attributed police actions to a breakdown in internal police communication.

On November 18, police fired live ammunition during a demonstration to protest the death in custody of Chisenga Chisenga (see Section 1.a.).

No known action was taken against security forces who used excessive force when dispersing a spontaneous demonstration in 2002.

The Constitution provides for freedom of association; however, the Government placed some limits on this right in practice. All organizations must formally apply for registration to the Registrar of Societies. In most cases, authorities routinely approved these applications. There were 45 political parties and dozens of NGOs registered. The Government threatened to take action against those organizations that did not submit annual reports to the Registrar of Societies; however, no action has ever been taken. During the year, the Government deregistered two associations following clashes between them (see Section 6.b.).

c. Freedom of Religion.—The Constitution provides for freedom of religion, and the Government generally respected this right in practice. Although the Constitution declared the country a Christian nation, the Government in practice generally respected the right of all faiths to worship freely.

The Government required the registration of religious groups, and the Government approved all applications for registration from religious groups without discrimination.

On July 2, police in Lusaka raided an Islamic school and arrested the operators for unlawful confinement and child abuse; boys between the ages of 4 and 10 endured harsh conditions while studying Arabic and Islam at the school. The following week, police raided two similar Islamic schools in the Lusaka area. On November 10, the Director of Public Prosecutions dropped the charges without explanation. The High Court subsequently ordered the deportation of the operators, who were not citizens of the country; an appeal to the deportation order was pending at year's end.

For a more detailed discussion, see the 2003 International Religious Freedom Report.

d. Freedom of Movement within the Country, Foreign Travel, Emigration, and Repatriation.—The Constitution provides for these rights; however, at times the Government limited them in practice. Police continued to man numerous roadblocks around the country to control criminal activity, enforce customs and immigration regulations, check drivers licenses, and inspect vehicles for safety compliance. Police at times extorted money and goods from motorists at these roadblocks. To reduce opportunities for corruption, signs were erected at some roadblocks serving notice that payment of fees was prohibited; however, these signs were not notably effective.

The law does not provide for the granting of refugee status or asylum to persons who meet the definition in the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol; however, in practice the Government provided protection against refoulement and granted refugee status or asylum. The Government cooperated with the U.N. High Commissioner for Refugees (UNHCR) and other humanitarian organizations in assisting refugees. The Government also provided protection to certain individuals who fall outside of the definition of the 1951 U.N. Convention Related to the Status of Refugees and its 1967 Protocol. In May, the Government provided temporary protection to more than 500 Congolese who fled the DRC following the April 25 pullout of Uganda troops. The UNHCR estimated that there were approximately 225,000 refugees in the country at year's end, most of whom were Angolans and Congolese; 125,000 of the refugees were in formal camps.

Voluntary repatriation of Angolan refugees began during the year, and more than 18,000, primarily from the Meheba and Mayukwayukwa camps, were repatriated by year's end.

Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government

The Constitution provides citizens with the right to change their government, and citizens exercised this right in practice through periodic elections held on the basis of universal suffrage. Under the Constitution, the President exercises broad authority. The National Assembly ratifies major appointments and theoretically has broad powers.

In December 2001, 11 political parties contested the presidential elections. Levy Mwanawasa, the MMD presidential candidate, was elected with 29 percent of the vote; runner-up Anderson Mazoka, the UPND candidate, won 27 percent of the vote. The remaining 44 percent of the vote was divided among the other nine opposition candidates. The MMD won 69 out of 150 elected parliamentary seats, leaving it slightly short of a majority; the remaining 81 elected seats were divided among several opposition parties and 1 independent member. Approximately 55 percent of eligible voters registered, and approximately 70 percent of registered voters cast ballots. President Mwanawasa was sworn in on January 2, 2002. Although noting general transparency during the voting, domestic and international observer groups cited irregularities in the registration process and problems in the tabulation of the election results. The MMD's use of government resources during campaigns, including the government-owned media, called into question the fairness of the elections. Opposition parties further alleged that significant rigging took place during the elections.

Anderson Mazoka, the UPND runner-up in the 2001 presidential election, Christon Tembo of the Forum for Democracy and Development, and Godfrey Miyanda of the Heritage Party challenged the election results. In July 2002, the court banned public comments on this matter after the three petitioners claimed that they were intimidated by President Mwanawasa's warning in a media interview that his accusers should "be prepared to accept as a reward for their evidence that they should be prosecuted and possibly convicted of theft or corrupt practices."

On May 16, the Supreme Court found Mazoka and Vice-President Enoch Kavindele in contempt for having discussed the presidential election petition in the

media. The court ordered Mazoka and Kavindele to pay a fine of \$600 (3 million kwacha) and \$200 (1 million kwacha), respectively; the election petition was still pending before the Court at year's end.

Since the 2001 general election, the Government has convened 15 parliamentary by-elections in the constituencies of Mwandu, Keembe, Kabwe Central, Bwacha, Lukulu East, Kantanshi, Kaoma, Nangoma, Lufwanyama, Mwanabombwe, Solwezi Central, Msanzala, Mulobezi, Mpika, and Mwinilunga East; 4 resulted from expulsions by opposition parties of incumbents who had accepted ministerial jobs in the Government; 3 were a result of resignations by incumbents to join the ruling party; 4 were a result of incumbent deaths; and 4 were as a result of court decisions that overturned election results. The ruling MMD won 14 of the 15 by-elections, further consolidating majority control of Parliament.

There were numerous irregularities in the by-elections. On July 11, UPND and Zambian Republican Party (ZRP) activists seized voter registration cards and equipment to stop what they contended was illegal voter registration for the July 15 by-elections in Nangoma and Mwanabombwe. On July 18, police arrested ZRP president B. Y. Mwila in connection with the confiscated registration materials; Mwila was released shortly after his arrest on a \$200 (1 million kwacha) bond. On August 6, police arrested UPND elections committee member Andrew Banda on charges of obstructing the chief registrar; Banda was released on a \$160 (800,000 kwacha) bond. On September 15, police in Lukulu arrested UPND M.P. Crispin Sibetta for "conduct likely to cause a breach of peace." Sibetta, who was subsequently released on bail, maintained that he had organized a legal demonstration at a local high school; police contended that he had instigated a riot. On November 14, Mpika police issued a "warn and caution" statement to opposition politician Michael Sata for allegedly defaming President Mwanawasa.

In its report on the September by-elections in Lukulu East, Kaoma Central, Solwezi Central, and Kantanshi constituencies, the Foundation for Democratic Process (FODEP) expressed concern about the MMD's use of government resources in electioneering, vote buying, intimidation, and violence; however, FODEP noted the improved conduct of the police and the general preparedness of the Electoral Commission.

On February 19, the Supreme Court affirmed Parliament's lifting of immunity granted to former President Frederick Chiluba. On February 25, the Government charged the former president with 59 counts of corruption, and in early August, the Government added another 96 charges against Chiluba. Other officials from the previous and current governments faced similar charges of corruption. On December 9, Chiluba and former intelligence chief Xavier Chungu went on trial along with five other co-defendants for "plundering the national economy"; the trial was ongoing at year's end.

On May 28, President Mwanawasa removed Vice President Kavindele from office, citing allegations of corruption; the MMD Executive Committee suspended Kavindele from his position as vice-president of the party. Kavindele and two other members of the MMD subsequently supported an opposition motion to impeach President Mwanawasa, which failed on August 14; on August 18, the MMD expelled the three dissenting members from the party. Kavindele petitioned the court to block his expulsion. On December 17, the Lusaka High Court dismissed Kavindele's injunction petition; on December 18, Kavindele appealed his case to the Supreme Court.

Constitutional amendments barring citizens of partial or full foreign ancestry from the presidency violated the prohibition on discrimination based on place of origin. These amendments also prohibit traditional chiefs, who were accorded authority and privileges as chiefs, from running for political office unless they resigned their chieftainships.

On August 11, the Constitutional Review Commission (CRC) began traveling around the country, accepting submissions from the public concerning the formulation of a new Constitution. Members of civil society and the political opposition criticized the CRC, demanding that a Constituent Assembly be convened instead.

There were 18 women in the 158-seat Parliament (150 members were elected, while 8 others were appointed by the President). There were 2 elected ethnic Asians in the 158-seat Parliament.

Section 4. Governmental Attitudes Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A number of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials generally were cooperative and responsive to their views; however, in July, the President publicly suggested that NGO leaders

critical of the Government might be deported. The threat, which the Government later recanted, was believed to be directed at Emily Sikazwe, president of the NGO Women for Change, who had criticized the Government's procedures in adopting a new constitution. The Government reportedly seized Sikazwe's passport in April and had not returned it by year's end; however, the Government took no further steps to deport Sikazwe.

The Government threatened to arrest NGO activists. For example, on May 25, Lusaka Police Chief Chendela Musonda threatened to arrest members of the Oasis Forum, who had called on motorists across the country to express their opposition to the CRC (see Section 3) by honking their horns. Few motorists participated in the protest, and police made no arrests.

Some domestic human rights organizations, including LAZ, Women for Change, the Catholic Commission for Justice and Peace, the Southern African Commission for Conflict Resolution and Disputes, and the Zambia Civic Education Association, continued to press for a more transparent democratic electoral system. Human rights, development, and election NGOs monitored the by-elections during the year and organized civic education activities to improve voter participation and information.

Government representatives cooperated with the international NGO Transparency International, which mounted a campaign to adopt a national strategy against corruption.

A Supreme Court justice chairs the Permanent Human Rights Commission (PHRC); other members were drawn from throughout society and included the former head of the Foundation for Democratic Processes and an UNZA lecturer on human rights. The Commission oversaw human rights committees in all provincial capitals, interceded on behalf of persons whose rights it believed were denied by the Government, and spoke on behalf of detainees and prisoners. Independent human rights groups complained that the PHRC was understaffed, underfinanced, and lacked sufficient authority to enforce its recommendations. On May 1, the terms of the PHRC chair and some of its members lapsed; although former members were not precluded from re-appointment, the Government had not filled the vacancies by year's end.

Section 5. Discrimination Based on Race, Sex, Disability, Language, or Social Status

The Constitution prohibits discrimination based on race, tribe, sex, place of origin, marital status, political opinion, color, or creed; the Government generally enforced these provisions effectively. The Government actively discouraged societal discrimination against those living with HIV/AIDS. However, there was strong societal discrimination against such individuals, and more than 60 percent of the population believed that persons infected with HIV/AIDS should not be allowed to work, according to a study conducted during the year by the Central Statistics Office.

Women.—Domestic violence against women was a serious problem. Wife beating and rape were widespread. Domestic assault is a criminal offense. The police VSU was responsible for handling problems of domestic assault, wife beating, mistreatment of widows by the deceased husband's relatives, and "property grabbing"; however, the police in practice often were reluctant to pursue reports of domestic violence and preferred to encourage reconciliation. The Government and NGOs expressed continued concern about violence against women. The courts normally sentenced rapists to hard labor, and an average of 30 percent of the cases that came before the courts resulted in conviction.

Prostitution was illegal, and police routinely arrested street prostitutes for loitering; however, there were no reliable statistics on the number of prostitutes in the country.

Trafficking in women was a problem (see Section 6.f.).

Both the Constitution and the law entitle women to equality with men in most areas; however, in practice, women were severely disadvantaged in formal employment and education. Married women who were employed often suffered from discriminatory conditions of service. Women had little independent access to credit facilities; in most cases, they remained dependent on their husbands, who were required to cosign for loans. As a result, few women owned their own homes. Some small financial institutions allowed women to sign independently for loans.

Customary law and practice also place women in a subordinate status with respect to property, inheritance, and marriage, despite constitutional and legal protections. Polygyny was permitted if the first wife agreed to it at the time of her wedding. Under the law, the children of the deceased man equally shared 50 percent of an estate; the widow received 20 percent; the man's parents received 20 percent; and other relatives received 10 percent. The widow's share must be divided equally with any other women who can prove a marital relationship with the deceased man, thus granting inheritance rights to other wives, mistresses, and concubines. How-

ever, under the traditional customs prevalent in most ethnic groups, all rights to inherit property rested with the deceased man's family. In practice, property grabbing by the relatives of the deceased man remained widespread, although increased training of local court officials may have resulted in a slight decrease in the practice. Many widows were ignorant of the law, and as a result, received little or nothing from the estate. The fines that the law mandates for property grabbing were extremely low. The police, through its VSU, treated instances of property grabbing as criminal offenses.

During the year, representatives of civil society campaigned against the common traditional practice of "sexual cleansing," under which a widow had sex with her late husband's relatives as part of a cleansing ritual. On June 8, a spokesman for the country's traditional leaders, Senior Chief Ishindi of Northwestern Province, said the chiefs had resolved to stop forcing widows to marry their brothers-in-law and sexual cleansing due to concern over the spread of HIV/AIDS.

NGOs that predominantly represented women's interests were particularly active as lobbying organizations. The NGO Coordinating Committee, an umbrella organization for women's NGOs, was influential in the Oasis Forum, which continued to conduct civic education programs on the issue of constitutional reform.

Children.—The Government sought to improve the welfare of children, but scarce resources and ineffective implementation of social programs continued to adversely affect the welfare of children. The Ministry of Sport, Youth, and Child Development, the Ministry of Education, the Ministry of Labor, and the Ministry of Community Development and Social Services had responsibility for improving child welfare.

Government policy provided for compulsory basic education for the first 9 years of elementary school; however, this policy was not enforced, and many children did not attend school. In 2002, the Government eliminated school fees and mandatory uniforms for primary education students to increase school attendance by children of impoverished families, which has reversed the decline in primary school attendance. The Government continued its collaboration with UNICEF on the Program for the Advancement of Girls' Education to work with families and community leaders to keep girls in school and to bring back those that have left. A school feeding program initiated during the year by the World Food Program and UNICEF also has raised school attendance. The net enrollment ratio for children of primary school age increased from 66 percent in 1999 to 72 percent by year's end. Inadequate educational facilities and a scarcity of educational materials were problems. Some areas have established community schools; however, these schools had fewer resources than public schools and required contributions from parents. The number of girls and boys in primary school was approximately equal; however, fewer girls attended secondary school.

The Government estimated during the year that there were 800,000 orphans under the age of 15 in the country; these children faced greater risks of child abuse, sexual abuse, and child labor. Approximately 75 percent of all households were caring for at least one orphan, and approximately 7 percent of households were headed by children due to the death of both parents. The Government instituted programs to increase public awareness of HIV/AIDS.

Child abuse was a problem. Approximately 1,500 cases of child sexual abuse were reported annually, according to police statistics. A January Human Rights Watch report indicated that due to widespread sexual abuse, girls were five times more likely to be infected with HIV/AIDS than boys.

Several high-profile cases of child sexual abuses resulted in public calls for stiffer penalties and the inclusion of child sexual abuse on the list of nonbailable offenses. On September 12, an 11-year-old girl who had been sexually abused by her stepbrother for 3 years was admitted to the hospital; on September 14, the girl, who suffered from a sexually transmitted disease, died. Police charged the 32-year-old stepbrother, Thomson Seke of Lusaka, with murder; he was awaiting trial at year's end.

On September 22, police announced that a 14-year-old girl had accused Chief Mpezeni, the paramount chief of the Ngoni people of Eastern Province, of sexual assault. On August 25, the girl's father fled with her to Lusaka to avoid reprisals by the Chief's loyalists. On November 10, in the Chipata magistrate's court, the girl unexpectedly refused to testify against Mpezeni; the Government subsequently dropped the charges, but pledged to investigate the possibility of witness tampering; the results of the investigation were unknown at year's end.

During the year, traditional leaders and representatives of NGOs severely criticized the myth that having sex with a virgin was a cure for HIV/AIDS. On September 11, Rodwell Vongo, the president of the Traditional Healers and Practitioners Association of Zambia, said any traditional healer found prescribing such

practices would be expelled from the association; however, there were no reported expulsions by year's end.

There are laws that criminalize child prostitution; however, child prostitution was widespread, and the law was not enforced effectively. The presence of an estimated 30,000 street children in Lusaka contributed to the proliferation of street begging and prostitution. The laws against pornography and the sexual exploitation of children under the age of 21 were enforced.

Trafficking for sexual exploitation occurred (see Section 6.f.).

Child labor was a problem (see Section 6.d.).

Persons with Disabilities.—Persons with disabilities faced significant societal discrimination in employment and education. The Government took steps to ameliorate their hardships, including establishing a national trust fund to provide loans to persons with disabilities to help them start businesses, but its efforts were limited by scarce resources. The Government did not legislate or otherwise mandate accessibility to public buildings and services for persons with disabilities.

Section 6. Worker Rights

a. The Right of Association.—The Constitution recognizes the right of workers to form and belong to trade unions, and workers exercised these rights in practice. The Industrial and Labor Relations Act (IRA) establishes the procedures for registration, which were somewhat burdensome. For example, no organization can be registered unless it had at least 100 members, and with some exceptions, no trade union may be registered if it claimed to represent a class or classes of employees already represented by an existing trade union or eligible for membership in an existing trade union. Unions may be deregistered under certain circumstances; however, the IRA provides for notice, reconsideration, and right of appeal to an Industrial Relations Court. The IRA provides for a 180-day period during which written objections to registration may be filed and a 90-day period during which written objections to deregistration may be submitted.

The law provides the right of unions and their leaders to conduct their union activities without outside interference, and adequate enforcement mechanisms existed to protect this right. Unions acted independently of government, political parties, and other institutions in practice.

Only 11 percent of the eligible workforce was employed in the formal sector; approximately 60 percent of the country's labor force was engaged in agriculture. Approximately 60 percent of the 300,000 formal sector workers were unionized. Of the country's 19 large national unions, 17 were affiliated with the Zambia Congress of Trade Unions (ZCTU). The Zambia Union of Financial and Allied Workers and the Primary Teachers Union of Zambia were independent of the ZCTU.

The law codifies the "one union, one industry" principle; however, the law was amended to allow the division of broad industrial categories into subcategories. For example, the teachers' union was divided into separate unions for primary and secondary teachers under the amended law, which allows for a multiplicity of trade unions as well as federations of trade unions. The Bankers Union of Zambia, although registered with the Government in 1993, was unable to operate because employers recognized the Zambia Union of Financial and Allied Workers. The Secondary School Teachers Union of Zambia and the Zambia National Teachers Union (ZNUT) continued to operate; however, most teachers still belonged to the ZNUT. The ZNUT lost bargaining power when some members switched to separate unions for primary and secondary school teachers; these unions experienced difficulty gaining the attention of the Government.

In July, in response to reported Government plans to deregister the United Transport and Taxis Association (UTTA), UTTA members called on members of the Bus Driver and Motor Taxis Association (BDMTA) to join UTTA in a labor action designed to disrupt normal transport in Lusaka. BDMTA members refused to comply, and on July 21, UTTA members attacked BDMTA members with knives and clubs, resulting in one death and numerous injuries. On August 1, the Government deregistered the two associations as well as the Passengers Transport Association for allegedly promoting anarchy and directed local city councils to assume the responsibility for managing bus stops and collecting levies. Representatives of the associations claimed that the deregistration was illegal and vowed to reregister their groups; however, the associations were still deregistered at year's end.

The Government did not act on its 2002 pledge to inspect every business in the country to ensure labor law compliance; however, labor inspectors continued their routine inspections of businesses. During the year, the Government harshly criticized foreign investors for failing to respect workers' rights.

The law prohibits discrimination by employers against union members and organizers. Employees who believe they have been penalized for union activities may,

after exhausting existing administrative channels for relief, file a complaint with the Industrial Relations Court (IRC), which had the authority to order appropriate redress for the aggrieved workers and operated independently of the Government. Complainants may appeal an IRC judgment to the Supreme Court. The IRC often ordered employers to reinstate workers found to have been victims of discrimination; however, it had inadequate resources to handle the majority of the cases.

Under the IRA, a trade union is authorized to affiliate with a trade union organization or federation outside the country by a simple majority decision of members present and voting at a general conference of the union, provided the Commissioner of Labor is notified within 21 days. The ZCTU was a member of the International Confederation of Free Trade Unions.

b. The Right to Organize and Bargain Collectively.—The right to collective bargaining, without government interference, is protected in law and freely practiced. Employers and unions in each industry negotiated collective bargaining agreements through joint councils in which there was no government involvement. Civil servants and teachers, as public officials, negotiated directly with the Government. Collective disputes were referred first to conciliation. If conciliation failed to resolve the dispute, the parties may refer the case to the IRC or, in the case of employees, vote to strike. In practice, the industry joint councils functioned effectively as collective bargaining units.

All workers have the legal right to strike, except those engaged in essential services. In addition to the Zambia Defense Force, the judiciary, the police, the prison service, and the Security and Intelligence Service, the law defines as essential services any activity relating to the generation, supply, or distribution of electricity; to the supply and distribution of water; to sewerage; to fire departments; and to the maintenance of safe and sound conditions in underground working environments such as shafts and machinery in the mining sector. The law permits strikes only after all other legal recourse has been exhausted. Those procedures were sufficiently cumbersome that there has not been a legal strike since 1993. The law prohibits employers from retribution against employees engaged in legal union activities. Workers engaged in illegal strikes did not enjoy this protection.

On February 4, nurses and support staff at Ndola Central and Arthur Davison hospitals in Copperbelt Province went on strike, demanding a 300 percent wage increase. The Government considered the strike illegal because the Civil Servants and Allied Workers Union of Zambia (CSAWUZ) had not declared a dispute. On February 10, the Government fired 150 striking workers and deployed police in riot gear to keep the dismissed employees out of the hospitals. ZCTU severely criticized the firings and called on the Government to reinstate 84 dismissed non-medical support staff; following negotiations, the Government reinstated most of the dismissed workers.

In response to the Government's failure to pay workers the housing allowance agreed to in a collective bargaining agreement concluded on March 21, more than 120,000 civil servants went on a nationwide strike from August 11 to August 13 and again from August 27 to September 8. The Government characterized the strikes as illegal because the CSAWUZ and the National Union of Public Workers had failed to file a grievance as required under the ILO. President Mwanawasa and other officials threatened to fire the strikers and to arrest those who continued with the illegal strike. On September 8, union leaders called off the strike and initiated legal action to compel the Government to pay the housing allowance. On December 3, the IRC dismissed the case on the grounds that it was outside the Court's jurisdiction.

During the year, the Government suspended implementation of legislation creating Export Processing Zones (EPZs), citing insufficient resources and planning to make EPZs effective.

c. Prohibition of Forced or Bonded Labor.—The Constitution prohibits forced or bonded labor, including by children, and there were no reports that such practices occurred. However, the law authorizes the Government to call upon citizens to perform labor in specific instances, such as during national emergencies or disasters. The Government also may require citizens to perform labor that was associated with traditional civil or communal obligations, as when all members of a village were called upon to assist in preparing for a visit by a traditional leader or other dignitary; however, there were no reports of such activities during the year.

d. Status of Child Labor Practices and Minimum Age for Employment.—Child labor was a problem. The legal minimum age for employment of children is 16 years. The Labor Commissioner effectively enforced this law in the industrial sector, where there was little demand for child labor because of high adult unemployment. However, the law was not enforced for those who work in subsistence agriculture,

domestic service, and informal sectors, where children under the age of 16 often were employed. Child labor was most concentrated in the hotel and catering industries, construction, farming, transportation, prostitution, and household work. Acute family poverty levels and economic factors contributed to child labor, and the problem was compounded by the HIV/AIDS epidemic, which produced a growing number of orphans.

The International Labor Organization estimated that approximately 564,000 children were in the work force during the year; a Child Labor Survey conducted by the Central Statistical Office placed the number at 595,000. While approximately 87 percent of working children worked in the agricultural sector, children continued migrating to urban areas and living as street children due to growing numbers of orphans resulting from the death of both parents due to HIV/AIDS. In urban areas, children commonly engaged in street vending.

As of September, more than 1,600 children were prevented from entering the labor market, and more than 2,400 children were withdrawn from hazardous work and provided with educational opportunities by direct action programs carried out by NGOs under the National Program on the Elimination of Child Labor and other programs designed to combat child labor. The National Steering Committee of the National Country Program on Child Labor coordinated efforts at addressing the root causes of child labor.

e. Acceptable Conditions of Work.—The minimum wage for nongovernment workers, whose wages and conditions of employment were not regulated through collective bargaining, was determined by category of employment. Based on a 48-hour workweek, the legal maximum for nonunionized workers, a general worker earning the minimum wage would receive \$15.36 (76,800 kwacha) per month. The minimum wage was insufficient to provide a worker and family with a decent standard of living; most minimum wage earners supplemented their incomes through second jobs, subsistence farming, or reliance on the extended family.

With respect to unionized workers, wage scales and maximum workweek limits were established through collective bargaining. In practice, almost all unionized workers received salaries considerably higher than the nonunionized minimum wage. The minimum workweek for full-time employment was 40 hours, which was the normal workweek. The law requires 2 days of annual leave per month of service. The Government effectively enforced these standards.

The law also regulates minimum health standards in industry, and city and district councils were responsible for enforcement. The Inspector of Factories under the Minister of Labor handled factory safety; however, staffing shortages limited enforcement effectiveness. There were provisions in the law to protect the right of workers to remove themselves from work situations that endangered health or safety without jeopardy to their continued employment; however, workers did not exercise this right in practice. The Government has acted when well-known occupational health problems existed, such as by requiring underground mine workers to receive annual medical examinations. The LRF reported at least two cases during the year in which employers assaulted their workers, represented workers seeking compensation for on-the-job injuries, and urged the Government to enact stiffer penalties governing violent employer-employee incidents.

Foreign workers were protected under the law and were not treated by specific legislation.

f. Trafficking in Persons.—The Constitution prohibits trafficking of children under the age of 18, as well as trafficking in women for immoral activities; however, the country is a point of origin, transit, and destination for international trafficking in persons.

Child prostitution was a problem (see Section 5). There were reports of small-scale trafficking of Zambian women to South Africa for prostitution and the use of the country as a transit point for regional trafficking of women to South Africa for prostitution.

In November 2002, Congolese nationals Bangu Kasenge, Kasongo Cheche, and Delphine Bakuna Chibwabwa trafficked two girls, aged 13 and 14, to Ireland, where the girls were repeatedly sexually abused until they escaped from their captors and notified the Irish police. On February 27, the suspects were arrested and subsequently denied bail. In March, the Government facilitated the return of the abducted girls. There were no further developments in the case at year's end.

ZIMBABWE

Zimbabwe is a republic in which President Robert Mugabe and his Zimbabwe African National Union-Patriotic Front (ZANU-PF) have dominated the executive and legislative branches of the Government since independence in 1980. President Mugabe was reelected in March 2002 in elections that were deemed not free and fair, and which were preceded and followed by a government-sanctioned campaign of violence. Although the Constitution allows for multiple parties, opposition parties and their supporters were subjected to significant intimidation and violence by the ruling party and security forces, especially after successful opposition sponsored general strikes. In 1999, the Movement for Democratic Change (MDC) emerged as the country's only viable opposition party and holds 53 out of 120 parliamentary seats. During local and parliamentary by-elections held during the year the voting process itself generally was peaceful; however, there were reports of violence in the pre-election periods and other irregularities, and the election processes overall had serious flaws. Political corruption was systemic. The Constitution provides for an independent judiciary; however, the Government installed judges sympathetic to government policies, sanctioned intimidation against sitting judges, and ignored or overturned judgments with which it did not agree.

The Zimbabwe Republic Police (ZRP) is responsible for maintaining law and order. Although the ZRP officially is under the authority of the Ministry of Home Affairs, in practice some roles and missions were controlled by the President's Office. The Zimbabwe National Army and Air Force under the Defense Ministry are responsible for external security; however, they occasionally were called upon for domestic operations during the year. The Central Intelligence Organization (CIO), under the Minister of State for National Security in the President's Office, is responsible for internal and external security and has powers of arrest. While supposedly a youth service training program, National Youth Service (youth militia) graduates were used for many security-related activities. Senior government and ruling party members tightly controlled the security forces and the youth militias. Members of the security forces and youth militias committed numerous, serious human rights abuses.

An estimated 60 percent of the population of approximately 12 million survived on subsistence agriculture, and approximately 75 percent relied directly or indirectly on agriculture for their livelihood; however, there were significant mining, manufacturing, and service sectors. The political crisis, a drought, excessive government spending, manipulation of interest rates, money supply growth in excess of 100 percent, and government-sanctioned land occupations led to inflation; diminished agricultural harvests; reduced foreign investment and tourism; acute foreign exchange, fuel, and food shortages; accelerating unemployment; and shrinking real incomes. During the year, the country's gross domestic product (GDP) dropped 14 percent from \$4.2 billion to an estimated \$3.6 billion. Wages continually lagged behind the hyperinflation, which fluctuated during the year but was 599 percent at year's end. According to authoritative estimates, more than 70 percent of the population lived below the poverty line. International experts estimated that half the population required food assistance by year's end to avert starvation.

The Government's human rights record remained very poor, and it continued to commit numerous, serious abuses. President Mugabe and his ZANU-PF party used intimidation and violence to maintain political power. A systematic government-sanctioned, campaign of violence targeting supporters and potential supporters of the opposition continued during the year. Security forces committed extrajudicial killings. Ruling party supporters and war veterans (an extralegal militia), with material support from the Government, expanded their occupation of commercial farms, and in some cases killed, abducted, tortured, beat, abused, raped, and threatened farm owners, their workers, opposition party members, and other persons believed to be sympathetic to the opposition. There were reports of politically motivated disappearances. Security forces and government youth militias tortured, beat, raped, and otherwise abused persons; some persons died from their injuries. Prison conditions remained harsh and life threatening. Official impunity for ruling party supporters who committed abuses was a problem. Arbitrary arrest and detention and lengthy pre-trial detention remained problems. Infringements on citizens' privacy continued. The Government continued its far-reaching "fast-track" resettlement program under which nearly all large-scale commercial farms owned by whites were designated for seizure without fair compensation.

The Government continued to restrict freedom of speech and of the press; closed down the only independent daily newspaper; beat, intimidated, arrested, and prosecuted journalists who published antigovernment articles. Many journalists also practiced self-censorship. The Government continued to restrict academic freedom.

The Government restricted freedom of assembly and used force on numerous occasions to disperse nonviolent public meetings and demonstrations. The Government restricted the right of association for political organizations. The Government at times restricted freedom of movement. Hundreds of thousands of farm workers were displaced internally due to the ongoing land resettlement policies, and opposition supporters were displaced by threats of violence. The Government's Grain Marketing Board (GMB) routinely and publicly denied handouts of maize meal to suspected MDC supporters and provided it only to ruling party supporters. The Government attacked and arrested members of civil society and human rights nongovernmental organizations (NGOs) and accused the NGOs of sponsoring opposition political activity. Societal violence against women remained widespread, and discrimination against women and persons with disabilities, abuse of children, and child prostitution remained problems. The President and his Government promoted widespread resentment against the white minority. The Government violated worker rights. Child labor, and impressment into the National Youth Service were problems. There were occasional reports of trafficking in persons.

RESPECT FOR HUMAN RIGHTS

Section 1. Respect for the Integrity of the Person, Including Freedom From:

a. Arbitrary or Unlawful Deprivation of Life.—There were reports of political killings by security forces during the year. Security forces and pro-government militias committed several extrajudicial killings, and in numerous other cases, army and police units participated or provided transportation and other logistical support to perpetrators of political violence and knowingly permitted their activities.

The Zimbabwe Human Rights NGO Forum, reported that nine persons were confirmed killed as a result of political violence during the year, mostly perpetrated by supporters of the ruling party. The majority of those killed in political violence were MDC activists or supporters. Unlike in the previous year, there were no reports that farm workers were killed in political violence.

In response to the MDC organized stayaway in March, the Government arrested, beat, raped, and tortured MDC supporters. For example, on March 18, suspected CIO officers abducted Steven Toner and two other workers from MDC Chimanimani M.P. Roy Bennet's farm in Epworth. The officers beat Toner severely with batons, sjamboks, and wire, and accused him of burning a Zimbabwe United Passenger Company Bus in Hatfield. Toner died outside the police station in Epworth. No official action was taken by year's end.

On March 18, police assaulted Richard Tonderayi Machiridza, an MDC supporter from Chitungwiza, during the MDC-led stayaways. On April 18, he died from the injuries sustained. No official action was taken by year's end.

In May, four ZANU–PF youths reportedly raided the home of David Matinyarare, MDC Secretary for Information and Publicity for Mufakose, beat him with iron bars, and stabbed him in the stomach. Matinyarare was admitted to Parirenyatwa Hospital, where he died of his injuries 3 days later. No official action was taken by year's end.

On June 3, MDC member Tichaona Kaguru died at Chikurubi Police Camp hospital near Harare from wounds inflicted by ruling party supporters in army and police uniforms. Earlier that day, the uniformed personnel abducted and severely assaulted Sydney Mazaranhanga, an MDC Harare City councilor, and Kaguru with sjamboks and batons, and forced them to roll in sewage, allegedly for attempting to organize MDC demonstrations. At the Chikurubi Police Camp hospital, an ambulance crew pronounced Kaguru dead. No official action was taken by year's end.

During the year, several persons died as a result of injuries sustained in previous years' attacks. For example, on January 20, Samson Shawano Kombo, the MDC Chairman for Makoni East (Manicaland) died of injuries after suspected war veterans and ZANU–PF supporters abducted and tortured Kombo with 15 other MDC supporters in November 2002 following the alleged MDC gasoline-bombing of war veterans' offices and the homes of ZANU–PF activists in Rusape. Results of an autopsy were not made public, and there were no reports of an investigation into the abduction or death. Edison Mukwasi, an MDC activist, died on February 2 because of injuries sustained during police torture in January 2001 and November 2002.

There were no further developments in the following 2002 killings by security forces or pro-government militias: The January killing of MDC member Tichaona Katsamudangu in Harare; the February abduction, torture, and killing of MDC activist Tembendi Ndebele; the March killing of Amos Museva in Masvingo; the September killing of MDC supporter Nikoniari Chibvamudeve in Hurungwe West.

There were no new developments in the reported 2001 cases of killings by security forces or pro-government militias.

In March 2002, police arrested several suspects in the killing of commercial farmer Terrence Ford during that same month in Norton; however, there was no further action by year's end.

The trial of eight MDC members, including MDC M.P. and Treasurer Fletcher Dulini-Ncube, accused in the 2001 killing of Bulawayo War Veterans Chairman, Cain Nkala, was ongoing at year's end. Several of the accused and other witnesses alleged in court that the police used torture to extract confessions and desired testimonies.

Harsh prison conditions and a high incidence of HIV/AIDS were acknowledged widely to have contributed to a large number of deaths in prison; however, some deaths in custody and prison may have been due to abuse or other causes (see Section 1.c.).

There were several reports of inter-party violence during the year. On January 20, Tonderai Mangwiro, a ZANU-PF member, died from burns and severe head injuries he sustained when suspected MDC supporters gasoline-bombed a ZANU-PF base in Kuwadzana (near Harare) in the run-up to parliamentary by-elections. Police and CIO officials arrested 16 MDC activists, and abducted, detained and tortured approximately 30 MDC members in connection with the bombing. No trial dates had been set by year's end.

There were no new developments into the May 2002 killing of MDC polling agent Tipason Madhobha in Gokwe by unknown persons.

There were no new developments in the following 2001 killings by government supporters: The killing of 72-year-old commercial farmer Gloria Olds, and the killing of Kwekwe farmer Ralph Fenwick Corbett.

b. Disappearance.—During the year, there were 4 reports of politically motivated disappearances mostly committed by ZANU-PF supporters. Domestic human rights organizations believed that there were disappearances in rural areas that were not reported due to fear of retribution by pro-government factions. Abductees often were beaten or tortured.

On March 8, several men abducted Mthulisi Mloyi, an MDC member, while he was putting up posters in the Nkayi area (Matabeleland North) for an MDC rally. He was released later that day and reported that war veterans assaulted him, forced him to chew MDC regalia, and stripped him naked. Although Mloyi reported the incident to police, no official action was taken by year's end.

There was no action taken in the following 2002 cases of disappearance: the March abduction of Thomas Manyika, the MDC polling agent for Mt. Darwin; the July abduction of Musande Matsveta, the MDC treasurer for Buhera South, and Kudzai Magama, a MDC member. Their whereabouts were unknown at year's end.

There was no action taken in disappearances during the pre-election period prior to the September 2002 rural district council elections, including the abduction of Meynard Mashapa.

There were no further developments or action taken in the reported 2001 cases of disappearance.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The Constitution prohibits such practices; however, security forces tortured, beat, and otherwise abused persons. The ZRP showed poor training in criminal apprehension and interrogation, and there were unconfirmed reports of human rights abuses by the CIO. There continued to be reports that police used excessive force in apprehending and detaining criminal suspects. Government supporters continued to beat and torture suspected opposition members and farm laborers, and some persons died from torture during the year (see Section 1.a.). Unlike in the previous year, there were no reports that government supporters beat commercial farmers during the year.

Security forces were involved in incidents of political violence, including instances of soldiers and persons in military uniforms beating civilians, particularly in areas where persons voted for the opposition (see Section 3).

Human rights groups reported systematic mass physical and psychological torture perpetrated by government supporters throughout the country, and that war veterans and other ruling party supporters set up torture chambers in government-funded offices, police stations, and schools, to brutalize opposition supporters primarily during election periods. National youth training camps were the source of government youth militia forces, which were deployed to harass, intimidate, and torture suspected MDC supporters. There were reports that the camps were used to teach paramilitary skills and expertise in political oppression and torture (see Section 6.d.). The Zimbabwe Human Rights NGO Forum reported 391 cases of torture during the year as part of a campaign of political violence.

On January 14, riot police arrested MDC M.P. for St. Mary's (near Harare) Job Sikhala, Gabriel Shumba, a human rights lawyer, and three other MDC members at Nyamutamba Hotel. The five were blindfolded and taken individually to undisclosed locations and tortured for 3 days by suspected CIO agents. The agents attached live electrodes to their fingers, toes, tongue and genitals; beat them with planks; strangled them with wire; and urinated on them. Charged with burning a Zimbabwe United Passenger Company (ZUPCO) bus and violating the Public Order and Security Act (POSA), the victims recounted their ordeal in the High Court. A court-ordered medical exam revealed that the five were tortured while in police custody. After the three were released on bail, there has been no further action on the charges against them. A police investigation of the torture had not made any progress by year's end.

On March 21, at 2 a.m. soldiers abducted Raphinos Madzokere, the MDC district secretary for Mashonaland East from his home and beat him with batons, wires, and sticks at an undisclosed location. The assailants put wires on his toes, tongue, and penis and shocked him until he lost consciousness. He was released by the roadside and subsequently taken to hospital with fractured vertebrae, head injuries, and wounds all over his body. No official action was taken by year's end.

On March 22, at 1 a.m. soldiers invaded the home of Margaret Kulinji, secretary of the MDC's women's league, beat Kulinji with their fists and rifle butts, and kicked and whipped her. They also beat her mother. Kulinji reported that they sexually abused her mother with the barrel of an AK-47 rifle. The men carried a list of MDC officials who were their targets. No official action was taken by year's end.

On June 6, during the funeral wake of Tichaona Kaguru—an MDC official killed by government security agents (see Section 1.a.)—in Harare's Mbare suburb, suspected ruling ZANU-PF supporters attacked the mourners with bricks, stones, and sticks. No official action was taken by year's end.

On October 17, hundreds of MDC supporters assaulted a senior ZANU-PF local official in Redcliff ostensibly in response to ZANU-PF attacks on the homes of four MDC supporters the previous day. ZANU-PF youths responded with attacks on four more MDC houses on October 18. Eleven MDC youths and two ZANU-PF youths were arrested and detained for several days before posting bail. The ZANU-PF official who was assaulted was hospitalized for a few days and released. There was no further action on the case by year's end.

Many persons perceived as supporting the opposition, including teachers, civil servants, health workers, and laborers, were singled out for assault or intimidation by ruling party supporters (see Sections 1.e. and 6.a.). After the March and June MDC-led stayaways, suspected youth militia members in military uniforms arrived at MDC members' houses at night with lists of names, singling out, assaulting, and intimidating specific persons perceived to be threatening to the Government. In most cases, the national police did not halt acts of political intimidation or violence, arrest the perpetrators, or investigate political crimes.

There was no action in the following 2002 cases: The February riot police beating of MDC polling agents, including Philip Jani, in Harare; the February abduction and torture by war veterans and a suspected CIO officer of MDC activists Venny Dube and Newman Bhebhe; the March attack on 50 polling agents in Mount Darwin; the April abduction and beating by suspected CIO officers of Robbie Siyanai, MDC Provincial Secretary for Information and Publicity for Midlands; the August arrest and torture of MDC security officer Solomon Chikowero and Harare councilor Linos Mushonga; the August assault and beating of Tapera Dzingai, opposition Chairman for Mbare East, by suspected ZANU-PF youths; the police torture of MDC youth activist Tom Spicer; the December arrest and torture by police of Wellington Chibebe, the Secretary General of the Zimbabwe Confederation of Trade Unions (ZCTU).

During the year, youth militias tortured, beat, raped, and otherwise abused persons. On January 14, youth militia members abducted Combined Harare Residents Association (CHRA) committee members Barnabas Mangodza, Jameson Gadzirai, and Joseph Rose, together with Richard Mudekwe, a Kuwadzana resident, and severely beat them for 4 hours. Police subsequently arrested and detained them overnight on allegations of engaging in conduct "likely to cause a breach of the peace." No further official action was taken by year's end.

No action was taken against the ruling party supporters responsible for the abuses committed in an organized campaign of intimidation preceding and following the 2002 nationwide elections. In 2002, government militias also abducted more than 100 MDC supporters and took them to Gunduza School in Gunduza, 1 of the 3 sites ZANU-PF set up in Mashonaland Province, where the MDC supporters were pressured to defect to ZANU-PF, beaten or raped if they refused, and subsequently

released. Unlike in the previous year, there were no reports that government militias abducted MDC supporters and took them sites in Mashonaland Province.

Unlike in previous years, there were no reports that torture camps at Kitsiyatota, Chiveso, Murembe, Mupandira, Maizeland, Foothill Farms, and Nyawa in Bindura established in 2001 were used during the year.

War veterans and ZANU–PF supporters continued to harass, intimidate, and abuse journalists considered to be sympathetic to the opposition during the year (see Section 2.a.). There was no action in the November 2002 detention of a foreign diplomat, a U.N. employee, local embassy employee, and a local citizen by war veterans.

Unlike in the previous year, there were no reports that ruling party supporters attacked teachers suspected of supporting the opposition.

Unlike in the previous year, there were no reports that war veterans and other ZANU–PF supporters conducted “pungwes” (forced nightly political gatherings) in rural areas.

No further action was taken in the reported 2001 cases of torture and beatings by security forces, ZANU–PF supporters, and war veterans.

The Amani Trust and Musasa Project reported that at least six politically motivated rapes were committed during the year but noted that the figure likely was grossly underreported due to cultural taboos. The attacks targeted MDC supporters, their daughters, and their wives (see Section 5).

There continued to be reports that young girls were raped at national youth service training camps (see Section 5).

Security forces repeatedly used force, including tear gas, to disperse nonviolent gatherings, and demonstrations; security forces also beat participants and demonstrators, which resulted in injuries (see Section 2.b.).

Prison conditions remained harsh and life threatening. The Government’s 42 prisons were designed for a capacity of 16,000 prisoners; however, they held approximately 20,000 at year’s end. Overcrowding continued to be a problem, and shortages of clothing and poor sanitary conditions persisted, which aggravated outbreaks of cholera, diarrhea, and HIV/AIDS-related illnesses. Researchers reported that the HIV prevalence rate among prisoners is estimated to be 60 percent and that exposure to HIV/AIDS was a major cause of deaths in detention.

In January, overcrowding was alleviated slightly when President Mugabe issued an amnesty and released about 5,000 prisoners. The amnesty covered females sentenced before 1985; prisoners with unweaned children; women convicted of infanticide, abortion, or concealment of birth; and prisoners aged 60 and above with 1 year or less left of their sentence. Prisoners medically certified to be terminally ill or have physical disabilities who have 1 year or less to serve also qualified. Habitual criminals serving extended sentences, those awaiting death sentences, those serving sentences imposed by a court martial and escapees were among those who did not qualify. Unlike in previous years, there were no reports that prisoners were denied medication, although some detainees were denied medical attention (see Section 2.b.).

The estimated 2,000 female prisoners were held in separate cellblocks from male prisoners. Juveniles generally were held separately from adults; however, a local NGO reported that occasionally juveniles, particularly juveniles between the ages of 16 and 18 years, were held with adult prisoners for brief periods of time.

Pre-trial detainees generally were held in group cells until their bail hearings. If detainees were charged and held in custody, they routinely were held with the general prison population until trial.

The Government permitted international human rights monitors to visit prisons; however, government procedures and requirements made it very difficult to do so. Permission was required from the Commissioner of Prisons and the Minister of Justice, which sometimes took 1 month or longer to obtain or was not granted. A local NGO that deals with prisoners’ issues was granted access on a number of occasions during the year.

d. Arbitrary Arrest, Detention, or Exile.—The Constitution prohibits arbitrary arrest and detention; however, some laws effectively weakened this prohibition, and security forces arbitrarily arrested and detained persons repeatedly, including foreign diplomats.

The police are centrally controlled, with the command center in Harare. The police are further divided with provincial headquarters overseeing two to three district headquarters, each of which supervise up to seven stations. Police effectiveness was reduced over the year because of an increase in crime and a decrease in resources, both human and material. It has also become more difficult for police to remain impartial due to increased politicization within the force’s upper echelons. Corruption, particularly within the traffic branch, has increased due, in part, to low salaries.

Musasa Project conducted training for police academy graduates in gender sensitivity. The police academy does not include a course on gender sensitivity in their regular curriculum.

The Government generally has not pursued actively past allegations of torture and has not prosecuted CIO or ZRP officers for such abuses. The 2000 amnesty protects nearly all the agents of the political violence campaign and effectively prevents any criminal prosecutions against them.

There was a continuing problem, particularly in rural areas, in which victims or witnesses of crimes who report to the police were charged themselves with the crimes of the perpetrators.

The law requires that police inform an arrested person of the charges before being taken into custody. Warrants of arrest issued by the courts were required except in cases of serious crimes or where there was the risk of evidence disappearing. Although a preliminary hearing before a magistrate is required within 48 hours of an arrest (or 96 hours over a weekend), the law often was disregarded if a person did not have legal representation. Police typically arrested individuals accused of political crimes on Fridays, presumably so that they could detain them legally until Monday. In several cases, police claimed not to know where they were holding a detained individual, which delayed a hearing on bail release.

Detainees often were not allowed prompt or regular access to their lawyers. Authorities often informed lawyers who attempted to visit their clients that detainees were “not available.” Family members generally were denied access unless accompanied by an attorney. Detainees, particularly those from rural areas without legal representation, routinely were held incommunicado. Family members and attorneys often were not able to verify that a person had been detained until the detainee appeared in court.

The Criminal Procedures and Evidence Act substantially reduced the power of magistrates to grant bail without the consent of the Attorney General or his agents; however, in practice a circular issued by the Attorney General giving a general authority to grant bail lessened the negative effect of the law. High Court judges granted bail independently.

The Official Secrets Act and POSA grant the Government a wide range of legal powers, and give extensive powers to the police, the Minister of Home Affairs, and the President to prosecute persons for political and security crimes that are not defined clearly.

During the year, police arrested 17 out of the MDC’s 53 Members of Parliament (M.P.s): Abedinico Bhebhe, Tendai Biti, Gabriel Chaibva, Milford Gwetu, Silas Mangono, Austin Mupandawana, Giles Mutsekwa, Paul Madzore, Paurina Mpariwa, David Mpala, Tichaona Munyanyi, Jealous Sansole, Gibson Sibanda, Job Sikhala, Bennie Tumbare-Mutasa, Paul Themba-Nyathi, and Trudy Stevenson. Mangono, Sikhala, Madzore, Mpariwa, and Biti were arrested more than once. Paul Madzore, M.P. for Glenview (near Harare) was arrested four times during the year. Three M.P.s were released after paying a bail or a fine. Six M.P.s had charges dropped and were released. None of ZANU–PF’s 63 M.P.s were arrested during the year.

In June, police arrested MDC president Morgan Tsvangirai twice in connection with work stayaways engineered by MDC that same month. He was released the same day of his first arrest, and held for 2 weeks following the second arrest. At year’s end, he faced a charge of treason for his role in the stayaways, in addition to the treason charge for allegedly plotting the assassination of President Mugabe. Police arrested hundreds involved in the stayaways, including several other MDC leaders. All were released after brief detentions.

On February 17, police arrested Justice Benjamin Paradza, detained him overnight, and charged him with obstruction of justice. Paradza was accused of trying to influence a fellow judge to release the French passport of his friend and business partner, Russell Wayne Luschagne, who faced a murder charge. On September 16, the Supreme Court ruled that the arrest was unconstitutional—under the law investigations of judges are to be carried out by a tribunal of judges. In October, Paradza returned to work but had not been given any new cases. No tribunal of judges had been convened to investigate the case by year’s end.

On May 31, plainclothes police arrested four students at the Harare Polytechnic College, including Tutsirayi Jonga, Zimbabwe National Student Union (ZINASU) Secretary for Projects and Investment. Another student, who was not arrested initially, retained a lawyer and went to Harare Central Police Station to investigate the detention. He was then taken into custody; the students were charged under POSA on accusations of distributing prohibited material and inciting student unrest. No further official action was taken by year’s end.

Police continued to detain farmers in connection with seizing their land despite court orders confirming their title, although with redistribution under land reform largely complete by year's end, such incidents were less common.

There was no decision whether to try Law Society of Zimbabwe President Sternford Moyo and Executive Secretary Wilbert Mapombere on charges of planning mass action to overthrow the Government during the year.

There was no further action in the 2002 case of Roy Bennett, MDC M.P. for Chimanimani, along with bodyguard Menson Magwaza, and business partner Stuart Girvin, who were charged with violating the Electoral Act for videotaping food distribution to ZANU–PF supporters at a polling station during the rural district council elections, or the August 2002 arrest and detention of Mbare East M.P. Tichaona Jeffer Munyanyi. Joshua Rusere, who was arrested in August 2002 in connection with the ZANU–PF activist Manjengwa, was released and in self-imposed exile at year's end.

Police arrested several journalists during the year (see Section 2.a.).

Police arrested persons holding meetings and during the forcible dispersal of gatherings (see Section 2.b.).

Police arrested religious leaders during the year (see Section 2.c.).

Prolonged pretrial detention remained a problem. Detainees who did not attract significant public attention could spend an average of 6 months incarcerated before their trials because of a critical shortage of magistrates and court interpreters.

The Constitution prohibits forced exile; however, on May 16, the government extrajudicially deported American-born, and 18-year Zimbabwe permanent resident Andrew Meldrum, an independent journalist. Meldrum was challenging the constitutionality of his deportation order in the Supreme Court and a High Court had barred his deportation when the government deported him. In June, Meldrum's wife and a permanent resident, Dolores Maria Cortes-Meldrum, fled the country after being told the Department of Immigration wanted to serve her with a deportation order. Both were still outside the country at year's end. A number of other persons, including former government officials, left the country to escape repression and remained in self-imposed exile at year's end.

On January 29, five visiting Lutheran church workers were deported for violating AIPPA by allegedly working as journalists without accreditation. The five were reporting for a Lutheran church newsletter.

Captain Ernest Chuma, who fled the country in 2002 after a violent interrogation by members of the army's counterintelligence branch, remained in Botswana at year's end.

e. Denial of Fair Public Trial.—The Constitution provides for an independent judiciary; however, since 2001 the judiciary has been under intense pressure to conform to government policies, and the Government repeatedly refused to abide by judicial decisions. In a July 2002 speech, President Mugabe said, “if judges are not objective, don't blame us when we defy them.”

The law provides for a unitary court system, consisting of headmen's courts, chiefs' courts, magistrates' courts, the High Court, and the Supreme Court. Civil and customary law cases may be heard at all levels of the judiciary, including the Supreme Court.

Judges are appointed to serve until the age of 65 and may extend their terms until the age of 70 if they remain in good physical and mental health. The Constitution provides that they may be removed from the bench only for gross misconduct, and that they cannot be discharged or transferred for political reasons; however, since 2002 the Government has arrested and coerced judges into resigning. For example, in February, Justice Benjamin Paradza was arrested after making an unfavorable ruling against the Government (see Section 1.d.). In July, the prosecutor withdrew charges of obstructing justice against Judge Fergus Blackie. Before he was pressured into retiring in July 2002, Blackie sentenced Justice Minister Patrick Chinamasa to a 3-month jail sentence for contempt of court.

Magistrates, who are part of the civil service rather than the judiciary, hear the vast majority of cases and continued to come under intense political pressure after some of their decisions were interpreted as running counter to government interests.

During the year, the Ministry of Justice, Legal, and Parliamentary Affairs and local police officers failed to take action against the militants who beat Walter Chikwanha, a presiding magistrate, in August 2002, despite the fact that Chikwanha had identified the perpetrators. Local attorneys have appealed to the Minister and to the Commissioner of Police, Augustine Chinhuri to take action. The Government did not take any action on the case by year's end.

Police arrested and subsequently released one of the assailants allegedly responsible the August 2002 stabbing of Zaka district resident magistrate, Godfrey Gwaka.

Observers intimated that Gwaka was attacked for judgments in favor of MDC supporters during and after the March 2002 election period.

Other judicial officers such as prosecutors and private attorneys also faced similar pressure. On April 8, war veterans attacked Levison Chikafu, a senior public prosecutor at the Magistrate's court in Mutare, after they forced their way into his office and demanded to know why "he had granted bail to MDC supporters."

Several attorneys were denied access to their clients during the course of the year. On February 14, Perpetua Dube, Ndabezinhle Mazibuko, Thembelani Mkhwananzi, and Kucaca Phulu were denied access to their detained clients at the Central police station in Bulawayo. They complained that the police officers were obstructive and verbally and physically abusive. The attorneys were physically pushed out of the police station by approximately 20 riot policemen.

In March, Gugulethu Moyo, a legal representative for Associated Newspapers of Zimbabwe, was denied access to her clients and subsequently arrested and detained for an afternoon while attempting to represent her client.

Military courts dealt with court-martials disciplinary proceedings for military personnel. Police courts, which can sentence a police officer to confinement in a camp or demotion, handle disciplinary and misconduct cases. Defendants in these courts have the right to appeal to the Supreme Court.

On January 6 and August 27, a military court charged four army officers with participating in politics. The officers were represented by local attorneys during the proceedings. Two of these officers, Colonel Peter Shoko and Private Biggie Chikanya, were discharged from the army reportedly because they were judged politically unsuitable.

The Constitution provides for the right to a fair trial; however, this right was frequently not enforced due to political pressures. Every defendant has the right to a lawyer of his choosing; however, well over 90 percent of defendants in magistrates' courts did not have legal representation. In criminal cases, an indigent defendant may apply to have the Government provide an attorney, but this was rarely granted. However, in capital cases, the Government provided an attorney for all defendants unable to afford one. Litigants in civil cases can request legal assistance from the NGO Legal Resources Foundation. All litigants were represented in the High Court.

The right to appeal exists in all cases and is automatic in cases in which the death penalty is imposed. Trials were open to the public except in certain security cases. At the start of the treason trial of MDC President Morgan Tsvangirai, police officials denied members of the public entrance into the courtroom. The Presiding Judge, Justice Paddington Garwe, directed that the public be allowed access to the courtroom. Defendants enjoy a presumption of innocence, the right to present witnesses, and the right to question witnesses against them, and defendants and their attorneys generally had access to government-held evidence relevant to their cases; however, some defendants were denied the right to wear civilian attire to court. MDC President Morgan Tsvangirai was initially brought to court in a prison uniform and in shackles and leg irons in what appeared to be an attempt to humiliate him. The defendants in the Nkala trial were denied the right to wear warm clothing to court. The courts eventually recognized the rights of the defendants and permitted them to wear civilian attire.

The Zimbabwe Women's Lawyers Association (ZWLA) claimed that most magistrates in the country were not aware of some of the contents of the Sexual Offenses Act (SOA) or that the law was in effect. ZWLA's research illustrated that many magistrates continued to make judgments based on old laws. During the year, ZWLA conducted training courses for local magistrates.

The Government and police routinely failed to abide by court decisions ordering the removal of war veterans and other squatters residing on commercial farms, and the Government routinely continued to delay payment of court costs or judgments awarded against it.

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home or Correspondence.—The Constitution prohibits such actions; however, security forces searched homes and offices without warrants, and the Government was believed to monitor some private correspondence and telephones, particularly international communications.

During the year, soldiers, police, war veterans and other ruling party supporters led by a CIO officer repeatedly entered the Chimanimani farm of MDC M.P. Roy Bennett in violation of a High Court order against them doing so. The ruling party supporters beat and abducted farm workers, killed cattle and wildlife, and threatened and harassed Bennett himself.

Police periodically conducted house-to-house searches in the suburbs of Harare and Bulawayo during the year.

ZANU–PF supporters and war veterans attacked and damaged or destroyed the homes of more than a hundred opposition supporters and commercial farmers. On December 1, ZANU–PF supporters attacked the home of Solomon Jegedeshe in Rural Zaka. The perpetrators accused him of being an MDC supporter and destroyed his home and his crops. Jegedeshe was forced to seek refuge at a shelter in Harare.

There was no action taken, nor was any likely, in the reported 2002 or 2001 cases of arbitrary interference with citizens' homes.

The law permits the Government to monitor and intercept e-mails entering and leaving the country, and security services reportedly have used this authority to monitor e-mail communication, although the extent of this monitoring was unknown.

In 2001, President Mugabe amended the Land Act by decree to permit the immediate government seizure of all commercial farming land, and the ZANU–PF dominated Parliament formalized this decree. The law requires all farm owners who have received a Section 8, final compulsory acquisition, notice to halt farming activities within 45 days of receipt of the order and leave their homes within 90 days. In June 2002, the Government ordered all white commercial farmers who had received Section 8 notices to cease farming operations, despite widespread food shortages. By August 2002, approximately 97 percent of the 4,500 remaining commercial farmers had received Section 8 notices.

In August 2002, the Government began arresting farmers en masse after the time period expired for the first batch of Section 8 notices. Most farmers who were arrested were detained for a few days and released on bail; some were allowed to return to their farms, and some ordered to abandon their standing crops and livestock. Many farmers filed legal challenges, arguing that the acquisition orders were not legitimate since they did not follow the Government's own procedural laws. The new Section 8 orders issued in August superceded almost all of the legal challenges filed in 2002. At year's end, nearly all of the remaining 400 commercial farms owned by whites were designated for compulsory acquisition and few of the original farmers remained on the properties.

Even on farms that did not receive Section 8 orders or those that received reprieves from the High Court, farmers were evicted with as little as 2 hours notice. "Settlers," war veterans, or government youth militia members enforced evictions often in full view of police who declined to intervene stating that it was a "political matter." Hundreds had relocated themselves and their families to the soil-poor Dande area in the north and across the border into the neighboring Tete Province of Mozambique. Estimates were that more than 500,000 farm laborers and their families were left evicted or unemployed.

Although the Government's land reform program was supposed to have ended in 2002, the Government continued to designate farms and ranches for resettlement late in the year. There were numerous reports that government officials had acquired multiple farms and evicted previously resettled small-scale farmers from the land. The government-issued Utete Land Audit Report (the "Utete Report") recommended remedying situations where multiple new farms had been acquired and some cases were corrected; however, the Government continued taking additional land without regard to earlier commitments to allow farmers to keep one property.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution provides for freedom of expression; however, legislation limits this freedom in the "interest of defense, public safety, public order, state economic interests, public morality, and public health," and the Government restricted this right in practice. The Media and Information Commission (MIC) closed the only independent daily newspaper, the Daily News. Police, CIO agents, and ruling party supporters harassed, intimidated, and beat journalists. Security forces arbitrarily detained journalists and refused to investigate or punish security force members who tortured journalists. Journalists practiced self-censorship.

The Government continued to restrict freedom of speech, particularly by independent sources or those making or publicizing comments critical of President Mugabe. Foreign Embassies were not allowed to give speeches at celebrations of national days.

Several major daily newspapers and one local-language tabloid belonged to the Mass Media Trust (MMT), a holding company heavily influenced by the ZANU–PF. The Government, through the MMT, controlled two daily newspapers, the Chronicle and the Herald. The news coverage in these newspapers generally focused on the activities of government officials, neglected opposition parties and other antigovernment groups, and also downplayed events or information that reflected

adversely on the Government. The government-controlled media always portrayed President Mugabe and the Government favorably. The Minister for Information and Publicity controlled the Zimbabwe Inter-Africa News Agency wire service.

In addition to the Daily News, which had the nation's largest circulation until its Government closing, there were three independent major weeklies (the Financial Gazette, the Independent, and the Standard), and three monthlies that continued to operate despite threats and pressure from the Government. The major independent newspapers continued to monitor government policies and publish opposition critics, but most of them also continued to exercise self-censorship in reporting due to growing government intimidation and the continuing prospect of prosecution under criminal libel and security laws.

Radio remained the most important medium of public communication, particularly for the majority of the population living in rural areas. The Government continued to control all domestic radio broadcasting stations through the state-owned Zimbabwe Broadcasting Corporation (ZBC), supervised by the Minister for Information and Publicity in the President's Office. There were credible reports that the Minister routinely reviewed ZBC news and repeatedly excised reports on the activities of groups and organizations opposed to or critical of the Government. There were only two independent short wave radio broadcasts in the country during the year; however, it was unclear how many citizens could actually listen to short wave broadcasts. Voice of America (VOA) broadcast a 1-hour program five times a week on short wave and AM featuring interviews with local opinion makers on a range of topics in English, Shona, and Ndebele. Short Wave Radio Africa broadcast daily from the United Kingdom, using local sources and reporters.

The Government controlled all domestic television broadcasting stations, and the ZBC owned and operated television broadcasting facilities. During the year, ZBC aired fewer international programs. Regular broadcasts of CNN and call-in talk shows continued to be cancelled. Throughout the year, ruling party music videos were aired regularly during the day, promoting the fast-track land redistribution program.

At year's end, the Government continued to refuse to lease broadcast time to Joy TV, the only privately licensed television station, and it remained off the air.

International television broadcasts were available freely through private satellite firms; however, the requirement that payment must be made exclusively in foreign currency made it unavailable for most citizens.

During the year, security forces and pro-government militias harassed and abused journalists. The following journalists were detained and beaten during the year: On March 19, police detained for 5 days and beat Stanely Karombo, VOA correspondent. On June 3, war veterans and ruling party supporters detained and beat Shorai Katiwa, Martin Chimanya, and John Masuku, of Voice of the People (VOP). On June 30, police arrested and beat Gugulethu Moyo, the Daily News Legal Advisor. No official action on these cases was taken by year's end.

Numerous journalists were arrested during the year. The Government arrested and prosecuted editors and journalists who contributed to published stories critical of government policies or security force operations.

On January 28, police in Bulawayo arrested and detained briefly Tsvangirai Mukwazhi, Daily News chief photographer; Dina Kraft from the Associated Press; Jason Beaubien, African correspondent for National Public Radio; and Bulawayo MDC councilor Charles Mpofo while they were investigating the food crisis. They were reportedly denied access to a lawyer. No further official action was taken by year's end.

On September 22, police arrested and charged the Daily News parent company Associated Newspapers of Zimbabwe (ANZ) CEO Samuel Sipepa Nkomo, and ANZ Directors Brian Mutsawu, Michael Mattison, Pfungwa Kupara, and Washington Sansole for operating a media business without MIC registration. Sixteen Daily News reporters were also arrested and charged for allegedly breaching the AIPPA for practicing journalism without accreditation from the MIC. No further official action was taken by year's end, and the case had not been brought before the courts by year's end.

Other journalists were also arrested and released during the year, including: Moreblessings Mpofo, Daily News Chief Executive Officer and Advertising Executive; Ngobile Nyathi, Editor of the Daily News, and former Editor-in-Chief of The Financial Gazette; Francis Mdlongwa, then Editor-in-Chief of ANZ; Norma Edwards, Editor of The Mirror; Bill Saidi, Editor of the Daily News; Fanuel Jongwe, Daily News senior reporter; Jason Beaubien, National Public Radio; Brian Hungwe, SABC correspondent; Raymond Bouuman, Dutch journalist; Pim Hauinkels, Dutch TV Journal ITL5. Only some of those arrested were charged under the Access to

Information and Protection of Privacy Act (AIPPA) or POSA. No further official action was taken by year's end.

Peta Thornycroft, the Zimbabwean correspondent for Britain's Daily Telegraph and for South Africa's Mail and Guardian, in Chimanimani who was charged under the AIPPA, for "posing as a journalist" since she had not registered with the Media Commission was challenging in the Supreme Court the constitutionality of the charges against her at year's end.

Geoff Nyarota, the editor-in-chief of the Daily News, and Daily News reporters Lloyd Mudiwa and Collin Chiwanza successfully challenged charges under the AIPPA of abusing journalistic privilege for publishing a false story, and on May 7, the Supreme Court struck down that section of AIPPA as unconstitutional.

There was no action in the 2002 cases in which war veterans and government youth brigades regularly threatened the Daily News staff; at least once burned a Daily News delivery truck; frequently intimidated and assaulted the vendors of independent newspapers in Bindura, Masvingo, Kariba, and Karoi; and on numerous occasions, destroyed the sale copies of the Daily News, Financial Gazette, Zimbabwe Independent, and The Standard.

There were no new developments in the reported 2001 cases of harassment, abuse, and detention of journalists.

The Government was increasingly intolerant, especially of reports perceived to be critical of the security forces. Clause 15 of POSA, enacted in January 2002 makes it an offense to publish or communicate false statements prejudicial to the state. Legal experts have criticized this section saying that it imposes limits on freedom of expression beyond those permitted by the Constitution. Clause 16 of POSA also makes it an offense to make statements that will engender feelings of hostility towards the President. An extremely broad Official Secrets Act makes it a crime to divulge any information acquired in the course of official duties. In addition, anti-defamation laws criminalize libel of both public and private persons.

In March 2002, the Parliament enacted AIPPA, which was strongly criticized by journalists, media analysts, and human rights organizations. Section 81 of the Act also makes it an offense for journalists to submit a story that already was published by another mass media service without the permission of the owner of that service. Journalists also were prohibited from falsifying or fabricating information, publishing rumors or falsehoods, and collecting and disseminating information for another person without the permission of their employer. Under the AIPPA, mass media companies must pay prohibitively expensive application fees.

One of the AIPPA clauses prohibits foreign correspondents from applying for greater than 30-day accreditation. The MIC declared October 31, 2002 as the deadline for the submission of applications for the registration of media companies and accreditation of journalists. Many journalists applied for accreditation; however, some received letters from the Commission requiring them to pay the application fees in U.S. dollars, and provide proof of their qualifications and examples of their work. The MIC denied many journalists' applications.

On September 12, the Government closed the Daily News following a Supreme Court ruling dismissing a Daily News challenge to the AIPPA filed in January. The Supreme Court ruled that The Daily News must register with the government-controlled MIC before it could challenge the constitutionality of AIPPA. Also on September 12, riot police raided Daily News offices without a court order or warrant, seized computer equipment, and forcibly closed the paper. On September 18, a High Court ordered the police to vacate the premises immediately, to return the seized equipment, and to allow ANZ to publish while MIC considers its application; however, the Government ignored the court's orders and the MIC denied a subsequent Daily News application to register. Despite a December 19 ruling that authorized the Daily News to resume operations, police continued to prevent the Daily News from doing so at year's end.

The 2001 Broadcasting Services Act—passed despite the fact that Parliament's legal committee found the bill to be unconstitutional—gives the Minister of Information final authority in issuing and revoking broadcasting licenses. The Act allows for one independent radio broadcaster and one independent television broadcaster but requires them to broadcast with a government-controlled signal carrier. Legal rights groups criticized the Act for limiting free speech.

In September, Radio Dialogue, a would-be broadcaster in Bulawayo, embarked on a public relations campaign to convince the Government to issue it a broadcast license; however, a broadcast license had not been approved by year's end.

In October, Capitol Radio won a Supreme Court case to have the exclusive power of the Minister of Information to grant broadcast licenses struck down. Since late 2002, the management and staff of Capitol Radio in the country have operated as Short Wave Radio Africa which was broadcast from the United Kingdom. Although

the Broadcasting Authority was made responsible for broadcast licenses, the Minister and MIC did not comply with the court's ruling; at year's end, Capitol Radio did not have a broadcasting license in the country.

No arrests were made in the August 2002 bombing of VOP's offices by year's end.

Several of the journalists reportedly banned from entering the country were citizens. The Government expelled a foreign journalist it perceived to be portraying the country negatively. Independent journalist Andrew Meldrum was deported during the year (see Section 2.d.). Foreign correspondents were regularly denied visas during the year.

Books and films were subject to review by the Zimbabwe Board of Censors. The Board banned at least 10 films and an unknown number of books in recent years.

The Government did not restrict access to the Internet, and there were many privately owned domestic Internet service providers (ISPs); however, the law permits the Government to monitor all international e-mail messages entering and leaving the country (see Section 1.f.). The 2002 arrests of journalist Andrew Meldrum and human rights activist Frances Lovemore (see Section 4) were because of articles published on the Internet.

The Government restricted academic freedom. The University of Zimbabwe (UZ) Amendment Act and the National Council for Higher Education Act restricted the independence of universities, making them subject to government influence, and extends the disciplinary powers of the university authorities against staff and students. The Ministry of Higher Education and Technology controlled the UZ and appointed its Chancellor and Vice Chancellors; the Ministry also appoints the Dean of Faculty, and most members of the University Council.

Unlike in previous years, there were no reports that students were brought before a disciplinary committee for allegedly being MDC members, and faculty members reportedly were denied promotions allegedly for supporting the MDC.

b. Freedom of Peaceful Assembly and Association.—The Constitution provides for freedom of assembly; however, the Government restricted this right in practice through laws such as the POSA. Many legal experts believed that the restrictions imposed by POSA on an individual's right to freedom of assembly were unconstitutional. The police repeatedly used force to break up nonviolent demonstrations by its critics and erect roadblocks in urban areas to prevent public gatherings from taking place. Although permits were not required for meetings or processions, the POSA requires organizers to notify the police of their intentions to hold a public gathering 7 days in advance. Failure to do so would result in criminal prosecution as well as civil liability. Although most groups that conducted meetings did not seek permits, some groups informed the police of their planned events and were denied permission, or their requests went unanswered. Police insisted that their permission was required to hold public gatherings, and they disrupted many events whether or not permission had been sought.

Police frequently refused to permit campaign rallies and meetings by the MDC during the periods preceding local and parliamentary by-elections, and during MDC-led work stoppages.

Police prevented a public meeting of religious members during the year (see Section 2.c.).

On March 2, after an MDC rally in Hatcliffe, presidential guard members forced 26 opposition members onto the grounds of State House, and kicked and beat them with rifle-butts and sticks. The guardsmen accused the MDC members of wearing MDC t-shirts and singing party songs while walking past State House. On the same day, police assaulted and arrested 70 MDC members after a rally in Mufakose. Police had authorized both the Hatcliffe and Mufakose rallies.

In June, during the MDC-led general strike, soldiers fired tear gas from a military helicopter at students who were gathering to march from the UZ campus. Riot police on the ground assisted in preventing a demonstration and confined students to their dormitories. At several prospective gathering locations in Harare and Bulawayo, police beat, threatened, and chased away would-be demonstrators and passers-by. Security forces patrolled parts of the city for several days ahead of the planned marches.

Police arrested numerous demonstrators during the year. In early March, police arrested, detained (some for up to 6 days), and charged 80 persons under POSA for displaying posters critical of President Mugabe during three World Cup cricket matches in Bulawayo. Those arrested included a 15-year-old girl. Many of those detained reported that police beat them with batons and kicked them. Some reported they were denied food, water, and medical attention. Among the 80 arrested, 32 said they were put in a cell measuring 9x12 feet, while a larger cell nearby was empty. No further action was taken by year's end.

On May 12, police arrested 46 female members of Women of Zimbabwe Arise! (WOZA) in Bulawayo alleging they had staged a public demonstration against a High Court order that barred them from doing so. They were reportedly denied access to lawyers, and relatives were prevented from seeing them. All 46 women were released; however, many were coerced to pay "admission of guilt" fines. No further official action was taken by year's end.

On October 22, police arrested up to 180 demonstrators from the National Constitution Assembly (NCA), a conglomerate of human rights organizations, including its Chairman Lovemore Madhuku. Approximately 200 NCA members were staging a protest in Harare calling for a new democratic constitution. Among those detained, approximately 100 were released the same day without charge, and approximately 70 were released on October 23 after paying an admission of guilt fine under the Miscellaneous Offenses Act. Although Madhuku refused to pay the admission of guilt fine, he was also released on October 23. Police reportedly beat some of the detainees.

On October 27 and 28, police used tear gas to disperse crowds of students at the University of Zimbabwe (UZ). After the Vice-Chancellor refused to meet with student leaders to discuss the non-payment of the students' stipends, an estimated 1,000 students attacked the Vice-Chancellor's car with sticks and rocks breaking all the windows. The students also damaged campus buildings before riot police arrived and dispersed them. Some students were injured and treated at the university clinic. On October 28, police arrested 18 student activists and held some of them in police custody for up to 2 days.

There was no action in the June 2002 police assault and arrest of approximately 70 MDC supporters and 3 independent journalists at the MDC's International Youth Day rally in Harare and the July 2002 arrest of MDC M.P. Austin Mupandawana and other senior members of the Kadoma branch of the MDC following clashes between ZANU-PF youth and MDC supporters. The MDC officials were detained for a few days and released without charges.

On June 10, a Harare magistrate cleared 14 NCA members and the MDC former M.P. for Highfield Munyaradzi Gwisai of POSA charges for having marched in February 2002 in support of a new constitution and to demand a free and fair presidential election. There were no new developments at year's end on Gwisai's constitutional challenge to his arrest.

There was no action taken, nor was any likely, against police who used excessive force to disperse a number of demonstrations or rallies in 2001.

The Constitution provides for freedom of association for political and nonpolitical organizations, including a broad spectrum of economic, social, and professional groups; however, the Government restricted this right in practice for political organizations. Organizations generally were free of governmental interference as long as their activities were viewed as nonpolitical. ZANU-PF supporters, supplied with government vehicles and money, killed, tortured, beat, and otherwise abused persons perceived to be associated with the opposition (see Sections 1.a., 1.c., 1.d., and 1.f.). Beginning in 2002, the Government required all NGOs, many of which were membership organizations, to register with the Ministry of Public Service, Labor and Social Welfare, and closed down, threatened, and arrested key officers of some NGOs it felt were opposed to government policies.

The formation of political parties and unions was not restricted; however, the Government interfered with activities of political parties and unions during the year (see Sections 6.a. and 6.b.).

c. Freedom of Religion.—The Constitution provides for freedom of religion, and the Government generally respected this right in practice; however, a law that criminalizes both purporting to practice witchcraft and accusing persons of practicing witchcraft reportedly was viewed as restrictive by some practitioners of indigenous religions.

Church leaders and members who criticized the Government continued to face intimidation, arrest, detention, and possible deportation, in the case of foreigners.

For example, on February 13, police prevented a public meeting at the Northside Community Church in Harare, which was supposed to address churches' role in the country's political crisis. Police arrested the president of the Evangelical Fellowship of Zimbabwe (EFZ), Bishop Trevor Manhanga, along with seven other persons and detained them for several hours.

On February 28, police harassed, arrested, and detained 21 pastors as they attempted to deliver a petition against the misuse of police power to Police Commissioner Augustine Chihuri.

During the year, Archbishop Pius Ncube of Bulawayo, an outspoken critic of the Government, reportedly received anonymous death threats, and intimidating visits by suspected officers from the CIO.

There was no new action in the February 2002 ZANU–PF supporters' beating of three Catholic priests, two Catholic nuns, and a Catholic brother in Zaka.

The Government does not require religious institutions to be registered; however, religious organizations that run schools or medical facilities must register those specific institutions with the appropriate ministry involved in regulating those areas.

In an August 14 letter to the Education Ministry permanent secretary, the Islamic Convent of the Strict Observance said that the Lord's Prayer in the school curriculum contravened section 19 of the Constitution, which protects freedom of conscience. The group gave the Government 60 days to rectify the issue before it files an application in the Supreme Court for an order declaring the Lord's Prayer at public schools unconstitutional. There were no further developments by year's end.

Witchcraft—widely understood to encompass attempts to harm others not only by magic but also by covert means of established efficacy such as poisons—traditionally has been a common explanation for diseases of which the causes were unknown. Although traditional indigenous religions generally included or accommodated belief in the efficacy of witchcraft, they generally approved of harmful witchcraft only for defensive or retaliatory purposes and purported to offer protection against it.

The Witchcraft Suppression Act (WSA) criminalizes purporting to practice witchcraft, accusing persons of practicing witchcraft, hunting witches, and soliciting persons to name witches; penalties include imprisonment for up to 7 years. The law defines witchcraft as “the use of charms and any other means or devices adopted in the practice of sorcery,” and provides punishments for intending to cause disease or injury to any person or animal through the use of witchcraft. Human rights groups also generally supported the existing WSA, which has been used particularly to protect persons, primarily women, who have been accused falsely of causing harm to persons or crops in rural areas where traditional religious practices were strong.

There was some tension between the Government and some of the indigenous African churches, and between mainstream Christian churches and practitioners of traditional indigenous religions, because of the latter's preference for prayer over medical practices that resulted in the reduction of avoidable childhood diseases and deaths. Some members of the indigenous churches believed in healing through prayer only and refused to have their children vaccinated or treated. Human rights activists also criticized these indigenous churches for their sanctioning of marriages for underage girls.

Muslims complained of discrimination by private employers who refuse to allow them sufficient time to worship at their mosques on Fridays.

For a more detailed discussion, see the 2003 International Religious Freedom Report.

d. Freedom of Movement within the Country, Foreign Travel, Emigration, and Repatriation.—The Constitution provides for these rights; however, the Government at times restricted them in practice.

During the year, police routinely erected armed roadblocks in and around cities and rural districts during election periods, and before opposition-planned work stoppages. Police claimed that they were looking for criminals and illegal weapons, but legal rights groups asserted that it was a measure designed to discourage or limit opposition organizing. In November and again in December, police and the Zimbabwe Revenue Authority (ZIMRA) established roadblocks along the main highways from South Africa and Botswana to search for foreign currency. Police used the POSA to erect roadblocks in urban areas to prevent public gatherings from taking place.

Several individuals who were perceived to be opposition supporters had difficulty obtaining passports or were visited and questioned by immigration officials during the year. For example, Amos Phiri, an official with the local NGO *ZimRights*, is a citizen whose parents are Malawian; he encountered significant difficulty obtaining a passport. Immigration officials questioned prominent human rights lawyer Beatrice Mtetwa, who is originally from Swaziland but is married to a citizen, about her immigration status.

During the year, travel bans and visa requirements on a variety of persons remained in effect. Among those affected were British government officials, members of the British Parliament, an American human rights activist, and journalists. Several of the journalists reportedly banned from entering the country were citizens. The Government expelled a foreign journalist it perceived to be portraying the country negatively (see Section 2.a.). Foreign correspondents were regularly denied visas during the year.

Among the top four MDC leaders—President Morgan Tsvangirai, Secretary-General Welshman Ncube, Treasurer Fletcher Dulini-Ncube, and shadow agricultural minister and M.P. Renson Gasela—all of whom were charged with criminal offenses,

only two received their passports back by year's end. Ncube and Gasela were acquitted and their passports were returned to them in November.

The Citizenship Act requires all citizens with a claim to dual citizenship to renounce their claim to foreign citizenship under the laws of the foreign country to retain their citizenship. Citizens who failed to abide by the regulations by January 7, 2002, would cease to be citizens, would be removed from the voter rolls, and would be unable to vote. The act also revokes the citizenship of persons who fail to return to the country in any 5-year period. Legal rights groups described the legislation and regulations as a government attempt to disenfranchise citizens, because of their perceived opposition leanings, as well as the country's more than 500,000 commercial farm workers, many of whom have origins in neighboring countries, and the approximately 30,000 mostly white dual nationals. Many persons with dual citizenship experienced difficulty complying with the regulations because many other countries do not provide procedures for repudiating citizenship. Conceding to regional pressure, during the year, Parliament amended the law to remove this requirement from citizens with origins in SADC countries.

According to the local U.N. Development Program office and other NGOs, up to 500,000 farm workers were internally displaced at year's end (see Section 1.f.). The majority of internally displaced persons (IDPs) were women and children. Some displaced farm workers reportedly were living on other farms or on previously unsettled land without reliable sources of food and water; others with relatives or friends in urban areas; some were arrested; and hundreds had moved into the Tete province of Mozambique. In most cases, ZANU–PF supporters who were farm squatters ordered the farm workers to leave so that they could plant their own crops on the property. Other IDPs were persons, often teachers and civil servants, forced to leave their homes by government supporters because of perceived support for the opposition.

According to the human rights NGOs, over 100 MDC supporters were displaced internally during the year; however, the number of unreported cases likely was higher. It was unknown how many of the approximately 70,000 displaced during the 2002 presidential elections remained displaced at year's end. Sometimes war veterans in local government positions applied pressure on local chiefs to order the expulsions of certain individuals. The Government has condoned and even encouraged an environment of lawlessness that permits war veterans and other ruling party supporters to force opposition members and supporters from their homes without consequences for the perpetrators (see Section 1.f.). In most cases, police did not intervene expeditiously. Unlike in the previous year, the Government did not harass IDPs living in NGO safe houses in the capital, and did not arrest workers and staff of humanitarian organizations attempting to house them at camps.

The law provides for the granting of refugee status or asylum to persons who meet the definition in the 1951 U.N. Convention Relating to the Status of Refugees or its 1967 Protocol. In practice, the Government provided protection against refoulement and granted refugee status or asylum; it also generally provided temporary protection to certain individuals who did not qualify as refugees or asylees.

The Government generally cooperated with the office of the U.N. High Commissioner for Refugees (UNHCR) and other humanitarian organizations in assisting refugees. According to UNHCR, approximately 100 asylum-seekers arrived each month during 2002, and there were 12,271 refugees and 556 asylum seekers in the country at year's end. Asylum seekers from more than 20 countries were granted refugee status; the largest groups of refugees consisted of 6,122 Congolese (DRC), 3,551 Rwandans, and 1,484 Burundians.

In 2002, the Director of operations of the Geneva-based International Catholic Migration Commission investigated allegations of rampant sexual exploitation of female refugees at the Tongagara camp it supervised. He found the allegations to be substantiated; two perpetrators were dismissed, arrested and charged under the Sexual Offenses Act. At year's end, the case was still pending in a Mutare court. UNHCR subsequently cancelled its contract with the implementing organization and hired a new partner to run the camp.

Some employers reportedly took advantage of illegal refugees for inexpensive labor (see Section 6.e.).

Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government

The Constitution provides citizens with the right to change their government peacefully; however, in practice the political process continued to be tilted heavily in favor of President Mugabe and his ZANU–PF party, which have ruled continuously since independence in 1980. The Government manipulated the electoral proc-

ess to effectively disenfranchise voters and to skew elections in favor of ruling party candidates.

In the weeks leading up to March by-elections in the Harare high-density suburbs of Kuwadzana and Highfield, ruling party supporters and youth militia members undertook an aggressive campaign of violence and intimidation by arresting, beating, and detaining opposition campaign officials, opposition members, and members of civil society. In addition, according to MDC claims, approximately 19,000 names were added to the voters' rolls. Police also denied permission to the MDC to hold campaign rallies, prevented rallies for which permission had been granted, or disrupted with tear-gas campaign rallies in progress. Despite these tactics, the MDC retained both of these constituencies in the polls.

Leading up to August mayoral and urban council elections in about 20 cities across the country, ruling party supporters set up make-shift roadblocks and otherwise prevented approximately 30 MDC candidates from registering their candidacies through threats, harassment, and intimidation. For example, on July 21, ruling party supporters used intimidation to prevent at least 20 potential MDC candidates from registering their candidacies at nomination courts. Ruling party supporters harassed and intimidated opposition candidates and in some cases attacked or burnt the houses of opposition officials. During the week of August 11, ruling party members beat approximately 50 MDC supporters, including council and mayoral candidates in Mutare. The opposition nonetheless won six of seven contested mayoral contests and a majority of the contested urban council seats.

The Government failed to accredit, in an effective or timely fashion, international observers for elections during the year, preventing international observer teams from accessing selected polling areas. ZANU–PF youths and supporters threatened and harassed diplomatic observers at some polling stations.

In March 2002, President Mugabe was declared the winner of a presidential election after a campaign in which violence and intimidation were used nationwide against MDC supporters, and in which the electoral rules were manipulated to favor the ruling party. International observer missions from the Commonwealth, and the South African Development Community (SADC) Parliamentary Forum described the electoral process as fundamentally flawed, while a large mission from the European Union (EU) withdrew before the election when the Government refused to accredit the delegation leader.

In November, the trial began in the MDC lawsuit filed in April 2002 with the High Court, which calls for the nullification of the election results and a repeat of the election, claiming numerous electoral irregularities. The first phase of the trial was completed without decision, and the trial was ongoing at year's end.

During the year, the Government's GMB routinely and publicly denied handouts of maize meal to suspected MDC supporters and provided it only to ruling party supporters. A common ZANU–PF tactic was to announce the distribution of food in the vicinity of, and at the precise time of, an MDC rally. Persons chose to attend the food distribution event rather than the rally, but often were turned away empty-handed. In many instances, GMB sold food only to those who produced ZANU–PF membership cards.

The General Laws Amendment Act, passed in January 2002, places restrictions on local and international monitors and observers, gives the pro-government Registrar General the authority to amend the voters roll at will and to issue absentee ballot papers, and effectively prohibits placing political posters in public areas. The Act also mandates that only the ESC can conduct voter education or delegate that responsibility to organizations that were registered with it (see Section 4). Media and civil society groups widely criticized the Act.

The population directly elects the President. The President may unilaterally declare a state of public emergency for a period of up to 14 days; has sole power to dissolve Parliament and to appoint or remove a vice president and any minister or deputy minister; and may appoint 20 of the 150 M.P.s, including 12 nonconstituency M.P.s and 8 provincial governors who sit in Parliament. The President also exerts great influence on the process by which the country's chiefs (traditional rulers) select 10 of their number to sit as M.P.s. All 30 of these M.P.s have been consistent ZANU–PF supporters.

The legislature, which traditionally has been subordinate to the executive branch, has a viable opposition that called on the Government to be accountable and transparent. Parliamentary question time was used to force debate and disclosure.

In 2001, the Supreme Court declared a 2000 President's decree prohibiting the nullification of the election of any M.P. unconstitutional, which allowed the High Court to hear parliamentary election challenges (see Section 1.e.). In 2002, the High Court nullified the results in four constituencies, but upheld the results in four oth-

ers. The respective parties appealed all eight cases to the Supreme Court, which had not heard the cases by year's end.

General parliamentary elections were held in 2000 amid widespread voter intimidation and violence by the Government and ZANU–PF supporters with reports of vote-rigging and other irregularities. Although the election day generally was peaceful, the process leading up to it was neither free nor fair. The MDC won 57 out of the 120 popularly elected seats. Thirty additional seats were reserved for presidential and tribal chief appointees, who were ZANU–PF supporters, which gave ZANU–PF a total of 92 seats; this total increased to 93 in 2001 after the ruling party won a parliamentary by-election for a seat previously held by the MDC.

There were institutional problems with the management and supervision of elections, and the ESC, the Elections Directorate, the Ministry of Justice, Legal and Parliamentary Affairs, and the Registrar-General's Office had overlapping mandates. Although the Ministry of Justice technically administered the Electoral Act, the Registrar General's Office fell under the Ministry of Home Affairs. With an insufficient budget and an overburdened staff seconded from the Ministry of Justice, the ESC lacked the independence, institutional capacity, and resources to oversee all of the country's polling stations. Commissioners also lacked authority to order the correction of irregularities. The voters' roll was computerized, but it contained a large number of redundancies and errors, including misspellings, multiple entries at single addresses, and names of deceased persons. The Government invested immense powers in the presidency through the Electoral Act, including full control of voters' rolls and registration, and the ability to change district lines without notice on the eve of an election. Electoral officers often did not operate in a fully open and transparent manner.

Although the Registrar General was required by law to provide a copy of the voters rolls used in the March presidential election, the MDC still was unable to obtain one by year's end.

During the year, the NCA, an umbrella organization encompassing most of the country's important civil society groups, continued to press for consideration of a new constitution that would reduce the power of the presidency and offer greater protection for civil liberties.

The ruling party's candidates continued to benefit from the ZANU–PF's control of the state-owned firms that dominated the country's economy, from its control of the state-monopolized broadcast media (see Section 2.a.), and from its control over state funds granted to political parties. Under the Political Parties Finance Act (PPFA), the Government is required to allocate \$15,300 (Z\$100 million) among political parties in proportion to the parties' seats in the Parliament, provided the party has at least 15 seats. The PPFA prohibits foreign funding for political parties. Political rights groups declared that the act was designed to cut off funding for the opposition; ZANU–PF routinely ignored the PPFA's prohibitions without consequences. However, MDC received funding under the Act.

Many persons who were perceived by the Government as opposition supporters, were removed from the civil service and the military.

There were 17 women in the 150-seat Parliament, including the Deputy Speaker of Parliament, and there were 4 female ministers and 1 female deputy minister in the Cabinet. In addition, there was one woman governor. Women participated in politics without legal restriction; however, according to local women's groups, husbands, particularly in rural areas, commonly directed their wives to vote for the husband's preferred candidates. The ZANU–PF congress allotted women 1 out of every 3 party positions and reserved 50 positions for women on the party's 180-member Central Committee, which was one of the party's most powerful organs.

All major ethnic groups were represented in Parliament and in the Government. Most members of the Government and the Parliament, as well as most ZANU–PF officials, belong to the Shona ethnic group, which composed 82 percent of the population (see Section 5).

Section 4. Governmental Attitudes Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A number of domestic and international human rights groups operated in the country with government restrictions, investigating and publishing their findings on human rights cases. The Government monitored their activities closely, but was generally unresponsive to their concerns and rarely consulted with them during the year. National groups that promoted human rights included: The Amani Trust; the Catholic Commission for Justice and Peace (CCJP); the Legal Resources Foundation; the Media Institute of Southern Africa; the Musasa Project; National Alliance of Nongovernmental Organizations; the NCA; the; Transparency International-Zimbabwe; Women and Law in Southern Africa; Women in Law and Development

in Africa; the Zimbabwe Elections Support Network; the Zimbabwe Human Rights NGO Forum; Zimbabwe Lawyers for Human Rights; the Zimbabwe Liberators Platform; the Zimbabwe Union of Journalists; the Zimbabwe Women Lawyers Association; Zimcet; and ZimRights.

Domestic NGOs worked on human rights and democracy issues, including lobbying for revision of the POSA and AIPPA, increasing poor women's access to the courts, raising awareness of the abuse of children, conducting voter education, preserving the independence of the judiciary, and eliminating torture, arbitrary detention, and restrictions on freedom of the press and assembly. The Zimbabwe Human Rights NGO Forum continued to take the lead in coordinating reports on human rights violations and abuses.

During the year, suspected CIO officers targeted employees of ZimRights, a local NGO that investigates human rights abuses. In March, armed men searched and ransacked the home of one employee. In March and April, suspected CIO officers followed, threatened, and attempted to break into the home of another employee in Mutare. Fearing for his safety, he camped out for a few months without electricity or running water outside of town.

In September 2002, the Government ordered all nonregistered Private Voluntary Organizations (PVOs) to cease operations until they registered, a process that generally takes approximately 8 months, in accordance with a previously unenforced law. In July, the Amani Trust resumed operations after the Government declared it in breach of the PVO laws in November 2002. The Government did not take any further action to enforce the PVO Act during the year.

In February, police arrested and detained 15 members of WOZA in Bulawayo and 38 in Harare. WOZA had organized a march to protest against violence on St. Valentine's Day. Riot police arrested and beat Father Nigel Johnson, who marched with the group. The detainees were released after 6 hours without charge.

Unlike in the previous year, problems encountered by international donors and NGOs in food distribution were corrected expeditiously.

Amnesty International, Transparency International, and the International Committee of the Red Cross operated in the country. The Government hindered representatives of international human rights groups from visiting the country before, during, and immediately after the 2002 presidential elections. Representatives of some international human rights groups reportedly stopped issuing reports and statements critical of government in part to avoid problems with members of their organizations entering the country.

In December, the Commonwealth, during its heads of government meeting, decided to continue the country's suspension, whereupon the Government withdrew from the Commonwealth. The Government was suspended in March 2002 because of the government-sponsored violence and fraud during the nationwide elections.

Section 5. Discrimination Based on Race, Sex, Disability, Language, or Social Status

The Constitution provides that "every person in Zimbabwe" cannot be deprived of fundamental rights, such as right to life, liberty, and security of person, based on his race, tribe, place of origin, political opinions, color, creed, or sex; however, the Constitution allows for discrimination, primarily against women, on the grounds of "customary law." Domestic violence and discrimination against women, abuse of children, and discrimination against persons with disabilities were problems. The Government and ruling party discriminated against the white minority in areas of due process, foreign travel, and property ownership.

The Government has a national HIV/AIDS policy that prohibits discrimination against persons living with HIV/AIDS and the law aims to protect against discrimination of workers in the private sector and parastatals; however, societal discrimination against persons affected by HIV/AIDS remained a problem. Despite an active information campaign by international and local NGOs and the Government through its Ministry of Health and the National AIDS Council to destigmatize HIV/AIDS, ostracism and condemnation of those affected by HIV/AIDS continued. Children who lost their parents as a result of AIDS were often ill treated by their guardians and other members of the community. The Ministry of Public Service, Labor, and Social Welfare operated a program called Basic Education Assistance Module (BEAM) to assist needy orphans and children affected by HIV/AIDS by paying their school fees.

Women.—Domestic violence against women, especially wife beating, continued to be a serious problem and crossed all racial, ethnic, and economic lines. It occurred throughout the country and sometimes resulted in death. SOA makes nonconsensual sex among married partners a crime. The Act provides penalties for up to 10 years in prison for sexual crimes. It also defines sexual offenses as rape, sodomy, incest,

indecent assault, or an immoral or indecent act with a child or person with mental disabilities. There was no legislation that specifically addresses domestic abuse.

The Musasa Project, a leading women's rights organization, reported that the number of incidents of domestic violence increased during the year due to the deteriorating economy and higher unemployment among men. The organization counseled 1,823 cases during the year. In 2002, Musasa reported that 54 percent of the women counseled for domestic violence had sexually transmitted diseases, and 29 percent had HIV/AIDS. Musasa Project and the Women's Coalition reported that wife killings remained a problem during the year.

There continued to be reports of rape, incest, and sexual abuse of women. Musasa handled 41 cases of rape or incest during the year; many cases were not reported because of the social stigma attached to the crime and wives' fear that husbands may disown them. Approximately 1,100 rapes were reported in Harare in 2002. Although the Government refused to supply figures for the year, the rate reportedly was higher than in 2002. Musasa and Amani Trust reported 6 cases of politically motivated rape during the year; human rights groups estimated that the actual number of politically motivated rapes may be much higher (see Section 1.c.). As reported by the Solidarity Peace Trust, growing evidence suggests the existence of systematic rape at National Youth Service Camps, where an estimated 1,000 women were interned as sexual servants for cadets and instructors. Musasa Project ran a shelter and a support group for abused women.

Women faced many obstacles in filing reports of rape; for example, many police stations were not prepared to properly handle the investigation of such cases. When cases go to court, lengthy sentences for rape and wife beating generally were imposed; however, a "binding over" order (an order to appear in court to respond to an accusation of violent behavior) was issued based only on actual physical abuse and not on threats of violence. Courts also did not have the power to oust an abusive spouse from a couple's home. Systemic problems and lack of education often meant that police did not respond to women's reports or requests for assistance.

There were reports of sexual abuse of female refugees (see Section 2.d.).

Unlike in previous years, there were no reports that female genital mutilation (FGM) was performed in the country.

There were occasional reports of the trafficking of women (see Section 6.f.).

There are laws aimed at enhancing women's rights and countering certain traditional practices that discriminate against women; however, women remained disadvantaged in society. Illiteracy, economic dependency, and prevailing social norms prevented rural women in particular from combating societal discrimination. Despite legal prohibitions, women still were vulnerable to entrenched customary practices, including the practice of pledging a young woman to marriage with a partner not of her choosing and the custom of forcing a widow to marry her late husband's brother.

The law recognizes women's right to own property independently of their husbands or fathers. Although unmarried women may own property in their own names, women married under customary law were not allowed to own property jointly with their husbands. The Administration of Estates Amendment Act makes inheritance laws more favorable to widows; however, the Constitution allows discrimination against women under customary law and provides that a man's claim to family inheritance takes precedence over a woman's, regardless of the woman's age or seniority in the family. For example, in the event of a man's death, the brother's claim to the inheritance takes precedence over the deceased's wife. Divorce and maintenance laws were favorable to women, but women generally lacked awareness of their rights under the law.

Although labor legislation prohibits sexual harassment and discrimination in employment on the basis of gender, women were concentrated in the lower echelons of the work force and commonly faced sexual harassment in the workplace.

By July, according to a government land audit, approximately 17.2 percent of resettled land was allocated to women, although they comprised nearly 80 percent of the rural population. Married women who were allocated land were asked to register the land in their husband's names.

There is a Ministry of Youth Development, Gender, and Employment, but it did little to advance the cause of women. The Government gave qualified women access to training in the military and national service. Although there have been advances for women within the armed forces, they continued to occupy primarily administrative positions.

Several active women's rights groups, concentrated on improving women's knowledge of their legal rights, increasing their economic power, combating domestic violence, and protecting women against domestic violence and sexual transmission of HIV/AIDS.

Children.—The Government's commitment to children's rights and welfare continued to deteriorate during the year. The Government focused primarily on political issues, to the detriment of pressing social needs, and the deteriorating economic situation eroded financial allocations to programs affecting children. Consequently, children, especially those in the rural areas, but also an increasing number of urban dwellers, suffered greatly. Although legislation was in place to protect children's rights, it was difficult to administer and enforce.

There was no compulsory education and schooling was not free; because of increased school fees in urban schools and rural secondary schools, enrollment has declined. School fees have risen sharply due to high inflation, resulting in the inability of many families to afford to send all of their children to school. According to the 2002 census data and age-specific population distributions, roughly 72 percent of school-age children attended school. The highest level achieved by most students was primary level education. The Government established a program of social welfare grants for needy children, including funds to assist them with their education; however, it was underfunded and corruption undermined the beneficiary selection process. The members of selection committees in some communities gave grants to their relatives and friends and denied them to the children of opposition supporters.

In most regions of the country, fewer girls than boys attend secondary schools. If a family was unable to pay tuition costs, it most often was female children who left school. The literacy rate for women and girls over the age of 15 was estimated to be 80 percent, while the male rate was approximately 90 percent.

The Government ordered that students entering college, teacher training schools, or the civil service must present a diploma from one of the National Youth Service training camps (see Sections 1.c. and 6.d.).

Unlike in the previous year, there were no reports that schools were shut down as a result of the torture of teachers who supported the MDC. Unlike in the previous year, there were no reports that schools were used as torture centers.

The SOA makes it a crime to infect anyone knowingly, including children, with HIV/AIDS. International experts estimated that HIV/AIDS infected one-quarter of the adult population and killed approximately 2,000 persons every week. According to an international NGO working with AIDS orphans, deaths from HIV/AIDS created 960,000 orphans during the year, up from 780,000 in 2002. Government-funded and private orphanages were filled to capacity, and the number of street children or those living in adoptive homes continued to rise dramatically and visibly during the year and was expected to put a tremendous strain on both formal and traditional social systems. At the household level, there was an increased burden on the extended family, which had traditional responsibility for caring for orphans. Many grandparents were left to care for the young, and in some cases, children or adolescents were heading families. Many orphans were sent to foster homes, where they often become victims of sexual abuse. At the provincial and national levels, the governments faced increasing demands for community orphan projects, orphanages, health care, and school fees. Monies from a universal AIDS levy automatically deducted from the paychecks of all formal-sector wage-earners have been allocated through the National Aids Council to District Action Committees for some specific programs, including: orphan assistance, support for costs of schools (including food, shelter and clothing), income generating projects for children or orphans of AIDS patients, and research for identifying orphan needs and problems.

Child abuse, including incest (long a taboo), infanticide, child abandonment, and rape continued to be problems during the year. The Parents and Family Support Network, a local NGO, reported that one in three children in the country was at risk of physical or emotional abuse. There was a large volume of rape cases in the Harare victim-friendly courts, which consisted of individual magistrates designated to try family cases. These courts were understaffed because many magistrates sought more lucrative employment outside the country. The large volume led to calls by children's rights' advocates to establish additional courts in surrounding areas. The criminal justice system has special provisions for dealing with juvenile offenders.

Musasa Project worked closely with the Ministry of Youth Development, Gender, and Employment Creation to investigate allegations that young girls were raped at the Government's national youth service training camps (see Section 6.d.). Musasa believed that the girls who were subjected to abuse remained silent out of fear of retribution. Many young girls came to the camps because of the economic suffering in the country. In addition, members of government militias gang-raped adolescent girls some as young as 12.

There were infrequent reports of child prostitution (see Section 6.f.). The SOA provides for a maximum fine of \$5 (Z\$35,000) or imprisonment of up to 7 years for those convicted of prostituting children under 12 years of age. It also provides for

a maximum fine of \$8 (Z\$50,000) and a maximum prison sentence of 10 years for “procuring another person to become a prostitute and have sex whether inside or outside Zimbabwe.” The Act had little impact on the status of children.

Child labor was a problem (see Section 6.d.).

The traditional practice of offering a young girl as compensatory payment in inter-family disputes continued during the year. Arranged marriage of young girls also continued during the year.

Several active children’s rights groups concentrated on promoting the well-being of children, including protection against child abuse, and advocating for children’s rights.

Persons with Disabilities.—The law specifically prohibits discrimination against persons with disabilities in employment, admission to public places, or provision of services; however, in practice the lack of resources for training and education severely hampered the ability of persons with disabilities to compete for scarce jobs. The law stipulates that government buildings should be accessible to persons with disabilities; however, implementation of this policy has been slow. Local NGOs worked on auditing and implementing the law during the year. NGOs continued to lobby to include albinos in the definition of “disabled” under the law. Persons with disabilities face particularly harsh customary discrimination. According to traditional belief, persons with disabilities were considered bewitched, and reports of children with disabilities being hidden when visitors arrive were common.

National/Racial/Ethnic Minorities.—According to government statistics, the Shona ethnic group makes up 82 percent of the population, Ndebele 15 percent, whites less than 1 percent, and other ethnic groups 2 percent. There were low-level tensions between the African majority and the white minority, between the Shona majority and the Ndebele minority, and among the various Shona subgroups.

Racial tensions have subsided since independence and remained relatively low despite the Government’s ongoing attempts to blame whites for the country’s economic and political problems. On many occasions, President Mugabe, members of his Government, and the state-controlled media attempted to reignite resentment of the white minority. President Mugabe accused the white minority of having too close ties to their ancestral countries. The Government’s far-reaching fast-track resettlement program designated 97 percent of large-scale, white-owned commercial farms for seizure with no clear means for providing compensation, and government supporters and war veterans assaulted commercial farmers in their homes and forced hundreds from their property (see Sections 1.a., 1.c., and 1.f.). Ruling party supporters seldom were arrested or charged for infringing upon minority rights.

The disproportionate number of Shona speaking teachers and headmasters in Matabeleland schools remained a sensitive issue. Members of the Ndebele community continued to criticize the Government’s unequal distribution of national resources and the Government’s failure to compensate victims of the 1980s Matabeleland killings of an estimated 10,000 to 20,000 Ndebele civilians.

Incitement to Acts of Discrimination.—Throughout the year, government-controlled newspapers, radio, and television stations continued to vilify selectively citizens of European ancestry and to blame them for the country’s problems. Ruling party officials sometimes called for dispossessing those of European ancestry of their property, forcibly if necessary. Materials used at National Youth Service Camps identified enemies of the state in racist terms and demonized whites. During the cash shortage, the government-controlled newspapers often accused Asians of hoarding millions of dollars to the detriment of the economy.

Section 6. Worker Rights

a. The Right of Association.—The new Labor Relations Amendment Act (LRAA), passed in December 2002, and brought into effect on March 7, provides private sector workers with freedom of association and the right to elect their own representatives, publish newsletters, set programs and policies that reflect the interests of labor, and form or join unions without prior authorization, and workers exercised these rights. There were serious objections to some of the bill’s language from labor unions, and the parliamentary legal committee called many of its provisions unconstitutional. The LRAA allows for the existence of multiple unions per industry, provided that each is registered with the Ministry of Public Service, Labor, and Social Welfare (MPSLSW). While the Government can deregister individual unions, the High Court has ruled that the Minister does not have the authority to suspend or deregister the national umbrella labor confederation, the ZCTU.

At the end of 2002, approximately 25 percent of the formal sector work force (approximately 400,000 workers) belonged to the 31 unions that form the ZCTU; however, labor unions have suffered dramatic losses in membership due to the contraction of the economy over the past 3 years. During the year, approximately 65 per-

cent of industries were unionized. ZCTU officers were elected by delegates of affiliated trade unions at congresses held every 5 years; the ZCTU elected a new leadership at its congress in 2001. According to the ZCTU leadership, approximately 30 percent of the ZCTU's constituency retains loyalty to ZANU–PF. Many MDC leaders began their public careers with the ZCTU and the Government and the ZCTU regularly clashed sharply over economic policy. The Government often did not consult either the ZCTU or employers before implementing policy decisions that affected the workplace, which disrupted labor relations.

The LRAA allows members of the Public Service, as well as other government employees (with the exception of members of the Disciplined Services) to form and join unions; however, the new Act also retains the prohibition of strikes by disciplined and “essential services” (see Section 6.b.).

The LRAA specifies that workers may establish independent worker committees side by side with unions in each plant. Worker committees also had to be registered with the MPSTLW, which may refuse registration. ZCTU officials believed that the formation of worker committees was an attempt to dilute union authority, because the worker committees comprised both union and nonunion workers.

There were multiple national labor federations. The ZCTU is the oldest and most powerful labor federation; however, during the year the Government openly targeted the ZCTU by announcing that the ZCTU was a political organization and declaring it aligned with the opposition MDC. The Government arrested and detained ZCTU leaders before and after ZCTU-called stayaways during the year.

There were no further developments in the February 2002 abduction, beating, and detention by government youth militia members of ZCTU council member Ephraim Tapa and his pregnant wife Faith.

The Zimbabwe Federation of Trade Unions (ZFTU) continued to disrupt relations between workers and their union leadership. However, unlike in the previous year, its leader and vice president, Joseph Chinotimba, kept a much lower profile after his defeat in the parliamentary elections. Overall ZFTU greatly toned down its pro-ZANU–PF and anti-ZCTU tactics during the year and used less coercive measures to enforce membership. The ZFTU continued to work closely with ZANU–PF. ZANU–PF/ZFTU again sponsored May Day commemorations during the year to overshadow the traditional ZCTU workers' day celebrations. The attendance at the ZCTU's event was much higher than the previous year, partially due to the organization's ability to gather in its traditional stadium.

Unlike in the previous year, the ZFTU did not instigate confrontations involving the agricultural sector. Under Statutory Instrument 6 (SI6), commercial farmers whose farms were acquired compulsorily were required to pay all of their farm laborers terminal benefits or “retrenchment packages”. Consistent with SI6, many farmers who did not have the funds could pay half immediately and postpone the remainder until, or if, he received compensation for the improvements on the land from the Government, but only with the consent of their labor force. However, the agricultural workers virtually never gave permission to delay payments. The ZFTU, instigated hostile confrontations with farmers in 2002, in some instances barricading farmers inside their homes and demanding liquidation of any available asset to fund immediate payout of the retrenchment package. In most cases, the ZFTU officials who orchestrated these confrontations collected between 30 and 40 percent from each retrenchment package as their “fee.”

The LRAA prohibits discrimination by employers against union members. Complaints of such discrimination were handled by a Labor Court under the mechanism for resolving cases involving “unfair labor practices.” The determining authority may direct that workers fired due to anti-union discrimination should be reinstated, although this was not utilized in practice. Although the High Court ruled in April 2002 that police could not monitor ZCTU meetings, the police did not respect that judgment and continued to monitor ZCTU meetings, despite complaints from ZCTU, during the year.

The ZCTU and its officials were free to associate with international labor organizations, and they did so actively. The ZCTU was formally affiliated with the International Labor Organization (ILO), the International Confederation of Free Trade Unions (ICFTU), and the Southern African Trade Union Coordinating Council. However, in December 2002, ICFTU–AFRO Director of Human and Trade Union Rights and Alfred Mudenda, Deputy Director Secretary of the Zambia Congress of Trade Unions, were denied entry to the country. In May, Anne Watson, a representative of the Commonwealth Trade Union Council, was also denied entry. The ZFTU had no known international affiliations.

The ILO continued to criticize the Government for ongoing interference with the unions' freedom of association, and included the country in an ILO negative report.

b. The Right to Organize and Bargain Collectively.—The LRAA provides workers with the right to organize and, as amended, permits unions to bargain collectively over wages and conditions of employment. Worker Councils, comprised of management and workers' committees, which by law were not organizationally part of the unions or the ZCTU, were empowered to negotiate with the management of a particular plant on the conditions of work, collective agreements, and codes of conduct in the workplace, except for wages. Unions, employers, and individual workers had the right to take their grievances to special labor forums for final adjudication. In the December 2002 amendment of the LRA, the Labor Court replaced the Labor Tribunal, supplemented by labor officers who were given the mandate to mediate cases before proceeding with formal litigation. The Labor Court was the only court empowered to hear any dispute arising under the LRA, or any other matter (claims of unfair labor practices, statutory instrument, other legislation) affecting labor relations. Despite the establishment of dedicated Labor Courts, the grievance procedure continued to maintain a 2-year backlog of cases. Many cases took years to resolve. Appeals against a decision of the Labor Court were lodged directly with the Supreme Court.

Collective bargaining and wage negotiations took place on an industry-wide basis between the relevant union and employer organizations sitting on joint employment boards or councils. Collective bargaining agreements applied to all workers in an industry, not just union members. Traditionally, between April and July each year, workers and employees negotiated salary increases and other benefits in their respective National Employment Councils. These bodies submit their agreements to the Registrar in the MPSSLW for approval. The Minister of Labor retained the power to veto agreements that he believed would harm the economy; however, he did not involve himself directly in labor negotiations unless requested to do so by one of the parties. When no trade union represented a specific sector, representatives of the organized workers, such as the professional associations, meet with the employer associations, under the mediation of labor officers from the MPSSLW. Companies offered wage increases that did not keep up with inflation during the year, and most workers and unions accepted the increases offered because of the economic crisis, but some continued to press for higher wages. In practice, many employers moved to quarterly review of wages (and some to quarterly awards of "bonuses") to keep up with the hyper-inflationary environment.

Employees in positions designated as managerial were excluded from general union membership and thus from the collective bargaining process.

The Government is a participant in the ILO and a signatory to various ILO conventions; however, the ILO's COE stated that several pieces of labor legislation restricted workers' rights provided for by Convention 98. Although the 2002 changes in the LRAA have removed some of the contentious legislation, they have added others. The Government continues to use POSA as an excuse for limiting unions' abilities to meet with and consult their constituencies. For example, unions were prevented sometimes with heavy police presence and under threat of arrest from holding meetings with their memberships.

The 2002 amendments to the LRAA make it more difficult to conduct legal collective job action. There is no right to strike in the Constitution. Although the LRAA explicitly recognizes this right, it has been circumscribed with procedural hurdles including advance notice of 14 days, attempt for conciliation for 30 days, and possible mandatory referral to binding arbitration. The new Act continues to prohibit "essential services" employees from striking on the grounds that it "endangers immediately the life, personal safety or health of the whole or any part of the public". The law defines essential services broadly and includes: The fire personnel; employees engaged in the supply and distribution of water; employees providing some veterinary services; revenue agents at ports of entry; persons in the health care field; transport and communications employees; railway engineers; licensed electricians; and broadcast personnel during a state of emergency. Many of these groups went on strike during 2002. The law also allows that "Any non-essential service may be declared an essential service by the Minister if a strike in a sector, service industry or enterprise persists to the point that the lives, personal safety or health of the whole or part of the population is endangered," and labor groups were concerned this could negatively impact them.

The ICFTU has criticized the labor laws for giving "wide scope to the authorities to declare that a given enterprise or industry constitutes an essential service, and then impose a ban (on strikes) on it." Government officials stressed that the Government reserved the right to impose these bans at its discretion, and widely exercised this right during the year.

Managers also were prohibited from striking, and in some industries, the Government defined most employees as managers. For the remaining nonessential employ-

ees legally to conduct a strike, more than 50 percent of the company's employees must vote in favor of the action. If a majority voted to strike, the dispute was referred to a labor officer, who was given the mandate to attempt mediation for at least 30 days. If mediation was unsuccessful, the dispute could be unilaterally referred to a government-appointed arbitrator if the employees were engaged in an "essential service," and the dispute was a dispute of right (e.g., interpretation of the collective bargaining agreement, not wages or conditions of work). If the employees were not engaged in an essential service, the labor officer could refer the case to arbitration if he or she obtained the permission of both parties, or if the dispute was a dispute of right. Employees could only strike after the arbitration process was concluded unsuccessfully, and a subsequent 14-day notification process of the intent to strike was concluded.

These government-imposed delays prevented most employees and their unions from ever declaring legal strikes; however, during the year, illegal strikes or work stoppages have occurred within individual companies and in entire industries occasionally. There were a number of labor actions during the year, including strikes and at least three successful mass stayaways, two by the lead opposition party MDC, and one by the ZCTU.

In March, the MDC called for a mass stayaway, and for a second one in June. The June stayaway resulted in the closure of an estimated 80 to 95 percent of shops and businesses in the country's two largest urban centers.

In April, the ZCTU independently called for a mass stayaway in response to the heavily subsidized fuel price increasing 300 percent. The price for transport increased to the point that some workers were actually paying their full months' wages just for daily transport. The disproportionate pressure on the lowest-scale workers led to the call for the stayaway. Although the fuel prices were not reduced, the stayaway was successful; employers attempted to increase wages on a quarterly basis in order to counter the inflationary environment.

On October 8, police arrested more than 150 ZCTU members at protest gatherings in several cities throughout the country, including ZCTU Secretary General Wellington Chibebe, President Lovemore Matombo, and Progressive Teacher's Union of Zimbabwe President Raymond Majongwe. Most of those detained were released the same day; however, many were forced to sign admissions of guilt under POSA and fined \$.90 (Z\$5,000). At year's end, there was no further action on these cases.

There were several strikes during the year. For example, in January, the Government settled a strike of 140 Air Zimbabwe engineers, meeting most of their demands. Although Air Zimbabwe had suspended the 140 engineers without pay and benefits, the terms of the new agreement indicate that the Government acceded to or exceeded all of the engineers' demands: increases of the basic salary to \$135 to \$289 (Z\$200,000 to Z\$430,000) monthly, a 15 percent "critical allowance," and full back-pay of all wages and benefits while the engineers were on strike.

On May 20, public school teachers, on strike since May 8, lost a court ruling and, on instruction from the Zimbabwe Teachers' Association (ZIMTA), returned to work. They had demanded a salary increase from \$29 (Z\$60,000) to \$128 (Z\$268,000) per month.

On May 26, the Government ordered the workers at electricity parastatal Zimbabwe Electricity Supply Authority (ZESA), on strike since May 20 and asking for a 50 percent across-the-board salary increase, to return to work and declared the strike illegal.

On October 23, doctors in public hospitals went on strike demanding a significant increase in their salaries. This was reportedly at least the third strike by doctors during the year. On October 27, nurses joined the strike and demanded a review of their salaries. At the strike's outset, doctors earned less than \$100 (Z\$565,000) and nurses less than \$40 (Z\$226,000) per month. Although the nurses returned to work a few days later, many struck again in early December after the Government did not follow-through on its assurances that their grievances would be considered and their salaries would increase. On November 6, the labor court declared the strike in violation of the LRAA and ordered the medical professionals to return to work. When they refused to return to work within a week, the Public Services Commission ordered the police to arrest the doctors. On November 15, seven doctors were arrested, held in police custody briefly, and charged for violating the LRAA. There was no further action on the arrested doctors by year's end. Most public hospital doctors and nurses remained technically on strike at year's end; however, during the strike many left the country or found jobs in the private sector. As a result, public hospitals routinely turned away patients.

Stagnating wages, hyperinflation, and eroding value of income were the major concerns for all sectors of the labor force, and some sectors resorted to strikes to pressure their employers into raising wages.

Youth militias attempted to keep some stores open during the mass stayaways. No action was taken against security forces who tortured the Secretary General of the ZCTU in 2002, or against ZFTU members who beat persons during a strike in May 2002.

There were no further developments in the 2001 killing of 3 strikers and injury of 10 others during a strike at the Zimbabwe Iron and Steel Company (ZISCO) plant in Redcliff.

The Export Processing Zones Act states the LRA shall not apply to workers in export processing zones (EPZs). The ZCTU has negotiated directly with EPZ employers to allow some unions in the EPZ, although their number and level of activity remained low.

c. Prohibition of Forced or Bonded Labor.—The law prohibits forced or bonded labor, including by children; however, there were reports that such practices occurred (see Sections 6.d. and 6.f.). The traditional practice of offering a young girl as compensatory payment in interfamily disputes continued in rural areas (see Section 5).

The Government, war veterans, and the ZFTU have the power to force workers to perform labor, which they might not otherwise choose.

d. Status of Child Labor Practices and Minimum Age for Employment.—Child labor was common. Under the amended LRAA, a child between the ages of 13 and 15 can work as an apprentice or if the work is an integral part of (or in conjunction with) “a course of training or technical or vocational education.” The law further states that no person under 18 shall perform any work “likely to jeopardize that person’s health, safety or morals.” The status of children between 15 and 18 years of age is not directly addressed, but 15 years of age is still the minimum for light work, work other than apprenticeship, or work associated with vocational education.

According to the 2000 National Child Labor Survey (the most recent available), approximately 25 percent of children between the ages of 5 and 17 were involved in some form of labor. The unemployment rate continued to grow, with some estimates as high as 75 percent, decreasing the number of children employed in the formal sector; however, the incidence of children working in the informal sector continued to increase as more children worked to fill the income gap left by ill, unemployed, or deceased relatives. Children worked in the agricultural sector, and there were reports that children worked as domestics and as car-watchers. As a result of the land redistribution program, there were fewer instances of child labor on commercial farms. Many children sold simple wares on the streets; others worked in the booming illegal gold panning industry. In addition, there were reports of an increasing number of girls under 17 years of age engaged in prostitution. Although child labor in the agricultural, domestic, and informal sectors increasingly was discussed, the Government and NGOs have been unable to gather concrete data on the number of cases.

The Child Adoption and Protection Amendment Act incorporates ILO Convention 182 on the Worst Forms of Child Labor; however, enforcement of the law was not effective during the year. Under the LRAA, child labor is punishable by a maximum fine of \$5 (Z\$30,000), 2 years imprisonment, or both. Forced labor is punishable by an undefined fine, 2 years imprisonment, or both.

Few new social initiatives to prevent child labor were implemented; however, with the imposition of a universal AIDS levy on all formal sector wage-earners, some programs to ease the burdens of HIV/AIDS affected children or child-headed households were created.

Forced child labor and child prostitution were a problem (see Section 6.f.). The Government enforced a youth service requirement under which young citizens were forced to undertake training at government-sponsored training camps such as the Border Gezi Youth Training Camp. The stated purpose of the training camps was to instill a sense of pride in the youths, highlight the history of the struggle for independence, and develop employment skills; however, they were reported to be training camps to instill ZANU–PF allegiance, paramilitary skills, and expertise in political oppression and torture, and were the source of the youth militia forces, popularly known as “Green Bombers.” Conditions during training were poor, and there were many reports of youth deserting the camps.

e. Acceptable Conditions of Work.—There is no national minimum wage, except for agricultural and domestic workers. Government regulations for each of the 22 industrial sectors continued to specify minimum wages, hours, holidays, and required safety measures. Due to an ineffective monitoring system, many agricultural and domestic workers were remunerated below the minimum wage.

Representatives of the Government, labor and employers met during the first quarter of the year in an attempt to negotiate increased minimum wages and other

workable strategies under the New Economic Revitalization Program (NERP). The Tripartite Negotiation Forum (TNF) partners agreed on a broad range of necessary steps, including an 18-month wage freeze after new minimum wages were agreed, and freezes on prices. In May, the Government ignored these agreements, allowing companies to raise prices without securing an increase in the minimum wage. The ZCTU pulled out of the TNF, organized a mass stayaway in April in response to the Government's actions.

Minimum wages in the formal sector changed continuously as a result of multiple increases in salaries to offset the high inflation rate. Domestic worker minimum wages were specifically separated from others; in July, the following monthly minimum wages were published: gardener, \$1.85 (Z\$12,000); cook/housekeeper, \$2.01 (Z\$13,060); child- or disabled-minder, \$2.43 (Z\$15,800); child- or disabled-minder with Red Cross certification, \$2.92 (Z\$18,960); and agricultural worker, \$3.55 (Z\$23,070). The minimum wage did not provide a decent standard of living for a worker and family, and at least 70 to 80 percent of the population lived below the Government's poverty line.

The Salary Service Department of the MPSSLW determined public sector wages, subject to the approval of an independent Public Service Commission (PSC). Each year PSC officials meet with PSA representatives to review wages and benefits, and issue a recommendation to the MPSSLW. The Minister is not required by law to accept the recommendation and usually proposed a wages and benefits package that was less than the recommendation, resulting in yearly industrial protest actions by civil servants.

The maximum legal workweek is 54 hours, and the law prescribes a minimum of one 24-hour rest period per week. The Constitution provides the PSC with the authority to set conditions of employment in the public sector.

Many of the basic legal protections did not apply to the vast majority of farm, mine, and domestic workers. Health and safety standards were determined on an industry-specific basis. There were 112 persons killed in industrial accidents during the year. The National Social Security Authority (NSSA) reported an increase in the number of fatal accidents in the construction, electrical, and telecommunications industries and cited unskilled contract personnel performing jobs formerly done by professionals. In theory labor relations officers from the MPSSLW were assigned to monitor developments in each plant to ensure that government minimum wage policy and occupational health and safety regulations were observed; however, in practice these offices were understaffed, could not afford to inspect routinely workplaces, and relied on voluntary compliance and reporting by employers.

The Government designated the Zimbabwe Occupational Safety Council (ZOSHC) to regulate safe work conditions. The ZOSHC was a quasi-governmental, advisory body comprised of six representatives each from the Government, employers, and trade unions. The National Director of the ZOSHC was responsible for enforcing worker safety regulations, and the director reported weekly to the MPSSLW on actions taken. Budgetary constraints and staffing shortages, as well as its status as an advisory council, made the council ineffective. The NSSA continued to experience difficulty monitoring the thousands of work sites across the country; however, it continued to enforce safety standards more vigorously by closing down shops and factories in noncompliance. Although workers have a legal right to remove themselves from dangerous work situations without jeopardy to continued employment, in practice they continued to risk the loss of their livelihood if they did so during the year.

Legal foreign workers, including those who were born in Zimbabwe but do not possess a residency document, were covered by ZOSHC's safety standards, but domestic workers were excluded because of the impracticality of enforcing standards in private homes. Government workers also were excluded.

According to the ZCTU, some employers took advantage of illegal refugees for inexpensive labor. Because the job market traditionally was worse in neighboring countries such as Malawi and Mozambique, refugees were willing to risk arrest and work for wages below the legal minimums. However, there was a continuing tendency during the year for economic refugees to flee the country and seek work in countries such as South Africa and Botswana.

f. Trafficking in Persons.—No laws specifically address trafficking in persons, and there continued to be infrequent reports that persons were trafficked, particularly women and children, from and through the country to South Africa for prostitution and forced labor. Common law prohibits abduction and forced labor, and the Sexual Offenses Act (SOA) makes it a crime to transport persons across the border for sex (see Section 5). Traffickers also can be prosecuted under other legislation, such as immigration and abduction laws. The primary government authority to combat trafficking was the ZRP; however, they relied on NGOs to alert them to any cases.

No NGO or law enforcement agency had any direct evidence of or statistics on either trafficking or child prostitution by year's end. A few NGOs, including South Africa-based Molo Songololo, Harare-based Save the Children Norway, and Connect had some reports of both trafficking and child prostitution. An international NGO compiled a qualitative report on the commercial sex industry in the country, and news reports suggested that minors were engaged in commercial sex work; however, no specific cases were identified and no report suggested the scope of the problem. After an initial investigation, the International Organization of Migration (IOM) cancelled a planned report on trafficking in Zimbabwe reportedly due to a lack of case evidence.

In February, an international NGO compiled approximately 20 reports, most of which were of Zimbabwean female teenagers whose families, in the economic decline, had accepted some form of payment in exchange for allowing them to work in brothels, notably in the border town of Beitbridge. Molo Songololo claimed that Zimbabwe was a transit point for children being trafficked from countries such as those in Asia and Malawi to South Africa; however, they could provide no specific examples or numbers of cases.

While it commonly was known that many Zimbabwean women worked in the hotel industry in South Africa, sometimes a euphemism for commercial sex work, and many Zimbabweans were low-wage agricultural workers in South Africa, there was no evidence of coercion or force in these areas.

A trafficked person had the option to take his or her case before the victim-friendly courts; however, no cases were filed during the year.

EAST ASIA AND THE PACIFIC

AUSTRALIA

Australia is a constitutional democracy with a federal parliamentary government. Citizens periodically choose their representatives in free and fair multiparty elections. John Howard began his third consecutive term as Prime Minister in November 2001; his Liberal and National Party Coalition Government held 82 of the 150 seats in the lower house of the Federal Parliament. The judiciary is independent.

The Federal Justice Ministry oversees Australian Federal Police (AFP) activities, while the state police forces report to the respective state police ministers. The civilian authorities maintained effective control over the security forces. There were occasional reports that police committed human rights abuses.

The country has a mixed, highly developed market-based economy. Its population was approximately 20 million as of December. Per capita GDP growth was 2.5 percent for the 12-month period ending September 30. Wages and benefits generally kept pace with inflation. The downturn of the global economy had a limited effect on the country's economy. A wide range of government programs offered assistance for disadvantaged citizens.

The Government generally respected the human rights of its citizens, and the law and judiciary provide effective means of addressing individual instances of abuse; however, there were problems in some areas. There were occasional reports that police and prison officials abused persons in custody. Human rights organizations, refugee advocacy groups, and opposition politicians continued to express concern about the impact of prolonged mandatory detention on the health and psychological well-being of asylum seekers. Societal violence and discrimination against women, and discrimination against Aboriginal people also were problems. Some leaders in the ethnic and immigrant communities and opposition political party members expressed continued concern about instances of vilification of immigrants and minorities. There was ongoing criticism of the 1996 Federal Workplace Relations Act by domestic labor unions and the International Labor Organization (ILO), particularly in regard to the law's restrictions on multi-enterprise agency bargaining and its emphasis on individual employment contracts. There was some trafficking in women, which the Government was taking steps to address.

RESPECT FOR HUMAN RIGHTS

Section 1. Respect for the Integrity of the Person, Including Freedom From:

a. Arbitrary or Unlawful Deprivation of Life.—There were no reports of the arbitrary or unlawful deprivation of life committed by the Government or its agents. However, the Australian Institute of Criminology (AIC), an agency of the Attorney General's Department, reported that in 2002, 19 persons died in police custody or in the process of arrest, 12 fewer than in 2001. Police fatally shot three persons; all three shootings were found to be justifiable homicides. In the remaining cases, seven deaths were attributed to accidents, seven to self-inflicted injuries, and two to natural causes. Of the six Aboriginal deaths in police custody, three resulted from accidents, one from natural causes, and two from self-inflicted injuries. In November, after a 17-year-old youth fell to his death from a moving police van, the Western Australian (W.A.) Coroner criticized the state's police force for failing to properly secure the van door.

During the year, a W.A. independent commission inquired into police corruption and criminal conduct, including the unresolved death in police custody of an 18-year-old nonindigenous youth in 1988; Amnesty International (AI) had called for an investigation of the death. At year's end, the W.A. Government had not released its report.

b. Disappearance.—There were no reports of politically motivated disappearances.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The law prohibits all such practices; however, there were occasional reports that police and prison officials mistreated suspects in custody. Some indigenous groups charged that police harassment of indigenous persons was pervasive and that racial discrimination among police and prison custodians persisted.

During the year, a W.A. police officer was disciplined for using excessive force in the arrest of a homeless man in 2002. In December, a Victoria court awarded a man \$46,000 (A70,000) in compensation for a Victoria police officer's use of excessive force and false imprisonment during a 1996 drug raid.

Prison conditions generally met international standards, and the Government permitted visits by independent human rights observers. Each state and territory is responsible for managing its own prisons, which also house federal prisoners. There are no federal prisons. Although Aboriginals constituted less than 3 percent of the population, they accounted for 20 percent of the prisoner population during the year (see Section 5).

In prisons, men and women were held separately; conditions were the same for both. Detainees held without bail pending trial generally were segregated from the rest of the prison population. Juvenile offenders under age 17 were incarcerated in youth detention or training centers, but could be remanded and sentenced to custody in an adult prison upon being convicted of a serious criminal offense such as homicide. In immigration detention facilities, children were held with adults, most often family members (see Section 2.d.).

According to the AIC's annual report on prison deaths, 50 persons died in prison custody in 2002. The cause of death was not identified in four cases. Of the remainder, 14 deaths were attributed to suicide by hanging, 23 to natural causes, 5 to multiple injuries, 2 to drug overdoses, and 2 to gunshot wounds. Of the eight Aboriginal deaths in prison custody during 2002, six resulted from natural causes, one from an accident, and one from self-inflicted injuries. Three deaths were categorized as "unlawful homicides" (murder or manslaughter); however, the report did not distinguish between prisoner-instigated and guard-instigated manslaughter. Three Queensland prison guards were suspended following an investigation into the death of a prisoner at a Brisbane jail in October. One of the guards allegedly failed to monitor the prison's closed circuit television, which recorded a fight between inmates that led to the prisoner's death.

In 2002, hunger strikes, protests, and arson occurred at immigration detention facilities over allegedly poor sanitary conditions, inadequate access to telephones, limited recreational opportunities, decisions to deny refugee status, and delays in processing final appeals of asylum claims. The Government took some actions to improve detention conditions, including the addition of life-skills classes and vocational training, and increased recreational facilities. In May, the Government closed the heavily criticized Woomera detention center and moved the detainees to the new Baxter detention center near Port Augusta in South Australia (see Sections 2.d. and 4).

d. Arbitrary Arrest, Detention, or Exile.—The law prohibits arbitrary arrest and detention, and the Government generally observed these prohibitions.

Each of the country's six state and two territorial jurisdictions has a separate police force, which enforces state and territorial laws. The Federal Police enforces Commonwealth laws. The police forces generally did not have problems with corruption and impunity. State and territorial police forces have internal affairs units that investigate allegations of misconduct and a civilian ombudsman's office that either can review an investigation upon request of the complainant or initiate its own inquiry into a complaint.

Police officers may seek an arrest warrant from a magistrate when a suspect cannot be located or fails to appear; however, they may also arrest a person without a warrant if there are reasonable grounds to believe the person has committed an offense. Police must inform arrested persons immediately of their legal rights and the grounds of their arrest. The arrested person must be brought before a magistrate for a bail hearing at the next sitting of the court. Bail generally is available to persons facing criminal charges unless the person is considered to be a flight risk or is charged with an offense carrying a penalty of 12 months' imprisonment or more. Attorneys and families were granted prompt access to detainees.

In its March 2001 report, the Federal Human Rights and Equal Opportunity Commission (HREOC) asserted that as many as 70 permanent residents convicted of crimes, most with Vietnamese nationality, had completed their prison terms but were still in custody pending deportation. By year's end, all but four of the detained persons had returned to Vietnam, following the 2001 conclusion of a bilateral agreement allowing their return. Of the remaining four, one remained in detention pend-

ing further litigation, one had escaped from detention and remained at large, and two were released by court order.

In April, the Federal Court of Australia ruled that continued detention of asylum seekers when there was no real likelihood of the detainee being removed was unlawful; the Government's appeal of the decision was pending at year's end (see Section 2.d.).

Neither the Constitution nor the law addresses exile; however, the Government did not use it.

e. Denial of Fair Public Trial.—The Constitution provides for an independent judiciary, and the Government generally respected this provision in practice.

The court system is divided into federal, state, and territorial courts, which handle both civil and criminal matters. The highest federal court is the High Court, which exercises general appellate jurisdiction and advises on constitutional issues. State and territorial supreme, district, and county courts conduct most high-value civil and serious criminal trials, while the magistrate's and specialist's courts (such as the children's court and administrative tribunals) adjudicate lower level criminal and lesser value civil cases, and conduct preliminary hearings.

The law provides for the right to a fair trial, and an independent judiciary generally enforced this right. In the state district or county courts and the state or territorial supreme courts, there generally is a judge and jury. The judge conducts the trial, and the jury decides on the facts and on a verdict. Defendants have the right to an attorney, and a government-funded system of legal aid attorneys is available to persons with low incomes. The defendant's attorney can question witnesses, present evidence on the defendant's behalf, and access relevant government-held evidence. Defendants enjoy the presumption of innocence and have the right to appeal the court's decision or the sentence imposed.

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home or Correspondence.—The law prohibits such actions, and the Government generally respected these prohibitions in practice.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The law provides for freedom of speech and of the press, and the Government generally respected these rights in practice. An independent press, an effective judiciary, and a functioning democratic political system combined to ensure freedom of speech and of the press, including academic freedom. The Government did not restrict access to the Internet.

b. Freedom of Peaceful Assembly and Association.—While the right to peaceful assembly is not codified in law, citizens exercised it without government restriction. In March, 14 students were arrested following a violent antiwar demonstration by approximately 2,000 students in Sydney. Police used reasonable force to contain the crowd violence.

There is no explicit right to freedom of association; however, the Government generally respected this right in practice.

c. Freedom of Religion.—The law provides for freedom of religion, and the Government generally respected this right in practice.

In October, a state administrative tribunal hearing began on a civil complaint filed by the Islamic Council of Victoria (ICV), under Victoria's Racial and Religious Tolerance Act of 2001, against two persons associated with Catch the Fire, a Christian group. The ICV alleged that speakers at a 2002 seminar on Islam sponsored by Catch the Fire vilified Muslims, and sought an apology, a retraction of the comments in question, and compensation. Lawyers for the defendants argued that the complaint was outside the tribunal's jurisdiction, asserting that the Victoria act infringed on the federal right of freedom of expression. The judge rejected the defendant's request to have the matter referred to a higher court; the case still was pending at year's end.

For a more detailed discussion, see the 2003 International Religious Freedom Report.

d. Freedom of Movement within the Country, Foreign Travel, Emigration, and Repatriation.—The law provides for these rights, and the Government generally respected them in practice.

The law provides for the granting of refugee status or asylum to persons who meet the definition in the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol, subject to certain geographic and time constraints on claims by those who previously sought asylum in a safe country of transit. In practice, the Government provided protection against refoulement and granted refugee status or

asylum. The Government cooperated with the office of the U.N. High Commissioner for Refugees (UNHCR) and other humanitarian organizations in assisting refugees.

Federal immigration officials adjudicate refugee status claims based on UNHCR standards. In the 12-month period ending June 30, the Government granted 12,525 humanitarian class visas, which included an offshore resettlement component of 11,656 visas and an onshore component of 869 visas. The program's offshore component was made up of 4,376 refugees (including 504 grants to women found to be at risk in overseas refugee camps and 311 refugees that were resettled from offshore detention facilities) and 7,280 special humanitarian grantees. Special humanitarian grantees were displaced persons subjected to gross violations of human rights, and whose applications were supported by residents or organizations based in the country. Of the total number of offshore grants, 47 percent came from Africa, 37 percent from the Middle East and Southwest Asia, 10 percent from Europe, and 6 percent from other regions.

Noncitizens arriving at a national border without prior entry authorization automatically are detained. Legal assistance is provided upon request to detainees making an initial asylum claim or application for lawful residence. Individuals may be released pending full adjudication of their asylum claim only if they meet certain criteria such as old age, ill health, or experience of torture or other trauma. However, most did not meet release criteria and were detained for the length of the asylum adjudication process. At year's end, the Federal Government oversaw six immigration detention facilities located within the country. During the year, asylum seekers intercepted at sea also were housed in offshore detention centers, administered by the International Organization for Migration (IOM) with funding from the Government, in Nauru and on Manus Island in Papua New Guinea. In November, the Government established an alternative residential housing detention facility for married women and minors to be near their spouses in the Baxter detention center in Port Augusta.

In 2001, in response to an influx of boats carrying asylum seekers, Parliament changed the law to remove retroactively the right of any noncitizen to apply for a permanent protection visa (i.e., the right to live and work permanently in the country as a refugee) if that person's entry was unlawful and occurred in one of several "excised" territories along the country's northern arc: Christmas Island, Ashmore and Cartier Islands, the Cocos Islands, and any sea or resource installation designated by the Government. Following the November arrival on Melville Island of a boat carrying 14 Kurdish asylum seekers, the Government retrospectively excised almost 4,000 islands across the northern arc from the migration zone, thereby preventing persons arriving on them from making a valid application for protection. Later that month, Parliament nullified the excision order, but the Government would not accept that the Kurdish asylum seekers had made a valid application for protection because the excision order was valid at the time of their arrival. The asylum seekers returned to Indonesia, where the IOM assisted eight of them to apply to the UNHCR for protection; the other six asked to return home.

Noncitizens who arrive by boat and have their asylum claims confirmed are granted a 3-year temporary protection visa (TPV). The TPV provides full access to medical and social services but does not authorize family reunification or allow travel abroad with reentry rights. A permanent protection visa, which gives authority for family reunification and reentry rights, may be granted to an applicant at any stage of the asylum adjudication process. During the year, the Government extended the application of TPVs to all asylum seekers who applied for protection while onshore regardless of whether they entered legally. Denials of asylum claims may be appealed on merit grounds to the Refugee Review Tribunal, and on grounds of legal error to the Federal Court of Australia and, in certain cases, to the High Court. The Minister for Immigration and Multicultural and Indigenous Affairs may exercise his discretion and grant a visa after the asylum seeker has exhausted the review process.

Long delays in processing asylum applications were not a significant problem during the year, due to a decline in the number of asylum seekers arriving by boat since the Government implemented its offshore processing policy in 2001. However, a number of asylum seekers have been detained for years pending review and appeal of their claims. Of these, a small number remained in detention despite having exhausted the appeal process; they could not be returned to their home country because they lacked travel documents or could not obtain necessary transit visas. In April, the Federal Court of Australia ruled that continued detention of asylum seekers when there was no real likelihood of the detainee being removed was unlawful. In November, the High Court began hearing a government appeal of the Federal Court's decision; the appeal remained pending at year's end.

As of December, onshore detention facilities, excluding Christmas Island, held 918 detainees. At that point, the offshore detention facility in Nauru held approximately 300 detainees, most of whom had been denied refugee status and were awaiting repatriation. The Government was in the process of resettling those detainees granted refugee status. In November, the Federal Court began hearing an application to transfer the sole remaining occupant of the Manus Island center to another detention facility on humanitarian grounds.

The country's immigration laws and detention policy continued to be criticized by human rights and refugee advocacy groups, who charged that the sometimes lengthy detentions violated the human rights of asylum seekers. In November and December, detainees at W.A.'s Port Hedland detention center rioted over the length of time they had been in detention. In October, the Federal Human Rights Commissioner, who had monitored detention center conditions over the previous 5 years, stated that the Government's treatment of the detainees was harsh with respect to their length of time in detention; that immigration officials showed a lack of interest in improving the detainees' situation; and that human rights abuses had occurred during riots at the detention centers in 2001. The Government rejected this criticism.

In 2002, both the High Commissioner for Human Rights Special Envoy to Australia and the U.N. Working Group on Arbitrary Detention (WGAD) investigated conditions in the detention centers and expressed concerns about the psychological impact that prolonged detention was having on asylum seekers, in particular children, unaccompanied minors, the elderly, and those with disabilities. The Government rejected this criticism, but implemented improvements to facilities and services (see Section 1.d.).

As of December, 69 children were held in immigration detention centers, excluding Christmas Island and Nauru. Throughout 2002 and during the year, HREOC inquired into the situation of children in immigration detention, but had not published a final report by year's end. In June, the Federal Family Court ruled that its welfare jurisdiction extended to children in detention and that the indefinite detention of children was unlawful. In August, the Court ordered that five Pakistani children be released from their 32-month detention into the care of a charitable welfare group. In October, the High Court heard the Government's appeal of these decisions; the court's decision was pending at year's end. In September, Parliament passed a law preventing the courts from issuing interim orders for the release of detainees who are of "bad character" or pose a security risk, pending the final determination of their refugee claim.

There were no reports of the forced return of persons to countries where they feared persecution, before their asylum claims were considered and rejected. However, during the year, refugee, church and human rights groups expressed concern about the Government's practices in repatriating unsuccessful asylum seekers. In May, Human Rights Watch asserted that information on human rights conditions in Afghanistan disseminated by the Government to asylum seekers from that country was incomplete and misleading. The Government rejected this criticism as unfounded, stating that the information was a factual report of events in Afghanistan for asylum seekers' general information and was not put forth as a comprehensive account of that country's situation.

The Government has agreements with a number of countries under which unsuccessful asylum claimants may be returned involuntarily to their home countries. Following concerns raised by AI early in the year about the possibility of unsuccessful Iranian asylum seekers in onshore detention centers being returned involuntarily to Iran, a November press report carried claims that a male Iranian asylum seeker who was removed from the country in August had been arrested and tortured after arrival in Iran. In December, the High Court rejected an unsuccessful Iranian asylum seeker's request for a court order prohibiting the involuntary return of unsuccessful Iranian asylum seekers. In October, a church human rights group asserted to a parliamentary inquiry committee that many unsuccessful asylum seekers had disappeared or died following their return to their home country; the cases cited included both voluntary and involuntary returnees. The inquiry committee had not issued its report by year's end.

Section 3. Political Rights: The Right of Citizens to Change Their Government

The Constitution provides citizens with the right to change their government peacefully, and citizens exercised this right in practice through periodic, free, and fair elections held on the basis of universal suffrage and mandatory voting. In November 2001, citizens elected a coalition of the Liberal Party and the National Party to a third 3-year term of office. The Australian Labor Party (ALP) won all seven state and territorial elections held in 2001 and 2002 and was reelected to govern-

ment in New South Wales (N.S.W.) during the year; at year's end, the ALP controlled all eight state and territorial legislatures.

There are no legal impediments to public office for women and indigenous people. Both the Government and the opposition have declared their intent to increase the numbers of women elected to public office. As of November, there were 60 female members in the 226-seat Federal Parliament, 2 female Ministers in the 17-member Federal Government Cabinet, and 5 female ministers in the 30-member Federal Government Ministry. There was one woman among the eight Premiers and Chief Ministers of the six States and two Territories, the Chief Minister of the Northern Territory (N.T.).

Aboriginals generally were underrepresented among the political leadership (see Section 5). One Aboriginal was elected to the Federal Senate in 1998. In 2001, an Aboriginal woman was elected to the West Australian state parliament (the first indigenous woman to be elected to a state legislature), and four Aboriginals, including a woman, were elected to the N.T. legislative assembly. In 2002, an Aboriginal woman was elected to the Tasmanian state parliament, and another was elected to the N.S.W. state parliament.

Section 4. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A wide variety of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. The Government in general cooperated with human rights groups.

The government-funded but independent HREOC investigates complaints of discrimination or breaches of human rights under the federal laws that implement the country's human rights treaty obligations. HREOC resolves complaints in relation to employment, provision of goods and services, access to accommodation, and inciting racial hatred. Each state and territory has its own antidiscrimination board or equal opportunity commission that also resolves complaints of discrimination. In the 12 months ending June 30, the number of discrimination complaints received by HREOC fell to 1,236, a decrease of approximately 3 percent from the 1,271 complaints received in the previous 12-month period. Approximately 56 percent of all cases were not accepted, either because they did not fall within HREOC's mandate or because no discrimination was shown. Another 32 percent were resolved through conciliation, and 11 percent were withdrawn before action could be taken.

In 2002, the Government granted access to its immigration detention centers to domestic and international human rights organizations, including HREOC, the U.N. High Commissioner for Human Rights Special Envoy, and WGAD (see Section 2.d.). However, the Government rejected both the Special Envoy's and WGAD's criticism of detention center conditions, asserting that their reports misrepresented government policy, contained many inaccuracies, and commented on issues well beyond the scope of their mandates. The Government also rejected HREOC's recommendation that the Government set a time limit on detention periods. However, during the year, the Government closed the most heavily criticized detention center, Woomera (see Section 1.d.); reviewed immigration detention standards; and awarded the contract to deliver detention services to a different company.

In 2002, the U.N. Special Rapporteur on Contemporary Forms of Racism, Racial Discrimination, Xenophobia and All Forms of Discrimination reported that despite efforts by the authorities, much remained to be done to eradicate the legacy of racial discrimination and reduce the social inequalities and extreme poverty that affected the majority of Aboriginals. The Government rejected the Special Rapporteur's three key recommendations, namely, that it provide a fresh impetus for reconciliation, negotiate with Aboriginal representatives for the removal of the discriminatory aspects of the 1998 Native Title Act amendments, and address the needs of the "stolen generation" of Aboriginals (see Section 5).

Section 5. Discrimination Based on Race, Sex, Disability, Language, or Social Status

The law prohibits discrimination based on these factors. An independent judiciary and a network of federal, state and territorial equal opportunity offices effectively enforced the law. In December, the N.S.W. Government released a study of violence against homosexuals that found more than half of the survey participants had experienced one or more forms of abuse, harassment, or violence in the past 12 months. The report found that two or more persons who were unknown to the victim perpetrated most incidents of harassment or violence and that homosexuals of Middle Eastern background suffered exclusion, assaults, and stalking from family or community members.

Federal and various state laws prohibit discrimination on the grounds of HIV positive status. In the 12 months ending June 30, nine persons with HIV lodged discrimination complaints with the Federal Disability Discrimination Commissioner, which is part of HREOC. In 2002, a La Trobe University study of HIV positive persons found that 37.7 percent received less favorable access to health services, while 22.1 percent and 11.1 percent received less favorable treatment regarding insurance and accommodation respectively.

Women.—The law prohibits violence against women, including spousal rape and abuse; however, violence against women remained a problem. In 2002, there were 17,850 victims of sexual assault recorded by the police. According to the ABS, sexual assaults increased nearly 6 percent compared with 2001; the victims in 80 percent of the cases were female. In 2002, the sexual assault victimization rate was 91 per 100,000 persons, the highest number since statistics first were recorded in 1993. Domestic violence was particularly prevalent among Aboriginal communities.

All states and territories except W.A. have enacted legislation making it a crime to perform female genital mutilation (FGM) or to remove a child from the jurisdiction for the purpose of having FGM performed; maximum penalties range from 7 to 21 years' imprisonment. The N.S.W. women's minister revealed that 40 women had been treated for the effects of female genital mutilation in the 12 months ending November 30. There were no reports of prosecutions for the offense during the year.

Prostitution is legal or decriminalized in several states and territories, and the governments of Victoria, Queensland and the Australian Capital Territory license brothels operating within their borders. However, many brothels operated illegally. In some locations, state-funded sexual health services employees visited brothels to educate workers about sexual health matters and to prevent worker mistreatment. Local governments or prostitution licensing authorities inspected brothels to assure compliance with planning laws and licensing requirements, including health and safety regulations. However, government officials faced difficulties enforcing health and safety standards in illegal brothels. Trafficking in women, primarily from Asia, for prostitution was a limited problem (see Section 6.f.).

The Sex Discrimination Act prohibits sexual harassment. The independent Federal Sex Discrimination Commissioner, which is part of HREOC, undertakes research, policy, and educative work designed to eliminate discrimination between men and women. In 2002, the Commissioner published a report recommending that the Government establish a government-funded 14-week paid maternity leave. Although the proposal gained the support of the union movement and many women's organizations, the Government did not act on it during the year. According to the HREOC 2002–03 annual report, sex discrimination complaints fell by 5 percent during this reporting period compared with the previous reporting period. Of the 380 new cases filed during the reporting year, women filed 87 percent, and 87 percent were employment related.

The Office of the Status of Women (OSW) monitors women's rights and advises the Federal Government on issues affecting women. In 2001, the Federal Government committed funding of \$10.8 million (A16.5 million) for a National Initiative to Combat Sexual Assault, which the OSW developed. In 2002, the OSW commissioned separate projects by the ABS and the AIC to identify gaps in data on sexual assaults and to evaluate the incidence of underreporting of sexual assaults. There are highly organized and effective private and public women's rights organizations at the federal, state, and local levels.

Women have equal status under the law, and the law provides for pay equity. In June, the ABS estimated that women's full-time total average weekly earnings were 81 percent of men's. Union leaders and members of opposition political parties attributed the differences between men's and women's earnings to changes in workplace laws, such as the 1996 Workplace Relations Act (WRA). The WRA encourages the use of individual contracts rather than collective agreements, which makes it more difficult for women to negotiate salaries equal to those of their male counterparts.

Children.—The Government demonstrated its strong commitment to children's rights and welfare through its publicly funded systems of education and medical care. While the structure of education varied among states and territories, all children between 6 and 15 years of age are entitled to 9 to 10 years of compulsory, free, and universal education. The ABS found in a 2002 survey that the full-time school participation rate for 15-year-olds was 92.5 percent. The Government provides universal health insurance coverage to all citizens and lawful residents from birth on a copayment basis. The Government also provides a minimum benefit of 16.8 percent of the cost of a first child's childcare to all parents (with a smaller benefit for

additional children), which increases to as much as 100 percent for the lowest income families.

State and territorial child protection agencies investigate and institute prosecutions of persons for child neglect or abuse. The Federal Government's role in child abuse prevention is limited to funding research and education campaigns, developing a national plan of action against the commercial exploitation of children, and funding community-based parenting programs. According to the Federal Department of Family and Community Services, the number of substantiated cases of child abuse and neglect grew approximately 43 percent from 1992 to 2002. During the year, the Queensland Crime and Misconduct Commission (CMC) inquired into allegations of mismanagement within the state childrens' services department and neglect of foster children placed by the department. At year's end, the CMC had not yet released its report. In November, the N.T. government outlawed the legal defense of Aboriginal traditional marriage when an Aboriginal man has sexual intercourse with a girl under age 16.

The Government has enacted tough criminal laws aimed at restricting the trade in, and possession of, child pornography; the law allows suspected pedophiles to be tried in the country regardless of where the crime was committed. The 1994 Child Sex Tourism Act prohibits child sex tourism and related offenses for its residents and its citizens overseas. Since 1994, 19 citizens have been charged with offenses related to child sex tourism overseas, resulting in 8 convictions and 1 acquittal; 1 person died prior to the completion of the investigation, 1 charge was withdrawn, and 8 cases were ongoing at year's end. Within the country, 16 persons have been charged under the act; as of December 1, there were 12 convictions, 3 dismissals, and 1 ongoing case. Child protection NGOs played an ongoing role in raising community awareness of child trafficking. There were no reports of children being trafficked into the country during the year (see section 6.f.).

The practice of parents unlawfully sterilizing children with disabilities was a continuing problem. The High Court has determined that physicians who sterilized a child without authorization from the Federal Family Court would be subject to criminal and civil action. In 2002, a report into the sterilization of girls and young women with disabilities, commissioned by the federal Sex Discrimination Commissioner, found that the official data was unreliable and that anecdotal evidence suggested that girls continued to be sterilized in numbers that far exceeded the number of lawful authorizations.

In 2002, HREOC undertook a national inquiry into children in immigration detention, but its final report had not been published by year's end (see Section 2.d.). In June, the Federal Family Court ruled that the indefinite detention of children was unlawful; the Government appealed the decision (see Section 2.d.).

Persons with Disabilities.—Legislation prohibits discrimination against persons with disabilities in employment, education, or other state services. The Disability Discrimination Commissioner, which is part of HREOC, promotes compliance with federal laws that prohibit discrimination against persons with disabilities. The Commissioner also promotes implementation and enforcement of state laws that require equal access and otherwise protect the rights of persons with disabilities.

The law makes it illegal to discriminate against a person on the grounds of disability in employment, education, provision of goods, services and facilities, access to premises, and other areas. The law also provides for mediation of discrimination complaints by HREOC, authorizes fines against violators, and awards damages to victims of discrimination.

The 2002–03 HREOC report stated that 493 disability complaints were filed during the 2002–03 reporting year, including 169 complaints of discrimination based on physical disability, 88 complaints of discrimination based on psychiatric disability, and 25 complaints based on learning disabilities. Of these, 53 percent were employment related, and 24 percent concerned the provision of goods and services. The complaints covered a 12-month period.

Indigenous People.—The law prohibits discrimination on grounds of race, color, descent, or national or ethnic origin.

Aboriginals and Torres Strait Islanders can participate in government decision-making that affects them through the Aboriginal and Torres Straits Islander Commission (ATSIC). In 2002, indigenous people elected 380 representatives to 35 regional councils and the Torres Strait Regional Authority in triennial elections. These representatives in turn chose the 18 commissioners who made up the ATSIC Board. The 2002 election had the highest voter participation since elections were first held in 1990.

In 2002, in response to continued claims of corrupt dealings by ATSIC board members, the Government initiated a review of ATSIC's functions and operations.

In November, the review body issued its final report, which recommended replacing the 18-member ATSIC board with a 10-member ATSIC national executive body, with 8 members elected from among the chairs of 35 regional councils and 2 government-appointed members. The review also recommended that the Government restore ATSIC's discretionary funding powers, which were removed in April when the Government created a separate agency called the Aboriginal and Torres Strait Islander Services (ATSIS). The Government also reviewed allegations against ATSIC's Chairman and Deputy Chairman. As a result, faced with several allegations of improper behavior, ATSIC's Deputy Chairman, Ray Robinson, resigned in July, and the Minister for Indigenous Affairs suspended Chairman Geoff Clark in August. The Commission elected ATSIC Regional Councilor Lionel Quartermaine as Acting Chairman; at year's end, the Minister of Indigenous Affairs was considering Clark's request for reinstatement.

The Government's approach toward Aboriginals emphasized a "practical reconciliation" aimed at raising the health, education, and living standards of indigenous people. DIMIA, in conjunction with ATSIC and ATSIS, has the main responsibility for government efforts to improve the quality of life of indigenous people. A wide variety of government initiatives and programs sought to improve all aspects of Aboriginal and Torres Straits Islander life. In 2002–03, the Government spent approximately \$1.55 billion (A2.36 billion) on indigenous-specific programs in areas such as health, housing, education, and employment. This represented a 1 percent increase in Government funding for indigenous programs compared with the previous 12 months. However, indigenous citizens continued to experience significantly higher rates of imprisonment, inferior access to medical and educational institutions, greatly reduced life expectancy rates, elevated levels of unemployment, and general discrimination, which contributed to a feeling of powerlessness. Poverty and below-average educational achievement levels contributed significantly to Aboriginal underrepresentation in national, territorial, and state political leadership (see Section 3).

According to a joint ABS and Australian Institute of Health and Welfare study released during the year, the life expectancy of an indigenous person remained 20 years less than that of a nonindigenous person, and the indigenous infant mortality rate was 2.5 times the rates found in nonindigenous populations. In 2001, notification rates of tuberculosis and hepatitis A and B rates among indigenous people were, respectively, 3.7 times greater, 4.3 times greater, and 3.6 times greater than rates among the nonindigenous. According to the Department of Family and Community Services, indigenous youth were 2.5 times more likely than nonindigenous youth to leave school before graduation. The ATSIC 2002–03 annual report highlighted findings in a 2001 report that 37 percent of indigenous students did not achieve a grade 5 mathematical competency benchmark and 33 percent of indigenous students in grade 5 were below the national reading benchmark, compared with 10 percent of the nonindigenous population against both markers. The ATSIC report also noted that poor access to labor markets in remote areas contributed to the high indigenous unemployment rate, which was 20 percent in 2001, almost 3 times greater than the nonindigenous unemployment rate. Unemployment rose to over 34 percent when indigenous persons given employment as part of government-assisted employment programs were included.

Although Aboriginal adults represented only 2.2 percent of the adult population, according to the ABS they accounted for approximately 20 percent of the total prison population and were imprisoned at 15 times the rate of nonindigenous persons as of June 2002. The indigenous incarceration rate was 1,829 per 100,000 adult population, in contrast to a nonindigenous rate of 121 per 100,000. Over 45 percent of Aboriginal men between the ages of 20 and 30 years had been arrested at some time in their lives. In 2001, Aboriginal juveniles accounted for 55 percent of those between the ages of 10 to 17 in juvenile correctional institutions. Human rights observers noted that socioeconomic conditions gave rise to the common precursors of indigenous crime, including unemployment, homelessness, and boredom.

In September, HREOC drew to the attention of the U.N. Committee on the Rights of the Child the heavily disproportionate impact the W.A. mandatory sentencing law for home burglary offenses had on Aboriginal juveniles, with indigenous youth accounting for 81 percent of all juveniles convicted under the law.

Indigenous groups charged that police harassment of indigenous people, including juveniles, was pervasive and that racial discrimination among police and prison custodians persisted. Human rights groups and indigenous people alleged a pattern of mistreatment and arbitrary arrests occurring against a backdrop of systematic yet unofficial discrimination; these statements were based on anecdotal information and lacked statistical confirmation.

A 2002 W.A. inquiry into family violence and sexual abuse found that indigenous women in W.A. accounted for as many as 50 percent of all domestic violence inci-

dents although they constituted less than 3 percent of the population. Indigenous women were 45 times more likely to be victims of violence than nonindigenous women and 10 times more likely to die as a result. In May, prominent indigenous leader and former ATSIC Chairman Mick Dodson highlighted the prevalence of domestic violence in indigenous communities and called upon indigenous men to be more accountable for the problem. In June, ATSIC increased its funding of indigenous family violence projects by \$657,000 (A1 million) to \$2.9 million (A4.4 million). In July, the federal and state governments launched a multifaceted action plan to tackle indigenous violence and announced seven priority areas for government funding, including reducing alcohol and substance abuse, increasing child safety and well being, creating safe places in the community, and promoting shared leadership. In August, the Federal Government supplemented ATSIC's regional council family violence action plan funding by an additional \$2 million (A3 million) over 2 years. A 2001 Northern Queensland study into indigenous violence found that 70–90 percent of all assaults were committed under the influence of alcohol or drugs. In August, the Government committed \$6.9 million (A10.5 million) over 4 years to help divert Aboriginals and Torres Strait Islanders from alcohol and drug abuse and \$4 million (A6.1 million) for NGO indigenous treatment programs.

The Government continued to oppose an official apology to the “Stolen Generation” of Aboriginal children, who were removed from their parents by the Government from 1910 until the 1970s, on the grounds that the present generation had no responsibility to apologize for the wrongs of a previous generation.

Following the 2002 rejection by the High Court of a claim for compensation by two members of the “Stolen Generation” because of insufficient evidence, many Aboriginal leaders and NGOs supported calls for the Government to establish a Reparations Tribunal to avoid costly legal battles in the future. The Government rejected this proposal. However, in 2002, the Government allocated an additional \$6.5 million (A9.9 million) over 4 years to the national network of Link Up offices it established in 1998 in response to HREOC's landmark 1997 report on the “Stolen Generation.” The Link Up offices provide family tracing, reunion, and other support to indigenous families separated as a result of past government practices. In the 12 months ending June 30, the Government spent \$2.6 million (A4 million) on family tracing and reunion services.

The National Native Title Tribunal resolves native title applications through mediation. The Tribunal also acts as an arbitrator in cases where the parties cannot reach agreement about proposed mining or other development of land. In 2002, ATSIC noted that the 1993 Native Title Act, as amended in 1998, provided gains for Aboriginal people but still did not address adequately the needs of native title claimants. Aboriginal leaders were pleased by the removal of a time limit for lodging native title claims but expressed deep concern about the weakening of Aboriginal rights to negotiate with non-Aboriginal leaseholders over the development of rural property. Aboriginal groups continued to express concern that the amended act limited the future ability of Aboriginal people to protect their property rights. In December, after almost a decade of litigation, the Federal Court approved a consent agreement between the Miriuwung-Gajerrong people and the Federal, W.A. and N.T. Governments on a native title claim of almost 8,000 square kilometers of land in East Kimberley region covering the far north of W.A. and the N.T. In a separate case in December, the Federal Court also recognized the Wanjina Wunggurr Wilinggin claimants' native title rights over remaining crown land within 60,000 square kilometers of W.A.'s Kimberley region.

In 2002, the High Court ruled that native title rights did not extend to mineral or petroleum resources, and that in cases where leasehold rights and native title rights were in conflict, leaseholder rights prevailed. Also in 2002, the High Court rejected the Yorta Yorta people's land claim, ending the country's longest-running native title case. The court required that the Yorta Yorta people, in order to claim ownership, demonstrate that they had, without interruption and throughout the period of white settlement, practiced a system of native law and tradition on the land in question. Aboriginal leaders voiced concern that this decision would make future claims untenable by establishing too great a burden of proof.

The \$848 million (A1,290 million) indigenous land fund is a special account that provides an ongoing source of funds for indigenous people to purchase land for their use. It is separate from the Native Title Tribunal and is not for payment of compensation to indigenous people for loss of land or to titleholders for return of land to indigenous people.

The NGO Aboriginal Tent Embassy in Canberra was set up in a small structure on public land opposite the Old Parliament building over 30 years ago and publicized Aboriginal grievances. The tent embassy, which also encompassed an itinerants' camp, still existed at year's end despite fire damage in June and contin-

ued efforts to relocate it by the Government and some local indigenous groups, who asserted that it was not representative of the entire indigenous community. Other Aboriginal NGOs included groups working on native title issues, reconciliation, deaths in custody, and Aboriginal rights in general. International NGOs, such as AI, also monitored and reported on indigenous issues and rights.

National/Racial/Ethnic Minorities.—Although Asians comprised less than 5 percent of the population, they made up approximately 40 percent of new immigrants. Public opinion surveys long have indicated concern with the number of new immigrants. However, a marked increase in unauthorized boat arrivals from the Middle East during the period 1998–2001 heightened public concern that “queue jumpers” and alien smugglers were abusing the country’s refugee program. Leaders in the ethnic and immigrant communities continued to express concern that increased numbers of illegal arrivals and violence at migrant detention centers had contributed to incidents of vilification of immigrants and minorities. Following the deaths of 88 Australian citizens in a 2002 terrorist bombing in Bali, the press reported an increase in racially motivated incidents.

According to the 2002–03 HREOC report, the number of racial discrimination complaints fell by 2 percent during the reporting year. Of 182 reported cases, 42 percent involved employment; 24 percent involved provision of goods, services, and facilities; and 13 percent alleged “racial hatred.” Non-English speakers filed 58 percent of the complaints, and Aboriginals and Torres Strait Islanders, 28 percent.

Section 6. Worker Rights

a. Right of Association.—The law provides workers, including public servants, the right of association domestically and internationally, and workers exercised this right in practice. A 2002 ABS survey indicated that union membership had declined to 23.1 percent of the workforce from 24.5 percent the previous year.

Unions carried out their functions free from government or political control, although most local unions belonged to state branches of the ALP. Union members made up at least 50 percent of the delegates to ALP state and territory conferences, but unions did not participate or vote as a bloc.

The Workplace Relations Act contains curbs on union power, restrictions on strikes (see Section 6.b.), and an unfair-dismissal system that limits redress and compensation claims by dismissed employees. The umbrella trade union organization, the Australian Council of Trade Unions (ACTU), has objected to the law, alleging that it violates the right to assembly provided for in several ILO conventions that the Government has signed, including ILO Convention 87 on the Freedom of Association and Protection of the Right to Organize. Both the ILO’s Committee on Freedom of Association and Committee of Experts on the Application of Conventions and Recommendations have called on the Government to amend the WRA and the Trade Practices Act (TPA) to bring them into compliance with ILO Convention 87. The Government rejected the ILO’s comments. The primary curb on union power is the abolition of closed shops and union demarcations. This provision could create many small and competing unions at the enterprise level, but thus far, there have been few changes in existing union structures.

Unions may form and join federations or confederations freely, and they actively participated in international bodies. However, in 2000, the ILO’s Committee on Freedom of Association also recommended that the Government take measures, including amending legislation, to ensure that in the future, trade union organizations are entitled to maintain contacts with international trade union organizations and to participate in their legitimate activities. The Government rejected this recommendation.

b. The Right to Organize and Bargain Collectively.—Federal, state, and territorial laws provide workers with the right to organize and bargain collectively and protection from anti-union discrimination. Workers exercised these rights in practice.

Since passage of the WRA in 1996, negotiation of contracts covering wages and working conditions shifted from the centralized awards system of the past to enterprise-level agreements certified by the Australian Industrial Relations Commission (AIRC). In the 12-month period ending June 30, the AIRC certified 6,514 enterprise agreements, a decrease of 3 percent from the number certified in the previous 12 months. The WRA provides for the negotiation of Australian Workplace Agreements (AWAs) between employers and individual workers, which are subject to fewer government regulations than awards or enterprise bargaining agreements; however, AWAs must improve upon the basic working conditions contained in a relevant same-sector award. Rates of AWA approvals continued to grow. Of the 412,782 AWAs made in the past 6 years, more than 30 percent were made in retail trade, property and business services, and manufacturing industries.

Federal law first recognized an implicit right to strike in 1994. The 1996 WRA significantly restricts this right; it subjects strikers to heavy fines for taking industrial action during the life of an agreement and contains tougher secondary-boycott provisions. The WRA confines strikes to the period when unions are negotiating a new enterprise agreement, and strikes must concern matters under negotiation. This is known as “protected action.” Protected action provides employers, employees, and unions with legal immunity from claims of losses incurred by industrial action. In 1999, a union successfully challenged the WRA’s restriction on strike action in federal court. The court refused to grant an injunction against the union for taking industrial action outside of a bargaining period because the action was in support of maintaining existing wages and conditions. The decision has not been appealed to date. Parliament has rejected on many occasions the Government’s proposed changes to the TPA, which would provide companies with resort to legal action if they were subject to secondary boycotts.

During the year, there were no national strikes of significance, but there were short localized strikes by health-care professionals, teachers, entertainers, and construction workers. The Bureau of Statistics reported 703 industrial disputes for the twelve months ending June 30, an increase of nearly 3 percent from the previous year; during the same period, workdays lost due to strikes fell by 26 percent to 244,700.

During the year, the ACTU campaigned to increase the minimum wage, set reasonable hours, protect employee entitlements in the face of numerous company collapses, and extend family-friendly policies in the workplace. In May, the ACTU successfully argued for an increase in the federal minimum wage (see Section 6.e.). In 2002, the AIRC refused the ACTU’s request to set a standard for “reasonable working hours” but allowed workers to refuse without penalty to work unreasonable overtime. In April, the N.S.W. industrial relations commission extended these provisions to N.S.W. awards. By year’s end, 12,000 former Ansett Airlines employees had received partial payment for entitlements lost after the company’s collapse in 2001; the union movement’s campaign on their behalf resulted in the recovery of 71 cents for every lost dollar of entitlement. Throughout the year, unions successfully campaigned for paid maternity leave provisions in many collective agreements.

The ILO’s Committee on Freedom of Association in 2000 and its Committee of Experts on the Application of Conventions and Recommendations during the year recommended that the Government remove certain provisions in the WRA and the TPA that restrict a union’s ability to take strike action. On both occasions, the Government rejected the ILO’s comments, stating that they reflected an inadequate understanding of Australian law.

There are no export processing zones.

c. Prohibition of Forced or Bonded Labor.—The law does not explicitly prohibit forced or bonded labor, including by children; however, there were no reports that such practices occurred. Trafficking in women was a limited problem (see Sectionf.).

d. Status of Child Labor Practices and Minimum Age for Employment.—There is no federally mandated minimum age of employment, but state-imposed compulsory educational requirements, enforced by state educational authorities, effectively prevented most children from joining the work force full time until they were 15 or 16 years of age. Federal and state governments monitored and enforced a network of laws, which varied from state to state, governing the minimum school-leaving age (see Section 5), the minimum age to claim unemployment benefits, and the minimum age to engage in specified occupations. The ACTU also monitored adherence to these laws.

The country has not ratified ILO Convention 182 on the worst forms of child labor.

In October, Victoria enacted new legislation to strengthen protection of working children by specifying minimum conditions of work; the previously existing restriction of children to light work only also remained in force.

e. Acceptable Conditions of Work.—Although a formal minimum wage exists, it has not been directly relevant in wage agreements since the 1960s, since most workers receive higher wages through enterprise agreements or individual contracts. In May, the AIRC increased the federal minimum award wage by \$11 (A17) to \$295 (A448.40) per week. Differing minimum wages for individual trades and professions covered approximately 80 percent of all workers; all rates provided a decent standard of living for a worker and family.

Most workers were employees of incorporated organizations. A complex body of applicable government regulations, as well as decisions of applicable federal or state industrial relations commissions, prescribe a 40-hour or shorter workweek, paid vacations, sick leave, and other benefits. The minimum standards for wages, working

hours, and conditions are set by a series of “awards” (basic contracts for individual industries).

Over the past two decades, there has been a substantial increase in the percentage of the workforce regarded as temporary workers. In 2001, there were 2.1 million persons (27 percent of the workforce) employed as casual or temporary workers, even though government statistics indicated that over 50 percent had been employed in the same job for over 12 months, and 67 percent worked regular hours. Such employees were not entitled to certain employment benefits such as sick leave or annual leave, but were paid at a higher hourly wage rate.

Federal or state occupational health and safety laws apply to every workplace. The law provides federal employees with the right to cease work without endangering their future employment if they believe that particular work activities pose an immediate threat to individual health or safety. Most states and territories have laws that grant similar rights to their employees. At a minimum, private sector employees have recourse to state health and safety commissions, which investigate complaints and demand remedial action.

Labor law protects citizens, permanent residents, and migrant workers alike. Migrant worker visas required that employers respect these protections and provide bonds to cover health insurance, worker compensation insurance, unemployment insurance, and other benefits. Past reports of abuse of foreign workers generally involved permanent residents who performed work in their homes in the clothing and construction industries. There were no such reports during the year.

There were no reports of worker rights abuses in any of the country’s five dependent territories of Macquarie and Heard Islands, Christmas Island, Cocos (Keeling) Island, and Norfolk Island.

f. Trafficking in Persons.—The law prohibits trafficking in persons, but the country continued to be a destination for a small, indeterminate number of trafficked women in the sex industry.

Legislation enacted in 1999 targets criminal practices associated with trafficking, and other laws address smuggling of migrants. Trafficking in a limited number of persons from Asia, particularly women, was a problem that the Government took steps to address as part of a broader effort against “people smuggling,” defined as “illegally bringing noncitizens into the country.” Under the Federal Migration Act, smuggling of persons in all forms is prohibited and carries a maximum penalty of 20 years’ imprisonment. Under the Federal Crimes Act, conduct that amounts to slavery, or exercising a power of ownership over another person, carries a maximum penalty of 25 years’ imprisonment. No prosecutions have occurred under this legislation, although trafficking investigations were ongoing; in June and July, police investigations led to the arrest of seven persons in Melbourne and Sydney. The 2001 Border Protection Act authorized the boarding and searching of vessels in international waters, if suspected of smuggling or trafficking in persons. In 2002, the criminal code was modified to provide for sentences of up to 20 years’ imprisonment upon conviction for “people smugglers” who knew that their victims were destined for involuntary sexual servitude and bonded labor. The Federal Parliament inquired into the national criminal intelligence agency’s efforts to gauge the extent of the sex trafficking problem and the adequacy of federal sex trafficking laws; the parliamentary committee had not issued its report by year’s end.

DIMIA and the Australian Customs Service have lead roles in dealing with illegal migration, including trafficking in persons. The AFP enforces the trafficking provisions of the Federal Crimes Act, while state and territorial police forces enforce their respective criminal codes. DIMIA and the AFP reported that women, mostly from Asia, were brought into the country for the purpose of prostitution, sometimes entering with fraudulently obtained tourist or student visas. There have been some instances of organized crime groups forcing foreign women to work as sex workers. Some reports indicated that women working in the sex industry became mired in debt or were physically forced to keep working, and that women in irregular immigration status were pressured to accept hazardous working conditions. Some women were subjected to indentured sexual servitude to pay debts to their traffickers. Some women were lured by offers of employment as waitresses, maids, or dancers and were not aware that they would be employed as prostitutes after entering the country. There were also reports of young women, primarily from Asia, sold into the sex industry by impoverished families. However, available evidence indicated that such cases were not widespread.

In 2002, the Government established the position of Ambassador for People Smuggling Issues, with responsibility for promoting a coherent and effective international approach to combating people smuggling (particularly in the Asia-Pacific region), assisting in the negotiation of international agreements for the return and resettle-

ment of persons brought illegally into the country, and working for the prosecution of smugglers and traffickers in persons.

Early in the year, the Government took a series of additional steps to combat trafficking in persons for sexual exploitation, including establishing a national police Transnational Sexual Offenses Crime Team to collate and analyze intelligence on organized trafficking syndicates; signing a memorandum of understanding with the Indonesian police that permits joint operations to combat transnational crime, including trafficking in persons; and sponsoring a seminar with NGOs to discuss ways to improve assistance to victims of trafficking in persons. The Government also increased enforcement against brothels using illegal aliens. In April, the country co-chaired with Indonesia the second annual 38-country Regional Ministerial Conference on People Smuggling, Trafficking in Persons and Related Transnational Crime. During the year, the Government also began funding the \$5.6 million (A\$3.5 million) Asia Regional Cooperation to Prevent People Trafficking project. Underway in four countries—Thailand, Laos, Burma and Cambodia—the project focused on strengthening the criminal justice process to combat trafficking in persons.

In October, the Government announced a coordinated series of measures, developed in consultation with NGOs and designed to be implemented over a 4-year period, to strengthen further its efforts to combat trafficking in persons. These included additional antitrafficking legislation, enhanced government cooperation with other countries and state and local law enforcement authorities, new visa procedures to facilitate cooperation of trafficking victims with law enforcement personnel, and additional social services for victims. As part of the October package, the Government replaced its analytical Transnational Sexual Offenses Crime Team with the Transnational Sexual Exploitation and Trafficking Team, an expanded 23-member mobile strike force responsible for investigating trafficking syndicates operating in the country.

There were no NGOs devoted solely to trafficking victims. Nonetheless, assistance was available through NGOs that ran shelters for women and youth; sex worker organizations; the NGO Project Respect, which assisted women to escape prostitution and combated sex trafficking of women; and Childwise, which campaigned against the commercial sexual exploitation of children in the country and through sex tourism overseas. Some NGOs received government funding; others were funded privately. Local NGOs and the press were instrumental in bringing to the authorities' attention the presence of illegal migrant women and girls in brothels and massage parlors, and raising public awareness of the problem.

BRUNEI

Brunei Darussalam is a small, wealthy, Islamic country ruled by the same family for over 600 years. A British Protectorate from 1888, it became fully independent and sovereign in 1984. After a failed rebellion in 1962, the then Sultan invoked an article of the Constitution that allowed him to assume emergency powers for 2 years. These powers were renewed regularly, most recently in June 2002 under the present ruler, Sultan Haji Hassanal Bolkiah. Although not all the articles of the Constitution were suspended, the state of emergency places few limits on the Sultan's power. The Sultan also serves as Prime Minister, Minister of Defense, Minister of Finance, Chancellor of the national university, Superintendent General of the Royal Brunei Police Force, and Head of the Islamic faith. The Constitution does not specifically provide for an independent judiciary and the Sultan appoints all higher court judges and has the authority to remove them, although he has never done so. The courts appeared to act independently.

The police force and an Internal Security Department report to the Sultan, who maintains control over both.

The country's large oil and natural gas reserves, coupled with its population of 341,000, gave it a high per capita gross domestic product of approximately \$12,500. The Government used its substantial oil and gas revenues and investment income to provide a wide range of services and benefits to citizens, including free schooling and medical care, subsidized housing, and jobs. During the year, the non-oil and gas component of the economy suffered its fifth year of stagnation.

The Government generally respected its citizens' human rights in several areas; however, its record was poor in other areas, particularly with regard to civil liberties. Citizens did not have the right to change the Government, and they generally avoided political activity of any kind because of the official atmosphere of disapproval concerning such activities. Citizens did not exercise freedom of speech, freedom of press, freedom of assembly, or freedom of association. Labor rights were

circumscribed and foreign workers sometimes were subjected to exploitation, although the Government took steps to protect foreign workers. Other human rights problems continued, including restrictions on religious freedom. Occasional spousal violence against women remained a problem, although the Government addressed the issue at many levels. Discrimination against women was a problem. In October 2002, a reform nationality law was passed that allows women to pass on their nationality to their children.

RESPECT FOR HUMAN RIGHTS

Section 1. Respect for the Integrity of the Person, Including Freedom From:

a. Arbitrary or Unlawful Deprivation of Life.—There were no reports of the arbitrary or unlawful deprivation of life committed by the Government or its agents.

b. Disappearance.—There were no reports of politically motivated disappearances.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The law prohibits mistreatment of prisoners, and there were no reports of such mistreatment. Caning is mandatory for 42 drug-related and other criminal offenses, and was included as part of the sentence in 80 percent of criminal convictions. Canings are carried out in the presence of a doctor who has the authority to interrupt for medical reasons. Prison conditions generally met international standards. There was no overcrowding. Juveniles typically served their sentences in adult detention centers but several young offenders were housed at a government welfare center. During the year, construction began on a correctional facility for young offenders. Male and female offenders were housed separately. Prisoners received regular medical checkups. Remand cells at police stations were Spartan.

Human rights monitors were not reported to have requested prison visits; however, foreign diplomats had consular access to detained nationals. Family members were permitted to visit prisoners and bring food.

d. Arbitrary Arrest, Detention, or Exile.—The law provides for a prompt judicial determination regarding the validity of an arrest. However, those provisions, like the Constitution itself, may be superseded, either partially or wholly, through invocation of the emergency powers. The Internal Security Act (ISA) permits the Government to detain suspects without trial for renewable 2-year periods. Information on a detainee usually is published only after his release.

Normally a magistrate must endorse a warrant for arrest. On rare occasions, warrants were issued without this endorsement, such as when police were unable to obtain the endorsement in time to prevent the flight of a suspect. Police officers have broad powers to make arrests, without warrants, of persons caught in the physical act of committing a crime.

There were no known arrests for publishing or distributing anti-government literature during the year. However, in the past, the Government has arrested and interned citizens for such activities.

During the year, six individuals were detained for suspected association with a banned Muslim organization, Al-Arqam. In late 2000 and early 2001, the Government used the ISA to detain at least seven Christian citizens, several of whom had converted from Islam, for alleged subversive activities. All were released in 2001. Government officials maintained that the detentions were for security rather than religious reasons (see Section 2.c.). Two of the Muslim converts to Christianity were believed to have reverted to their original faith after undergoing “rehabilitation.” Rehabilitation may entail pressure, ceremonial renunciations, or schooling.

There were no reports of political prisoners, but information on possible detainees was very hard to obtain.

Under a colonial-era law, the Sultan may forcibly exile, either permanently or temporarily, any person deemed to be a threat to the safety, peace, or welfare of the country. Since independence there have been no cases of banishment of citizens.

e. Denial of Fair Public Trial.—The Constitution does not provide specifically for an independent judiciary, but the courts appeared to act independently during the year, and there were no known instances of government interference with the judiciary. All higher court judges are appointed by and serve at the pleasure of the Sultan.

The judicial system consists of five levels of courts, with final recourse in civil cases available through the Privy Council in London. Procedural safeguards include the right to defense counsel, the right to an interpreter, the right to a speedy trial, and the right to confront accusers.

The civil law, based on English common law, provides citizens with a fair and efficient judicial process. Shari’a (Islamic law) supersedes civil law in some areas, including divorce, inheritance, and some sexual crimes. Shari’a law is not applied to

non-Muslims. During the year, lawyers trained in both civil and Shari'a law were working on a proposed alignment of the country's two legal systems into a comprehensive legal code. A "Law Society" (bar association) to promote lawyers' public accountability was established in July. The civil law lacks provisions to allow companies or individuals to sue the Government, which traditionally resolves disputes with generous, non-negotiable settlements, or, in some cases, simply refuses to settle. There is no legal provision to provide affordable legal counsel for poor defendants, except in capital cases. Such defendants may act as their own lawyers in court.

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home or Correspondence.—Civil law permits government intrusion into the privacy of individual persons, families, and homes. However, such intrusion rarely occurred. Shari'a law permits enforcement of "khalwat," an Islamic prohibition on the close proximity of a Muslim and a member of the opposite sex other than a spouse. There were numerous reports of religious enforcement officers entering homes, buildings, and vehicles to detain suspects.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—Under the emergency powers that have been in effect since 1962, the Government restricts significantly freedom of speech and freedom of the press.

In 2001, legislation that codified existing practice further reduced press freedom. Among other restrictions, it requires that the local newspapers obtain operating licenses, as well as prior government approval of foreign editorial staff, journalists, and printers. The law also gives the Government the right to bar distribution of foreign publications and requires distributors of foreign publications to obtain a government permit. The law allows the Government to close a newspaper without prior notice and without showing cause. Journalists deemed to have published or written "false and malicious" reports could be subjected to fines or prison sentences.

Prior to the promulgation of this new law, foreign newspapers or magazines with articles that were found to be objectionable, embarrassing, or critical of the Sultan, the royal family, or the Government were not allowed into the country at times. Magazine articles with a Christian theme reportedly were censored (see Section 2.c.). The growing use of fax machines, the Internet, and access to satellite transmissions made it increasingly difficult to keep such material from entering the country.

The country's largest circulation daily newspaper, the Borneo Bulletin, practiced self-censorship in its choice of topics to avoid angering the Government. However, letters to the editor often included comments critical of the Government's handling of certain social, economic, and environmental issues. The Government on occasion responded to public opinion on some issues concerning social or environmental problems. There was 1 Malay-language press, the Media Permata, which circulated approximately 5,000 newspapers. There was also one Chinese-language newspaper.

In 2002, a second daily English-language newspaper, the News Express, lost a suit for slander and defamation brought against it by a law firm. The company that owned the newspaper declared bankruptcy and closed. The newspaper had featured a letters page where citizens and residents expressed their views and complaints, often about government services and, increasingly, about government policy. The newspapers' willingness to publish these expressions of opinion represented a modest extension of press freedom. Prior to its closure, the Immigration Department raided the newspaper on several occasions; and its management and several workers were subsequently convicted of a number of immigration and labor offenses.

Although the only television station was government owned, three Malaysian television channels were received locally. Two satellite television networks were available, offering a total of 28 different channels, including the Cable News Network, the British Broadcasting Corporation World News, and several entertainment and sports channels.

The Government's tolerance of political criticism was not tested because there was no organized opposition. The English-language newspaper, the Borneo Bulletin, was advised by police not to publish any stories about the activities of the Consumers' Association of Brunei (CAB), a quasi-human rights organization (see Section 4). In the past, the Government arrested those who attempted to propagate unwelcome political views.

Internet use became widespread. During the year, a third Internet board, hosted outside the country, added another avenue through which citizens expressed critical opinions, albeit under pseudonyms. In May, the Internet forum BruneiTalk was blocked for approximately 10 days apparently for discussing business dealings of senior officials. The country's primary Internet service provider was state owned.

The Government generally respected academic freedom; however, some researchers chose to publish from overseas and under a pseudonym when they perceived that subject matter pertaining to the country would not be well received. There were no politically oriented student associations.

b. Freedom of Peaceful Assembly and Association.—Under the emergency powers in effect since 1962, the Government significantly restricts the right to assemble. Freedom to assemble for political purposes was not tested during the year.

Political parties are allowed, but may not engage in “activities that endanger people.” Civil servants and security force personnel, who together make up 60 percent of all employed citizens, are not permitted to join political parties. There are two registered parties in the country: The Brunei Solidarity National Party (PPKB) and the Brunei People’s Awareness Party (PAKAR). Both parties pledged their support to the Sultan and the system of government, although they criticized administrative deficiencies. During the year, the parties largely were inactive, their few activities often went unpublicized, and they were hindered by membership restrictions.

The country had few nongovernmental organizations (NGOs), all of which were based locally and were generally professional, business or social associations. Any NGO seeking to operate in the country is required to apply for permission under the Companies Act. The activities of international service organizations such as Rotary, Kiwanis, and the Lions, which developed out of the established business community, continued to be restricted by the Government. Religious regulations promulgated by the Ministry of Religious Affairs and the State Mufti’s Office prohibited Muslims from joining these organizations.

c. Freedom of Religion.—The Constitution states that “The religion of Brunei Darussalam shall be the Muslim religion according to the Shafi’ite sect of that religion: Provided that all other religions may be practiced in peace and harmony by the person professing them in any part of Brunei Darussalam.” However, the Government routinely restricted the practice of non-Islamic religions and of non-Shafi’i Islamic groups.

The Government investigated and used its internal security apparatus both against persons whom it considered to be purveyors of radical Islam and against non-Muslims who attempted to proselytize. For example, the Islamist Al-Arqam movement and the Bahai faith remained banned. Citizens deemed to have been influenced by “deviant” preaching (usually students returning from overseas study) were assigned to study seminars organized by mainstream Islamic religious leaders. The Ministry of Religious Affairs prepared the weekly Friday sermons delivered in mosques countrywide.

The Government reinforced the legitimacy of the hereditary monarchy and the observance of traditional and Islamic values through a national ideology known as the Melayu Islam Beraja or “Malay Muslim Monarchy.” Despite the constitutional provisions providing for the full and unconstrained exercise of religious freedom, the Government routinely restricted the practice of non-Muslim religions by prohibiting proselytizing; occasionally denying entry to foreign clergy or particular priests, bishops, or ministers; banning the importation of religious teaching materials or scriptures such as the Bible; and denying requests to expand, or build new churches, temples, and shrines. There has been a Catholic apostolic prefecture in the country since 1998 headed by an ethnic Chinese Bruneian Prefect. During the year, two Christian churches were given permission to repair and expand premises on safety grounds. However, two Christian groups were denied permission to register, which is required by law to worship communally.

Non-Muslims who proselytize may be arrested or detained, and possibly held without charges for an extended period of time. As an example, in December 2000 the Government used the ISA to detain at least seven Christians, two of whom were converts from Islam, for allegedly subversive activities. Three detainees, Malai Taufick bin Haji Mashor, Awang Yunus bin Marang, and Mohd Freddie Chong bin Abdullah, were released in October 2001, after spending 9 months in detention. There were credible reports that one of the Christian detainees, Taufick, was tortured and beaten during his first month of detention, while a second was subjected to intense psychological pressure to return to Islam. When released, Taufick was placed under 1-year house arrest. A second detainee, Yunus, was not permitted to speak in public or travel outside of the country. Government officials maintained that the detentions were security-related (see Section 1.d.).

The Government routinely censored magazine articles on other faiths, blacking out or removing photographs of crucifixes and other Christian religious symbols during the year. In addition, government officials prevented the public display, distribution, and sale of items featuring non-Islamic religious symbols.

The authorities conducted raids sporadically on clubs frequented by foreign residents and foreign workers to confiscate alcohol and foodstuffs that were not prepared in accordance with “halal” requirements (the Islamic requirements for the slaughter of animals and the prohibition on inclusion of pork products in any food). The authorities also increased raids on karaoke establishments operating without a license.

The Ministry of Education requires courses on Islam or the national ideology, the Malay Muslim monarchy, and prohibits the teaching of other religions. The Ministry requires that all students, including non-Muslims, follow a course of study on the Islamic faith and learn Arabic script. The International School of Brunei and the Jerudong International School are exempt from these requirements. Private Christian schools were not allowed to give Christian instruction and were required to give instruction on Islam. However, the Government did not prohibit or restrict parents from giving religious instruction to children in their own homes. In 2000, the Government responded to objections from parents and religious leaders and set aside tentative plans to require more Islamic courses in private, non-Islamic parochial schools.

The Government requires residents to carry an identity card that states the bearer’s religion. Visitors to the country are asked to identify their religion on their landing cards.

For a more detailed discussion see the 2003 International Religious Freedom Report.

d. Freedom of Movement within the Country, Foreign Travel, Emigration, and Repatriation.—The Government restricts the movement of former political prisoners during the first year of their release. Generally the Government does not restrict the freedom of movement of its citizens, visitors, and permanent residents. Government employees, both citizens and foreigners working on a contractual basis, must apply for approval to go abroad, which was granted routinely.

No legal provision exists for granting temporary refuge or refugee status to those seeking such refuge or asylum. Under the law, persons arriving without valid entry documents and means of support are considered illegal immigrants and are refused entry. There were no reported cases of individuals seeking temporary refuge during the year.

Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government

Citizens did not have the right to peacefully change their government. Under the continuing state of emergency, there is no parliament, and political authority and control rests entirely with the Sultan. Members of the Sultan’s appointed Cabinet serve as his principal advisors.

Individuals sought to express their views or to influence government decisions and policies by writing letters to a local newspaper or by petitioning the Sultan or handing him letters when he appears in public (see Section 2.a.).

The country has attempted to institutionalize a form of popular representation based on a traditional system of village chiefs who are elected by secret ballot by all adults. Candidates must be approved by the Government and must be Malay. These leaders are expected to communicate constituents’ wishes through a variety of channels, including periodic meetings chaired by the Home Affairs Minister, with several officials appointed by the Sultan. Regular meetings between senior government officials and “Mukim” (a group of villages) representatives allowed for airing of local grievances and concerns. In 2000, the Foreign Minister confirmed that a review of the Constitution was submitted to the Sultan for approval, and that “an element of an election” was in this report. However, at year’s end, there had been no word on when the revised Constitution might be forthcoming.

The lack of a representative, democratic government seriously limited the role of both men and women in government and politics, although women were limited to a greater extent. There are no women ministers in the Government, although the Sultan’s sister, Princess Masna, was the second ranking official in the Ministry of Foreign Affairs, and there were women ambassadors, judges, and other senior officials.

Section 4. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

The Consumers’ Association of Brunei (CAB), established in 2002, attempted to address human rights but was impeded by the Government from doing so. Beginning in May 2002, the CAB publicized poor working and living conditions of foreign workers involved in protest work stoppages (see Section 6.e.), the organization received a letter from the Commissioner of Police requesting CAB to show reason why

it should not be deregistered for exceeding its mandate, which primarily focused on consumer rights. Senior CAB members were reportedly subjected to surveillance. The Association was able to show evidence of its mandate to address workers' rights, but subsequently the local media did not publicize the association's activities.

Section 5. Discrimination Based on Race, Sex, Disability, Language, or Social Status

The Constitution does not contain specific provisions prohibiting discrimination based on race, sex, disability, language, and social status.

Women.—The extent of spousal abuse is unknown. During the year, cases of abuse occurred, although specific figures were not available. The criminal penalty for a minor domestic assault is 1 to 2 weeks in jail and a fine. An assault resulting in serious injury is punishable by caning and a longer jail sentence.

A special unit, staffed by female officers, existed within the police department to investigate domestic abuse and child abuse complaints. A hotline was in service for persons to report domestic violence. The Ministry of Culture's Social Affairs Services (SAS) Unit provided counseling for women and their spouses. During the year, approximately 18 female domestic abuse victims were sheltered at the Taman Noor Hidayah, a shelter run by the SAS unit.

According to press reports, the female victims were restricted to the shelter while waiting for their cases to be brought to court. The reports increased pressure on the shelter residents to leave the shelter and drop charges to avoid social stigma.

Islamic courts, staffed by both male and female officials, offered counseling to married couples in domestic violence cases. Officials did not encourage wives to reconcile with flagrantly abusive spouses, and the Islamic courts recognized assault as grounds for divorce.

Female domestic servants, most of whom were foreign workers (see Sections 6.c., 6.e., and 6.f.), were also subjected to abuse. While the level of violence in society generally was low, the beating of servants—or refusing them the right to leave the house on days off, sometimes on grounds that they “might encounter the wrong company”—was more prevalent. Since most foreign female domestics were highly dependent on their employers, those subject to abuse often were unwilling or unable to bring complaints, either to the authorities or to their governments' embassies. However, when such complaints were brought, the Government generally was quick to investigate allegations of abuse and impose fines and punishment as warranted. Several workers settled assault cases out of court with their employers. One foreign embassy maintained a shelter for domestics involved in disputes with employers and was active in protecting their citizens' rights.

Prostitution is illegal. Women entering the country for purposes of prostitution generally were tried, sentenced, and deported swiftly (see Section 6.f.).

In accordance with certain Islamic traditions, women are denied equal status with men in a number of important areas such as divorce, inheritance, and custody of children. In 2002, an amendment to the nationality law permitted female citizens to pass their nationality on to their children.

Although men are eligible for permanent positions in government service whether or not they hold university degrees, women without university degrees are eligible to hold government positions only on a month-to-month basis. While some previous inequities have been eliminated, women in month-to-month positions received slightly less annual leave and fewer allowances than their male and female counterparts in permanent positions.

There were no separate pay scales for men and women, and in recent years there has been a major influx of women into the workforce. Women served in a wide variety of capacities in the police and armed forces. The number of female university graduates increased, and nearly two-thirds of the national university's entering class was female.

Religious authorities strongly encouraged Muslim women to wear the “tudong,” a traditional head covering, and most women did so. Most government departments and the uniformed services require female Muslims and non-Muslims to wear the tudong as part of their dress code. All government schools, as well as the national university and other educational institutions, also pressured non-Muslim students to wear the tudong as part of these institutions' uniform.

The 1999 Married Women's Law significantly improved the rights of non-Muslim married women with respect to maintenance, property, and domestic violence. The 1999 changes to the Islamic Family Law (particularly in regard to Women's Position in Marriage and Divorce) facilitated divorce proceedings for women and permitted women to retain the family home after their divorce.

Children.—No statistics were published regarding the welfare of children. The strong commitment to family values within society, the high standard of living, and

government funding for children's welfare provided most children a healthy and nurturing environment. Education is free, compulsory, and universal for the first 9 years; after which, it is still free but no longer compulsory. With a few exceptions, involving small villages in extremely remote areas, nutritional standards were high, and poverty was almost unknown. Medical care for all citizens, including children, was subsidized heavily and widely available. Approximately 20 young female rape and sexual abuse victims, between 9 and 15 years of age, were housed at the government-sponsored Taman Noor Hidayah women's shelter. The penalty for the rape of a minor is imprisonment for from 8 to 30 years and caning with not less than 12 strokes.

Persons with Disabilities.—The law does not mandate accessibility or other assistance for persons with disabilities. The Government attempted to provide educational services for children with disabilities, although these efforts were not up to international norms.

Indigenous People.—Indigenous people comprised 6 percent of the population; they were integrated into society, and enjoyed the same rights as other citizens.

National/Racial/Ethnic Minorities.—There are a sizeable number of "stateless" persons and permanent residents, mostly ethnic Chinese, including those born and raised in the country, who were not automatically accorded citizenship and its attendant rights. They had to travel abroad as stateless persons and did not enjoy the full privileges of citizenship, including the right to own land. Stateless persons and permanent residents also are not entitled to subsidized medical care. In June, a reform to the nationality law allowed some older, stateless persons and some permanent residents over age 50 to acquire citizenship by passing an oral rather than a written nationality test. All stateless persons and permanent residents became entitled to free education at government schools and other vocational and technical institutions.

Section 6. Worker Rights

a. The Right of Association.—Trade unions are legal and independent but must be registered with the Government. All workers, including civil servants other than those serving in the military and those working as prison guards or police officers, may form or join trade unions. However, in practice there was no union activity in the country. The three registered trade unions were all in the oil sector, had a total membership of less than 5 percent of that industry's work force, and were inactive. There were over 80,000 foreign workers in the country, including almost 20 thousand garment industry workers, none of whom are members of any trade union.

The law permits the formation of trade union federations but forbids affiliation with international labor organizations. The country has ratified none of the ILO's eight Fundamental Conventions.

b. The Right to Organize and Bargain Collectively.—Since there was no union activity in the country, questions of government interference in union matters and employer discrimination against union members did not arise. There is no legal foundation for collective bargaining, and strikes are illegal. Wage and benefit packages were based on market conditions.

There is a free trade zone in Muara Port, known as the Muara Export Zone (MEZ). The labor laws are fully applicable in the MEZ.

c. Prohibition of Forced or Bonded Labor.—The law prohibits forced or bonded labor, including by children; however, there were reports that some foreign domestic workers worked under conditions that resembled bondage (see Section 6.e.). Other workers, most notably in the garment industry, signed contracts with employment agents or other sponsors in their home countries that reduced their promised salaries through payments to the agencies, or sponsors. In response, the Government forbade wage deductions to agencies or sponsors and mandated that employees receive their full salaries.

d. Status of Child Labor Practices and Minimum Age for Employment.—Various laws prohibit the employment of children under the age of 16. Parental consent and approval by the Labor Commission is required for those under the age of 18. Females under age 18 may not work at night or on offshore oil platforms. The Department of Labor (DOL), which is a part of the Ministry of Home Affairs, effectively enforced laws on the employment of children. There were no reports of violations of the child labor laws.

The Government adheres to the standards of ILO Convention 182 on the worst forms of child labor.

e. Acceptable Conditions of Work.—Due to the ongoing economic downturn and reduced government hiring, unemployment has grown in recent years. However, most

citizens who had employment still commanded good salaries. There is no minimum wage. The standard workweek is Monday through Thursday and Saturday, with Friday and Sunday off, allowing for two 24-hour rest periods each week. Overtime is paid for work in excess of 48 hours per week, and double time is paid for work performed on legal holidays. Occupational health and safety standards are established by government regulations. The DOL inspected working conditions on a routine basis and in response to complaints. The DOL generally enforced labor regulations effectively. However, enforcement in the unskilled labor sector was lax, especially for foreign laborers. The DOL may close any workplace where health, safety, or working conditions are unsatisfactory, and it has done so. The law permits a worker to leave a hazardous job site without jeopardizing his employment, but generally this did not occur.

At least 80,000 foreign nationals worked in the country. There were reports of foreign maids and other domestic workers who worked exceptionally long hours, did not have a rest day, and whose liberty was severely restricted. There also were isolated reports of employers physically beating domestic employees or not providing them with adequate food. The Government prosecuted some such cases.

Government protective measures for foreign workers included arrival briefings for workers, inspections of facilities, and a telephone hotline for worker complaints. Government mediation continued to be most commonly used to resolve labor disputes. Abusive employers also faced criminal and civil penalties. When grievances cannot be resolved, repatriation of foreign workers is at the expense of the employer, and all outstanding wages must be paid. The majority of abuse cases were settled out of court by the payment of financial compensation to the maid by the errant employer.

f. Trafficking in Persons.—Brunei has been a destination country for persons trafficked for labor and sexual exploitation. A statute outlaws sexual exploitation and trafficking of women and girls, and a variety of other laws, primarily those related to prostitution and the protection of minors, could be applied against sex traffickers. However, authorities only rarely investigated and prosecuted sex traffickers, particularly when the victims were foreigners. Immigration, labor, and religious regulations could deter trafficking, but were unevenly implemented. The Government has tightened regulations and enforcement to deter labor traffickers and improved its record in protecting foreign trafficking victims.

Most trafficking occurred in the labor context, as foreign workers were recruited from Indonesia, Malaysia, the Philippines, Pakistan, India, and Bangladesh for work in the garment industries, agriculture, and as domestic servants. There were also a small number of cases of trafficking in women for purposes of sexual exploitation.

While there was awareness among senior officials of the criminal aspects of trafficking in persons for labor and prostitution, there was inadequate understanding of these issues at the operational and enforcement level. There were no awareness programs to educate the public or specific training for government officials on trafficking. In broad preventive measures not specific to trafficking, the Government provided a wide range of social and educational services to citizens, which reduced their vulnerability to trafficking. The Government provided funds for shelters that serviced only citizens and permanent residents, who were rarely the victims of trafficking.

Some embassies provided protection services, including temporary shelter, for workers involved in disputes with employers.

BURMA

Burma is ruled by a highly authoritarian military regime. In 1962, General Ne Win overthrew the elected civilian government and replaced it with a repressive military government dominated by the majority Burman ethnic group. In 1988, the armed forces brutally suppressed pro-democracy demonstrations, and a group composed of 19 military officers, called the State Law and Order Restoration Council (SLORC) took control, abrogated the 1974 Constitution, and has ruled by decree since then. In 1990, pro-democracy parties won over 80 percent of the seats during generally free and fair parliamentary elections, but the Government refused to recognize the results. In 1992, then-General Than Shwe took over the SLORC and in 1997 changed its name to the State Peace and Development Council (SPDC). The 13-member SPDC is the country's de facto government, with subordinate Peace and Development Councils ruling by decree at the division, state, city, township, ward,

and village levels. Several long-running internal ethnic conflicts continued to smolder. The judiciary was not independent and was subject to military control.

The Government reinforced its firm military rule with a pervasive security apparatus. The Office of Chief Military Intelligence (OCMI) exercised control through surveillance of the military, government employees, and private citizens, and through harassment of political activists, intimidation, arrest, detention, physical abuse, and restrictions on citizens' contacts with foreigners. The Government justified its security measures as necessary to maintain order and national unity. Members of the security forces committed numerous, serious human rights abuses.

Though resource-rich, the country is extremely poor; the estimated annual per capita income was approximately \$300. Most of the population of more than 50 million was located in rural areas and lived at subsistence levels. Four decades of military rule, economic mismanagement, and endemic corruption have resulted in widespread poverty, poor health care, declining education levels, poor infrastructure, and continuously deteriorating economic conditions. During the year, the collapse of the private banking sector and the economic consequences of additional international sanctions further weakened the economy.

The Government's extremely poor human rights record worsened, and it continued to commit numerous serious abuses. Citizens still did not have the right to change their government. Security forces continued to commit extrajudicial killings and rape, forcibly relocate persons, use forced labor, conscript child soldiers, and reestablished forced conscription of the civilian population into militia units. During the year, government-affiliated agents killed as many as 70 pro-democracy activists. Disappearances continued, and members of the security forces tortured, beat, and otherwise abused prisoners and detainees. Citizens were subjected to arbitrary arrest without appeal. Arrests and detention for expression of dissenting political views occurred on numerous occasions. During the year, the Government arrested over 270 democracy supporters, primarily members of the country's largest pro-democracy party, the National League for Democracy (NLD). The Government detained many of them in secret locations without notifying their family or providing access to due legal process or counsel. During the year, the Government stated it released approximately 120 political prisoners, but the majority of them had already finished their sentences, and many were common criminals and not political prisoners. By year's end, an estimated 1,300 political prisoners remained in prison. Prison conditions remained harsh and life threatening, although in some prisons conditions improved after the International Committee of the Red Cross (ICRC) was allowed access. The Government did not take steps to prosecute or punish human rights abusers. On May 30, government-affiliated forces attacked an NLD convoy led by party leader Aung San Suu Kyi, leaving several hundred NLD members and pro-democracy supporters missing, under arrest, wounded, raped, or dead. Following the attack, Government authorities detained Aung San Suu Kyi, other NLD party officials, and eyewitnesses to the attack. As of year's end, the Government has not investigated or admitted any role in the attack. The Government subsequently banned all NLD political activities, closed down approximately 100 recently reopened NLD offices, detained the entire 9-member NLD Central Executive Committee, and closely monitored the activities of other political parties throughout the country.

The Government continued to restrict severely freedom of speech, press, assembly, association, and movement. During the year, persons suspected of or charged with pro-democratic political activity were killed or subjected to severe harassment, physical attack, arbitrary arrest, detention without trial, incommunicado detention, house arrest, and the closing of political and economic offices.

The Government restricted freedom of religion, coercively promoted Buddhism over other religions, and imposed restrictions on religious minorities. The Government's control over the country's Muslim minority continued, and acts of discrimination and harassment against Muslims continued. The Government regularly infringed on citizens' privacy; security forces continued to monitor systematically citizens' movements and communications, search homes without warrants, and relocate persons forcibly without just compensation or legal recourse. The SPDC also continued to forcibly relocate large ethnic minority civilian populations in order to deprive armed ethnic groups of civilian bases of support. The Government continued to restrict freedom of movement and, in particular, foreign travel by female citizens under 25 years of age.

The Government did not permit domestic human rights organizations to function independently and remained hostile to outside scrutiny of its human rights record. However, it allowed the U.N. Special Rapporteur on Human Rights (UNSRHR) in Burma to conduct two limited missions to the country, but the Government did not allow the UNSRHR to visit all sites requested or stay for as long as he requested. It also allowed the International Labor Organization (ILO) to operate a liaison office

in Rangoon; however, after the May 30 attack on Aung San Suu Kyi the ILO deferred finalizing a draft agreement with the Government on forced labor. Violence and societal discrimination against women remained problems, as did discrimination against religious and ethnic minorities. The Government continued to restrict worker rights, ban unions, and use forced labor for public works and for the support of military garrisons. Forced child labor remained a serious problem, despite recent ordinances outlawing the practice. The forced use of citizens as porters by SPDC troops—with the attendant mistreatment, illness, and sometimes death—remained a common practice, as did Government forced recruitment of child soldiers. Trafficking in persons, particularly in women and girls primarily for the purposes of prostitution, remained widespread, despite some efforts to address the problem.

Ethnic armed groups including the Karen National Union (KNU), the Karenni National Progressive Party (KNPP), and the Shan State Army-South (SSA-South) also may have committed human rights abuses, including killings, rapes, forced labor, and conscription of child soldiers, although on a lesser scale than the Government.

RESPECT FOR HUMAN RIGHTS

Section 1. Respect for the Integrity of the Person, Including Freedom From:

a. Arbitrary or Unlawful Deprivation of Life.—On May 30, government-affiliated forces attacked an NLD convoy led by party leader Aung San Suu Kyi near the village of Depeyin in the northwest region of the country, using bamboo staves and metal pipes to kill or injure pro-democracy supporters. The attackers killed at least six pro-democracy supporters including NLD members San Myint, Tin Maung Oo, Thien Toe Aye, and Khin Maung Kyaw. The two others killed were Min Zaw Oo, a student; and U Panna Thiri, a Buddhist monk from Monywa. Diplomatic representatives received credible reports of two more victims who later died of their injuries, including Tun Aung Kyaw, a political activist from Mandalay who died in early September. Local villagers and survivors of the attack reported to diplomatic representatives that the attackers might have killed as many as 70 pro-democracy supporters accompanying the NLD convoy. By year's end, the fate of the many other wounded persons, including 10 NLD members and 47 pro-democracy supporters from the convoy, remained unknown.

According to credible reports, throughout the rest of the night following the attack, security forces clashed with and may have killed scores of other villagers, students, and Buddhist monks in the villages surrounding the attack site. The Government admitted that 4 persons were killed and 48 were injured in the attack on the NLD convoy but did not acknowledge the alleged killings in the surrounding villages. The Government did not credibly investigate any of the attacks and thus perpetuated a climate of impunity. Officials reportedly involved in the assault were subsequently rewarded. Lieutenant General Soe Win, reportedly involved in planning the attack as the then-SPDC Secretary-Two, was promoted to Secretary-One, a very high-ranking position in the ruling junta. Regional commander Brigadier General Soe Neing, reliably reported to be responsible for executing the attack, was laterally transferred and made commander of the Irrawaddy Division and was not prosecuted or reprimanded.

Organizations like the Shan Human Rights Foundation (SHRF), which has been associated with armed ethnic resistance groups in the past, reported numerous cases throughout the year of military troops killing civilians in border areas and areas of ethnic resistance, often after confiscating property or torturing the individuals (see Sections 1.g. and 5). Interviews by foreign observers documented similar abuses. SHRF reported that in March, two farmers working in their fields were accused of being or helping Shan soldiers. They were shot and killed by a patrol of Burmese Army troops at a farm in Nam-Zarng Township in Shan State. On April 29, a patrol of soldiers shot and killed a displaced farmer on the road just outside Phuay Hai village in Lai-Kha town in Shan State for being unable to sell his rice quota as demanded by government troops. On May 5, a patrol of government troops beat to death a farmer who was working at a remote farm in Shan State. In August, the Karen National Union (KNU), an armed insurgent group, reported that on July 16 battalion commander Myint Htun Oo and company commander Moe Mung arbitrarily and summarily executed Karen village headmen Saw Htoo Pwe Sher and Saw Kyaw Aye Swe.

There were no reports that the Government took action to investigate or prosecute soldiers involved in the following 2002 killings: The April killing of 10 persons, including 6 children, and the injuring of 9 in Karen State; the July reported robbery and killing of 6 civilians near the Thailand border in Shan State; and the September killing of 10 villagers in Kholam, Shan State. There were no reports that the Gov-

ernment took action to investigate or prosecute soldiers involved in the 2001 shooting and killing of 11 prisoners conscripted into forced labor to build a front line camp in Tenasserim Division.

Inmates died in prisons and labor camps, or shortly after being released from them, due to harsh treatment and lack of adequate medical care (see Section 1.c.). During the year, the ICRC believed prison conditions improved slightly from life threatening to poor, though life-threatening conditions could reappear. There were no reports of investigations of deaths in prison and labor camps during the year.

There were several unverified reports of deaths due to security forces using civilians to clear landmines (see Section 1.g.).

Some armed ethnic groups also reportedly committed killings. According to an unconfirmed report, on May 21, SSA-South detonated bombs in four separate places in Tachileik, Shan State, which killed four persons.

b. Disappearance.—Private citizens and political activists continued to “disappear” for periods ranging from several hours to several weeks or more, and many persons never reappeared. Such disappearances generally were attributed to authorities detaining individuals for questioning without the knowledge of their family members, or the army’s practice of seizing private citizens for portering or related duties, often without the knowledge of their family members (see Section 6.c.). In many cases, the individuals who were detained for questioning were released soon afterward and returned to their families.

During the year, Amnesty International (AI) compiled a list of 17 persons who disappeared while in Government detention in 2002 and many remained missing at year’s end. According to AI, in March 2002, seven Myeik Dawei United Front members on the list, Khin Maung, Shew Bay, Tin San, Naig Oo, Kyaw Naing, Than Zaw, and Ohn Lwin were reportedly transferred from Mergui Prison by government soldiers and were executed upon arrival at Done Kyun Island in Tenasserim Division. In July 2002, two NLD members, Cho Lwin and Kyaw Aye, disappeared while in government detention after being transferred from Kawthaung prison. Farmers Thinn Pe and Ba Sein disappeared on August 9, 2002, while in the custody of OCMI officers in Kawthaung. In September 2002, one All Burma Student Democratic Front member, Tin Tun, and three Myeik Dawei United Front members, Nian Soe, Maung Shwe, and Kyaw Myint, disappeared while in the custody of soldiers in southern Tenasserim Division.

The whereabouts of persons seized by military units to serve as porters, as well as prisoners transferred for labor or portering duties, often remained unknown. There also were reports of private citizens who were killed while serving as porters (see Section 1.a.). Family members generally learned of their relatives’ fates only if fellow prisoners survived and later reported information to the families. Diplomatic representatives received a reliable report that on August 16, a 15-year-old student and 3 or 4 other youths disappeared from a Rangoon teashop and were believed to have been forcibly taken by the Government for military portering. The family was not able to locate the boy and his whereabouts remained unknown.

The Government did not provide any new information on the following disappearances from previous years: The April 2002 case of six prisoners who were taken away from the prison in Kawthaung and executed at Ngapyawjoaw village tract to the east of Zatekyi naval base; the alleged August 2002 disappearance of a villager returning from gathering food after being taken by three soldiers to the military camp at Naa Kawng Mu village in Mong Ton Township; and the July 2001 disappearance and reported execution of seven prisoners in Myeik.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—There are laws that prohibit torture; however, members of the security forces reportedly tortured, beat, and otherwise abused prisoners, detainees, and other citizens. They routinely subjected detainees to harsh interrogation techniques designed to intimidate and disorient. There were reports in past years that prisoners were forced to squat or assume stressful, uncomfortable, or painful positions for lengthy periods. There continued to be many credible reports that security forces subjected citizens to harassment and physical abuse. The military forces routinely confiscated property, cash, and food, and used coercive and abusive recruitment methods to procure porters. Persons forced into portering or other labor faced extremely difficult conditions, beatings, lack of food, lack of clean water, and mistreatment that at times resulted in death.

During the year, new reports surfaced of incidents in previous years in which government soldiers beat, raped, and killed persons who resisted relocation, forced conscription, or forced labor. Reports also indicate that the abuses continued during the year. For example, on June 25, the Karen National Union (KNU) reported that a pro-government Democratic Karen Buddhist Army (DKBA) commander threatened

to shoot and kill 21 villagers in Paan Township, Karen State, if village heads did not send a draft of forced labor. On July 8, government soldiers commanded by Mya Htun beat villagers in Lay-Po, Karen State, and then forced them to carry army supplies.

Eyewitnesses reported that during the May 30 attack on the NLD, Government-associated attackers raped several female democracy supporters.

There were credible reports of Government soldiers raping women who were members of ethnic minorities in Shan State and other ethnic minority states (see Section 1.g.).

There was no information that the Government investigated or prosecuted anyone in a June 2002 case in which seven civilians died during forced portage in Keng Tung, Shan State.

The Government did not provide any information indicating that it had investigated or prosecuted anyone for the following torture and abuse cases reported in 2002: The May 2002 case in which troops reportedly burned homes, tortured a village headman by shooting him in the thighs and cutting tendons in his legs, and beat other villagers; and the July 2002 case in which soldiers reportedly shot and wounded villager Saw Poe Tot in Kameik village in Tenasserim Division.

Corruption among local government officials was widespread and included complicity in the trafficking of persons (see Section 6.f.).

During the year, there were several reports of government mistreatment and exploitation of farmers. For example, in February, the Kynguagon Township Peace and Development Council arrested 82 farmers for not providing their paddy rice production quota to the local government. Across the country the Government forced farmers to sell their plots in order to raise money to buy their missed paddy quota. In Wetlet Township in Sagaing Division, local SPDC officials confiscated harvests and destroyed farms while searching for 43 farmers who did not pay their paddy quota in three villages, Saing Naing-Gyi, Musochone, and Yindaw. There were frequent and credible reports that the Government also confiscated land in northern Shan State when farmers could not repay loans taken out to buy and plant a type of Chinese rice hybrid never planted before in Shan State. The Government required the farmers to plant the new rice hybrid. There were a few reports that civil servants in several areas routinely confiscated established farm plots, forcing farmers to buy marginal land to continue their livelihood. In April, the Government ended the system of mandatory advanced sales of rice, allowing farmers to sell their entire crop at market prices, but also ending the farmers' primary source of agricultural credit.

Prison and labor camp conditions generally remained harsh and life threatening. The Government's Department of Prisons operated approximately 35 prisons and approximately 70 labor camps throughout the country (see Section 6.c.). In the prisons, food, clothing, and medical supplies reportedly were in very short supply. Bedding consisted of a single mat on the floor. Prisoners were forced to rely on their families, who were allowed to visit once every 2 weeks for 15 minutes per visit, for basic necessities. Prisoners may be held without charge for weeks or months, and until the prisoner is officially charged with a crime, families cannot visit or send critical supplementary food to the prisoner. HIV/AIDS infection rates in prison reportedly were high due to communal use of single syringes for injections. During the year, the health of several political prisoners deteriorated, and at least one political prisoner, Tin Aye, died in custody (see Section 1.a.).

The Government continued to deny prisoners adequate medical care while in prison. In June, OCMI arrested and imprisoned Soe Win, a Member of Parliament-Elect (M.P.-Elect) for the pro-democracy Party for National Democracy (PND). Diplomatic representatives affirmed when he was released over a month later from OCMI Detention Camp 26, that he suffered from bruises, blindness in one eye, impaired speech, and periodic unconsciousness. After his release, the Government claimed he had attempted suicide by taking an overdose of diuretics, but did not provide any information or proof of an investigation into this case. On September 8, 74-year-old Tin Aye, former Chairman of the University Student Union, died a month after the Government released him directly into the hospital from a lengthy prison sentence. There were reports during the year that the health of U Win Tin, a 73-year-old journalist who has been in prison since 1989 for his political activities, continued to decline. Similarly, there were serious concerns about the health of Min Ko Naing, a student leader also arrested in 1989 and subjected to years of isolation and torture and whose 15-year sentence was arbitrarily extended in 1999 for 5 more years. Chairman of the Democratic Party for New Society, Aung Zaya, who was released this year after 11 years in detention, became paralyzed from abuse and inadequate medical attention during his imprisonment and can now only crawl. The Assistance Association for Political Prisoners (AAPP) reported last year that in May 2002, pris-

on authorities severely beat two political prisoners in Bassein prison because they submitted a complaint to the prison superintendent.

According to the Government, political detainees were separated from common criminals, juveniles from adults, and men from women. According to the ICRC, the Government's stated position is that political prisoners should not be subjected to hard labor.

During the year, the ICRC conducted periodic visits to all prisons in the country, with the goal of visiting each a minimum of once a year. ICRC visits to labor camps began in March 2000 and continued during the year. There reportedly were approximately 70 of these camps, but many were temporary, existing only long enough to complete a specific work project. The Government allowed the ICRC to perform its traditional services, such as providing medications, delivering letters to and from prisoners, and providing support for family visits to prisoners.

d. Arbitrary Arrest, Detention, or Exile.—There is no provision in the law for judicial determination of the legality of detention, and the SPDC routinely used arbitrary arrest and incommunicado detention. The Penal Code allows authorities to extend sentences arbitrarily after prisoners have completed their original sentence.

The police are auxiliary forces of the military and are under direct command of military officers. They usually deal only with common crimes and do not handle political crimes. The National police force is administratively under the Ministry of Home Affairs. Corruption and impunity were serious problems due to a government-imposed system whereby police were forced to collect funds for their operations. Police typically required victims to pay substantial sums for crime investigations, and police often extorted money from the civil population. At year's end, there were no plans to reform the police force.

OCMI officers are responsible for arresting persons suspected of "political crimes" that threaten or could undermine the Government. Upon arrest, OCMI officers, or in some cases police officers, place a hood on the suspect and take him to an OCMI regional interrogation center. OCMI officers interrogate the arrested person for a period ranging from hours to months and can charge the person with a crime at any time during the interrogation. Arbitrary or false charges were common, often under the "Emergency Act of 1950," which allows for indefinite detention. In November 2002, OCMI officers arrested Shwe Maung for making a symbolic golden hat for Aung San Suu Kyi and placed him in a dark cell for 4 months before falsely charging him with "keeping stolen goods."

The Government continued to arrest and detain citizens arbitrarily. For example, on January 16, the OCMI arrested two Buddhist nuns for shouting pro-democracy slogans and handing out pamphlets in front of the Rangoon city hall. Denied legal representation, the nuns were subsequently sentenced to 3 years in prison. On May 30, the Government arbitrarily detained Aung San Suu Kyi and over 100 of her accompanying supporters. Following 4 months of incommunicado detention, Aung San Suu Kyi was transferred to house arrest while most of the others remained imprisoned in remote regions of Burma. At year's end, all but 14 have been released. The Government tightly restricted independent observers' access to her and to all other political prisoners. In the days following the May 30 attack, the OCMI detained over 100 additional NLD members across the country. Some of them were charged with political crimes, and some were simply detained arbitrarily. At year's end, all but 25 had been released. On June 3, OCMI officers arrested Ko Myo Khin for demanding that authorities reopen the NLD office in Bahan Township, Rangoon. Family members were denied access to him for months, and at year's end, he reportedly was sentenced to 3 years in Insein Prison. In December, the Government rejected his appeal; however, his family and lawyer were finally allowed to visit him. On September 23, OCMI officers and local police arrested Phon Aung for demonstrating outside Rangoon city hall and calling for the release of Aung San Suu Kyi. At year's end, his location was unknown.

In September 2002, the Government arrested at least 30 political activists in Rangoon. Among those arrested was Hla Tun, an NLD Member of Parliament (MP)-Elect from the 1990 election who had not been active in the NLD since he was released from prison in 1999. The Government eventually released several activists, including Hla Tun, but according to international press reports the Government sentenced four of the activists to 3-year prison terms. There was no information available on the many other 2002 arbitrary arrest cases.

In 2001, the Government arrested arbitrarily Soe Han, a 77-year-old highly respected and nonpolitical lawyer, and several other persons with him. They were sentenced to 21 years in prison for sending a letter to Senior General Than Shwe and then-Secretary One Khin Nyunt asking them to reopen NLD offices. At year's end, all remained incarcerated.

The Government arbitrarily extends prison sentences under the “Law Safeguarding the State from the Dangers of Subversive Elements.” The Minister of Home Affairs can impose the law every 2 months for a year, and the SPDC Chairman can add 5 years to a sentence. On March 30, Kyaw Hsan, a 74-year old M.P.-Elect and retired army colonel, completed his politically motivated 10-year prison term and was being released; however, when in sight of his family at the prison gate he was forced to return to his cell. At year’s end, he was still being held indefinitely in prison. In Mandalay, 10 political prisoners, including Ne Win, Tin Aye Yu, Tin Myint, Tin Aye, Zarni Aung, Thein Than Oo, Kyaw Sein Maung, Naing Myint, Htay Nyunt, and Soe Myint, completed their terms but were not released. In April, the Government released three prisoners held under this law: Zaw Min, Dr Htay Thein, and Tin Myint. At year’s end, the Government was holding approximately 50 students and political activists in prison beyond the expiration of their sentences under this law, including Min Ko Naing, who was reportedly in poor health.

The Government informed diplomatic representatives that by September, it had either released or charged all political prisoners arrested formally in connection with the May 30 attack on the NLD convoy. However, diplomatic representatives noted that the Government prevented approximately a dozen families from making prison visits, indicating that the Government had not charged all political prisoners detained on May 30, and is likely holding them indefinitely under the Law Safeguarding the State from the Danger of Subversive Elements.

Authorities continued to detain private citizens and political activists, some of whom disappeared, at times temporarily, at the hands of security forces (see Section 1.b.).

During the year, the authorities did not detain or deport any foreign journalists.

The abrogated 1974 Constitution did not provide for forced exile, and the Government did not use forced exile.

e. Denial of Fair Public Trial.—The judiciary is not independent of the Government. The SPDC appoints justices to the Supreme Court who, in turn, appoint lower court judges with the approval of the SPDC. These courts then adjudicate cases under decrees promulgated by the SPDC that effectively have the force of law. The court system includes courts at the township, district, state, and national levels.

During the year, the Government continued to rule by decree and was not bound by any constitutional provisions providing for fair public trials or any other rights. Although remnants of the British-era legal system formally were in place, the court system and its operation remained seriously flawed, particularly in regard to the handling of political cases. The misuse of overly broad laws—including the Emergency Provisions Act, the Unlawful Associations Act, the Habitual Offenders Act, and the Law on Safeguarding the State from the Danger of Destructionists—and the manipulation of the courts for political ends continued to deprive citizens of the right to a fair trial. Pervasive corruption further served to undermine the impartiality of the justice system.

There is a fundamental difference between criminal and political trial procedures. Some basic due process rights, including the right to be represented by a defense attorney, generally were respected in criminal cases, but not in political cases that the Government deemed especially sensitive. In criminal cases, defense attorneys generally are permitted 15 days to prepare for trial, are permitted to call and cross-examine witnesses, and can be granted a 15-day delay for case preparation; however, their primary purpose is to bargain with the judge to obtain the shortest possible sentence for their clients. Reliable reports indicate that senior military authorities dictate verdicts in political cases, regardless of the evidence or the law. Political trials are not open to the public. None of the NLD members or the hundreds of prodemocracy supporters arrested on May 30 and immediately afterwards were given public trials.

During the year, there were no new arrests of lawyers perceived to have NLD connections, and NLD members appeared to be able to retain the counsel of lawyers without fear of the lawyers being imprisoned; however, approximately 20 of the more than 40 lawyers jailed in 2000 remained imprisoned at year’s end.

During the year, the majority of prison releases were of prisoners who had completed or nearly completed their sentences, or who were in poor health. The Government required most political prisoners to sign a release form agreeing to serve the remainder of their terms if rearrested for any reason. For example, following the May 30 attack on Aung San Suu Kyi and NLD members, the Government detained M.P.-Elect Hla Min for one month, released him, and immediately re-imprisoned him to serve the remainder of a previous prison term.

At year’s end, the ICRC reported there were approximately 3,500 “security detainees” in the country (see Section 1.d.). Of these, diplomatic observers estimated 1,300 were political prisoners, of which 38 were NLD M.P.s-Elect from the 1990 elections.

Among prisoners released this year was Professor Salai Tun Than, a 74-year-old academic who was sentenced to 7 years' imprisonment in March 2002 for staging a peaceful protest in November 2001. Ninety-one of the NLD and pro-democracy supporters arrested on May 30 who were not charged were released within 2 months.

In 2000, the Government allowed Aung San Suu Kyi's brother, who is not a Burmese citizen, to file a suit against her seeking half ownership of the family compound in which she resided. The case widely was believed to be motivated politically, because the Government generally did not allow foreigners to file claims for property against citizens. In fact, the Government had to grant a special authority to the brother for the case to be filed at all. The trial was public and lasted for several months. The case eventually was dismissed for having been filed improperly. However, the Government granted the brother authority to file a second suit, and in October 2002, the judge presiding over the case ruled that Aung San Suu Kyi's brother had the right to inherit the property under Buddhist customary law. The case was continuing at year's end.

f. Arbitrary Interference with Privacy, Family, Home or Correspondence.—The abrogated 1974 Constitution did not provide for rights to privacy, and authorities infringed routinely on citizens' privacy rights. The military Government interfered extensively and arbitrarily in the lives of citizens. Through its pervasive intelligence network and administrative procedures, the Government systematically monitored the travel of all citizens and closely monitored the activities of many citizens, particularly those known to be active politically.

The law requires that any person who spends the night at a place other than his registered domicile inform the police in advance, and that any household that hosts a person not domiciled there to maintain and submit to the police a guest list. Security forces significantly increased surveillance of civilians following the May 30 Depeyin attack and also after various bombings in Rangoon during the year. Ward-level SPDC officials stepped up extensive unannounced nighttime checks of residences for unregistered visitors.

Security personnel regularly screened private correspondence and telephone calls. The authorities generally continued to discourage citizens from subscribing directly to foreign publications (see Section 2.a.).

The Government continued to control and monitor closely the licensing and rationing of all two-way electronic communication devices. Possession of an unregistered telephone, facsimile machine, or computer modem was punishable by imprisonment (see Section 2.a.). For example, users of unregistered cordless telephones in the country face up to 3 years' imprisonment, and/or a steep fine.

Weak private property rights and poor land ownership records facilitated involuntary relocations of persons by the Government. The law does not permit private ownership of land; it recognizes only different categories of land-use rights, many of which are not freely transferable. Post-colonial land laws also have revived the pre-colonial tradition that private rights to land were contingent upon the land being put to productive use.

For decades successive military governments have applied a strategy of forced relocation against ethnic minority groups in an effort to deny support to armed ethnic groups; such forced relocations continued during the year, particularly during the dry season offensives along the Thai border. The forced relocations reportedly often were accompanied by rapes, executions, and demands for forced labor to build infrastructure for villagers and military units. To make way for commercial or public construction and, in some cases, for reasons of internal security and political control, the SPDC forcibly relocated citizens to "new towns." This practice of setting up new towns has become somewhat less common in recent years. Persons relocated to new towns generally suffered from greatly reduced infrastructure support. Residents targeted for displacement generally were given no option but to move, usually on short notice (see Sections 1.c. and 2.d.).

A September 2002 report by a highly respected private citizen in Thailand estimated more than 2,500 villages have been destroyed or forcibly relocated by government forces since 1996, displacing more than 600,000 citizens. The report estimated that more than 350,000 of these citizens were moved to government-controlled "relocation centers," while the remainder lived in hiding. This practice was particularly widespread in the Shan, Kayah, and Karen States, and in areas of Mon State and Pegu Division. In these areas, thousands of civilian villagers were displaced from their traditional villages, which often were burned to the ground and moved into settlements tightly controlled by SPDC troops in strategic areas. In other cases, villagers who fled or were driven from their homes, found shelter in the forest, frequently in heavily mined areas without adequate food, security, or basic medical care.

The forced relocations often generated large refugee flows to neighboring countries or to parts of the country not controlled by the Government. In some areas, the Government replaced the original ethnic settlements with settlements of ethnic Burmans. In other areas, army units forced or attempted to force ethnic Karens to relocate to areas controlled by the DKBA.

Military units also routinely confiscated livestock, fuel, food supplies, fishponds, alcoholic drinks, vehicles, or money. Such abuses have become widespread since 1997, when the junta ordered its regional commanders to meet their logistical needs locally rather than rely on the central authorities. As a result, regional commanders increased their use of forced contributions of money, food, labor, and building materials throughout the country (see Sections 1.c. and 6.c.).

In violation of international humanitarian law, both army and insurgent units used forced conscription, including conscription of children (see Sections 1.g. and 6.c.).

Government employees generally were prohibited from joining or supporting political parties; however, this proscription was applied selectively. In the case of the Government's mass mobilization organization, the Union Solidarity and Development Association (USDA), the Government used coercion and intimidation to induce many persons, including nearly all public sector employees and school students, both to join the union and to attend meetings in support of the Government (see Section 2.a.).

In the past, authorities, including senior officials, repeatedly warned parents that authorities could hold them responsible for any political offenses committed by their children; however, there were no reports of this practice during the past 2 years.

The Government's intelligence services also monitored the movements of foreigners and questioned citizens about conversations with foreigners. Government employees generally were required to obtain advance permission before meeting with foreigners. During the year, international NGOs officially were required to ensure that a representative from a government ministry accompanied them on all field visits (at the NGOs' expense). Though the requirement was impractical and was not always enforced, it was more fully enforced during times of official anxiety about democratic opposition activities. Diplomatic missions were at times also subjected to the requirement (see Section 4).

Marriages between female citizens and foreigners were officially banned; however, the ban was not enforced.

g. Use of Excessive Force and Violations of Humanitarian Law in Internal and External Conflicts.—Since independence in 1948, large numbers of ethnic insurgent groups have battled government troops for autonomy or independence from the Burman-dominated state. Since 1989, 17 groups have concluded cease-fire agreements with the Government. Under the agreements, the groups have retained their own armed forces and performed some administrative functions within specified territories inhabited chiefly by members of their own ethnic groups. However, a few groups remained in active resistance. The KNU continued to conduct insurgent operations in areas with significant Karen populations in the eastern and southern regions of the country. In Kayah State, the KNPP resumed fighting against the Government since the breakdown of a cease-fire negotiated in 1995. In southern Shan State, the SSA-South continued to resist the Burmese Army's presence in their traditional territory.

During the year, diplomatic representatives received credible first-hand accounts that in April 2002, government troops tortured and detained seven Karen clergymen in Paan, Karen State, and in Moulemein, Mon State. The soldiers also confiscated 13 cows, 5 bullock carts, and household goods, and extorted money before burning down 2 churches and 11 houses. Two clergymen were held for 2 months before release and were forced to sign a statement saying they were not mistreated. The Government ordered the National Investigation Bureau, a division of the National Police Force, to investigate the incident; however, there was no information that the Government prosecuted any of the soldiers for the abuses.

According to an April report from Refugees International (RI), titled "No Safe Place: Burma's Army and the Rape of Ethnic Women," the Burmese military used rape on a widespread basis over the previous 4 years against ethnic Karen, Mon, Karenni, and Tavoyan women in a pattern of abuse designed to control and terrorize ethnic populations. During a month of interviews on the Thai-Burma border, RI independently substantiated 23 rape cases and learned of over 75 more. As of year's end, the Government had not officially responded to the RI report.

RI and other NGOs reported that Burmese Army soldiers raped numerous women in Shan State and other ethnic regions in 2002 and during the year. For example, on April 5, a captain raped a 20-year-old woman in a township in Shan State, while another soldier restrained her husband. On April 7, the woman and her husband

reported the rape to SPDC authorities in the area; however, after no action was taken they began to fear for their safety and fled across the border to Thailand. On August 16, a captain and 20 other soldiers gang-raped a woman in a village in a township in Shan State. The captain then threatened to punish the village headman and the villagers if anyone reported the rape. In April 2002, 5 or 6 soldiers gang-raped a 37-year-old woman in Wan Hi Seng Township. In August 2002, soldiers reportedly raped four women in Wan Kun Lu Township, Shan State. Also in August 2002, soldiers raped a 37-year-old woman in Lai Ka Township. There was no information that the Government investigated these abuses.

In May 2002, the SHRF and Shan Women's Action Network (SWAN) alleged that the Burmese Army used rape as a systematic weapon of war against the ethnic populations in Shan State. The report described 173 incidents of rape or sexual violence against 625 women and girls committed by soldiers from 52 military battalions between 1992 and 2001. The report concluded that given the brutality of the rapes (the report stated that 25 percent of the rapes resulted in death), the incidence of rapes by officers (83 percent), and the impunity with which they were carried out, the rapes were condoned by the Government in order to terrorize and subjugate the ethnic Shan. There were corroborating reports on rapes and sexual violence by the military in Shan State and elsewhere, including first-hand accounts from rape victims documented by diplomatic representatives.

The Government denied the SHRF/SWAN allegations of systematic rape and ordered three internal reviews. In August 2002, the Government claimed that no soldiers were involved in the rapes. In October 2002, the Government stated it continued to investigate the allegations and had found evidence of five cases of rape similar to those described in the SHRF/SWAN report. The Government stated it provided copies of its report on the investigations to the international community and to the UNSRHR, Paulo Sergio Pinheiro. However, according to Pinheiro, the investigations were undertaken by military and other government personnel with no special skills or experience in investigating human rights allegations. The investigations reportedly consisted of prearranged, large, collective, and public meetings with local officials, organized by military personnel. There has been continued international pressure on the Government to allow an independent assessment of the allegations and to take appropriate actions to prevent rape and sexual abuses by the military. By year's end, the Government had not allowed Pinheiro to visit the conflict areas in the Shan State to corroborate the information provided to him about Burmese Army rapes in his own previous interviews with refugees in Thailand.

The Government took some action on one rape case reported in 2002: The August 2002 case in which an army captain reportedly raped a 4-year-old child in Yusomoso, a mainly Catholic village in Timoso Township in Kayah State. Military authorities reportedly offered the villagers approximately \$20 (20,000 kyat) to drop the case. In early 2003, after pressure from a Burmese religious leader, the Government arrested the captain and relieved his battalion commander of command; however, local army officers warned village leaders to report further problems to the military, not to their church.

There is no information that the Government investigated or prosecuted anyone for the following rape cases in 2002: The October case of two soldiers who beat and raped a woman doing laundry near Keng Tung Township and threw her unconscious into the river, and the October case of six or seven soldiers who reportedly raped two women in Mung-Khark Township or the hundreds of other cases reported by NGOs.

In central and southern Shan State, security forces continued to engage the SSA-South. The military maintained a program of forced relocation of villagers in that region to SPDC-controlled sites that reportedly was accompanied by killings, rapes, and other abuses of civilian villagers. AI reported in 2002 that 90 percent of the civilians from Shan State interviewed in Thailand in February said they had been subjected to unpaid forced labor by the military within the previous 18 months.

According to credible but unconfirmed KNU press releases, government troops used systematic and widespread excessive force in conflict areas in eastern Burma during the year. On June 30, combined troops of the Burmese Army and a DKBA unit arrested and tortured a villager in Noe-aw-lar village, Paan Township. When he later escaped, the troops extorted \$450 (450,000 kyat) and a cow from his mother. On July 5, soldiers extorted \$200 (200,000 kyat) worth of food from the villagers in Sha-zi-bo village, and abducted a woman from Zi-pyu-gon village. At year's end, it was not known if she had been released. On July 22, in Nyaung-lay-bin district, government troops shot and killed a man from Thaw-nge-doe village, Kyauk-kyi Township, and took \$50 (50,000 kyat) from his body.

From August 5 until mid-October, government soldiers reportedly forced villagers from Na Bue Township to porter ammunition and supplies and to act as mine

sweepers for the troops. Many villagers and prisoners have been killed or injured from subsequent landmine explosions.

There is no information that the Government investigated or prosecuted anyone for the following 2001 abuses: The January 2001 case in Murng-Nai in which military troops beat to death a Palaung man, raped his wife, and stole his property; the March 2001 case in which government troops gang-raped a woman in Mornng-Ton Township after troops had tortured and killed her uncle; and the April 2001 case in which government soldiers reportedly raped a woman and extorted money from other villagers near Naa Ing village in Shan State.

According to a 2002 Human Rights Watch (HRW) report, government troops conscripted children as young as the age of 11 (see Section 5).

Active insurgent groups included the Chin National Front, the Naga National Council, the Arakan-Rohingya Solidarity Organization (ARNO), the SSA-South, and the KNU (including its affiliate the Karen National Liberation Army). Some members of the insurgent groups committed serious abuses. For example, according to a government report, the KNU blew up a cinema hall on May 16 in Phyu Township, Pegu Division, injuring 50 people. The KNU denied responsibility. According to another government report, the KNPP killed seven villagers in 2001 who refused to join their ranks in Loikaw Township. UNICEF, AI, and HRW reported that insurgent groups as well as government forces recruited child soldiers (see Section 5).

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The law permits the Government to restrict freedom of speech and freedom of the press, and in practice the Government continued to restrict these freedoms severely and systematically during the year. The Government continued to arrest, detain, convict, and imprison citizens for expressing political opinions critical of the Government, and for distributing or possessing publications in which opposition opinions were expressed (see Sections 1.d. and 1.e.). Security services also monitored and harassed persons believed to hold anti-government opinions.

Legal restrictions on freedom of speech have intensified since 1996, when the Government issued a decree prohibiting speeches or statements that “undermine national stability.” In all regions of the country, the Government continued to use force to prohibit virtually all public speech critical of it by all persons, including persons elected to Parliament in 1990, and by leaders of political parties. The Government has pursued this policy consistently since 1990, with few exceptions.

There was a report from the Democratic Voice of Burma that the OCMI arrested five editors of the sports journal *First Eleven* for publishing articles on corruption in local sports. The Government charged two editors: Zaw Thet Htwe, a former student leader, and Win Pa Pa Hlaing, daughter of NLD MP-Elect Ohn Kyaing. In November, Zaw Thet Htwe was sentenced to death. In August 2001, a monk named Ashin Pandita reportedly was derobed and detained at a police station for criticizing economic and political conditions in a sermon at the Mahamyatmuni Payagyi Pagoda in Mandalay. No additional information was available at year’s end.

Early in the year, the Government permitted the NLD to conduct some public meetings and reopen local offices. The NLD continued to press for substantive dialogue on political reform with the Government and publicly voiced criticisms of the policies or actions of the Government. After the May 30 attack on Aung San Suu Kyi’s NLD convoy, public meetings were banned and the security services immediately clamped down on already restricted political speech (see Sections 1.a. and 1.d.).

Many prominent writers and journalists remained in prison for expressing their political views. The Paris-based organization *Reporters Sans Frontieres* reported that at least 16 journalists remained in prison at year’s end, including Ohn Kyaing, better known by his pen name Aung Wint, who wrote articles in favor of democracy and also was a NLD M.P.-Elect from Mandalay. He has been in prison since 1990. Government censorship boards prohibited publication or distribution of works authored by those in prison.

During the year, the Government arrested dozens of persons for distributing anti-government leaflets, including Thet Naung Soe, Nandar Sit Augn, Zaw Lin Tun, Kyaw Soe Moe, Kyaw Kyaw, and Win Ko. In January, the Government arrested two Buddhist nuns, Than Than Htay and Thin Thin Oo, and sentenced them to 13 years for staging a protest in front of the Rangoon city hall.

The Government owned and controlled all daily newspapers and domestic radio and television broadcasting facilities. These official media remained propaganda organs of the Government and usually did not report opposing views except to criticize them. The only partial exception was the *Myanmar Times*, an expensive English-language weekly newspaper, targeted at the foreign community in Rangoon. Al-

though the Myanmar Times was censored and was pro-government, the newspaper occasionally reported on criticisms of government policies by the U.N. and other international organizations.

All privately owned publications, including the Myanmar Times, remained subject to prepublication censorship by state censorship boards. Due in part to the time required to obtain the approval of the censors, private news periodicals generally were published monthly. However, since 1996 the Government has given transferable waivers of prepublication censorship for weekly periodicals. As a result, weekly tabloids proliferated. Government controls encouraged self-censorship, and publications generally did not report domestic political news.

Imported publications remained subject in principle to pre-distribution censorship by state censorship boards, and possession of publications not approved by the state censorship boards remained a serious offense. Cases involving pro-democracy literature included one case in which the Government imprisoned approximately a dozen students for distributing uncensored leaflets describing the May 30 attack. The Government also restricted the legal importation of foreign news periodicals and discouraged subscriptions to foreign periodicals; however, foreign newspapers could be purchased in Rangoon. Starting in 2001 some foreign newspapers and magazines were distributed uncensored.

Since 1997, the Government issued few visas to foreign journalists and has held only a handful of press conferences on political subjects. Journalists were frequently blacklisted. In previous years, several journalists who entered the country as tourists were detained and deported by the Government. During the year, the Government held several press conferences, including one on Trafficking in Persons and another on the May 30 attack and allowed Burmese representatives of international media sources to attend; however, the local press did not publish any questions or answers from the press conference that dealt with the May 30 attack.

Due to widespread poverty, limited literacy, and poor infrastructure, radio remained the most important medium of mass communication. News periodicals rarely circulated outside urban areas. The Government continued to monopolize and control the content of the two domestic radio stations. Foreign radio broadcasts, such as those of Radio Free Asia, the Voice of America, the BBC, Democratic Voice of Burma, and Radio Veritas Burmese Service remained the principal sources of uncensored information. Diplomatic sources reported that ownership of small radio receivers increased significantly over recent years due to government relaxation of import restrictions, which allowed affordable Chinese-made radios to flood the market.

The Government continued to monopolize and to control tightly all domestic television broadcasting, offering only an official channel and an armed forces channel. In 2001, the Government loosened controls over the use of satellite television that allowed the general population to register satellite receivers for a fee. Previously only a few businesses and individuals with special connections to the Government were allowed licenses for satellite receivers. Illegal satellite television was also available, but access to satellite television remained far beyond reach of the vast majority of the population due to widespread and severe poverty and, outside of urban areas, due to lack of electricity. The Television and Video Law makes it a criminal offense to publish, distribute, or possess a videotape not approved by a state censorship board; however, this law was only selectively enforced.

The Government systematically restricted access to electronic media. All computers, software, and associated telecommunications devices were subject to registration, and possession of unregistered equipment was punishable by imprisonment (see Section 1.f.).

The Ministry of Defense operated the country's only known Internet server and offered expensive, limited Internet services to a small number of customers. There are several Internet cafes and service providers; however, access was cost prohibitive and the Government restricted full access to the web and prohibited the use of commercial "free e-mail" providers. The Government also monitored all e-mail communications.

The Government continued to restrict academic freedom severely. University teachers and professors remained subject to the same restrictions on freedom of speech, political activities, and publications as other state employees. The Ministry of Higher Education routinely warned teachers against criticizing the Government. It also instructed them not to discuss politics while at work; prohibited them from joining or supporting political parties or from engaging in political activity; and required them to obtain advance ministerial approval for meetings with foreigners. Like all state employees, professors and teachers have been coerced into joining the USDA, the Government's mass mobilization organization. Teachers at all levels also continued to be held responsible for the political activities of their students. Foreigners were not permitted on university campuses without prior approval and were

not allowed to attend any meetings involving students, including graduation ceremonies.

The Government took a number of special measures to limit the possibility of student unrest. Campuses were moved to relatively remote areas, teachers and students were warned that disturbances would be dealt with severely, and on-campus dormitories were closed, which disrupted university life. The quality of education deteriorated to such an extent that many students opted to use self-study or private tutoring. Immediately after the May 30 attack on the NLD, the Government closed the University of Distance Education and the Rangoon Arts and Science University for 3 weeks. The Government placed heavy security around the other schools that remained open.

The Government tightly controlled the limited number of private academic institutions in the country as well as what they were allowed to teach.

b. Freedom of Peaceful Assembly and Association.—The law limits the freedom of assembly, and the Government restricted it in practice. An ordinance officially prohibits unauthorized outdoor assemblies of more than five persons, although the ordinance was not enforced consistently. The Government imposed a complete ban on all NLD party activities following the May 30 events, and the 9 other legally registered political parties were required to request permission from the Government to hold meetings of their members; nevertheless, meetings occurred without Government permission.

The Government continued its decade-long policy of preventing the Parliament elected in 1990 from convening. Following the May 30 attack on the NLD, the Government tightened restrictions and closed every NLD office in the country.

In previous years, authorities used force to prevent pro-democracy demonstrations, punish participants and organizers in pro-democracy demonstrations and meetings, and detained or imprisoned persons suspected of planning and organizing such demonstrations (see Section 1.c.). Prior to May 30, authorities increased attempts to prevent the public from coming out to see Aung San Suu Kyi when she traveled to Chin State, Irrawaddy Division, Kachin State, Rakhine State, and Sagaing Division, ostensibly on the grounds that outdoor political gatherings of any type were illegal. The authorities blockaded streets and told citizens to stay home. The Union Solidarity and Development Association (USDA), a pro-government mass organization created by the SPDC, handed out leaflets that questioned Aung San Suu Kyi's patriotism and discouraged citizens from showing any support for her. Tens of thousands of supporters defied authorities and attended Aung San Suu Kyi's speech. Authorities detained or interrogated hundreds of NLD supporters after the NLD leader's departure.

The Government forced civil servants to join the USDA, which subsequently staged mass rallies supporting government policies.

During the first 5 months of the year, Government security forces failed to protect peaceful NLD assemblies from violence in Rakhine State, Kachin State, Sagaing Division, and Irrawaddy Division. The USDA and the Government-sponsored intimidation group "Members of People's Power" were allowed or encouraged to verbally and physically attack the NLD assemblies in each case.

The Government at times interfered with the assembly of religious group members (see Section 2.c.).

In the past, while the Government allowed the NLD to celebrate certain key party events with public gatherings, it restricted the size of the gatherings and the individuals who were allowed to attend. For example, in September 2001, the NLD held a ceremony to commemorate the third anniversary of the Committee Representing the People's Parliament (CRPP) and the Government responded by surrounding NLD headquarters with Military Intelligence (MI) personnel. In 2000, the Government prevented Aung San Suu Kyi from attending party meetings in Rangoon. Early in the year, the Government lifted most of these restrictions on NLD activities but, after May 30, all opposition political assemblies and meetings were banned.

The Government restricted freedom of association, particularly in regard to members of the NLD. The Government tried to coerce hundreds of NLD members to resign from their party positions. Additionally, the Government targeted all non-governmental organizations (NGOs) and other groups in the country through an aggressive anti-NLD, anti-West media campaign. Targets included U.N. agencies, international and local NGOs, political parties, ethnic groups, and foreign diplomatic missions.

The Government further violated the right of association by compelling civil servants to join the USDA pro-regime mass organization. The Government coerced secondary school and college level students to join when registering for classes. The Government also coerced skilled trades workers and professional association members to join the USDA.

In general, freedom of association existed only for government-approved organizations, including trade associations and professional bodies, such as the Forest Reserve Environment Development, the Conservation Association, and the USDA. Few secular, nonprofit organizations existed, and those that did took special care to act in accordance with government policy. There were 10 legally registered political parties, but most were moribund.

c. Freedom of Religion.—The abrogated 1974 Constitution permitted restrictions on religious freedom, stating, “the national races shall enjoy the freedom to profess their religion . . . provided that the enjoyment of any such freedom does not offend the laws or the public interest.” Most religious adherents duly registered with the authorities generally were free to worship as they chose; however, the Government imposed restrictions on certain religious activities and promoted Buddhism over other religions in some ethnic minority areas. In practice, the Government also restricted efforts by Buddhist clergy to promote human rights and political freedom.

The Government’s pervasive internal security apparatus sought to infiltrate or monitor meetings and activities of virtually all organizations, including religious organizations. Religious activities and organizations also were subject to restrictions on freedom of expression and association. In addition, the Government controlled and censored all publications, including religious publications (see Section 2.a.).

Although an official directive exempts “genuine” religious organizations from registration, in practice only registered organizations were allowed to buy or sell property or open bank accounts. In addition, the Government provided some utilities at preferential rates to recognized religions. There was no official state religion; however, the Government continued to show preference for Theravada Buddhism, the majority religion. For example, the Government funded the construction of the International Theravada Buddhist Missionary University in Rangoon. State-controlled news media frequently depicted SPDC members paying homage to Buddhist monks; making donations at pagodas throughout the country; officiating at ceremonies to open, improve, restore, or maintain pagodas; and organizing ostensibly voluntary “people’s donations” of money, food, and uncompensated labor to build or refurbish Buddhist religious shrines. Buddhist doctrine remained part of the state-mandated curriculum in all elementary schools; however, individual children generally were permitted to choose not to receive instruction in Buddhism. There continued to be widespread reports that Government officials compelled both Buddhists and non-Buddhists to contribute money, food, or uncompensated labor to state-sponsored projects to build, renovate, or maintain Buddhist religious shrines or monuments. There were some credible reports during the year that non-Buddhists were forced to build pagodas.

The Government continued its efforts to control the Buddhist clergy (“sangha”). The Government authorized military commanders to try members of the sangha before military tribunals for “activities inconsistent with and detrimental to Buddhism,” and imposed on the sangha a code of conduct that was enforced by criminal penalties. The Government also subjected the sangha to special restrictions on freedom of expression and freedom of association (see Section 2.a.). The military Government prohibited any organization of the sangha other than the nine state-recognized monastic orders under the authority of the State Clergy Coordination Committee (“Sangha Maha Nayaka Committee,” SMNC). The Government prohibited all religious clergy from being members of any political party.

The Government continued to restrict the building, education, and proselytizing activities of minority religious groups.

Christian groups continued to have difficulties in obtaining permission to build new churches. The Government reportedly denied permission for churches to be built along main roads in cities such as Myitkyina, the capital of Kachin State. In 2001 in Rangoon, authorities closed more than 80 home-churches because their operators did not have proper authorizations to hold religious meetings. During the year, Christian clergy from Karen and Chin States, and from new satellite towns around Rangoon, reported that the Government continued to force them to close home-based chapels.

Muslims again reported that in some locations they were banned from constructing new mosques during the year. During the previous 2 years, local authorities in Rakhine State scheduled approximately 40 mosques for destruction because reportedly they were built without permission. Thirteen mosques were destroyed before the authorities intervened at the request of the UNHCR. To ensure mosques were not rebuilt, some were replaced with government owned buildings, monasteries, and Buddhist temples. During the year, the Government granted authorization in writing to repair existing mosques in some locations.

In most regions of the country, Christian and Muslim groups that sought to build small churches or mosques on side streets or other inconspicuous locations at times

were able to proceed, but only based on informal approval from local authorities. These groups reported that formal requests encountered long delays and generally were denied.

In October, there were several incidents of Buddhist-Muslim violence near Mandalay and in Rangoon. Muslim groups in Rangoon claimed that seven persons were killed and two mosques were destroyed in the violence near Mandalay. It was unclear what sparked these clashes. Although it was slow to react to the Mandalay area violence, the Government reacted quickly in Rangoon, sending troops into Muslim neighborhoods and imposing a strict curfew on Buddhist monasteries. This latter action caused resentment among many Buddhist monks, and the authorities arrested several monks for not observing the curfew.

The Government discriminated against non-Buddhists at upper levels of the public sector. The Government retired the only non-Buddhist who served at the ministerial level, and the same person, a Brigadier General, was the only non-Buddhist known to have held flag rank in the armed forces since the 1990s. The Government actively discouraged Muslims from entering military service, and Christian or Muslim military officers who aspired to promotion beyond the grade of major were encouraged by their superiors to convert to Buddhism. In some ethnic minority areas, such as Chin State, there were reports that the SPDC offered troops financial and career incentives to marry Christian Chin women, teach them Burmese, and convert them to Buddhism.

The Government discourages proselytizing by all clergy. Evangelizing religions, like some Christian denominations and Islam, were most affected by these restrictions. In general, the Government has not allowed permanent foreign religious missions to operate in the country since the mid-1960s, when it expelled nearly all foreign missionaries and nationalized all private schools and hospitals.

Religious publications remained subject to control and censorship (see Section 2.a.). Translations of the Bible and Koran into indigenous languages could not be imported legally; however, with the Government's permission, Bibles in indigenous languages were permitted to be printed locally.

There continued to be evidence that Christian Chins were pressured to attend Buddhist seminaries and monasteries and were encouraged to convert to Buddhism. Local government officials reportedly separated the children of Chin Christians from their parents under the pretense of providing them free secular education, and lodged the children in Buddhist monasteries in which they were given religious instruction and converted to Buddhism without their parents' knowledge or consent. Reports suggested that the Government sought to induce members of the Naga ethnic group to convert to Buddhism by means similar to those it used to convert members of the Chin to Buddhism.

Citizens and permanent residents of the country were required to carry Government-issued national registration cards that in a large number of cases indicate religious affiliation. There appeared to be no consistent criteria governing whether a person's religion was indicated on his or her identification card. Citizens also were required to indicate their religion on some official application forms, such as passports.

For a more detailed discussion, see the 2003 International Religious Freedom Report.

d. Freedom of Movement within the Country, Foreign Travel, Emigration, and Repatriation.—The Government restricted freedom of movement. Most citizens, except Muslims traveling to and from Rakhine State and some political party members, were able to travel within the country, although their movements were monitored and they were required to notify local officials of their whereabouts (see Section 1.f.). Movement was limited in areas of armed conflict. Urban and rural residents were subjected to relocation.

In past years, the Government rigorously curtailed freedom of movement of opposition political leaders. Between May 2002 and May 2003, following her release from house detention, Aung San Suu Kyi traveled to several states and divisions. Early in the year, government-affiliated groups increasingly harassed democratic opposition members during travel outside of Rangoon, culminating in the attack on May 30 and the subsequent arrest and detention of the survivors (see Sections 1.d. and 2.b.). The Government maintained close control over ethnic leaders' movements, requiring them to seek permission from the Government before making any domestic trips.

Since 2001, the Government implemented policies to consolidate the border with Bangladesh and to further control the movement of Muslim Rohingyas in border and interior areas; however, the border remained relatively porous.

The Government refused to accept Burmese deportees from other countries, but accepted the return of several thousand illegal migrants from Thailand.

The Government also carefully scrutinized prospective travel abroad. Rigorous control of passport and exit visa issuance perpetuated rampant corruption, as applicants were forced to pay large bribes from \$300 (300,000 kyat) on average, the equivalent of a yearly salary, to \$1,000 (1 million kyat) for a single female under 25. The official board that reviews passport applications has denied passports on political grounds. All college graduates who obtained a passport (except for certain official employees) were required to pay a special fee to reimburse the Government for the cost of their education. Citizens who emigrated legally generally were allowed to return to visit relatives, and some who lived abroad illegally and acquired foreign citizenship also were able to return.

Residents unable to meet the provisions of the citizenship law, such as ethnic Chinese, Arakanese Muslims, and others, were required to obtain prior permission to travel internally. Since the mid-1990s, the Government also has restricted the issuance of passports to female citizens (see Sections 5 and 6.f.).

The Government prohibited some foreign diplomats and foreign employees of U.N. agencies based in Rangoon from traveling outside the capital without advance permission. The Government waived the requirement for the ILO. The Government required all foreign and local residents, except diplomats, to apply for authorization to leave the country.

Restrictions on foreigners' travel to some areas of the country were eased as part of an effort to promote tourism. Burmese embassies now generally issue tourist visas, valid for 1 month, within 24 hours of application. However, certain categories of applicants, such as foreign human rights advocates, journalists, and political figures were denied entry visas regularly unless traveling under the aegis of a sponsor acceptable to the Government and for purposes approved by the Government.

There were a large number of internally displaced persons (IDPs) in the country. In December 2002, the U.S. Committee for Refugees reported that the country had an estimated 600,000 to 1 million IDPs. In 2002, NGOs based in Thailand estimated that the Government moved forcibly more than 250,000 citizens from their villages and districts to live near or along the Thai border (see Section 5). These NGOs estimated that more than 350,000 IDPs resided in government relocation sites.

During the year, the military continued to abuse thousands of villagers and drove them from their homes, particularly during the course of military campaigns in Karen, Kayah, and Shan States (see Section 1.f.). In July, the Burmese Army and the DKBA launched a military campaign against the KNU, and by mid-October had displaced over 500 civilians. Diplomatic representatives received reports that the Burmese Army conscripted many villagers unable to flee to Thailand for forced labor or portering, specifically from villages in the Mae-Ple-Doe area of Paan Township, Karen State. In January 2002, AI reported that a 75-year-old Shan man had stated that he and his family fled to Thailand after government troops and United Wa State Army (UWSA) troops confiscated all their land, arrested villagers, looted homes, raped numerous women, and drove them out of their village. He reported that between 500 and 600 UWSA troops occupied the area, and that he received no compensation for the loss of his woodlands, orchards, and fields. There were no reports of the Government investigating or prosecuting anyone for these abuses.

Reports of forced relocation in urban areas lessened on the whole; however, since late 2002 there were still reports of the Government forcibly relocating households for "security" reasons. In Rangoon there were several commercially motivated forced relocations. In one case, the Government forced retired civil servants, who had lived for generations in downtown Rangoon, to move out with inadequate compensation. Senior Government officials ignored appeals, and under duress many residents accepted relocation to apartments estimated to be worth approximately 10 percent the value of their vacated homes. There were numerous reports that Government troops looted and confiscated property and possessions from forcibly relocated persons, or persons who were away from their homes; these materials often were used for military construction. Diplomatic representatives reported that commandeering privately owned vehicles for military transport without compensating the vehicle owners was also commonplace throughout the country.

Ethnic minority areas previously affected by conflict, such as the large Karen areas of Irrawaddy Division, continued to experience tight controls on personal movement, including more frequent military checkpoints, closer monitoring by military intelligence, and larger military garrisons. "Informal taxes," or bribes, were extracted from all nationalities at checkpoints in border areas. In Rakhine State, many controls and checkpoints applied only to the Muslim population (see Section 5).

The law does not provide for the granting of refugee status or asylum to persons who meet the definition in the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol, and, in practice, the Government generally neither pro-

vides protection against refoulement nor grants refugee or asylum status. Harassment, fear of repression, and deteriorating socio-economic conditions continued to force many citizens into neighboring countries and beyond. In the border regions populated by minority ethnic groups, the Government continued its practices of forced labor, confiscation of lands, compulsory contributions of food, and forced relocations. These policies produced thousands of refugees in neighboring countries such as Thailand, China, and India. One report from Kachin State alleged that in May 2001, 3,000 Naga villagers fled the country into northeastern India when SPDC troops launched an offensive against Naga separatists. During the year, their numbers swelled to 15,000, after which they were pressured to return to Burma. They are now reportedly stuck in difficult conditions on the Indian side of the Burma-India border. The security forces reportedly burned villages and laid landmines to discourage villagers from returning. During 2002, harsh conditions in Shan State compelled an exodus to Thailand, with estimates that approximately 10,000 Shan may have relocated there during the year (see Section 1.f.). Rohingya Muslims who have returned to Rakhine State were not stigmatized for having left Burma, but were discriminated against for being Rohingya. Returnees claimed that they faced restrictions on their ability to travel and to engage in economic activity.

There were no reports that persons formally sought asylum in the country during the year. There were no reports of forced repatriation.

Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government

Citizens did not have the right to change their government. The SPDC continued to prevent the Parliament elected in 1990 from convening.

Since 1962, active duty military officers have occupied the most important positions in both the central Government and in local governments. All members of the SPDC have been military officers on active duty, and the SPDC has placed military or retired military officers in most key senior-level positions in all ministries. At year's end, active duty or retired military officers occupied 34 out of 36 ministerial-level positions.

Following the NLD's victory in the 1990 elections, the military junta refused to implement the election results and disqualified, detained, or imprisoned many successful candidates (see Sections 1.d. and 1.e.). Many other M.P.s-Elect fled the country. Following an aborted effort from 1993-96 to draft a new constitution assigning the military the dominant role in the country's political structure, the military junta continued its systematic use of coercion and intimidation to deny citizens the right to change their government.

In September 1998, because the SPDC refused to allow the entire Parliament to convene, the NLD leadership organized the CRPP on the basis of written delegations of authority from a majority of the surviving M.P.s-Elect of the 1990 Parliament. The CRPP acts on behalf of the Parliament until the Parliament is convened. In retaliation the Government launched a sustained and systematic campaign to destroy the NLD without formally banning it; the authorities pressured many thousands of NLD members and local officials to resign and closed party offices throughout the country. Military intelligence officials also detained more than 200 M.P.s-Elect in 1998. At year's end, a total of 38 M.P.s-Elect remained in prison; Sein Hla Oo, Dr Zaw Myint Maung, Ohn Kyaing, Khin Maung Swe, and Dr. Myint Naing, have been in prison since the early 1990s.

In October 1999, the Government's Multiparty Democracy General Election Commission announced that of 392 NLD members elected to Parliament in 1990, only 92 remained both NLD members and M.P.s-Elect. It claimed that 105 had resigned their parliamentary status, 139 had been disqualified by the commission, 27 had resigned from the NLD, and 31 had died. In contrast, in September 2000, the CRPP claimed to enjoy the support of 433 of the 485 M.P.s-Elect.

Late in 2000, with encouragement from the U.N. Special Envoy Razali Ismail, the Government initiated talks with Aung San Suu Kyi that produced some relaxation in the restrictions on the NLD. In subsequent years, the NLD was able to resume some political party activities. The May 30 attack on the NLD marked a severe setback for the process, and the Government still had not opened a substantive dialogue with the NLD and continued to hold more than 1,300 political prisoners at year's end.

Women were excluded from military leadership. There were no female members of the SPDC, ministers, or Supreme Court judges.

Members of certain minority groups also were denied full citizenship and a role in government and politics (see Section 5).

Section 4. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

The Government did not allow domestic human rights organizations to function independently, and it remained generally hostile to outside scrutiny of its human rights record.

The Government's restriction on travel by foreign journalists, NGO staff, U.N. agency staff, and diplomats; its monitoring of the movements of such foreigners; its frequent interrogation of citizens concerning contacts with foreigners; its restrictions on the freedom of expression and association of citizens; and its practice of arresting citizens who passed information about Government human rights abuses to foreigners all impeded efforts to collect or investigate information regarding human rights abuses. Reports of abuses, especially those committed in prisons or ethnic minority areas, often emerged months or years after the abuses allegedly were committed and seldom could be verified.

There were approximately 35 nonpolitical, international humanitarian NGOs working in the country. A few others have established a provisional presence while undertaking the protracted negotiations necessary to establish permanent operations in the country. Beginning in 2001, international NGOs sometimes were required to have a ministry representative accompany them on field visits, at the NGOs' expense (see Section 1.f.).

The Government permitted the UNSRHR, Paulo Sergio Pinheiro, to visit the country twice during the year. He decided to cut short his first visit when he discovered an electronic listening device installed in a government-controlled room where he was interviewing a political prisoner. In his reports, Pinheiro cited "significant setbacks" in the human rights situation and the lack of progress in the dialogue process between the Government and the democratic opposition. Pinheiro registered grave concern about the alleged death, bodily harm, detention, and disappearance of scores of individuals as a result of the May 30 attack. Pinheiro noted the attack took place against the backdrop of arrests and continuing imprisonment of other political activists since the beginning of the year. He also noted that the Government declined to give assurances for an independent assessment of alleged serious human rights abuses in ethnic regions (see Section 1.c.).

In 2001, the Government announced the creation of a Human Rights Committee, chaired by the Minister of Home Affairs and including the Chief of Police as one of the members. During the year, the UNHCR conducted refugee law and human rights seminars. The Australian Government suspended its human rights training program after the May 30 attack. The Government received ILO complaints of labor violations and stated that it was conducting investigations into the violations.

Section 5. Discrimination Based on Race, Sex, Disability, Language, or Social Status

The SPDC continued to rule by decree and, due to the abrogation of the Constitution, was not bound by any constitutional provisions concerning discrimination. In 2002, Government border officials had for a 2-month period administered involuntary HIV/AIDS tests to repatriating citizens. Those who tested positive were forced first into a hospital and then into a detention center. The Foreign Minister reported this situation to the Ministry of Health as discrimination and the Health Ministry ended the practice. HIV-positive patients were discriminated against, as were the doctors who treated them. The Government worked to address this issue and has drafted a protocol for Voluntary Confidential Counseling and Testing for HIV/AIDS that is intended to provide protection for the right to privacy. It was not promulgated by year's end.

Women.—Domestic violence against women, including spousal abuse, in Rangoon and Mandalay was a significant problem and was increasing, according to credible reports. The problem was difficult to measure in rural areas. The Government did not release statistics regarding spousal abuse or domestic violence. Married couples often lived in households with extended families, where social pressure tended to protect the wife from abuse.

Rape is illegal; however, spousal rape is not a crime unless the wife is under 12 years of age. The Government stated that rape was not common in populous urban areas but occurred more often in remote areas. The Government did not release statistics regarding rape. It was generally unsafe for women to travel during hours of darkness without a male escort. Employers who employed women at night typically had to supply a "ferry" bus or truck to return workers to their homes. Use of taxis at night was particularly hazardous for women of the risk of rape or robbery. Prostitutes traveling at night must typically pay substantial additional fees to taxi operators or risk being raped, robbed, or turned over to the police. There are reports that prostitutes taken into police custody were sometimes raped or robbed by the police.

Prostitution is prohibited by law and punishable by 3 years in prison; however, it was growing in prevalence, particularly in some of Rangoon's "border towns" and "new towns," which were populated chiefly by poor families that were relocated forcibly from older areas of the capital. There were credible reports that a large number of female prostitutes were imprisoned and often subjected to abuse while incarcerated. There were no laws against sexual harassment.

Consistent with traditional culture, women kept their names after marriage and often controlled family finances. However, women remained underrepresented in most traditional male occupations, and women continued to be barred effectively from a few professions, including the military officer corps. Poverty, which was widespread in rural areas, affected women disproportionately. Women did not receive equal pay for equal work on a consistent basis. Women legally were entitled to receive up to 26 weeks of maternity benefits; however, in practice these benefits often were not accorded them.

There were no independent women's rights organizations. The National Committee for Women's Affairs in the Ministry of Social Welfare was responsible for safeguarding women's interests. The Government and at least one international NGO operated schools and other rehabilitation programs for former prostitutes. The Myanmar Maternal and Child Welfare Association, a government-controlled agency, provided assistance to mothers. The Myanmar Women Entrepreneurs' Association, a professional society for businesswomen, provided loans to women starting new businesses.

Children.—The Government continued to allocate minimal resources to public education. Public schooling was provided through the 10th standard (equivalent to the U.S. 12th grade), but families bore a major portion of financial costs. Education is compulsory through the end of the 4th standard. There was no difference in attendance rate of boys and girls. The Government encouraged Buddhist monastic schools in rural areas. According to the latest available statistics, during the year, official expenditures for all civilian education were equivalent to less than 1 percent of gross domestic product (GDP) and have declined by more than 70 percent in real terms since 1990. In 2001, UNICEF reported that 69 percent of primary school students completed the 4th standard; however, according to official studies conducted with U.N. assistance, only 37 percent of children finished 4th standard in urban areas and only 22 percent did so in rural areas. Rates of school attendance and educational attainment decreased during the year, largely due to rising formal and informal school fees as the Government diverted expenditures from health and education to the armed forces. On average, teacher's pay was equal only to approximately \$7 (7,000 kyats) per month, far below subsistence wages, forcing many teachers to leave the profession. Only relatively prosperous families were able to afford to send their children to school, even at the primary level. In ethnic minority areas, the Government often banned teaching in local languages. In some areas where few families were able to afford unofficial payments to them, teachers generally no longer came to work and schools no longer functioned. In response to official neglect, private institutions began to provide assistance in education, despite an official monopoly on education.

Children also suffered greatly from the Government's severe and worsening neglect of health care. The Government cut official expenditures on public health care even more sharply than it cut spending for education. Government expenditures for civilian health care in 1998–99 were equivalent to only 0.3 percent of GDP. In 2001, official studies sponsored by U.N. agencies found that, on average, 109 of 1,000 children died before reaching the age of 5 years, and that only 1 out of 20 births in rural areas was attended by a doctor. A joint Ministry of Labor and United Nations Populations Fund (UNFPA) study in 2001 indicated that, among children under 5 years of age, 7.9 percent were severely malnourished. A joint Ministry of Health and UNICEF report in 2000 indicated that on a national level 35.3 percent of children under 5 are moderately to severely underweight, 33.9 percent are moderately to severely underdeveloped, and 9.4 percent are moderately to severely emaciated. The World Health Organization considered the country's health care system to be extremely poor.

Child abuse is prohibited by law. The Government stated that child abuse was not a significant problem; however, the Government did not release supporting statistics.

Child prostitution and trafficking in girls for the purpose of prostitution—especially Shan girls who were sent or lured to Thailand—continued to be a major problem (see Section 6.f.). In Rangoon and Mandalay, diplomatic representatives noted widespread employment of female prostitutes who appeared to be in their early teens and for whom there was reportedly a high demand. Additionally, some broth-

els offered young teenage “virgins” to their customers for a substantial additional fee.

The official age of enlistment in the ostensibly all-volunteer army is 18 years. Unlike in previous years, there were no reports that the authorities rounded up orphans and street children in Rangoon and other cities and forced them into military service. During the year, diplomatic representatives received a new report that in October 2002 an M.P.-Elect from Karen State filed a report to the police that a 15-year-old boy was missing minutes after arriving in Rangoon railway station. The Rangoon police suggested looking for him at the Hmawby army recruit camp near Rangoon, where the M.P.-Elect found three sets of parents also looking for their children. Six boys were brought forward and the M.P.-Elect was able to identify and retrieve the boy. In October, diplomats received a credible report that there were several thousand child soldiers in the Burmese Army (see Section 6.d.).

Several international NGOs and agencies promoted the rights of children in the country, including World Vision, Save the Children UK, CARE, UNICEF, U.N. Development Program, and foreign governments.

Persons with Disabilities.—In principle official assistance to persons with disabilities includes two-thirds of pay for up to 1 year of a temporary disability and a tax-free stipend for permanent disability; however, in practice assistance was limited severely. There was no law mandating accessibility to buildings, public transportation, or government facilities. While there were several small-scale organizations to assist persons with disabilities, most had to rely on their families to provide for their welfare. Military veterans with disabilities received available benefits on a priority basis. Because of landmine detonations, there were a large number of amputees in the country.

National/Racial/Ethnic Minorities.—Wide-ranging governmental and societal discrimination against minorities persisted. Animosities between the country’s many ethnic minorities and the Burman majority, which has dominated the Government and the armed forces since independence, continued to fuel active conflict that resulted in serious abuses during the year. These abuses included reported killings, beatings, torture, forced labor, forced relocations, and rapes of Chin, Karen, Karenni, Shan, and other ethnic groups by SPDC soldiers. Some armed ethnic groups also may have committed abuses but on a much smaller scale than the Burmese Army (see Sections 1.a., 1.c., 1.f., and 1.g.).

Since only persons who were able to prove long familial links to the country were accorded full citizenship, native-born but non-indigenous ethnic populations (such as Chinese, Indians, and Rohingya Muslims) were denied full citizenship and were excluded from government positions. Members of the Rohingya Muslim minority in Rakhine State, continued to experience severe legal, economic, and social discrimination. The Government denied citizenship status to most Rohingyas on the grounds that their ancestors did not reside in the country at the start of British colonial rule in 1824, as required by the country’s highly restrictive citizenship law.

The Government continued to discriminate systematically against non-Burmans. Because the Government reserved secondary state schools for citizens, Rohingya Muslims did not have access to state run schools beyond primary education and were ineligible for most civil service positions.

Forced labor of Muslims continued to be widespread in Rakhine State. Forced labor of minority ethnic groups was still prevalent in eastern border areas (see Section 6.c.).

Persons without full citizenship faced restrictions in domestic travel (see Section 2.d.). They also were barred from certain advanced university programs in medicine and technological fields.

Ethnic minority groups generally used their own languages. However, throughout all parts of the country controlled by the Government, including ethnic minority areas, Burmese remained the language of instruction in state schools. Even in ethnic minority areas, most primary and secondary state schools did not offer instruction in the local ethnic minority language. There were very few domestic publications in indigenous minority languages.

There were reports that the Government resettled groups of Burmans in various ethnic minority areas (see Section 1.f.). There were ethnic tensions between Burmans and non-indigenous ethnic populations, including Indians, many of whom were Muslims, and a rapidly growing population of Chinese, most of whom emigrated from Yunnan Province and increasingly dominated the economy of the northern part of the country. Both groups, though still harassed, tended to be more commercially oriented and hence more prosperous and economically powerful than Burmans.

Section 6. Worker Rights

a. The Right of Association.—The 1926 Trade Unions Act, which remained in effect, permits workers to form trade unions only with the prior consent of the Government; however, no free trade unions existed in the country, and the Government dissolved even the SPDC-controlled union that existed before 1988.

In June 2001, the Committee on the Application of Convention and Recommendations of the International Labor Conference once again expressed profound regret regarding the persistence of serious discrepancies between the law and practice with respect to freedom of association. The committee criticized the Government for not implementing the provisions of ILO Convention 87 on Freedom of Association and Protection of the Right to Organize, which the Government ratified in 1955.

The International Confederation of Free Trade Unions (ICFTU) reported that in August 2002 army troops killed an official of the Free Trade Union of Burma (the Kawthoolei Education Workers Union). The Burmese Army forced Mya Than, a village headman who was widely known for his trade union activities, to porter for the army, and then killed him in retaliation for an attack by opposition forces. The Government officially responded to this report by stating that Saw May Than was killed by an anti-personnel mine while portering for the Burmese Army.

The ILO reported that because unions are banned, there were no internationally affiliated unions. The Government forbade seafarers who found work on foreign vessels through the Seafarers Employment Control Division from contacts with the International Transport Workers' Federation and the Government often refused to document seafarers who were stranded abroad. This documentation gives permission to work abroad. Lack of documentation meant the worker must return home.

b. The Right to Organize and Bargain Collectively.—The Government does not allow unions; therefore, workers did not have the right to organize and bargain collectively. The Government's Central Arbitration Board, which once provided a means for settling major labor disputes, has been dormant since 1988. Township-level labor supervisory committees existed to address minor labor concerns.

The Government unilaterally set wages in the public sector. In the private sector, market forces generally set wages. However, the Government has pressured joint ventures not to pay salaries greater than those of ministers or other senior Government employees. Some joint ventures circumvented this with supplemental pay or special incentive systems. Foreign firms generally set wages near those of the domestic private sector but followed the example of joint ventures in awarding supplemental wages and benefits.

According to the law, workers generally are prohibited from striking, although a small number of workers purportedly are accorded the right to strike. The last reported strike was in 2000, when an employer retracted a promise to pay piece rates. Subsequently 30 employees were detained, many for up to 3 months. All employees lost their jobs.

There are no export processing zones. However, there were special military-owned industrial parks, such as Pyin-Ma-Bin, near Rangoon, which attracted foreign investors, and the 2,000-acre Hlaingthaya Industrial Zone in Rangoon where at least four companies were known to operate on its premises.

c. Prohibition of Forced or Bonded Labor.—Forced or bonded labor remained a widespread and serious problem. Although the Penal Code provides for the punishment of persons who imposed forced labor on others, there were no known cases of the application of this provision. Throughout the country, international observers verified that the Government routinely forced citizens to work on construction and maintenance projects. Citizens were also forced to work in the military-owned industrial zones. The law does not specifically prohibit forced and bonded labor by children, and forced labor by children continued to be a serious problem (see Section 6.d.).

The ICFTU reported that on a daily basis, the Government forced hundreds of thousands of men, women, children, and even the elderly to work against their will, generally without payment. Work ranged from road and railway construction and repair to serving as military porters to farming fields confiscated by the military. Military porters could be starved, beaten, or killed if they fell behind or tried to escape.

In March, the Burma-based ILO Liaison Officer reported that the Government's order to end forced labor, issued after the 2001 ILO High-Level Team visit, had been widely if unevenly disseminated; however, the impact on reducing forced labor was limited and unsustainable. The Government's use of forced labor remained particularly serious in regions with a large military presence, especially in the eastern border areas and northern Rakhine State. The ILO also reported that it appears the Government was more often making payment for forced contributions, but the pay-

ments were usually well below prevailing wage rates. Diplomatic representatives did not receive any reports of the Government paying for forced contributions.

Over the past 5 years, the ILO and other international agencies have not seen a decrease in the Government's use of forced labor but have seen changes in the Government's approach to conscripting forced labor. The ILO reported that military units tended to no longer issue written orders to village heads to provide forced labor, and instead gave these instructions verbally. The ILO also reported that in some cases the Government apparently substituted its demands for forced labor with demands for forced contributions of materials, provisions, or money. Throughout the year there were frequent and widespread reports from NGOs and ethnic groups of Burmese Army soldiers forcing contributions from ethnic minority villagers in conflict areas. The ILO reports that since 2002, the Government increasingly substituted prisoners for civilians as forced laborers, a result of international pressure to not use civilians. During the year, the military continued to take prisoners from jails in Shan State for use as porters. In October, during its offensive against the KNU, the Burmese Army reportedly used over 300 prisoners as porters. After the May 30 attack on the NLD, a draft agreement with the ILO to establish a facilitator to help forced-labor victims seek remedies under Burmese law was postponed.

Authorities often allowed households or persons to substitute money or food for labor for infrastructure projects, but widespread rural poverty forced most households to contribute labor. Parents routinely called upon children to help fulfill their households' forced labor obligations (see Section 6.d.).

During the year, diplomatic officials did not receive reports of forced labor for building civil infrastructure in central Burma. Forced labor has lessened considerably in the ethnically Burman central regions mainly because many infrastructure projects such as bridges and roads were completed. However, forced labor has been substituted by forced contributions in cash or in kind. For example, if a household or a community cannot provide workers for farming military land or attending militia training, each household and/or community must pay for their replacements. Smaller scale forced labor still exists. On September 5, the local chairman of Chaungnet Village in Magwe Division forced one person from each household to clear the bushes on Rangoon-Magwe Highway. Those who refused were fined \$5 (5,000 kyat).

In June, Earth Rights International reported that villagers stated that forced labor in their area was coordinated at an institutional level by the military. Every village head in a sample district of rural eastern Burma was required to attend a weekend meeting to receive the latest demands from the army for forced labor. Forced labor was never adequately compensated and refusal to work only invited punishment. Complaining about forced labor was dangerous and according to village heads could result in retaliation.

In mid-year, the Government began a new forced labor program, compelling many civil servants and one person from each family to attend an unpaid 45-day militia-training program. The SPDC forced each trainee to pay \$5 (5,000 kyat) for a uniform and a bamboo weapon. The Government required a forced contribution of \$5 (5,000 kyat) from families unable to send a person to the militia training. According to reports, the Government compensated trainees with food and, in rare cases, a token per diem payment.

The KNU released credible but unconfirmed reports of widespread use of forced labor in conflict areas along Burma's eastern border. On July 10, soldiers forcibly recruited 500 porters in Mone Township to carry food supplies for the army. Those unable to carry a load had to pay \$5 (5,000 kyat) each. On July 15, soldiers ordered 13 Kaw-thay-doe villagers from Tan-ta-bin Township to cut bamboo and fence the army camp. Also on July 15, soldiers forced six villagers from Kaw-thay-doe village, Tan-ta-bin Township, and three Ga-mu-doe villagers to carry military supplies.

Trafficking of women was a serious problem (see Section 6.f.).

The Government established a committee to implement measures against forced labor and allowed the ILO to open a liaison office in Rangoon and to travel throughout the country. The implementation committee, however, has not identified or prosecuted any instances of forced labor. The committee did not implement adequate mechanisms for the reporting, investigation, and prosecution of incidents of forced labor.

Forced recruitment of soldiers was widespread. Diplomatic representatives learned that the Government would not allow soldiers to leave the army at the end of their enlistment without first recruiting three or four replacements, even if it required forced recruitment. Forced recruitment for the police forces followed the same pattern.

Civil service pay is negligible. For example, medical doctors earn \$10 (10,000 kyat) a month. Civil servants are not allowed to retire at will or terminate employment to leave for other sectors.

d. Status of Child Labor Practices and Minimum Age for Employment.—Although the law sets a minimum age of 13 for the employment of children, in practice the law was not enforced. Child labor has become increasingly prevalent and visible. Working children were highly visible in cities, mostly working for small or family enterprises. In the countryside, children worked in family agricultural activities. Children working in the urban informal sector in Rangoon and Mandalay often began work at young ages. In the urban informal sector, child workers were found mostly in food processing, street vending, refuse collecting, light manufacturing, and as tea shop attendants. According to 2002 official statistics, 6 percent of urban children worked, but only 4 percent of working children earned wages; many were employed in family enterprises.

The law does not specifically prohibit bonded labor by children; while there are no reports of bonded labor, children were subjected to forced labor. The authorities reportedly rounded up teenage children in Rangoon and Mandalay and forced them into portering or military service (see Section 5). In June, the ICFTU reported that the Government most often recruited children when adults were not available in sufficient numbers. In rural areas, if the father in a family was either away or had been killed, then the mother had to send a child to respond to a government order for a forced labor contribution. The Government has not ratified ILO Convention 182 on the worst forms of child labor.

The Department of Social Welfare provides support and schooling for a small number of children who were orphaned or in some other way estranged from their families.

e. Acceptable Conditions of Work.—Only government employees and employees of a few traditional industries were covered by minimum wage provisions. The minimum daily wage for salaried public employees was \$0.10 (100 kyats) for what was in effect an 8-hour workday. Various subsidies and allowances supplemented this sum. Neither the minimum wage nor the higher wages earned even by senior officials provided a worker and family with a decent standard of living. Low and falling real wages in the public sector have fostered widespread corruption and absenteeism. In the private sector, urban laborers earned approximately \$0.80 (800 kyat) per day, while rural agricultural workers earned approximately half that rate. Some private sector workers earned substantially more; a skilled factory worker earned approximately \$4 (4,000 kyat) per day.

Surplus labor conditions, a poor economy, and lack of protection by the Government continued to dictate substandard conditions for workers. The 1964 Law on Fundamental Workers Rights and the 1951 Factories Act regulate working conditions. There is a legally prescribed 5-day, 35-hour workweek for employees in the public sector and a 6-day, 44-hour workweek for private and state enterprise employees, with overtime paid for additional work. The law also allows for a 24-hour rest period per week, and workers were permitted 21 paid holidays per year; however, in practice, such provisions benefited only a small portion of the country's labor force, since most of the labor force was engaged in rural agriculture or in the informal sector.

Numerous health and safety regulations existed, but in practice the Government did not make the necessary resources available to enforce the regulations. Although workers may in principle remove themselves from hazardous conditions, in practice many workers could not expect to retain their jobs if they did so.

f. Trafficking in Persons.—Trafficking in women and children was a serious problem. There reportedly was widespread complicity among local government officials in trafficking in persons. There were no known arrests or prosecutions of complicit officials.

The law does not prohibit trafficking in persons and there were reports that persons were trafficked from and within the country. There are laws that are used against traffickers such as the Penal Code, which prohibits kidnapping, the Suppression of Prostitution Act and the Child Law, which include provisions against the sale, abuse, or exploitation of children. According to the Government, traffickers received sentences of between 3 and 14 years for trafficking in persons in 2002. According to government figures, investigations resulted in jail sentences being handed out in approximately 90 cases. The Government issued a report that through June it uncovered 223 cases of trafficking in humans, arrested 417, sentenced 83 human traffickers, and gave educational talks to 82,251 people on trafficking. In two 2002 reports the Government highlighted the prevention, repatriation, and prosecution

actions taken under a newly formed Working Committee for the Prevention of Trafficking in Persons, chaired by the Minister of Home Affairs.

Officials recognized the need for continuing engagement on preventing trafficking and the prosecution of traffickers. Although the Government was active on these fronts, its effectiveness was unclear by year's end. The Government expanded cooperation with international and local NGOs and began to show interest in cooperating with authorities in Thailand to combat trafficking in persons; however, the Government did not take any official action to cooperate with neighboring countries.

Trafficking of women and girls to Thailand and other countries, including China, India, Bangladesh, Taiwan, Pakistan, Malaysia, Singapore, Japan, and countries in the Middle East for sexual exploitation, factory labor, and as household servants was a problem. Shan and other ethnic minority women and girls were trafficked across the border from the north; Karen and Mon women and girls were trafficked from the south. There was evidence that internal trafficking generally occurred from poor agricultural and urban groups to areas where prostitution flourished (trucking routes, mining areas, and military bases) as well as along the borders with Thailand, China, and India. Men and boys also reportedly were trafficked to other countries for sexual exploitation and labor. While most observers believed that the number of these victims was at least several thousand per year, there were no reliable estimates.

While laws exist against child prostitution and child pornography, they were not effectively enforced. Reports from Thailand indicated that the rising incidence of HIV infection there increased the demand for supposedly "safer," younger prostitutes, many of whom came from Burma. Trafficking in children within the country also appeared to be a growing problem; however, there were no reliable statistics regarding its extent. The Government has begun to help locate families of freed child trafficking victims and to assist in their repatriation from Thailand.

In recent years, the Government has made it difficult for single females to obtain passports or marry foreigners ostensibly in order to reduce the outflow of women as victims of trafficking (see Sections 1.f. and 2.d.). In addition, there are regulations forbidding girls under the age of 25 from crossing the border unless accompanied by a guardian. However, most citizens who were forced or lured into prostitution crossed the border into Thailand without passports.

Corruption among local government officials was widespread and included complicity in the trafficking of persons. The Government's efforts to stop international and internal sex and exploitative trafficking were limited given the magnitude of the problem.

A number of NGOs offered poverty alleviation and education programs designed to counter trafficking. Reportedly these programs have been moderately successful.

While the Government has made limited progress on trafficking in persons during the year, baseline information on the extent to which trafficking occurs and the success of the Government's activities is not available. The Government's pervasive security controls, restrictions on the free flow of information, and lack of transparency prevented a meaningful assessment of trafficking in persons activities in the country. For example, while experts agreed that human trafficking from the country was substantial, no organization, including the Government, was able or willing to estimate the number of trafficking victims. The Government did not allow an independent assessment of their reported efforts to combat the problem.

CAMBODIA

Cambodia is a constitutional monarchy with an elected government. King Norodom Sihanouk is the constitutional monarch and head of state. Elections for Members of the National Assembly were held on July 27. The Cambodian People's Party (CPP) won 73 seats in the National Assembly, while the royalist National United Front for a Neutral, Peaceful, Cooperative, and Independent Cambodia (FUNCINPEC) party won 26 seats and the Sam Rainsy Party (SRP) won 24 seats. The CPP and FUNCINPEC formed a nominal coalition government, but the CPP dominates the Government. No party won the two-thirds majority required to form a government. The parties that won National Assembly seats in the election engaged in negotiations to form a new coalition Government, but the parties did not conclude negotiations by year's end. The two parties that won a minority of seats formed an "Alliance of Democrats" in an attempt to win concessions from the majority Cambodian People's Party. The former Government continued to operate in a caretaker status pending the formation of a new government. The Khmer Rouge is no longer a serious internal threat to security, and the Government has good rela-

tions with its neighbors, despite strains over residual border disputes and historic antagonisms. Although the law provides for an independent judiciary, in practice the judiciary was frequently subject to legislative and executive influence and suffered from corruption.

The National Police, an agency of the MOI, has primary responsibility for internal security. In 2001, the National Assembly restricted the authority of military police, permitting them to arrest civilians only when authorized to do so by local governments. While civilian authorities nominally maintained control of the security forces, in practice security forces answered to persons within the CPP leadership. Some members of the security forces committed serious human rights abuses.

The country has a free market economy. Approximately 80 percent of the population of 13 million engaged in subsistence farming. According to official figures, annual per capita gross domestic income in 2002 was \$257; however, this figure did not accurately represent purchasing power, especially in urban areas. Foreign aid was an important component of the country's finances, accounting for at least 50 percent of the Government's budget. In 2002, the economy grew at an estimated real rate of 4.5 percent, and it was expected to grow at 4.8 percent during the year. The country had a thriving garment export industry; however, it has difficulty attracting foreign investment, principally due to corruption and the lack of a viable legal system.

The Government's human rights record remained poor; although there were some improvements in a few areas, serious problems remained. During the National Assembly elections in July, politically motivated violence, including killings, was significantly lower than in previous elections; however, voter intimidation by local officials in addition to technical problems with the registration process and preparation of voter lists effectively disenfranchised many citizens. Military and police personnel were responsible for both political and nonpolitical killings; however, there was no credible evidence that suggests these killings were officially sanctioned. There were credible reports that some members of the security forces tortured, beat, and otherwise abused persons in custody, often to extract confessions. National and local government officials often lacked the political will and financial resources to act effectively against members of the security forces suspected of human rights abuses. There also were politically motivated killings committed by persons not in the security forces. Democratic institutions, especially the judiciary, remained weak. Politically related crimes rarely were prosecuted. Citizens often appeared without defense counsel and thereby effectively were denied the right to a fair trial. Prison conditions remained harsh, and the Government continued to use arbitrary arrest and prolonged pretrial detention. The Government largely controlled the content of television broadcasts and influenced the content of most radio broadcasts. The authorities regularly interfered with freedom of assembly. Societal discrimination against women remained a problem while domestic violence against women and abuse of children were common. There were frequent land disputes, and the Government and courts did not consistently resolve them in a just manner. Although the number of trade unions grew and became more active, anti-union activity also continued. Bonded and forced child labor continued to be a problem in the informal sector of the economy. Domestic and cross-border trafficking in women and children, including for the purpose of prostitution, was a serious problem.

RESPECT FOR HUMAN RIGHTS

Section 1. Respect for the Integrity of the Person, Including Freedom From:

a. Arbitrary or Unlawful Deprivation of Life.—Allegations of politically motivated killings continued before and after the July National Assembly elections. Non-governmental organizations (NGOs) estimated that there were 33 potentially politically motivated killings; however, it was often difficult to determine whether the motive for these murders was political. For example, on February 6, the Abbot of the Phnom Ettarus Pagoda Sam Bunthoeun was killed. He had actively encouraged monks to register for the National Assembly elections after a pro-CPP Buddhist patriarch had forbidden monks to register to vote. On February 18, two armed men shot Om Radsady, advisor on foreign affairs to National Assembly President Prince Norodom Ranariddh. Although the killing was widely believed to be politically motivated, police subsequently arrested two Royal Cambodia Armed Forces soldiers who confessed they had shot at Om Radsady because they wanted to steal his cell phone. In October, a municipal court sentenced the two soldiers to 20 years in prison. Despite the sentence, the Cambodian Center for Human Rights (CCHR) and other local NGOs doubted the two convicted were the real killers. On August 6, the 16-year-old daughter of an SRP activist was shot and killed by a pro-CPP village chief. The police arrested the village chief, but court officials ordered the victim's family to ac-

cept a monetary payment and a suspended 2-year sentence. The SRP activist subsequently filed a lawsuit with the Appeals Court and moved his family to another location to avoid any reprisal for filing the suit. The case was pending at year's end. On October 18, Chuor Chetharith, reporter for pro-FUNCINPEC Taprohms Radio and FUNCINPEC-affiliated Ministry of Interior (MOI) official, was shot and killed by one of a pair of gunmen in front of the Taprohms radio station. No suspects were arrested by year's end. Taprohms Radio has been critical of the Government, and the killing occurred 4 days after Prime Minister Hun Sen publicly warned FUNCINPEC that leaders of political parties should control their broadcast media. The Alliance of Democrats (FUNCINPEC and SRP parties) claimed this murder was a political killing (see Section 2.a.).

In 2002, the country held its first local elections. The U.N. High Commissioner for Human Rights (UNHCHR) reported that prior to the elections, 22 political activists (5 in 2000, 12 in 2001, and 5 in 2002), including candidates and family members, were killed in 20 separate incidents under suspicious circumstances. Human rights monitoring groups agreed that at least seven of these cases were politically motivated. UNHCHR reported that there were serious shortcomings in the police investigations of these killings.

During the year, NGOs reported that members of the military, military police, and civilian police forces were implicated in 25 cases of extrajudicial killings. In addition, anti-riot police shot a union striker during a dispute in June; a policeman was killed in the same incident (see Section 6.b.). During the year, there were continued allegations of beatings of prisoners in police custody. In 2002, three police officers were charged with voluntary manslaughter for the 2001 beating to death of a prisoner in Prey Veng Province. The three officers were suspended from their jobs and the MOI authorized the provincial court to charge them with torture; however, the suspects had not been prosecuted at year's end.

The number of landmine casualties has not declined since 2000, despite actions taken by the Government and international organizations. Between January and June, there were 429 landmine casualties. There were 841 landmine casualties in 2002 and 813 in 2001.

During the year, there were several high-profile killings by unknown actors. For example, on April 22, Judge Sok Sethamony of the Phnom Penh Municipal Court was shot and killed in his car on his way to work. Perpetrators on a motorbike fired five shots at the judge while he was stopped at a traffic light. Judge Sethamony had presided over the 2002 trials of the Cambodian Freedom Fighters (CFF) and was scheduled to preside over the trial of those accused of participating in the January anti-Thai riots (see Section 2.b.). There was much speculation on the motive for his assassination. Military police subsequently arrested three suspects who police claimed had links to the CFF. The suspects were in prison awaiting trial at year's end.

On October 27, the Appeals Court held a new trial of Chhouk Rin, a former Khmer Rouge commander, for his role in a 1994 train ambush that resulted in the deaths of 3 foreigners and at least 13 citizens. In the November 5 verdict, the Appeals Court upheld the previous Appeals Court conviction in September 2002, which had reversed a Phnom Penh Municipal Court acquittal in 2000, and sentenced him to life imprisonment. Chhouk Rin's lawyer filed an appeal to the Supreme Court. Since Chhouk Rin was originally acquitted by the Phnom Penh Municipal Court, the law stipulates that Chhouk Rin may not be incarcerated until the Supreme Court has found Chhouk Rin guilty and the Appeals Court has confirmed the Supreme Court's ruling in an additional final ruling.

There were no developments in the appeals of the 2002 convictions of numerous CFF members at year's end.

Vigilante justice, as well as killings of alleged witches and sorcerers, continued during the year. In 2002, the UNHCHR issued a report that documented 65 cases of mob assaults and killings from mid-1999 through May 2002. Local NGOs reported that mobs conducting vigilante justice killed at least eight people between February and December. Government prosecutions of those responsible for mob violence were rare. During the year, there were eight reports of persons being killed because they had allegedly used magic power to cast bad fortune on others. In some of these cases, political killings may have been explained away as revenge killings for sorcery. On June 30, an unknown assailant shot a pro-CPP activist. Police reported that it was likely that he was killed for allegedly practicing sorcery. On July 22, three pro-CPP siblings killed three FUNCINPEC activists. The suspects admitted their guilt and stated that they killed the three FUNCINPEC activists not for political reasons but because the activists had cast a spell on their mother.

b. Disappearance.—There were no reports of politically motivated disappearances.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The Constitution prohibits torture and physical abuse of prisoners; however, torture, beatings, and other forms of physical mistreatment of persons held in police or military custody continued to be a serious problem throughout the country. During the year, there were 17 credible reports of military police and police officials using physical and psychological torture and severely beating criminal detainees, particularly during interrogation. During the year, a local NGO reported that in interviews with prisoners in 18 prisons, 139 prisoners claimed to have been tortured, 83 percent of this group while in police custody and 17 percent while in prison. In 2002, NGOs reported that 8 percent of 4,567 inmates claimed they had been tortured. Members of the police and security force who carried out torture and abuse often were protected from prosecution or disciplinary action by local government authorities, despite some central Government efforts to curtail or eliminate violations of prisoners' rights and to address problems of accountability. In 2002, three police officers were charged with voluntary manslaughter for the 2001 beating to death of a prisoner in Prey Veng Province. The three officers were suspended from their jobs and the MOI authorized the provincial court to charge them with torture; however, the suspects had not been prosecuted at year's end.

The MOI's Prisons Department is responsible for both pretrial detainees and convicted prisoners held inside prisons. During the year, prison conditions remained harsh, and government efforts to improve them and to implement new regulations were hampered by lack of funds and weak enforcement. Human rights organizations cited a number of serious problems, including overcrowding, health problems, food and water shortages, malnutrition, and poor security. During the year, a local NGO, which monitored 17 of the country's 25 prisons, noted that the population of those prisons had increased and that all 17 prisons were overcrowded. In August, the Kompong Thom prison, with a capacity to hold 40 prisoners, had 116 prisoners. In most prisons, there was no separation of adult prisoners and juveniles, of male and female prisoners, or of persons convicted of serious crimes and persons detained for minor offenses. In some prisons, after escape attempts, use of shackles and the practice of holding prisoners in small, dark cells continued. Government ration allowances for purchasing prisoners' food routinely were misappropriated and remained inadequate, which exacerbated malnutrition. Regulations permitted families to provide prisoners with food and other necessities, and prisoners depended on such outside assistance; however, families often were compelled to bribe prison officials in order to be allowed to provide assistance.

The Government continued to allow international and domestic human rights groups to visit prisons and prisoners and to provide human rights training to prison guards. However, NGOs reported that on occasion cooperation from local authorities was limited. The MOI continued to require lawyers, human rights monitors, and other visitors to obtain letters of permission from the Ministry prior to visiting prisoners. The Ministry withheld such permission in some cases. NGOs were not allowed to interview prisoners privately without prison official supervision.

d. Arbitrary Arrest, Detention, or Exile.—The Constitution prohibits arbitrary arrest and detention; however, the Government generally did not respect these prohibitions. During the year, a number of persons were arrested without warrants, and human rights' groups reported 49 cases of persons illegally detained by police.

The law allows the police to take an individual into custody and conduct an investigation for 48 hours before charges must be filed against the individual. Accused persons are legally entitled to a lawyer; however, prisoners routinely were held for several days before gaining access to a lawyer or family members. Authorities often held suspects for extended periods before charging them, trying them, or releasing them. The investigating judge has the responsibility to gather evidence to support the police charges before determining whether to try a case. One NGO reported that during the year there were 124 complaints of pretrial detention that lasted longer than the prescribed 6 months. Many prisoners, particularly those without legal representation, often had no opportunity to seek release on bail. According to the UNHCHR, such prolonged detention largely was a result of a growing prison population and the limited capacity of the court system.

A 2002 sub-decree established the General Commissariat of the National Police, which replaced the former General Secretariat of the National Police. The General Commissariat is under the supervision of the MOI and takes responsibility for managing all civilian police units. The police forces are divided into those who have the authority to make arrests, those who do not, and the judicial police. During the year, there were reports of police receiving protection money from illegal businesses and suspects being released due to police corruption. These problems facilitated a climate of impunity for some criminals.

During 2001, the Government initiated a crackdown on the CFF and arrested over 100 suspects, including dozens without arrest warrants. The Government held some suspects incommunicado and denied them appropriate access to lawyers. Subsequently, many were tried and convicted on the basis of flimsy evidence such as the appearance of their name on a CFF membership list.

The Constitution prohibits forced exile, and in practice, the Government did not employ it. In August 2002, one FUNCINPEC member resigned his seat in Parliament and claimed to be in self-imposed exile after certain government officials threatened to arrest him for his involvement in an association advocating the creation, by force if necessary, of an autonomous ethnic Khmer State in Vietnam.

e. Denial of Fair Public Trial.—The Constitution provides for an independent judiciary; however, the Government did not respect this provision in practice. The courts were subject to influence and interference by the executive branch, and there was widespread corruption among judges.

The court system consists of lower courts, an appeals court, and a Supreme Court. The Constitution also mandates a Constitutional Council, which is empowered to review the constitutionality of laws; and a Supreme Council of the Magistracy, which appoints, oversees, and disciplines judges. The composition of both of these bodies was heavily biased in favor of the CPP.

Trials are public. Defendants have the right to be present and consult with an attorney, confront and question witnesses against them, and present witnesses and evidence on their own behalf; however, trials typically were perfunctory, and extensive cross-examination usually did not take place.

A lack of resources, low salaries, and poor training contributed to a high level of corruption and inefficiency in the judicial branch, and in practice, the Government did not ensure due process. Judges and prosecutors often had little legal training. UNHCHR has on a number of occasions printed and provided copies of all of the country's laws to all judges. During the year, the Royal School for Judges and Prosecutors reopened and accepted its first class of students since the 1960s. Since 1998, the introduction of newly trained lawyers, many of whom received supplemental training from NGOs, resulted in significant improvements for those defendants provided with counsel, including a reduced pretrial detention period and improved access to bail; however, there remained a critical shortage of trained lawyers in all parts of the country. Persons without the means to secure defense counsel often effectively were denied the right to a fair trial.

Sworn, written statements from witnesses and the accused usually constituted the only evidence presented at trials. Statements by the accused sometimes were coerced through beatings or threats from investigation officials, and illiterate defendants often were not informed of the content of written confessions that they were forced to sign. In cases involving military personnel, military officers often exerted pressure on judges to have the defendants released without trial.

Defendants are entitled by law to the presumption of innocence and to the right of appeal; however, because of pervasive corruption, defendants often were expected to bribe the judge for a favorable verdict. Citizens' rights to appeal sometimes were limited by the lack of transportation and other logistical difficulties in transferring prisoners from provincial prisons to the appeals court in Phnom Penh. Many appeals thus were heard in the absence of the defendant.

Court delays or corrupt practices often allowed those accused of crimes to escape prosecution, leading to impunity for some government officials or members of their families who committed crimes. Although the courts prosecuted some members of the security forces for human rights abuses, impunity for most of those who committed human rights abuses remained a problem. With few exceptions, national and local government officials continued to lack the political will and financial resources to act effectively against military or security officials suspected of human rights abuses.

The Judicial Reform Council made no significant progress in fulfilling its mandate to develop and implement judicial reform measures. In 2002, the Government established a second legal and judicial reform council amid criticisms that the Judicial Reform Council's co-chairs, a Cabinet Minister and the Supreme Court President, lacked sufficient independence. In May, the Council for Legal and Judicial Reforms produced a draft Justice Sector Program and held workshops with civil society, donors, and other interested parties. The Council planned to cooperate with donors to implement the Justice Sector Program. The Supreme Council of the Magistracy did not discipline judicial officials for misconduct during the year. In 2002, some judges were suspended temporarily for alleged improper behavior, but after a perfunctory investigation, were sent back to their jobs and some were promoted. Legal observers charged that the Supreme Council of the Magistracy was subject to political influence and did not protect effectively the independence of the judiciary.

A 2002 sub-decree passed by the Council of Ministers was implemented in January, raising court official's salary from \$20 per month to between \$330 and \$640 per month in an attempt to reduce instances of misconduct and corruption.

Human rights groups continued to report that the Government demonstrated its control of the courts by ordering the rearrest of suspects released by the courts or through extrajudicial processes. In 2002, the Prime Minister allegedly ordered a government official with key responsibilities in ongoing judicial reform efforts to drop inappropriate criminal charges against his former foreign business partner in a civil dispute involving allegations of breach of contract.

Lawyers also noted that since 2001 some police and prison officials, with apparent support from government officials, have denied them the right to meet prisoners in private or for adequate lengths of time, in violation of the law. After the January 29 anti-Thai riots, family members and human rights groups noted that they did not have access to the 57 individuals detained by the Government while the investigation was underway. On May 19, opposition leader, Sam Rainsy, was denied access to a jailed party activist by prison authorities who insisted on receiving MOI authorization for the visit, even though Rainsy had authorization from municipal court officials. In 2001, an executive decree appointed a single individual as the country's sole notary public and, by extension, legal arbiter of everything from documents to land disputes.

There is a separate military court system. The military court system suffered from deficiencies similar to those of the civilian court system. Moreover, the legal distinction between the military and civil courts sometimes was ignored in practice. In 2002, several civilians arrested for crimes that appeared to have no connection with military offenses were detained for trial by the military court; however, it handed the civilians over to a civil court.

In 2001, a law was promulgated to establish Extraordinary Chambers to bring Khmer Rouge leaders to justice for genocide, crimes against humanity, and war crimes committed from 1975 through 1979. The Government had sought assistance and cooperation from the U.N. since 1997, as well as financial assistance from foreign donors, to make the tribunal operational. On May 13, the U.N. General Assembly passed a resolution approving a draft agreement between the U.N. and the Government for prosecution of crimes during the Democratic Kampuchea period.

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home or Correspondence.—The Constitution provides for the privacy of residences and correspondence and prohibits illegal searches; however, the police routinely conducted searches and seizures without warrants. There were no reports that the Government monitored private electronic communications.

Since the forced collectivization during Khmer Rouge rule and the return of thousands of refugees, land ownership often has been unclear, and most landowners lacked adequate formal documentation of ownership. Following the end of the Khmer Rouge insurgency, a rush to gain possession of lands near potentially lucrative cross-border trade routes exacerbated the ownership problem. In 2002, the Ministry of Land Management, Urban Planning, and Construction established a Cadastral Commission, which has responsibility for settling disputes over land that has not been registered nor given a land certificate. The Commission performed its functions slowly due to a lack of finances, training, and experience. The courts under the Ministry of Justice remained responsible for resolving disputes in cases where land had been registered or disputants had been given land titles.

In 2001, the Government passed a land law which protects land ownership and deeds of farmers, but the law has not yet been implemented because the Ministry of Land Management, Urban Planning, and Construction has not issued the necessary implementing regulations. Problems of inhabitants being forced to relocate to other land sometimes occurred when powerful officials or businessmen colluded with local authorities to remove the inhabitants from the land. The NGO Legal Aid of Cambodia reported that between October 2002 and June 30, there were 87 individual and collective land disputes of this nature. Some of those expelled successfully contested these actions in court but the majority lost their cases, possibly due to corruption in the court system. At year's end, a number of appeals were pending in the Appeals Court or Supreme Court. One case pending was filed by 517 families against the Deputy Governor of Kampong Cham Province who expelled them from approximately 12,000 acres of farmland. In Banteay Meanchey Province, 46 families filed suit against a military commander over approximately 270 acres of land, and in Kampong Chhnang Province, 59 families sued the District Governor over approximately 200 acres of land.

On July 31, the Appeals Court overruled a March 2002 Ratanakiri provincial court ruling in favor of a general who claimed to hold the titles to approximately

3,000 acres of land that members of the ethnic hill tribes claimed belonged to them. NGOs reported that the Appeals Court made the decision following an intervention by the Government upon the King's request, in which the Government purchased the land from the general to award it to the hill tribes.

Between January 1999 and September 2002, Phnom Penh Municipality conducted 19 community development relocations that affected 8,091 families, and persons affected included those living near the railroad station; along public roads, riverbanks, and drainage systems; and on public property. During the year, there were no additional relocations.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution provides for freedom of speech and of the press, and the Government generally respected these rights in practice; however, there continued to be some problems. The Constitution implicitly limits free speech by requiring that it does not affect adversely public security. The Constitution also declares that the King is “inviolable.”

The Press Law provides journalists with a number of rights, including a prohibition on prepublication censorship and protection from imprisonment for expressing opinions. However, the Press Law also includes a vaguely worded prohibition on publishing articles that affect national security and political stability. The press published a large number of news items critical of the Government, which included frequent, highly personal criticism of the Prime Minister, the President of the National Assembly, and other senior officials.

Although limited in circulation, newspapers provided a primary source of news and expression of political opinion. All major political parties had reasonable and regular access to the print media. In general, newspapers were aligned politically. Although the press law does not specifically permit newspapers to receive financial support from political parties, some did receive such support from officials of the CPP, FUNCINPEC, and SRP. There were an estimated 20 Khmer language newspapers published regularly, a slight increase from 2002. Of these, 13 were considered to be pro-government, 2 were considered to support the opposition SRP, and 5 were considered to support the FUNCINPEC Party. In addition, there was one French-language daily, one English-language daily, and two other English newspapers published regularly. In August, the Ministry of Information allowed the first Vietnamese-language newspaper to begin operations. Although the three largest circulation newspapers were considered pro-government, most newspapers criticized the Government frequently, particularly with respect to corruption. Prime Minister Hun Sen and National Assembly President Prince Norodom Ranariddh frequently came under strong attack by opposition newspapers.

The Government, the military forces, and the ruling political party continued to dominate the broadcast media and to influence the content of broadcasts. According to a 2001 report by the UNHCHR, the procedures for licensing and allocation of radio and television frequencies to the media were not impartial. The SRP has consistently been unable to obtain a broadcast license. During 2001, it briefly broadcast radio programs from a site in a neighboring country, but subsequently suspended broadcasts for technical reasons.

There were seven television stations, all controlled or strongly influenced by the CPP. Government control severely limited the content of television and radio broadcasting. At the initiative of the President of the National Assembly, the Ministry of Information-controlled national television and radio stations broadcast taped sessions of the National Assembly's debates; however, in several instances, these broadcasts were censored. National radio and television stations regularly broadcast some human rights, social action, public health, and civil society programming produced by domestic NGOs.

There were reports of harassment of persons working for the print and broadcast media. Shortly after the January 29 anti-Thai riots, both the owner of independent radio station Beehive/FM 105, and the editor-in-chief of the Khmer Newspaper Rasmei Angkor were arrested and charged with broadcasting and printing false information (see Section 2.b.). They were released on bail after being detained 2 weeks, and the legal period for investigation ended without their being charged in the courts. In March, a circulation manager of a local Khmer newspaper Cheat (Nation) was briefly detained and assaulted in the office of the Notary Public before being handed over to police on charges of defamation and extortion. The police detained him briefly, but there was no court investigation or trial. Also in March, the editors of three local newspapers Referendum News, New Light, and Peaceful Country, were released from the provincial jail of Banteay Meanchey after the court dropped extortion charges. The three had been arrested in February on charges of extorting \$2,000 from a provincial official. Prior to the elections in July, at least

three local newspapers supporting FUNCINPEC reported receiving telephone threats for printing articles that were critical of CPP and government officials. On October 18, Chuor Chetharith, reporter for pro-FUNCINPEC Taprohms Radio and former FUNCINPEC aide, was killed by one of a pair of gunmen in front of the Taprohms radio station. No suspects were arrested in this case by year's end (see Section 1.a.).

In addition, there were several high profile cases of government interference with freedom of the media during the year. In February, shortly after the anti-Thai riots, the Ministry of Information ordered all local television stations to remove all Thai product advertisements, television programs, and films. The ban was lifted in March. Also in February, the Ministry of Information refused to grant the CCHR a license to operate a radio station—claiming that Phnom Penh was already too saturated with radio broadcasts and newspapers. In July, the Ministry of Information ordered two FUNCINPEC radio stations in Phnom Penh and Battambang to cease broadcasting; however, they did not and were still in operation at year's end. The Government had claimed the broadcasting frequency of the FUNCINPEC radio in Battambang affected other radio station broadcasts in the province. The Ministry of Information also requested the National Election Committee to stop Taprohms from broadcasting, stating that the station was reporting stories that attacked the Government and ruling party. Srey Nich, a popular singer who recorded a collection of songs with political content for FUNCINPEC to be played on Taprohms and Beehive Radio, was shot three times by unidentified gunmen. Srey Nich survived the shooting but was paralyzed; her mother was killed in the incident. This attack was viewed by some as political, while others have alleged personal motives, and no suspects were apprehended at year's end.

Although there is no clear prohibition against the broadcast of foreign-sourced programs on local television and radio channels, in 2002, the Ministry of Information ordered the independent radio station Beehive to remove Voice of America/Radio Free Asia (VOA/RFA) programming from the station. The Ministry claimed the station manager had failed to ask for permission from the Ministry before commencing broadcasts. The exchange between Beehive and the Ministry on whether Beehive could resume broadcasts, including periods of resumed broadcasts and cancelled broadcasts, continued throughout the year. Despite the Ministry's order, Beehive continued broadcasting VOA/RFA programming at year's end.

Several newspapers were charged with libel, not respecting the "inviolability" of the King, and not complying with the National Election Law. In May, the Minister of Information issued a directive reminding all radio and television outlets to stop criticizing each other. The directive came after comments were made in the state press agency attacking officials and leadership of the FUNCINPEC and SRP. In August, the Ministry of Information suspended the opposition newspaper Voice of Khmer Youth from publication for 30 days following an article allegedly criticizing the Royal family; however, the newspaper was allowed to resume publication after only a few days of suspension because the editor wrote a letter of apology to the King.

The media reportedly engaged in some self-censorship during the year. In June, at least six private radio and television stations refused to sell airtime to political parties campaigning for the July 27 elections, a move that critics viewed as a CPP crackdown on opposition parties. Political parties did not have media access to private newspapers or television and radio stations. The National TV of Cambodia was the sole television station to broadcast news of the general elections; however, five private radio stations did sell airtime to political parties to broadcast their political campaigning. Although still inadequate, political parties and candidates' access to the media was greater in these elections than previous elections.

The Government increased restrictions on media access to Government facilities during the year. In April, the National Assembly issued a directive banning journalists from entering its grounds without authorization from the FUNCINPEC Assembly Secretary General. This "security" directive was issued a few hours after the public defection of three FUNCINPEC parliamentarians and four other royalist figures to the opposition SRP. It also followed Phnom Penh governor Kep Chuktema's closure of the traditionally public weekly municipal meetings.

Government authorities removed publications from the public purview during the year. In February, local authorities removed copies of a controversial booklet on the life and death of the famous actress, Piseth Pilika, titled "A True and Horrible Story," which insinuated that Prime Minister Hun Sen's wife had played a role in the actress' death, from all public bookstores and newsstands; however, the booklets were sold at the SRP's headquarters and published at the printing house without government interference. There were no significant developments in the 2001 case

in which the Government threatened to ban and confiscate the book "Light of Justice" published by the SRP.

The Government did not restrict Internet access, which was available widely in larger towns.

The Government did not restrict academic freedom.

b. Freedom of Peaceful Assembly and Association.—The Constitution provides for freedom of peaceful assembly, but the Government did not respect this right in practice. The Government requires that a permit be obtained in advance of a march or demonstration. The Government routinely failed to issue permits to groups critical of the ruling party. Throughout the year, the Government cited the January 29 anti-Thai riots and public security as the reason for denying permits to assemble, and groups that assembled without a permit were dispersed forcibly by police. Most of these dispersals resulted in minor injuries to some demonstrators, and a June 23 union strike led to the deaths of one policeman and one union worker. In 2002, police dispersed a crowd of approximately 150 villagers who demanded information about proposed forestry concession management plans. One protester later died of a heart attack, but no link between the incident and his death was established; however, human rights groups alleged that electric-shock batons used in the rain to stop the demonstration may have contributed to his death. The Government failed to protect peaceful demonstrators from violence. Demonstrations critical of the Government often faced violent counter-demonstrations by the pro-CPP Pagoda Boys Association and received no Government or police protection.

On January 29, anti-Thai protests in front of the Royal Thai Embassy turned violent, resulting in extensive damage to the Embassy and Thai-owned businesses. After the riots, police conducted protest suppression exercises in the suburbs of Phnom Penh. The Commissioner General of the National Police stressed on several occasions the preparedness of police forces to suppress any violent demonstrations aimed at protesting the results of the National Assembly elections; however, during the campaign period itself, supporters of both the ruling and opposition parties took part in rallies and street parades throughout the country. Campaign activities took place in most provinces of Cambodia without serious violence. On August 7, the National Election Committee's (NEC) Trial Council imposed fines of \$1,250 on each of two pro-CPP village chiefs found guilty of breaching NEC rules during the electoral campaign. One village chief had tried to ram and sink FUNCINPEC campaign boats on the Tonle Sap River, and the other village chief had physically assaulted FUNCINPEC members.

The Constitution provides for freedom of association, and the Government generally respected this right in practice; however, the Government did not enforce effectively the freedom of association provisions of the Labor Law (see Section 6.a.).

The Government did not coerce or forbid membership in political organizations. Political parties normally were able to conduct their activities freely and without government interference; however, there were several documented cases of harassment of FUNCINPEC and SRP activists and candidates in connection with preparations for the July National Assembly elections. Human rights organizations reported that some local authorities warned members of certain political parties that if they continued to support those parties they would face a loss of residency rights, confiscation of property, and a ban on using local infrastructure.

Membership in the Khmer Rouge, which previously conducted an armed insurgency against the Government, is illegal, as is membership in any armed group.

c. Freedom of Religion.—The Constitution provides for freedom of religion, and the Government generally respected this right in practice. The Constitution also prohibits discrimination based on religion, and minority religions experienced little or no official discrimination. Buddhism is the state religion, and over 95 percent of the population is Buddhist. Most of the remaining population is made up of ethnic Cham Muslims, who were well integrated into society.

The law requires all religious groups to submit applications to the Ministry of Cults and Religious Affairs in order to construct places of worship and to conduct religious activities. Religious groups did not encounter significant difficulties in obtaining approvals for construction of places of worship, but some Muslim and Christian groups reported delays by some local officials in acknowledging that official permission had been granted to conduct religious meetings in homes. Such religious meetings took place unimpeded despite delay or inaction at the local level, and no significant constraints on religious assembly were reported. In January, the Ministry of Cults and Religions issued a disciplinary order prohibiting public proselytizing; however, there were no reports of enforcement of this order.

There were no major religious conflicts during the year; however, there were two minor incidents. On July 13, a mob of angry villagers severely damaged a local

Christian church, blaming the construction of the church several years earlier for the area's drought. Police authorities went to the area to prevent another attack on the church. In August, a tribal group in Rattanakiri Province demanded that a Christian group stop conducting conversion activities in their villages.

In 2002, former Vietnamese Buddhist Monk Thich Tri Luc, a member of the banned Unified Buddhist Church of Vietnam, was abducted by unidentified individuals from Phnom Penh, where he had obtained refugee status from the United Nations High Commissioner for Refugees (UNHCR). In August, press reports from Vietnam indicated that he was put on trial in Vietnam. In August 2002, the Government deported two Falun Gong members listed as UNHCR persons of concern to China. The UNHCR was not notified in advance, in violation of agreements with the Government. Also in August 2002, the Government announced that it would not permit the Dalai Lama to attend an upcoming Third World Buddhism Conference in the country.

For a more detailed discussion, see the 2003 International Religious Freedom Report.

d. Freedom of Movement within the Country, Foreign Travel, Emigration, and Repatriation.—The Constitution and law provide for these rights, and the Government generally respected them in practice; however, during the post-National Assembly election period, there were several credible reports of restrictions on travel from the Provinces of Kampong Speu and Kampong Chhnang to Phnom Penh. Authorities detained groups of people en route to Phnom Penh and accused them of traveling to Phnom Penh to engage in demonstrations protesting the election results. In one case, two people in Kampong Chhnang were detained for 2 days by authorities after their family members went job-hunting to Phnom Penh and were only released after they had arranged for the return of their family members.

The Government placed no restrictions on foreign travel. The Government also placed no restrictions on emigration or prohibitions against citizens who have left the country from returning.

The law provides for the granting of asylum and refugee status in accordance with the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol; however, in practice the Government did not respect the law and systematically deported potential Vietnamese and Montagnard refugees as illegal immigrants without reviewing whether they were eligible for refugee status, despite a UNHCR presence in the country. During the year, the military presence along the border with Vietnam was intensified. There were reports that Vietnamese authorities offered incentive awards to Cambodian border police who returned Vietnamese refugees to Vietnam.

Potential refugees who reached the UNHCR office in Phnom Penh without government detection were processed normally, with government cooperation. During the year, 26 Montagnard refugee cases were processed at the UNHCR refugee facilities in Phnom Penh. In August, two Montagnards entered the office of a human rights group in Ratanakiri Province, and the UNHCR worked with the Government to relocate them to the UNHCR office in Phnom Penh for refugee processing. During the year, the UNHCR's Phnom Penh office processed 39 Vietnamese (including Montagnards), 2 Chinese, 2 Ivorians, 2 Sri Lankans, 1 Pakistani, 1 Palestinian, 1 Somali, 4 Liberians, and 1 Burmese.

In 2002, the UNHCR was given permission to establish and monitor camps in Ratanakiri and Mondolkiri Provinces, which border Vietnam's central highlands and are home to the Montagnard ethnic minority. Although the UNHCR reached an agreement with the Government and with the Government of Vietnam to facilitate voluntary repatriation of Montagnards who had crossed into Cambodia, the agreement collapsed, the camps were dismantled, and the remaining refugees were moved to Phnom Penh for resettlement. At year's end, all but 3 of the approximately 900 Montagnard refugees that the Government authorized for resettlement in 2002 have been resettled to the United States.

In 2002, a former Vietnamese monk and a UNHCR-designated refugee disappeared from Phnom Penh and during the year was put on trial in Vietnam (see Section 2.c.). In 2002, the Government also deported to China two Falun Gong members, listed as UNHCR persons of concern (see Section 2.c.).

After opposing repatriation of deportable Cambodian nationals for many years, the Government signed an memorandum of understanding with the United States in March 2002 to facilitate their return; 67 persons had been repatriated from the United States by year's end. In 2002, the 36 persons who were repatriated were detained up to several weeks upon their arrival and some reportedly were forced to pay bribes during this detention period. The Government subsequently respected the rights of these individuals and their efforts to integrate themselves into society.

Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government

The Constitution provides citizens with the right to change their government peacefully, and citizens generally exercised this right in practice through periodic elections on the basis of universal suffrage. Suffrage is voluntary for all citizens over the age of 18. Most citizens participated in national elections in 1993 and 1998, and the voter turnout for the July 27 National Assembly elections was approximately 83 percent. The CPP won 73 seats in the elections, while FUNCINPEC won 26 seats and the SRP won 24 seats; however, the political parties could not reach the two-thirds majority needed to form a coalition government. At year's end, the former Government continued to operate in a caretaker status pending the formation of a new government.

All election observer groups, including two local NGOs, the Committee for Free and Fair Elections in Cambodia and Neutral and Impartial Committee for Free and Fair Elections in Cambodia; the International Republican Institute; the Fund for Reconciliation and Development; the Government of Japan Election Observation Mission; and the European Union Election Observation Mission; took note of the improvements in the July elections over the previous elections but stated that they fell short of international standards for democratic elections. Politically motivated violence remained a problem; however, it declined from previous elections. Local NGOs reported as many as 33 killings that were possibly politically motivated during the year; however, the motivation for many of these crimes was unclear. The Government only took action against some alleged perpetrators of killings and addressed other misconduct inconsistently.

Technical problems with the registration process and preparation of voter lists effectively disenfranchised many citizens. There were also incidents of voter intimidation by local officials. The NEC failed to establish a credible process to resolve election complaints, including charges of political intimidation, gift-giving, vote-buying, and procedural irregularities. The appointment of NEC members by the MOI was not transparent and left the NEC open to charges of political influence by the ruling CPP.

There were improvements in media access for registered parties, and open political debate and multi-party debates were televised nationally for the first time; however, electronic media coverage still heavily favored the ruling CPP. Some NGOs and political parties alleged that membership in the dominant CPP party provided advantages, such as gifts or access to government emergency aid. There were no limitations on political participation in traditional society; however, Mohanikaya Buddhist sect leader Tep Vong, who was believed to be pro-government, published an edict urging monks not to vote in these elections. As a result, there was low monk turnout on election day. The Government did not prohibit youth wings of political parties but also did not restrict the activities of the pro-CPP Pagoda Boys Association when it held counter-opposition demonstrations.

In 2002, the Government held its first national commune, local-level elections. The election results loosened the CPP's 23-year hold on local governance. The CPP won 7,703 council members seats nationwide, FUNCINPEC won 2,211 member seats, and the SRP won 1,346 member seats. Although CPP commune chiefs remained with 99 percent of the 1,621 communes, as a result of the elections, power was shared with other parties in all but 148 communes. During the commune level election campaign period, NGOs reported 25 FUNCINPEC and SRP activists and candidates were killed under suspicious circumstances, including 7 killings that human rights monitoring organizations agreed were motivated politically. The transfer of power to the newly elected Commune Councilors was smooth, and most Commune Councils had representatives elected from all three of the major political parties. At year's end, the MOI had yet to issue instructions for elected commune councils to implement the Commune Administration Law describing the power, duties, and functions of the councils.

Traditional culture has limited the role of women in government; however, women took an active part in the July National Assembly elections. After the July elections, there were 12 women in the 123-seat National Assembly, the same number as prior to the elections. There were 7 women in the 61-seat Senate. Prior to the formation of the new Government, there were 17 women working as ministers, secretaries of state, under-secretaries of state, and for the National Election Committee. Women also served as advisors and judges. After the 2002 local elections, women held 933 (8.3 percent) of the 11,261 commune council seats.

Minorities also took part in the Government. The July National Assembly elections resulted in five minorities—two Cham, two tribal, one Thai—elected to seats in the 123-seat National Assembly. There also were five representatives of minori-

ties—Cham, tribal, Thai—in the 61-seat Senate. At least five officials in senior positions in the Government were from minority groups.

Section 4. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A wide variety of domestic and international human rights groups operated without government restriction, investigating and publishing their findings on human rights cases. The Government generally cooperated with human rights workers in performing their investigations; however, during the year, there were several reports of poor cooperation or intimidation by local authorities throughout the country.

There were approximately 40 NGOs involved in human rights activities, although only a small portion of them actively were involved in organizing training programs or investigating abuses.

On occasion, there have been credible threats to the safety of NGO staff working on illegal logging and trafficking in persons concerns. During the year, there were credible threats against the safety of staff of independent forestry monitor Global Witness and to forestry community network activists, but the Government made no serious efforts to protect them. In 2002, one staff member of Global Witness was assaulted by masked men after receiving threats demanding that she quit her job. During the year, threats against a local NGO providing shelter to trafficked victims and conducting anti-trafficking advocacy and investigations resulted in the NGO suspending investigations into human trafficking rings.

In 2002, the Government and UNHCHR signed a memorandum of understanding, which extended the UNHCHR's activities in the country for 2 more years. The UNHCHR conducted activities related to human rights and the judiciary, and maintained its headquarters in Phnom Penh and had two regional offices in Battambang and Kampong Cham. The U.N. Special Representative for Human Rights visited three times during the year and met with government officials as well as with representatives of political parties and NGOs.

In 2001, the Government passed a law that established a special tribunal to bring Khmer Rouge leaders to justice for genocide and war crimes committed from 1975 through 1979. On May 13, the U.N. General Assembly passed a resolution approving a draft agreement between the U.N. and the Government for prosecution of crimes during the Democratic Kampuchea period. The draft agreement was signed by both parties on June 6 but had not yet been ratified by the National Assembly by year's end. Some human rights groups expressed concern that local judges will not be impartial and independent.

The Cambodian Human Rights Committee, which the Government established in 1998, was largely inactive, and its activities were not credible.

Section 5. Discrimination Based on Race, Sex, Disability, Language, or Social Status

The Constitution prohibits discrimination based on race, sex, color, language, religious beliefs, or political views. Although the Government did not engage actively in discrimination, it sometimes failed to protect these rights in practice. Societal discrimination against those infected with HIV/AIDS remained a problem in rural areas; however, discrimination was moderated by HIV/AIDS awareness programs during the year. There was no official discrimination against those infected with HIV/AIDS.

Women.—Domestic and international NGOs reported that violence against women, including domestic violence and rape, was common. The law prohibits rape and assault. Spousal rape and domestic abuse are not recognized as separate crimes. A case of spousal rape could be prosecuted as "rape," "causing injury," or "indecent assault," but such charges were rare. One local NGO reported 531 cases of domestic violence during the year; 27 cases resulted in death, and 433 cases resulted in injury. Cases of domestic violence increased during the year, up to an average of 44 cases a month from 41 cases a month in 2002. Authorities normally declined to become involved in domestic disputes, and the victims frequently were reluctant to issue formal complaints. Of 81 lawsuits filed in courts, 16 suspects were arrested and one was tried. A local NGO reported 325 cases of rape during the year, of which 221 cases involved girls under the age of 18. Of the cases, 58 percent were filed with the courts, while the remainder were settled out of court, often with financial compensation being given to the victims.

Prostitution is prohibited constitutionally; however, there is no specific legislation against working as a prostitute. Trafficking in women for the purpose of prostitution was a serious problem, despite laws against procuring and kidnapping for purposes of sexual exploitation (see Section 6.f.).

Despite sporadic crackdowns on brothel operators in Phnom Penh, prostitution and trafficking related to it continued to be a problem. A 1997 Commission on

Human Rights report to the National Assembly reported 14,725 working prostitutes, and this figure was confirmed by a statistical study during the year, which estimated that there were 18,256 working prostitutes in the country.

The Labor Law has provisions against sexual harassment in the workplace, and the International Labor Organization (ILO) reports that sexual harassment in the industrial sector was rare. Sexual harassment was not known to be a problem in other sectors of the economy.

The Constitution contains explicit language providing for equal rights for women, equal pay for equal work, and equal status in marriage. In practice, women had equal property rights with men, the same status to bring divorce proceedings, and equal access to education and some jobs; however, cultural traditions continued to limit the ability of women to reach senior positions in business and other areas. According to a 2001 Labor Force Survey, women made up 52 percent of the population, 60 percent of agricultural workers, 85 percent of the business work force, 70 percent of the industrial work force, and 60 percent of all service sector workers. Women often were concentrated in low-paying jobs in these sectors and largely were excluded from management positions.

There were a large number of women's NGOs that provided training for poor women and widows and addressed social problems such as spousal abuse, prostitution, and trafficking. A media center produced and broadcasted programming on women's issues. NGOs provided shelters for women in crisis.

Children.—The Constitution provides for children's rights, and ensures that the welfare of children is a specific goal of the Government. The Government relied on international aid to fund most child social welfare programs, resulting in only modest funds for problems that affect children.

Children were affected adversely by an inadequate education system. Education was free, but not compulsory, through grade nine. Many children either left school to help their families in subsistence agriculture, began school at a late age, or did not attend school at all. A 2002 NGO report stated that primary school enrollment was 87 percent, but only approximately 19 percent of boys and 16 percent of girls had access to secondary education. Despite an extensive government school construction program, schools were overcrowded, lacked sufficient equipment, and often provided only a few years of education, especially in rural areas. Less than 5 percent of primary school teachers completed high school, and teachers' salaries were irregular and inadequate to support a decent standard of living, leading to demands for unofficial payments directly from parents, which the poorest families could not afford. The Government did not deny girls equal access to education; however, in practice, families with limited resources often gave priority to educating boys. In many areas, schools were remote, and transportation was a major problem. This particularly affected girls because of fears for their safety while traveling between their homes and schools.

Children frequently suffered from malnutrition and the inadequacy of the health care system. In 2002, infant mortality was estimated at 96 per thousand, based on year 2000 demographic projections. It was also estimated that the mortality rate for children under the age of 5 years was 138 per thousand.

Child abuse was believed to be common, although there were no statistics available. A domestic NGO estimated there were more than 1,500 children living on the streets who had cut all ties with their families, and more than 10,000 children that worked on the streets but went back to their family homes in the evenings. It was estimated that there were 550 street children in Phnom Penh, 550 in Battambang and Banteay Meanchey Provinces, 100 in Kampong Cham, and 100 in Sihanoukville.

Although sexual intercourse with a person under the age of 15 is illegal, child prostitution and trafficking in children were common (see Section 6.f.). In 2000, the Government adopted a 5-year plan against child sexual exploitation that emphasized prevention through information dissemination and protection by law enforcement (see Section 6.f.). During the year, there were at least five cases in which foreigners were charged with pornography violations or pedophilia.

The illegal purchase and sale of infants and children for prostitution and adoption was a serious problem. During the year, raids on brothels rescued several underage girls who were trafficked to the country for prostitution. In 2001 and 2002, there were several documented cases in which individuals or organizations purchased infants or children from their natural parents, created fraudulent paper trails to document the children as orphans, and then earned substantial profits from fees or donations from unwitting adoptive families, including foreign families. Some of these children ended up being exploited. In some of these cases, the perpetrators encouraged women to give up their children under false pretenses. For example, the per-

petrators promised to care for the children temporarily but then refused to return them.

Child labor was a problem in the informal sector of the economy (see Sections 6.d.).

Persons with Disabilities.—The Government does not require that buildings or government services be accessible to persons with disabilities. The Government also prohibits persons with even minor disabilities from being teachers in public schools. In 1999, it was reported that there were 170,000 disabled persons, including 24,000 persons missing at least one limb and 6,744 persons missing more than one limb. Disability due to landmines accounted for 11.5 percent of the total population of persons with disabilities, while disability due to congenital problems and disease accounted for 53 percent. During the year, there were 697 landmine casualties, of which 146 underwent amputations. Programs administered by various NGOs brought about substantial improvements in the treatment and rehabilitation of persons who had lost limbs; however, persons who had lost limbs faced considerable societal discrimination, particularly in obtaining skilled employment.

National/Racial/Ethnic Minorities.—Citizens of Chinese and Vietnamese ethnicity constituted the largest ethnic minorities. Ethnic Chinese citizens were accepted in society; however, animosity toward ethnic Vietnamese, who were seen as a threat to the nation and culture, continued. The rights of minorities under the 1996 nationality law are not explicit; constitutional protections are extended only to “Khmer people.” During the year, student groups continued to make strong anti-Vietnamese statements; they complained of political control, border encroachments, and other problems for which they held ethnic Vietnamese persons within the country at least partially responsible. Preceding the July National Assembly elections, the SRP, FUNCINPEC, and a number of smaller political parties exploited anti-Vietnamese sentiment. Political parties attempted to disenfranchise thousands of ethnic Vietnamese citizens by challenging their voter registration rights and a mob prevented ethnic Vietnamese from voting on election day at least at one polling station. There was increased ethnic tension after the elections, which resulted in the burning of homes of Vietnamese and tense relations in several areas of Kandal Province.

In 2002, a provincial judge ruled against ethnic hill tribe villagers in a land dispute. Ethnic bias did not appear to be a factor in the judgment, but political influence was seen as important in this affair. The Appeals Court overturned the ruling (see Section 1.f.).

Section 6. Worker Rights

a. The Right of Association.—The Labor Law provides workers with the right to form professional organizations of their own choosing without prior authorization, and all workers are free to join the trade union of their choice; however, the Government’s enforcement of these rights was selective. Membership in trade unions or employee associations is not compulsory, and workers are free to withdraw from such organizations; however, the Ministry of Social Affairs, Labor, Vocational Training, and Youth Rehabilitation (MOSALVY) has accepted the charter of at least one union that requires workers to obtain permission before they may withdraw. The Labor Law does not apply to civil servants, including teachers, judges, and military personnel, or to household servants. Personnel in the air and maritime transportation industries were not subject fully to the law but were free to form unions.

Most workers were subsistence rice farmers, and although there was an expanding service sector, most urban workers were engaged in small-scale commerce, self-employed skilled labor, or unskilled day labor. Unions also suffered from a lack of resources, training, and experience. Only a small fraction (estimated at less than 1 percent) of the labor force was unionized, and the trade union movement was still nascent and very weak. Unions were concentrated in the garment and footwear industries, where approximately 25 to 30 percent of the more than 200,000 workers were union members. In September, nine tourism and service industry unions joined to form the Cambodian Tourism and Service Workers Federation, which represented over 3,500 hotel, casino, and airport workers. The one public-sector union operating in the country, the Cambodia Independent Teachers Association (CITA), was registered as an “association.” Local and provincial authorities acting on the Government’s orders banned most of CITA’s activities.

The Labor Law requires unions and employer organizations to file a charter and list of officers with the MOSALVY. The MOSALVY has registered 511 factory unions and 14 national labor federations since the Labor Law went into effect in 1997, including 189 unions and 4 federations during the year. Labor unions continued to expand outside the garment sector as well. Unlike in previous years, there were no complaints that the Government failed to register unions or labor federations, although some unions and federations complained of unnecessary delays and

costs. Although all unions collect dues from members, none was able to operate without outside sources of financial support.

Ten registered labor federations have historical ties to the Government or CPP-affiliated individuals within the Government. Two major labor federations and several unaffiliated factory unions were independent. There was credible evidence of employer involvement in some labor unions. In some factories, management appeared to have established their own unions, supported pro-management unions, or bought off other union leaders. The Cambodian Labor Solidarity Organization (CLSO), a local NGO headed by an advisor to the Minister of Labor, claimed to protect workers and the economy from disruptive union activists and strikes; however, the presence of CLSO at labor disputes often coincided with the presence of hired thugs who intimidated and even became violent with union leaders, union members, and other workers.

The Government's enforcement of provisions that protect the right of association was poor. The Government's enforcement efforts were hampered by a lack of political will and by confused financial and political relationships with employers and union leaders. The Government also suffered from a lack of resources, including trained, experienced labor inspectors, in part because it did not pay staff adequate salaries. The MOSALVY often decided in favor of employees, but rarely used its legal authority to penalize employers who defied its orders. The MOSALVY often advised employees in such situations to sue in court, which labor unions claimed was generally unnecessary, costly, and ineffective. On several occasions, dismissed union leaders accepted cash settlements after unsuccessfully appealing to the Government to enforce Labor Law provisions requiring their reinstatement; however, there were some cases in which the Government upheld labor rights. In July, the Ministry of Commerce threatened to revoke the export privileges of a factory that refused to comply with a MOSALVY order to reinstate three illegally suspended union leaders. In a provincial court case in September, a factory security chief was found guilty of assault and battery and of the violation of the individual rights of a union federation leader, whom he attacked in April. The court ordered the defendant to serve 14 months in prison and pay punitive damages to the victim.

There were credible reports of anti-union harassment by employers, including the dismissal of union leaders, in more than 20 garment factories and other enterprises during the year. In January, a factory manager sued five union leaders, claiming that union activities had resulted in losses in factory profits. The case was later dropped. In February, a factory manager and the factory's lawyer sued a union federation leader for insult, libel, and defamation. The investigating judge dropped the case due to lack of evidence.

Unions may affiliate freely, but the law does not address explicitly their right to affiliate internationally.

b. The Right to Organize and Bargain Collectively.—The Labor Law provides for the right to organize and bargain collectively; however, the Government's enforcement of these rights was inconsistent. Wages were set by market forces, except in the case of civil servants, whose wages were set by the Government.

Since passage of the Labor Law in 1997, there has been confusion about the overlapping roles of labor unions and elected shop stewards. The Labor Law provides unions the right to negotiate with management over wages and working conditions and allows unions to nominate candidates for shop steward positions. The law provides shop stewards the right to represent the union to the company management and to sign collective bargaining agreements; however, in practice, most factories elected shop stewards before a union was present in the enterprise; thus, many unions had no legally enforceable right to negotiate with management in situations in which there were nonunion shop stewards. In addition, the law specifically protects elected shop stewards from dismissal without permission from the MOSALVY but grants no such protection to elected union leaders. In November 2000, MOSALVY issued a regulation that gave trade unions roles comparable to those of shop stewards and extended protection from dismissal to certain union officers within an enterprise. However, these protections for union leaders did not prove effective (see Section 6.a.).

There were 16 collective bargaining agreements registered with the Government, most of which did not meet international standards. In November, the first genuine collective bargaining agreement within the garment industry was reached following 12 months of bargaining. The agreement provides for extra sick leave and maternity leave, calls for the creation a union-controlled welfare fund, and requires management to upgrade the factory clinic. In 2001, the Government issued a regulation establishing procedures to allow unions to demonstrate that they represent workers for purposes of collective bargaining. This regulation also establishes requirements for employers and unions regarding collective bargaining and provides union leaders

with additional protection from dismissal. In 2002, MOSALVY established the Bureau of Labor Relations to facilitate the process of union registration and application for most representative status for unions. MOSALVY granted most representative status to 56 unions, enabling them to represent workers for purposes of collective bargaining. Other unions that have applied for this status and not yet received it complained of unnecessary bureaucratic delays.

In January 2002, the ILO initiated a program to resolve labor disputes. Since its inception in May, the program's tripartite arbitration council received 25 collective dispute cases between workers and management. Of these cases, 20 were resolved (10 through arbitral awards—all of which were substantially implemented—and 10 through conciliation during the arbitration process). The five remaining cases were pending at year's end.

The Labor Law provides for the right to strike and protects strikers from reprisal. During the year, there reportedly were 106 strikes. Most of these took place with the 7-day notice required by law. The Government allowed all strikes and demonstrations, including some in which demonstrators caused property damage. In spite of the provisions in the law protecting strikers from reprisals, there were credible reports of workers being dismissed on spurious grounds after organizing or participating in strikes. In some cases, strikers were pressured by employers to accept compensation and to leave their employment.

Police intervention generally was minimal and restrained, even in cases in which striking workers caused property damage; however, anti-riot police shot and killed a garment worker and injured three others during a strike in June. Workers beat a policeman to death in retaliation.

There are no export processing zones.

c. Prohibition of Forced or Bonded Labor.—The Labor Law prohibits forced or bonded labor, including forced labor by children; however, the Government did not enforce its provisions adequately. Involuntary overtime remained widespread. Workers faced fines, dismissal, or loss of premium pay if they refused to work overtime.

There also were reports of isolated cases of forced labor by domestic servants.

d. Status of Child Labor Practices and Minimum Age for Employment.—The Government has adopted laws to protect children from exploitation in the workplace.

The Labor Law establishes 15 years as the minimum age for employment and 18 years as the minimum age for hazardous work. The law permits children between 12 and 15 years of age to engage in "light work" that is not hazardous to their health and that does not affect school attendance. A tripartite Labor Advisory Committee is responsible for defining what constitutes work that is hazardous to the health, safety, and morality of adolescents, as well as consulting with the MOSALVY to determine which types of employment and working conditions constitute "light work."

Of children between the ages of 5 years and 17 years 53 percent were employed. One-third of these children were over the age of 14 years, and 71 percent of them were engaged in agricultural, farming, or forestry activities; 21 percent of working children were sales or service workers, and 7 percent were engaged in production work.

Child labor was not prevalent in the garment industry, although there was at least one instance of a young worker misrepresenting her age in order to gain employment in a garment factory. Lack of credible civil documents made it difficult for employers to guard against this, and most garment factories had policies that set the age of employment above the legal minimum age of 15 years.

The most serious child labor problems were in the informal sector. Some observers noted that existing regulations do not address the problem of child labor in the informal sector adequately. With assistance from the ILO, MOSALVY established a child labor unit to investigate and combat child labor. In 1997, the Government, in conjunction with the ILO and NGOs, also approved a national action plan on child labor. The Government has not ratified ILO Convention 182 on the elimination of the worst forms of child labor.

The Ministry of Labor participated in an ILO-International Program for the Elimination of Child Labor program funded by a foreign government to remove children from hazardous work in the salt, fishing and rubber industries and to provide them with education and vocational training opportunities. In June, the Government signed a letter of agreement to participate in an NGO-led, foreign government-funded project to expand educational opportunities for children most vulnerable to child labor, particularly girls who are vulnerable to human trafficking.

The Constitution prohibits forced or bonded child labor; however, forced child labor was a serious problem in the commercial sex industry (see Section 6.f.). Law

enforcement agencies had authority to combat child prostitution, but did not do so in a sustained, consistent manner.

e. Acceptable Conditions of Work.—The Labor Law requires the MOSALVY to establish minimum wages based on recommendations from the Labor Advisory Committee. By law, the minimum wage can vary regionally. In July 2000, the Labor Advisory Committee approved a minimum wage of \$45 (175,500 riel) per month, but this only extended to the garment and footwear industries. Most garment and footwear factories respected the minimum wage. There was no minimum wage for any other industry.

Garment workers earned an average of \$55 (220,000 riel) per month, including overtime and bonuses. Prevailing monthly wages in the garment sector and many other professions were insufficient to provide a worker and family with a decent standard of living. Civil service salaries also were insufficient to provide a decent standard of living, requiring government officials to secure outside sources of income, in many cases by obtaining second jobs or collecting bribes.

The Labor Law provides for a standard legal workweek of 48 hours, not to exceed 8 hours per day. The law stipulates time-and-one-half for overtime and double time if overtime occurs at night, on Sunday, or on a holiday; however, the Government did not enforce these standards effectively. Workers in many garment factories reported that overtime was excessive or involuntary, or that they were required to work 7 days per week. Outside the garment industry, regulations on working hours rarely were enforced.

The Labor Law states that the workplace should have health and safety standards adequate to ensure workers' well being. The Government enforced existing standards selectively, in part because it lacked trained staff and equipment. Work related injuries and health problems were common. Most large garment factories producing for markets in developed countries met relatively high health and safety standards as conditions of their contracts with buyers. Working conditions in some small-scale factories and cottage industries were poor and often did not meet international standards. The Government issued several instructions on workplace standards, and more detailed regulations awaited approval by the Labor Advisory Committee before they could be promulgated. Penalties are specified in the Labor Law, but there are no specific provisions to protect workers who complain about unsafe or unhealthy conditions. Workers who removed themselves from unsafe working conditions risked loss of employment.

The Labor Law applies to all local and foreign workers. A Ministry of Labor regulation limits the number of foreign workers an employer can hire to 10 percent.

f. Trafficking in Persons.—The law prohibits trafficking in persons; however, persons were trafficked to, from, and within the country. The Law on the Suppression of Kidnapping, Trafficking, and Exploitation of Humans (the trafficking law) establishes a jail sentence of 15 to 20 years for any person convicted of trafficking in persons under 15 years of age; the penalty is from 10 to 15 years for trafficking persons over the age of 15. A local NGO reported 152 cases of trafficking in persons. Approximately one-third of these cases involved underage girls, including several that involved girls between the ages of 5 and 10. The current trafficking law contains no provisions that would protect victims from charges under the country's immigration laws.

Although the enforcement of the anti-trafficking laws and prosecution of perpetrators continued to be uneven, there was some improvement in prosecution and conviction rates. The MOI reported that 62 individuals were arrested under the Trafficking Law (which includes charges for human trafficking and procuring), of whom 41 were put on trial and 21 remained in prison under investigation by the court system. Local NGOs reported that of 18 individuals suspected of involvement in trafficking cases, 16 were convicted to prison terms during the year. The Chief of the Prison Department (Phnom Penh) reported that 11 persons sentenced for trafficking entered the Phnom Penh prison system during the year. Three NGOs involved in the prosecution of trafficking cases reported that from March 2002 through March 2003, suspects in 10 of the 50 trafficking cases they worked on were tried in court. Nine suspects were convicted and sentenced, one was acquitted, 18 were dismissed for lack of evidence, and 19 remained pending at year's end. Three cases were settled out of court; approximately \$300 to \$400 was paid to each victim. Another NGO reported that it participated in the prosecution of seven trafficking suspects, of which six were convicted. Three were sentenced to 15 years' imprisonment, one sentenced to 10 years' imprisonment, and two sentenced to 5 years' imprisonment.

Several government ministries were active in combating trafficking. In 2000, the Government adopted a 5-year plan against child sexual exploitation that empha-

sized prevention through information dissemination and protection by law enforcement. In 2001, a national workshop assessed the national plan's progress and priorities for action. In 2002, the Government established mechanisms for monitoring and reporting on the national plan with all relevant ministries and provincial authorities. Also in 2002, the MOI established a Department of Anti-Human Trafficking and Juvenile Protection. The Ministry of Justice, in cooperation with the Japanese Institute for Legal Development, drafted a new anti-trafficking law that has been submitted to the Government for review. The MOSALVY, with International Organization for Migration (IOM) technical expertise, regularly repatriated trafficked victims from Thailand to Cambodia and from Cambodia to Vietnam. In addition, the MOSALVY worked with UNICEF and local NGOs to manage community-based networks aimed at early intervention of trafficking. The Ministry of Women's and Veterans' Affairs continued a public education campaign against trafficking, focusing on border provinces. The Ministry of Tourism submitted a draft tourism law that would give the Ministry authority to shut down hotels collaborating in child prostitution. In June, the Government signed a Memorandum of Understanding with Thailand to pursue joint investigations of transnational traffickers.

The majority of trafficking that occurred within the country provided both adults and children for exploitation in the country's sex industry. Estimates of the number of victims of trafficking in the sex industry ranged from 2,000 to more than 3,000, approximately 80 percent of whom were Vietnamese women and girls. Some Vietnamese women and girls were trafficked through the country for exploitation in the commercial sex trade in other Asian countries.

One study estimated that 88,000 citizens worked in Thailand as bonded laborers at any given time; many were exploited in the sex industry or, particularly young boys and girls, were employed as beggars. Similarly, boys and girls were trafficked to Vietnam for begging.

Trafficking victims, especially those trafficked for sexual exploitation, faced the risk of contracting sexually transmitted diseases, including HIV/AIDS. In some cases, victims were detained and physically and mentally abused by traffickers, brothel owners, and clients.

Traffickers used a variety of methods to acquire victims. In many cases, victims were lured by promises of legitimate employment. In other cases, acquaintances, friends, and even family members sold the victims outright or received payment for having helped deceive them. Young children, the majority of them girls, were often "pledged" as collateral for loans by desperately poor parents to brokers or middlemen; the children then were held responsible for repaying the loan and the accumulating interest. Local traffickers covered specific small geographic areas and acted as middlemen for larger trafficking networks. Organized crime groups, employment agencies, and marriage brokers were believed to have some degree of involvement.

In 2002, a local NGO identified clear patterns in the process of buying babies and children for the purposes of adoption and trafficking. Recruiters preyed on poor women, especially divorcees or widows, who were pregnant and about to give birth, or who had young children. Official paperwork was signed by orphanage directors and local officials—often bribed—who falsely stated that the children were found abandoned in provinces outside of Phnom Penh.

It was believed widely that some law enforcement and other government officials received bribes that facilitated the sex trade and trafficking in persons. High-ranking government officials or their family members reportedly operated, had a stake in, or received protection money from brothels which housed trafficking victims, including underage sex workers. There were no known prosecutions of corrupt officials for suspected involvement in trafficking in persons. In January, a police colonel and his wife were arrested for trafficking after a 12-year old victim was rescued from a brothel they owned and operated. Both the colonel and his wife were later released from custody, and NGOs have reported threats against their staff and the girl's family. In April, a police officer was accused of offering protection in exchange for money to undercover investigators in Svay Pak. Although the courts found the police officer not guilty, the MOI dismissed him from his position as a police officer. The military investigated reports that a military officer also was involved in the same incident and discovered the perpetrator was a civilian who had obtained a military uniform. The investigating judge of the Phnom Penh Municipal Court ordered the civilian imprisoned in a re-education center.

The MOSALVY referred trafficking victims to NGOs. Most assistance to victims was given through projects run by local NGOs and international organizations. The Government participated as a partner in a number of these efforts; however, its contributions were hampered severely by the limited resources at its disposal. Some victims were encouraged by NGOs and the MOI to file complaints against perpetra-

tors. However, in the general climate of impunity, victim protection was problematic and victims often were intimidated into abandoning their cases.

During the year, the Asia Foundation assisted the Government in repatriating nine Cambodian forced laborers from a Thai fishing vessel that sank in Indonesian waters. In 2002, the Government worked with the IOM to repatriate 73 Cambodian forced laborers from Thai fishing vessels who were arrested by the Indonesian navy in 2001.

In 2002 and during the year, the Government created specialized anti-trafficking and juvenile protection units in several provinces, which raided a number of brothels. From January through November, the specialized unit in Phnom Penh initiated 415 investigations of activities including child sex, trafficking, rape, debauchery, and pornography, which resulted in 25 raids on suspected human traffickers, and 33 suspected traffickers were turned over to the Phnom Penh Municipal Court. The raids of the specialized unit in Phnom Penh also resulted in the rescue of 54 victims of human trafficking, 9 of whom were under the age of 18. Other police units also conducted raids of brothels and rescued numerous prostitutes, including underage workers. The Government provided rescued victims with protection while working with NGOs to either reunite the victims with their families or to place them in a shelter operated by an NGO or other private charity. Trafficking victims, especially those exploited sexually, faced societal discrimination, particularly in their home villages and within their own families, as a result of having been trafficked.

Although the Government protected persons who admitted that they were victims of trafficking, there were cases in 2002 in which victims, who claimed they were 18 and had entered prostitution willingly, were treated as deportable aliens. In May 2002, 14 Vietnamese trafficking victims were taken to a shelter operated by a local NGO. One month later, all 14 victims were arrested on charges of illegal immigration. Government officials stated that the victims being held were voluntary prostitutes and the arrests were a legal immigration issue. Six of the girls were later found guilty and given short prison terms. Credible sources reported that the girls never were deported but that they were released back into society in exchange for payments to immigration authorities. This case sparked widespread criticism from international organizations, NGOs, and other governments.

The Government used posters, television and radio campaigns, and traditional local theater to raise public awareness of human trafficking. In 2001, the Ministry of Women's and Veteran's Affairs launched a major information campaign. The IOM worked with the Ministry throughout the year to expand this project to all provinces. Because of severe resource problems, the Government depended heavily on assistance from international organizations, bilateral donors, and foreign and domestic NGOs to carry out its prevention programs.

CHINA

The People's Republic of China (PRC) is an authoritarian state in which, as directed by the Constitution, the Chinese Communist Party (CCP or Party) is the paramount source of power. Party members hold almost all top government, police, and military positions. Ultimate authority rests with the 24-member political bureau (Politburo) of the CCP and its 9-member standing committee. Leaders made a top priority of maintaining stability and social order and were committed to perpetuating the rule of the CCP and its hierarchy. Citizens lacked both the freedom peacefully to express opposition to the Party-led political system and the right to change their national leaders or form of government. Socialism continued to provide the theoretical underpinning of national politics, but Marxist economic planning has given way to pragmatism, and economic decentralization increased the authority of local officials. The Party's authority rested primarily on the Government's ability to maintain social stability; appeals to nationalism and patriotism; Party control of personnel, media, and the security apparatus; and continued improvement in the living standards of most of the country's 1.3 billion citizens. The Constitution provides for an independent judiciary; however, in practice, the Government and the CCP, at both the central and local levels, frequently interfered in the judicial process and directed verdicts in many high-profile cases.

The security apparatus is made up of the Ministries of State Security and Public Security, the People's Armed Police, the People's Liberation Army (PLA), and the state judicial, procuratorial, and penal systems. Civilian authorities generally maintained effective control of the security forces. Security policy and personnel were responsible for numerous human rights abuses.

The country's transition from a centrally planned to a market-based economy continued. Although state-owned industry remained dominant in key sectors, the Government has set up a commission to help reform major state-owned enterprises (SOEs), privatized many small and medium SOEs, and allowed private entrepreneurs increasing scope for economic activity. Rising urban living standards; greater independence for entrepreneurs; the reform of the public sector, including government efforts to improve and accelerate sales of state assets and to improve management of remaining government monopolies; and expansion of the non-state sector increased workers' employment options and significantly reduced state control over citizens' daily lives.

The country faced many economic challenges, including reform of SOEs and the banking system, growing unemployment and underemployment, the need to construct an effective social safety net, and growing regional economic disparities. In recent years, between 100 and 150 million persons voluntarily left rural areas to search for better jobs and living conditions in the cities, where they were often denied access to government-provided economic and social benefits, including education and health care. During the year, the Government issued regulations that relaxed controls over such migration and expanded the rights of migrants to basic social services. In the industrial sector, continued downsizing of SOEs contributed to rising urban unemployment that was widely believed to be much higher than the officially estimated 4 percent, with many sources estimating the actual figure to be as high as 20 percent. Income gaps between coastal and interior regions, and between urban and rural areas, continued to widen. The Government reported that urban per capita income in 2002 was \$933 and grew by 12 percent over the previous year, while rural per capita income was \$300 and grew by 5 percent. Official estimates of the number of citizens living in absolute poverty showed little change from the previous year, with the Government estimating that 30 million persons lived in poverty and the World Bank, using different criteria, estimating the number to be 100 to 150 million persons.

The Government's human rights record remained poor, and the Government continued to commit numerous and serious abuses. Although legal reforms continued, there was backsliding on key human rights issues during the year, including arrests of individuals discussing sensitive subjects on the Internet, health activists, labor protesters, defense lawyers, journalists, house church members, and others seeking to take advantage of the space created by reforms. Citizens did not have the right peacefully to change their government, and many who openly expressed dissenting political views were harassed, detained, or imprisoned. Authorities were quick to suppress religious, political, and social groups that they perceived as threatening to government authority or national stability.

Abuses included instances of extrajudicial killings, torture and mistreatment of prisoners, forced confessions, arbitrary arrest and detention, lengthy incommunicado detention, and denial of due process. Tibetan Lobsang Dondrub was executed in January, a day after his appeal was denied, despite promises made to diplomatic observers that the Supreme People's Court (SPC) would review his case. In April, the Government officially concluded a nationwide "strike hard" campaign against crime, which was implemented with particular force in Xinjiang and included expedited trials and public executions. However, short-term campaigns against specific types of crime were launched in some areas during the year, and, in Xinjiang, particularly harsh treatment of suspected Uighur separatists reportedly continued after the official end of the nationwide strike hard campaign in April. Amnesty International (AI) reported that China executed more persons than any other country.

The judiciary was not independent, and the lack of due process remained a serious problem. Government pressure made it difficult for Chinese lawyers to represent criminal defendants. A number of attorneys were detained for representing their clients actively. During the year, Beijing defense lawyer Zhang Jianzhong and Shanghai housing advocate Zheng Enchong both were sentenced to multi-year prison terms in connection with their defense of controversial clients. The authorities routinely violated legal protections in the cases of political dissidents and religious figures. They generally attached higher priority to suppressing political opposition and maintaining public order than to enforcing legal norms or protecting individual rights.

Throughout the year, the Government prosecuted individuals for subversion and leaking state secrets as a means to harass and intimidate. In July, lawyer Zhao Changqing was sentenced to 5 years' imprisonment on charges of subversion for his alleged role in drafting an open letter to the November 2002 16th Party Congress urging democratization. At least five others who signed the letter were also prosecuted on such charges. In October, former attorney Zheng Enchong was sentenced to 3 years in prison for "disclosing state secrets" as an alleged result of his providing

information about labor and housing protests to a foreign human rights organization. The same month, house church member Liu Fenggang was detained on state secrets charges, allegedly for providing information to overseas nongovernmental organizations (NGOs) about his investigation into the destruction of house churches in Zhejiang Province. Others detained, prosecuted, or sentenced on state secrets charges included political dissident Yang Jianli and a number of Internet writers.

Over 250,000 persons were serving sentences, not subject to judicial review, in "reeducation-through-labor" camps. In April, inmate Zhang Bin was beaten to death in a reeducation-through-labor camp, prompting public debate on reeducation through labor and calls to abolish the system.

The number of individuals serving sentences for the now-repealed crime of counterrevolution was estimated at 500-600; many of these persons were imprisoned for the nonviolent expression of their political views. Credible sources estimated that as many as 2,000 persons remained in prison at year's end for their activities during the June 1989 Tiananmen demonstrations.

The authorities released political activist Fang Jue in January. Many others, including China Democracy Party co-founders Wang Youcai and Qin Yongmin; Internet activists Xu Wei, Yang Zili, and Huang Qi; Uighur businesswoman Rebiya Kadeer; journalist Jiang Weiping; labor activists Yao Fuxin, Xiao Yunliang, and Liu Jingsheng; Catholic Bishop Su Zhimin; house church leaders Zhang Yinan, Liu Fenggang and Xu Yonghai; Tibetan nun Phuntsog Nyidrol; Uighur historian Tohti Tunyaz; and political dissident Yang Jianli remained imprisoned or under other forms of detention.

The Government used the international war on terror as a justification for cracking down harshly on suspected Uighur separatists expressing peaceful political dissent and on independent Muslim religious leaders. The human rights situation in the Tibet Autonomous Region (TAR) and in some ethnically Tibetan regions outside the TAR also remained poor (see Tibet Addendum).

The Government maintained tight restrictions on freedom of speech and of the press. The Government regulated the establishment and management of publications, controlled the broadcast media, at times censored foreign television broadcasts, and at times jammed radio signals from abroad. During the year, publications were closed and otherwise disciplined for publishing material deemed objectionable by the Government, and journalists, authors, academics, and researchers were harassed, detained, and arrested by the authorities. In May, Sichuan website manager Huang Qi and students belonging to the New Youth Study Group received long prison sentences for their Internet essays encouraging democracy. Others detained or convicted for their Internet activity included Tao Haidong, Luo Yongzhong, Du Daobin, Yan Jun, Li Zhi, and Jiang Lijun. In November, Beijing Normal University Student Liu Di and two others were released on bail after a year of pretrial detention in connection with their Internet postings. Internet use continued to grow in the country, even as the Government continued and intensified efforts to monitor and control use of the Internet and other wireless technology including cellular phones, pagers, and instant messaging devices. During the year, the Government blocked many websites, increased regulations on Internet cafes, and pressured Internet companies to pledge to censor objectionable content. NGOs reported that 39 journalists were imprisoned at year's end and that 48 persons had been imprisoned by the Government for their Internet writing during China's brief history of Internet use.

Initially, news about the outbreak of Severe Acute Respiratory Syndrome (SARS) was strictly censored, and some journals were closed because they disclosed information about SARS. In April, the Government publicly acknowledged that the SARS epidemic was more serious than previously admitted. Those accused of interfering with SARS prevention were detained. Hundreds of Falun Gong practitioners were detained on such accusations. Information about the spread of HIV/AIDS also continued to be tightly controlled in some provinces. In June, hundreds of police violently suppressed protests by persons infected with HIV/AIDS in Xiongqiao village, Henan Province. Henan health official Ma Shiwen was detained during the year on charges of disclosing state secrets after providing information about the extent of the HIV epidemic in Henan Province to website publishers.

The Government severely restricted freedom of assembly and association and infringed on individuals' rights to privacy.

While the number of religious believers in the country continued to grow, government respect for religious freedom remained poor. Members of unregistered Protestant and Catholic congregations; Muslim Uighurs; Tibetan Buddhists, particularly those residing within the TAR (see Tibet Addendum); and members of folk religions experienced ongoing and, in some cases, increased official interference, harassment, and repression. Protestant activists Zhang Yinan, Xu Yonghai, Liu Fenggang, and

Zhang Shengqi were among those detained or sentenced. However, religious groups in some areas noted a greater freedom to worship than in the past. The Government continued to enforce regulations requiring all places of religious activity to register with the Government or to come under the supervision of official, "patriotic" religious organizations. In some areas, religious services were broken up and church leaders and adherents were harassed, detained, or beaten. At year's end, scores of religious adherents remained in prison because of their religious activities. No visible progress was made in improving relations between the Government and the Vatican, although both sides claimed to be ready to resume negotiations aimed at establishing diplomatic relations. The Government continued its crackdown against the Falun Gong spiritual movement, and thousands of practitioners remained incarcerated in prisons, extrajudicial reeducation-through-labor camps, and psychiatric facilities. Several hundred Falun Gong adherents reportedly have died in detention due to torture, abuse, and neglect since the crackdown on Falun Gong began in 1999.

Freedom of movement continued to be restricted. The Government denied the U.N. High Commissioner for Refugees (UNHCR) permission to operate along its border with North Korea and deported several thousand North Koreans, many of whom faced persecution upon their return. Abuse and detention of North Koreans in the country was also reported. However, the Government continued to relax its residence-based registration requirements and eliminated requirements for work unit approval of certain personal decisions, such as getting married.

The Government did not permit independent domestic nongovernmental organizations (NGOs) to monitor human rights conditions. In September, the U.N. Special Rapporteur on the Right to Education visited Beijing. Although the Government extended "unconditional" invitations to the U.N. Special Rapporteur for Torture, the U.N. Special Rapporteur for Religious Intolerance, the U.N. Working Group on Arbitrary Detention, and the U.S. Commission on International Religious Freedom (USCIRF), expected visits did not occur by year's end. Conditions imposed by the Government caused negotiations with the U.N. Special Rapporteur for Torture to break down and caused USCIRF twice to postpone a planned trip.

Violence against women (including imposition of a birth limitation policy coercive in nature that resulted in instances of forced abortion and forced sterilization), prostitution, and discrimination against women, persons with disabilities, and minorities continued to be problems.

Labor demonstrations, particularly those protesting nonpayment of back wages, continued but were not as large or widespread as those in 2002. In May, Yao Fuxin and Xiao Yunliang, leaders of the largest demonstrations in 2002, were sentenced to prison terms on charges of subversion. Workplace safety remained a serious problem, particularly in the mining industry. The Government continued to deny internationally recognized worker rights, and forced labor in prison facilities remained a serious problem. Trafficking in persons also remained a serious problem.

However, significant legal reforms continued during the year. In June, the Government abolished the administrative detention system of "custody and repatriation" for migrants. Reforms also expanded legal aid and introduced restrictions on extended unlawful detention. In October, the Third Party Plenum formally approved a constitutional amendment that will, if approved at the March 2004 session of the National People's Congress, put the protection of individual rights into China's constitution for the first time. At year's end, it remained unclear how these reforms would be implemented and what effect they would have.

RESPECT FOR HUMAN RIGHTS

Section 1. Respect for the Integrity of the Person, Including Freedom From:

a. Arbitrary or Unlawful Deprivation of Life.—During the year, politically motivated and other arbitrary and unlawful killings occurred. The official press reported extrajudicial killings, but no nationwide statistics were available. Deaths in custody due to police use of torture to coerce confessions from criminal suspects continued to occur. Beating deaths during administrative detention also occurred and sparked public calls for reform (see Sections 1.c. and 1.d.).

Several hundred Falun Gong adherents reportedly have died in detention due to torture, abuse, and neglect since the crackdown on Falun Gong began in 1999. For example, Falun Gong groups alleged that more than 50 persons died in custody in June through August, many from torture in detention camps.

Trials involving capital offenses sometimes took place under circumstances where the lack of due process or a meaningful appeal bordered on extrajudicial killing. NGOs reported over 1,000 executions during the year, including dozens on June 26 to mark international anti-drug day. AI reported that China executed more persons

than any other country. In 2002, officials reportedly carried out over 4,000 executions after summary trials as part of a nationwide “strike hard” campaign against crime. The actual number of persons executed likely was far higher than the number of reported cases. The Government regarded the number of death sentences it carried out as a state secret but stated that the number of executions decreased during the year. Some foreign academics estimated that as many as 10,000 to 20,000 persons were executed each year.

b. Disappearance.—In some areas, police targeted dissidents without family members for detention or incarceration in psychiatric facilities. With no family to notify, this practice in effect constituted disappearance.

The Government has used incommunicado detention. For example, in December 2002, the Government acknowledged that it was holding dissident Wang Bingzhang, who along with two other individuals disappeared in Vietnam on June 26, 2002. After several months of incommunicado detention, the other detainees, Zhang Qi and Yue Wu, were released but, in January, Wang was convicted on charges of espionage and terrorism and sentenced to life in prison. In February, his appeal was denied. In July, the U.N. High Commissioner for Human Rights found that Wang’s disappearance, arrest, and imprisonment violated international standards, and he asked the Guangdong Provincial High Court in September to reconsider his case. Wang also objected to being forced to attend political study sessions and went on a hunger strike in prison as a protest. At year’s end, the court had taken no action.

As of year’s end, the Government had not provided a comprehensive, credible accounting of all those missing or detained in connection with the suppression of the 1989 Tiananmen demonstrations.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The law prohibits torture; however, police and other elements of the security apparatus employed torture and degrading treatment in dealing with some detainees and prisoners. The Prison Law forbids prison guards from extorting confessions by torture, insulting prisoners’ dignity, and beating or encouraging others to beat prisoners. While senior officials acknowledged that torture and coerced confessions were chronic problems, they did not take sufficient measures to end these practices. Former detainees reported credibly that officials used electric shocks, prolonged periods of solitary confinement, incommunicado detention, beatings, shackles, and other forms of abuse. Recommendations from the May 2000 report of the U.N. Committee Against Torture still had not been fully implemented by year’s end. These recommendations included incorporating a definition of torture into domestic law, abolishing all forms of administrative detention (including reeducation through labor), promptly investigating all allegations of torture, and providing training courses on international human rights standards for police.

During the year, police use of torture to coerce confessions from criminal suspects continued to be a problem. The 2002 death in custody of Zeng Lingyun of Chongqing Municipality remained unresolved. On July 26, 2002, public security personnel detained Zeng on theft charges. On July 28, his family was informed that he had died. Local officials initially told Zeng’s family that he had been shot by police, and the family noticed extensive bruises and a bullet wound on the body.

Since the crackdown on Falun Gong began in 1999, there reportedly have been several hundred deaths in custody of Falun Gong adherents, due to torture, abuse, and neglect (see Section 2.c.).

The Government made some efforts to address the problem of torture during the year. Some provincial governments issued regulations stipulating that judges and police using torture to extract confessions from suspects would face dismissal. The Government announced that evidence obtained through coerced confessions would be excluded from trial in certain administrative cases (which include acts akin to certain criminal misdemeanors as well as behavior punishable through administrative detention, such as disruption to social order). Police officers who tortured suspects faced dismissal and criminal prosecution in some cases. For example, two police in Dandong, Liaoning Province, were sentenced to 1 and 2 years in jail in December, after torturing two suspects to death in 2001.

During the year, there were reports of persons, particularly Falun Gong adherents, sentenced to psychiatric hospitals for expressing their political or religious beliefs (see Section 1.d.).

Conditions in penal institutions for both political prisoners and common criminals generally were harsh and frequently degrading. Prisoners and detainees often were kept in overcrowded conditions with poor sanitation, and their food often was inadequate and of poor quality. Many detainees relied on supplemental food and medicines provided by relatives, but some prominent dissidents reportedly were not allowed to receive supplemental food or medicine from relatives. According to released

political prisoners, in many provinces it was standard practice for political prisoners to be segregated from each other and placed with common criminals. Released prisoners reported that common criminals have beaten political prisoners at the instigation of guards. Some prominent political prisoners received better than standard treatment.

The 1994 Prison Law was designed, in part, to improve treatment of detainees and increase respect for their legal rights; however, many provisions of this law have not been effectively implemented. Some prisoners were able to use administrative procedures provided for in this law to complain about prison conditions. The Government also has created some "model" facilities, where inmates generally received better treatment than those held in other facilities. Chinese prison management relied on the labor of prisoners both as an element of punishment and to fund prison operations (see Section 6.c.). During the year, the Government established a pilot program in some locations to separate prison enterprises from prison reform and punishment functions.

Adequate, timely medical care for prisoners continued to be a serious problem, despite official assurances that prisoners have the right to prompt medical treatment if they become ill. Political prisoners continued to have difficulties in obtaining medical treatment, despite repeated appeals on their behalf by their families and the international community. Those with health concerns included China Democracy Party (CDP) co-founders Qin Yongmin and Wang Youcai; Internet essayist Luo Yongzhang; democracy activists Hua Di and He Depu; labor activists Xiao Yunliang, Yao Fuxin, Hu Shigen, Liu Jingsheng, and Zhang Shanguang; Tibetan nun Phuntsog Nyidrol; religious prisoners Liu Fenggang and Bishop Su Zhimin; dissident Wang Bingzhang; and Uighur businesswoman Rebiya Kadeer. During the year, anti-corruption campaigner An Jun, Internet dissident Xu Wei, and dissident Wang Bingzhang allegedly went on hunger strikes in prison.

Conditions in administrative detention facilities, such as reeducation-through-labor camps, were similar to those in prisons. Two highly publicized deaths in administrative detention prompted calls for an overhaul of the system. In March, a university graduate, Sun Zhigang from Henan Province, was beaten to death in a Guangzhou city custody and repatriation center after being detained by police as a suspected illegal migrant. Sun did not have a Guangzhou residency document, and police reportedly locked him in a custody and repatriation facility because his accent revealed he was from a different province. In the facility, inmates beat him to death, and some facility employees allegedly knew of and encouraged the beating. Subsequently, criminal charges were filed against 18 persons. One staff member of the facility was executed, and several prisoners who allegedly inflicted the beating received stiff jail terms or suspended death sentences. Police involved were given mostly administrative punishments. Sun's death led to unprecedented public calls for abolition of the custody and repatriation system of administrative detention for illegal migrants, including petitions by legal scholars and National People's Congress (NPC) members. On June 22, the State Council abolished the system and called for the conversion of administrative detention centers into humanitarian relief centers to support migrants, vagrants, and the homeless. At year's end, the impact of these reforms remained uncertain.

In April, inmate Zhang Bin was tortured and beaten to death at the Huludao City Correctional Camp, a reeducation-through-labor facility in Liaoning Province, where he had reportedly been sentenced to 18 months as punishment for theft. For 30 days, 9 inmates and the inmate labor boss reportedly beat Zhang, stripped him naked, abused him with plastic pipes and hammers, applied hot peppers and salt to his wounds, and doused him in cold water. After Zhang died in an ambulance on the way to a hospital on April 16, 2 workers at the camp were indicted on criminal charges of abuse of authority. In December, inmates charged in the beating were sentenced to long prison terms, and the leader of the gang who beat Zhang was given the death penalty. Zhang's death also prompted calls for reform of reeducation through labor, including a petition by six Guangzhou-based members of the Chinese People's Political Consultative Conference, but no such reforms had been made as of year's end.

In the wake of the Sun and Zhang deaths in custody, public security officials admitted that these beating deaths were not isolated incidents. Sexual and physical abuse and extortion were reported in some detention centers. Forced labor in prisons and reeducation-through-labor camps was also common. At the Xinhua Reeducation-Through-Labor Camp in Sichuan Province, inmates were forced to work up to 16 hours per day breaking rocks or making bricks, according to credible reports.

The Government generally did not permit independent monitoring of prisons or reeducation-through-labor camps, and prisoners remained inaccessible to international human rights organizations. Although the Government agreed to invite the

U.N. Special Rapporteur for Torture, this visit stalled in part because of the Government's refusal to allow him to visit prisons without advance notice (see Section 4). By year's end, the Government had not announced any progress in talks with the International Committee of the Red Cross (ICRC) on an agreement for ICRC access to prisons, although there was some discussion of ICRC opening an office in Beijing. Semi-monthly working-level meetings intended to renew cooperation on the U.S.-China Prison Labor Memorandum of Understanding continued during the year (see Section 6.c). A scheduled visit by U.S. officials to discuss prison labor was postponed due to SARS.

d. Arbitrary Arrest, Detention, or Exile.—Arbitrary arrest and detention remained serious problems. The law permits authorities, in some circumstances, to detain persons without arresting or charging them, and persons may be sentenced administratively to up to 3 years in reeducation-through-labor camps and other similar facilities without a trial. Because the Government tightly controlled information, it was impossible to determine accurately the total number of persons subjected to new or continued arbitrary arrest or detention. Official government statistics indicated that there were 230,000 persons in reeducation-through-labor camps, while NGOs claimed some 310,000 persons were in reeducation through labor during the year. According to a 2001 article by the official news agency, 300 reeducation-through-labor facilities have held more than 3.5 million prisoners since 1957. In addition, it was estimated that approximately 2 million persons per year were detained in a form of administrative detention known as custody and repatriation until that system was abolished in June after the beating death of Sun Zhigang (see Section 1.c.). The Government also confined some Falun Gong adherents, labor activists, and others to psychiatric hospitals. Approximately 500–600 individuals continued to serve sentences for the now-repealed crime of counterrevolution. Many of these persons were imprisoned for the nonviolent expression of their political views (see Section 1.e.).

The Ministry of Public Security (MPS) coordinates the country's law enforcement, which is administratively organized into local, county, provincial, and specialized police agencies. Recent efforts have been made to strengthen historically weak regulation and management of law enforcement agencies; however, judicial oversight is limited and checks and balances are absent. Many police and law enforcement units in the country remained poorly trained and lacked basic investigation skills. Corruption at the local level was widespread. Police officers reportedly coerced victims, took individuals into custody without due cause, arbitrarily collected fees from individuals charged with crimes, and mentally and physically abused victims and perpetrators. State media reported that the Government fired over 44,700 police officers for corruption and abuse of authority or dereliction of duty during the year.

Extended, unlawful detention by security officials remained a serious problem. The Supreme People's Procuratorate reported that, from 1998 through 2002, there were 308,182 persons detained for periods longer than permitted by law. At a National People's Congress committee hearing, the Government acknowledged that the problem of extended detention "has not been fundamentally resolved" and varied by location.

Unlawful extended detention disproportionately affected political dissidents. Dissident Yang Jianli was held without charges for over a year before his August 4 trial. At year's end, he remained in jail without a conviction or legal justification for his extended detention. In June, the U.N. Working Group on Arbitrary Detention found that China's pretrial detention of Yang Jianli violated the Universal Declaration on Human Rights and the International Covenant on Civil and Political Rights. The release on bail of Internet writer Liu Di after a year of pretrial detention, as well as the convictions of democracy activist Jiang Lijun after a year of pretrial detention and of attorney Zhang Jianzhong after more than 19 months of pre- and post-trial detention, were results of public concern over the issue of unlawful extended detention and a resulting government campaign to address the problem.

This campaign, addressing both pre- and post-trial detention, began in July when the SPC, and later the MPS and Supreme People's Procuratorate, directed courts and police to resolve cases and provide statistics about unlawful extended detention. The MPS stated that police responsible for unlawful extended detention would be prosecuted, and some police were prosecuted and jailed on such charges during the year. At year's end, the SPC announced that Chinese courts had reviewed all cases of unlawful extended detention by police and the courts. According to state media, courts reviewed and solved 4,100 cases of unlawful extended detention, releasing 7,658 detainees; only 91 cases remained unresolved and required further examination.

According to the 1997 Criminal Procedure Law, police can unilaterally detain a person for up to 37 days before releasing him or formally placing him under arrest.

After a suspect is arrested, the law allows police and prosecutors to detain him for months before trial while a case is being “further investigated.” The law stipulates that authorities must notify a detainee’s family or work unit of his detention within 24 hours. However, in practice, failure to provide timely notification remained a serious problem, particularly in sensitive political cases. Under a sweeping exception, officials were not required to provide notification if doing so would “hinder the investigation” of a case. In some cases, police treated those with no immediate family more severely. Police continued to hold individuals without granting access to family members or lawyers, and trials continued to be conducted in secret. Detained criminal suspects, defendants, their legal representatives, and close relatives were entitled to apply for bail, but, in practice, few suspects were released pending trial.

The Criminal Procedure Law does not address the reeducation-through-labor system, which allows non-judicial panels of police and local authorities, called Labor Reeducation Committees, to sentence persons to up to 3 years in prison-like facilities. The committees could also extend an inmate’s sentence for an additional year. Defendants were legally entitled to challenge reeducation-through-labor sentences under the Administrative Litigation Law. They could appeal for a reduction in, or suspension of, their sentences; however, appeals rarely were successful. Many other persons were detained in similar forms of administrative detention, known as “custody and education” (for example, for prostitutes and their clients) and “custody and training” (for minors who committed crimes). Persons could be detained for long periods under these provisions, particularly if they could not afford to pay fines or fees.

According to foreign researchers, the country had 20 “ankang” institutions (high-security psychiatric hospitals for the criminally insane) directly administered by the MPS. Some dissidents and other targeted individuals were housed with mentally ill patients in these institutions. The regulations for committing a person into an ankang psychiatric facility were not clear. Credible reports indicated that a number of political and trade union activists, “underground” religious believers, persons who repeatedly petitioned the Government for redress of grievances, members of the banned China Democratic Party, and hundreds of Falun Gong adherents were incarcerated in such facilities during the year. These included Wang Miaogen, Wang Chanhao, Pan Zhiming, and Li Da, who were reportedly held in an ankang facility run by the Shanghai Public Security Bureau. According to NGO reports, more than 30 persons were committed during 2002 to the Harbin Psychiatric Hospital against their will after petitioning authorities for redress of various personal grievances. New regulations issued during the year by some jurisdictions to control police abuses required that all verifications of mental illness must be conducted in hospitals appointed by provincial governments, but it was unknown what impact, if any, the regulations would have in practice. A motion before the World Psychiatric Association to expel China from the organization for using psychiatric facilities to incarcerate political prisoners remained under consideration during the year.

Arrests on charges of revealing state secrets, subversion, and common crimes were used during the year by authorities to suppress political dissent and social advocacy. For example, Shanghai housing advocate Zheng Enchong was arrested on June 6 after he represented hundreds of residents forced from their homes as a result of an urban redevelopment scheme. Henan health official Ma Shiwen was reportedly detained for revealing state secrets after allegedly providing information to NGOs about the HIV infection of thousands of villagers through blood collection procedures. Police sometimes harassed and detained relatives of dissidents (see Section 2.a.). Journalists also were detained or threatened during the year, often when their reporting met with the Government’s or local authorities’ disapproval (see Section 2.a.). Dozens of citizens writing on the Internet or engaging in on-line chatrooms about political topics were detained during the year (see Section 2.a.). Persons critical of official corruption or malfeasance also frequently were threatened, detained, or imprisoned. In December, Sichuan local official Li Zhi was sentenced to 8 years in prison for “subverting state power” after writing on the Internet to expose official corruption. In January 2002, Jiang Weiping, who had written a series of articles exposing official corruption, was sentenced to 8 years in prison for “subverting state power.”

Local authorities used the Government’s campaign against cults to detain and arrest large numbers of religious practitioners and members of spiritual groups (see Section 2.c.).

The campaign that began in 1998 against the China Democracy Party (CDP), an opposition party, continued during the year. Dozens of CDP leaders, activists, and members have been arrested, detained, or confined as a result of this campaign. Since December 1998, at least 38 core leaders of the CDP have been given severe punishments on subversion charges. Xu Wenli, Wang Youcai, and Qin Yongmin

were sentenced in 1998 to prison terms of 13, 12, and 11 years respectively. While Xu Wenli was released on medical parole to the United States in December 2002, Wang and Qin remained in prison. In March, Shanghai CDP leader Han Lifa was detained reportedly for “soliciting prostitutes,” a charge used in the past to discredit dissidents. He was sentenced to 3 years’ reeducation through labor. Immediately before and after the 16th Party Congress in November 2002, authorities rounded up a number of the 192 activists, many of whom were members of the CDP, in 17 provinces who had signed an open letter calling for political reform and a reappraisal of the official verdict on the 1989 Tiananmen massacre. Among those detained or sentenced to prison terms on subversion charges during the year in connection with the open letter were lawyer Zhao Changqing, He Depu, Sang Jiancheng, Ouyang Yi, Dai Xuezhong, and Jiang Lijun.

A nation-wide anti-crime “strike hard” campaign began in April 2001 and continued early in the year before officially ending in April. It was characterized by large-scale sentencing rallies and parades of condemned prisoners through the streets of major cities, followed by public executions. The campaign was implemented with special force in Xinjiang, and particularly harsh treatment of suspected Uighur separatists reportedly continued there after the official end of the campaign in April. According to official reports, 12,976 persons in Beijing alone were sentenced to death or prison for longer than 2 years during the 2-year campaign. Officials announced regional results of the campaign during the summer, but no nationwide statistics were available. Diplomatic officials were barred from a Beijing museum display showing results of the campaign. Short-term campaigns against specific types of crime were launched in some areas during the year.

The strike hard campaign in Xinjiang specifically targeted the “three evils” of extremism, splittism, and terrorism as the major threats to Xinjiang’s social stability. Because the Government authorities in Xinjiang regularly grouped together those involved in “ethnic separatism, illegal religious activities, and violent terrorism,” it was often unclear whether particular raids, detentions, or judicial punishments targeted those peacefully seeking their goals or those engaged in violence. Many observers raised concerns that the Government’s war on terror was a justification for cracking down harshly on suspected Uighur separatists expressing peaceful political dissent and on independent Muslim religious leaders (see Section 5).

Chinese law neither provides for a citizen’s right to repatriate nor otherwise addresses exile. The Government continued to refuse reentry to numerous citizens who it considered to be dissidents, Falun Gong activists, or troublemakers. Although some dissidents living abroad have been allowed to return, dissidents released on medical parole and allowed to leave the country were effectively exiled.

The Government’s refusal to permit some former reeducation-through-labor camp inmates to return to their homes constituted a form of internal exile.

e. Denial of Fair Public Trial.—The Constitution states that the courts shall, in accordance with the law, exercise judicial power independently, without interference from administrative organs, social organizations, and individuals. However, in practice, the judiciary received policy guidance from both the Government and the Party, whose leaders used a variety of means to direct courts on verdicts and sentences, particularly in politically sensitive cases. At both the central and local levels, the Government frequently interfered in the judicial system and dictated court decisions. Trial judges decide individual cases under the direction of the trial committee in each court. In addition, the Communist Party’s Law and Politics Committee, which includes representatives of the police, security, procuratorate, and courts, has authority to review and influence court operations; the Committee, in some cases, altered decisions. People’s Congresses also had authority to alter court decisions, but this happened rarely. Corruption and conflicts of interest also affected judicial decision-making. Judges were appointed by the people’s congresses at the corresponding level of the judicial structure and received their court finances and salaries from those government bodies, which sometimes resulted in local politicians exerting undue influence over the judges they appointed and financed.

The Supreme People’s Court (SPC) is the highest court, followed in descending order by the higher, intermediate, and basic people’s courts. These courts handle criminal, civil, and administrative cases, including appeals from decisions by police and security officials to use reeducation through labor and other forms of administrative detention. There were special courts for handling military, maritime, and railway transport cases.

Corruption and inefficiency were serious problems in the judiciary as in other areas (see Section 3). Safeguards against corruption were vague and poorly enforced.

In recent years, the Government has taken steps to correct systemic weaknesses in the judicial system and to make the system more transparent and accountable to public scrutiny. State media reported that, from January 2002 through October

2003, prosecutors filed 7,402 cases against judicial officials nationwide, involving 8,442 officials. Of these cases, 80 percent involved suspected malfeasance and rights violations, while 20 percent involved corruption and bribery. In 1999, the SPC issued regulations requiring all trials to be open to the public, with certain exceptions, including cases involving state secrets, privacy, and minors. The legal exception for cases involving state secrets was used to keep politically sensitive proceedings closed to the public and even to family members in some cases. Under the regulations, “foreigners with valid identification” are to be allowed the same access to trials as citizens. As in past years, foreign diplomats and journalists sought permission to attend a number of trials only to have court officials reclassify them as “state secrets” cases, thus closing them to the public. Since 1998, some trials have been broadcast, and court proceedings have become a regular television feature. A few courts published their verdicts on the Internet.

Lawsuits against the Government continued to increase as a growing number of persons used the court system to seek legal recourse against government malfeasance. Administrative lawsuits rose, with more than 100,000 such cases filed in 2001, according to government statistics. Losses by plaintiffs dropped from 35.9 percent in 1992 to 28.6 percent in 2001. In 2002, the SPC established guidelines giving litigants the right to access government files to facilitate lawsuits against government bodies. Decisions of any kind in favor of dissidents remained rare.

Court officials continued efforts to enable the poor to afford litigation by exempting, reducing, or postponing court fees. On September 1, new national regulations went into effect expanding the category of cases eligible for legal aid services and permitting those eligible to obtain legal aid as early as the initial interrogation in criminal cases. Those seeking to obtain compensation from government officials became eligible for legal aid services. From 2000 to 2002, the courts waived over \$387 million (RMB 3.2 billion) in litigation costs.

According to the SPC’s March report to the NPC, from 1998 through 2002, 2.83 million criminal cases were tried, and 3.22 million offenders were sentenced, up 16 and 18 percent, respectively, from the previous 5-year period. In 2001, the country’s courts handled 5,927,660 cases, 730,000 of which were criminal cases, a 33 percent increase over the previous year, as well as more than 100,000 appeals of administrative decisions. Some 819,000 criminal defendants were sentenced to jail terms of 5 years or more, life imprisonment, or death, during the 5-year period, accounting for approximately 25 percent of the total.

Police and prosecutorial officials often ignored the due process provisions of the law and of the Constitution. For example, police and prosecutors subjected many prisoners to torture and severe psychological pressure to confess, and coerced confessions frequently were introduced as evidence. The Criminal Procedure Law forbids the use of torture to obtain confessions, but does not expressly bar the introduction of coerced confessions as evidence. In August, new public security regulations were announced banning the use of torture to obtain confessions and prohibiting the use of coerced confessions in certain administrative cases. However, the new regulations offer no mechanism for a defendant in an administrative case to ensure that his coerced confession is disregarded. Some provinces passed further regulations noting that police who coerced defendants into confessing could be fired. Nonetheless, defendants who failed to show the “correct attitude” by confessing their crimes often received harsher sentences.

During the year, the conviction rate in criminal cases remained at approximately 90 percent, and trials generally were little more than sentencing hearings. In practice, criminal defendants often were not assigned an attorney until a case was brought to court. The best that a defense attorney generally could do in such circumstances was to get a sentence mitigated. In many politically sensitive trials, which rarely lasted more than several hours, the courts handed down guilty verdicts immediately following proceedings. There was an appeals process, but no statistics were available on the results of appeals. In practice, appeals rarely resulted in reversed verdicts.

The lack of due process was particularly egregious in death penalty cases. There were 65 capital offenses, including financial crimes such as counterfeiting currency, embezzlement, and corruption, as well as some other property crimes. A higher court nominally reviewed all death sentences, but the time between arrest and execution was often days and sometimes less, and reviews consistently resulted in the confirmation of sentences. Minors and pregnant women were expressly exempt from the death sentence. Tibetan Lobsang Dondrub was convicted of involvement in bombings in Sichuan Province without due process and executed the day after his appeal was rejected; despite assurances provided to diplomats that his case would be reviewed by the SPC, no review ever occurred (see Tibet Addendum). The Government regarded the number of death sentences it carried out as a state secret,

but officials stated that the number of executions carried out decreased during the year, with a faster rate of decrease in Beijing than in outlying provinces.

The 1997 Criminal Procedure Law falls short of international standards in many respects. For example, it has insufficient safeguards against the use of evidence gathered through illegal means, such as torture, and it does not prevent extended pre- and post-trial detention (see Section 1.c. and 1.d.). Appeals processes failed to provide sufficient avenue for review, and there were inadequate remedies for violations of defendants' rights. Furthermore, under the law, there is no right to remain silent, no right against double jeopardy, and no law governing the type of evidence that may be introduced. The mechanism that allows defendants to confront their accusers was inadequate; according to one expert, only 1 to 5 percent of trials involved witnesses. Accordingly, most criminal "trials" consisted of the procurator reading statements of witnesses whom neither the defendant nor his lawyer ever had an opportunity to question. Defense attorneys have no authority to compel witnesses to testify. Anecdotal evidence indicated that implementation of the Criminal Procedure Law remained uneven and far from complete, particularly in politically sensitive cases.

The Criminal Procedure Law gives most suspects the right to seek legal counsel shortly after their initial detention and interrogation; however, police often used loopholes in the law to circumvent defendants' right to seek counsel. Defendants in sensitive political cases frequently found it difficult to find an attorney. In some cases, defendants and lawyers in sensitive cases were not allowed to speak during trials. Even in non-sensitive trials, criminal defense lawyers frequently had little access to their clients or to evidence to be presented during the trial. Defendants in only one of every seven criminal cases had legal representation, according to credible reports citing internal government statistics. Government-employed lawyers still depended on official work units for employment, housing and other benefits, and therefore many were reluctant to represent politically sensitive defendants. The percentage of lawyers in the criminal bar reportedly declined from 3 percent in 1997 to 1 percent in 2001.

Some lawyers who tried to defend their clients aggressively continued to face serious intimidation and abuse by police and prosecutors. For example, according to Article 306 of the Criminal Law, defense attorneys could be held responsible if their clients commit perjury, and prosecutors and judges in such cases have wide discretion in determining what constitutes perjury. In December, prominent Beijing defense attorney Zhang Jianzhong was sentenced to 2 years in prison on charges of assisting in the fabrication of evidence in a major corruption case. Originally denied the right to counsel, Zhang had been detained since May 3, 2002. He was due to be released in May 2004 after receiving credit for the 19 months he served in jail without a conviction. Chinese legal scholars claimed he was singled out for being too effective at representing criminal defendants, and approximately 600 lawyers signed a petition, which was submitted to the Supreme People's Procuratorate and the Supreme People's Court, demanding that Zhang be found not guilty. According to the All-China Lawyers Association, since 1997 more than 400 defense attorneys have been detained on similar charges. In September, legal advisor Ma Wenlin asked the Shaanxi Provincial Higher People's Court to overturn his 1999 conviction for "disturbing social order" based on his representation of peasants in a lawsuit to reduce their tax burden. Ma was released early in May, after 4 years in prison. In August, lawyers' professional associations held a major conference on criminal defense law, continuing demands for better protection of lawyers and their legitimate role in the legal process.

In recent years, the Ministry of Justice (MOJ) drafted regulations to standardize professional performance, lawyer-client relations, and the administration of lawyers and law firms. The regulations set educational requirements for legal practitioners, encourage free legal services for the general public, grant lawyers formal permission to establish law firms, and provide for the disciplining of lawyers. A growing number of lawyers organized private law firms that were self-regulating and did not have their personnel or budgets determined directly by the State. More than 60 legal aid organizations, many of which handled both criminal and civil cases, have been established around the country, and the MOJ established a nationwide legal services hotline.

The Supreme People's Court, the Supreme People's Procuratorate, and the MOJ also have issued regulations establishing standards, including an examination, for judges and prosecutors, but those regulations are not uniformly enforced. Recent regulations also require judicial or prosecutorial appointees to be law school graduates with a minimum period of experience in legal practice. However, a great number of sitting judges and procurators continued to serve despite having little or no legal training.

During the year, Chinese and foreign lawyers, law professors, legal journals, and jurists publicly pressed for faster and more systemic legal reform. Among the suggested reforms were the introduction of a more transparent system of discovery, the abolition of coerced confessions, abolition of all forms of administrative detention, a legal presumption of innocence, an independent judiciary, improved administrative laws, and adoption of a plea bargaining system.

Government officials denied holding any political prisoners, asserting that authorities detained persons not for their political or religious views, but because they violated the law; however, the authorities continued to confine citizens for reasons related to politics and religion. Thousands of political prisoners remained incarcerated, some in prisons and others in labor camps. According to human rights organizations, more citizens were in prison for political crimes during the year than at any time since 1992. The Government did not grant international humanitarian organizations access to political prisoners.

Although the crime of "counterrevolution" was removed from the criminal code in 1997, western NGOs estimated that approximately 500–600 persons remained in prison for the crime. Hundreds of others were serving sentences under the State Security Law, which covers similar crimes as the repealed crime of counterrevolution. Persons detained for counterrevolutionary offenses included labor activists Hu Shigen and Liu Jingsheng; writer Chen Yangbin; Inner Mongolian activist Hada; and dissidents Han Chunsheng, Liang Qiang, Yu Zhijian, Zhang Jingsheng, and Sun Xiongying. These prisoners rarely were granted sentence reductions or parole. Foreign governments urged the Government to review the cases of those charged before 1997 with counterrevolution and to release those who had been jailed for non-violent offenses under the old statute. During the year, the Government held expert-level discussions with foreign officials on conducting such a review.

AI has identified 211 persons who remained imprisoned or on medical parole for their participation in the 1989 Tiananmen demonstrations; other NGOs estimated that as many as 2,000 persons remained in prison for their actions at that time.

In January, the Government permitted the early release of political dissident Fang Jue, and, in March, Tibetan nun Ngawang Sandrol was allowed to leave the country. The Government also released a few other political prisoners after granting them sentence reductions, including Internet activist Qi Yanchen and labor activist Kang Yuchun. However, CDP co-founders Wang Youcai and Qin Yongmin; Internet activists Xu Wei, Yang Zili, and Huang Qi; Uighur businesswoman Rebiya Kadeer; journalist Jiang Weiping; labor activists Yao Fuxin, Xiao Yunliang, and Liu Jingsheng; Catholic Bishop Su Zhimin; house church leaders Zhang Yinan, Liu Fenggang and Xu Yonghai; Tibetan nun Phuntsog Nyidrol; Uighur historian Tohti Tunyaz; and political dissident Yang Jianli, among many others, remained imprisoned or under other forms of detention during the year. Political prisoners generally benefited from parole and sentence reduction at significantly lower rates than ordinary prisoners.

Criminal punishments could include "deprivation of political rights" for a fixed period after release from prison, during which the individual is denied the limited rights of free speech and association granted to other citizens. Former prisoners also sometimes found their status in society, ability to find employment, freedom to travel, and access to residence permits and social services severely restricted. Economic reforms and social changes have ameliorated these problems for nonpolitical prisoners in recent years. However, former political prisoners and their families frequently still were subjected to police surveillance, telephone wiretaps, searches, and other forms of harassment, and some encountered difficulty in obtaining or keeping employment and housing.

Officials confirmed that executed prisoners were among the sources of organs for transplant but maintained that consent was required from prisoners or their relatives in advance of the procedure. There was no national law governing organ donations, but a Ministry of Health directive explicitly states that buying and selling human organs and tissues is not allowed. On August 22, the first local law regulating organ donation was passed in Shenzhen. It requires all organ donations to be voluntary, prohibits the sale or trade of human organs, provides for fines of \$60,000 (RMB 500,000) for violations, and grants the Shenzhen Red Cross sole authority to match donors and recipients. However, the law was expected to have limited impact due to its limited geographical jurisdiction, covering just the Shenzhen Special Economic Zone. There were no reliable statistics on how many organ transplants occurred using organs from executed prisoners; however, anecdotal evidence, testimony of former officials and doctors, and the numbers of post-transplant patients seeking follow-up care in Western countries indicated that it is a significant number.

f. Arbitrary Interference with Privacy, Family, Home or Correspondence—The Constitution states that the “freedom and privacy of correspondence of citizens are protected by law”; however, the authorities often did not respect the privacy of citizens in practice. Although the law requires warrants before law enforcement officials can search premises, this provision frequently was ignored; moreover, the Public Security Bureau and the Procuratorate could issue search warrants on their own authority. During the year, authorities monitored telephone conversations, facsimile transmissions, e-mail, text-messaging, and Internet communications. Authorities also opened and censored domestic and international mail. The security services routinely monitored and entered residences and offices to gain access to computers, telephones, and fax machines. All major hotels had a sizable internal security presence, and hotel guestrooms were sometimes searched for sensitive materials.

In urban areas, many persons depended on government-linked work units for housing, healthcare, and other aspects of ordinary life. However, the work unit and the neighborhood committee, which originally were charged with monitoring activities and attitudes, have become less important as means of social and political control, and government interference in daily personal and family life continued to decline for most citizens. In some areas, citizens still were required to apply for government permission before having a child, and the Government continued to restrict the number of births. During the year, the Government amended a regulation so that couples seeking to get married no longer require permission from their work units.

Cases of forced entry by police officers continued to be reported. However, after state media widely reported a police raid on the home of a married couple watching a legal adult movie in Shaanxi Province, police authorities asserted that private personal conduct not forbidden by law would no longer be subject to police interference. For this and other reasons, government officials, including Minister of Public Security Zhou Yongkang, emphasized in several public statements that police must do a better job of respecting citizens’ human rights. In October, the Third Party Plenum formally approved a constitutional amendment that will, if approved at the March 2004 session of the National People’s Congress, put the protection of individual rights into China’s constitution for the first time.

Some dissidents were under heavy surveillance and routinely had their telephone calls monitored or phone service disrupted. The authorities blocked some dissidents from meeting with foreigners during politically sensitive periods. Police in Beijing ordered several dissidents not to meet with Western journalists or foreign diplomats during the visits of high-level foreign officials. The authorities also confiscated money sent from abroad that was intended to help dissidents and their families.

Major political events and visits by high-ranking foreign officials routinely sparked roundups of dissidents. For example, immediately before and after the 16th Party Congress in November 2002, authorities detained a number of activists who had signed an open letter calling for political reform and a reappraisal of the official verdict on the 1989 Tiananmen massacre (see Section 1.d.). Similarly, dissidents reported greater surveillance and harassment from public security officials during the National People’s Congress in March, before the June 4 anniversary of the Tiananmen crackdown, and before the October 1 National Day.

Authorities also harassed relatives of dissidents and monitored their activities. Security personnel kept close watch on relatives of prominent dissidents, particularly during sensitive periods. For example, security personnel followed the family members of political prisoners to meetings with Western reporters and diplomats. Dissidents and their family members routinely were warned not to speak with the foreign press. Police sometimes detained the relatives of dissidents (see Section 2.a.).

Official poverty alleviation programs and major state projects have included forced relocation of persons to new residences. The Government estimated that at least 1.2 million persons have been relocated for the Three Gorges Dam project on the Yangtze River.

Forced relocation because of urban redevelopment was common, sometimes resulting in protests over relocation terms or compensation. The case of Shanghai housing lawyer Zheng Enchong prompted significant public protest over urban relocation. In October, Zheng was sentenced to 3 years’ imprisonment in connection with his advocacy on behalf of hundreds of Shanghai residents displaced in a controversial urban redevelopment project. Legal proceedings in Zheng’s case prompted many demonstrations, including one planned to involve hundreds on National Day at Tiananmen Square. That protest was prevented by police. Many of the protesters were detained for short periods in Beijing and Shanghai. Some protest leaders were prosecuted and sentenced to reeducation through labor (see Sections 2.b. and 3).

The Population and Family Planning Law, the country’s first formal law on this subject, entered into force on September 1, 2002. The National Population and Fam-

ily Planning Commission (NPFPC) enforces the law and formulates and implements policies with assistance from the Birth Planning Association, which had 1 million branches nationwide. The law is intended to standardize the implementation of the Government's birth limitation policies; however, enforcement continued to vary from place to place. The law grants married couples the right to have a single child and allows eligible couples to apply for permission to have a second child if they meet conditions stipulated in local and provincial regulations. Many provincial regulations require women to wait 4 years or more after their first birth before making such an application. The law requires counties to use specific measures to limit the total number of births in each county. The law further requires couples to employ birth control measures. According to a September 2002 U.N. survey, the percentage of women who select their own birth control method grew from 53 percent in 1998 to 83 percent in 2000. The law requires couples who have an unapproved child to pay a "social compensation fee" and grants preferential treatment to couples who abide by the birth limits. Although the law states that officials should not violate citizens' rights, neither those rights nor the penalties for violating them are defined. The law provides significant and detailed sanctions for officials who help persons evade the birth limitations.

The law delegates to the provinces the responsibility of drafting implementing regulations, including establishing a scale for assessment of social compensation fees, but State Council Decree 357 provides general principles to guide local authorities. This decree also requires family planning officials to obtain court approval for taking "forcible" action, such as confiscation of property, against families that refuse to pay social compensation fees.

The one-child limit was more strictly applied in the cities, where only couples meeting certain conditions (e.g., both parents are only children) were permitted to have a second child. In most rural areas (including towns of under 200,000 persons), where approximately two-thirds of citizens lived, the policy was more relaxed, generally allowing couples to have a second child if the first was a girl or disabled. Ethnic minorities, such as Muslim Uighurs and Tibetans, were subject to much less stringent population controls (see Tibet Addendum). In remote areas, limits generally were not enforced, except on government employees and Party members. Local officials, caught between pressures from superiors to show declining birth rates, and from local citizens to allow them to have more than one child, frequently made false reports. The NPFPC estimated fertility at 1.8 births per woman, a figure roughly confirmed by the 2000 census. It claimed that the yearly growth rate of the population has dropped to less than 1 percent per year.

Authorities continued to reduce the use of targets and quotas, although over 1,900 of the country's 2,800 counties continued to use such measures. Authorities using the target and quota system require each eligible married couple to obtain government permission before the woman becomes pregnant. In many counties, only a limited number of such permits were made available each year, so couples who did not receive a permit were required to wait at least a year before obtaining permission. Counties that did not employ targets and quotas allowed married women of legal child-bearing age to have a first child without prior permission.

The country's population control policy relied on education, propaganda, and economic incentives, as well as on more coercive measures such as the threat of job loss or demotion and social compensation fees. Psychological and economic pressure were very common; during unauthorized pregnancies, women sometimes were visited by birth planning workers who used the threat of social compensation fees to pressure women to terminate their pregnancies. The fees were assessed at widely varying levels and were generally extremely high. Reliable sources reported that the fees ranged from one-half to eight times the average worker's annual disposable income. Local officials have authority to adjust the fees downward and did so in many cases. Additional disciplinary measures against those who violated the limited child policy by having an unapproved child or helping another to do so included the withholding of social services, higher tuition costs when the child goes to school, job loss or demotion, loss of promotion opportunity, expulsion from the Party (membership in which was an unofficial requirement for certain jobs), and other administrative punishments, including in some cases the destruction of property. These penalties sometimes left women little practical choice but to undergo abortion or sterilization. Rewards for couples who adhered to birth limitation laws and policies included monthly stipends and preferential medical and educational benefits. In the cases of families that already had two children, one of the parents was usually pressured to undergo sterilization.

According to previously published local regulations in at least one province, women who do not qualify for a Family Planning Certificate that allows them to have a child must use an intrauterine device (IUD) or implant. The regulations fur-

ther require that women who use an IUD undergo quarterly exams to ensure that it remains properly in place. In another province, rules state that “unplanned pregnancies must be aborted immediately.” In some counties, women of childbearing age were required periodically to undergo pregnancy tests.

At the same time, the Government maintained that, due to economic development and other factors such as small houses, both parents working full-time, and high education expenses, couples in major urban centers often voluntarily limited their families to one child.

The Population and Family Planning Law delegates to the provinces the responsibility of implementing appropriate regulations to enforce the law. By year’s end, all provincial-level governments except the TAR had amended their regulations. Anhui Province, for example, passed a law permitting 13 categories of couples, including coal miners, some remarried divorcees, and some farm couples, to have a second child. The law does not require such amendments, however, unless existing regulations conflict with it. Existing regulations requiring sterilization in certain cases, or mandatory abortion, are not contradicted by the new law, which says simply that compliance with the birth limits should “mainly” be achieved through the use of contraception.

Central Government policy formally prohibits the use of physical coercion to compel persons to submit to abortion or sterilization. Because it is illegal, the use of physical coercion was difficult to document. A few cases were reported during the year, but most observers believed that the frequency of such cases was declining. In May, officials in Anhui Province who tried to force a woman to be sterilized were reprimanded after the woman informed national family planning officials that she knew it was her right under the law to choose her method of birth control.

Senior officials stated repeatedly that the Government “made it a principle to ban coercion at any level,” and the NPFPC has issued circulars nationwide prohibiting birth planning officials from coercing women to undergo abortions or sterilization against their will. However, the Government does not consider social compensation fees and other administrative punishments to be coercive. Under the State Compensation Law, citizens also may sue officials who exceed their authority in implementing birth planning policy, and, in a few instances, individuals have exercised this right.

Corruption related to social compensation fees reportedly decreased after the 2002 passage of State Council Decree 357, which established that collected “social compensation fees” must be submitted directly to the National Treasury rather than retained by local birth planning authorities. NPFPC officials reported in 2002 that they responded to more than 10,000 complaints against local officials.

In March, the U.N. Population Fund (UNFPA) concluded a 4-year pilot project in 32 counties. Under this program, local birth planning officials emphasized education, improved reproductive health services, and economic development, and they eliminated the target and quota systems for limiting births. However, these counties retained the birth limitation policy, including the requirement that couples employ effective birth control methods, and enforced it through other means, such as social compensation fees. Subsequently, 800 other counties also removed the target and quota system and tried to replicate the UNFPA project by emphasizing quality of care and informed choice of birth control methods. In April, a new UNFPA program began in 30 counties. Under this program, officials defined a list of “legitimate rights of reproduction according to law,” including the rights to choose contraception and right to legal remedies, among others.

In order to delay childbearing, the Marriage Law sets the minimum age at marriage for women at 20 years and for men at 22 years. It continued to be illegal in almost all provinces for a single woman to bear a child, and social compensation fees have been levied on unwed mothers. The Government stated that the practice of levying social compensation fees for “pre-marriage” births was abolished on an experimental basis in some counties during the year. In 2002, Jilin Province passed a law making it legal, within the limits of the birth limitation law, for an unmarried woman who “intends to remain single for life” to have a child.

Laws and regulations forbid the termination of pregnancies based on the sex of the fetus, but because of the intersection of birth limitations with the traditional preference for male children, particularly in rural areas, many families used ultrasound technology to identify female fetuses and terminate these pregnancies (see Section 5). The use of ultrasound for this purpose is prohibited specifically by the Population Law and by the Maternal and Child Health Care Law, both of which mandate punishment of medical practitioners who violate the provision. During the year, new regulations were issued that specifically forbid sex-selective abortions. According to the NPFPC, few doctors have been charged under these laws. The most recent official figures, from November 2000, put the overall male to female birth

ratio at 116.9 to 100 (as compared to the statistical norm of 106 to 100). For second births, the national ratio was 151.9 to 100.

The Maternal and Child Health Care Law requires premarital and prenatal examinations in part to determine whether couples have acute infectious diseases or certain mental defects or are at risk for passing on debilitating genetic diseases. The law states that abortion or sterilization are recommended in some cases. In practice, however, most regions of the country still did not have the medical capacity to determine accurately the likelihood of passing on debilitating genetic diseases.

Lack of informed consent was a general problem in the practice of medicine throughout the country.

As of 2001, the China Psychiatric Association no longer listed homosexuality as a mental illness. Many gays and lesbians saw the move as a hopeful sign of increased official tolerance. In major cities, gays and lesbians sometimes could gather publicly for social purposes, but societal discrimination caused most social gatherings to remain private.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution states that freedom of speech and freedom of the press are fundamental rights to be enjoyed by all citizens; however, the Government tightly restricted these rights in practice. The Government interpreted the Party's "leading role," as mandated in the preamble to the Constitution, as circumscribing these rights. The Government strictly regulated the establishment and management of publications. The Government did not permit citizens to publish or broadcast criticisms of senior leaders or opinions that directly challenged Communist Party rule. The Party and Government continued to control many and, on occasion, all print and broadcast media tightly and used them to propagate the current ideological line. All media employees were under explicit, public orders to follow CCP directives and "guide public opinion," as directed by political authorities. Both formal and informal guidelines continued to require journalists to avoid coverage of many politically sensitive topics. These public orders, guidelines, and statutes greatly restricted the freedom of broadcast journalists and newspapers to report the news and led to a high degree of self-censorship. The Government continued an intense propaganda campaign against the Falun Gong.

The Government continued to threaten, arrest, and imprison persons exercising free speech. Internet essayists in particular were targeted.

Many individuals were jailed for their Internet publications during the year. In January, Tao Haidong was sentenced in Urumqi, Xinjiang, to 7 years in prison for "incitement to subvert state power" based on articles on democracy he posted on the Internet. In May, Sichuan website manager Huang Qi, founder of a site for missing persons from the 1989 Tiananmen crackdown, was sentenced to 5 years in prison. Also in May, four students belonging to the New Youth Study Group—Yang Zili, Xu Wei, Jin Haike, and Zhang Honghai—who used the Internet to circulate articles on political and social topics received sentences of 8 to 10 years for subversion. Their appeal to the Supreme People's Court was denied in November. Three of the four witnesses who testified against them at trial recanted their stories, but the SPC refused to hear testimony from these witnesses on appeal. In October, Internet essayist Luo Yongzhong from Jilin Province was sentenced to 3 years in prison after publishing articles on overseas websites calling for democracy and human rights. On October 29, Internet writer Du Daobin in Hubei Province was detained and later charged with distributing articles that "subverted state power." At year's end, he was awaiting trial. The legal credentials of Du's attorney were cancelled because he agreed to represent Du. In November, Beijing Normal University student Liu Di, website publisher Li Yibin, and Wu Yiran were released on bail after a year in detention. The court returned their file to prosecutors because of insufficient evidence but sentenced their alleged confederate Jiang Lijun to 4 years in prison for subversion. On December 8, Xian teacher Yan Jun was sentenced to 2 years for subversion based on his Internet postings. On December 10, Sichuan local government official Li Zhi was sentenced to 8 years for subversion in connection with his on-line writings about corruption and democracy. Sichuan Internet writer Ouyang Yi has been detained since December 2002 on charges of incitement to subvert state power. He was tried on October 15, but no verdict in his case was issued by year's end. In December, factory worker Kong Youping was detained for posting political articles and poems on the Internet. The NGO Reporters Without Borders reported that, between November 1 and December 15 alone, 9 persons were convicted and sentenced to prison terms of 2 to 10 years in jail for putting messages critical of the Government on the Internet. The group named China "the biggest jail in the world for cyberdissidents," stating that the country has jailed 48 persons for their Internet writing in recent years.

Journalists who reported on sensitive topics also continued to suffer harassment, detention, and imprisonment. For example, South Korean photojournalist Seok Jae Hyun was imprisoned in January while photographing North Korean refugees trying to board boats headed for South Korea and Japan (see Section 2.d.). In May, he was sentenced to 2 years in prison. Reporter Jiang Weiping, who had written a series of articles exposing official corruption in Liaoning Province, remained in prison, although his sentence was reduced from 8 to 6 years. The Committee to Protect Journalists again assessed China as “the world’s leading jailer of journalists,” with 39 journalists imprisoned at year’s end.

Some Chinese remained active and continued to speak out, despite the Government’s restrictions on freedom of speech. For example, in April, Dr. Jiang Yanyong disclosed that the spread of SARS in Beijing, particularly in military hospitals, had been significantly under-reported. This disclosure ultimately contributed to broader acknowledgment of the extent of the spread of SARS. In June, scholar Cao Siyuan convened a symposium that proposed constitutional amendments to establish a Constitutional Court, incorporate human rights, provide “freedom of speech, publication, and association without pre-approval,” and to allow direct elections. While neither person was formally detained, both were followed by public security officials and at times forbidden from contact with foreigners or the media.

There were a few privately owned print publications, but they were subject to pre- and post-publication censorship. There were no privately owned television or radio stations, and all programming had to be approved by the Government.

The Communist Party continued to control tightly media and academic discussion of many political topics. In March, reporting about the National People’s Congress was strictly controlled, and the Beijing newspaper 21st Century World Herald was closed for publishing articles on political reform deemed too controversial. In June, the weekly newspaper Beijing Xinbao was closed and its editors fired after it published an article that mocked Party officials. In July, the Government issued a directive known as “The Three Forbiddens.” According to western media reports, it banned open discussion of constitutional reform, political reform, and reconsideration of the June 4, 1989 Tiananmen movement. More broadly, in a June meeting, the Communist Party’s Propaganda Department advised all media to avoid the following sensitive topics: Dr. Jiang Yanyong’s communication with foreigners about SARS, the Sun Zhigang case (see Section 1.c.), corruption cases against Shanghai-based businessman Zhou Zhengyi and Chinese/Dutch national Yang Bin, an April submarine accident that killed all 70 sailors on board, and nuclear weapons in the DPRK.

Censorship related to SARS was particularly controversial. On February 11, Guangzhou municipal authorities held a press conference announcing over 300 SARS cases in Guangzhou. Afterward, from February through April, domestic news outlets were prohibited from discussing the disease. Reporting about the causes and extent of SARS was also strictly controlled. For example, in February, Guangdong Province’s Southern Metropolitan Daily newspaper was sanctioned for publishing articles that contradicted the Government line that SARS was caused by the chlamydia virus. On April 14, the Government publicly acknowledged that the SARS epidemic was more serious than previously admitted, and it punished some officials for underreporting SARS cases. Some hailed this as a new sign of openness by the Government. The Government held live televised press conferences to answer questions about SARS. However, newspapers and magazines whose reporting on SARS exceeded limits set by government censors continued to face closure and other sanctions. The June 20 edition of *Caijing*, an influential business news magazine, was withdrawn from newsstands. It contained an article on the impact of SARS and another on a bank loan scandal linked to Government officials. *Caijing*’s previous edition had published an interview with SARS informant Dr. Jiang Yanyong.

Discussion of corruption also was tightly controlled. Newspapers could not report on corruption without government and Party approval, and publishers published such material at their own risk. In recent years, journalists and sometimes editors have been harassed, detained, threatened, and even imprisoned for reporting on subjects that met with the Government’s or local authorities’ disapproval, including corruption. During the year, journalists and editors who exposed corruption scandals frequently faced problems with the authorities, and the Government continued to close publications and punish journalists for printing material deemed too sensitive.

Government restrictions on the press and the free flow of information continued to prevent accurate reporting on the spread of HIV/AIDS. This problem was particularly acute in Henan Province. Henan health official Ma Shiwen was detained for several months before his release in October. Ma had allegedly provided information to NGOs about villagers who became infected with HIV after selling blood (see Sec-

tion 1.d.). Henan provincial officials attempted to prevent 77-year-old Dr. Gao Yaojie, an advocate for AIDS orphans, from attending an AIDS forum at Beijing's Qinghua University in November.

For several years, journalists openly have called for legislation granting press freedom protection, without success. New regulations reported during the year required government officials to accept supervision by the media and public on all matters except those involving state security.

The Government kept tight control over the foreign press during the year and continued efforts to prevent foreign media "interference" in internal affairs. The international edition of Time Magazine has been banned since an article appeared in 2001 on the Falun Gong.

The publishing industry consists of three kinds of book businesses: approximately 560 government-sanctioned publishing houses, smaller independent publishers that cooperated with official publishing houses to put out more daring publications, and an underground (illicit) press. The government-approved publishing houses were the only organizations legally permitted to print books. The Communist Party exerted control over the publishing industry by preemptively classifying certain topics as off-limits; selectively rewarding with promotions and perks those publishers, editors, and writers who adhered to Party guidelines; and punishing those who did not adhere to Party guidelines with administrative sanctions and blacklisting. Some independent publishers took advantage of a loophole in the law to sign contracts with government publishing houses to publish politically sensitive works. These works generally were not subjected to the same multi-layered review process as official publications of the publishing houses.

Underground printing houses have been targets of periodic campaigns to stop all illegal publications (including pornography and pirated computer software and audiovisual products). These campaigns had the effect of restricting the availability of politically sensitive books. State-run media reported that over 300,000 pirated or pornographic books were destroyed in a public event held in July in Beijing.

Many intellectuals and scholars, anticipating that books or papers on political topics would be deemed too sensitive to be published, exercised self-censorship. Overt intervention by the State Press and Publications Administration and Party Propaganda Department mostly occurred after publication. In areas such as economic policy or legal reform, there was far greater official tolerance for comment and debate. Criticism of Central Government authorities continued to remain largely off-limits. Among books banned during the year were a new biography of former Premier Zhou Enlai, "The True Face of China's June Fourth," and "The Destruction of China." Books once published legitimately and circulated widely, such as "I Tell the Truth to the Premier," a controversial indictment of the Party's rural policies, were reportedly ordered off shelves during the year. In March 2002, the Department of Cultural Affairs in Urumqi, Xinjiang, ordered the destruction of thousands of books on Uighur history and culture. The books detailing and documenting Uighur history originally had been published with the approval of the authorities. Content about the Tiananmen Square student movement and the Dalai Lama, among other passages, was censored in U.S. Senator Hillary Clinton's book, "Living History." Chinese publishers reported that increasing commercialization of their industry led to tension between ideological constraints and market imperatives.

In June, the Government ended the practice of forcing government work units to subscribe to official newspapers, forcing many official newspapers to compete for readership or face insolvency.

The authorities continued to jam, with varying degrees of success, Chinese-, Uighur-, and Tibetan-language broadcasts of the Voice of America (VOA), Radio Free Asia (RFA) and the British Broadcasting Corporation (BBC). English-language broadcasts on VOA generally were not jammed, unless they immediately followed Chinese-language broadcasts, in which case portions of the English-language broadcasts were sometimes jammed. Government jamming of RFA and BBC appeared to be more frequent and effective. Despite jamming, in the absence of an independent press, overseas broadcasts such as VOA, BBC, RFA, and Radio France International had a large audience, including activists, ordinary citizens, and even government officials.

The Government prohibited some foreign and domestic films from appearing in the country. Television broadcasts of foreign programming, which largely were restricted to hotel and foreign residence compounds, also suffered from occasional censorship of topics including sensitive political issues and SARS.

The Government continued to encourage expanded use of the Internet; however, it also took steps to increase monitoring of the Internet and continued to place restrictions on the information available. While only a very small percentage of the population accessed the Internet, use among intellectuals and opinion leaders was

widespread and growing rapidly. Young persons, both urban and rural, accounted for the greatest number of Internet users. According to a quasi-government report, the number of Internet users at the end of 2002 was 59.1 million. During the year, industry officials estimated the number of users at 80–100 million, with only 27 percent of those in the urban centers of Beijing, Shanghai, and Guangzhou.

China's Internet control system employed more than 30,000 persons and was allegedly the largest in the world. According to a 2002 Harvard University report, the Government blocked at least 19,000 sites during a 6-month period and may have blocked as many as 50,000. At times, the Government blocked the sites of some major foreign news organizations, health organizations, educational institutions, Taiwanese and Tibetan businesses and organizations, religious and spiritual organizations, democracy activists, and sites discussing the June 4 Tiananmen massacre. The number of blocked sites appeared to increase around major political events and sensitive dates. The authorities reportedly began to employ more sophisticated technology enabling the selective blocking of specific content rather than entire websites in some cases. Such technology was also used to block e-mails containing sensitive content. The Government generally did not prosecute citizens who received dissident e-mail publications, but forwarding such messages to others sometimes did result in detention. Internet usage reportedly was monitored at all terminals in public libraries.

The Ministry of Information Industry regulated access to the Internet while the Ministries of Public and State Security monitored its use. Regulations prohibit a broad range of activities that authorities have interpreted as subversive or as slanderous to the state, including the dissemination of any information that might harm unification of the country or endanger national security. Promoting "evil cults" was banned, as was providing information that "disturbs social order or undermines social stability." Internet service providers (ISPs) were instructed to use only domestic media news postings, record information useful for tracking users and their viewing habits, install software capable of copying e-mails, and immediately end transmission of so-called subversive material. Many ISPs practiced extensive self-censorship to avoid transgressing the very broadly worded regulations. A study released in May by Reporters Without Borders reported that only 30 percent of messages with "controversial content" were allowed onto Chinese "chatroom" websites. The remaining 70 percent of messages were filtered out by censors or removed by the site host.

The State Council has promulgated a comprehensive list of prohibited Internet activities, including using the Internet to "incite the overthrow of the Government or the Socialist system" and to "incite division of the country, harming national unification."

In addition to imprisoning several persons during the year for disseminating information through the Internet, the Government detained several individuals for using the Internet to express support for other detained Internet activists. NGOs reported that several people were detained during the year for expressing support for detained Beijing Normal University Internet writer Liu Di. Those detained for expressing on-line support for Liu included Kong Youping, Yuan Langsheng, Cai Lujun, Luo Changfu, and a 17-year old Henan girl identified only as Zheng. Liu Di's case sparked this reaction because she herself was detained for expressing sympathy for another Internet activist, Sichuan website manager Huang Qi. In November, Liu was released on bail after a court found that the evidence against her was insufficient; however, some persons detained for supporting her remained in custody at year's end (see Section 1.d.).

In 2002, the Government began a "Public Pledge on Self Discipline for China's Internet Industry" drive. More than 300 companies signed up, including the popular Sina.com and Sohu.com, as well as foreign-based Yahoo!'s China division. Those who signed the pledge agreed not to spread information that "breaks laws or spreads superstition or obscenity." They also promised to refrain from "producing, posting, or disseminating pernicious information that may jeopardize state security and disrupt social stability."

In 2002, the country had more than 200,000 Internet cafes. In response to the health crisis caused by SARS, the authorities closed all of the nation's Internet cafes on April 27. Beijing cafes stayed closed until August, while cafes in Shanghai and Sichuan reopened sooner.

During the year, the Government announced new plans to censor simple messaging system text messages distributed by mobile telephone. The country's largest service provider, China Mobile, reported in July that its customers sent an estimated 40 billion text messages in 2002.

The Government did not respect academic freedom and continued to impose ideological controls on political discourse at colleges, universities, and research insti-

tutes. Scholars and researchers reported varying degrees of control regarding issues they could examine and conclusions they could draw. For example, several professors were warned against calling for abolition of reeducation through labor after the beating death of inmate Zhang Bin (see Section 1.c.). Participants at a June conference on constitutional reform faced harassment by public security officials. Government decrees, such as the “three forbiddens,” significantly interfered with academic freedom. Scholar Xu Zerong remained in prison for “illegally providing state secrets” by sending sensitive reference materials on the Korean War to a contact in Hong Kong.

The Government continued to use political attitudes as criteria for selecting persons for government-sponsored study abroad, but did not impose such restrictions on privately sponsored students, who constituted the majority of students studying abroad.

Researchers residing abroad also have been subject to sanctions from the authorities when their work did not meet with official approval.

b. Freedom of Peaceful Assembly and Association.—The Constitution provides for freedom of peaceful assembly; however, the Government severely restricted this right in practice. The Constitution stipulates that such activities may not challenge “Party leadership” or infringe upon the “interests of the State.” Protests against the political system or national leaders were prohibited. Authorities denied permits and quickly moved to suppress demonstrations involving expression of dissenting political views.

At times, police used excessive force against demonstrators. Demonstrations with political or social themes were often broken up quickly and violently. The most widely publicized demonstrations in recent years were those of the Falun Gong spiritual movement. The Government continued to wage a severe political, propaganda, and police campaign against the Falun Gong movement. Since the Government banned the Falun Gong in 1999, mere belief in the discipline, without any outward manifestation of its tenets, has been sufficient grounds for practitioners to receive punishments ranging from loss of employment to imprisonment, and in many cases, to suffer torture and death (see Sections 1.a. and 2.c.). In many cases, Falun Gong practitioners were subject to close scrutiny by local security personnel, and their personal mobility was tightly restricted, particularly at times when the Government believed public protests were likely.

The number of protests by individuals or small groups of Falun Gong practitioners at Tiananmen Square remained very low during the year. Some observers attributed this to the effectiveness of the sustained government crackdown, which, by the end of 2001, had essentially eliminated public manifestations of the movement. Authorities also briefly detained foreign practitioners who attempted to unfurl banners on Tiananmen Square or pass out leaflets, in most cases deporting them after a few hours.

In many cases, the authorities dealt with demonstrations about economic issues more leniently than with those that addressed political issues, but some economic demonstrations were dispersed by force. During the year, Ministry of Public Security publications indicated that the number of demonstrations was growing and that protesters were becoming more organized. Some of these demonstrations included thousands of participants.

The vast majority of legal and illegal demonstrations that occurred during the year concerned economic and social issues such as housing, health, and welfare. Labor protests over the downsizing of SOEs and resulting unemployment in the country’s northeastern provinces continued but were smaller in scale than in 2002. However, protests by workers seeking unpaid wages continued throughout the country, including among migrant laborers and construction workers who often were paid in one installment before Chinese New Year and who demonstrated when employers withheld their salaries or underpaid them (see Section 6.b.). In May, labor leaders Yao Fuxin and Xiao Yunliang received prison sentences of 7 and 4 years, respectively, for their roles in leading large 2002 protests by factory workers demanding backpay and other benefits (see Section 6.b.). The Government denied requests by Liaoyang workers for a permit to protest Yao and Xiao’s imprisonment. In April, some 200 persons reportedly protested the construction of a hospital for quarantining SARS patients between Beijing and Tianjin municipalities. Similar protests over SARS quarantine hospitals were reported in other provinces, with some resulting in arrests. Protests by persons with HIV/AIDS occurred in Henan Province and other central provinces and were sometimes met with violence or arrests. On May 17, 100 AIDS patients protested lack of health care in Wenlou village hospital and at least one protester reportedly was severely beaten. In June, after a few HIV/AIDS protesters were detained in Xiongqiao village, Henan Province, hundreds of police officers reportedly were sent into the village, where they beat

several protesters and detained over a dozen others. The scope of police reaction produced widespread international concern. Demonstrations of over 100 persons protesting property relocation resulted in arrests in Shanghai. On August 28, in Shanghai, over 200 persons demonstrated to protest the trial of attorney Zheng Enchong, who represented residents dislocated in an urban relocation scheme. The demonstration reportedly resulted in arrests when police sought to disperse the crowd. Before National Day on October 1, security officials briefly detained more than 80 persons for their plans to participate in a Tiananmen Square protest about urban development and the relocation of residents.

The Constitution provides for freedom of association; however, the Government restricted this right in practice. Communist Party policy and government regulations require that all professional, social, and economic organizations officially register with, and be approved by, the Government. Ostensibly aimed at restricting secret societies and criminal gangs, these regulations also prevent the formation of truly autonomous political, human rights, religious, spiritual, environmental, labor, and youth organizations that might directly challenge government authority. Since 1999, all concerts, sports events, exercise classes, or other meetings of more than 200 persons require approval from Public Security authorities.

No laws or regulations specifically govern the formation of political parties. The Government continued to use surveillance, detention, and prison terms to suppress the CDP (see Section 3).

According to government statistics, at the end of 2002, there were approximately 133,000 social organizations, including 1,712 national-level and cross-provincial organizations, 20,069 provincial organizations, and 52,386 local and county-level organizations registered with the Ministry of Civil Affairs. There were 111,000 private, nonprofit corporations registered. Experts estimated that there were at least 1 million, and perhaps as many as 2 million, unregistered NGOs. Although these organizations all came under some degree of government control, some were able to develop their own agendas. Some had support from foreign secular and religious NGOs. Some were able to undertake limited advocacy roles in such public interest areas as women's issues, the environment, health, and consumer rights. NGOs were required to register with the Government, which has 2 months in which to grant approval. To register, an NGO must obtain an organizational sponsor, have an official office, and hold a minimal amount of funds (for local-level NGOs, at least \$3,600 (RMB 30,000); for national-level groups, at least \$12,000 (RMB 100,000)). According to government guidelines, NGOs must not advocate non-party rule, damage national unity, or upset ethnic harmony. Groups that disobeyed guidelines and unregistered groups that continued to operate could face administrative punishment or criminal charges. During the year, the Beijing Municipal Civil Affairs Bureau ordered 51 organizations to close for failure to register. It was difficult to estimate how many groups may have been discouraged from organizing NGOs because of these regulations. However, preexisting groups reported little or no additional interference by the Government since NGO registration regulations came into effect in 1998.

c. Freedom of Religion.—The Constitution provides for freedom of religious belief and the freedom not to believe; however, the Government sought to restrict religious practice to government-sanctioned organizations and registered places of worship and to control the growth and scope of the activity of religious groups. There are five official religions: Buddhism, Taoism, Islam, Protestantism, and Catholicism. A government-affiliated association monitored and supervised the activities of each of the five faiths. Membership in religions was growing rapidly. While the Government generally did not seek to suppress this growth outright, it tried to control and regulate religious groups to prevent the rise of sources of authority outside the control of the Government and the Party.

Overall, government respect for religious freedom remained poor. Even though freedom to participate in religious activity increased in many areas of the country, crackdowns in some locations against unregistered groups, including underground Protestant and Catholic groups; Muslim Uighurs; and Tibetan Buddhists (see Tibet Addendum) continued. The Government continued its repression of groups that it determined to be “cults” and of the Falun Gong spiritual movement in particular. During the SARS crisis, the Government arrested hundreds of Falun Gong adherents and others whom it accused of preaching doomsday messages and disrupting anti-SARS activity. The atmosphere created by the nationwide campaign against Falun Gong reportedly had a spillover effect on unregistered churches, temples, and mosques in many parts of the country.

All religious groups and spiritual movements were required to register with the State Administration for Religious Affairs (SARA, formerly known as the central Religious Affairs Bureau) or its provincial and local offices (still known as Religious Affairs Bureaus (RABs)). SARA and the RABs were responsible for monitoring and

judging the legitimacy of religious activity. SARA and the Communist Party's United Front Work Department provided policy "guidance and supervision" over implementation of government regulations on religious activity. In December 2001, all members of the Politburo Standing Committee attended a Party Work Conference on religion at which then-President Jiang Zemin and then-Premier Zhu Rongji gave speeches praising the social work being done by numerous religious institutions. They urged "mainstream" religious groups to register with the Government and, at the same time, called for stepped-up measures to eliminate "non-mainstream" religious groups.

This national campaign to require religious groups and places of worship to register or to come under the supervision of official "patriotic" religious organizations continued and, in some places, intensified during the year. Some groups registered voluntarily, some registered under pressure, some avoided officials in an attempt to avoid registration, and authorities refused to register others. Some unofficial groups reported that authorities refused them registration without explanation. The Government contended that these refusals were mainly the result of failure to meet requirements concerning facilities and meeting spaces. Many religious groups were reluctant to comply with the regulations out of principled opposition to state control of religion or due to fear of adverse consequences if they revealed, as required, the names and addresses of church leaders and members.

However, in some areas, supervision of religious activity was minimal, and registered and unregistered churches were treated similarly by authorities. Coexistence and cooperation between official and unofficial churches, both Catholic and Protestant, in such areas were close enough to blur the line between the two. In some areas, congregants worshiped in both types of churches. In others, underground churches procured Bibles with the help of colleagues in registered churches. In many areas, small house churches and "family" churches were generally tolerated by the authorities, so long as they remained small and unobtrusive. Some of these churches reportedly encountered difficulty when their memberships became too large, when they arranged for the use of facilities for the specific purpose of conducting religious activities, or when they forged links with other unregistered groups or when links with overseas organizations came to light. Official churches also sometimes have faced harassment when local authorities wished to acquire the land on which a church was located. In addition to refusing to register churches, in recent years there have been reports that RAB officials demanded illegal "donations" from churches in their jurisdictions in order to raise revenue.

Leaders of unauthorized groups were sometimes the targets of harassment, interrogation, detention, and physical abuse. Police closed scores of "underground" mosques, temples, seminaries, Catholic churches, and Protestant "house churches," including many with significant memberships, properties, financial resources, and networks. Authorities particularly targeted unofficial religious groups in locations where there were rapidly growing numbers of unregistered churches, or in places of long-seated conflict between official and unofficial churches, such as with Catholics in Baoding, Hebei Province, and Chengde, Fujian Province.

The Government intensified pressure against Protestant house churches and their leaders during the year. In April and May, Protestant house churches in Anshan, Liaoning Province, reportedly were raided and worshippers detained. In June, six house churches in locations across the Inner Mongolia Autonomous Region were reportedly closed by authorities and their leaders detained. In June, underground Christians in Funing County, Yunnan Province, were detained for several days after they attended a meeting with local officials to ostensibly discuss registration. Also in June, an unofficial seminary in Kunming, Yunnan Province, was closed and some of the students were detained. In September, house church historian Zhang Yinan and legal advisor to the South China Church Xiao Biguang were among approximately 100 Christians detained in Nanyang, Henan Province. While Xiao was released a month later, Zhang was sentenced to 2 years of reeducation through labor. He was reportedly beaten in the camp. In October, Beijing-based house Christian Liu Fenggang was detained in Xiaoshan, Zhejiang Province, for conducting an investigation into reports of church demolitions and detention of leaders in the Local Assembly ("Little Flock") church. In July, a large church was reportedly closed by police; many worshippers were detained briefly and church leaders were "invited to attend a seminar" for a number of days before being permitted to return home. Liu was charged with illegally providing state secrets to foreign entities, a charge activists believe was related to Liu's providing information about his investigation to overseas NGOs. Beijing police also seized Liu's computer equipment and files. Two other house Christians, Beijing homeless advocate Dr. Xu Yonghai and Jilin Internet writer Zhang Shengqi, also remained detained at year's end, allegedly for supporting Liu.

A number of Catholic priests and lay leaders also were beaten or otherwise abused during the year. For example, underground Catholic officials in Fujian and Jiangxi provinces were harassed and detained in April and May. On June 16, a priest in Wenzhou, Zhejiang Province, was detained while preparing to administer sacraments to a dying Catholic. In Hebei Province, where approximately half of the country's Catholics reside, friction between unofficial Catholics and local authorities continued. Hebei authorities have forced many underground priests and believers to choose between joining the Patriotic Church or facing fines, job losses, periodic detentions, and, in some cases, the removal of their children from school. Some Catholics have been forced into hiding. In July, five underground clergy in Baoding, Hebei Province, reportedly were detained when they attempted to visit a priest recently released from reeducation through labor. Reliable sources also reported that Bishop An Shuxin, Bishop Zhang Weizhu, Father Cui Xing, and Father Wang Qunjun remained detained in Hebei Province. Underground Bishop Su Zhimin, who had been unaccounted for since his reported detention in 1997, was reportedly hospitalized in November for treatment of eye and heart ailments in Baoding, Hebei Province. Reports suggest that he had been held in a form of "house arrest" until his illness required hospitalization. Authorities sometimes used house arrest against religious leaders to avoid going through the official security and justice systems. The Government continued to deny any knowledge of Bishop Su's whereabouts or health condition and claimed that it had not taken any "coercive measures" against him.

Authorities also have destroyed or seized unregistered places of worship. On June 6, a church in Xiaoshan, Zhejiang Province, was torn down, although local officials maintain the demolition occurred for zoning reasons. On September 10, a church in Wenzhou, Zhejiang, was reportedly torn down because it was used to hold illegal gatherings. Visitors to Xinjiang Autonomous Region also reported that mosques have been destroyed, although some attributed the demolition as much to inter-religious conflict between Hui and Uighur Muslims as to Government antagonism. Leaders of the official Christian church reported mixed success in regaining use of Church property confiscated by the Government shortly after the 1949 Communist revolution.

The Government continued to restore or rebuild some churches, temples, mosques, and monasteries damaged or destroyed during the Cultural Revolution and allowed the reopening of some seminaries during the year. The number of restored and rebuilt temples, churches, and mosques remained inadequate to accommodate the recent increase in religious believers. The difficulty in registering new places of worship led to serious overcrowding in existing places of worship in some areas. Some observers cited the lack of adequate meeting space in registered churches to explain the rapid rise in attendance at house churches and "underground" churches.

The law does not prohibit religious believers from holding public office; however, most influential positions in government were reserved for Party members, and Party officials stated that Party membership and religious belief are incompatible. Party membership also was required for almost all high-level positions in government and in state-owned businesses and organizations. The Party reportedly issued circulars ordering Party members not to adhere to religious beliefs. The Routine Service Regulations of the People's Liberation Army state explicitly that servicemen "may not take part in religious or superstitious activities." Party and PLA personnel have been expelled for adhering to Falun Gong beliefs. In November, an international company that employs over 100,000 women in the country reported that it had revised its Chinese sales force agreement to remove an explicit ban on Falun Gong members.

Despite official regulations encouraging officials to be atheists, in some localities as many as 25 percent of Party officials engaged in some kind of religious activity. Most of these officials practiced Buddhism or a folk religion. The National People's Congress (NPC) included several religious representatives. Two of the NPC Standing Committee's vice chairmen are Fu Tieshan, a bishop and vice-chairman of the Chinese Catholic Patriotic Association, and Pagbalha Geleg Namgyai, a Tibetan "reincarnate lama." Religious groups also were represented in the Chinese People's Political Consultative Conference, an advisory forum for "multiparty" cooperation and consultation led by the CCP, and in local and provincial governments. During the year, Director of the State Administration for Religious Affairs Ye Xiaowen publicly emphasized that the guiding "Three Represents" ideology includes serving the interests of "the more than 100 million persons with religious beliefs." In a widely reported July speech, he stated that "upholding the propaganda and education on atheism and upholding the policy on freedom of religious belief are both correct and necessary."

The authorities permitted officially sanctioned religious organizations to maintain international contacts that did not involve "foreign control"; what constitutes "con-

tol" was not defined. Regulations ban proselytizing by foreigners. For the most part, authorities allowed foreign nationals to preach to foreigners in approved, registered places of worship, bring in religious materials for personal use, and preach to citizens at churches, mosques, and temples at the invitation of registered religious organizations. Collective religious activities of foreigners also were required to take place at officially registered places of worship or approved temporary locations. Foreigners legally were barred from conducting missionary activities, but many foreign Christians teaching English and other subjects on college campuses openly professed their faith with minimum interference from authorities.

Many Christian groups throughout the country have developed close ties with local officials, in some cases running schools to help educate children who otherwise would receive a substandard education and operating homes for the care of the aged. Likewise, Buddhist-run private schools and orphanages in the central part of the country not only educated children but also offered vocational training courses to teenagers and young adults.

Official religious organizations administered local religious schools, seminaries, and institutes to train priests, ministers, imams, Islamic scholars, and Buddhist monks. Students who attended these institutes had to demonstrate "political reliability," and all graduates must pass an examination on their political as well as theological knowledge to qualify for the clergy. The Government permitted limited numbers of Catholic and Protestant seminarians, Muslim clerics, and Buddhist clergy to go abroad for additional religious studies. In most cases, funding for these training programs was provided by foreign organizations.

Both official and unofficial Christian churches had problems training adequate numbers of clergy to meet the needs of their growing congregations. No priests or other clergy in the official churches were ordained between 1955 and 1985, creating a severe shortfall in certain age groups. Due to government prohibitions, unofficial churches had particularly significant problems training clergy or sending students to study overseas, and many clergy received only limited and inadequate preparation. Members of the underground Catholic Church, particularly clergy wishing to further their studies abroad, found it difficult to obtain passports and other necessary travel documents (see Section 2.d.). Some Catholic clerics also complained that they were forced to bribe local RAB officials before being allowed to enter seminaries.

Traditional folk religions, such as the "Mazu cult" in Fujian Province, which is based on a legend, were still practiced in some locations. They were tolerated to varying degrees, often seen as loose affiliates of Taoism or as ethnic minority cultural practices. However, at the same time, folk religions have been labeled as "feudal superstition" and sometimes were repressed because their resurgence was seen as a threat to Party control. In recent years, local authorities have destroyed thousands of shrines; however, there were no reports of such destruction during the year.

Buddhists made up the largest body of organized religious believers. The traditional practice of Buddhism continued to expand among citizens in many parts of the country. Tibetan Buddhists in some areas outside of the TAR had growing freedom to practice their faith. However, some Government restrictions remained, particularly in cases in which the Government interpreted Buddhist belief as supporting separatism, such as in some Tibetan areas and parts of the Inner Mongolian Autonomous Region. Visits by official emissaries of the Dalai Lama and also by his brother, which occurred in July and September 2002, continued when Lodi Gyari and Kelsang Gyaltzen, the Dalai Lama's representatives to the United States and Europe, respectively, made a second trip to the country in June. They met with officials and visited Shanghai, Beijing, and Tibetan areas in Yunnan Province (see Tibet Addendum).

Regulations restricting Muslims' religious activity, teaching, and places of worship continued to be implemented forcefully in Xinjiang. Authorities reportedly continued to prohibit the teaching of Islam to children under the age of 18 in areas where ethnic unrest has occurred and reserved the right to censor imams' sermons, particularly during sensitive religious holidays. For example, an independent imam in Kunming, Yunnan Province, was forced by the local patriotic association to stop preaching after he began to draw large crowds. Authorities believed his sermons were too fundamentalist in tone. In Xinjiang, authorities also treated fundamentalist Muslim leaders particularly harshly. In 2000, the authorities began conducting monthly political study sessions for religious personnel; the program reportedly continued during the year. The authorities also continued in some areas to discourage overt religious attire such as veils and to discourage religious marriage ceremonies. In addition, in some areas, fasting reportedly was prohibited or made difficult during Ramadan. There were numerous official media reports that the au-

thorities confiscated illegal religious publications in Xinjiang. The Xinjiang People's Publication House was the only publisher allowed to print Muslim literature in Xinjiang, and stores reported that those selling literature not included on Government lists of permitted items risked closure.

In some areas where ethnic unrest has occurred, particularly among Central Asian Muslims (and especially the Uighurs) in Xinjiang, officials continued to restrict the building of mosques. However, in other areas, particularly in areas traditionally populated by the non-Central Asian Hui ethnic group, there was substantial religious building construction and renovation. Mosque destruction, which sometimes occurred in Xinjiang, occasionally resulted from intra-religious conflict.

The Government permitted Muslim citizens to make the Hajj to Mecca and in some cases subsidized the journey. In 2002, approximately 2,000 persons were permitted to make the Hajj with government-organized delegations, while up to an additional 2,000 privately organized Hajjis went on their own after securing government approval. Other Muslims made the trip to Mecca via third countries. Uighur Muslims reportedly had greater difficulty getting permission to make the Hajj than other Muslim groups, such as Hui Muslims. Factors limiting Chinese Muslims' participation in the Hajj included costs and controls on passport issuance.

There were no diplomatic relations between the Government and the Holy See, although foreign Catholic officials visited during the year. While both Government and Vatican authorities stated that they would welcome an agreement to normalize relations, issues concerning the role of the Pope in selecting bishops and the status of underground Catholic clerics have frustrated efforts to reach this goal. Some bishops in the official Catholic Church were not openly recognized by the Holy See, although many have been recognized privately. Frequently, bishops were first consecrated and later sought Papal approval of their consecrations, sometimes secretly, causing tensions between the Government and the Vatican. Newly nominated bishops seeking unofficial Papal approval frequently found themselves at odds with other church leaders, who were sympathetic to the Central Government and who insisted that consecrations of new bishops be conducted by more senior bishops not recognized by the Vatican. Catholic priests in the official church also faced dilemmas when asked by parishioners whether they should follow Church doctrine or government policy restricting the number of children per family. This dilemma was particularly acute when discussing abortion.

Government relations with the unofficial Catholic Church worsened somewhat. After the July 1 demonstration in Hong Kong against legislation on Article 23 of the Basic Law, the Government was stricter toward the underground Catholic Church, in part because the Government accused Hong Kong Catholic leader Bishop Joseph Zen of having a negative influence on his mainland coreligionists. The Government's refusal to allow the official Catholic Church to recognize the authority of the Papacy in matters such as the ordination of bishops led many Catholics to refuse to join the official Catholic Church on the grounds that this refusal denies one of the fundamental tenets of their faith.

There were no new reports of Nanjing Seminary professors or Protestant preachers purged for theological perspectives different from those held by Bishop Ding Guangxun, national leader of the official Protestant church. Foreign teachers were officially invited to teach at both Catholic and Protestant seminaries during the year.

The increase in the number of Christians resulted in a corresponding increase in the demand for Bibles, which were available for purchase at most officially recognized churches. Although the country had only one government-approved publisher of Bibles and distribution had been a problem, the shortage of Bibles in previous years appeared largely to have abated. Customs officials continued to monitor for the "smuggling" of Bibles and other religious materials into the country, but there were no new cases of significant punishments for Bible importation. There were credible reports that the authorities sometimes confiscated Bibles and other religious material in raids on house churches.

Weekly services of the foreign Jewish community in Beijing have been held uninterrupted since 1995, and High Holy Day observances have been allowed for more than 15 years. The Shanghai Jewish community was allowed to hold services in an historic Shanghai synagogue, which has been restored as a museum. Local authorities indicated that the community could use the synagogue in the future for special occasions on a case-by-case basis.

The Church of Jesus Christ of Latter-Day Saints meets regularly in a number of cities, but its membership was strictly limited to the expatriate community.

Requests by expatriate Protestant churches for permission to allow local Chinese to attend their services were rejected by the Government. Foreign Protestant mis-

tionaries, including several in Guangzhou, were expelled during the year. The Government claimed that those expelled had violated Chinese law.

Authorities singled out groups they considered to be “cults” for particularly severe treatment. These “cults” included not only Falun Gong and various traditional Chinese meditation and exercise groups (known collectively as “qigong” groups), but also religious groups that authorities accused of preaching beliefs outside the bounds of officially approved doctrine. For example, police continued their efforts to close down an underground evangelical group called the “Shouters,” an offshoot of a pre-1949 indigenous Protestant group. The Government continued a general crackdown on such groups, including Eastern Lightning, the Association of Disciples, the Full Scope Church, the Spirit Sect, the New Testament Church, the Way of the Goddess of Mercy, the Lord God Sect, the Established King Church, the Unification Church, and the Family of Love. Authorities accused some in these groups of lacking proper theological training, preaching the imminent coming of the Apocalypse or holy war, or exploiting the reemergence of religion for personal gain.

Actions against such groups continued during the year. For example, police in January reportedly arrested over 100 members of the All-Scope Church in Henan Province and accused them of being a “doomsday cult.” In February 2002, three members of the Blood and Water Holy Spirit Full Gospel Preaching Team were sentenced to 7 years in prison for “using a cult organization to violate the law” in Xiamen, Fujian Province. In December 2001, Gong Shengliang, founder of the South China Church, was sentenced to death on criminal charges including rape, arson, and assault. In 2002, an appeals court overturned his death sentence, and Gong was sentenced to life in prison. In the retrial, four women from his congregation claimed that, prior to the first trial, police had tortured them into signing statements accusing Gong of raping them. The four women, who were found not guilty of “cultist activity” in the retrial, were nonetheless immediately sent to reeducation-through-labor camps. In the retrial, the court also dropped all “evil cult” charges against the South China Church.

During the year, the Government continued its harsh and comprehensive campaign against the Falun Gong. There were allegations that hundreds of individuals received criminal, administrative, and extrajudicial punishment for practicing Falun Gong, admitting that they believed in Falun Gong, or simply refusing to denounce the organization or its founder. While the campaign against Falun Gong appeared to have abated somewhat in eastern and southern China, it continued in other provinces. During the SARS epidemic, the Government launched new accusations that Falun Gong practitioners were disrupting SARS-prevention efforts. State-run media claimed that, beginning in April, Falun Gong followers “incited public panic” and otherwise “sabotaged” anti-SARS efforts in many provinces by preaching that belief in Falun Gong will prevent persons from contracting SARS. Authorities detained hundreds of Falun Gong adherents on such charges, including 69 in Jiangsu Province during May and 180 in Hebei Province during June.

Since the Government banned the Falun Gong in 1999, the mere belief in the discipline (even without any public manifestation of its tenets) has been sufficient grounds for practitioners to receive punishments ranging from loss of employment to imprisonment. Although the vast majority of the tens of thousands of practitioners detained since 2000 have been released, thousands reportedly remained in reeducation-through-labor camps. Those identified by the Government as “core leaders” have been singled out for particularly harsh treatment. More than a dozen Falun Gong members have been sentenced to prison for the crime of “endangering state security,” but the great majority of Falun Gong members convicted by the courts since 1999 have been sentenced to prison for “organizing or using a sect to undermine the implementation of the law,” a less serious offense. Most practitioners, however, were punished administratively. In addition to being sentenced to reeducation through labor, some Falun Gong members were sent to detention facilities specifically established to “rehabilitate” practitioners who refused to recant their belief voluntarily. In addition, hundreds of Falun Gong practitioners have been confined to mental hospitals (see Section 1.d).

Police often used excessive force when detaining peaceful Falun Gong protesters, including some who were elderly or who were accompanied by small children. During the year, there were further allegations of abuse of Falun Gong practitioners by the police and other security personnel. Since 1997, at least several hundred Falun Gong adherents reportedly have died while in police custody (see Section 1.a.). In December, Liu Chengjun, sentenced to 19 years in prison in March 2002 for involvement in illegal Falun Gong television broadcasts, was reportedly beaten to death by police in Jilin City Prison. In February 2002, Chengdu University Associate Professor Zhang Chuansheng died in prison after being arrested for his involvement

with Falun Gong. Prison authorities claimed he died of a heart attack, but witnesses who saw his body claimed he had been severely beaten.

Falun Gong practitioners continued their efforts to overcome government attempts to restrict their right to free assembly, particularly in Beijing, but the extent of Falun Gong public activity in the country continued to decline considerably (see Section 2.b.). The Government initiated a comprehensive effort to round up practitioners not already in custody and sanctioned the use of high-pressure tactics and mandatory anti-Falun Gong study sessions to force practitioners to renounce Falun Gong. Even practitioners who had not protested or made other public demonstrations of belief reportedly were forced to attend anti-Falun Gong classes or were sent directly to reeducation-through-labor camps, where in some cases, beatings and torture reportedly were used to force them to recant. These tactics reportedly resulted in large numbers of practitioners signing pledges to renounce the movement.

Authorities also detained foreign Falun Gong practitioners. For example, in January, two Australian citizens were deported for engaging in Falun Gong activities in Sichuan Province. In November 2001, more than 30 foreigners and citizens resident abroad were detained in Beijing as they demonstrated in support of the Falun Gong. They were expelled from the country; some credibly reported being mistreated while in custody.

During the year, the authorities also continued a general crackdown on other groups considered to be “cults,” often using the 1999 decision to ban cults under Article 300 of the Criminal Law. Regulations require all qigong groups to register with the Government. Those that did not were declared illegal. The Zhong Gong qigong group, which reportedly had a following rivaling that of Falun Gong, was banned in 2000. This created an atmosphere of uncertainty for many qigong practitioners, and there were reports that some qigong practitioners feared practicing or teaching openly. In February 2001, Zhang Xinying, vice chairman of the Chinese Society of Religious Studies, said that the rise of “cults” was due to frequent abuse of the concept of “religious freedom” by “some persons with ulterior motives.” Other senior leaders made similar comments in the context of criticizing Falun Gong.

The Government taught atheism in schools. While the Government claimed that there were no national-level regulations barring children from receiving religious instruction, in some regions local authorities barred persons under 18 from attending services at mosques, temples, or churches.

For a more detailed discussion, see the 2003 International Religious Freedom Report.

d. Freedom of Movement within the Country, Foreign Travel, Emigration, and Repatriation.—Although the Government maintained restrictions on the freedom to change one’s workplace or residence, the national household registration and identification card system continued to erode, and the ability of most citizens to move within the country to work and live continued to expand. However, the Government retained the ability to restrict freedom of movement through other mechanisms. Authorities heightened restrictions periodically during the year, particularly before politically sensitive anniversaries and to forestall demonstrations.

The Government’s “hukou” system of national household registration underwent some liberalization during the year, as the country responded to economic demands for a more mobile labor force. Nonetheless, many Chinese could not officially change their residence or workplace within the country. Government and work unit permission were often required before moving from city to city. It was particularly difficult for peasants from rural areas to obtain household registration in economically more developed urban areas. This produced a “floating population” of between 100 and 150 million economic migrants who lacked official residence status in cities. Without official residence status, it was difficult or impossible to gain full access to social services, including education. Further, migrant workers were generally limited to types of work considered least desirable by local residents, and they had little recourse when subject to abuse by employers and officials. In some major cities, access to education for children of migrant workers continued to improve during the year, and some cities began to offer migrants some other social services free of charge. In September, Jiangsu Province became the first province to abolish the distinction between urban and rural residents in its household registration documents. In July, the city of Chengdu further liberalized its registration system, allowing up to half of the city’s 1.5 million migrants to qualify for temporary residence permits. In June, the administrative detention system of custody and repatriation applied to migrants was abolished (see Section 1.d.). Authorities announced that custody and repatriation centers would be replaced by a network of aid shelters offering services to migrants, but it was unclear at year’s end how these reforms would be implemented.

Prior to sensitive anniversaries, authorities in urban areas rounded up and detained some “undesirables,” including the homeless, the unemployed, migrant workers, those without proper residence or work permits, petty criminals, prostitutes, and the mentally ill or disabled. Dissidents reported that the authorities restricted their freedom of movement during politically sensitive periods and while foreign dignitaries visited the country.

Under the “staying at prison employment” system applicable to recidivists incarcerated in reeducation-through-labor camps, authorities have denied certain persons permission to return to their homes after serving their sentences. Those persons sentenced to a total of more than 5 years in reeducation-through-labor camps on separate occasions also could lose their legal right to return to their home area. For those assigned to camps far from their residences, this practice constituted a form of internal exile. The number of prisoners subject to this restriction was unknown. Authorities reportedly forced other recently released prisoners to accept jobs in state enterprises where they could be closely monitored. Other released or paroled prisoners returned home but were not permitted freedom of movement. Former senior leaders Zhao Ziyang and Bao Tong remained under house arrest in Beijing, and security around them routinely was tightened during sensitive periods.

The Government permitted legal emigration and foreign travel for most citizens. Passports were increasingly easy to obtain in most places, although those whom the Government deemed to be threats, including religious leaders, political dissidents, and some ethnic minority members continued to have difficulty obtaining passports (see Tibet Addendum). During the year, the Government expanded from 25 to 100 the number of cities in which residents can apply for a passport. Many local governments abolished regulations requiring residents to obtain written permission from police and employers before applying for a passport. The Government continued to use political attitudes as criteria for selecting persons for government-sponsored study abroad; however, the Government did not control privately sponsored students, who constituted the majority of citizens studying abroad. Business travelers who wished to go abroad could obtain passports relatively easily.

There were reports that some academics faced travel restrictions around the year’s sensitive anniversaries, particularly the June 4 anniversary of the 1989 Tiananmen Square massacre, and there were instances in which the authorities refused to issue passports or visas on apparent political grounds. Members of the underground Catholic Church, particularly clergy wishing to further their studies abroad, found it difficult to obtain passports and other necessary travel documents. Some Falun Gong members also reportedly had difficulty in obtaining passports during the year. In May 2001, the Government prevented Dr. Gao Yaojie, who had exposed the transmission of HIV through blood collection in villages in Henan Province, from traveling abroad to receive an award. Similarly, visas to enter the country also were denied. For example, some foreign academics who had been critical of the country continued to be denied visas.

Although a signatory of the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol, the country has no law or regulations that authorize the authorities to grant refugee status. The Government cooperated with the UNHCR when dealing with the resettlement of ethnic Han Chinese or ethnic minorities from Vietnam and Laos resident in the country. Since the late 1980s, the Government has adopted a de facto policy of tolerance toward the small number of persons, fewer than 100 annually, from other nations who registered with the Beijing office of the UNHCR as asylum seekers. The Government permitted these persons to remain in the country while the UNHCR made determinations as to their status and, if the UNHCR determined that they were bona fide refugees, while they awaited resettlement in third countries. However, the Government continued to deny the UNHCR permission to operate along its northeastern border with North Korea, arguing that North Koreans who crossed the border were illegal economic migrants, not refugees.

During the year, several thousand North Koreans were reportedly seized, detained, and forcibly returned to their homeland, where many faced persecution. In recent years, crackdowns on prostitution and forced marriages have resulted in increased deportations of North Korean women. During the year, the Government did permit approximately 300 North Koreans to travel to Seoul after they had entered diplomatic compounds or international schools in China, and hundreds more arrived in South Korea via third countries such as Mongolia, Vietnam, Thailand, and Cambodia after transiting through China. There were numerous credible reports of harassment, detention, and abuse of North Koreans in the country, including the July 27 detention of four persons at the Beijing train station and the August 7 detention of eight persons in Shanghai who allegedly attempted to enter the Japanese school. The Government also arrested and detained foreign journalists, missionaries and activists, as well as some Chinese citizens, for providing food, shelter, transportation,

and other assistance to North Koreans. For example, South Korean photojournalist Seok Jae Hyun was imprisoned in January while photographing North Korean refugees trying to board boats headed for South Korea and Japan (see Section 2.a.). In August, two South Korean journalists were detained and later expelled for allegedly assisting North Koreans attempting to enter an international school in order to transit to South Korea. In December, an employee of a Japanese NGO was detained for trying to assist North Koreans in China.

While UNHCR reported that more than 2,000 Tibetans each year continued to cross into Nepal, the Government continued to try to prevent many Tibetans from leaving. In a case that raised serious international concerns, on May 31, the Government pressured Nepalese authorities to repatriate forcibly 18 Tibetans, including several minors. The 18 were denied access to the UNHCR, forced onto a bus and taken back across the border to China, where they were held, first at a border post and later at a prison in Shigatse. According to NGO reports, the detainees were tortured, and most also were pressured for bribes. At year's end, NGOs could not confirm that all 18 individuals had been released (see Tibet Addendum).

In October, the Government executed Uighur Shaheer Ali after he and another Uighur were forcibly returned to China in 2002 from Nepal, where they had been granted refugee status by UNHCR (see Section 5).

Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government

Citizens lack the right to change their government peacefully and cannot freely choose or change the laws and officials that govern them. Rural citizens voted directly for their local village committees, which were not considered to be government bodies, and, in some areas, for Party-reviewed candidates for positions in township governments and county-level people's congresses. However, people's congress delegates at the provincial level were selected by county-level people's congresses, and, in turn, provincial-level people's congresses selected delegates to the NPC. Although the Party vets candidates for all elections above the village level, many township, county, and provincial elections featured competition, with more candidates than available seats in some races. Many elections, however, remained tightly controlled.

According to the Constitution, the NPC is the highest organ of state power. Formally, it elects the President and Vice President, selects the Premier and Vice Premiers, and elects the Chairman of the State Central Military Commission. In practice, the NPC Standing Committee oversees these elections and determines the agenda and procedure for the NPC under the direct authority of the CCP's Politburo Standing Committee. The NPC does not have the power to set policy or remove Government or Party leaders. In general, the election and agenda of people's congresses at all levels remained under the firm control of the CCP, the paramount source of political authority. By year's end, 23 provincial Party leaders had been named to head concurrently provincial people's congresses in order to strengthen Party control over the legislatures.

The CCP retained a tight rein on political decision-making and forbade the creation of new political parties. The Government continued efforts to suppress the CDP, an opposition party that had attracted hundreds of members nationwide within a few months of its founding in 1998. Public security forces had previously arrested nearly all of the CDP's leaders: Xu Wenli, Wang Youcai, and Qin Yongmin were sentenced in 1998 to prison terms of 13, 12, and 11 years respectively. Xu Wenli was released on medical parole to the United States in December 2002, but Wang and Qin remained in prison. At the time of the 16th Party Congress in November 2002, authorities targeted many remaining activists for signing an open letter calling for political reform and a reappraisal of the official verdict on the 1989 Tiananmen massacre (see Section 1.d.).

Under the Organic Law of the Village Committees, all of the country's approximately 1 million villages were expected to hold competitive, direct elections for sub-governmental village committees. A 1998 revision to the law called for improvements in the nominating process and improved transparency in village committee administration. The revised law also explicitly transferred the power to nominate candidates to the villagers themselves, as opposed to village groups or Party branches. According to the Ministry of Civil Affairs, the majority of provinces have carried out at least four or five rounds of village elections. Foreign observers who monitored local village committee elections judged the elections they observed, on the whole, to have been fair. However, the Government estimated that one-third of all elections had serious procedural flaws. Corruption and interference by township level officials continued to be a problem in some cases.

Since 1998, there has been experimentation at the township level designed to expand the role of township residents in the selection of their leaders. The country's

Constitution forbids direct election of officials above the village level, and a 2001 NPC directive emphasized that direct election of township-level officials was forbidden. In August, Wei Shengduo, a Party official in Chongqing municipality reportedly was detained for 2 weeks for trying to organize a direct election for the head of township government. Nonetheless, experimentation with indirect township-level elections continued during the year, and results of such elections were allowed to stand. Most such "elections" involved open nomination of candidates by township residents and pro forma confirmation by the township people's congress, selected either directly by residents or indirectly by "residents' representatives."

Candidates favored by local authorities have been defeated in some elections, although, in general, the CCP dominated the local electoral process. Approximately 60 percent of the members elected to the village committees were Party members. National-level election procedures mandate secret ballots and require villagers to be given ballots with space for write-in candidates, and these requirements were implemented in most cases. In elections for district level people's congresses, independent candidates were elected in Guangdong Province in May and in Beijing in December.

During the year, the Government also experimented with other forms of public oversight of government, including telephone hotline and complaint centers, administrative hearings, increased opportunity for citizen observation of government proceedings, and other forms of citizen input in the local legislative process, such as hearings to discuss draft legislation, which have been introduced on a limited basis in some areas.

Corruption remained an endemic problem. The courts and Party agencies took disciplinary action against some public and Party officials during the year. According to the Supreme People's Procuratorate, prosecutors at all levels investigated 207,103 cases of embezzlement, bribery, and other functionary crimes during the 1997–2002 period. During that period, 83,308 public officials were convicted for graft or bribery, a 65 percent increase over the previous 5-year period, according to the Supreme People's Court. In April, the Minister of Supervision reported that 860,000 corruption cases were filed against Party members from 1997 to 2002, resulting in over 137,000 expulsions and disciplinary action in over 98 percent of cases. The Party's Central Discipline and Inspection Commission also played an important role in investigating corruption and official malfeasance but published no statistics and, in some cases, reportedly acted as a substitute for sanctions by the courts and other legal agencies.

During the year, citizens seeking to petition the Central Government for redress of grievances faced harassment, detention, and incarceration. In several cases, Shanghai police officers and officials from the Shanghai Office of the Bureau for Handling Letters and Visits traveled to Beijing to prevent Shanghai residents from raising grievances with Central Government officials. On November 18, such a team of Shanghai officials detained Jiang Meili, the wife of convicted Shanghai housing advocate Zheng Enchong, and her sister and forced them to return to Shanghai. Jiang was in Beijing to consult her husband's attorney. Other citizens expressing grievances involving housing and salary have faced similar harassment. For example, Hong Kong resident Shen Ting was harassed by non-Beijing police and detained in October for traveling to Beijing to protest housing issues in Shanghai (see Section 1.f.). On December 2, Shanghai residents Gong Haoming and Chen Enjuan were sentenced to 30 and 21 months' reeducation through labor for "disturbing public order" after attempting to petition Beijing authorities. Other activists also were reportedly sentenced to reeducation through labor on the same charges.

The Government placed no special restrictions on the participation of women or minority groups in the political process. However, women still held few positions of significant influence at the highest rungs of the Party or government structure. There was one woman on the 24-member Politburo; she concurrently held the only ministerial post (out of 28) occupied by a woman. There was also one woman among the five State Councilors. In the country's 28 ministries, only 14 women served at the level of vice minister or higher. Women freely exercised their right to vote in village committee elections, but only a small fraction of elected members were women. The Government and Party organizations included approximately 12 million female officials out of 67 million Party members. Women constituted 20.2 percent of the NPC and 13.2 percent of the NPC Standing Committee. The 16th Party Congress in November 2002 elected 27 women to serve as members or alternates on the 198-person Central Committee, a slight increase over the total of the previous committee.

Minorities constituted 14 percent of the NPC, although they made up approximately 9 percent of the population. All of the country's 56 nationalities were represented in the NPC membership. The 16th Party Congress elected 35 members of ethnic minorities to serve as members or alternates on the Central Committee; how-

ever, minorities held few senior Party or government positions of significant influence.

Section 4. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

The Government did not permit independent domestic NGOs to monitor openly or to comment on human rights conditions. It was difficult to establish an NGO, and the Government tended to be suspicious of independent organizations; most existing NGOs were quasi-governmental in nature and were closely controlled by government agencies (see Section 2.b.). However, an informal network of dissidents in cities around the country has become a credible source of information about government actions taken against activists. The information was disseminated outside of the country through organizations such as the Hong Kong-based Information Center for Human Rights and Democratic Movement in China and the New York-based Human Rights in China.

The press regularly printed articles about officials who exceeded their authority and infringed on citizens' rights. However, the Government remained reluctant to accept criticism of its human rights record by other nations or international organizations and criticized reports by international human rights monitoring groups, claiming that such reports were inaccurate and interfered with the country's internal affairs. Individuals, including Zheng Enchong of Shanghai and Liu Fenggang of Beijing, were charged or convicted of "disclosing state secrets" during the year after passing information to human rights NGOs based abroad. The Government maintained that there are legitimate, differing approaches to human rights based on each country's particular history, culture, social situation, and level of economic development. The Government established the China Society for Human Rights, a "non-governmental" organization whose mandate was not to monitor human rights conditions, but to defend the Government's views and human rights record.

The Government had active human rights dialogues with many countries, including Australia, Brazil, Canada, Chile, Germany, Hungary, Japan, Norway, Switzerland, the United Kingdom, and the United States, as well as with the European Union.

In June, the Government submitted its first report on implementation of the International Covenant on Economic, Social and Cultural Rights, which the Government has ratified. In September, the U.N. Special Rapporteur on the Right to Education visited, the first U.N. special rapporteur to visit the country since 1994. In 2002, the Government agreed to invite the U.N. Special Rapporteur on Torture, the U.N. Special Rapporteur on Religious Intolerance, the U.N. Working Group on Arbitrary Detention, and the leaders of the U.S. Commission on International Religious Freedom to visit, but none of those visits took place. In at least two cases, the Government attached conditions on visits which the invited rapporteur or organization considered unacceptable.

Section 5. Discrimination Based on Race, Sex, Disability, Language, or Social Status

There were laws designed to protect women, children, persons with disabilities, and minorities. However, in practice, some societal discrimination based on ethnicity, gender, and disability persisted.

Discrimination against persons with HIV/AIDS was widespread. According to official statistics, over 1 million citizens were infected with HIV; U.N. and other estimates suggested the true number could be twice as large. Demonstrations by persons with HIV/AIDS protesting discrimination in treatment or seeking greater access to health care sometimes attracted hundreds of participants, particularly in central provinces where thousands of villagers were infected at government-run blood collection centers. In some cases, authorities arrested and used force against HIV/AIDS protesters (see Section 2.c.). Individuals who disseminated information about HIV/AIDS infection from blood collection, including Henan provincial health official Ma Shiwen and Dr. Gao Yaojie, sometimes faced harassment, detention, and lawsuits (see Sections 1.d. and 1.e.). The Government and many provinces did, however, amend marriage laws during the year to permit marriages by those with HIV/AIDS. The first known marriage between two HIV-positive persons since the law was amended took place in July.

Women.—Violence against women was a significant problem. There was no national law criminalizing domestic violence, but Articles 43 and 45 of the Marriage Law provide for mediation and administrative penalties in cases of domestic violence. Over 30 provinces, cities or local jurisdictions have passed legislation specifically to address domestic violence. While no reliable statistics existed on the extent of physical violence against women, anecdotal evidence suggested that reporting of domestic abuse was on the rise, particularly in urban areas, because greater atten-

tion has been focused on the problem. A July 2000 survey by the All-China Women's Federation found that violence occurred in 30 percent of families, and 80 percent of cases involved husbands abusing their wives. Actual figures were believed to be higher because spousal abuse still went largely unreported. The survey found that domestic violence occurred at all socioeconomic levels. According to experts, domestic abuse was more common in rural areas than in urban centers. In response to increased awareness of the problem of domestic violence, there were a growing number of shelters for victims. Rape is illegal, and some persons convicted of rape were executed. The law does not expressly recognize or exclude spousal rape.

The Central Government prohibits the use of physical coercion to compel persons to submit to abortion or sterilization. However, intense pressure to meet birth limitation targets set by government regulations (see Section 1.f.) has resulted in instances of local birth planning officials reportedly using physical coercion to meet government goals. In addition, women faced a disproportionate burden due to the government's enforcement of its birth limitation laws and practices, which require the use of birth control methods (particularly IUDs and female sterilization, which according to government statistics accounted for over 80 percent of birth control methods employed) and the abortion of certain pregnancies.

According to expert estimates, there were 1.7 to 5 million commercial sex workers in the country. The increased commercialization of sex and related trafficking in women trapped thousands of women in a cycle of crime and exploitation and left them vulnerable to disease and abuse. According to the official Xinhua News Agency, one in five massage parlors in the country was involved in prostitution, with the percentage higher in cities. Unsafe working conditions were rampant among the saunas, massage parlors, clubs, and hostess bars that have sprung up in large cities. Research indicated that up to 80 percent of prostitutes in some areas had hepatitis. In light of this and, in particular, of the growing threat of AIDS among sex workers, the U.N. Convention on the Elimination of Discrimination Against Women Committee in 1998 recommended that due attention be paid to health services for female prostitutes.

Although the Central Government and various provincial and local governments have attempted to crack down on the sex trade, there have been numerous credible reports in the media of complicity in prostitution by local officials. Actions to crack down on this lucrative business, which involved organized crime groups and businesspersons as well as the police and the military, had limited results. However, there have been instances in which persons involved in organizing and procuring prostitutes have been prosecuted. In December, state media reported that a Guangdong Provincial Court sentenced a hotel official and "pimp" to life in prison for procuring approximately 500 prostitutes for a September "orgy" party for hundreds of Japanese tourists. Twelve other persons, including hotel workers and travel agency employees, were sentenced to jail terms of between 2 and 15 years, but no local government officials or civil servants were convicted.

Trafficking in women and children and the kidnapping and sale of women and children for purposes of prostitution or marriage were significant problems (see Section 6.f.).

No statute outlaws sexual harassment in the workplace, and the law does not specifically define sexual harassment. In March, Beijing courts accepted their first sexual harassment case filed by a woman and, in September, awarded the first sexual harassment judgment in favor of a man in another case. There was no reliable data about the extent of sexual harassment, and the law did not specifically define sexual harassment. Experts suggested that many victims of sexual harassment did not report it out of fear of losing their jobs, but awareness was growing. State media reported that a television series on sexual harassment aired on many channels.

The Government has made gender equality a policy objective since 1949. The Constitution states that "women enjoy equal rights with men in all spheres of life." The 1992 Law on the Protection of Women's Rights and Interests provides for equality in ownership of property, inheritance rights, and access to education. Nonetheless, many activists and observers increasingly were concerned that the progress that has been made by women over the past 50 years was being eroded and that women's status in society had regressed during the 1990s. They asserted that the Government appeared to have made the pursuit of gender equality a secondary priority as it focused on economic reform and political stability.

The Law on the Protection of Women's Rights and Interests was designed to assist in curbing gender-based discrimination. However, women continued to report that discrimination, sexual harassment, unfair dismissal, demotion, and wage discrepancies were significant problems. Efforts have been made by social organizations as well as by the Government to educate women about their legal rights, and

there was anecdotal evidence that women increasingly were using laws to protect their rights.

Nevertheless, women frequently encountered serious obstacles to the enforcement of laws. According to legal experts, it was very hard to litigate a sex discrimination suit because the vague legal definition made it difficult to quantify damages. As a result, very few cases were brought to court. Some observers also noted that the agencies tasked with protecting women's rights tended to focus on maternity-related benefits and wrongful termination during maternity leave rather than on sex discrimination, violence against women, and sexual harassment. The structure of the social system also prevented women from having a full range of options. Women who sought a divorce faced the prospect of losing their housing since government work units allot housing to men when couples marry.

The All China Women's Federation reported that 47 percent of laid-off workers were women, a percentage significantly higher than their representation in the labor force. Many employers preferred to hire men to avoid the expense of maternity leave and childcare, and some even lowered the effective retirement age for female workers to 40 years of age (the official retirement age for men was 60 years and for women 55 years). Lower retirement ages also had the effect of reducing pensions, which generally were based on years worked.

The law provides for equal pay for equal work. However, a 1999 Government survey found that urban women were paid only 70.1 percent of what men received for the same work, while women in rural areas received only 59.6 percent of male peasants' incomes. Average incomes of female executives and senior professionals were only 57.9 percent and 68.3 percent of their male colleagues' salaries. Women have borne the brunt of the economic reform of state-owned enterprises. Most women employed in industry worked in lower skilled and lower paid jobs and in sectors, such as textiles, which were particularly vulnerable to restructuring and layoffs.

A 1998 Asian Development Bank report estimated that 25 percent of all women were semi-literate or illiterate, compared with 10 percent of men. Official government statistics claimed that the illiteracy rate among women ages 15–40 was only 4.2 percent.

A high female suicide rate continued to be a serious problem. According to the World Bank, Harvard University, and the World Health Organization, some 56 percent of the world's female suicides occur in China (approximately 500 per day). The World Bank estimated the suicide rate in the country to be three times the global average; among women, it was estimated to be nearly five times the global average. Many observers believed that violence against women and girls, discrimination in education and employment, the traditional preference for male children, the country's birth limitation policies, and other societal factors contributed to the especially high female suicide rate.

While the gap in the education levels of men and women was narrowing, men continued to constitute a disproportionate number of the relatively small percentage of the population that received a university-level education. According to figures released by the All-China Women's Federation, in 2002 women made up 44.0 percent of university students and 46.7 percent of all high school students. However, women with advanced degrees reported an increase in discrimination in the hiring process as the job distribution system opened up and became more competitive and market driven. According to Government statistics, 98.5 percent of girls nationwide were enrolled in elementary school, but it was widely believed that the proportion of girls attending school in rural areas was far smaller than in cities.

Children.—The Constitution prohibits maltreatment of children and provides for compulsory education. The country has outlawed child labor and trafficking in children, but serious problems in those areas persisted.

The Constitution provides for 9 years of compulsory education for children, but in economically disadvantaged rural areas, many children did not attend school for the required period and some never attend. Public schools were not allowed to charge tuition, but after the Central Government largely stopped subsidizing primary education in the early 1990s, many public schools began to charge mandatory fees to meet revenue shortfalls. Such fees made it difficult for poorer families to send their children to school or to send them on a regular basis. Some charitable schools have opened in recent years in rural areas, but not enough to meet demand. Children of migrant workers in urban areas also often had difficulty attending school. For these families, excessive school fees were a significant problem. The Government campaign for universal primary school enrollment by 2000 (which was not met) helped to increase enrollment in some areas. It also reportedly led some school officials to inflate the number of children actually enrolled.

In September, the U.N. Special Rapporteur on the Right to Education visited the country. Following the visit, the Special Rapporteur reported that the Government

failed to provide education to many children of migrant workers and prohibited children from receiving religious education. The Special Rapporteur expressed serious concern about the recent privatization of the costs of public education, reporting that the Government compels parents to pay nearly half the costs of public education, making education inaccessible to many children. The Special Rapporteur also recommended the immediate prohibition of the practice of children performing manual labor at their schools to raise funds.

An extensive health care delivery system has led to improved child health and a continued decline in infant mortality rates. According to the 2000 Census, the infant mortality rate was 28.4 per 1,000. According to UNICEF statistics, the mortality rate for children under 5 years of age was 39 per 1,000 live births. The Law on the Protection of Juveniles forbids infanticide; however, there was evidence that the practice continued. According to the NPFPC, only a handful of doctors have been charged with infanticide under this law. The law prohibits discrimination against disabled minors and codifies a variety of judicial protections for juvenile offenders. The physical abuse of children can be grounds for criminal prosecution.

Despite government efforts to prevent kidnapping and the buying and selling of children, these problems persisted in some rural areas (see Section 6.f.). There were no reliable estimates of the number of children trafficked. Domestically, most trafficked children were sold to couples unable to have children; in particular, boys were trafficked to couples unable to have a son. However, in March, 28 baby girls were found packed in suitcases on a bus in Guangxi Province, apparently being shipped for sale elsewhere within the country (see Section 6.f.). Children also were trafficked for labor purposes. Girls and women were trafficked for prostitution and for sale as brides (see Section 6.f.).

Children reportedly were detained administratively, for minor crimes they committed or because they were homeless. After the abolition of the system of custody and repatriation (see Section 1.c.), the Government acknowledged that a growing number of homeless "street children" lived in cities and survived by begging. According to a credible report, children at times had accounted for as many as 20 percent of those detained in the custody and repatriation centers. Such children sometimes were detained without their parents, routinely were held with adults, and sometimes were required to work (see Sections 1.d. and 6.c.). In June, 3-year-old Li Shiyi starved to death at home in Chengdu, Sichuan, after police detained her mother and reportedly ignored the mother's pleas to check on the girl. The incident prompted a hunger strike by 200 intellectuals across the country.

Female infanticide, sex-selective abortions, and the abandonment and neglect of baby girls remained problems due to the traditional preference for sons and the birth limitation policy. Many families, particularly in rural areas, used ultrasound to identify female fetuses and terminate pregnancies. An official study in Hainan found that 68 percent of abortions were of female fetuses. Official figures from November 2000 put the overall male-female birth ratio at 116.9 to 100 (as compared to the statistical norm of 106 to 100). For second births, the ratio was 151.9 to 100. Female babies also suffered from a higher mortality rate than male babies, contrary to the worldwide trend. State media reported that infant mortality rates in rural areas were 27 percent higher for girls than boys. Neglect of baby girls was one factor in their lower survival rate. One study found the differential mortality rates were highest in areas where women had a lower social status and economic and medical conditions were poor.

The Law on the Protection of Juveniles forbids the mistreatment or abandonment of children. According to the latest available figures, compiled in 1994, the number of children abandoned annually was approximately 1.7 million, and the number may have grown over the subsequent decade despite the fact that, under the law, child abandonment is punishable by a fine and a 5-year prison term. The vast majority of children in orphanages were female, although some were males who were either disabled or in poor health. The treatment of children at these institutions has improved, especially with the increased attention created by foreign adoptions, but serious problems remained and mortality rates in some institutions were high. Medical professionals frequently advised parents of children with disabilities to put the children into orphanages. In recent years, some private orphanages (not funded by the Government), in which conditions may be generally better for children, have started to operate. In areas where such orphanages existed, some state-run orphanages exhibited a willingness to learn from them and to adopt some of their more modern practices, including the use of foster care.

The Government denied that children in orphanages were mistreated or refused medical care but acknowledged that the system often was unable to provide adequately for some children, particularly those who were admitted with serious medical problems. During the year, some orphanages were renovated, new orphanages

were constructed, and children in some areas received improved care. A 1997 revision of the adoption law made it easier for couples to adopt.

Persons with Disabilities.—The law protects the rights of the country's persons with disabilities; however, reality for persons with disabilities lagged far behind legal dictates, and many did not receive or have access to special assistance or to programs designed to assist them. According to the official press, all local Governments have drafted specific measures to implement the law.

As attention began to focus on the upcoming Special Olympics and Paralympics to be held in the country in 2007–08, the press increasingly publicized the plight of persons with disabilities and the Government's efforts to assist them. State media reported that the Government spent over \$12.5 million (RMB 103.75 million) on infrastructure improvements for persons with disabilities during the year. The Government, at times in conjunction with NGOs such as the Lions Club International or the Special Olympics, sponsored a wide range of preventive and rehabilitative programs. For example, several thousand blind persons have been trained in therapeutic massage. The goal of many of these programs was to allow persons with disabilities to be integrated into the rest of society. However, misdiagnosis, inadequate medical care, pariah status, and abandonment remained common problems.

According to reports, doctors frequently persuaded parents of children with disabilities to place their children in large government-run institutions, often far from the parents, and in which care was often seriously inadequate. Those parents who chose to keep children with disabilities at home generally faced difficulty in getting adequate medical care, day care, and education. Government statistics showed that almost one-quarter of the approximately 60 million persons with disabilities lived in extreme poverty. Unemployment among disabled adults remained a serious problem. The Government's official strategy was to integrate persons with disabilities into the mainstream work force, but efforts to do so were limited and confronted a cultural legacy of discrimination and neglect. Standards adopted for making roads and buildings accessible to persons with disabilities were subject to the Law on the Handicapped, which calls for their "gradual" implementation; compliance with the law was lax. Students with disabilities were discriminated against in access to education. The Higher Education Law permits universities legally to exclude disabled candidates for higher education.

The Maternal and Child Health Care Law forbids the marriage of persons with certain specified contagious diseases or certain acute mental illnesses such as schizophrenia. If doctors find that a couple is at risk of transmitting disabling congenital defects to their children, the couple may marry only if they agree to use birth control or undergo sterilization. The Population and Family Planning Law of 2002 requires local governments to employ such practices to raise the percentage of healthy births.

Until the system of custody and repatriation was abolished in June, persons in urban areas with mental illness or disability who were found on city streets could be detained administratively. While the Government reported that it was establishing a system of humanitarian aid shelters to replace the custody and repatriation system, it was not clear if these shelters would provide effective services to persons with disabilities or other populations (see Section 1.d.).

National/Racial/Ethnic Minorities.—According to the 2000 census, the total population of the country's 55 ethnic minorities was 106.4 million, or 8.4 percent of the total population. Most minority groups resided in areas they traditionally have inhabited. The Government's avowed policy on minorities calls for preferential treatment in marriage regulations, birth planning, university admission, and employment. Programs have been established to provide low-interest loans, subsidies, and special development funds for minority areas. Nonetheless, in practice, minorities faced discrimination by the majority Han culture. Most of the minorities in border regions were less educated than the national average, and job discrimination in favor of Han migrants remained a serious problem. Racial discrimination was the source of deep resentment on the part of minorities in some areas, such as Xinjiang and Tibetan areas. For example, ethnic Uighurs in Xinjiang did not have equal access to newly created construction jobs associated with development projects; Han workers were brought in from Sichuan and elsewhere to work, particularly on technical projects such as oil and gas pipelines. The Government did not openly recognize racism against minorities or tension among different ethnic groups as problems.

Government development policies have long been in place to improve minority living standards. However, while overall standards of living for those in minority areas have improved as a result of these policies, real incomes in minority areas, particularly for minorities, remained well below those in other parts of the country. The

majority Han Chinese have benefited disproportionately from government programs and economic growth, even in minority areas. Many development programs have disrupted traditional living patterns of minority groups, and have included, in some cases, the forced evacuation of persons (see Section 2.d.).

Since 1949, Government policy has resulted in a significant migration of Han Chinese to Xinjiang. According to a Government White Paper released in May, approximately 8.25 million of Xinjiang's 19.25 million official residents were Han Chinese, up from 300,000 Han in 1949. Approximately 8 million Xinjiang residents are Uighurs. Significant numbers of Kazakhs, Hui, Tajiks, and other minorities also live in Xinjiang. Official statistics underestimated the Han population of Xinjiang because the Government did not count the thousands of Han Chinese who were long-term "temporary workers" as part of the official population. The migration of ethnic Han into Xinjiang in recent decades has caused the Han-Uighur ratio in the capital of Urumqi to shift from 20:80 to 80:20 and was a source of Uighur resentment. Similarly, many non-Tibetan residents of the TAR have lived there for years as "temporary" residents (see Tibet Addendum).

In many areas with a significant population of minorities, there were two-track school systems which used either standard Chinese or the local minority language. Students could choose to attend schools in either system. However, graduates of minority language schools typically needed 1 year or more of intensive Chinese before they could handle course work at a Chinese-language university. Despite the Government's efforts to provide schooling in minority languages, the dominant position of standard Chinese in government, commerce, and academia put graduates of minority schools who lacked standard Chinese proficiency at a disadvantage. The vast majority of Uighur children in Xinjiang attended Uighur-language schools and generally received an hour's Chinese language instruction per day. Tuition at Chinese-language schools in Xinjiang was generally more costly, and thus, most Uighur children living in rural areas were unable to afford them.

The CCP has an avowed policy of boosting minority representation in the Government and the NPC, and minorities constituted 14 percent of the NPC, which was higher than their percentage in the population. A 1999 government white paper reported that there were 2.7 million minority officials in the Government. The May Government White Paper states that there are 348,000 minority cadres in Xinjiang, accounting for 51.8 percent of all Party members in the autonomous region. Many members of minorities occupied local leadership positions, and a few held positions of influence in the local Party apparatus or at the national level. For example, 63 percent of Xinjiang's deputies to the NPC are ethnic minorities. However, in most areas, ethnic minorities were shut out of positions of real political and economic power, which fed resentment of Han officials holding the most powerful Party positions in minority autonomous regions.

Tensions between ethnic Han citizens and Uighurs in Xinjiang continued, and the authorities continued to restrict political, civil, and religious freedoms (see Section 2.c.) in the region. A campaign that began in 1997 to stress unity and to condemn "splittism" and religious extremism showed no signs of abating. During the year, authorities continued to prohibit activities deemed separatist in nature, announced tightened security measures, and mounted campaigns to crack down on opposition.

The strike hard campaign in Xinjiang specifically targeted the "three evils" of extremism, splittism, and terrorism as the major threats to Xinjiang's social stability. Because the Government authorities in Xinjiang regularly grouped together those involved in "ethnic separatism, illegal religious activities, and violent terrorism," it was often unclear whether particular raids, detentions, or judicial punishments targeted those peacefully seeking their goals or those engaged in violence. Many observers raised concerns that the Government's war on terror was a justification for cracking down harshly on Uighurs expressing peaceful political dissent and on independent Muslim religious leaders. On December 15, the Government published an "East Turkestan Terrorist List," which labelled organizations such as the World Uighur Youth Congress and the East Turkestan Information Center as terrorist entities. These groups openly advocate for East Turkestan independence, but have not been publicly linked to violent activity.

Uighurs were executed and sentenced to long prison terms during the year on charges of separatism. According to official accounts, by May 2001, the authorities had prosecuted more than 3,000 cases and massive public sentencing rallies attended by more than 300,000 persons had been held throughout the region. In October, Uighur Shaheer Ali was executed after being convicted of terrorism in 2002 and sentenced to death in March. In 2002, Ali and another Uighur were repatriated forcibly to the country from Nepal, where they had been granted refugee status by the UNHCR.

For many Uighurs, the ongoing imprisonment of Uighur businesswoman Rebiya Kadeer symbolized the Government's mistreatment of Uighurs. In March 2000, a Xinjiang court sentenced Kadeer, a former member of the provincial-level Chinese People's Political Consultative Conference, to 8 years in prison on charges of "passing state intelligence" to foreigners; according to an official press report, the intelligence she was accused of passing included newspaper articles and a list of names of persons whose cases had been handled by the courts. Kadeer, her son, and her secretary were arrested in 1999 while on their way to meet a visiting foreign delegation. Kadeer reportedly suffered various health problems in prison. Some foreign observers believed Kadeer was singled out for her activism on behalf of Uighurs and for her husband's involvement with Uighur causes and Radio Free Asia. In December 2002, some of Kadeer's family members were briefly detained and questioned during a visit of senior foreign officials.

Other Uighurs whose work emphasized pride in cultural identity have also been harassed and detained by the Government. In late 2001, the U.N. Human Rights Committee ruled that Uighur scholar Tohti Tunyaz had been arbitrarily detained. He was sentenced in 1999 to an 11-year term for "inciting separatism" and "illegally acquiring state secrets" after he returned to Xinjiang in connection with his research studies on ethnic minorities at the University of Tokyo.

Possession of separatist publications or audiovisual materials was not permitted, and, according to reports, possession of such materials resulted in lengthy prison sentences. The author of a history of the Uighurs that was severely criticized by provincial-level and national authorities in the mid-1990s remained prohibited from publishing or from meeting with foreigners. A Uighur-language press existed in Xinjiang, but it had a very small circulation. During the year, regulations requiring Uighurs to use Mandarin Chinese characters for their names on identification documents were reportedly strengthened.

Han control of the region's political and economic institutions also contributed to heightened tension. Although government policies brought tangible economic improvements to Xinjiang, Han residents have received a disproportionate share of the benefits. The majority of Uighurs were poor farmers, and 25 percent were illiterate.

Section 6. Worker Rights

a. The Right of Association.—The Constitution provides for freedom of association. However, in practice, workers were not free to organize or join unions of their own choosing. The All-China Federation of Trade Unions (ACFTU), which was controlled by the Communist Party and headed by a high-level Party official, was the sole legal workers' organization. The Trade Union Law gives the ACFTU control over the establishment and operation of all subsidiary union organizations and activities throughout the country, including enterprise-level unions. The Trade Union Law also allows workers to decide whether to join official unions in their enterprises. There were no reports of repercussions for the small percentage of workers in the state-owned sector that had not joined. Independent unions are illegal.

Although the ACFTU and its constituent unions had a monopoly on trade union activity, their influence over the workplace diminished with the economic reforms of recent years. ACFTU unions were relatively powerless to protect the tens of millions of members who have lost their jobs or had their wages or benefits delayed or cut in the massive restructuring of state-owned enterprises (SOEs). The unions have, however, provided some benefits and reemployment assistance to affected workers. The ACFTU had difficulty organizing in the country's rapidly growing private and foreign-invested sectors, where union membership during the year was estimated to be less than 20 percent. With declines in the state-owned sector and organizational weakness outside the state sector, the ACFTU's membership declined from nearly 100 percent of the urban workforce during the height of the planned economy to approximately 50 percent in recent years. The ACFTU reported a membership of 130 million at the end of 2002, out of an estimated 248 million urban workers.

The existence of an enormous rural labor force, some 490 million out of a total labor force of approximately 750 million, also complicated the organization and protection of workers. Farmers did not have a union or any other similar organization. Of some 130 million rural residents working in township and village enterprises, only a very small percentage were represented by unions. A "floating" migrant labor force of over 100 to 150 million persons has proven especially difficult to organize and protect, although state-run media reported in August that the ACFTU has stepped up a campaign to bring migrant workers into the union. Some of these migrants gravitated to temporary or seasonal low-wage work in urban areas where their residence, under the country's registration system, often was illegal (see Section 2.d.). Many migrants, including substantial numbers of young women, were at-

tracted to the growing private sector where unions were few and where their desire to earn more than they could in rural areas made them easy to exploit.

The ACFTU has shown some interest in adapting its style to the needs of labor in a market economy. Local ACFTU federations have allowed, even facilitated, a few limited experiments in more open union elections and decision-making. These included freely electing, by secret ballot, the leadership of ACFTU-affiliated unions at several foreign-owned factories in Guangdong and Fujian Provinces in 2002 and 2003. The ACFTU also actively pushed amendments to the Trade Union Law, passed in 2001, that give greater protection to union organizing efforts and legitimize union activity in the private sector, including foreign-invested enterprises, and will now allow migrant workers to become union members. Despite the ACFTU's stated goals to organize these new groups of workers, there had been very limited gains as of year's end.

During the year, the Government took specific actions against illegal union activity, including the detention and arrest of labor activists. In May, Yao Fuxin and Xiao Yunliang, leaders of a large labor protest in Liaoyang City, Liaoning Province, who were detained in March 2002, were sentenced to 7 and 4 years in prison, respectively, based largely on allegations that they had made contact with the CDP in 1998, several years before the workers protests. Many observers believed that the sentences were largely in retaliation for their role in the labor protests.

Other labor activists, detained in previous years, were reportedly still in detention at year's end. Hu Mingjun was serving an 11-year sentence and Wang Sen a 10-year sentence for supporting December 2000 worker protests in Sichuan Province. Shanghai labor dissident Wang Miaogen, detained in 1996, was still being held in a psychiatric hospital. Other labor activists reportedly still in detention included Zhang Shanguang, Li Wangyang, Li Jiaqing, Miao Jinhong, Ni Xiafei, Li Keyou, Liao Shihua, Yue Tianxiang, Guo Xinmin, He Zhaohui, Liu Jingsheng, Peng Shi, Wang Guoqi, and labor lawyer Xu Jian. However, in June, the Government reportedly released Di Tianguai after he served a 1-year sentence for trying to organize a national federation of retired workers.

The country was a member of the International Labor Organization (ILO) and had ratified core ILO conventions prohibiting child labor, including the worst forms of child labor and discrimination in remuneration for male and female workers. At year's end, the Government had not ratified other core conventions regarding the right of association, the right to collective bargaining, and the prohibition against compulsory labor.

At year's end, the Government had not replied to an ILO request for further information in connection with a 1998 complaint brought to the ILO by the International Confederation of Free Trade Unions (ICFTU) alleging the detention of trade unionists and violations of the right to organize. In 2002, the ICFTU submitted another complaint to the ILO alleging repression of independent workers' protests in Liaoyang in Liaoning Province and Daqing in Heilongjiang Province calling attention to the sentencing of two worker activists in Sichuan Province.

The ACFTU had active ties with other national trade union organizations and had a cooperative relationship with the ILO's China office. In 2002, the ACFTU gained a deputy workers' member seat on the ILO's Governing Body, a seat it lost in 1990 during the crackdown following the Tiananmen Square massacre. The ICFTU publicly condemned China for its denial of the right of free association, in particular for arresting labor activists. The ACFTU cooperated with the U.N. Development Program on a program, part of which was designed to assist unions to adapt to a new labor relations model.

b. The Right to Organize and Bargain Collectively.—The Labor Law permits collective bargaining for workers in all types of enterprises; however, in practice, genuine collective bargaining still did not occur. Under the law, collective contracts are to be developed through collaboration between the labor union (or worker representatives in the absence of a union) and management, and should specify such matters as working conditions, wage scales, and hours of work. The law also permits workers and employers in all types of enterprises to sign individual contracts, which are to be drawn up in accordance with the collective contract.

The country's shift toward a market economy and changing labor-management relations created pressures for collective bargaining that would include more genuine negotiations and take workers' interests into greater account. The Trade Union Law specifically addresses unions' responsibility to bargain collectively on behalf of workers' interests. However, given the non-democratic, Party-dominated nature of unions, collective bargaining fell far short of international standards. Workers had no means to formally approve or reject the outcome of collective contract negotiations and, without the right to strike, only a limited capacity to influence the negotiation process.

In the private sector, where official unions were few and alternative union organizations were unavailable, workers faced substantial obstacles to bargaining collectively with management. Workplace-based worker committees, expected to guide union activities and serve as the vehicle for worker input into enterprise policies, were common. However, in SOEs, many were little more than rubber stamps for deals predetermined by enterprise management, the union, and the CCP representative.

The Trade Union Law provides specific legal remedies against anti-union discrimination and specifies that union representatives may not be transferred or terminated by enterprise management during their term of office. These provisions were aimed primarily at the private sector, where resistance to unions was common. The degree to which these provisions were enforced was unknown. Anti-union activity was virtually unknown in the state-owned sector.

Neither the Constitution nor the law provides for the right to strike. The Trade Union Law acknowledges that strikes may occur, in which case the union is to reflect the views and demands of workers in seeking a resolution of the strike. Some observers have interpreted this provision to offer at least a theoretical legal basis for the right to strike. However, government treatment of worker protests as illegal demonstrations established that there was still no officially accepted right to strike. In addition, no other types of planned worker action were allowed.

During the year, the profound economic and social changes affecting workers continued to produce labor-related disputes and worker actions. These included spontaneous and on-the-job protests, most of them directed against SOEs, usually over actual and feared job losses, wage or benefit arrears, or allegations of owner/management corruption in enterprise restructuring. The Government took swift action to halt protests. Police detained protest leaders and dispersed demonstrations, usually with minimum force. They sometimes subsequently offered payments that met at least a portion of protestors' demands. The most noteworthy labor protests in recent years occurred in the spring of 2002 in the northeastern region of the country, particularly in Liaoyang, Liaoning Province. In the Liaoyang protests, thousands of organized workers and sympathizers demonstrated for a number of days, protesting alleged corruption in the closure of a major local SOE, the loss of jobs, and wage and benefit irregularities. As a consequence of the protests, four worker leaders were arrested. Of these, Yao Fuxin and Xiao Yunliang were convicted on subversion charges and sentenced in May (see Section 6.a.). After the protests, the former manager of the SOE was sentenced to 13 years on smuggling charges. The local Government fired Liaoyang's police chief and demoted a top Party official in the city. Work stoppages at private companies were far fewer than in SOEs but did occasionally occur.

The Labor Law provides for mediation, arbitration, and court resolution of labor disputes. Under these procedures, cases are to be dealt with first in the workplace, through a mediation committee, then, if unresolved, through a local arbitration committee under government sponsorship. If no solution is reached at this level, the dispute may be submitted to the courts. According to Ministry of Labor and Social Security statistics for 2002, 51,000 labor disputes were settled through mediation, and 184,000 disputes involving 610,000 workers were submitted to arbitration, increases of about 19 percent and 31 percent, respectively, over 2001 figures. Of these cases, 11,000 were collective labor disputes, and a vast majority of cases, 179,000 or 91 percent, were resolved.

Observers differed over the effectiveness of these dispute resolution procedures. Workers reportedly had little trust in the fairness of workplace mediation. They viewed unions, which played a major mediation role, as inclined to favor management. Workers favored arbitration over workplace mediation, although they often looked with suspicion on the local government role in the process.

Laws governing working conditions in Special Economic Zones (SEZs) were not significantly different from those in effect in the rest of the country. Lax enforcement of these laws by provincial and local officials was a serious problem in the SEZs, as in other parts of the country. Wages in the SEZs and in the southeastern part of the country generally were higher for some categories of workers than in other parts of the country because high levels of investment have created a great demand for available labor. As in other areas of the country, officials acknowledged that some investors in the SEZs were able to negotiate "sweetheart" deals with local partners that bypassed labor regulations requiring the provision of benefits and overtime compensation. Some foreign businesses in the SEZs had ACFTU-affiliated unions, and management reported positive relations with union representatives, in part because the ACFTU discouraged strikes and work stoppages.

c. Prohibition on Forced or Bonded Labor.—The law prohibits forced and bonded labor, and the Government denied that forced or bonded labor was a problem; how-

ever, forced labor was a serious problem in penal institutions. Citizens were consigned to penal labor institutions, without judicial process (see Section 1), that by law and public policy utilized labor as a means of reform and reeducation. Detainees in custody and repatriation centers, before that system was abolished in June, as well as reeducation-through-labor detainees and prisoners and pretrial detainees in the regular prison system, were required to work, often with little or no remuneration. Diplomatic observers generally were unable to gain access to reform institutions to evaluate allegations about the treatment of prisoners. In some cases, prisoners worked in facilities directly connected with penal institutions; in other cases, they were contracted to nonprison enterprises. Facilities and their management profited from inmate labor.

In 1992, the U.S. and Chinese Governments signed a memorandum of understanding (MOU), followed by an implementing statement of cooperation (SOC) in 1994. These agreements expressed the intention of the governments to cooperate to assure that Chinese prison-made products were not exported to the United States. However, Chinese cooperation under the MOU and SOC has been poor. Regular working-level meetings were held in 2002, but a scheduled prison visit and further cooperation were suspended in 2003 due to SARS; no prison visits took place during the year. Although monthly meetings resumed in December 2003, the backlog of cases remained substantial at year's end. The Government continued to exclude explicitly reform- and reeducation-through-labor institutions from the agreements.

The Government prohibits forced and bonded labor by children, but some child trafficking victims were reportedly sold into forced labor (see Section 6.f.).

d. Status of Child Labor Practices and Minimum Age for Employment.—The law prohibits the employment of children under the age of 16, but the Government had not adopted a comprehensive policy to combat child labor. The Labor Law specifies administrative review, fines, and revocation of business licenses of those businesses that illegally hire minors. The law also stipulates that parents or guardians should provide for children's subsistence. Workers between the ages of 16 and 18 were referred to as "juvenile workers" and were prohibited from engaging in certain forms of physical work, including labor in mines.

The Government continued to maintain that the country did not have a widespread child labor problem and that the majority of children who worked did so at the behest of their families, particularly in impoverished rural areas, to supplement family income. Child workers in rural areas appeared to work primarily for township and village enterprises and in agriculture. In urban areas, they often worked as menial and street laborers. Some observers believed that coalmines, which often operated far from urban centers and out of the purview of law enforcement officials, also occasionally employed children. The Government argued that the existence of a large adult migrant labor force, often willing to work long hours for low wages, reduced the attractiveness of child labor for employers.

Some students worked in light industrial production within or for their schools. In March 2001, an explosion in Jiangxi Province at an elementary school that was also used to manufacture fireworks killed 42 persons, most of them schoolchildren who worked to assemble the fireworks. After parents of the children spoke to the press, the Government took disciplinary action against local officials who had attempted to cover-up the case as an attack by a "mad bomber." Provincial officials moved to tighten controls over Jiangxi's economically important fireworks industry. This incident may have served as a catalyst for greater government acknowledgement of the problem of child labor. In the autumn of 2001, the Government announced the formation of a multi-agency commission to study the issue. The commission failed to produce a public report. In October 2002, the State Council issued a regulation clarifying existing child labor prohibitions.

e. Acceptable Conditions of Work.—The Labor Law provides for broad legal protections for workers on such matters as working hours, wages, and safety and health. The Trade Union Law invests unions with the authority to protect workers against violations of their legal rights or contractually agreed conditions of work. The Law on the Prevention and Treatment of Occupational Diseases, and the Production Safety Law identify responsibilities for work-related illness and accidents, and provide for specific penalties for violation of the law. However, there remained a substantial gap between the law's formal provisions for work conditions and the actual situation in the workplace.

There was no national minimum wage. The Labor Law allows local governments to determine their own standards for minimum wages. Local governments generally set their minimum wage at a level higher than the local minimum living standard but lower than the average wage. Widespread official corruption and efforts by local

officials to attract and keep taxpaying, job-producing enterprises that might otherwise locate elsewhere undercut enforcement of the minimum wage provisions.

The Labor Law mandates a 40-hour standard workweek, excluding overtime, and a 24-hour weekly rest period. It also prohibits overtime work in excess of 3 hours per day or 36 hours per month and mandates a required percentage of additional pay for overtime work. However, these standards were regularly violated, particularly in the private sector. They were particularly ignored in enterprises that could rely on a vast supply of low-skilled migrant labor. In many industries such as textile and garment manufacturing, compulsory overtime reportedly was common, often without overtime pay. During the year, auditors found that some factories routinely falsified overtime and payroll records. There also were reports of workers being prevented from leaving factory compounds without permission.

Occupational health and safety concerns remained serious. The poor enforcement of occupational health and safety laws and regulations continued to put workers' lives at risk. The State Administration for Work Safety (SAWS), which was administratively joined with the State Administration for Coal Mine Safety Supervision (SACMSS), was responsible for providing a nationwide framework for work safety. With enactment of the Work Safety Act in 2002, the Government gave SAWS/SACMSS a specific, detailed legal framework for its responsibilities. SAWS/SACMSS staffed nearly 70 field offices throughout the country. The Ministry of Health was responsible for prevention and treatment of occupational illness. Some provincial and local governments have followed the national pattern of establishing separate work safety agencies. However, enforcement of national health and safety standards, which was the responsibility of governments below the national level, remained very weak.

Workplace health and safety did not improve significantly during the year, and there continued to be a high rate of industrial accidents. According to official statistics, from January to September, there were 10,227 work-related accidents, resulting in 11,449 deaths, compared with 13,960 workplace accidents, resulting in 14,924 deaths, in 2002. Coalmines were by far the most deadly workplaces. In the first three quarters of the year, 2,802 coal mine accidents caused 4,620 fatalities. Coalmine accidents comprised approximately 27 percent of all non-traffic, non-fire-related workplace accidents, but accounted for approximately 40 percent of corresponding workplace deaths. Enterprise owners and managers sometimes failed to report accidents and health problems. Local officials also often underreported such incidents. As a result, the actual number of workplace deaths and casualties was likely far higher.

The high rate of coal mining accidents highlighted serious enforcement problems in that sector. However, government officials and media have been increasingly vocal about the need to control workplace accidents and increasingly frank in assessing blame. In May, following a major coalmine disaster in a state-owned mine in Anhui Province, SAWS/SACMSS Administrator Wang Xianzheng publicly criticized mine operation failures for the accident. In recent years, the Government has closed tens of thousands of small coalmines, many of them illegal operations, where the majority of accidents and casualties occurred. Despite these efforts, many mines reopened illegally soon after closing. Observers attributed the enforcement problem in the coal mining sector primarily to corruption, a need to sustain employment in poor areas where many of the most dangerous mines were located, and a paucity of inspectors.

Fewer than half of rural enterprises met national dust and poison standards. Many factories that used harmful products, such as asbestos, not only failed to protect their workers against the ill effects of such products, but also failed to inform them about the hazards.

Approximately 44.1 million workers reportedly participated in the country's new work-injury insurance system at the end of 2002. In recent years, small but growing numbers of workers also began to use lawsuits to pursue work injury and illness claims against employers.

f. Trafficking in Persons.—The law prohibits trafficking in women and children; however, trafficking in persons and the abduction of women for trafficking remained serious problems. The country was both a source and destination country for trafficking in persons. Most trafficking was internal for the purpose of providing lower-middle income farmers with brides or sons, but a minority of cases involved trafficking of women and girls into forced prostitution in urban areas, and some reports suggested that some victims, especially children, were sold into forced labor.

Internal trafficking was a significant problem. The Ministry of Public Security estimated that 9,000 women and 1,000 children were kidnapped and sold illegally each year.

Some experts suggested that the serious imbalance in sex ratios in some regions (see Section 1.f.) had created a situation in which the demand for marriageable women could not be met by local brides, thus fueling the demand for abducted women. The problem of a shortage of marriageable women was exacerbated by the tendency for many village women to leave rural areas to seek employment. In addition, the cost of traditional betrothal gifts given to a bride's family sometimes exceeded the price of a trafficked bride and thus made purchasing a bride more attractive to poor rural families. Some families addressed the problem of a shortage of women by recruiting women in economically less advanced areas. Others sought help from criminal gangs, which either kidnapped women and girls or tricked them by promising them jobs and an easier way of life and then transported them far from their home areas for delivery to buyers. Once in their new "family," these women were "married" and raped. Some accepted their fate and joined the new community; others struggled and were punished. Many kidnappings reportedly also occurred in provinces where the male to female ratio was generally balanced.

There were reports that women and girls from Burma, Laos, North Korea, Vietnam, and Russia were trafficked into the country either to work in the sex trade or to be forced to marry Chinese men. Trafficking of North Korean women and girls into the country to work in the sex industry was reportedly widespread in the north-eastern part of the country; border guards reportedly were involved. Many such women, unable to speak Chinese, were virtual prisoners. Others stayed in their new situation because the country was less poverty-stricken than North Korea. A few of the Korean women were sold against their will to rural men in both ethnic Korean and ethnic Han areas. Others ended up working as prostitutes. According to press reports, North Korean brides were sold for approximately \$38 (RMB 315) to \$150 (RMB 1,245). Women reportedly also were trafficked from Vietnam into the country for purposes of forced marriage.

Chinese citizens were trafficked from the country for sexual exploitation and indentured servitude in domestic service, sweatshops, restaurants, and other services. There were reports that Chinese citizens were trafficked to Australia, Belgium, Burma, Canada, Hungary, Italy, Japan (illegal immigrants held in debt bondage), Malaysia, the Netherlands (for the purpose of sexual exploitation), Singapore, Sri Lanka (for sexual exploitation), Taiwan, the United Kingdom (for sexual exploitation), and the United States. A large number of citizens were trafficked through Hong Kong.

Alien smuggling rings often had ties to organized crime and were international in scope. Persons trafficked by alien smugglers paid high prices for their passage to other countries, where they hoped that their economic prospects would improve. There were credible reports that some promised to pay from \$30,000 to \$50,000 (RMB 248,000 to 415,000) each for their passage. Upon arrival, many reportedly were forced to repay the traffickers for the smuggling charges by working in specified jobs for a set period of time. They often also were forced to pay charges for living expenses out of their meager earnings. The conditions under which these trafficked persons had to live and work were generally poor, and they were often required to work long hours. The smuggling rings that trafficked them often restricted their movements, and their travel documents, which were often fraudulent, frequently were confiscated. Victims of trafficking faced threats of being turned in to the authorities as illegal immigrants and threats of retaliation against their families at home if they protested the situation in which they found themselves. Persons who were trafficked from the country and then repatriated sometimes faced fines for illegal immigration upon their return; after a second repatriation, such persons could be sentenced to reeducation through labor. Alien smugglers were fined \$6,000 (RMB 49,600), and most were sentenced to up to 3 years in prison; some have been sentenced to death.

Kidnapping and the buying and selling of children continued to occur, particularly in poorer rural areas. There were no reliable estimates of the number of children trafficked. Domestically, most trafficked children were sold to couples unable to have children; in particular, boys were trafficked to couples unable to have a son. However, baby girls also were trafficked. In March, police found 28 girls packed in suitcases on a bus going from Guangxi Province to Anhui Province apparently for sale. The oldest was 3 months of age; one baby died en route. Children were also trafficked for labor purposes. Children trafficked to work usually were sent from poorer interior areas to relatively more prosperous areas; traffickers reportedly often enticed parents to relinquish their children with promises of large remittances that their children would be able to send to them. The Ministry of Public Security uses DNA technology to confirm parentage, operating a national DNA databank.

The purchase of women was not criminalized until 1991, with the enactment of the NPC Standing Committee's "Decision Relating to the Severe Punishment of

Criminal Elements Who Abduct and Kidnap Women and Children.” This decision made abduction and sale separate offenses.

Arrests of traffickers have decreased from the peak in 2000, when a nationwide crackdown was initiated. That year, more than 19,000 persons were arrested and more than 11,000 were sentenced to punishments, including, in a few cases, the death penalty. According to official media reports, 110,000 women and 13,000 children who had been abducted were rescued in 2000. In 2002, official statistics indicate that authorities registered 1,897 cases involving trafficking of women and children (54.6 percent fewer than reported in 2000); uncovered 1,585 new cases of trafficking (56.2 percent fewer than in 2000); and rescued a total of 11,000 trafficked women and children.

Despite government efforts to eliminate trafficking in women and children, the problem persisted. Demand far outstripped the available supply, making trafficking a profitable enterprise for those willing to risk arrest and prosecution. The Government also continued to struggle with the pervasive problem of official corruption, as demonstrated by the prosecution and sentencing of over 83,000 officials on corruption-related charges in 1998–2002 (see Section 3). There were reports of complicity of local officials in the related problem of alien smuggling, as well as reports of the complicity of local officials in prostitution, which sometimes involved trafficked women. Disregard of the law also manifested itself at the village level, where village leaders have in some cases sought to prevent police from rescuing women who have been sold as brides to villagers.

Agencies involved in combating trafficking included the Ministry of Public Security, the Supreme People’s Court, the Supreme People’s Procuratorate, the Ministry of Civil Affairs, the Central Office in Charge of Comprehensive Management of Public Order, and the Legislative Office of the State Council. Some victims of domestic trafficking were given assistance and returned to their homes. It was Central Government policy to provide funds to provincial and local police to house victims and return them to their homes. Government-funded women’s federation offices provided counseling on legal rights, including the options for legal action against traffickers, to some victims. The All-China Women’s Federation assisted victims in obtaining medical and psychological treatment.

TIBET

The United States recognizes the Tibet Autonomous Region (TAR) and Tibetan autonomous prefectures and counties in other provinces to be a part of the People’s Republic of China. The Department of State follows these designations in its reporting. The preservation and development of Tibet’s unique religious, cultural, and linguistic heritage and the protection of its people’s fundamental human rights continue to be of concern.

Respect for Integrity of the Person.—The Government’s human rights record in Tibetan areas of China remained poor, although some positive developments continued. The Government permitted a second visit to the country by the Dalai Lama’s representatives and provided reporters and foreign officials with somewhat greater access to the TAR. The Government controlled information about all Tibetan areas, and in addition, strictly controlled access to the TAR, making it difficult to determine accurately the scope of human rights abuses. Authorities continued to commit serious human rights abuses, including execution without due process, torture, arbitrary arrest, detention without public trial, and lengthy detention of Tibetans for peacefully expressing their political or religious views. Deaths of at least 41 Tibetan political prisoners since 1989 can be attributed to severe abuse under detention; at least 20 of those prisoners had been in Lhasa’s TAR Prison (also known as Drapchi Prison). The overall level of repression of religious freedom in the TAR, while somewhat less oppressive for lay followers than in previous years, remained high. Conditions generally were less restrictive in Tibetan areas outside of the TAR. Individuals accused of political activism faced ongoing harassment during the year. There were reports of imprisonment and abuse of some nuns and monks accused of political activism. Security was intensified during sensitive anniversaries and festival days in some areas, while activities viewed as vehicles for political dissent, including celebration of some religious festivals, were suppressed. There were reports of small-scale political protests in a number of Tibetan areas.

On January 26, Tibetan Lobsang Dondrub was executed for alleged involvement in a series of bombings in Sichuan Province in 2002. The death sentence of Buddhist teacher Tenzin Deleg on the same charges was deferred for 2 years. The trials of the two men were closed to the public on “state secrets” grounds, and they were denied due process, including access to adequate representation. Lobsang Dondrub’s execution the same day he lost his appeal to the Sichuan Provincial Higher People’s

Court, as well as the failure of the national-level Supreme People's Court to review the case as promised to foreign officials, raised serious concerns in the international community. In March, two Tibetans were reportedly arrested for providing information to foreign individuals about the investigation of the 2002 bombings in Sichuan Province for which Lobsang Dondrub and Tenzin Deleg received death sentences. In April, four individuals arrested with Tenzin Deleg were reportedly released. In July, two more individuals, Tsering Dondrub and Tashi Phuntsog, were reported by non-governmental organizations (NGOs) to have been released, but officials denied that such a release took place. Their whereabouts remained uncertain at year's end.

In January, monks Kalsang Dondrub and Ngawang Dondrub were sentenced in Qinghai Province on charges of "endangering state security" for nonviolent political activities.

On April 11, Kunchok Choephel Labrang and Jigme Jamtruk, two monks from Labrang Tashikyil Monastery in Kanlho Prefecture, Gansu Province, were arrested for possessing booklets containing speeches of the Dalai Lama, according to the Tibetan Center for Human Rights and Democracy. Jigme Jamtruk was reportedly released on bail after 13 days' detention; the whereabouts of Kunchok Choephel Labrang remained unknown at year's end.

On June 27, Yeshe Gyatso, a member of the Chinese People's Political Consultative Conference, and Tibet University Student Dawa Tashi were detained on charges of "splitting the motherland, undermining unity of nationalities, and violating the constitution." Government officials stated that Dawa Tashi "confessed" and was released. Yeshe Gyatso subsequently was sentenced to 6 years' imprisonment, but was released in November in ill health.

In August, the Government announced that two monks, Jamphel Jangchub and Ngawang Oezer, imprisoned at Lhasa's TAR Prison for joining a pro-independence group in Drepung Monastery in the 1980s, received sentence reductions of 3 and 2 years respectively.

On August 29, five monks and an unidentified lay artist received sentences of 1 to 12 years' imprisonment for alleged separatist activities, including painting a Tibetan national flag, possessing pictures of the Dalai Lama, and distributing materials calling for Tibetan independence. The monks were Zoepa, Tsogphel, Sherab Dargye (Sherdar), Oezer, and Migyur, all from Khangmar Monastery in Ngaba Prefecture, Sichuan Province.

On October 2, Nyima Dragpa, a monk from Nyatso Monastery, died in custody, allegedly from injuries sustained during severe beatings.

Many political prisoners remained in detention at year's end, including Tibetan nun Phuntsog Nyidrol, who was serving a long prison term for political offenses; Sonam Phuntsog, a Buddhist teacher in Kardze County, Sichuan Province, arrested in 1999 after leading a protest; Lhasa orphanage owners Jigme Tenzin and Nyima Choedron, convicted in 2002 of "espionage and endangering state security"; and approximately 10 persons detained in October 2002 in Kardze Town, Sichuan Province, in connection with long-life ceremonies for the Dalai Lama sponsored by foreign Tibetan Buddhists. The whereabouts of two other nuns, Jangchub Drolma and Chogdrub Drolma, remained unknown at year's end. They previously were confirmed to be incarcerated in Drapchi Prison.

Chadrel Rinpoche, released in January 2002 after 6 years and 6 months in prison for leaking information about the selection of the Panchen Lama, was reportedly still under house arrest near Lhasa.

The lack of independent access to prisoners and prisons made it difficult to ascertain the number of Tibetan political prisoners or to assess the extent and severity of abuses. The Tibet Information Network (TIN) estimated that approximately 150 Tibetans were imprisoned on political grounds, 75 percent of whom were monks or nuns. Approximately 60 political prisoners, most serving sentences for the now-repealed crime of counterrevolution, remained in TAR Prison in Lhasa. TIN's analysis indicated that the majority of Tibetan political prisoners were incarcerated in Lhasa and western Sichuan Province. While political imprisonment has declined in the TAR since its peak in 1996, since 1999 there has been an upsurge of detentions in certain areas of Sichuan Province, particularly in Kardze Prefecture.

There were credible reports that prisoners continued to be mistreated. For example, Tibetans repatriated to China from Nepal in May reportedly suffered torture, including electric shocks, exposure to cold, and severe beatings, and were forced to perform heavy physical labor. Their family members also were pressured for bribes to secure their release. Prisoners were subjected routinely to "political investigation" sessions and were punished if deemed to be insufficiently loyal to the state. Unrepentant political prisoners at the TAR Prison were sent to "isolation cells" for 6 months to 1 year to "break their spirit."

Legal safeguards for Tibetans detained or imprisoned were the same as those in the rest of China and were inadequate in both design and implementation. Most judges had little or no legal training. Authorities worked to address this problem through increased legal education opportunities. Since opening the first legal assistance center in the TAR in 2001, the Government claims clients involved in 149 cases, including 101 criminal cases, have received assistance. However, for most persons accused of political crimes, trials were cursory and were closed if issues of state security were involved. Under Chinese law, maximum prison sentences for crimes such as “endangering state security” and “splitting the country” were 15 years for each count, not to exceed 20 years in total. Such cases mainly concerned actions perceived to be in support of Tibetan independence, and activities did not have to be violent to be illegal or to draw a heavy sentence.

Family planning policies permitted Tibetans, like members of other minority groups, to have more children than Han Chinese. Urban Tibetans, including Communist Party members, were generally permitted to have two children. Rural Tibetans were encouraged, but not required, to limit births to three children. These regulations were not strictly enforced.

The Government regulated foreign travel to the TAR, requiring travelers to purchase tours through government-approved tourist agencies for entry to the TAR, and to secure permits for travel to some regions within the TAR. Official visits to the TAR were supervised closely and afforded delegation members very few opportunities to meet local persons not previously approved by the local authorities. Travel by foreigners and foreign NGO staff in the TAR was closely monitored, although some foreign NGOs reported fewer restrictions on their travel than in previous years.

Some Tibetans continued to report difficulties in obtaining passports, particularly in rural areas. The Government placed restrictions on the movement of Tibetans during sensitive anniversaries and events and increased controls over border areas at these times. There were reports of arbitrary detention of persons, particularly monks, returning to China from Nepal. Detentions generally lasted for several months, although in most cases no formal charges were brought.

On May 31, the Government successfully pressured the Government of Nepal to repatriate to China 18 Tibetans, including several minors, who had crossed into Nepal from China apparently hoping to transit Nepal to India. Contrary to established practice, the office of the U.N. High Commissioner for Refugees (UNHCR) in Kathmandu was denied access to the group. The 18 Tibetans were forced onto a bus and driven back across the border into China, where they were detained, first at a border post and later at a prison in Shigatse. NGO reports indicated that up to seven individuals remained in detention until at least November. The detainees reportedly suffered severe torture, and the monks in the group were subjected to more beatings than the others. Most of the detainees also were pressured for bribes. Chinese officials maintained that 14 individuals were released shortly after their return to China. While two remained at the border post for medical reasons and two were detained for a time on suspicion of criminal behavior, officials stated that no criminal charges were filed and all of the individuals were released by year's end. According to NGO reports, approximately 400–500 Tibetans apprehended at border crossings reportedly were held at the “Tibet's New Reception Center” prison in Shigatse at year's end.

Forced labor reportedly was used in some prisons, detention centers, reeducation-through-labor facilities, and at work sites where prisoners were used as workers. Chinese law states that prisoners may be required to work up to 12 hours per day, with 1 rest day every 2 weeks, but these regulations often were not enforced. Prisoners at many sites received some remuneration and could earn sentence reductions by meeting or exceeding work quotas. At TAR Prison in Lhasa, male prisoners reportedly worked in vegetable fields and in factories. Female prisoners cleaned toilets and also were involved in tailoring, cleaning, or spinning and sorting wool to be used in the production of carpets and sweaters.

Freedom of Religion.—In the TAR, the overall level of religious repression, while less oppressive for lay followers than in the past, remained high. The Government maintained tight controls on many monasteries and on monks and nuns. Although authorities permitted some traditional religious practices and public manifestations of belief, they promptly and forcibly suppressed activities viewed as vehicles for political dissent, such as religious activities perceived as advocating Tibetan independence or any form of separatism (which the Government describes as “splittist”). Security was intensified during the Dalai Lama's birthday, sensitive anniversaries, and festival days in the TAR and in some other Tibetan areas as well. Tibetan Buddhists in many areas outside the TAR had fewer restrictions on their freedom to practice their faith.

Most abbots and monks in Tibetan areas outside the TAR reported that they had greater freedom to worship, to conduct religious training, and to manage the affairs of their monasteries than their coreligionists within the TAR; however, restrictions remained. There were reports that some monks who had contacts while abroad with the Tibetan “government-in-exile” in India were prevented from returning to their home monasteries.

In 2002 and again during the year, the Government extended invitations to emissaries of the Dalai Lama to visit Tibetan and other areas of China. In September 2002, Lodi Gyari and Kelsang Gyaltzen, the Dalai Lama’s representatives to the United States and Europe respectively, traveled to Beijing, Lhasa, and other cities where they met with a number of government officials. These were the first formal contacts between the Dalai Lama’s representatives and the Government since 1993. They made a second trip to China in June 2003 to meet with Chinese officials and visited Shanghai, Beijing, and Tibetan areas in Yunnan Province. Additionally, Gyalo Thondup, the Dalai Lama’s elder brother, visited in July 2002, making his first trip to the TAR since leaving in 1959. The Government asserted that the door to dialogue and negotiation was open, provided that the Dalai Lama publicly affirm that Tibetan areas and Taiwan are inseparable parts of China. In September, during a visit by the Dalai Lama to the United States, the Government resumed its practice of harshly criticizing what it perceived as the Dalai Lama’s political activities and his leadership of a government-in-exile.

Government officials maintained that possessing or displaying pictures of the Dalai Lama is not illegal, but pictures of the Dalai Lama were not openly displayed in major monasteries. Pictures could not be purchased openly in the TAR, and possession of such pictures has triggered arrests in the past; therefore, Tibetans in the TAR were extremely cautious about displaying them. Diplomatic observers saw pictures of a number of Tibetan religious figures, including the Dalai Lama, openly displayed in Tibetan areas outside the TAR. However, in the months following an August incident in which unknown individuals hung the banned Tibetan national flag from a radio tower, private displays of Dalai Lama pictures were confiscated in urban areas of two Sichuan counties.

Since the early 1990s, an average of 2,500 Tibetans have entered Nepal each year seeking refugee status to escape conditions in Tibet. The UNHCR reported that 2,248 Tibetans presented themselves at the UNHCR office in Nepal during the year, of whom 1,815 were found to be “of concern” and provided with basic assistance; the remaining 433 departed for India without being registered or processed by the UNHCR. In September, TAR Public Security Bureau officials told a visiting foreign delegation that 1,000 residents of the TAR receive passports each year, and that residents make 2,000–3,000 trips abroad each year. However, some Tibetans, particularly those from rural areas, continued to report difficulties in obtaining passports. Due in part to such difficulties and in part to the difficulty many Chinese citizens of Tibetan ethnicity encountered obtaining entry visas for India, it was difficult for Tibetans to travel to India for religious purposes. Nevertheless, many Tibetans, including monks and nuns, visited India via third countries and returned to China after temporary stays. Returned exiles were compelled to avoid discussing sensitive political issues.

Chinese officials stated that the TAR has 46,380 Buddhist monks and nuns and 1,787 monasteries, temples, and religious sites. Officials have cited almost identical figures since 1996, although the numbers of monks and nuns dropped at many sites as a result of the mid-1990s “patriotic education” campaign and the expulsion from monasteries and nunneries of many monks and nuns who refused to denounce the Dalai Lama or who were found to be “politically unqualified.” These numbers represent only the TAR, where the number of monks and nuns was very strictly controlled; over 150,000 Tibetan Buddhist monks and nuns lived in Tibetan areas outside the TAR, according to informed estimates.

The Government continued to oversee the daily operations of major monasteries. The Government, which did not contribute to the monasteries’ operating funds, retained management control of monasteries through the Democratic Management Committees (DMCs) and local religious affairs bureaus. Regulations restricted leadership of many DMCs to “patriotic and devoted” monks and nuns, and specified that the Government must approve all members of the committees. At some monasteries, government officials also sat on the committees.

In recent years, DMCs at several large monasteries began to use funds generated by the sales of entrance tickets or donated by pilgrims for purposes other than the support of monks engaged in full-time religious study. As a result, some “scholar monks” who had formerly been fully supported had to engage in income-generating activities. Some experts were concerned that, as a result, fewer monks will be qualified to serve as teachers in the future. The erosion of the quality of religious teach-

ing in the TAR and other Tibetan areas continued to be a focus of concern. The quality and availability of high-level religious teachers in the TAR and other Tibetan areas was inadequate; many teachers were in exile, older teachers were not being replaced, and those remaining in Tibetan areas outside the TAR had difficulty securing permission to teach in the TAR.

In addition, in many places, particularly in the TAR, the Government continued to discourage the proliferation of monasteries, which it contended were a drain on local resources and a conduit for political infiltration by the Tibetan exile community.

The Government stated that there were no limits on the number of monks in major monasteries, and that each monastery's DMC decided independently how many monks the monastery could support. However, many of these committees are government-controlled, and in practice, the Government imposed strict limits on the number of monks in many major monasteries, particularly in the TAR. The Government had the right to disapprove any individual's application to take up religious orders; however, these restrictions were not uniformly enforced. In some areas, it is against regulations to join a monastery before the age of 18, but boys as young as 11 continued to enter some monasteries.

Government officials stated that the "patriotic education" campaign, which began in 1996, had ended prior to the reporting period. Officials acknowledged, however, that monks and nuns continued to undergo mandatory political education or "patriotic education" on a regular basis at their religious sites. Training sessions were aimed at enforcing compliance with government regulations, and either cowing or weeding out monks and nuns who refused to follow Party directives and who remained sympathetic to the Dalai Lama. Monks and nuns were often required to demonstrate their patriotism by signing a declaration by which they agreed to reject independence for Tibet; reject Gendun Choekyi Nyima, the boy recognized by the Dalai Lama as the 11th incarnation of the Panchen Lama; reject and denounce the Dalai Lama; recognize the unity of China and Tibet; and vow not to listen to the Voice of America or Radio Free Asia. During the patriotic education campaign, non-compliant monks and nuns were expelled from religious sites, while others chose to depart rather than denounce the Dalai Lama. Because of these efforts to control the Buddhist clergy and monasteries, anti-government sentiment remained strong.

On May 27, authorities reportedly detained and released monks Tamding, Palzin, and Shongdu, and lay driver Ngodup for their involvement in a December 2002 protest against building demolitions at the Serthar Buddhist Study Institute, also known as the Larung Gar monastic encampment, located in Sichuan Province's Kardze Prefecture. Since demolishing buildings and expelling several thousand monks and nuns in 2001, authorities continued to exercise tight control over the community. Authorities allowed only approximately 1,000 monks and nuns to remain at the site, strictly controlled the number of Han Chinese practitioners, and refused permits for further construction or maintenance of the facility. The Government maintained that the facility, which housed the largest concentration of monks and nuns in the country, was reduced in size for sanitation and hygiene reasons. Foreign observers believed that the authorities acted against the Institute because of its size and the influence of its charismatic founder, Khenpo Jigme Phuntsog.

Most Tibetans practiced Buddhism to some degree. This held true for many Tibetan government officials and Communist Party members. In the TAR alone, some 615 Tibetan Buddhist religious figures held positions in local People's Congresses and committees of the Chinese People's Political Consultative Conference. However, the Government continued to insist that Communist Party members and senior government employees adhere to the Party's code of atheism, and routine political training for government cadres continued to promote atheism. Authorities also continued to pressure public sector employees, through political training and threats of termination, to demonstrate their loyalty to the State and refrain from actions that could be construed as lending explicit or tacit support to the Dalai Lama. Public sector employees in the TAR also reportedly were pressured not to send their children to India to be educated.

A large percentage of the members of the religious affairs bureaus were non-Tibetans, and all were members of the Communist Party.

On July 6, Tibetans were prohibited from actively celebrating the Dalai Lama's birthday. However, celebrations of major religious festivals such as Monlam, Sagadawa, and the Drepung Shodon were marked by a somewhat more open atmosphere and a diminished security presence.

In September, two attendants of the Karmapa Lama detained in 2002 were released. The Karmapa Lama, Urgyen Trinley Dorje, the leader of Tibetan Buddhism's Karma Kagyu school and one of the most influential religious figures of Tibetan Buddhism, secretly left the TAR for India in December 1999. In several public

statements, the Karmapa Lama asserted that he left because of controls on his movements and the Government's refusal to allow him to go to India to be trained by his spiritual mentors or to allow his mentors to come to him. During the year, authorities continued to restrict access to Tsurphu Monastery, the seat of the Karmapa Lama, and TIN reported that no new monks were being permitted to enter the monastery.

Since the Karmapa Lama left the TAR in 1999, the authorities have increased efforts to exert control over the process for finding and educating reincarnate lamas. The Government approved the seventh reincarnation of Reting Rinpoche in January 2000, but many of the monks at Reting Monastery reportedly did not accept the child as Reting Rinpoche because the Dalai Lama did not recognize his selection. Another young reincarnate lama, Pawo Rinpoche, who was recognized by the Karmapa Lama in 1994, lived under strict government supervision at Nenang Monastery. NGOs reported that he was denied access to his religious tutors and required to attend a regular Chinese school. During the year, foreign delegations were refused permission to visit Nenang Monastery.

The Panchen Lama is Tibetan Buddhism's second most prominent figure, after the Dalai Lama. The Government continued to insist that Gyaltzen Norbu, the boy it selected in 1995, is the Panchen Lama's 11th reincarnation. Gyaltzen Norbu made his second highly orchestrated visit to Tibetan areas in August, and his public appearances were marked by a heavy security presence. The Government refused to recognize the Dalai Lama's choice of another boy, Gendun Choekyi Nyima, who first disappeared in 1995, when he was 6 years old, and it tightly controlled all aspects of the "official" Panchen Lama's life. On August 5, the Government announced that Gendun Choekyi Nyima is "now a student and is studying well," but continued to ban pictures of the boy and refused all requests from the international community for access to confirm his whereabouts and well-being. The vast majority of Tibetan Buddhists continued to recognize Gendun Choekyi Nyima as the Panchen Lama. The Communist Party urged its members to support the "official" Panchen Lama, and government authorities at both the regional and city levels had pictures of the boy printed for use in public and private religious displays; however, very few photographs of him were on display. Instead, more prominently displayed were pictures of the 10th Panchen Lama, which some foreign observers interpreted as a rejection of Gyaltzen Norbu.

The Government stated that since 1949 it had contributed \$72.64 million (RMB 600 million) toward the restoration of historical buildings in the TAR, including over 1,400 Tibetan Buddhist sites which were destroyed before and during the Cultural Revolution. The Government has carried out similar restoration efforts in Tibetan areas outside the TAR, although aggregate figures are not known. However, many hundreds of monasteries were never restored, and others remained in partial ruins. Government funding of restoration efforts ostensibly was done to support the practice of religion, but also was done in part to promote the development of tourism. Many recent restoration efforts were funded privately, although a few religious sites also received government support for reconstruction projects.

Economic Development and Protection of Cultural Heritage.—According to China's 2000 census, the population of Tibetans in the TAR was 2,427,168. The population of Tibetans in autonomous prefectures and counties outside the TAR was 2,927,372. The TAR is one of China's poorest regions, and ethnic Tibetans are one of the poorest groups. The Central Government and other provinces of China heavily subsidized the TAR economy, which, according to official government statistics, grew by an average annual rate of over 10 percent for the last decade. Over 90 percent of the TAR's budget came from outside sources, and residents of the TAR benefited from a wide variety of favorable economic and tax policies. Tibetan autonomous areas outside the TAR benefited to varying degrees from similar favorable policies. Government development policies helped raise the living standards of most Tibetans, particularly by providing better transportation and communications facilities. However, while overall standards of living have risen, Tibetans' real incomes remained well below those of persons in other parts of the country, and Han Chinese benefited disproportionately from the Government's development policies in Tibetan areas. Marriage and family planning policies, and, to a lesser extent, university admissions and government employment policies, are less restrictive for Tibetans as one of China's 55 minority ethnic groups. According to official government statistics, 79.4 percent of all government employees in the TAR were Tibetans. Nevertheless, many positions of political authority were held by Han Chinese, and most key decisions in the TAR were made by Han. A similar situation pertained in Tibetan areas outside the TAR.

The Dalai Lama, Tibetan experts, and other observers expressed concern that development projects and other Central Government policies initiated in 1994 and re-

emphasized and expanded at the “Fourth Tibet Work Conference” in 2001, including the Qinghai-Tibet railroad, would continue to promote a considerable influx of Han, Hui, and other ethnic groups into the TAR. They feared that the TAR’s traditional culture and Tibetan demographic dominance would be overwhelmed by such migration.

Some Tibetans reported that they experienced discrimination in employment for some urban occupations, and claimed Han were hired preferentially for many jobs and received greater pay for the same work. For example, of the 38,000 persons working on the Qinghai-Tibet railroad, only 6,000 were Tibetan. Some Tibetans reported that it was more difficult for Tibetans than Han to get permits and loans to open businesses. In addition, the widespread use of the Chinese language in urban areas and many businesses limited opportunities for many Tibetans. Fundamental worker rights recognized by the International Labor Organization, including the right to organize and the right to bargain collectively, which were broadly denied in the rest of China, were also denied in Tibetan areas.

Although Chinese officials asserted that 92 percent of the officially registered population in the TAR was Tibetan, they acknowledged that these figures did not include the large number of “temporary” Han residents, including military and paramilitary troops and their dependents, many of whom had lived in the TAR for years. Furthermore, freer movement of persons throughout China, government-sponsored development, and the prospect of economic opportunity in the TAR have led to a substantial increase in the non-Tibetan population, including both China’s Muslim Hui minority and Han Chinese, in Lhasa and other urban areas, as migrant workers from China’s large transient population sought to take advantage of the new economic opportunities. Most of these migrants professed to be temporary residents, but small businesses run by Han and Hui citizens, mostly restaurants and retail shops, predominated in almost all TAR cities. Many observers estimated that more than half of Lhasa’s population was Han Chinese, and even official estimates put the number of temporary Han Chinese residents in Lhasa at over 100,000 out of a total population of 409,500. Elsewhere in the TAR, the Han percentage of the population was significantly lower. In rural areas, the Han presence was often negligible.

Rapid economic growth, the expanding tourism industry and the introduction of more modern cultural influences also have disrupted traditional living patterns and customs and threatened traditional Tibetan culture. In Lhasa, the Chinese cultural presence was obvious and widespread. In 2002, many traditional Tibetan-style buildings located in the UNESCO-protected downtown area of Lhasa were demolished. The Chinese language was spoken widely, and Chinese characters were used in most commercial and official communications.

Although the TAR Government passed a law in March 2002 stating the equality of Tibetan and Chinese as official languages and promoting the development of Tibetan, the dominant position of the Chinese language in government, commerce, and academia undermined the ability of younger Tibetans to speak and read their native language.

According to 2002 official government statistics, 32.5 percent of persons in the TAR were illiterate or semi-literate. However, illiteracy and semi-literacy rates were as high as 90 percent in some areas. Government statistics indicated that 85.8 percent of eligible children attended primary school, and the Government announced plans for 95 percent of children in the TAR to receive 6 years of compulsory education by 2005; however, in practice, many pupils in rural areas received only 1 to 3 years of education.

In the TAR and other Tibetan areas, many primary schools at the village level followed a Tibetan curriculum. According to local education officials, Tibetan was the main language of instruction in 60 percent of middle schools in the TAR, predominantly in more remote areas, although there were also special classes offering instruction in Chinese. However, some NGOs maintained that the official figures were inaccurate, claiming that fewer Tibetan children received instruction in the Tibetan language. Most of those who attended TAR regional high schools continued to receive some of their education in Tibetan, but knowledge of Chinese was essential as most classes were in Chinese. Tibetan curriculum high schools existed in a few areas. The Government continued to allocate funds to enable Tibetan students to study in secondary schools elsewhere in China. According to government figures, there were 13,000 Tibetan students from the TAR studying in approximately 100 schools in 26 different parts of China. Knowledge of Chinese usually was necessary to receive a higher education, although some colleges established to serve ethnic minorities allowed for study of some subjects in Tibetan. In general, opportunities to study at privately funded Tibetan-language schools or to receive a traditional Tibetan-language religious education were greater in Tibetan areas outside the TAR.

On July 29, authorities reportedly closed the Ngaba Kirti Monastic School in Ngaba Prefecture, Sichuan Province, and summoned its chief patron, Soepa Nagur, to Sichuan's capital city Chengdu, according to the Tibetan Center for Human Rights and Democracy. Founded in 1994 with private funds to provide traditional Tibetan and monastic education to rural residents, the school attracted the attention of local authorities in 1998, who forced the school to change its name, include secular subjects in its curriculum, and finally merge with another nearby institution.

Authorities reportedly required professors, particularly those from Tibet University's Tibetan language department, which was viewed as a potential source of dissent, to attend political education sessions and limited course studies and materials in an effort to prevent separatist political and religious activity on campus. Many ancient or religious texts were banned from the curriculum for political reasons. Tibet University was established to train Tibetan teachers for the local educational system; however, Han representation in the student body and faculty far exceeded their proportion of the total TAR population. Although Tibetans were given admission preference, Han Chinese students frequently gained admission because they scored higher on admission exams due to stronger Chinese-language skills and educational backgrounds.

Malnutrition among Tibetan children continued to be widespread in many areas of the TAR. This was particularly true of rural areas and resulted in high rates of stunted growth among children. Nutritional deficiency ailments, such as goiter (from a lack of iodine), night blindness (from a lack of Vitamin A), and rickets were said to be relatively common among children in some areas. Special programs, sponsored by both government bodies and foreign NGOs, were in place in some areas to address these problems.

Prostitution was a growing problem in Tibetan areas, as it was elsewhere in the country. Hundreds of brothels operated semi-openly in Lhasa. Up to 10,000 commercial sex workers may have been employed in Lhasa alone. Some of the prostitution occurred at sites owned by the Party, the Government, and the military. Most prostitutes in the TAR were Han women, mainly from Sichuan. However, some Tibetans, mainly young girls from rural or nomadic areas, also worked as prostitutes. The incidence of HIV/AIDS among prostitutes in Tibetan areas was unknown, but lack of knowledge about HIV transmission and economic pressures on prostitutes to engage in unprotected sex made an increase in the rate of HIV infection likely.

In July, the TAR Tourism Bureau confirmed that it had fired a number of Tibetan tour guides educated in India or Nepal, and brought 100 tour guides from other provinces to work in the TAR during the summer tourist season. Government officials stated that all tour guides working in the TAR will be required to seek employment with the Tourism Bureau and to pass a licensing exam on tourism and political ideology. The Government's stated intent in dismissing the Tibetans was to ensure that all tour guides provide visitors with the Government's position opposing Tibetan independence and the activities of the Dalai Lama. The Tourist Bureau's monopoly does not extend to Tibetan areas outside the TAR, and some tour guides educated abroad reportedly moved to those areas, where they could offer their services more freely.

The Tibetan language services of Voice of America and Radio Free Asia (RFA), as well as of the Oslo-based Voice of Tibet, suffered from the same jamming of their frequencies by Chinese authorities as their Chinese language services. However, Tibetans were able to listen to the broadcasts at least some of the time. RFA stated that Tibetans were subject to intimidation and fines for listening to foreign-language broadcasts.

Although the Government made efforts in recent years to restore some of the physical structures and other aspects of Tibetan Buddhism and Tibetan culture damaged or destroyed during the Cultural Revolution, repressive social and political controls continued to limit the fundamental freedoms of Tibetans and risked undermining Tibet's unique cultural, religious, and linguistic heritage.

HONG KONG

Hong Kong is a Special Administrative Region (SAR) of the People's Republic of China (PRC) and maintains a high degree of autonomy except in matters of defense and foreign affairs. It has well-established institutions that support the rule of law and a vigorous civil society. The Basic Law, the SAR's constitution, was approved by the PRC in 1990. It provides for the protection of fundamental rights and calls for progress toward universal suffrage and further democratization after a 10-year period, starting with Hong Kong's July 1, 1997, reversion to Chinese sovereignty. The Chief Executive is chosen by an 800-person selection committee composed of in-

dividuals who are either directly elected, indirectly elected, or appointed. The Chief Executive supervises a cabinet of principal officers whom he appoints. The power of the Legislative Council (legislature) is significantly circumscribed by the Basic Law. The legislature is composed of 24 directly elected members representing geographic districts, 30 indirectly elected members representing functional (occupational) constituencies, and 6 members elected indirectly by an election committee. Majorities are required in both the geographic and the functional constituencies to pass legislation introduced by individual legislators. Members may not initiate legislation involving public expenditure, political structure, government operations, or government policy. By law and tradition, the judiciary is independent and the Basic Law vests Hong Kong's highest court with the power of final adjudication; however, under the Basic Law, the Standing Committee of the PRC's National People's Congress (NPC) has the power of final interpretation of the Basic Law.

A well-supervised police force under the firm control of civilian authorities maintained public order. An Independent Police Complaints Council, made up of public members appointed by the Chief Executive, monitored and reviewed the work of an office that investigated public complaints against the police. The 4,000 Chinese troops sent to Hong Kong in 1997 to replace the British military garrison have maintained a low profile and have not performed or interfered in police functions.

Hong Kong, with a free market economy, is an international trade, shipping, and finance center and is a principal platform for trade and investment with the PRC. The economy has suffered 6 years of deflation. However, despite the Severe Acute Respiratory Syndrome (SARS) outbreak, recovery since May led to an annual gross domestic product (GDP) growth rate of approximately 2.25 percent. Per capita GDP was approximately \$24,000; the population was approximately 6.8 million.

The Government generally respected the human rights of residents, and the law and judiciary provided effective means of dealing with individual instances of abuse. Human rights problems that existed both before and after the handover included: Limitations on residents' ability to change their government and limitations on the power of the legislature to affect government policies; violence and discrimination against women; discrimination against ethnic minorities; restrictions on workers' rights to organize and bargain collectively; and trafficking in persons for the purposes of forced labor and prostitution. Despite the ban on the Falun Gong in mainland China, the Falun Gong remained legally registered and practitioners continued their activities in Hong Kong.

In September, the Government withdrew from legislative consideration proposed national security legislation required by Article 23 of the Basic Law. The withdrawal followed a series of large protests, including a July 1 demonstration in which approximately 500,000 persons participated, and intense public debate about the impact of such legislation on civil liberties and fundamental freedoms. Article 23 calls for the Government to draft and implement laws that criminalize subversion, secession, treason, sedition, and theft of state secrets, and to criminalize links with foreign political organizations that are harmful to national security. During the year, public demands also increased for the implementation of universal suffrage in the 2007 Chief Executive election and the 2008 Legislative Assembly election. In response, the Government announced that it would provide a timetable for public consultations by the end of the year. The Government's plan was to commence consultations early in 2004 and 2005 and enact necessary legislation in 2006. However, following consultations with the PRC Government, a timetable for public consultations was not announced at year's end.

RESPECT FOR HUMAN RIGHTS

Section 1. Respect for the Integrity of the Person, Including Freedom From:

a. Arbitrary or Unlawful Deprivation of Life.—There were no reports of arbitrary or unlawful deprivations of life committed by the Government or its agents.

During the first 6 months of the year, there were three deaths in prison, which were determined to be suicides. An inquest into a 2001 case of death in police custody concluded that the cause of death was unknown.

b. Disappearance.—There were no reports of politically motivated disappearances.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The law forbids torture and other abuse by the police. There were allegations of assault by police officers during the year. The law stipulates punishment for those who violate these prohibitions. Disciplinary action can range from warnings to dismissal. Criminal proceedings may be undertaken independently of the disciplinary process. Allegations of excessive use of force are required to be investigated by the Complaints Against Police Office (CAPO), whose work is monitored and reviewed by

the Independent Police Complaints Council (IPCC), a body composed of public members appointed by the Chief Executive.

During the year, CAPO received 427 allegations of assault by police officers against persons in custody and 267 allegations of assault against persons not in custody, out of a total of 42,051 arrests. Of the 427 allegations of assault by police officers against persons in custody, in 196 cases investigations were completed and endorsed by the IPCC, and none was substantiated: 126 were withdrawn, 54 were deemed “not pursuable,” 13 were judged to be false, and 3 were judged “unsubstantiated.” The remaining 231 cases were pending at year’s end. Of the 267 allegations of assault against persons not in custody, there were 141 cases in which investigations were completed and endorsed by the IPCC, while none were substantiated: 86 were withdrawn, 33 were deemed “not pursuable,” 1 was judged to be “no fault,” 8 were judged to be false, and 13 were judged “unsubstantiated.” The remaining 126 cases were pending at year’s end. At year’s end, in response to concerns about the police being responsible for investigating their own misconduct, the Government was drafting a bill to provide a statutory basis for the IPCC, which would allow it to set up its own secretariat, receive funding to hire its own permanent staff, and initiate investigations.

In 2001, six police officers accused of assaulting a television cameraman during interrogation were acquitted in District Court. An internal police disciplinary inquiry into the case was completed during the year. All of the officers received letters of warning in their service records and one of the six, a senior inspector, was convicted and issued a caution.

Prison conditions generally met international standards. Men and women were housed separately, juveniles were housed separately from adults, and pretrial detainees were held separately from convicted prisoners. For the first 6 months of the year, the average occupancy rate for Hong Kong’s 24 prisons was 107 percent. Overcrowding was most serious in maximum-security prisons, which operated at an average occupancy rate of 126 percent. The Government continued its efforts to address the problem of prison overcrowding by remodeling existing buildings to provide space for additional prisoners and redistributing the prison population. In addition, completion of the Immigration Department’s Detention Center in Tuen Mun in 2005 is expected to provide 400 additional places and eliminate the housing of immigration offenders in prison or detention facilities managed by the Correctional Services Department.

The Government permitted prison visits by human rights observers. Local justices of the peace regularly inspected prisons, and most of these visits were unannounced.

d. Arbitrary Arrest, Detention, or Exile.—Common law, legal precedent, and the Basic Law provide substantial and effective legal protection against arbitrary arrest or detention, and the Government generally observed these provisions in practice. Suspects must be charged within 48 hours or released. In 2002, the average length of pre-conviction incarceration did not exceed 50 days.

Corruption was not a significant problem within the SAR’s well-supervised police force, and police officers were subject to disciplinary review by CAPO and IPCC in cases of alleged misconduct (see Section 1.c.).

The law does not provide for, and the Government did not use, forced exile.

e. Denial of Fair Public Trial.—The Basic Law provides for an independent judiciary, and the Government generally respected this provision in practice. The judiciary, underpinned by the Basic Law’s provision that Hong Kong’s common law tradition be maintained, generally provided citizens with a fair and efficient judicial process. Under the Basic Law, the courts may interpret those provisions of the Basic Law that address matters within the limits of the autonomy of the region. The courts also may interpret provisions of the Basic Law that touch on PRC central government responsibilities or on the relationship between the central authorities and the SAR, but before making final judgments on these matters, which are unappealable, the courts must seek an interpretation of the relevant provisions from the Standing Committee of the PRC’s National People’s Congress. The Basic Law requires that when the Standing Committee makes an interpretation of Basic Law provisions, the courts, in applying those provisions, “shall follow the interpretation of the Standing Committee.” Judgments previously rendered are not affected. The National People’s Congress’ mechanism for interpretation is its Committee for the Basic Law, composed of six mainland and six Hong Kong members. The Hong Kong members are nominated by the Chief Executive, the President of the Legislative Council, and the Chief Justice. Human rights and lawyers’ organizations long have expressed concern that this process, which circumvents the Court of Final Appeal’s power of final adjudication, could be used to limit the independence of the judiciary or could degrade the courts’ authority.

In a controversial 1999 “right of abode” case (concerning the right of certain persons to reside in Hong Kong), the Government, after losing the case in the Court of Final Appeals, sought a reinterpretation of relevant Basic Law provisions from the Standing Committee of the PRC’s National People’s Congress. This action raised questions about the independence and ultimate authority of the judiciary. After the controversy, the Government expressed its intention to make recourse to the NPC interpretation mechanism a rare and exceptional act, and there have been no such occurrences since the one instance in 1999.

The Court of Final Appeal is the SAR’s supreme judicial body. An independent commission nominates judges; the Chief Executive is required to appoint those nominated, subject to endorsement by the legislature. Nomination procedures ensure that commission members nominated by the private bar have a virtual veto on the nominations. The Basic Law provides that, with the exception of the Chief Justice and the Chief Judge of the High Court, who are prohibited from residing outside of Hong Kong, foreigners may serve on the courts. In 2002, approximately 40 percent of judges were expatriates from other common law jurisdictions. Judges have security of tenure until retirement age (either 60 or 65, depending on the date of appointment).

Under the Court of Final Appeal is the High Court, composed of the Court of Appeal and the Court of First Instance. Lower judicial bodies include the District Court (which has limited jurisdiction in civil and criminal matters), the magistrates’ courts (which exercise jurisdiction over a wide range of criminal offenses), the Coroner’s Court, the Juvenile Court, the Lands Tribunal, the Labor Tribunal, the Small Claims Tribunal, and the Obscene Articles Tribunal.

The law provides for the right to a fair public trial, and an independent judiciary generally enforced this right in practice. Trials were by jury except at the magistrate-court level, and the judiciary provided citizens with a fair and efficient judicial process.

Under corruption prosecution rules, there is a presumption of guilt in official corruption cases. Under the Prevention of Bribery Ordinance, a current or former government official who maintains a standard of living above that which is commensurate with his official income or who is in control of monies or property disproportionate to his official income is, unless he can satisfactorily explain the discrepancy, guilty of an offense. The courts have upheld this practice.

According to the Basic Law, English may be used as an official language by the executive, legislative, and judicial branches. For historical reasons and because of the courts’ reliance on common law precedents, almost all civil cases and most criminal cases were heard in English. In recent years, the Government has developed a bilingual legal system. It has increased the number of officers in the Legal Aid Department proficient in Chinese and extended the use of bilingual prosecution documents and indictments. All laws are bilingual, with the English and Chinese texts being equally authentic. All courts and tribunals may operate in either Chinese or English. Judges, witnesses, the parties themselves, and legal representatives each may decide which language to use at any point in the proceedings.

Some human rights groups alleged that the Government has not protected vigorously enough the interests of Hong Kong residents arrested and imprisoned in mainland China. Hong Kong authorities stated that there is no agreement allowing them access to Hong Kong residents arrested or detained in mainland China, even after conviction. Under an agreement signed in 2000 and in effect since 2001, PRC and SAR public security authorities are required to notify each other of certain categories of detentions of each other’s residents. A human rights group alleged that the Government has not sought information concerning Hong Kong residents convicted prior to 2001 and still serving sentences on the mainland. An estimated 500–1,000 Hong Kong residents were imprisoned in mainland China at year’s end, including political prisoners such as Xu Zerong, a Hong Kong permanent resident teaching at universities in southern China who was sentenced in 2002 to 13 years in prison for “illegally providing state secrets” by sending confidential reference materials on the Korean War to a contact in Hong Kong.

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home or Correspondence.—The law prohibits arbitrary interference with privacy, family, home, and correspondence, and the Government generally respected these prohibitions in practice. Interception of communications was conducted under the Telecommunications Ordinance and the Post Office Ordinance. Wiretaps require high-level authorization for interception operations, but a court-issued warrant is not required. The Government did not release information regarding how often the Chief Executive used his powers to authorize telephone wiretaps and interception of private mail.

The Office of the Privacy Commissioner for Personal Data (PCO), established under the Personal Data (Privacy) Ordinance (PDPO), is tasked with preventing the misuse and disclosure of data such as medical and credit records. The PDPO also prohibits matching sets of personal data without the consent of the subject individual or the commissioner, although some government departments were exempted in order to combat social welfare abuse and tax evasion. Some violations of the PDPO constitute criminal offenses. In other cases, an injured party may seek compensation through civil proceedings. If the PCO believes that violations may continue or be repeated, it may issue enforcement notices to direct remedial measures. Between June 2002 and June 2003, the PCO investigated 1,111 complaints of suspected breaches of the ordinance, completing action on 1,016. The PCO found violations of the PDPO in 34 of these cases, with none resulting in prosecution. In 153 of the cases, contravention of the PDPO requirements was not established due to insufficient evidence, while 557 cases were resolved or rejected after preliminary inquiries. The remaining 272 cases were not pursued because complainants were unreachable or withdrew their complaints during the course of investigation. The PDPO is not applicable to PRC government organs in Hong Kong. At year's end, the Government was still considering whether it should be made applicable to PRC bodies. Under certain exemptions for purposes related to safeguarding the security, defense, or international relations of Hong Kong, and for the prevention, detection, or prosecution of a crime, Hong Kong authorities may be allowed to transfer personal data to a PRC body.

In 2002, the Government introduced a draft privacy code that sought to outlaw secret video cameras and monitoring of e-mail and phone calls in the workplace by employers. At year's end, legislation had not been passed.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The law provides for freedom of speech and of the press, and the Government generally respected these rights in practice. A wide range of views and topics appeared in the press, including articles critical of the PRC and Hong Kong SAR governments. In their annual report, released in June, the Hong Kong Journalists Association asserted that some journalists and news media practiced a degree of self-censorship, mainly in PRC-related reporting. Overall, the media has been outspoken in defending civil liberties. The Telecommunications Ordinance potentially allows limits on some speech and press freedoms by granting the Government wide-ranging powers to ban messages whenever it “considers that the public interest so requires.” In practice, the Government has never invoked this law to limit freedom of speech.

The Basic Law's Article 23 requires the Government to enact legislation prohibiting treason, secession, sedition, subversion against the Central People's Government, and theft of state secrets, and to criminalize links with foreign political organizations that are harmful to national security. In 2002, the Government released a consultation document proposing guiding principles for the legislation. After the controversial legislation was introduced into the Legislative Council in February, the Government proposed a series of amendments to address public concerns from interested parties such as media and legal groups that the bill could restrict fundamental rights and freedoms. Of particular concern were the proposed extension of treason, sedition, secession, and subversion criminal offenses to permanent residents, without regard to nationality or legal domicile; the proposal to ban organizations affiliated with mainland political organizations that have been banned by the PRC on national security grounds; the proposal for extended emergency powers for the police; new uncertainty about the parameters of “unlawful disclosure” of state secrets; and other proposals perceived as potentially limiting freedom of speech and press. Opponents of the proposed legislation conducted a series of protests, including a July 1 demonstration in which approximately 500,000 persons participated to protest the Government's handling of the proposed legislation.

In response to the protests, the Government indefinitely postponed a second reading of the bill in July. In September, the Government withdrew the bill from the legislative process. At year's end, no timetable had been announced for reintroducing a draft bill to the Legislative Council.

In March, a political activist who burned the national flag during a 2002 demonstration was given a suspended sentence of 3 months in jail, in the SAR's first prosecution of a citizen for flag burning. Other persons have been convicted since the handover for altering or defacing flags, but no jail terms or suspended sentences were imposed in those cases.

Individuals may criticize the Government publicly or privately without reprisal, and many persons spoke freely to the media and used the media to voice their views. Political debate was vigorous, and numerous viewpoints, including stories

and opinions critical of the SAR and PRC Governments and statements by leading Chinese dissidents and pro-independence Taiwan activists, were carried by the mass media, in public forums, and by political groups. The Secretary for Constitutional Affairs, however, did comment on a visit by two legislators to Taiwan to participate in a pro-Taiwan independence seminar, suggesting that legislators' overseas remarks should reflect the SAR's mainstream opinion.

During the year, newspapers published a wide variety of opinions, including opinions on Taiwan, Tibet, PRC leadership dynamics, Communist Party corruption, and human rights. There were some 15 daily newspapers, all privately owned in name although 4 were supported financially—and guided editorially—by the PRC (Wen Wei Po, Ta Kung Pao, the Hong Kong Commercial Daily, and the China Daily). The non-PRC-owned newspapers, hundreds of periodicals, four commercial television stations (broadcast and cable) and two commercial radio stations functioned with virtually no government control. One commercial radio station renewed its license without incident shortly after receiving an official warning from the Broadcast Authority regarding the content of one of its programs, which listeners perceived to have gone too far in insulting government officials on their handling of the SARS crisis. The station did not appeal the warning. International media organizations operated freely. Foreign reporters needed no special visas or government-issued press cards for Hong Kong.

China still requires some journalists to apply for journalist visas to make reporting trips to the mainland, but in 2002 the PRC Government somewhat eased those requirements, announcing that it would simplify visa application procedures and drop the requirement of a host organization for foreign journalists from Hong Kong, provided that their organizations have offices in Beijing, Shanghai, or Guangdong Province. All local journalists from Hong Kong can cover mainland stories, but must register with the Hong Kong Macau Affairs Office. Several Hong Kong publications were banned on the mainland, and the Next Group, a pro-democracy, tabloid-style, mass-market media group, was blocked from registering its reporters for mainland reporting. In August, a Radio Free Asia reporter was refused a journalism visa to cover multi-lateral talks in Beijing.

Despite regular coverage of sensitive subjects in print and in the broadcast media, professional journalist groups and NGOs asserted, often in the media, that media self-censorship continued. The Hong Kong Journalists Association (HKJA), for example, commented in a May report that self-censorship was a problem at Metro Finance radio, where an assignment editor was fired in 2002 after being ordered to tone down reports on the Chief Executive, the Falun Gong, pro-democracy activists, and the businesses of the station's owner, tycoon Li Ka-shing. The station's management said the dismissal was prompted by financial reasons rather than editorial policy. The HKJA reported that it was unable to determine whether self-censorship was a factor in the dismissal, though it could not be ruled out.

The government-owned Radio Television Hong Kong (RTHK) continued to enjoy the editorial independence granted to it in its framework agreement between the Government and the station's Director of Broadcasting. Local pro-PRC figures have called for the station to be more supportive of the PRC and Hong Kong Governments and for RTHK to conform to PRC political usage, for example by not referring to Taiwan leader Chen Shui-bian as "president" on the grounds that Taiwan is not a country.

There were no restrictions on the use of the Internet.

The Falun Gong was able to print flyers and other small materials in Hong Kong, but most of its publishing took place outside the SAR. One bookstore, owned by a practitioner, carried Falun Gong books.

The Basic Law provides for academic freedom, and the Government generally respected that freedom in practice. There was independent research, a wide range of opinions, and lively debate on campuses.

b. Freedom of Peaceful Assembly and Association.—The Basic Law provides for freedom of assembly and the Government generally respected this right in practice. The Government routinely issued the required permits for public meetings and demonstrations.

Under the law, demonstration organizers must notify the police of their intention to demonstrate 1 week in advance (shorter notice is accepted when the Commissioner of Police is satisfied that earlier notice could not have been given) for a march involving more than 30 persons and for an assembly of more than 50 persons. The police must explicitly object within 48 hours; no reply indicates no objection. The post-handover provision in the Public Order Ordinance that empowered police to object to demonstrations on national security grounds never has been invoked. Appeals of a denial to demonstrate may be made to a statutory appeals board comprising

members from different sectors of society. Both the board's proceedings and the police's exercise of power are subject to judicial review.

Since the handover, there have been over 13,600 public meetings and public processions. Approximately half of these demonstrations required notification. Since the handover, the police have objected to 21 demonstrations, 9 of which went ahead after the demonstration organizers altered their plans. In the first 6 months of the year, police objected to 1 demonstration, which was subsequently held after organizers changed their routes. Demonstrators have complained that demonstrations often were limited to "designated areas" where they received little public attention and that police sometimes outnumber demonstrators.

On July 1, approximately 500,000 people marched through central Hong Kong to protest the Government's proposed Article 23 national security legislation. On July 9, 50,000 people took part in a rally outside the Legislative Assembly to protest the national security legislation and demand universal suffrage, and on July 13, 20,000 people rallied to demand universal suffrage and greater democracy. These events were legally sanctioned and peaceful.

In addition to holding assemblies and marches on Hong Kong-related issues, groups continued to be free to demonstrate on issues of sensitivity in mainland China. On June 4, approximately 50,000 people attended the annual candlelight vigil to commemorate the anniversary of the 1989 massacre in Beijing's Tiananmen Square.

Falun Gong practitioners regularly conducted public protests against the crack-down on fellow practitioners in the PRC, holding daily protests in front of the Hong Kong offices of the Central Government. In September, an appeal hearing concluded for a group of Falun Gong practitioners who had been fined for obstruction in 2002 for refusing to remain in a designated demonstration area. At year's end, the group was awaiting the judges ruling. In February, Falun Gong practitioners were able to hold an annual international conference in the SAR.

The Basic Law provides for freedom of association, and the Government generally respected this right in practice. Since the handover, no applications for registration have been denied. From January through August, the Societies Licensing Office of the police registered 1,119 new organizations for a total of 8,402 registered since the 1997 handover.

Pro-Taiwan groups have expressed concern that the Societies Ordinance could be used to restrict political activity. The Societies Ordinance requires that new societies must apply for registration within 1 month of establishment. The Government may refuse registration if it believes that the refusal is necessary in the interests of national security, public safety, public order, or the protection of the rights and freedom of others. The Government also may refuse to register a political body that receives support from a foreign political organization or a Taiwan-based political organization.

c. Freedom of Religion.—The Basic Law provides for freedom of religion, the Bill of Rights Ordinance prohibits religious discrimination, and the Government generally respected these provisions in practice.

The Government does not recognize a state religion but does grant public holidays to mark numerous special days on the traditional Chinese and Christian calendars, as well as the Buddha's birthday.

Religious groups are not required to register with the Government and are exempted specifically from the Societies Ordinance, which requires the registration of nongovernmental organizations. Some groups, such as the Falun Gong and various traditional Chinese meditation and exercise groups (known collectively as "qigong" groups), that do not consider themselves religions, have registered under the Societies Ordinance. Catholics freely and openly recognize the Pope as the head of the Catholic Church. The Vatican maintains a Diocese overseen by a local Bishop.

According to the Basic Law, the PRC Government has no authority over religious practices in the SAR. PRC representatives in the SAR and the two PRC-owned newspapers have criticized some religious and other spiritual groups and individuals. Local religious leaders also have noted that the Basic Law provision that calls for ties between local religious organizations and their mainland counterparts to be based on "nonsubordination, noninterference, and mutual respect" could be used to limit such ties. Similarly, the Catholic Bishop of Hong Kong continued to express concern that religious groups could be negatively affected by Article 23 laws.

During the year, Falun Gong, a spiritual movement that has explicitly stated that it is "not a religion," practiced freely and held regular public demonstrations against PRC policies. However, 80 overseas Falun Gong practitioners, mostly from Taiwan, were refused entry into Hong Kong to attend a conference in February (see Section 2.d.). Four of those practitioners filed a judicial review against the Immigration Department's decision to refuse entry. In May, the judge accepted their application to

proceed with the case. At year's end, the group awaited further instruction from the court. In June 2002, over 90 foreign practitioners were also denied entry upon arrival at the Hong Kong international airport (see Section 2.d.). The number of practitioners in Hong Kong has reportedly dropped from approximately 1,000 to approximately 500 since the PRC government began its mainland crackdown in mid-1999.

Other qigong groups, including Xiang Gong and Yan Xin Qigong, also were registered as societies and practiced freely.

For a more detailed discussion, see the 2003 International Religious Freedom Report.

d. Freedom of Movement within the Country, Foreign Travel, Emigration, and Repatriation.—The Basic Law provides residents freedom of movement within Hong Kong, freedom of emigration, and freedom to enter and leave the territory, and the Government generally respected these rights in practice, with some prominent exceptions. Most residents obtained travel documents freely and easily from the SAR Government. There were limits on travel to the mainland imposed by the PRC Government.

As was the case before the handover, the Taiwan passport is not recognized as valid for visa endorsement purposes.

Since the handover, several prominent overseas dissidents have been denied entry or visas to enter Hong Kong. In February, a group of 80 foreign Falun Gong practitioners were refused entry. In April 2002, exiled mainland dissident Harry Wu, who held foreign citizenship, was refused entry to Hong Kong, on the grounds of protecting Hong Kong's security. The Government asserted that the denial of Wu's entry was in accordance with the law. In June 2002, Wu was again denied a visa to come to Hong Kong, where he had been invited to address a seminar. Also in June 2002, over 90 foreign Falun Gong adherents who intended to stage protests during the fifth anniversary of the handover celebration were denied entry upon arrival at the Hong Kong international airport.

In August 2002, the Court of Final Appeals upheld the right of nonpermanent residents to return after leaving, a right that in practice had been treated as requiring case-by-case consideration.

Chinese authorities did not permit a number of Hong Kong human rights activists and prodemocracy legislators to visit the mainland.

The 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol does not extend to Hong Kong, and the SAR eliminated its temporary protection policy (extended only to Vietnamese) in 1998. On a case-by-case basis, the Director of Immigration has discretion to grant refugee status or asylum in cases of exceptional humanitarian or compassionate need, but the Immigration Ordinance does not provide foreigners any right to have their asylum claim recognized. The general practice is to refer refugee and asylum claimants to a lawyer or to the office of the U.N. High Commissioner for Refugees (UNHCR). Those granted refugee status, as well as those awaiting UNHCR assessment of their status, receive a subsistence allowance from the UNHCR, but are not allowed to seek employment or enroll their children in local schools. The UNHCR works with potential host country representatives in Hong Kong to resettle those few persons designated as refugees. Government policy is to repatriate all illegal immigrants, including those that arrive from the mainland, as promptly as possible. During the year, a total of 4,052 illegal PRC immigrants were repatriated to the mainland.

Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government

Residents' right to change their government is limited by the Basic Law, which provides for the selection of the Chief Executive by an 800-person selection committee (composed of individuals who are either directly elected, indirectly elected, or appointed), the direct election of only 26 of 60 of Legislative Council members (to become 30 of 60 in legislative elections in 2004), and the inclusion of appointed members to the elected district councils. The approval of the Chief Executive, two-thirds of the legislature, and two-thirds of Hong Kong's National People's Congress delegates is required to place an amendment to the Basic Law originating in Hong Kong on the agenda of China's National People's Congress. The National People's Congress has the sole power to amend the Basic Law. Procedures for amendment or interpretations that originate in the mainland are unclear.

The Government is executive-led, with a two-tiered legislative system consisting of the Legislative Council and 18 district councils, and is staffed by a professional and independent civil service. The Basic Law provides for elections for Chief Executive in 2002 and 2007 by a selection committee of 800 local residents. The selection committee was made up of the 60 members of the Legislative Council, the 36 Hong Kong delegates to the National People's Congress, 41 representatives of Hong Kong

members of the Chinese People's Political Consultative Conference, 40 representatives from religious groups, and 623 persons elected by the same approximately 180,000 voters (some representing organizations, others voting as individuals) who choose the functional constituency representatives of the Legislative Council. In 2002, C.H. Tung, unopposed, won his second 5-year term.

During the year, many citizens pressed the Government to enact procedural reforms needed to implement universal suffrage in the election of the Chief Executive in 2007 and Legco members in 2008. In response, the Government announced that it would provide a timetable for public consultations by the end of the year. The Government's plan was to commence consultations early in 2004 and 2005 and enact necessary legislation in 2006. However, following consultations with the PRC Government, a timetable for public consultations was not announced at year's end. The SAR Government did begin undertaking limited public consultations in late December through meetings with interested groups, public statements, and the creation of a web site for public input.

The Basic Law permits amendment of the Chief Executive selection process by a two-thirds majority of the Legislative Council, with the consent of the Chief Executive and the National People's Congress Standing Committee. Article 45 of the Basic Law states that "the ultimate aim is the selection of the Chief Executive by universal suffrage upon nomination by a broadly representative nominating committee in accordance with democratic procedures." Similarly, Article 68 of the Basic Law states that the "ultimate aim is the election of all the members of the Legislative Council by universal suffrage."

The members of the Legislative Council were elected in 2000 to 4-year terms; 24 members were elected directly from geographic districts through universal suffrage, 30 from functional (occupational) constituencies, and 6 by votes of the 800-person selection committee. Candidates who consider themselves pro-democracy advocates won 17 of the 24 seats elected on a geographic basis (including 1 in a December 2000 by-election) and 22 seats overall. In both the 1998 and 2000 Legislative Council elections, the functional constituencies were drawn more narrowly than the nine broad functional constituencies of the 1995 Legislative Council, reducing the total number of potential voters in functional constituencies from 1.15 million in 1995 to 180,000 in 1998.

The ability of the legislature to influence policy is limited substantially by Basic Law provisions that require separate majorities among members elected from geographical and functional constituencies in order to pass a bill introduced by an individual member. Another Basic Law provision prohibits the Legislative Council from putting forward bills that affect public expenditure, political structure, or government operations. The Chief Executive's written consent is required before bills affecting government policy may be introduced. The Government has adopted a very broad definition of "government policy" in order to block private member bills, and the President of the Legislative Council has upheld the Government's position. However, the Legislative Council's degree of popular representation and outspokenness gives it significant influence over the Government's policy positions.

The Executive Council (Exco) functions as the Chief Executive's cabinet. Exco includes 11 political appointees who run the 11 policy bureaus, and the Chief Secretary, Financial Secretary, and Justice Secretary, who are also political appointees. These 14 members are chosen by the Chief Executive and approved by the PRC Government. Exco also includes members of two political parties, a labor leader, and two other private citizens, also appointed by the Chief Executive. In July, the Liberal Party member of Exco resigned due to differences over Article 23 legislation. A different Liberal Party representative joined Exco in September.

In November, Hong Kong held its second post-handover District Council election, with a record turnout of over one million voters. Pro-democracy candidates made major gains, while the pro-Beijing Democratic Alliance for the Betterment of Hong Kong (DAB), Hong Kong's largest political party, suffered significant losses, leading to the DAB chairman's resignation. Following the election, there were increased calls for the Chief Executive not to exercise his authority to appoint additional District Councilors (up to 102 of 529), as has been done in the past. Nevertheless, the Chief Executive exercised his authority by appointing 102 District Councilors, the maximum number allowed under the District Councils Ordinance. According to the Ordinance, the District Councils are responsible for advising the Government on matters affecting: (1) the well-being of district residents; (2) the provision and use of public facilities; and (3) the use of public funds allocated for local public works and community activities.

In February, a village elections law was passed that requires the election of two village heads. Under this law, one village head represents indigenous residents (residents who are members of long-term local families) and deals with traditional

affairs such as burial grounds, while the other leader handles general affairs. In July and August, after Government efforts to calm indigenous residents' resentments of this law's inclusion of non-indigenous candidates, 72 percent of registered rural voters turned out for a series of peaceful village elections.

Hong Kong sends 36 delegates to China's National People's Congress (NPC). In 2002, Hong Kong's NPC delegates were elected to a 5-year term by an NPC-appointed committee of 955 residents. Politicians and human rights activists have criticized the election process as undemocratic and lacking transparency.

The percentage of women in government and politics did not correspond to their percentage of the population, although larger numbers were seeking public office than ever before. Women held 11 of the 60 Legislative Council seats, and made up between 17 and 23 percent of membership in the major political parties. The President of the Legislative Council is a woman, as are the heads of several government departments. More than one-third of civil servants are women, and 2 of the 15 most senior Government positions were held by women. The Equal Opportunities Commission noted that women were a minority in government advisory bodies.

Minorities were also represented in senior civil service positions.

Section 4. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A wide variety of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. These organizations had unrestricted contacts with the local community and with groups overseas. Government officials were generally receptive to, and respectful of, their views. Prominent human rights activists critical of mainland China also operated freely and maintained permanent resident status in Hong Kong, but overseas dissidents sometimes had difficulty gaining entry to the SAR. In addition, the U.S. Commission on International Religious Freedom postponed a planned visit to Hong Kong and China in August after the PRC Government told the Commission that the timing of the trip was too sensitive for the delegation to travel to Hong Kong. In December, the Commission postponed another trip to Hong Kong and China after the PRC Government insisted that the Commission not hold official meetings in Hong Kong.

Under the Basic Law, the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social, and Cultural Rights apply to Hong Kong. The PRC Government transmits Hong Kong's reports, mandated under these covenants, without editing, to the U.N. The SAR Government and several domestic NGOs have testified before several U.N. human rights committees, including the United Nations Human Rights Commission in Geneva. The hearings, including concerns of the Commission, have received widespread and balanced press coverage.

The Office of the Ombudsman has wide powers to investigate and report on grievances from members of the public as a result of administrative actions of the executive branch and other designated public bodies. The Ombudsman may publish investigation reports in which the identity of the complainant has been protected. In addition to responding to public complaints, the Ombudsman may initiate investigations. The Ombudsman may report to the Chief Executive if recommendations to the organizations under his jurisdiction have not been acted upon or if there are serious violations. The Chief Executive is bound by law to present such reports to the legislature. The Ombudsman (Amendment) Ordinance, passed in 2001, helped strengthen the independence of the Ombudsman by de-linking the office from government systems and processes. It empowered the office to set terms and conditions of appointment for staff and to have full powers to conduct its own financial and administrative matters.

The Ombudsman does not have oversight authority over the police, the Independent Commission Against Corruption, or the Office of the Privacy Commissioner for Personal Data, although it may investigate complaints of noncompliance with the code on access to information by government departments, including the police and the Independent Commission Against Corruption. With regard to election-related complaints, the Ombudsman only is empowered to investigate complaints made against the Registration and Electoral Office, not those made against the Electoral Affairs Commission.

Section 5. Discrimination Based on Race, Sex, Disability, Language, or Social Status

The Basic Law provides that all Hong Kong residents are equal before the law. The Bill of Rights Ordinance, which provides for the incorporation into law of the International Covenant on Civil and Political Rights as applied to Hong Kong, entitles residents to the civil and political rights recognized therein "without distinction of any kind, such as race, color, sex, language, religion, political or other opinion,

national or social origin, property, birth or other status.” However, the ordinance binds only the Government, public authorities, and persons acting on their behalf; it does not bind private persons or entities. Three pieces of anti-discrimination legislation—the Sex Discrimination Ordinance, the Disability Discrimination Ordinance, and the Family Status Discrimination Ordinance—have made it illegal for any person or entity (public or private) to discriminate on the grounds of sex, marital status, pregnancy, disability, or family status, and prohibits behavior such as sexual harassment, harassment or vilification on the grounds of disability, and discriminatory advertising. Persons with HIV/AIDS are protected from discrimination under the Disability Discrimination Ordinance. Such persons can take legal action on their own or seek assistance from the Equal Opportunity Commission (EOC) through the formal complaint process.

The EOC was established in 1996 to work toward the elimination of discrimination and to promote equality of opportunity with specific reference to gender, disability, and family status. In August, the Government chose a new chairperson for the EOC, leading some observers to assert that the Government was dissatisfied with the former chairperson’s willingness to challenge the Government for its handling of some discrimination issues. In November, the new Chairperson resigned amidst allegations of mishandling a personnel issue. In December, the government announced a new, interim Chairperson, to serve a 1-year, provisional term.

At year’s end, the Government was in the process of drafting legislation prohibiting racial discrimination. Press reports during the year continued to identify examples of strong societal prejudice against minority groups and newly arrived mainland Chinese migrants.

During the year, the EOC received 1,032 total complaints for investigation and conciliation. The Commission concluded 923 cases, which included cases from previous years. Of these, 485 cases were discontinued for various reasons, including withdrawal by the complainant, agreement reached before an investigation was completed, and a lack of substance. Of the remaining concluded cases, 233 cases were successfully conciliated. Legal assistance was available for unsuccessful complainants.

Women.—Violence against women remained a problem, particularly among new immigrants from the mainland. The Domestic Violence Ordinance allows a woman to seek a 3-month injunction, extendable to 6 months, against her husband. Domestic violence also may be prosecuted as common assault. The Government enforced the law and prosecuted violators, but sentences were generally lenient, consisting only of injunctions or restraining orders. During the first half of the year, there were 1,716 cases of domestic violence reported to the Social Welfare Department, which received reports of domestic violence from the police as well as from social workers, the Health Department, and volunteer organizations.

Cultural factors and inadequate information about available assistance and resources resulted in many cases of spousal abuse going unreported. In 2001, the Government established a Women’s Commission to address women’s concerns in a comprehensive and systematic manner. During the year, the Government continued to fund programs such as family life education counseling, a hotline service, temporary housing, legal aid, and child protective services. It also initiated public education and media programs to promote public awareness and encourage early seeking of professional assistance.

There were 70 cases of rape reported to the police during the year and 95 in 2002. Underreporting was a serious problem. The 2002 passage of the Statute Law (Miscellaneous Provisions) Bill made marital rape a crime. In July, the legislature passed an amendment to the Crimes Ordinance expressly clarifying that the term “unlawful sexual intercourse” can be applied both outside and inside the bounds of marriage. Indecent assault cases reported to the police totaled 656 in the first 8 months of the year.

Prostitution is not illegal, but there are laws against activities such as causing or procuring another to be a prostitute, living on the prostitution of others, or keeping a vice establishment. Some women working in the sex industry have been trafficked to Hong Kong (see Section 6.f.).

The Sex Discrimination Ordinance prohibits sexual harassment of women seeking employment or already working in an organization. The Equal Opportunities Commission reported 130 sexual harassment complaints during the year, with 79 such complaints reported in 2002. A joint Government and NGO survey conducted in 2000 suggested that sexual harassment was seriously underreported.

Women faced discrimination in employment, salary, welfare, inheritance, and promotion. In August, a Government survey revealed that men earned an average of 26 percent more than women; the pay gap was only 20 percent in 2001. These fig-

ures excluded the salaries of foreign domestic workers. The press carried occasional stories of women alleging discrimination in the workplace.

Women entered professional fields, including sciences and engineering, law, teaching, accounting, social sciences, health, and medicine, in growing numbers. In 2001, the ratio of male to female professionals employed in these fields was 130,900 to 63,700; the ratio in 2002 was 126,700 to 67,600; the ratio in the third quarter of 2003 was 131,400 to 65,500. Female judicial officers and judges made up approximately 20 percent of the judiciary. In the Legislative Council, women held 11 of the 60 seats. Women held 20 percent of the most senior government positions and 24 percent of the senior policy level positions in the civil service. Women were disproportionately represented in the lower echelons of the work force.

The law treats men and women equally in inheritance matters, although women still faced discrimination based on traditional practices, such as in the inheritance of homes in rural areas of the New Territories.

During the year, the Women's Commission, which was established in 2001, introduced a gender mainstreaming analytical tool to facilitate gender sensitive policy analysis, published a booklet on empowerment practices, cultivated female candidates for government advisory and statutory bodies, launched a capacity building program, ran TV and radio campaigns, and established partnerships with NGOs to advance women's interests.

During the year, the Government worked to finalize Hong Kong's second report under the United Nations Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) to the U.N.

Children.—The Government is committed firmly to children's rights and welfare through well-funded systems of public education, medical care, and protective services. The Education Department is committed to providing schooling for children between 6 and 15 years of age and provides placement services for non-Chinese speaking children. Education is free and compulsory through grade nine. The Government supported programs for custody, protection, day care, foster care, shelters, small group homes, and assistance to families.

Subsidized, quality medical care is available to all children who are residents.

In July, legislation came into effect that raised the age of criminal responsibility for children from 7 to 10 years. During the year, there were 148 youths under the age of 16 who were incarcerated: 37 in prison, 13 in training centers, 51 in detention centers, 44 in rehabilitation centers, and 3 in drug addiction treatment centers.

Statistics on the problems of child abuse and exploitation were limited. During the year, there were 1,028 child abuse cases reported to the police: 417 involved physical abuse and 611 involved sexual abuse. The Government reported 1,044 cases in 2002.

Effective in December, the Prevention of Child Pornography Ordinance criminalizes the making, production, distribution, publication, advertising, and possession of child pornography. It also prohibits the procurement of children for making pornography, extends the application of certain sexual offense provisions to acts committed against children outside of Hong Kong, and prohibits any arrangement or advertising relating to commission of those acts.

The Government provided parent education programs in all 50 of the Department of Health's Maternal and Child Health Centers and has revamped its child health and development program to include parenting skills believed to be important in preventing child abuse. The Social Welfare Department also commissioned research on domestic violence, including child abuse. The police maintained a child abuse investigation unit to improve the treatment of victims, and a witness support program helped child witnesses in need. A Child Care Center Law helped to prevent unsuitable persons from providing childcare services and facilitated the formation of mutual help childcare groups. There are substantial legal penalties for mistreatment or neglect of minors.

Persons with Disabilities.—Discrimination against the physically and mentally disabled persisted in employment, education, and the provision of some public services. The Disability Discrimination Ordinance called for improved building access and sanctions against those who discriminate, and the amended Buildings Ordinance updated design requirements. However, despite inspections and occasional closure of noncompliant businesses, access to public buildings (including public schools) and transportation remained a serious problem for persons with disabilities. Advocates complained that limited access for persons with disabilities at polling stations made voting difficult.

The Government offered an integrated work program in sheltered workshops and provided vocational assessment and training. No comprehensive statistics were available on the number of persons with disabilities in the work force, but the last

government survey conducted in 2000 estimated that there were approximately 269,500 persons with one or more disabilities, including 225,600 persons with physical disabilities and 52,700 with mental disabilities. However, a consortium of organizations representing persons with disabilities reported in 2002 that approximately 700,000 residents were disabled, and about half were able to work. According to government statistics, of the 269,500 persons with disabilities, 52,500 were employed and 59,700 were considered "economically active," including small business owners and street vendors. As of October, there were 3,398 persons with disabilities employed as civil servants in a total civil service work force of 170,605 (approximately 2 percent of all civil servants). During the first 8 months of the year, the Labor Department's Selective Placement Division found jobs for 1,612 of 3,065 disabled job seekers. Approximately 9,860 students in a school population of 850,000 (1.16 percent) were disabled. Of these, 3,234 were in mainstream schools where they received special education services.

In 2001, the U.N. Committee on Economic, Social and Cultural Rights (UNCESCR) recommended that the Government undertake a comprehensive review of mental health policy and adopt effective measures to ensure that persons with mental illness enjoy the right to adequate and affordable health care. The Committee also noted its concern over the Government's "apparent lack of initiative" to undertake public education to combat discrimination against those with mental disabilities. During the year, the EOC continued to respond by undertaking a variety of activities to address discrimination against persons with disabilities, including sponsoring youth education programs, distributing guidelines and resources for employers, carrying out media campaigns, and co-sponsoring seminars and research.

National/Racial/Ethnic Minorities.—Human rights groups, legislators, the UNCESCR, and the UNCERD continued to call for laws specifically targeting racial discrimination in the private sector. At year's end, the Government was drafting anti-racial discrimination legislation.

The Government's non-legally binding "Code of Practice for Employers," put into place in 2001 and designed to prevent discrimination, states that race, among other factors, should not be considered when hiring employees. Since its establishment in July 2002, the Government's Race Relations Unit has funded numerous projects promoting racial harmony; published guidebooks for migrant workers; provided newspapers and periodicals in minority languages, such as Bahasa Indonesia, Nepalese, Tagalog, and Vietnamese; established a hotline for enquiries and complaints; provided education kits for teachers; and produced posters, pamphlets, and souvenirs promoting racial harmony.

Minorities, who make up approximately 5.1 percent of the population, were well represented in the civil service and many professions. There were allegations of racial discrimination in such areas as private sector employment, admission to public restaurants, placement in public schools, treatment in public hospitals, apartment rentals, and acceptance to institutions of higher education. Foreign domestic workers, most of whom are from the Philippines and Indonesia, were particularly vulnerable to discrimination. An Indonesian Migrant Workers Union was established in 2000 to unite Indonesian domestic helpers throughout Asia to protect members from abuse and exploitation. The organization served the approximately 76,000 Indonesian domestic helpers who work in the SAR. Similar organizations worked for the interests of Philippine domestic helpers, of whom there were approximately 129,000.

Section 6. Worker Rights

a. The Right of Association.—The law provides for the right of association and the right of workers to establish and join organizations of their own choosing. Trade unions must be registered under the Trade Unions Ordinance. The basic precondition for registration is a minimum membership of seven persons. The Trade Unions Ordinance does not restrict union membership to a single trade, industry, or occupation. The Government did not discourage or impede the formation of unions. Trade unions were independent of political parties and the Government.

During the year, 29 new unions were registered, while 6 were deregistered; there were 689 registered trade unions. At the end of 2002, over 22 percent of the 3,054,400 salaried employees and wage earners belonged to a labor organization.

The Employment Ordinance includes provisions that protect against anti-union discrimination. Violation of the anti-union discrimination provisions is a criminal offense with a maximum fine of \$12,800 (HK\$100,000). Employees who allege such discrimination have the right to have their cases heard by the Labor Relations Tribunal. The Tribunal may order reinstatement of the employee, subject to mutual consent of the employer and employee. The Tribunal may award statutory entitlements (severance pay, etc.) and compensation. The maximum amount of compensa-

tion is \$19,230 (HK\$150,000). Some labor activists have complained in the past that the Labor Tribunals tended to push conciliation rather than issue orders.

The Basic Law commits the SAR to 41 International Labor Organization (ILO) conventions, and the Government has amended labor legislation and taken administrative measures to comply.

The Employment and Labor Relations (Miscellaneous Amendments) Ordinance permits the cross-industry affiliation of labor union federations and confederations and allows free association with overseas trade unions. Notification of the Labor Department within 1 month of affiliation is required.

b. The Right to Organize and Bargain Collectively.—In 1997, the pre-handover Legislative Council passed three laws that greatly expanded the collective bargaining powers of workers, protected them from summary dismissal for union activity, and permitted union activity on company premises and time. The new ordinances would have enabled full implementation of ILO Conventions 87, 98, and 154. However, in 1997, after consultation with the Labor Advisory Board, the Provisional Legislature repealed the Employee's Right to Representation, Consultation, and Collective Bargaining Ordinance and the Employment (Amendment) Ordinance, and amended the Trade Union (Amendment) Ordinance. The repeals removed the new legislation's statutory protection against summary dismissal for union activity; the Government asserted that existing law already offered adequate protection against unfair dismissal arising from anti-union discrimination. In 2001, the U.N. Committee on Economic, Social and Cultural Rights expressed concern over the absence of protection against unfair dismissal.

The 1997 Employment and Labor Relations (Miscellaneous Amendments) Ordinance removed the legal stipulation of trade unions' right to engage employers in collective bargaining. The ordinance bans the use of union funds for political purposes, requires the Chief Executive's approval before unions can contribute funds to any trade union outside of the SAR, and restricts the appointment of persons from outside the enterprise or sector to union executive committees. In a few trades such as tailoring and carpentry, wage rates were determined collectively in accordance with established trade practices and customs rather than a statutory mechanism, but collective bargaining was not practiced widely. Unions were not powerful enough to force management to engage in collective bargaining. The Government did not engage in collective bargaining with civil servants' unions but merely "consulted" with them.

The Workplace Consultation Promotion Unit in the Labor Department facilitated communication, consultation, and voluntary negotiation between employers and employees. Tripartite committees for each of nine sectors of the economy included representatives from trade unions, employers, and the Labor Department.

Work stoppages and strikes are permitted; however, there are some restrictions on this right for civil servants. Although there was no legislative prohibition of strikes, in practice, most workers had to sign employment contracts that typically stated that walking off the job is a breach of contract, which could lead to summary dismissal.

There was 1 strike involving 150 working days lost (300 employees struck for a half day) during the year.

There were no export processing zones.

c. Prohibition of Forced or Bonded Labor.—The law prohibits forced or bonded labor. The law does not specifically prohibit forced or bonded labor by children. There were no reports that such practices occurred.

d. Status of Child Labor Practices and Minimum Age for Employment.—The Employment of Children Regulations prohibit employment of children under the age of 15 in any industrial establishment. Children 13 and 14 years of age may be employed in certain non-industrial establishments, subject to conditions aimed at ensuring a minimum of 9 years' education and protecting their safety, health, and welfare. To enforce compliance with the regulations, the Labor Department conducted regular workplace inspections. In the first 8 months of the year, the Labor Department conducted 103,079 inspections and discovered 6 violations of the Employment of Children Regulations, resulting in the assessment of \$2,307 (HK\$18,000) in fines. Work hours for young persons 15 to 17 years of age in the manufacturing sector remain limited to 8 hours per day and 48 hours per week between 7 a.m. and 7 p.m. Overtime is prohibited for all persons under the age of 18 in industrial establishments. Employment in dangerous trades is prohibited for persons under 18 years of age.

e. Acceptable Conditions of Work.—There is no statutory minimum wage except for domestic workers of foreign origin. Aside from a small number of trades where a uniform wage structure existed, wage levels customarily are fixed by individual

agreement between employer and employee and are determined by supply and demand. Some employers provided workers with various kinds of allowances, free medical treatment, and free subsidized transport. The average wage generally provided a decent standard of living for a worker and family. Two-income households were the norm. In 2001, the UNCESCR expressed concern over the lack of adequate regulation on a statutory minimum wage, working hours, paid weekly rest, rest breaks, and compulsory overtime. As of year's end, the Government had not taken any steps to formulate such regulations.

The minimum wage for foreign domestic workers was approximately \$419 per month (HK\$3,270). The standard workweek was 48 hours, but many domestic workers worked far longer hours. The standard contract law requires employers to provide foreign domestic workers with housing, worker's compensation insurance, travel allowances, and food or a food allowance in addition to the minimum wage, which together provide a decent standard of living. Foreign domestic workers are subject to deportation if dismissed. There were credible reports of such workers illegally being forced to accept less than the minimum wage and unacceptable living conditions. During the first 8 months of the year, there were two cases of foreign domestic workers successfully taking their employers to court for mistreatment. In both cases, the employers were convicted and fined.

The Occupational Safety and Health Branch of the Labor Department is responsible for safety and health promotion, enforcement of safety management legislation, as well as policy formulation and implementation.

The Factories and Industrial Undertakings Ordinance, the Occupational Safety and Health Ordinance, the Boilers and Pressure Vessels Ordinance, and their 35 sets of subsidiary regulations regulate safety and health conditions. During the first half of the year, the Labor Department conducted 52,848 inspections of workplaces and issued 1,102 summonses, resulting in a total of \$1,779,076 in fines (HK\$13,876,800). Worker safety and health has improved over the years, but serious problems remain, particularly in the construction industry. During the first 4 months of the year, there were 9,459 occupational injuries, of which 4,124 were classified as industrial accidents. There were six fatal industrial accidents. Employers are required under the Employee's Compensation Ordinance to report any injuries sustained by their employees in work-related accidents. There is no specific legal provision allowing workers to remove themselves from dangerous work situations without jeopardy to continued employment.

f. Trafficking in Persons.—There is no law prohibiting trafficking in persons; however, there are various laws and ordinances that allowed law enforcement authorities to take action against traffickers. Hong Kong was a point of transit and destination for persons trafficked for sexual exploitation and forced labor. It was difficult for authorities to identify trafficking victims among the larger group of illegal immigrants.

Hong Kong was a transit point for some persons trafficked from China and Southeast Asian nations to third countries, despite active efforts by the SAR Government to stop such activities. The most common method used to attempt to smuggle persons through the SAR employed forged or illegally obtained travel documents to move through the airport. During the first 8 months of the year, authorities apprehended 2,101 persons with forged travel documents.

Some women have been lured to Hong Kong with false promises of legitimate employment and forced or coerced to work as prostitutes. A Hong Kong University preliminary study of trafficking of women to Hong Kong for the purposes of prostitution found reports of 39 such cases from 1990 to 2000. Large numbers of illegal immigrant women from the mainland engaged in prostitution with the reported assistance of organized criminal groups.

Prostitution is legal, but there are laws against some related activities that make prostitution illegal in certain circumstances (see Section 5, Women). The authorities sought to combat illegal prostitution by nonresidents through strict immigration controls and by arresting and prosecuting illegal prostitutes and their employers. In the first 8 months of the year, 6,296 nonresident women prostitutes and a much smaller number of their employers were arrested. Most of those arrested were deported rather than formally charged. The Crimes Ordinance stipulates that a person who controls another person for purposes of prostitution can, upon conviction and indictment, be imprisoned for 14 years. A person who knowingly lives wholly or in part on the earnings of prostitution of another can be sentenced to 10 years' imprisonment. During the year, 119 persons were convicted of these offenses, and in 2002, 56 people were convicted. The majority of those convicted were sentenced to immediate imprisonment.

Persons also were trafficked to the SAR for labor purposes, including domestic labor. There continued to be reports of foreign domestic workers, particularly from

Indonesia and India, recruited abroad and brought to Hong Kong only to find that the terms of their employment were not what they had agreed to or were not in compliance with domestic worker labor laws. Some recruitment agencies allegedly have conspired with employers to pay the workers significantly less than the minimum wage, charge excessive fees, require excessively long working hours, and take workers' passports from them upon arrival.

Provisions in the Immigration Ordinance, the Crimes Ordinance, and other relevant laws enabled law enforcement authorities to take action against trafficking in persons. The courts can impose heavy fines and prison sentences for up to 14 years for such activities as arranging passage of unauthorized entrants into Hong Kong, assisting unauthorized entrants to remain, using or possessing a forged, false or unlawfully obtained travel document, and aiding and abetting any person to use such a document. The Security Bureau has policy responsibility for combating migrant trafficking and oversees the police, customs, and immigration departments, which are responsible for enforcing antitrafficking laws. Law enforcement officials received specialized training on handling and protecting victims and vulnerable witnesses, including victims of trafficking.

Legal aid was available to those who chose to pursue legal proceedings against an employer, and immunity from prosecution was often made available to those who assisted in the investigation and prosecution of traffickers. An array of social services provided by the Social Welfare Department and local NGOs were available to victims of trafficking. The Government did not provide funding to foreign or domestic NGOs for services to victims. The Government's prevention efforts included providing pamphlets to workers about their rights; the pamphlets were widely distributed and were published in a wide range of languages.

MACAU

Macau, a 13 square mile enclave on the south China coast, reverted from Portuguese to Chinese administration on December 20, 1999 (the handover). As a Special Administrative Region (SAR) of the People's Republic of China (PRC), Macau enjoys a high degree of autonomy except in defense and foreign affairs, and its citizens have basic freedoms and enjoy legally protected rights. The 1987 Sino-Portuguese Joint Declaration and the Basic Law (the SAR's mini-constitution promulgated by China's National People's Congress (NPC) in March 1993) specify that Macau is to continue to enjoy substantial autonomy, and that its economic system and way of life are to remain unchanged for the first 50 years under PRC sovereignty. The Government is led by a Chief Executive, chosen by a 200-member Selection Committee, which was in turn chosen by a Preparatory Committee composed of 60 Macau and 40 mainland representatives appointed by the NPC. In 2001, voters elected 10 of the legislature's 27 members in direct elections in geographical constituencies. Interest groups in functional constituencies elected 10 others, and the Chief Executive appointed the remaining 7. There are limits on the types of bills that may be initiated by individual members of the legislature. After the handover, most of the laws in force continued to apply. The law provides for an independent judiciary, and the Government respected this provision in practice.

The civilian authorities maintained effective control of the police force. After peaking in 1999, serious organized crime-related violence has since been curbed. A People's Liberation Army (PLA) garrison of 800 soldiers played no role in internal security.

The market-based economy was fueled by textile and garment exports, along with tourism and gambling. The economy grew approximately 13.4 percent during the year. Per capita gross domestic product was approximately \$15,355. The population in 2002 was 441,600.

The Government generally respected the human rights of its citizens; however, there were problems in some areas. These problems included the limited ability of citizens to change their government; limits on the legislature's ability to initiate legislation; inadequate provision for persons with disabilities; and a lack of legal protection for strikes and collective bargaining rights.

RESPECT FOR HUMAN RIGHTS

Section 1. Respect for the Integrity of the Person, Including Freedom From:

a. Arbitrary or Unlawful Deprivation of Life.—There were no reports of arbitrary or unlawful deprivations of life committed by the Government or its agents.

There were no reports of suspicious deaths in custody. The Public Prosecutions Office's investigation of a 2002 death in custody was still pending at year's end.

b. Disappearance.—There were no reports of politically motivated disappearances.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The law prohibits such practices, and the Government generally respected these provisions in practice. There were no reports of police brutality during the year. In 2002, two officers allegedly assaulted two Hong Kong journalists who sought to enter Macau to cover the visit of Li Peng, then-Chairman of the NPC. In July, the Public Security Police closed its investigation of the alleged incident, concluding that there was no substantial evidence of any violations.

Prison conditions met international standards. As of September, the prison population was 884 (including male and female inmates), almost two-thirds of whom were from the PRC. At year's end, Macau and the PRC had not reached an agreement on prisoner transfers. Female prisoners were housed separately from male prisoners; juveniles were housed separately from adults; and pretrial detainees were separated from convicted prisoners.

The Government permits prison visits by human rights monitors, but there were no such visits during the year.

d. Arbitrary Arrest, Detention, or Exile.—The law prohibits arbitrary arrest and detention, and the Government generally observed these prohibitions. An examining judge, who conducts a pretrial inquiry in criminal cases, has a wide range of powers to collect evidence, order or dismiss indictments, and determine whether to release detained persons. Police must present persons remanded in custody to an examining judge within 48 hours of detention. The accused person's counsel may examine the evidence. The law provides that cases must come to trial within 6 months of an indictment. The estimated average length of pretrial incarceration was 3 to 6 months. Judges often refused bail in cases where sentences exceeded 3 years.

The locally controlled Public Security Police was an effective, well-disciplined force. The Commission Against Corruption acted to preclude problems with corruption.

e. Denial of Fair Public Trial.—The law provides for an independent judiciary, and the Government generally respected this provision in practice. According to the Basic Law, the courts have the power of final adjudication over all cases that are within the autonomy of the SAR. The courts also may rule on matters that are “the responsibility of the Central People's Government or concern the relationship between the central authorities and the (Special Administrative) Region,” but before making their final judgment (i.e., a judgment not subject to appeal), the court must seek an interpretation of the relevant provisions from the Standing Committee of the Chinese NPC. When the Standing Committee makes an interpretation of the provisions concerned, the courts, in applying those provisions “shall follow the interpretation of the Standing Committee.” The Standing Committee must consult the NPC's Committee for the Basic Law of the SAR before giving an interpretation of the law. This Committee is composed of 10 members, 5 from the SAR and 5 from the mainland. The Chief Executive, the President of the Legislative Assembly, and the President of the Court of Final Appeal nominate the SAR members.

Article 9 of the Basic Law provides for the use of Portuguese, in addition to Chinese, as an official language by the executive authorities, legislature, and judiciary. The need to translate laws and judgments from Portuguese, and a severe shortage of local bilingual lawyers and magistrates, has hampered development of the legal system. At year's end, 96 lawyers were registered with the Macau Lawyers Association. Of those who registered their language speaking ability with the Association, 9 spoke Mandarin, and 22 spoke Cantonese. The Association registered 30 trainee-lawyers. The Government instituted a rigorous postgraduate training program for magistrates who received legal training outside of the SAR. The judiciary was relatively inexperienced (the first law school opened in the early 1990s), and the lack of locally trained lawyers has been a serious impediment to the administration of justice.

According to the Basic Law, the Chief Executive appoints judges at all levels, acting on the recommendation of an independent commission, which he appoints, composed of local judges, lawyers, and “eminent persons.” The Basic Law stipulates that judges must be chosen on the basis of their professional qualifications. According to the law, judges may be removed only for criminal acts or an inability to discharge their functions. Except for the Chief Justice, who must be a Chinese citizen with no right of abode elsewhere, judges may be foreigners.

There are four courts: the Primary Court (with general jurisdiction at first instance); the Administrative Court (with jurisdiction of first instance in administrative disputes); the Court of Second Instance; and the Court of Final Appeal.

The law provides for the right to a fair trial, and the judiciary generally enforced this right. By law, trials are open to the public, except when publicity could cause great harm to the dignity of the persons, to public morals, or to the normal develop-

ment of the trial. A decision to close off a trial must be revoked if those factors cease to exist, and the verdict must always be delivered in public. The Criminal Procedure Code provides for an accused person's right to be present during proceedings and to choose an attorney or request that one be provided at government expense. The 1997 Organized Crime Ordinance provides that "certain procedural acts may be held without publicity and that witness statements read in court are admissible as evidence." There also are additional restrictions on the granting of bail and suspended sentences in organized crime cases.

The judiciary provides citizens with a fair and efficient judicial process, but the average waiting period between the filing of a civil case and its scheduled hearing was nearly 12 months. That time was reduced slightly during the year. Since 1991, all legislation has been issued simultaneously in Chinese and Portuguese. Pre-existing laws are required to be translated into Chinese, and those issued between 1976 and 1991 have been translated.

The Public Prosecutions Office (headed by a Public Prosecutor General) enjoys substantial autonomy from both the executive and the judiciary. The Basic Law stipulates that the Public Prosecutions Office's functions must be carried out without interference, and the law was respected.

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home or Correspondence.—The law prohibits such actions, and the Government generally respected these prohibitions in practice. A judge's authorization is required for any official interference in these areas. Any evidence obtained by means of wrongful interference in private life, home, correspondence, or telecommunications, without the consent of the concerned person, may not be used in court.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The law provides for freedom of speech and of the press, and the Government generally respected these rights in practice. Local law also protects citizens' right to petition the Government and the legislature.

The print media included eight Chinese-language dailies, three Portuguese-language dailies, one Portuguese-language weekly, and six Chinese-language weeklies. There were three television networks. Macau Radio broadcast in both Portuguese and Chinese (Cantonese and Mandarin). Hong Kong and international newspapers were widely available. The dominant newspapers, mainly Chinese-language, were sympathetic to official Chinese positions in their editorial line, while some of the Portuguese-language press published articles critical of mainland policies, such as those regarding Tibet and Falun Gong. The Union for Democracy Development Macau (UDDM), a nongovernmental organization (NGO) headed by pro-democracy legislators, charged that the main papers did not give equal attention to liberal and pro-democracy voices. At least three leading daily newspapers and a leading Hong Kong daily newspaper sold in Macau provided extensive coverage of pro-democracy activities. The reversion to PRC sovereignty has produced no apparent restrictions of press freedom. The press regularly published articles critical of the government, with opinion columns often directly criticizing government officials.

Article 23 of the Basic Law obliges the SAR to enact legislation that would forbid any act of treason, secession, sedition, subversion against the Central People's Government, or theft of state secrets, and links of the foregoing nature that are harmful to national security with foreign political organizations. In 2002, the Government announced that it was working on draft legislation for the Article 23 national security law that would undergo a period of public consultation and then be submitted to the Legislative Assembly. In November, the Chief Executive stated that his administration would not propose Article 23 legislation until the next chief executive term, which begins in 2006. The UDDM voiced concern that when enacted these laws and other provisions passed to implement Article 23 may restrict fundamental rights and freedoms.

Particular concern has been raised regarding the Penal Code's lack of specific sentences for such crimes. A legal vacuum was created when a Portuguese law dealing with crimes against state security became null and void after the handover.

There were no government-imposed limits on Internet access.

The Government did not restrict academic freedom.

b. Freedom of Peaceful Assembly and Association.—The law provides for freedom of assembly, and the Government generally respected this right in practice. Under local law, individuals and groups intending to hold peaceful meetings or demonstrations in public places are required to notify the president of the relevant municipal council in writing at least 3 days, but no more than 2 weeks, in advance of the event. No prior authorization is necessary for the event to take place. Local law also provides criminal penalties for government officials who unlawfully impede or at-

tempt to impede the right of assembly and for counter-demonstrators who interfere in meetings or demonstrations.

The law provides for freedom of association, and the Government generally respected this right in practice. The law neither provides for, nor prohibits establishment of, political parties. Under the Societies Ordinance, persons can establish “political organizations,” of which a few existed, including the pro-democracy New Democratic Macau Society, headed by a legislator. Both civic associations and candidates’ committees may present candidates in the elections by direct or indirect suffrage (see Section 3). Article 23 of the Basic Law obliges the Macau SAR to enact laws to prohibit foreign political organizations from establishing ties with domestic political organizations or bodies. At year’s end, the Government had not enacted any legislation on Article 23 (see Section 2.a.).

Falun Gong practitioners were allowed to continue their exercises and demonstrations in public parks.

c. Freedom of Religion.—The Basic Law provides for freedom of conscience and religious belief as well as freedom to preach and to conduct and participate in religious activities. The Freedom of Religion Ordinance provides for freedom of religion, privacy of religious belief, freedom of religious assembly, freedom to hold religious processions, and freedom of religious education. The SAR Government generally respected these rights in practice. There is no state religion.

The Religious Freedom Ordinance requires the registration of religious organizations, which is done by the Identification Services Office. There have been no reports of discrimination in the registration process.

Practitioners of Falun Gong (a spiritual movement that does not consider itself a religion) have not applied for registration. The Identification Services Office has not issued any instructions regarding the Falun Gong, and senior SAR Government officials have reaffirmed that practitioners of Falun Gong may continue their legal activities without government interference (see Section 2.b.). According to Falun Gong practitioners, the police occasionally observed their exercises and checked their identification.

Religious bodies can apply to use electronic media to preach and may maintain and develop relations with religious groups abroad.

Missionaries are free to conduct missionary activities and were active in the SAR. In 2002, more than 30,000 children were enrolled in Catholic schools.

The Catholic Church recognizes the Pope as its head. In January, the head of the Macau Diocese received the Government’s second-highest decoration for his contributions to social progress. In June, a new coadjutor Bishop, appointed by the Holy See, took over the Macau Diocese. Editorials in the local Catholic newspaper noted this as an example of the Government’s independence and respect for religious freedom as provided for in the Basic Law.

For a more detailed discussion, see the 2003 International Religious Freedom Report.

d. Freedom of Movement, Foreign Travel, Emigration, and Repatriation.—The law provides for these rights, and the Government generally respected them in practice. Some 110,000 residents hold Portuguese European Union passports, while an increasing number hold Macau SAR passports that allow visa-free entry to many countries, including EU member states. Most residents also hold special permits that allow travel to and from the mainland. There is a separate pass for travel to and from Hong Kong.

On October 17, the authorities reportedly barred at least two Hong Kong activists from entering the SAR during a visit by PRC Vice-President Zeng Qinghong. A government spokesman refused to confirm the incident but said that the SAR “has the right to deny entry of anyone suspected of having the intention to create trouble here.”

The law provides for the granting of refugee status or asylum to persons who meet the definition in the 1951 U.N. Convention Relating to the Status of Refugees or its 1967 Protocol. In practice, the Government provides protection against refoulement and grants refugee status or asylum. There was one refugee case during the year; the Migration Department cooperated with the U.N. High Commissioner for Refugees in handling it.

In 2002, the SAR enacted the Internal Security Legal Framework, which allows the Government to refuse entry or expel any non-resident considered inadmissible or constituting a threat to internal security, or suspected of having a relationship with transnational crime or terrorism.

Between January and July, 319 illegal migrants were returned to the mainland, of whom 76 were male and 243 female. In that same period, 4,073 overstayers (1,060 males and 3,013 females) were returned to the mainland.

Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government

The ability of citizens to change their government is restricted. The Government is led by a Chief Executive, chosen by a 200-member Selection Committee, which was in turn chosen by a 100-member Preparatory Committee, composed of 60 Macau and 40 mainland representatives appointed by the NPC of the People's Republic of China. The 27-member Legislative Assembly elected in 2001 is composed of 10 members elected in direct elections; 10 indirectly elected by local community interests such as business, labor, professional, welfare, cultural, educational, and sports associations; and 7 appointed by the Chief Executive. Prior to the 2001 elections, the Legislative Assembly was composed of 8 members elected directly, 12 elected indirectly, and 7 that were appointed. Elections are held every 4 years and the number of legislators is to increase gradually in subsequent elections. In 2005, the number of directly elected seats is to be increased to 12 (with 10 elected indirectly and 7 appointed). After 2009, the rules on the Assembly's composition may be altered by a two-thirds majority of the total membership and with the approval of the Chief Executive, who has veto power. The Basic Law does not provide for universal suffrage or for direct election of either the legislature or the Chief Executive.

There are limits on the types of legislation that legislators may introduce. Article 75 of the Basic Law stipulates that legislators may not initiate legislation related to public expenditure, the SAR's political structure, or the operation of the Government. Bills relating to government policies must receive the written approval of the Chief Executive before they are submitted.

A 10-member Executive Council functions as an unofficial cabinet, approving all draft legislation before it is presented in the Legislative Assembly.

In 2002, a law transformed two provisional municipal councils into a new public body. Under the previous arrangement, a total of eight directly elected members sat on the two councils. The councils were responsible for culture, recreation, and public sanitation functions. Under the new system, the councils have been merged into a single public body, called the Institute for Civic and Municipal Affairs, with all of its members appointed by the Chief Executive. The Basic Law states, "municipal organizations are not organs of political power."

Five of the 27 Legislative Assembly members (3 directly elected, 1 indirectly elected, and 1 appointed), including the President of the Assembly, were women. Women held a number of senior positions throughout the Government. The Secretary for Justice and Administration on the Executive Council was a woman.

Section 4. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

Domestic human rights groups functioned without government restriction, investigating and publishing their findings on human rights. Local human rights groups, such as the Macau Association for the Rights of Laborers, and the New Democratic Macau Association, continued to operate.

International human rights agreements that formerly were applicable to Macau were approved by the Sino-Portuguese Joint Liaison Group and continued to apply to the SAR. In addition, the International Covenant on Civil and Political Rights is subsumed in the Basic Law.

During the first 8 months of the year, the Commission Against Corruption received 732 complaints against public officials in a variety of agencies. The Commission opened 58 files, of which 53 were criminal cases and 5 were administrative grievances. The Commission transferred seven cases to the Public Prosecutions Office. A monitoring body established to review complaints of maladministration or abuse by the Commission received two complaints during the year.

Section 5. Discrimination Based on Race, Sex, Disability, Language, or Social Status

The Basic Law stipulates that residents shall be free from discrimination, irrespective of their nationality, descent, race, sex, language, religion, political persuasion, ideological belief, educational level, economic status, or social condition. In addition, many local laws carry specific prohibitions against discrimination. For example, under the law that establishes the general framework for the educational system, access to education is stipulated for all residents regardless of race, religious belief, or political or ideological convictions.

Women.—The Government enforces criminal statutes prohibiting domestic violence and prosecutes violators. Police and court statistics did not distinguish between spousal abuse and other assault cases. If hospital treatment was required, a medical social worker counseled the victims of abuse and informed them about social welfare services. Until their complaints were resolved, victims of domestic vio-

lence may be provided public housing, but no facilities were reserved expressly for them.

Private and religious groups sponsored programs for victims of domestic violence. The Government supported and helped to fund these organizations and programs. The Bureau for Family Action was created by the Government as a subordinate body of the Department of Family and Community of the Social Welfare Institute. The Bureau helped women who have been victims of domestic violence, providing not only a safe place for them and their children, but also advice regarding legal actions against the perpetrators. In 2002, a special family counseling service performed an average of 150 family services per month, including receiving phone calls and conducting interviews. Two government-supported religious programs also offered rehabilitation programs for women who have been victims of violence. During the year, 11 cases of spousal abuse were reported to the Social Welfare Institute. Between January and July, the Office for Security Coordination received 128 reports of offenses against the physical integrity of female spouses. From January to July, the Government received 10 cases of sexual crimes against minors (under 16 years old) and 1 case of ill treatment. The law on rape covers spousal rape. During the year, there were seven reported rapes.

Prostitution is legal, but procuring is not. Although there was no reliable data regarding the number of persons involved, trafficking in women, for the purposes of prostitution, occurred (see Section 6.f.).

There is no law specifically addressing sexual harassment, although there is a law prohibiting harassment in general.

Women have become more active and visible in business. A Government survey indicated that, as of September, women comprised 46.7 percent of the labor force. Equal opportunity legislation that is applicable to all public and private organizations mandates that women receive equal pay for equal work, prohibits discrimination based on sex or physical ability, and establishes penalties for employers who violate these guidelines. There was wage discrimination in some sectors, notably construction. The equal opportunity legislation may be enforced by civil suits, but no cases alleging discrimination have been brought to court.

Children.—The Government is committed to protecting the rights and welfare of children. It does so by relying on the general framework of civil and political rights legislation to protect all citizens. For example, the Criminal Code provides for criminal punishment for sexual abuse of children and students, statutory rape, and procuring involving minors.

School attendance is compulsory for all children between ages 5 and 15 years. Basic education was provided in government-run schools and subsidized private schools, and covers the pre-primary year, primary education, and general secondary school education. The Education Department provided assistance to the families of those children that could not pay school fees. The children of illegal immigrants were excluded from the educational system. Experts believed only a few children are affected by this exclusion. The Government provided free medical care for all children. Child abuse and exploitation were not widespread problems. During the year, five cases of child abuse were reported to the Social Welfare Institute. Between January and July, 101 cases of offenses against the physical integrity of minors were reported, including 17 cases of family violence, to the Office for Security Coordination. From January to July, 4 cases of rape of minors and 3 cases of sexual abuse of minors were received.

Persons with Disabilities.—There were no confirmed reports that persons with disabilities experienced discrimination in employment, education, or provision of state services. A 2001 census stated that there were 5,713 persons with disabilities in the SAR.

The Social Welfare Institute provided financial and rehabilitation assistance to persons with disabilities and helped to fund 5 residential facilities and 16 day centers providing services for the disabled. A few other special programs existed, aimed at helping persons with physical and mental disabilities gain better access to employment, education, and public facilities. Eleven NGOs providing services for persons with disabilities received regular assistance from the Social Welfare Institute and subsidies from other governmental departments. Fifteen schools had programs for persons with disabilities, providing special education programs for 801 students.

In 2002, a law was enacted mandating improved accessibility for persons with reduced mobility to public administration buildings, buildings open to the public, collective dwellings, and pavements. The Government's Social Security fund may grant subsidies for the elimination of architectural barriers to facilitate access by persons with a physical or behavioral disability.

National/Racial/Ethnic Minorities.—Although no specific laws prohibit discrimination on the basis of racial or ethnic background, the rights of ethnic minorities, particularly the Macanese (Eurasians who comprise roughly 2 percent of the population) were respected. Although Portuguese officials no longer dominated the civil service, the government bureaucracy and the legal system placed a premium on knowledge of the Portuguese language, which was spoken by less than 2 percent of the population. The Chinese language has official status and the use of Chinese in the civil service grew.

Section 6. Worker Rights

a. The Right of Association.—The Government neither impeded the formation of trade unions nor discriminated against union members. The Basic Law stipulates that international labor conventions that applied before the handover shall remain in force and are to be implemented through the laws of the SAR. The UDDM expressed concern that local law does not have explicit provisions against anti-union discrimination.

Nearly all of the private sector unions were part of the pro-China Federation of Trade Unions (FTU), and tended to stress the importance of stability and minimum disruption of the work force. The UDDM and some local journalists have claimed that the FTU was more interested in providing social and recreational services than in addressing trade union issues such as wages, benefits, and working conditions. In 2002, there were six independent private sector unions and two independent public sector unions. All classes of workers have the right to join a union.

Unions may freely form federations and affiliate with international bodies.

b. The Right to Organize and Bargain Collectively.—The Government did not impede or discourage collective bargaining, but there is no specific statutory protection for this right since Portuguese laws that protected collective bargaining no longer apply. Market forces determined wages. Unions tended to resemble local traditional neighborhood associations, promoting social and cultural activities rather than issues relating to the workplace. Local customs normally favored employment without the benefit of written labor contracts, except in the case of migrant labor from China and the Philippines. Pro-China unions traditionally have not attempted to engage in collective bargaining.

There is no specific protection in local law from retribution should workers exercise their right to strike. The Government has argued that striking employees are protected from retaliation by labor law provisions that require an employer to have “justified cause” to dismiss an employee, and the Government enforced these provisions. Strikes, rallies, and demonstrations are not permitted in the vicinity of the Chief Executive’s office, the Legislative Assembly, and other key government buildings. Though there was at least one protest, there were no work stoppages or strikes during the year.

In July, the Labor and Employment Bureau completed mediation in the resolution of a yearlong dispute between a casino company and a group of casino employees disgruntled over the terms of a new employment contract that came into effect when the casino company reorganized in 2002. The casino company agreed to pay the workers for unpaid holidays, leave, and outstanding allowances.

Workers who believe that they have been dismissed unlawfully may bring a case to court or lodge a complaint with the Labor Department or the High Commissioner against Corruption and Administrative Illegality, who also functions as an ombudsman.

There are no export processing zones.

c. Prohibition of Forced or Bonded Labor.—The law prohibits forced or compulsory labor, including by children, and there were no reports that such practices occurred.

d. Status of Child Labor Practices and Minimum Age for Employment.—The law prohibits minors under the age of 16 from working, although minors between the ages of 14 and 16 can be authorized to work on an “exceptional basis.” Some children reportedly worked in family-run businesses and on fishing vessels, usually during summer and winter vacations. Local laws do not establish specific regulations governing the number of hours these children can work, but International Labor Organization conventions are applied. The Labor Department enforced the law through periodic and targeted inspections, and violators were prosecuted. The Labor Department Inspectorate did not conduct inspections specifically aimed at enforcing child labor laws, but it issued summonses when such violations were discovered in the course of other workplace inspections. No instances of child labor were reported during the year.

e. Acceptable Conditions of Work.—Local labor laws establish the general principle of fair wages and mandate compliance with wage agreements, but there is no man-

datory minimum wage. Average wages generally provided a decent standard of living for a worker and family. There were no publicly administered social security programs, but some large companies provide private welfare and security packages.

Labor legislation provides for a 48-hour workweek, an 8-hour workday, paid overtime, annual leave, and medical and maternity care. Although the law provides for a 24-hour rest period for every 7 days of work, worker representatives reported that workers frequently agreed to work overtime to compensate for low wages. The Labor Department provided assistance and legal advice to workers on request.

The Labor Department enforces occupational safety and health regulations, and failure to correct infractions can lead to prosecution. In 2002, the Labor Department inspectorate carried out 3,243 inspections and uncovered 3,356 violations carrying fines worth \$293,460 (2,289,000 Patacas). There were eight work-related death cases in 2002. Although the law includes a requirement that employers provide a safe working environment, no explicit provisions protect employees' right to continued employment if they refuse to work under dangerous conditions.

Migrant workers, primarily from China, made up approximately 11.7 percent of the work force. These workers often worked for less than half of the wages paid to local residents performing the same job, lived in controlled dormitories, worked 10 to 12 hours per day, and owed large sums of money to a labor-importing company for the purchase of their jobs. They have no collective bargaining rights and no legal recourse in the case of unfair dismissal. Labor interests claimed that the high percentage of foreign labor eroded the bargaining power of local residents to improve working conditions and increase wages.

Due to high unemployment, the Government has reduced the amount of foreign non-resident labor to give job priority to local residents. In August, the Government ordered the expulsion of 23 illegal workers at a foreign company's casino construction site.

f. Trafficking in Persons.—Trafficking in persons is a crime established and punished under Article 7 of the Law on Organized Crime. The penalty for the crime of trafficking in persons is 2 to 8 years' imprisonment. This penalty is increased by one-third (within minimum and maximum limits) if the victim is under the age of 18 years. If the victim is under 14 years old, the penalty is 5 to 15 years' imprisonment. In a case where the victim is raped by the trafficker, the two offenses are treated as different crimes.

Prostitution is not a crime, but living off the proceeds of prostitution is a crime. Prostitutes primarily were from Russia, mainland China, and Vietnam. While most were believed to be witting participants in the commercial sex industry, there were 15 cases of women who complained of being brought to Macau under false pretences, and 7 complaints of abuse, in 2002.

There were no government assistance programs in place for victims of trafficking. There were no local NGOs specifically dealing with the problem of trafficking; however, there were charitable organizations that provided assistance and shelter to women and children who were the victims of abuse.

TAIWAN

Taiwan is a multiparty democracy. The 2000 victory of Democratic Progressive Party (DPP) presidential candidate Chen Shui-bian followed more than 50 years of rule by the Kuomintang (KMT) and marked the first transition from one political party to another in Taiwan's history. The president appoints the premier, who heads the Executive Yuan or Cabinet. Constitutional amendments adopted in 1997 provided the Legislative Yuan (LY) with the authority to dismiss the Cabinet with a no-confidence vote. In 2001, the DPP won a plurality of seats in the LY in free and fair elections. In addition to the DPP, the KMT, the People First Party (PFP), and the Taiwan Solidarity Union played significant roles in the LY. The Judicial Yuan (JY) is constitutionally independent of the other branches of the political system, and the Government respected the judiciary's independence in practice.

The National Police Administration (NPA) of the Ministry of Interior (MOI), the NPA's Criminal Investigation Bureau (CIB), and the Ministry of Justice (MOJ) Investigation Bureau are responsible for law enforcement relating to internal security. The police and security agencies were under effective civilian control. The police occasionally committed human rights abuses.

Taiwan has an export-oriented, free-market economy. Liberalization of the economy has to some extent diminished the dominant role that state-owned and party-run enterprises previously played in such major sectors as finance, transportation, utilities, shipbuilding, steel, telecommunications, and petrochemicals. Services and

capital- and technology-intensive industries were the most important sectors. Major exports included computers, electronic equipment, machinery, and textiles. The 23 million citizens generally enjoyed a high standard of living and an equitable income distribution.

The authorities generally respected the human rights of citizens; however, there were problems in some areas. Instances of police abuse of persons in custody, military hazing, judicial corruption, violence and discrimination against women, child prostitution and abuse, and trafficking in women and children occurred.

RESPECT FOR HUMAN RIGHTS

Section 1. Respect for the Integrity of the Person, Including Freedom From:

a. Arbitrary or Unlawful Deprivation of Life.—There were no reports of the arbitrary or unlawful deprivation of life committed by the Government or its agents.

b. Disappearance.—There were no reports of politically motivated disappearances.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The Code of Criminal Procedure stipulates that no violence, threat, inducement, fraud, or other improper means shall be used against accused persons; however, there were credible reports that police occasionally physically abused persons in their custody.

The law allows suspects to have attorneys present during interrogations, primarily to ensure that abuse does not take place (see Section 1.d.). The MOJ claimed that each interrogation is audiotaped or videotaped and that any allegation of mistreatment is investigated. Nonetheless, lawyers and legal scholars noted that abuses most often occurred in local police stations where interrogations were not recorded and when attorneys often were not present. Beginning in September, in addition to audiotaping or videotaping interrogation sessions, the presence of two police officers was required at every session. If the presence of two officers could not be secured, the interrogation report must note this and the reason why. As of April, there were 585 interrogation rooms fully equipped with audio recorders and video cameras. The NPA instructed that all construction planning for police stations include audio/video interrogation rooms and itemized costs for these facilities in their short-, medium-, and long-term budget proposals. Also in September, the Government implemented a criminal code that provides that criminal charges must be based on legally obtained evidence; confessions, whether by defendants or accomplices, unsupported by other evidence shall not be sufficient to convict defendants; confessions alleged to be illegally obtained must be investigated before proceeding to other evidence.

Law enforcement agencies remained weak in scientific investigative skills; however, the NPA continued to make efforts to improve by upgrading its crime laboratory technology and training crime scene examiners.

The NPA stated that regulations forbid the abuse of suspects and that police who abuse suspects are punished. Detainees who are abused physically have the right to sue the police for torture, and confessions obtained through torture are inadmissible in court proceedings. According to the Government, there were no such cases during the year. In January, the Taiwan High Court acquitted the “Hsichih Trio” who alleged police torture in extracting their confessions to a 1991 murder charge. At year’s end, prosecutors were appealing the court’s decision.

Although the primary responsibility for investigating torture and mistreatment lies with prosecutors, the Control Yuan, a coequal branch of the political system that investigates official misconduct, also investigates such cases. According to the Government, instilling respect for human rights was a part of basic police training, and, during the year, the Central Police University, the Taiwan Police College, and police departments strengthened human rights and legal education in the student curriculums and personnel training. Human rights groups acknowledged the improvements.

Corporal punishment is forbidden under military law, and the Ministry of National Defense implemented several programs in recent years to address the problem. In 2002, a law was passed establishing committees for the protection and promotion of servicemen’s rights and interests. Nonetheless, in November, in the LY opposition legislators raised incidents of military hazing. The Premier said that the Government would look into these cases and promised more actively to ensure the protection of human rights in the military.

Prison conditions generally met international standards. Male prisoners were segregated from women, juveniles from adults, and pretrial detainees from convicted prisoners. However, overcrowding at the 47 prisons and overly long stays at detention centers for illegal aliens remained problems. Recent NPA initiatives reduced the average stay at detention centers for illegal aliens from 78 days in 2001 to 55 days in 2002. According to the MOJ, the number of inmates beyond the capacity

of the prisons increased from 2,321 in July 2002 to 5,018 in July 2003, representing an increase from 4.4 to 9.6 percent overcapacity. Expansion and construction projects to counter overcrowding were underway at year's end.

The authorities permitted prison visits by human rights monitors.

d. Arbitrary Arrest, Detention, or Exile.—The law prohibits arbitrary arrest and detention, and the authorities generally observed this prohibition. Police legally may detain without a warrant anyone they suspect of committing a crime for which the punishment would be imprisonment of 5 years or more, when there is ample reason to believe the person may flee. Police may question persons without a formal summons when circumstances are too urgent to report to a public prosecutor. However, immediately after detaining a suspect, the authorities must apply to a prosecutor for a warrant to detain the arrestee for up to 24 hours and must give written notice to the detainee or a designated relative or friend, stating the reason for the arrest or questioning. If the prosecutor rejects the application for a warrant, the police must release the detainee immediately. Indicted persons may be released on bail at judicial discretion. Since 2000, the NPA has taken steps to prevent the unauthorized release of information about the identity of detainees. In 2002, the JY banned television cameras in courts, and the justice minister required prosecutors to offer masks so that suspects may conceal their identities.

The NPA of the MOI has jurisdiction for all police units. Observers believed that an historical and cultural tradition of corruption hindered police effectiveness. In December, the LY passed the Police Duty Act, which provides police officers with guidelines for evaluating “probable cause.” Human rights advocates complained that the law does not address all of their concerns, and they remained concerned about police effectiveness despite the Government's reforms.

By law, prosecutors must apply to the courts within 24 hours after arrest for permission to continue detaining an arrestee. The duration of this pretrial detention is limited to 2 months, and the courts may approve a single extension of 2 months. Limits also apply to detention during trial. If a crime is punishable by less than 10 years' imprisonment, then no more than 3 extensions of 2 months each may be granted during the trial and appellate proceedings. During the second appeal, only one extension may be granted. The authorities generally observed these procedures, and trials usually took place within 3 months of indictment.

The Code of Criminal Procedure requires the police to inform a suspect during an interrogation of the specific charges in question, the right to remain silent, the right to counsel, and the right to ask the police to investigate evidence that would be favorable to the suspect. If the charges are amended subsequently, the police must inform the suspect. The authorities generally respected a detainee's request to have a lawyer present during the investigation phase. When a detainee requests legal counsel, police must wait at least 4 hours for a lawyer before proceeding with an interrogation. Although the law requires that indigent persons be provided legal counsel during trials, it does not provide for legal counsel during interrogations. However, revisions to the Code of Criminal Procedures, which the NPA began implementing in September, provided additional protection to indigent persons during interrogations. The revised Code requires that confessions from interrogations conducted in the evenings generally not be used as evidence; that allegations that a confession was obtained illegally be investigated before it be used in a trial (see Section 1.c.); that, with the exception of urgent circumstances when such equipment is unavailable, interrogations be audiotaped or videotaped; that when written reports of interrogations are in conflict with evidence in audiotapes and videotapes the contradictory interrogation not be used as evidence. However, some human rights advocates continued to complain that the rules did not provide adequate protection since suspects often did not have legal representation during police interrogation. In addition, informed observers reported that the “public defense counsels” did not appear until the final argument of a trial and that they seldom spent adequate time discussing the case with their clients. In response to this complaint, beginning in February, courts were allowed to appoint private attorneys or public defense counsels to detainees. The courts require, in the first trial, that counsels interview the detainee at least once before each hearing and, in an appeal, whenever the detainee requests an interview.

The Constitution does not provide for forced exile, and it was not practiced.

e. Denial of Fair Public Trial.—The Constitution provides for an independent judiciary, and the Government generally respected this provision in practice. However, while the Government has made efforts to eliminate corruption and to diminish political influence in recent years, residual problems remained.

In recent years, the JY has taken several measures to reduce political influence on judges. An independent committee using secret ballots decides judicial appoint-

ments and promotions. Judicial decisions no longer are subject to review by presiding judges, except in the case of decisions by “assistant judges.” The judges themselves decide upon distribution of cases. Finally, judges and the President of the JY are prohibited from taking part in political activities. In January, six nongovernmental organizations (NGOs), including academics, human rights activists, and legal experts, founded a 15-member committee to monitor the grand justices nomination process. In an August 17 report, the committee evaluated 15 grand justice nominees and found 3 unqualified, including the incumbent vice president of the JY. The NGOs argued that his handling of death penalty cases violated human rights by narrowing the time between sentencing and execution. The report also questioned his political neutrality. Despite the report, the LY confirmed the nominations.

The Government’s anti-corruption campaign reinforced the JY’s efforts to eliminate judicial corruption. Although the LY has yet to enact the JY president’s proposed code of judicial conduct, the proposals resulted in revised precepts for evaluation of judicial performance and strengthened reviews of judges’ financial disclosure reports. In addition, a human rights course was part of the JY training program. These factors reduced the incidence of judicial misconduct; however, there continued to be complaints of corruption on the part of individual judges. During the year, the district court’s disciplinary committee and the JY’s Commission on Disciplinary Sanctions of Public Functionaries both took up a case against a judge in Taoyuan for dereliction of duty. Also during the year, a High Court judge was impeached by the Control Yuan for circumventing the restriction on visits by high-level public officials to the People’s Republic of China.

The JY is one of the five coequal branches of the political system. The JY is headed by a president and a vice president and also contains the 15-member Council of Grand Justices, which interprets the Constitution as well as laws and ordinances. Subordinate JY organs include the Supreme Court, high courts, district courts, the Administrative Court, and the Committee on the Discipline of Public Functionaries. The Administrative Court also provides judicial review.

The law provides the right of fair public trial, and this generally was respected in practice. Judges, rather than juries, decide cases; all judges are appointed by, and are responsible to, the JY. In a typical court case, parties and witnesses are interrogated by a single judge but not directly by a defense attorney or prosecutor. The judge may decline to hear witnesses or to consider evidence that a party wishes to submit if the judge considers it irrelevant; a refusal to hear evidence may be a factor in an appeal. Trials are public, but attendance at trials involving juveniles or potentially sensitive issues that might attract crowds may require court permission.

A defendant has the right to an attorney. If the defendant is charged with committing a crime for which the penalty is 3 or more years’ imprisonment or if the defendant is indigent, the judge may assign an attorney. Attorneys assigned to defendants generally assisted once an indictment was filed and at trial but usually were not present during police interrogations. Although the Government took measures to strengthen the effectiveness of defense representation, some human rights lawyers argued that more improvements were necessary (see Section 1.d.). The law states that a suspect may not be compelled to testify and that a confession shall not be the sole evidence used to find a defendant guilty. All convicted persons have the right to appeal to the next higher court level. Persons sentenced to terms of imprisonment of 3 years or more may appeal beyond that level. The Supreme Court automatically reviews life imprisonment and death sentences.

In May 2002, the LY passed criminal procedure legislation making judges impartial adjudicators of lawsuits rather than law enforcers for the Government obligated personally to help gather evidence for prosecutors. The revision, which elevates the status of judges’ over that of prosecutors, requires prosecutors to bear the full responsibility for investigations and charges them with the duty of convincing the judge of the guilt of the accused.

In 2001, the Council of Grand Justices declared certain due process provisions of the 1985 Anti-Hoodlum Law to be unconstitutional. The law had departed from international standards by allowing police to detain suspects for up to 1 month—extendable to subsequent months—while the suspect was under investigation. In April 2002, the LY passed legislation eliminating that provision.

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home or Correspondence.—The Constitution and the Criminal and Civil Codes contain provisions protecting privacy. In 2001, the LY amended the Code of Criminal Procedure to require prosecutors to obtain judicial approval of search warrants, except when “incidental to arrest” or when there are concerns that evidence may be destroyed. However, critics claimed that the incidental to arrest provision not only is unconstitutional but also often is interpreted broadly by police to justify searches of locations other than ac-

tual arrest sites. According to the NPA, warrantless searches are allowed only in special circumstances, such as to arrest an escapee or if facts indicate that a person is in the process of committing a crime. In any such case, the police must file a report with the prosecutor or court within 24 hours. A police officer who carries out an illegal search may be sued for illegal entry and sentenced to up to 1 year in prison.

In 2001, the Council of Grand Justices ruled that the Police Administration Law (PAL), which had been used to give police wide discretion in searching persons in public places and stopping vehicles for inspections, did not entitle police to make such searches unless a clear risk to public safety had been established. Noting that such searches could infringe on freedom of movement, privacy, and the right to property, the Council instructed the NPA to revise the PAL in accordance with its ruling immediately. The revision to the PAL was passed by the LY in June, and the Government started implementing it on December 1. The revised law clearly stipulates the limitation of police authority and allows citizens to demand compensation for illegal practices by the police.

Although the MOJ and the police used wiretapping as an investigative tool, unauthorized wiretapping was less of a problem following passage in 1999 of the Telecommunications Protection and Control Law, which imposed severe penalties for unauthorized wiretapping. The Telecommunications Law and Code of Criminal Procedure provide that judicial and security authorities may file a written request to a prosecutor's office to monitor telephone calls to collect evidence against a suspect involved in a major crime. According to the MOJ, in the past 2 years the number of approved wiretaps increased to 13,834 from approximately 10,000 in 2002. Officials attributed the increase to investigations into alleged vote-buying cases during local and national elections. The law also regulates wiretapping by the intelligence services.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution provides for freedom of speech and of the press, and the authorities generally respected these rights in practice.

Print media represented the full spectrum of views within society. However, some political influence still existed over the electronic media, particularly broadcast television stations. However, the existence of approximately 100 cable television stations, some of which carry programming openly critical of the various political parties, has diminished the importance of political party influence over the broadcast television stations. Moreover, in December, the LY approved legislation that bars the Government, political parties, and political party officials from owning or running media organizations. The Government and the parties are required to divest themselves of stakes in all television and radio broadcast companies within 2 years. Government and party officials who serve as board members or hold managerial positions in media companies are obligated to sever their media ties within 6 months. The legislation also mandates the formation of a National Communications Commission to replace the Government Information Office (GIO) in overseeing the operations of the broadcast media. By year's end, all government offices and many politicians had complied with the new legislation.

Controls over radio stations were more limited than those over television stations and gradually were being liberalized. Responding to allegations that underground stations were illegally occupying government and private property and selling unregulated medicine, an inter-agency task force was formed this year to crack down on them. In the first 6 months of the year, the Ministry of Transportation and Communications fined and closed down 33 stations.

Among other restrictions regulating the media were those precluding persons previously convicted of sedition from owning, managing, or working in television and radio stations. DPP leaders, many of whom were convicted of sedition in the aftermath of the 1979 Human Rights Day demonstrations that turned into a riot, known as the "Kaohsiung incident," were not affected because their rights were restored through presidential amnesties by the previous administration.

There is a vigorous and active free press. In 1999, the LY abolished the Publications Law, which had empowered the police to seize or ban printed material that was seditious, treasonous, sacrilegious, interfered with the lawful exercise of public functions, or violated public order or morals. However, in March 2002, the Government raided the offices of Next Magazine and confiscated 160,000 copies of an issue containing an article about \$100 million (NT\$3.5 billion) in secret funds established by former President Lee Teng-hui and used as well by the current administration for diplomatic missions and policy initiatives. The Taiwan High Court Prosecutor's Office charged a reporter at the magazine with breaching national security; the case remained pending at year's end. In July, the Taiwan High Court sentenced a former

journalist who reported the details of a military exercise in 2000 to 18 months in prison and 3 years probation. The journalist was appealing the decision. He was the first person to be convicted of revealing classified military secrets. After the abolishment of the Publications Law in 1999, the police may seize violent or pornographic material based on the offences against morals and public order of the Criminal Code and the Child and Adolescent Sexual Prevention Statue. The police must request search warrants from prosecutors to conduct such seizures.

The GIO required that any publications imported from mainland China be sent to the GIO Publications Department for screening before sale or publication and still sought to ban the importation of publications that advocated communism or the establishment of united front organizations, endangered public order or good morals, or violated regulations or laws. Beginning in July, the GIO eliminated the requirement that China-origin material be converted to traditional characters before being published in Taiwan. However, cable television systems are still required to send imported material to the GIO for screening and to convert the subtitles to traditional characters before broadcasting.

The quality of news reporting was erratic, and, at times, the media trampled on individuals' right to privacy. The media often taped and aired police interrogations and entered hospital rooms when the patient was unable to prevent this.

The authorities did not restrict academic freedom.

b. Freedom of Peaceful Assembly and Association.—The Constitution provides for freedom of assembly, and the authorities generally respected this right in practice. Permits required for outdoor public meetings were granted routinely. The National Security Law gives the Government the authority to prevent demonstrations advocating communism or the division of the national territory. However, demonstrations advocating independence have taken place without government interference.

The Constitution provides for freedom of association; and the authorities generally respected this right in practice. The Civic Organization Law requires all civic organizations to register. Registration was granted routinely.

Under the Civic Organization Law, the Constitutional Court holds the power to dissolve political parties. Grounds for dissolution include objectives or actions that are deemed to jeopardize the existence of the "Republic of China." The Constitutional Court heard no cases under this law during the year.

c. Freedom of Religion.—The Constitution provides for freedom of religion, and the authorities generally respected this right in practice. Religious organizations may register with the central authorities through their island-wide associations under either the Temple Management Law, the Civic Organizations Law, or the chapter of the Civil Code that governs foundations and associations; however, registration is not mandatory.

Registered organizations operate on a tax-free basis and are required to make annual reports of their financial operations. While individual places of worship may register with local authorities, many chose not to register and operated as the personal property of their leaders. In the past, concern over abuse of tax-free privileges or other financial misdeeds occasionally prompted the authorities to deny registration to new religions whose doctrines were not clear, but there were no reports that the authorities sought to suppress new religions during the year.

For a more detailed discussion, see the 2003 International Religious Freedom Report.

d. Freedom of Movement, Foreign Travel, Emigration, and Repatriation.—The authorities did not restrict freedom of internal travel. Foreign travel by passport holders was common.

Nonresident passport holders usually were issued "overseas Chinese" passports and must seek entry permits for travel to Taiwan. According to the National Security Law, entry permits may be refused only if there are facts sufficient to create a strong suspicion that a person is engaged in terrorism or violence. Reasons for entry and exit refusals must be given, and appeals may be made to a special board. No exit or entry permit refusals were reported during the year. Holders of nonresident passports who normally reside abroad may return and regain their household registration, a document required to vote or participate as a candidate in an election.

Since 1987, the authorities have relaxed substantially strictures against tourism by residents to the Chinese mainland, and such travel was common. Although the LY enacted legislation to remove restrictions that were previously in existence for national security reasons and to permit Chinese from the mainland to visit for business, academic, or tourism purposes, many mainlanders were refused visas because they could not convince an immigration officer that they would not abandon their residence on the mainland to become economic migrants to Taiwan.

All travelers from the mainland are required to have invitations from sponsors and are subject to approval by the Mainland Affairs Council. In 2001, Taiwan relaxed the regulations to allow PRC correspondents to be temporarily posted to Taiwan for up to 1 month per visit. According to the Mainland Affairs Council, four PRC media agencies took advantage of the opening to cover news in Taiwan. In the first 6 months of the year, 2,569 PRC professionals from academia, the arts, and the media, including 125 journalists, participated in the cross-straits exchanges.

A draft asylum law was under review in the Executive Yuan at year's end. However, the draft law excludes persons from the PRC, Hong Kong, and Macao. These persons would still be subject to the Mainland Relations Act. While the authorities were reluctant to return to the mainland those who might suffer political persecution, they regularly deported to the mainland, under provisions of the Mainland Relations Act, mainlanders who illegally entered the island for economic reasons. In November 2002, a PRC democracy activist, who had entered Taiwan illegally, was granted asylum in a third country. In June, another PRC democracy activist was returned to South Korea where he had started his journey with a fraudulent passport. Prior to the activist's deportation, the U.N. High Commissioner for Refugees had granted him refugee status.

Some detention centers for illegal immigrants continued to be overcrowded, and detainees complained about long stays at the centers while waiting to be repatriated. The NPA continued to improve its facilities and provided human rights training for detention center personnel. The average stay at detention centers for non-PRC illegal aliens was reduced from 78 days in 2001 to 55 days in 2002. The Bureau of Entry and Exit faulted mainland Chinese authorities for delays in repatriation. The authorities allowed some detained illegal aliens from mainland China to return to the mainland by airplane via Hong Kong at their own expense. In addition, the authorities repatriated other mainland Chinese directly from the island of Matsu or allowed them to fly back to China via a third country, rather than taking them to detention centers in Taiwan.

The 1999 Entry, Exit, and Immigration Law provides strict sentencing guidelines for alien smuggling. Several cases were brought before the courts under this law; however, few resulted in convictions.

Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government

Citizens have the right to change their government peacefully, and citizens exercised this right in practice. In 2000, for the first time an opposition party candidate was elected President, winning a 39 percent plurality in a 3-person race. Generally free and fair popular elections for the LY have taken place four times since 1992.

The Chen administration made significant progress in its efforts to eliminate corruption and vote buying.

In the first 6 months of the year, prosecutors indicted 680 persons in 324 cases of alleged corruption. In addition to 42 elected officials, 369 other government officials were indicted—including 43 at senior level, 107 at middle level, and 219 at low level. In a campaign against organized crime, prosecutors investigated 1,954 cases, indicted 1,690 persons in 654 cases, and convicted 490 persons in 208 cases in the first 6 months of the year. Those indicted in the campaign against organized crime included 2 legislators, 37 city and county council members, and 29 township chiefs and representatives.

The investigations of vote buying and political campaign corruption sparked controversy. During the August Hualien magistrate by-election, the police set up checkpoints to prevent vote buying. The Taiwan Human Rights Association characterized the action as an intrusion into privacy and free movement and a potential violation of human rights. The Chinese Human Rights Association noted that implementation might have been insensitive to the dignity of the local residents.

In the 2001 legislative elections, the DPP won the largest bloc, obtaining 87 of 225 seats. The KMT, which lost the legislative majority for the first time, won 68 seats. The PFP more than doubled its representation in the LY, winning 46 seats. The newly established Taiwan Solidarity Union, inspired by the pro-Taiwanese ideology of former president Lee Teng-hui, won 13 seats. The New Party won one seat.

In November, the LY passed and President Chen signed a Referendum Law. The DPP had long advocated such legislation, but the bill that passed was largely drafted by the KMT and PFP, and gave the power to initiate referendums to the LY and to popular initiatives, except for so-called "defensive initiatives" in instances of imminent danger.

The Constitution provides for equal rights for women, and their role in the political sphere increased. In 2000, a woman for the first time was elected vice president, and 7 of 40 cabinet officials were women, including the chairpersons of the Main-

land Affairs Council and the Labor Affairs Council. Two of 25 Control Yuan members and 3 of 20 Examination Yuan members were women. A number of women also held important political party positions. Two of the 15 members of the DPP Central Standing Committee were women, as were 8 of the KMT's 31 Central Standing Committee members. Forty-eight members in the 225-member LY were women.

Aborigine representatives participated in most levels of the political system. They held eight reserved seats in the LY, half of which were elected by plains Aborigines and half by mountain Aborigines. The proportion of legislative seats allocated to Aborigines was almost twice their approximately 2 percent of the population. An Aborigine served as Chairman of the Council of Aboriginal Affairs.

Section 4. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A wide variety of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials often were cooperative and responsive to their views.

Section 5. Discrimination Based on Race, Sex, Disability, Language, or Social Status

The Constitution provides for equality of citizens before the law "irrespective of sex, religion, race, class, or party affiliation." It also provides for the rights of persons with disabilities. While the authorities were committed to protecting these rights, discrimination against some groups continued. Societal discrimination against persons with HIV and AIDS was a problem, and some politicians made derogatory remarks about persons with HIV and AIDS. However, the National Health Insurance provides free screening and treatment, including anti-retroviral therapy for all HIV-infected nationals.

Women.—Violence against women, including domestic violence and rape, remained a serious problem. Domestic violence was especially widespread. The authorities funded domestic violence hotlines, which also handled calls for assistance from victims of sexual assault and child abuse. A domestic violence specialist unit was added to police stations to provide expertise on the issue. In 2002, the Taipei City funded Domestic Violence Prevention and Control Center pioneered a help desk at the Shihlin District Court to assist victims in the judicial process. During the year, the help desk assisted an average of 90 cases per month. In March, another help desk was added in Taipei South District Court. The Taipei city government provided the funding, and a women's NGO staffed both help desks. Because many victims could not distinguish between the domestic violence hotline and the regular emergency help line, in May, the Ministry of Interior launched a pilot program in Tainan city and county police stations in which persons could register for protection. Having information about each individual's circumstance and social workers readily available improved police response time. The 1999 Domestic Violence and Protection Control Law allows prosecutors to take the initiative in investigating complaints of domestic violence without waiting for a spouse to file a formal lawsuit. Although some cases were prosecuted, strong social pressure discouraged abused women from reporting incidents to the police to avoid disgracing their families.

Rape also remained a serious problem, and its victims were stigmatized socially. Experts estimated that the number of rapes was 10 times the number reported to the police. The law permits the prosecution of the crime of rape without requiring the victim to press charges. Under the law, rape trials may not be open to the public unless the victim consents. The Code of Criminal Procedure establishes the punishment for rape as not less than 5 years' imprisonment, and those convicted usually were given sentences of 5 to 10 years in prison. According to the NPA, there were 3,003 cases of rape or sexual assault reported in 2002. In 2002, 1,642 persons were indicted for rape or sexual assault, and 1,251 were convicted. From January to July, district prosecutors indicted 1,433 suspects and convicted 1,070 persons. Spousal rape is a crime. By regulation, doctors, social workers, police, and prosecutors jointly question victims of sexual abuse to reduce the number of times a victim is questioned.

The law requires all city and county governments to set up domestic violence prevention and control centers. The centers provided victims with protection, shelter, legal counseling, and other services on a 24-hour basis. Under the law, a judicial order may be obtained to prohibit violators from approaching victims. In 2002, 1,618 persons were indicted for committing domestic violence, and 1,232 were convicted. From January to July, prosecutors indicted 1,138 suspects and convicted 1,163 persons for committing domestic violence. In 2002, the city and county domestic violence prevention and control centers consulted with a total of 71,613 persons, set up follow-up files on the cases of 20,530 persons, helped obtain 3,217 court protec-

tion orders, and assisted in obtaining emergency shelter for 1,163 persons. By the end of 2002, there were: 39 women's welfare service centers (23 public, 3 private, and 13 contracted out to NGOs) that had served 487,000 persons, 27 women shelters with a total capacity of 305 persons that had served 1,092 persons, and 7 single-parent family service centers with a total capacity of 283 persons that had served 359 persons. Also in 2002, 101,623 women received assistance from the Government that totaled \$8.25 million (NT\$280,353,370).

Prostitution, including child prostitution, also was a problem. The authorities were phasing out legalized prostitution. In 1999, the LY banned prostitution but exempted 23 brothels and 119 prostitutes already registered with the authorities. Under the law, no new houses of prostitution may be registered. There were reports of a growing trend of young women, often well-educated, entering into part-time prostitution. There also were credible reports of a small number of women being trafficked onto the island for purposes of prostitution (see Section 6.f.) and reports of a larger number of women who entered for purposes of engaging in prostitution.

Sexual harassment was a problem, which the Government actively addressed.

The law prohibits sex discrimination. Many sections of the legal code that discriminated against women have been eliminated. For example, women are no longer required to adopt their husband's last name after marriage, and the citizenship law was amended in 2000 to permit transmission of citizenship through either parent.

In March 2002, the 2001 Gender Equality in the Workplace Act went into effect, providing for equal treatment with regard to salaries, promotions, and assignments. The law also stipulates that measures be taken to eliminate sexual harassment in the workplace. Women's advocates noted that women continued to be promoted less frequently and worked for lower pay than their male counterparts and that women were not granted maternity leave or were forced to quit jobs due to marriage, age, or pregnancy, despite the fact that previously existing labor laws afforded women some protections against gender-based discrimination in the workplace. According to the Council on Labor Affairs, salaries for women averaged 85 percent of those for men performing comparable jobs. Most city and county administrations set up committees to deal with complaints of sexual discrimination in the workplace.

In 2001, 60 women's organizations joined together to form the National Union of Taiwan Women to promote women's rights.

Children.—The Constitution includes provisions to protect children's rights, and the authorities were committed to supporting them. Education for children between 6 and 15 years of age is free and compulsory, and this rule was enforced. According to government statistics the percentage of school-age children attending primary school was 99.94 percent and those attending junior high school 99.86 percent. Children were provided health care under the national health insurance plan.

Child abuse was a significant problem. In 2002, there were 4,590 cases of child abuse according to MOI statistics. Following the 1999 enactment of the Domestic Violence Control Law, 21 city and county governments established domestic violence protection centers, the goal of which is to protect women, children and senior citizens from violence. Services include a 24-hour hotline, emergency assistance, shelter, medical treatment and examination, counseling for victims, legal assistance, and education and training. Under the law, any persons discovering cases of child abuse or neglect must notify the police, social welfare, or child welfare authorities; child welfare specialists must make such notification to local county or city governments within 24 hours, and the governments must respond with appropriate measures within 24 hours. The local county or city officials must submit a request for an investigation to a supervisory agency within 4 days. Both the MOI's Social Affairs Department and NGO specialists monitored cases to ensure that these requirements were followed. In 2002, the MOI provided guidance to city and county governments for the 3,897 day care facilities in their localities and 26 child protection centers. Financial subsidies were provided to low-income families with children in day care facilities and to local governments to promote child protection efforts. The island's 26 child protection centers have a total capacity of 938 and housed 428 children at the end of 2001. From July to December 2001, the MOI's pilot program on aborigine welfare provided assistance to 335 aboriginal children. A hotline accepted complaints of child abuse and offered counseling. Courts are authorized to appoint guardians for children who have lost their parents or whose parents are deemed unfit.

A juvenile court in Kaohsiung handled criminal cases. The court employed 24 juvenile counselors. There were three juvenile detention centers on the island.

Although no reliable statistics were available, child prostitution was a serious problem, particularly among aboriginal children (see Section 6.f.). Most child prostitutes ranged in age from 12 to 17 years. The juvenile welfare law enables juvenile welfare bodies, prosecutors, and victims to apply to courts for termination of guard-

ianship of parents and the appointment of qualified guardians if parents have forced their children into prostitution. If children are engaged in prostitution of their "own free will" and the parents are incapable of providing safe custody, the courts may order competent authorities to provide counseling for not less than 6 months and not more than 2 years. However, legal loopholes and cultural barriers remained obstacles to enforcement. According to well-informed observers, the practice of aboriginal families selling their children into prostitution no longer existed.

According to some reports, brothel owners used violence, drug addiction, and other forms of coercion to prevent child prostitutes from escaping. The law provides for up to 2 years' incarceration for customers of prostitutes under the age of 18. In 2002, 1,602 persons were indicted, and 1,252 were convicted for violations of the law. In the first 11 months of the year, 1,021 persons were indicted and 1,196 (including persons indicted earlier) were convicted. The law also requires the publication of the names of violators in newspapers. In February, the Taipei city government published the names of 40 persons convicted of patronizing child prostitutes in 2002, compared with 23 names in 2001. In 2002, police rescued 598 child prostitutes, including 568 citizens, 27 PRC nationals, and three other foreign nationals, of whom 54 were male and 544 female. During the same period, local governments provided shelter to 1,077 rescued children—503 in emergency shelters, 431 in temporary shelters, and 143 in half-way schools. The law prohibits the media from running advertisements involving the sex trade and imposes penalties on citizens arrested abroad for having sex with minors; these laws were enforced in practice (see Section 6.f.).

Persons with Disabilities.—The law prohibits discrimination against persons with disabilities and sets minimum fines for various violations. New public buildings, facilities, and transportation equipment must be accessible to persons with disabilities, and, in practice, this requirement was generally met. Violations of the law resulted in fines of \$1,765 to \$8,824 (NT\$60,000 to NT\$300,000). Existing public buildings were to be brought into conformity by 1995; however, as of year's end, there did not appear to be a substantial effort aimed at refitting older buildings to accommodate persons with disabilities.

According to MOI statistics, as of June, there were 847,703 persons with disabilities. One-third of the total were severely disabled and received shelter or nursing care from the authorities. The Disabled Welfare Law requires large public and private organizations to hire persons with disabilities equal to 2 and 1 percent of their work force, respectively. Organizations failing to do so must pay, for each person with disabilities not hired, 50 percent of the basic monthly salary (approximately \$227 (NT\$8,000)) into the Disabled Welfare Fund, which supports institutions involved in welfare for persons with disabilities. Many organizations complained that it was difficult to find qualified workers with disabilities, and they appeared to prefer to pay the fines. Both the central and local governments established committees for the protection of persons with disabilities.

Indigenous People.—The only non-Chinese minority group consists of the aboriginal descendants of Malayo-Polynesians, who were well established on the island when the first Chinese settlers arrived. According to MOI statistics, as of June, there were 438,658 of these Aborigines. More than 70 percent were Christian, while the dominant Han Chinese were largely Buddhist or Taoist. The civil and political rights of Aborigines are protected under law. The National Assembly amended the Constitution in 1992 and again in 1997 to upgrade the status of aboriginal people, protect their right of political participation, and to ensure their cultural, educational, and business development. In addition, the authorities instituted social programs to help Aborigines assimilate into the dominant Chinese society. The Government increased the budget of the cabinet-level Council of Aboriginal Affairs to \$164 million (NT\$5.6 billion) from \$23.5 million (NT\$800 million) in 1997.

During the school year, 264 schools nationwide offered aboriginal language classes in primary schools. The Ministry of Education encouraged university education for Aborigines and worked to preserve aboriginal culture, history, and language through the establishment of aboriginal studies centers. To compete for government contracts the law requires that a firm with at least 100 employees must include among its employees a minimum of 1 percent of Aborigines and 1 percent of persons with disabilities.

To address a longstanding grievance regarding their inability to own their ancestral land, President Chen signed a partnership document with representatives from all aborigine tribes recognizing their land rights and further allowing some form of autonomy. The Council of Aboriginal Affairs, in addition to continuing the investigation and mapping of traditional tribes and their territories, coordinated with other

ministries to draft or amend legislation on issues such as development in the Aborigine reservations, zoning, national parks, and hot spring tourism.

According to Council of Aboriginal Affairs statistics, in the 2001 school year, 99.72 percent of aborigine children completed elementary school.

The sale of Aborigine children into prostitution by their parents reportedly no longer occurred.

Section 6. Worker Rights

a. The Right of Association.—Most workers in Taiwan have been allowed to form unions and to associate for many years; however, civil servants, teachers, and defense industry workers did not enjoy that freedom. Until 1995, teachers, civil servants, and defense industry workers had no legal basis to form any type of worker association. However, in 1995, the JY ruled that the right of association is protected by the Constitution. In June 2002, the LY passed the Civil Servants Association Law, which affords civil servants the right to organize professional associations but does not permit them to organize labor unions or to strike. A teachers' law, which would provide a legal basis for teachers to associate, was under consideration by the LY at year's end. On September 28, more than 100,000 teachers from around the island gathered in downtown Taipei to protest not being allowed to form unions and to strike. At year's end, legislation protecting defense workers' right to association has not been proposed.

A number of laws and regulations limit the right of association. Labor unions may draw up their own rules and constitutions, but they must submit these to the authorities for review. Labor unions may be dissolved if they do not meet certification requirements or if their activities disturb public order. However, there were no instances of the authorities dissolving local labor groups or denying certification to new labor unions during the year.

The Labor Union Law requires that labor union leaders be elected regularly by secret ballot, and, in recent years, workers have sometimes rejected management-endorsed union slates. During the year, there were no reports of political interference in labor union affairs.

Under the Labor Union Law, employers may not refuse employment to, dismiss, or otherwise unfairly treat workers because they are labor union members. However, in practice, employers sometimes dismissed labor union leaders without reasonable cause or laid them off first during employee cutbacks, and observers pointed out that the law has no specific penalties for violations.

Labor unions may form confederations, but, in the past, no administrative district, including a city, county, or province, was permitted to have competing labor confederations. Since 2000, the Government has significantly eased these restrictions, and the Council of Labor Affairs (CLA) recognized six new island-wide labor federations, including the Taiwan Confederation of Trade Unions (previously known as the National Federation of Industrial Unions), the Chinese Labor Unions Federation, and the National Trade Union Confederation. Nonetheless, the percentage of workers who were labor union members did not increase in recent years in the face of a series of factory closure layoffs, the shift from manufacturing to service industries, and the small-scale and poor organization of most unions. As of March, approximately 29 percent of the 10 million-person labor force belonged to 4,111 registered labor unions.

In 1971, the People's Republic of China replaced Taiwan in the International Labor Organization (ILO). However, Taiwan's Chinese Federation of Labor attends the ILO annual meetings as an affiliate of the International Confederation of Free Trade Unions.

b. The Right to Organize and Bargain Collectively.—Except for the categories of workers noted in Section 6.a., the Labor Union Law and the Settlement of Labor Disputes Law give workers the right to organize and bargain collectively.

The Collective Agreements Law provides for collective bargaining but does not make it mandatory. The 278 collective agreements in force in March involved roughly 25 percent of industrial labor unions and covered a relatively small proportion of the total workforce. Employers set wages generally in accordance with market conditions.

The law governing labor disputes recognizes the right of labor unions to strike but imposes restrictions that in practice make legal strikes difficult and seriously weaken collective bargaining. For example, the authorities require mediation of labor/management disputes when they deem the disputes to be sufficiently serious or to involve "unfair practices." The law forbids both labor and management from disrupting the "working order" when either mediation or arbitration is in progress. The law mandates stiff penalties for violations of no-strike and no-retaliation clauses. Employers in the past sometimes ignored the law and dismissed or locked out work-

ers without any legal action being taken against them, although no such cases were reported during the year. The Council of Labor Affairs reported that since the lifting of martial law in 1987 there were 36 strikes, of which 23 involved workers at bus companies seeking increased pay and reduced hours. On the September 11 Moon Festival Holiday, one of the busiest travel days of the year, the Taiwan Railway Workers Union attempted a de facto strike by calling a general meeting of all its members to protest the Government's goal of privatizing the Taiwan Railway Administration. This job action was generally ineffective as the trains were kept running, but, in the wake of a threatened 2004 Lunar New Year strike, in December, the authorities agreed to postpone privatization of the railways and to absorb all debts of the Taiwan Railway Administration.

Firms in export processing zones were subject to the same laws regarding treatment of labor unions as other firms and followed normal practices including honoring collective bargaining agreements with their unions.

c. Prohibition of Forced or Bonded Labor.—The law prohibits forced or compulsory labor, including forced and bonded labor by children; however, there were several cases of forced child prostitution prosecuted by the authorities (see Sections 5 and 6.f.).

In 1992, 66 women who had been forced to work as “comfort women” (women who, during World War II, were forced to provide sex to soldiers of the Japanese Imperial Government) registered with the Taipei Women's Rescue Foundation (TWRP). In 1999, TWRP helped nine of those still alive to file a lawsuit in the Tokyo District Court seeking compensation of \$81,300 (10 million Japanese Yen) per person and a formal apology from the Japanese Government. In October 2002, the Tokyo District Court ruled against the women. TWRP has filed an appeal in the Tokyo High Court. At present, only seven of the nine women are still alive.

d. Status of Child Labor Practices and Minimum Age for Employment.—The Labor Standards Law (LSL) stipulates age 15, the age at which compulsory education ends, as the minimum age for employment. County and city labor bureaus enforced minimum age laws effectively. The Child Welfare Law, the Juvenile Welfare Law, and the Child and Juvenile Sexual Transaction Prevention Act protect children from debt bondage, prostitution, pornographic performances, and other illicit activities specified in ILO Convention 182.

e. Acceptable Conditions of Work.—The Labor Standards Law (LSL) addresses rights and obligations of employees and employers, but the law was not well enforced in areas such as overtime work and pay or retirement payments. By the end of 2002, the LSL covered 5.7 million of Taiwan's 6.8 million salaried workers. Those not covered included teachers, doctors, lawyers, civil servants, and domestic workers. The CLA conducted publicity campaigns to increase public awareness of the law and operated telephone hotlines to accept complaints of LSL violations.

The CLA did not increase the minimum monthly wage, which has remained at \$465 (NT\$15,840) since 1998. While sufficient in less expensive areas, this wage did not assure a decent standard of living for a worker and family in urban areas such as Taipei. However, the average manufacturing wage was more than double the legal minimum wage, and the average for service industry employees was even higher. In 2000, the LY passed legislation to reduce working hours from 48 hours per week to 84 hours per 2-week period. In the public sector, there is a 5-day workweek. According to a CLA survey, 53 percent of private enterprises also have reduced the normal workweek to 5 days. To reduce the impact of the reduction in working hours on businesses, in December 2002, the LY amended the LSL to allow business to calculate work hours on an 8-week base, so that firms can arrange work hours in such a way as to reduce the amount of overtime work.

The law provides adequate standards for working conditions and health and safety precautions and gives workers the right to remove themselves from dangerous work situations without jeopardy to continued employment. However, critics alleged that the CLA did not effectively enforce workplace laws and regulations because it employed too few inspectors. During the year, there were 265 inspectors available for the approximately 280,000 enterprises covered by the Occupational Safety and Health Law. However, by combining health inspections with safety inspections, the number of health and safety inspections increased 14 percent from 62,840 in 2001 to 71,848 in 2002. The CLA maintained that it had strengthened its safety checks at workplaces with a greater risk of worker injury and it offered training programs to help workers protect their rights. Since many enterprises were small, family-owned operations employing relatives unlikely to report violations, actual adherence to the hours, wage, and safety sections of various labor laws was difficult to document but was believed to be minimal in these smaller enterprises.

Since 2000, the CLA has adopted a series of measures to restrict the number of foreign workers in major public construction projects, key manufacturing investment projects, and the manufacturing sector, thus reducing the number of foreign workers by 15,000 workers per year. The number of legal foreign workers has decreased from 327,000 in 2000 to approximately 294,000 at the end of June, including approximately 106,000 workers from Thailand, 76,000 from Indonesia, 71,000 from the Philippines, and 41,000 from Vietnam.

The law stipulates that foreign workers who are employed legally receive the same protection as local workers. However, the CLA in 1998, allowed family maids, including foreign family maids, to be exempted from the LSL, denying them the right to safeguards provided to citizens. Moreover, authorities stated that in many cases, illegal foreign workers, many from Thailand and the Philippines, received board and lodging from their employers but no medical coverage, accident insurance, or other benefits enjoyed by citizens. In response to deteriorating economic conditions, the Government adopted a proposal by the Economic Development Advisory Conference allowing room and board expenses for foreign workers, beginning with contracts signed in September 2001, to be treated as in-kind payments and deducted from foreign workers' pay. The CLA set the ceiling of these deductions at \$117 (NT\$4,000) per month.

Illegal foreign workers also were vulnerable to employer exploitation in the form of confiscation of passports (making it difficult to change employers), imposition of involuntary deductions from wages, and extension of working hours without overtime pay. There also were reports that foreign workers often paid high agency fees to obtain jobs. In addition, observers reported that conditions in many small- and medium-sized factories that employed illegal foreign labor were dangerous, due to old and poorly maintained equipment. Observers alleged that legal foreign workers were sometimes similarly exploited. The CLA urged employers not to mistreat foreign workers, and employers were subject to the same penalties for mistreating foreign workers as for mistreating citizen workers. In an effort to reduce broker fees, the CLA revoked permits of agencies charging excessive fees, and local governments inspected agency hiring practices. The CLA also negotiated direct hire agreements with labor-sending countries, and encouraged NGOs to establish nonprofit employment service organizations to assist foreign laborers in locating employment.

In November 2002, the CLA rescinded regulations requiring the deportation of foreign laborers who became pregnant and further amended regulations to allow them to switch to jobs with lighter workloads. The CLA has established 24 offices around the island to provide counseling and other services to foreign workers, and it provided financial assistance to city and county governments to conduct inspections of places where foreign workers were employed. It also attempted to reduce the number of illegal foreign workers.

f. Trafficking in Persons.—The Statute for the Prevention of Child and Juvenile Sexual Trafficking empowers the authorities to prosecute any person who forces a child below the age of 18 to engage in sex or sells or pawns such a child by other means. Provisions in the Criminal Code can also be used to prosecute traffickers in persons above the age of 18. Trafficking in persons was a problem.

The island remained a significant transit point and, to a lesser extent, a destination for trafficked persons. There were reports of organized crime rings trafficking in a small number of women for the purpose of prostitution. The majority of cases involved women from mainland China, Thailand, Cambodia, Vietnam and Indonesia. Criminal gangs in mainland China reportedly used deceptive measures to recruit and procure young women who were then trafficked to Taiwan-based organized crime gangs who arranged sham marriages to enable them to obtain visas to enter Taiwan and exploited them for purposes of prostitution. Many of the victims were aware that they were to work as prostitutes, but were deceived by the traffickers about what their pay and working and living conditions would be upon arrival. Once in Taiwan, they were kept isolated, their passports were held, and they were threatened with violence if they did not cooperate. Small numbers of young Malaysian women, primarily ethnic Chinese, were trafficked to Taiwan for sexual exploitation. Burmese also were trafficked to Taiwan. The authorities, academic experts, and NGO experts claimed that the number of trafficking victims had decreased significantly in recent years. The authorities reportedly indicted 233 and convicted 122 persons in trafficking cases in 2002.

In June, police arrested two men on charges of luring a woman to Japan with an offer of restaurant employment and subsequently forcing her to work as a prostitute.

Taiwan remained a significant transit point for persons from mainland China attempting to travel illegally to the United States and other countries. Some of these illegal migrants became trafficking victims in the destination countries. In 1999, the

LY enacted legislation, which criminalized alien smuggling (see Section 2.d.). From 2000 to 2002, 8,827 PRC citizens entering Taiwan legally were found to be working illegally, of whom 40.6 percent (3,581 persons) were women found working in the commercial sex industry. In addition, police found 14 cases of foreign-born spouses (non-PRC) of Taiwanese men involved in the prostitution business in 2002, a decrease from 17 cases in 2001, 57 in 2000, and 81 in 1999. In response to an August 26 incident in which 6 PRC women drowned off the coast of Miaoli county after their traffickers threw 26 women off 2 speed boats being pursued by the coast guard, a 12-member PRC police delegation attended a September 29 cross-Strait crime prevention seminar at the Taiwan Central Police University. During the year, Taiwan and PRC authorities agreed for the first time to initiate dialogue on combating trafficking.

Police were trained in handling trafficking, prostitution, and cases of domestic violence. The Government worked with NGOs to provide counseling and medical assistance to victims as needed. Foreign victims of trafficking were repatriated as quickly as possible.

EAST TIMOR

East Timor became a fully independent republic in May 2002, following approximately 2½ years under the authority of the U.N. Transitional Administration in East Timor (UNTAET). The country has a parliamentary form of government with its first parliament formed from the 88-member Constituent Assembly chosen in free and fair, U.N.-supervised elections in 2001. The 29-member Cabinet is dominated by the Fretilin Party, which won the majority of Assembly seats. Mari Alkatiri, Fretilin's Secretary General, is Prime Minister and Head of Government, and Xanana Gusmao, elected in free and fair elections in April 2002, is President and Head of State. UNTAET's mandate ended with independence but a successor organization, the U.N. Mission of Support in East Timor (UNMISSET), was established. The Constitution ratified in March 2002 provides that "laws and regulations in force continue to be applicable to all matters except to the extent that they are inconsistent with the Constitution." Under this provision, many Indonesian and UNTAET laws and regulations remain in effect. Regulations providing for an independent judiciary generally were respected; however, at times, the judicial system was inefficient and inconsistent.

UNMISSET maintains responsibility and command of the U.N. Peace Keeping Force (UNPKF) and the U.N. Police Forces (UNPOL). In addition to providing interim law enforcement and public security, UNMISSET is assisting in the development of the national police service, the Policia Nacional de Timor-Leste (PNTL). During the year, UNPOL transferred authority for internal law and order district by district; Dili, the last district, was turned over to the PNTL on December 10. UNPOL is expected to end operations, except for a small advisory unit, in May 2004. A national defense force, Falintil-Forca Defesa Timor-Leste (F-FDTL), is gradually assuming responsibility for external defense from UNPKF, and UNPKF continued to reduce its presence during the year. UNMISSET's mandate is scheduled to be phased out completely by June 30, 2004. The PNTL is responsible to the civilian Minister of Internal Administration, and the F-FDTL is responsible to the civilian Secretary of State for Defense. While civilian authorities generally maintained effective control of the security forces, there were a few instances when members of the security forces acted independently of government authority. Some members of the PNTL and F-FDTL committed human rights abuses.

The country is extremely poor, with two-thirds to three-fourths of the population of 775,000 persons engaged in subsistence agriculture. Per capita gross domestic product was approximately \$478 per year. An estimated 70 to 80 percent of the country's infrastructure was damaged severely by the systematic scorched-earth campaign that Indonesian military and militia forces conducted in 1999 as they withdrew. The majority of the population has basic shelter and sufficient food supplies. Low-level commercial activity has resumed, and primarily serves the large foreign presence. The rural agricultural economy has recovered significantly, but the country remained dependent on imported food. Coffee remained the territory's only significant export, but falling world prices limited export earnings. In May 2002, the country concluded an interim agreement with Australia to share revenue from the potentially lucrative Timor Gap oil and gas region, from which significant production revenues have been predicted to begin in 2006. This agreement replaced the 2001 agreement signed between UNTAET and Australia. Property ownership disputes and the lack of a comprehensive commercial code hindered investment and

related long-term development. Urban unemployment and wage and price inflation remained significant problems. Most observers believed that the country would remain heavily dependent on foreign assistance for the next several years.

The Government generally respected the human rights of its citizens; however, there were problems in some areas. There were numerous reports of excessive use of force and abuse of authority by police officers. Prolonged pretrial detention was a problem. The rights to due process and to an expeditious fair trial often were denied or restricted, largely due to severe shortages of resources and lack of trained personnel in the legal system; there were also reports of abuse of authority by government officials. It was not clear how many refugees or displaced persons wished to return to the country but felt unable to do so either because of fear of reprisals from militias in West Timor or because of attacks and harassment of returnees suspected of being former militia members. Domestic violence against women was a problem, and there were instances of rape and sexual abuse. The country also lacked the infrastructure to care adequately for persons with mental or physical disabilities. Child labor in the informal sector occurred, and there were reports of trafficking in persons.

RESPECT FOR HUMAN RIGHTS

Section 1. Respect for the Integrity of the Person, Including Freedom From:

a. Arbitrary or Unlawful Deprivation of Life.—There were no reports of political killings during the year; however, on September 19, an officer from the Border Protection Unit shot and killed a fugitive militia leader, Francisco Vegas Bili Atu, as he crossed into East Timor from West Timor. While security forces claimed that the shooting was in self-defense, there were credible reports that excessive force may have been used. The Serious Crimes Unit of the office of the Prosecutor General (SCU) had indicted Atu in February on seven counts of crimes against humanity, including three counts of murder, for his role in the 1999 conflict. At year's end, the official investigation into the incident and the officer who shot Atu was ongoing.

No official action has been taken against members of the security forces for the killing of two participants in the December 2002 riots, and at year's end it appeared unlikely that the individuals who fired the fatal bullets would be identified. An investigation conducted by UNMISSET concluded that investigators were unable to identify who had killed the two protestors because various weapons, used by both UNPOL officers and PNTL officers, were fired by a number of security personnel.

In early January near Atsabe, a group of 12 to 15 attackers killed 6 persons who had been associated with the independence movement prior to the 1999 referendum. Eyewitnesses identified the group as pro-integration militia members. At year's end, the perpetrators were believed to have escaped to Indonesia, the investigation had stalled, and no charges had been filed.

On February 24, 10 men attacked a bus near Aidabaleten, killing 2 persons and injuring several others, including 2 pregnant women. One attacker was seriously injured in a shootout with UNPKF troops. He later died in police custody. Several others were captured and admitted to being members of pro-integration militias who had entered the country for the purpose of destabilization. Of those captured, six men, including the man who died in custody, were arrested on suspicion of rebellion against the Government. At year's end, two of these men had been indicted for crimes related to the incident and were in pretrial detention. The other three were released conditionally, although the prosecutor's office reserved the right to issue future indictments.

b. Disappearance.—There were no reports of politically motivated disappearances.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The Constitution prohibits such practices, and the Government generally respected the prohibition against torture; however, there were incidents of cruel or degrading treatment by police officers. For example, on June 8, members of the PNTL Rapid Intervention Unit reportedly assaulted and severely beat a man when the Unit was breaking up a clash between martial arts gangs in a Dili market. On July 22, a police officer joined community members in the abuse of a 16-year old deaf and mute boy who had been accused of petty theft. The boy was tied to a tree and beaten and burned with cigarettes. Another off-duty police officer observed the abuse but did not intervene. The Professional Standards Unit of the PNTL (PSU) investigated the officers involved and recommended discipline to the PNTL Commissioner, but at year's end no action had been taken on this case. On September 3, off-duty police officers who were reportedly intoxicated stopped a motorcycle for a routine traffic violation. Upon learning the identity of the rider, a member of the armed forces who had reportedly been involved in a previous altercation with police officers, the officers beat and kicked him, breaking two ribs, before arresting him. The following

morning several soldiers, including some armed with M-16 rifles, went to the police station to secure his release. One of the police officers involved has been dismissed and was in detention awaiting trial at year's end.

The PSU is charged with investigating allegations of police misconduct or abuse of authority. The PSU reports the results to the PNTL Commissioner who may choose to take action or to reject the PSU recommendations. During the year, some officers were punished for misconduct; however, in some cases no action had been taken by year's end. There were allegations that personal connections within the police force were a factor in some of these cases.

There were reports of sexual abuse by police officers during the year. For example, in August, a BPU officer reportedly refused to return the passports of two alleged prostitutes or process their visa applications unless they had sex with him. One of the women reported that the same officer made such demands on a number of different occasions. A common problem was the delay or refusal by police to investigate allegations of rape or domestic violence (see Section 5).

Prison conditions generally met international standards; however, prison facilities were deteriorating, and there were a few reports of undisciplined behavior by prison guards. The deterioration of Gleno prison's infrastructure gave rise to safety and security concerns. Gleno prison also has suffered from severe water shortages during the year. In addition, there were reports of mistreatment of prisoners. On June 18, a prison guard at Baucau prison reportedly beat and injured a new inmate while other officers looked on. The inmate was not given medical treatment until the following morning. A criminal case has been filed against the guard; however, by year's end, it had not been heard due to delays in the court system.

Except in cases where juveniles request to be incarcerated elsewhere, Becora prison, which has a separate cellblock for juveniles, is used to incarcerate juvenile prisoners. There were no separate juvenile facilities at the Gleno or Baucau prisons. When juveniles are detained at Gleno or Baucau, they are generally forwarded to Becora as soon as possible. All female prisoners are held in separate facilities in Gleno and Baucau. There were two full-time social workers to deal with juveniles, women, the elderly, and mentally ill inmates. All prisons operated at or very near capacity throughout the year; however, there were no reports of severe overcrowding at any facility.

The Government permitted prison visits by independent human rights observers.

d. Arbitrary Arrest, Detention, or Exile.—The Constitution prohibits arbitrary arrest and detention; however, there were a few instances in which these provisions were violated. On May 27, police arrested a juvenile and reportedly held him for more than 2 days without allowing him to contact his parents. Although detentions such as these are often due to slow legal proceedings, the circumstances of this case and others suggested that police officers might have held detainees as a form of punishment. After pro-integration militia members attacked a village and commandeered a bus near the border with West Timor (see Section 1.a.), F-FDTL searched area villages for the perpetrators and arrested dozens of suspects. The evidence against many of these suspects was reportedly limited to their association with an organization that was suspected of cooperation with militias. After a few days in detention, the courts released the majority of the suspects, and over the following 2 weeks released the remainder. In another case, a human rights group reported that a man arrested in 2001 for drunk and disorderly conduct was never charged or indicted, but was not released until January.

Following the atrocities in 1999, the U.N. assumed responsibility for policing and public security in the country and, in accordance with its U.N. Security Council mandate, initiated a program to establish, train, and equip a national police force capable of assuming responsibility for the country's law enforcement. Several nations assisted bilaterally in this process. In May 2002, the U.N. began transferring authority for law enforcement on a district-by-district basis to PNTL.

Despite the training and support received from the international community, the PNTL remained both ill equipped and under-trained, and there were numerous credible allegations of abuse of authority (see Section 1.c.), mishandling of firearms, and corruption. During the year, reports of abuse of authority and unprofessional conduct increased as policing authority was shifted from the U.N. to the PNTL. There were credible reports that some PNTL officers had demanded free meals at restaurants, as well as allegations that some officers had demanded money from business establishments. Complaints about unethical conduct by traffic police also were common.

The PNTL were often slow to respond, willing to overlook required procedures, or ill equipped to complete an investigation or arrest. In June, police reportedly failed to arrest a murder suspect in Railako because they had no vehicle at their disposal.

In a few cases, police were influenced by political pressures. On April 19, a Malaysian businessman was arrested after turning away a senior government official who wanted to inspect his property and business licensing documents. The official had no documentation or identification indicating that he had authority to make such a request. A verbal altercation ensued during which the official was locked within the premises. The government official then called a more senior official who came to the scene and ordered the businessman arrested. During the man's detention, police seized his passport and business records. On May 29, when the man's habeas corpus application was heard, the investigating judge found in favor of the Malaysian businessman, noting among other things that the officials in question had no authority to order an arrest. On May 30, the businessman was detained again on different charges and held for approximately 30 days before being conditionally released when a judge ruled on a second habeas corpus application, declaring that another judge's order approving the man's detention was inconsistent with the governing UNTAET regulations. On November 11, the Court of Appeals ruled in favor of the businessman, releasing him unconditionally on the grounds that there was not enough evidence to keep him detained for the alleged crimes. At year's end, the businessman was free but unable to obtain the export permit required to continue his operations.

Government regulations require a hearing within 72 hours of arrest to review the lawfulness of the arrest and detention, and also provide the right to a trial without undue delay. However, because of a shortage of magistrates, many suspects were forced to wait longer than 72 hours for a hearing. This situation was particularly acute in areas that did not have a local magistrate or where authorities lacked a ready means to transport suspects to a hearing. Some prosecutors have, in violation of applicable regulations, granted police the authority to detain persons beyond 72 hours.

On September 12, the Court of Appeals made a controversial ruling affecting pretrial detention. An UNTAET regulation provides that an Investigating Judge must review pretrial detention every 30 days and choose whether to permit further detention of a person, and that the maximum period of pretrial detention is 6 months. Another regulation allows judges to order the detention of defendants charged with certain serious crimes for any period that is "reasonable in the circumstances." The Court held that this regulation provided an exception not only to the maximum period of detention, but also to the 30-day review rule. The Court made clear that judicial review of continuing detention is still required when new facts or changed circumstances may make further detention inappropriate. Some human rights advocates criticized the opinion, arguing that it is an incorrect reading of the regulations that unduly restricts the rights of criminal defendants.

Prior to the September ruling by the Court of Appeals, the 30-day review deadline had been missed in an estimated 38 percent of all cases involving pretrial detainees during the year, an increase from approximately 25 percent the previous year. During the year, an average of 60 percent of the prison population were pre-trial detainees. On March 19, the East Timor National Mental Health Service reported an increase in mental health problems in pretrial inmates, which the health service attributed to isolation, especially from detainees' families, and uncertainties surrounding their trials. On May 13, a 17-year-old inmate attempted suicide twice after being in pretrial detention for more than 5 months.

The Constitution prohibits forced exile, and the Government did not employ it.

e. Denial of Fair Public Trial.—The Constitution provides for an independent judiciary. The Court Law provides that judges shall perform their duties "independently and impartially" without "improper influence." UNTAET regulations, still in force, include a Prosecution Law that requires public prosecutors to discharge their duties impartially. These regulations generally were respected.

The civil law court system includes four district courts (Dili, Baucau, Suai, and Oecussi) and one national Court of Appeal in Dili. The Ministry of Justice is responsible for administration of the courts and prisons and provides defense representation as well. The Prosecutor General is responsible for initiating indictments and prosecutions. The Government continued to make progress in establishing institutions that comprise the justice sector, but faced serious limitations in recruiting and training qualified judges, prosecutors, and defense attorneys. The judiciary's shortage of personnel, as well as bureaucratic and managerial inefficiency, contributed to the Government's inability to provide for expeditious trials (see Section 1.d.).

The Appeals Court became fully functional and heard its first cases in July. The Appeals Court is responsible for adjudicating appeals from the district courts. Until a Supreme Court is established, the Appeals Court will remain the country's highest tribunal.

Shortages of legal and judicial personnel affected the entire legal system, but affected disproportionately the operations of the Oecussi and Suai District Courts. During the year, the Oecussi District Court operated only at irregular intervals; in February, the Suai District Court completely ceased to function in Suai, although it convened sporadically in Dili.

The shortage of trained personnel also led to trials that were contrary to prescribed legal procedures. For example, the Oecussi District Court reportedly tried a suspect without legal representation rather than waiting for a public defender to become available. The Dili District Court reportedly tried and sentenced a defendant in absentia without notifying the defendant of his trial date and following any of the required preliminary procedures, such as the defense's response to the indictment or holding any preliminary hearings. In another case, the Appeals Court reportedly extended the 7-year sentence of a man found guilty of rape to 10 years without notifying the defendant of the hearing date in advance or providing him with legal representation.

Most trial judges and prosecutors had been trained only in Indonesian law and received their legal education in the Indonesian language, while most appellate judges and many senior government officials were trained elsewhere and speak little or no Indonesian. The Court of Appeal operated primarily in Portuguese, and a number of trial judges were being trained in Portugal. The UNTAET regulations, many of which are still in force, were available in English, Portuguese, and Indonesian, as well as in Tetum, the language most widely spoken in the country. Laws enacted by Parliament, intended to gradually supplant the Indonesian laws and UNTAET regulations, were published only in Portuguese, and many litigants, witnesses, and criminal defendants were unable to read the new laws.

The SCU, established by UNTAET in 2000, is responsible for investigations and indictments concerning genocide, war crimes, crimes against humanity, murder, sexual offenses, and torture that occurred in 1999. By year's end, the SCU had filed 81 indictments against 369 persons. Of these, 281 indictees remained at large in Indonesia with little chance of being returned to stand trial. In 2000, UNTAET established the Special Panels on Serious Crimes within the Dili District Court to try those charged with the mass killings and other gross human rights violations committed in 1999. The two Special Panels, each of which consists of two foreign judges and one local judge, have exclusive and "universal" jurisdiction to adjudicate cases concerning these human rights violations. By year's end, the Special Panels handed down 46 convictions, 1 acquittal, and 2 indictment dismissals.

The SCU worked very closely with the *Comissao de Acolhimento, Verdade e Reconciliacao de Timor Leste* (CAVR), or Truth and Reconciliation Commission of East Timor. While the SCU is mandated to investigate and prosecute crimes against humanity committed in 1999, the CAVR investigates human rights violations that occurred between April 1974 and October 1999. CAVR also facilitates reconciliation between victims and perpetrators of these violations (see Section 4).

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home or Correspondence.—The Constitution prohibits such actions, and the Government generally respected these prohibitions in practice; however, there were a few reports of arbitrary interference with privacy, family, home, and correspondence. For example, on July 28, the Government seized the home of a popular opposition leader on questionable legal grounds. Although the legal merits of the case were unclear, many citizens and international observers believed that the timing of the action was politically motivated. The case was appealed to the courts; however, the trial had not begun at year's end.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution provides for freedom of speech and of the press, and the Government generally respected these rights in practice; however there were a few instances when government officials attempted to interfere with the press. For example, in August, a senior government official requested in writing that journalists working for the public broadcasting service be disciplined or criminally prosecuted because of their coverage of the eviction of a popular opposition leader (see Section 1.f.). In September, the Government notified one of Dili's two major daily newspapers that it must begin paying rent for the space it was using in a government building. UNTAET had permitted the newspaper to use the space without paying rent. After the newspaper agreed to lease the space, the Government reportedly reversed its position and issued a notice of eviction. Shortly before the issuance of this notice, a senior government official criticized publicly the newspaper's coverage of a case of alleged corruption and threatened to close the paper. At year's end, the newspaper was still waiting to hear whether the Govern-

ment would offer a fair market price or follow through with the eviction. The newspaper continued to operate normally.

There are two daily newspapers, two weeklies, and several bulletin newspapers that appear sporadically. Their editorials freely criticized the Government and other political entities.

The Public Broadcast Service (PBS) owned and operated a radio station and a television station. The PBS radio service was available throughout the country. The PBS broadcast television was available only in Dili and Baucau. In addition to the PBS radio station, there were 16 additional community radio stations including at least 1 in each district. Radio is the most important news medium for most of the country.

There were no legal or administrative restrictions on Internet access.

The Government did not restrict academic freedom.

b. Freedom of Peaceful Assembly and Association.—The Constitution provides for the freedom of assembly and association, and the Government generally respected these rights in practice.

c. Freedom of Religion.—The Constitution provides for freedom of religion, and the Government generally respected this right in practice. More than 90 percent of the population is Roman Catholic, and there are small Protestant and Muslim minorities. Generally, religious minorities are well integrated in society. A group of Muslims of Malay descent had difficulty integrating into society and obtaining citizenship; however, this problem did not appear to be related to religion. Ethnic Timorese Muslims have not faced the same difficulties. During the year, there also were some reports that Protestant evangelists and their converts had been threatened and in some cases assaulted by members of the communities in which they were proselytizing and that the legal system was slow to respond to these charges.

For a more detailed discussion, see the 2003 International Religious Freedom Report.

d. Freedom of Movement within the Country, Foreign Travel, Emigration, and Repatriation.—The law provides for these rights, and the Government generally respected them in practice.

The conflicts in 1999 and pro-integration militia activity in 2000 and 2001 resulted in 250,000 East Timorese fleeing their homes and crossing the border into West Timor. By 2002, roughly 225,000 had returned home. During the year, an additional small number of East Timorese returned from West Timor. Although the Constitution protects citizens from expulsion and there is no crime of illegal entry of a citizen, confusion regarding the handling of returnees resulted in a number of detentions and near deportations of citizens. For example, on February 9, police officers mistakenly attempted to deport a family of five persons who returned to Oecussi. This case was resolved only after the office of the U.N. High Commissioner for Refugees (UNHCR) intervened on behalf of the family. In another case, an Investigating Judge reportedly issued a deportation order against a person who had returned to the country through an unofficial border crossing, without providing the person an opportunity to prove his citizenship in court. An appeal was pending at year's end. Parliament has subsequently passed the Immigration and Asylum Act that states, "All citizens who can prove East Timor citizenship have the right to enter the National Territory."

The Constitution provides for the granting of refugee status or asylum to persons who meet the definition in the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. However, there were concerns that the country's regulations governing asylum and refugee status may preclude genuine refugees from proving their eligibility for such status. For example, persons applying for asylum have only 72 hours to do so after entry into East Timor. Foreign nationals already present in the country have only 72 hours to implement the process after the situation in their home country becomes too dangerous for them to safely return. A number of human rights and refugee advocates maintained that this time limit contravenes the 1951 Convention. These advocates also expressed concern that no written reasons are required when an asylum application is denied.

There were 14 applicants for asylum during the year. At year's end, two had been accepted under the UNHCR mandate, along with one refugee who applied in 2002. After the promulgation of the new Immigration and Asylum Act in September, responsibility for adjudicating the claims of asylum seekers shifted from UNHCR to the Government.

Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government

The Constitution provides citizens with the right to change their government peacefully through periodic elections. In May 2002, Xanana Gusmao was inaugurated as the first President, and, in accordance with the Constitution, the members of the Constituent Assembly were sworn in as the first National Parliament. At that time, Mari Alkatiri became the first Prime Minister of the country. The 88-member Assembly, elected in 2001, was charged with writing a constitution, which was completed in March 2002 and came into effect upon independence. Some observers criticized the provision under which the Constituent Assembly automatically became the Parliament and a parliamentary election is not required until 5 years after independence.

There were 23 women in the 88-seat Assembly. Women held two senior cabinet positions, Minister of State and Minister of Finance and Planning, and three vice minister positions. One of the three judges on the Appeals Court was a woman.

Small ethnic minority groups existed within the country. They generally were well integrated into society; therefore, the number of members of such groups in Parliament and other government positions was uncertain. Citizens of minority ethnicity are not precluded from holding office. Both the Prime Minister and the Secretary of State for Defense are members of ethnic minority groups.

Section 4. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A wide variety of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Nongovernmental organizations (NGOs) have played an active role in assisting and advising in the development of the country, and numerous NGOs were established over the last 3 years.

The new Immigration and Asylum Act passed in September contains provisions that may limit the work of international NGOs, particularly those engaged in human rights advocacy. According to the new law, foreigners are prohibited from taking part in political activities. Specifically, foreigners may not engage, organize, or participate in activities including parades, rallies, and meetings of a political nature or that involve the affairs of the State. This provision could preclude foreigners and international NGOs from assisting labor unions or projects to promote the development of civil society. The rule could also allow the Government to restrict non-citizens from monitoring the criminal or judicial systems. There is a narrow exception in the new law, which exempts activities contracted by government institutions, funded by bilateral or multilateral assistance programs, and aimed at training or strengthening democratic institutions, which are constitutional and regulated by law or strictly academic in nature. A separate provision of the law allows the Government to prohibit foreigners from holding conferences and cultural exhibitions if the Government believes that the activities would jeopardize the interests of the country.

Although Parliament originally passed the bill on April 30, the President exercised his prerogative to request a constitutional review of the bill by the Appeals Court. After the Appeals Court found Articles 11 and 12 unconstitutional, the President vetoed the bill; however, on September 29, Parliament, by a two-thirds majority, voted to override the President's veto. The President subsequently signed the law, and it went into effect on October 15.

During the controversy over passage of the Immigration and Asylum Act, government officials repeatedly stated that the Act would not be used to restrict the legitimate activities of NGOs. However, in November, government officials threatened to use the Act against the International Republican Institute (IRI), which normally operated without government interference. In response to advance press reports that characterized the results of an IRI-sponsored public opinion poll as unfavorable to the Prime Minister, personnel from the office of the Prime Minister called to inform the IRI that the Prime Minister would declare the IRI to be in violation of the Immigration and Asylum Act. The IRI held its press conference announcing the poll results, and the Government did not declare that the IRI had violated the law; however, later in November, members of Parliament told the IRI that the President of Parliament had ordered them to stop attending meetings of the Women's Caucus that were sponsored by the IRI.

The Constitution mandates the creation of a Provedor (Ombudsman). On July 23, the Prime Minister and the Council of Ministers approved legislation to implement this provision, but had yet to submit the legislation to Parliament by year's end.

The CAVR, charged with inquiring into past human rights violations, is headed by 7 national commissioners and 29 regional commissioners in 6 regional offices.

The CAVR seeks truth and reconciliation through testimonials by victims and perpetrators of human rights violations. The Commission held numerous reconciliation meetings in locations throughout the country, in which perpetrators of relatively minor crimes during the 1999 campaign of violence confessed to their offenses and were reconciled with their victims and their communities. The CAVR has also addressed broader issues through public hearings and testimonials. For example, the CAVR held a 2-day public hearing on Women and Conflict, in which 14 women testified that during the Indonesian occupation they had been subjected to or had witnessed human rights violations including rape, destruction of homes, coercive family planning practices, and exiling of family members. The CAVR held a similar hearing on forced displacement and famine, and another to hear eyewitness testimony regarding several of the major massacres that occurred in the country during the occupation.

Section 5. Discrimination Based on Race, Sex, Disability, Language, or Social Status

Government regulations prohibit all forms of discrimination. Nonetheless, violence against women was a problem, and discrimination against women, persons with disabilities, and members of minority groups occurred.

Women.—Domestic violence against women was a significant problem, and sometimes was exacerbated by the reluctance of authorities to respond aggressively to cases of alleged domestic violence. For example, a woman was hospitalized, allegedly after her husband beat her severely; however, police reportedly knew of the incident but did not act because the woman had not made an official complaint. In another case, a man brutally beat his pregnant sister, but the authorities dropped the matter after ordering him to report to authorities weekly for 2 months.

In some cases, a lack of resources was used to justify official inaction and failure to investigate or prosecute cases involving violence against women. For example, in May, police cited a lack of transportation as the reason they failed to arrest two chronic perpetrators of domestic violence. In another case, a man convicted of domestic violence charges was released on probation but was rearrested after he committed further acts of domestic violence. The man escaped from police custody 2 days later and returned to his wife's house. He was not rearrested for 2 weeks even though the police knew he was at his wife's house because, according to police, the officers lacked transportation.

Failures to investigate or prosecute, as well as long delays, also were common in cases of alleged rape and sexual abuse. While there were some examples of the justice system effectively pursuing cases involving violence against women, many cases were not pursued. For example, a man allegedly attempted to rape his 5-year-old niece on several occasions, the last on April 25. When the case was brought before a judge, the child's mother reportedly said she wanted to resolve the case using traditional law, and the judge released the suspect from custody. In another case, a woman who had been sexually assaulted took her case to police after failing to receive redress using traditional law. Police reportedly told her to drop the case because they claimed incorrectly that sexual abuse not resulting in rape is a civil rather than criminal matter. In yet another case, a woman believed to have a mental illness reported being raped by two men but did not receive medical care or an examination because the local police had no means to transport the woman to Dili. The two men were not prosecuted.

Official discrimination or lack of interest has also been alleged in cases in which women were victims of other crimes including homicide, kidnapping, and assault.

Government regulations prohibit persons from organizing prostitution; however, prostitution itself is not illegal. The Government had deported some alleged prostitutes on the grounds that they violated the terms of their visas.

There were no reports of gender-based employment discrimination during the year; however, women usually deferred to men when job opportunities arose at the village level.

Some customary practices discriminate against women. For example, in some regions or villages where traditional practices hold sway, women may not inherit or own property.

UNTAET created a Gender Affairs Unit, and this unit continued under the Government as the Office for the Promotion of Equality within the Prime Minister's office. The unit provided training to women entering public service and attempted to ensure women have a voice in the new government and civil society structures.

The East Timorese Women's Forum (FOKUPERS) offered some assistance to women who have been victims of violence and established a women and children's shelter for victims of domestic violence and incest. East Timor Women against Violence is a human rights NGO that supports women's rights. Various other NGOs have supported women through microcredit lending.

Children.—The Constitution stipulates that primary education shall be compulsory and free; however, no legislation establishing a minimum level of education to be provided has been adopted, nor has a system been established to provide for free education. According to a U.N. study, approximately 25 percent of primary education age children nationwide were not enrolled in school. The figures for rural areas were substantially worse than those for urban areas. Only 30 percent of children in lower secondary education (ages 13–15) were enrolled, with an even greater difference between urban and rural areas. At least 10 percent of children do not even begin school. These statistics are fairly consistent for both male and female students.

The low rate of vaccinations against communicable diseases was a serious concern. The U.N. estimated that only 5 percent of children between 12 and 23 months had been fully vaccinated and that 58 percent of children in this age range had not received any vaccinations. Under the U.N.'s Extended Program on Immunization, vaccinations and refrigeration equipment have been supplied to clinics in locations around the country. However, accessibility to these clinics and the lack of understanding of the need for vaccinations remained problems.

Persons with Disabilities.—Although the Constitution protects the rights of persons with disabilities, the Government has not enacted legislation or otherwise mandated accessibility to buildings for persons with disabilities, nor does the law prohibit discrimination against persons with disabilities. Nonetheless, there were no reports of discrimination against persons with disabilities in employment, in education, or in the provision of other state services; however, difficult access to schools in many districts resulted in many children with disabilities not attending school. Training and vocational initiatives did not give attention to the needs of persons with disabilities. During the year, some persons with mental disabilities faced discriminatory and/or degrading treatment due in part to a lack of appropriate treatment resources. In April, police detained a mentally disabled man in the local jail because there were no mental health facilities to care for him. He was released several weeks later. There were also reports in which families used shackles to restrain a family member with a mental illness because they did not have access to proper treatment facilities. Mental health authorities were able to intervene and provide treatment in some cases, but in general lacked the resources and staff to treat more than a small fraction of the country's mental health cases.

National/Racial/Ethnic Minorities.—Ethnic Chinese (who make up less than 1 percent of the population) and ethnic-Malay Muslims were sometimes discriminated against. Tensions between different language groups also were a problem. The adoption of Tetum and Portuguese as the two official languages appeared to exclude some non-Portuguese speakers from non-Tetum speaking regions of the country from political and civil service positions.

Section 6. Worker Rights

a. The Right of Association.—The country has a labor code based on the International Labor Organizations (ILO) standards. The law permits workers to form and join worker organizations without prior authorization. Unions may draft their own constitutions and rules and elect their representatives; however, attempts to organize workers generally have been slowed by inexperience and a lack of organizational skills. During the year, the Government established official registration procedures for trade unions and employer organizations.

Although there are no restrictions that would prevent unions from forming or joining federations or from affiliating with international bodies, the Immigration and Asylum Act prohibits foreigners from participating in the administration of trade unions.

b. The Right to Organize and Bargain Collectively.—While collective bargaining is permitted, workers generally had little experience negotiating contracts, promoting worker rights, or engaging in collective bargaining and negotiations.

The law provides for the right to strike, but few workers exercised this right during the year. In April, taxi drivers staged a brief strike. In September, some airport workers went on strike to protest the firing of two colleagues. This strike was allowed to continue peacefully even after a foreign labor leader was arrested for assaulting a police officer.

On December 4, Chubb Security fired 32 employees contracted to the World Bank for striking. The striking employees were protesting a wage cut implemented as a result of a new contract between the World Bank and Chubb Security several months earlier. Prior to the strike, the workers conducted 8 days of nonviolent picketing outside the World Bank offices. According to the labor union representing the workers, Chubb Security violated the rights of the workers because it failed to give

the legally mandated 30 days' notification prior to termination. Chubb Security defended its action by citing a clause in the labor law, which prohibits employees who provide an essential service, such as police, medical professionals, and persons providing public transportation, from striking. A government official stated that this case is expected to be resolved by the Labor Relations Board as soon as the members of the board are sworn in.

There are no export processing zones.

c. Prohibition of Forced or Bonded Labor.—Government regulations prohibit forced and bonded labor, including by children, and there were no reports that such practices occurred during the year. However, in the past, local leaders required a number of returnees accused of involvement in the post-September 1999 destruction to engage in compulsory labor as a means of punishing them for their alleged offenses. Examples of such compulsory labor included repairing damaged structures and community service in villages. The Government tolerated this practice. More recently the imposition of compulsory labor gave way to a “reception, truth, and reconciliation” process in which returning ex-militia members agreed to perform community service as a form of reparation for offenses they committed.

d. Status of Child Labor Practices and Minimum Age for Employment.—The Labor Code largely prohibits children under the age of 18 from working; however, there are circumstances under which children between the ages of 15 to 18 can work, and there are even exceptional exemptions for children under 15. The minimum age did not apply to family-owned businesses, and many children work in the agricultural sector. In practice enforcement of the Labor Code outside of Dili was limited.

e. Acceptable Conditions of Work.—The Labor Code does not stipulate formally a minimum wage; however, employers generally used and employees expected a wage of \$85 per month as a minimum standard. The Labor Code provides for a maximum workweek and overtime, minimum standards of worker health and safety, days off, and other standard benefits. As required by the Labor Code, the Government nominated members to the National Labor Board, the Labor Relations Board, and the Minimum Wage Board. These boards are expected to receive training and begin work early in 2004. In addition, there are no restrictions on the rights of workers to file complaints and seek redress within these codes or other legislation. Workers have the right to remove themselves from hazardous conditions without jeopardizing employment; however, it was not clear that they could avail themselves of this right in practice. The law treats all workers, legal and illegal, the same in terms of wages and working conditions.

f. Trafficking in Persons.—The law prohibits trafficking in women and children, whether for the purposes of prostitution or for forced labor; however, there were several reports during the year of women and girls trafficked into the country for purposes of prostitution. In most reported trafficking cases, the victims and the traffickers were foreign nationals. On March 27, authorities raided a “fitness center” and discovered a foreign couple running a brothel with women and girls who had been recruited in Thailand with promises of employment as masseuses in a legitimate fitness center. The women and girls reported that soon after their arrival in East Timor, the owners began pressuring them to take part in prostitution, revealing that their rate of pay for legitimate employment would make it impossible to pay off transportation loans of \$1,500. Most of the victims, including one 15-year-old and one 17-year-old girl, were returned to Thailand where they were offered shelter and counseling by an NGO that assists trafficking victims. Others were allowed to remain in East Timor for a limited time in order to assist in the investigation and prosecution of the traffickers. Additional investigations resulted in the discovery and closing down of several similar activities. During the year, UNMISSET and the Government established a working group to monitor and control trafficking.

FIJI

Fiji is a constitutional republic with an elected President, Prime Minister, and Parliament. Ethnicity remained a dominant factor in the country's politics, economy, and society. Following free and fair elections in 2001, the political situation improved; however, concerns remained about the composition of the Cabinet. The 1997 Constitution requires that any party receiving more than 10 percent of the seats in Parliament be given cabinet positions. However, when Prime Minister Laisenia Qarase of the Duavata ni Lewenivanua (SDL) party formed a government in late 2001, it excluded the Fiji Labor Party (FLP) led by deposed Prime Minister

Mahendra Chaudhry, although the FLP had won substantially more than 10 percent of the parliamentary seats in the 2001 elections. The FLP took legal action against the Government, and in July the Supreme Court ruled in favor of the FLP. Subsequent negotiations between Qarase and Chaudhry broke down over the exact numbers of FLP M.P.s to be admitted into Qarase's Cabinet. The Supreme Court is expected to hear the resulting case in early 2004. The final two co-conspirators of May 2000 coup leader George Speight, Timoci Silatolu and Josefa Nata, were convicted of treason in March and sentenced in June. The Vice President, a government minister, and the Deputy Speaker of Parliament were all awaiting trial at year's end for their participation in Speight's takeover of Parliament in May 2000. The Constitution provides for an independent judiciary; however, the judiciary at times was subject to political influence.

During the year, civilian authorities generally exercised effective control of an unarmed civilian police force and the small Republic of Fiji Military Forces (RFMF). There were no instances where security forces acted independently of government authority. There were no reports of human rights abuses by the RFMF. However, there were occasional complaints of human rights abuses by the police.

The population of approximately 845,000 is multiracial and multicultural, with indigenous Fijians making up 51 percent, Indo-Fijians (descendants of immigrants from the Indian subcontinent) 42 percent, and Asians, Caucasians, and other Pacific Islanders making up the rest. Indo-Fijian families dominated the business sector and enjoyed higher average incomes; however, indigenous Fijians were the majority in government ministries and comprised the vast majority of members of the armed forces. One of the Government's primary goals was an affirmative action program, or "Blueprint," designed to aid indigenous Fijians in education and business. Sugar and tourism accounted for more than half of foreign exchange earnings. The inefficient sugar industry was hampered severely by industrial disputes and an outmoded infrastructure; however, tourism recovered during the year to just over the level it occupied before the 2000 coup. Foreign investment was depressed due to continuing concerns about the resolution of land lease issues and the pending Cabinet composition court case. The country's major trading partners, Australia and New Zealand, lifted sanctions imposed after the 2000 coup. Skilled workers and professionals continued to emigrate in large numbers.

The Government generally respected the human rights of its citizens; however, there were serious problems in some areas. Constitutional provisions maintain an ethnically based electoral system, and a number of government policies on hiring, education, and land tenure preferences provided protection for indigenous Fijian interests in accordance with those provisions. The ethnic divide between the governing SDL (mainly composed of indigenous Fijians) and the FLP (mainly composed of Indo-Fijians) remained a recognized obstacle to long-term political stability. The Prime Minister increasingly identified himself as the leader of all Fijians rather than of a single ethnic group. Nonetheless, ethnic discrimination remained a serious problem. On several occasions, Members of Parliament (M.P.s) made racist remarks against Indo-Fijians. A few evictions of Indo-Fijian tenant farmers by indigenous Fijian landowners continued to occur, although at a much lower rate than in previous years. Occasional police abuse of detainees and suspects occurred. Other human rights problems included restrictions on freedom of assembly, violence and discrimination against women, and some instances of abuse of children. Concerns were also raised about a proposal to replace Fiji's industry-constituted Media Council with a government-controlled one.

RESPECT FOR HUMAN RIGHTS

Section 1. Respect for the Integrity of the Person, Including Freedom From:

a. Arbitrary or Unlawful Deprivation of Life.—There were no reports of the arbitrary or unlawful deprivation of life committed by the Government or its agents during the year.

b. Disappearance.—There were no reports of politically motivated disappearances.

c. Torture and other Cruel, Inhuman, or Degrading Treatment or Punishment.—The Constitution provides for freedom from torture and cruel, inhumane, degrading, or disproportionately severe treatment or punishment; however, there were some reports of abuses by police.

The Police Department's Internal Affairs Unit is required to investigate complaints of police brutality. The law permits corporal punishment as a penalty for criminal acts, but the courts seldom invoked this provision. In response to public concern regarding police brutality, the Human Rights Commission conducted training courses for police field investigators, sergeants, and prison officers during the year.

In 2002, the son of deposed Prime Minister Mahendra Chaudhry filed suit against the 2000 coup leaders and several government institutions, including the army, seeking damages for abuses allegedly suffered while he was held hostage during the May 2000 armed invasion of Parliament. He indicated that he had been assaulted on several occasions and subjected to severe physical and mental cruelty. This case was still pending at year's end.

Prison conditions did not meet international standards, and prison conditions, particularly at Suva and Naboro Prisons, remained poor. The prison system was seriously underfunded, with deteriorating infrastructure and poor delivery of essential services, including food and sanitation. There were 991 prisoners in 18 prisons countrywide; the combined capacity for all prisons was 987 persons. Men and women were held separately; juveniles were held separately from adults; and pretrial detainees were separated from convicted prisoners.

The Government maintained a separate detention center on Nukulau Island near Suva for May 2000 coup leader George Speight and two of his supporters who were also convicted of treason. Detainees were granted some freedom of movement, including recreation, but facility access remained tightly controlled. Family members and a few other visitors were permitted to visit; however, the International Committee for the Red Cross (ICRC) was denied access. The police continued to investigate a number of Speight's supporters and those who financed the attempted takeover of Parliament in May 2000. At year's end, all of the others arrested in connection with the events of May 2000 had been convicted of lesser charges or released.

Aside from the special regime for prisoners on Nukulau Island, the Government permitted visits to prisons by church groups, family members, and the Fiji Red Cross.

d. Arbitrary Arrest, Detention, or Exile.—The law provides that a person may be arrested only if police believe that a criminal law has been broken or is about to be broken. Arrested persons must be brought before a court without “undue delay.” This requirement normally is taken to mean within 24 hours, with 48 hours as the exception. Detainees have the right to a judicial review of the grounds of their arrest; however, incommunicado and arbitrary detention continued to occur on occasion.

Corruption in the police force was a problem. Undertrained police officers received only on-the-job instruction, which may have contributed to the problem. In 2002, the police hired a large number of decommissioned military personnel as special constables, many of whom had criminal records. Police and immigration officials faced serious corruption charges relating to the entry of illegal Chinese immigrants into the country. Newspaper articles linked prominent police officials to an organized crime figure from the People's Republic of China (PRC), and police were accused of providing protection, forging documents, and destroying key files relating to criminal activity. At year's end, the criminal figure had eluded deportation, and no investigations had been initiated against the officials in question.

During the year, the Government hired an experienced Australian Commissioner of Police, who initiated programs to improve low police morale, addressing issues such as inadequate resources, long hours, and low pay.

The Constitution prohibits forced exile, and the Government did not practice it.

e. Denial of Fair Public Trial.—The Constitution provides for an independent judiciary; however, the judiciary at times has been subject to political influence.

The judicial structure is patterned on the British system. The principal courts are the magistrate courts, the High Court, the Court of Appeal, and the Supreme Court. Eight of nine Supreme Court justices are expatriate judges, who are often used in key cases at lower levels. There are no special courts; military courts try members of the armed forces. Magistrate courts continued to try the large majority of cases. In addition to its jurisdiction in serious civil and criminal cases, the High Court is granted special interest jurisdiction on behalf of the public and is empowered to review alleged violations of individual rights.

Defendants have the right to a public trial and to counsel. Trials in the High Court provide for the presence of assessors (citizens randomly selected to represent the community); cases in magistrate courts do not. Many rape and sexual assault cases were heard in the magistrate courts; since magistrates are not authorized to impose sentences longer than 5 years in prison, this resulted in light sentences in most domestic or family law cases. The Legal Aid Commission provided counsel to some indigent defendants, a service supplemented by pro bono services from private attorneys. The right of appeal existed but was hampered by delays in the judicial appeals process. Bail was granted freely. The courts had a significant backlog of cases, with processing slowed further by a shortage of prosecutors. Some defendants faced lengthy pretrial detention.

The law sometimes treated women differently from men. In some instances, there was a presumption of reduced competence and thus reduced responsibility for women. For example, only women could be charged with infanticide; if a man kills an infant, the act is treated as murder, a more serious charge. A female defendant in an infanticide case was presumed to have diminished mental capacity, and sentences were reduced or suspended accordingly. The controversial draft Family Law Bill introduced in 2002 was finally voted into law in November. Its provisions include giving illegitimate children the same rights as legitimate children, the establishment of “no fault” divorce, and the establishment of a family court.

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home or Correspondence.—The Government generally respected the privacy of the home. However, the Home Affairs Ministry, as well as the police and the armed forces, have the power and capability to search persons and property, access private financial records, and monitor mail and telephones when a warrant is issued by the National Security Council. Police checkpoints were seen much less often than in the previous year; military checkpoints were not used during the year. The Home Affairs Ministry conducted surveillance of persons whom it believed represented a security threat.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution provides for freedom of speech and of the press, and the Government generally respected these rights in practice. Controls instituted in July 2000 restricting the right to meet and speak out on human rights and democracy were eliminated in 2001.

The Media Council’s Complaints Committee, a private watchdog group of media and academic figures, accepted complaints related to the media and published its findings during the year. Most of the complaints cited inappropriate media coverage, including invasions of privacy, and there were no complaints regarding government pressure on or interference with the media.

The Government proposed changes to the Media Council that would replace the current body with a government-constituted Council. Public reaction was strong and almost universally negative. By the end of the year, the Government’s plans remained on hold, but had not been withdrawn.

A variety of opinions, including criticism of the Government, were heard in all major media outlets. Political figures and private citizens could and did speak out regarding the country’s political situation and against the Government. Letters on editorial pages and editorials that ran in the three English-language dailies frequently contained political statements from a wide cross section of society critical of the Government. However, the Public Order Act and other laws prohibited actions that were likely to incite racial antagonisms. The Government generally did not interfere in the daily operations of the media.

Legislation pertaining to the press is contained in the Newspaper Registration Act and Press Correction Act. Under these acts, all newspapers must be registered with the Government before they can publish. The acts give the Minister of Information sole discretionary power to order a newspaper to publish a “correcting statement” if, in the Minister’s view, a false or distorted article was published. Should a newspaper refuse to publish the Minister’s correction, it can be sued in court and, if found guilty, fined approximately \$500 (FJ\$925). Individuals in such cases can be fined, imprisoned for 6 months, or both. These acts authorize the Government to arrest any person who publishes “malicious” material. This would include anything the Government considered false information that could create or foster public alarm or result in “detriment” to the public. However, this authority has never been used.

The country’s television news production was owned and operated by Fiji One, one of only two national non-cable television stations. A trust operating on behalf of the provincial governments owned 51 percent of Fiji One; the other 49 percent was owned by private individuals and interests. The Government removed Fiji One’s monopoly status, but by year’s end, no other commercial broadcast television stations were in operation. The Government owned the Fiji Broadcasting Corporation, which operated four radio stations. There were several thriving independent radio stations broadcasting in English, Fijian, and Hindi.

Under the Television Act, the Government is allowed to influence programming content. The Government considered legislation requiring Fijian-culture content programming; however, there was no attempt to use the programming authority during the year.

In the past, government holdings in Fiji TV One and the Fiji Post and Fiji Sun newspapers raised questions as to the complete independence of the press. However, these and other media outlets frequently criticized the Government during the year

regarding implementation of its affirmative action policies, ministerial competence, alleged scandals, and racist remarks by M.P.s. Muted criticism of the traditional chiefly system has also appeared.

The Fiji News Council worked to improve journalistic standards, safeguard media independence, and resolve complaints from the public. The Fiji Islands Media Association, an affiliate of the Pacific Islands News Association, also provided training opportunities for journalists and established a media code of ethics.

The Government did not restrict Internet access.

Academic freedom was generally respected; however, government work-permit stipulations and University of the South Pacific contract regulations effectively deterred most university employees from participating in domestic politics. Many academics wrote for the media and included disclaimers in their work to preclude contract or work permit problems.

b. Freedom of Peaceful Assembly and Association.—The 1997 Constitution provides for the right to assemble for political purposes, subject to restrictions in the interest of public order. In practice, most applications for the required meeting permits were denied.

The 1997 Constitution provides for freedom of association, and the Government generally respected this provision in practice. Other than the restrictions on public meetings, opposition parties operated without government interference. Political organizations operated and issued public statements.

c. Freedom of Religion.—The 1997 Constitution provides for freedom of religion, and the Government generally respected this right in practice. The Government did not restrict foreign clergy and missionary activity or other typical religious activities. Religious groups were not required to register. Religious differences are largely along ethnic lines; most ethnic Fijians are Christians, and most Indo-Fijians are Hindu, with a sizable minority of Muslims. The Government protected the rights of all religious groups. However, junior Muslim civil servants in the Revenue and Customs Authority were ordered to shave off their beards, on the grounds that beards were not neat and gave an unprofessional image to the organization. Some of these employees requested a reversal of the order, but it remained in effect at year's end. The major holidays of Christianity, Hinduism, and Islam were celebrated nationally.

The role of religion was tied closely to existing racial antagonisms and continued to be a political issue. Prominent figures in the Methodist Church and allied political parties continued to advocate the establishment of a Christian state. This position received public support from several M.P.s. The Church has displayed strong nationalist sympathies; former Methodist Church General Secretary Tomasi Kanilagi was appointed a senator in 2001. During the year, a number of Fiji's Senators made remarks perceived to be racially biased. Those parties dominated by Indo-Fijians did not support the establishment of a Christian state and insisted that church and state should remain separate. The Prime Minister's SDL party remained silent on the issue.

Religious leaders in the minority Muslim population continued to request the establishment of separate Islamic courts for their community; however, the issue was not prominent during the year. In 2002, a small Hindu temple suffered minor vandalism; the Government and others condemned the act.

For a more detailed discussion, see the 2003 International Religious Freedom Report.

d. Freedom of Movement within the Country, Foreign Travel, Emigration, and Repatriation.—The Constitution provides for these rights; however, the Government has broad powers to limit freedom of movement in the interest of national security, and access to Nukulau Island, site of a maximum-security detention center for persons charged with treason, was restricted during the year.

Citizens are free to emigrate. The majority of emigrants have been Indo-Fijians, although many ethnic Fijians have left the country as well. The Government does not restrict the return of citizens. Occasional detentions at the airport occurred, but the courts have ordered redress where warranted.

The law includes provisions for providing refugee and asylum status in accordance with the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. The Government cooperated with the office of the U.N. High Commissioner for Refugees and other humanitarian organizations in assisting refugees. In the past, the Government has been reluctant to grant temporary protection without assurances that the asylum seeker would be moved to a third country.

There were no reports of the forced return of persons to a country where they feared persecution.

Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government

The 1997 Constitutional amendments reduced the ethnically based factors that previously had abridged the right of citizens to change their government. Under the provisions of the amended Constitution, the Prime Minister and the President may be of any race. The amendments established a 71-member lower house with 25 seats open to any ethnicity and 46 seats allocated to different ethnic communities. The unprecedented open seats were established by an electoral commission and apportioned into districts of approximately equal population. Of the 46 communal seats, 23 were allotted to indigenous Fijians, 19 to Indo-Fijians, 3 to "general voters" (for the most part mixed-race, Caucasian, and East Asian voters), and 1 to Rotumans (an ethnically distinct Polynesian group). These allotments are roughly proportional to the current ethnic composition of the country's population. The amended Constitution also contains an alternate voting system for elections to the lower house to replace the first-past-the-post system of the previous constitution. The Senate remained an appointed body, in which the President appoints 32 members and approves 14 members nominated by the Great Council of Chiefs, 9 nominated by the Prime Minister, 8 nominated by the opposition leader, and 1 nominated by the Council of Rotuma. Several persons prominently and publicly involved in the 2000 coup were named to the Senate by the Prime Minister.

In August 2001 elections, Prime Minister Laisenia Qarase's SDL party received the largest number of seats in Parliament; Qarase was asked to form a government by President Iloilo. However, despite a constitutional provision requiring that any party which receives more than 10 percent of the seats in Parliament be offered inclusion in the Cabinet, the Qarase Government excluded Mahendra Chaudhry's Fiji Labor Party (FLP). Chaudhry subsequently took legal action against Qarase; due to the appointment of a new Chief Justice in July 2002 and to dilatory tactics by the Government, the case was not heard until June 2003, with a decision handed down in July. The Supreme Court affirmed the 2002 decision of the Court of Appeal and instructed the Prime Minister to proceed with an offer of cabinet seats for Chaudhry's party. Subsequent negotiations between Qarase and Chaudhry broke down over the exact numbers of FLP M.P.s to be admitted into Qarase's Cabinet; the Supreme Court is expected to hear the resulting case in early 2004.

Timoci Silatolu and Josefa Nata, the final two co-conspirators of May 2000 coup leader George Speight, were convicted of treason in March and sentenced in June. In May, charges also were brought against Vice President Jope Seniloli, who had served as the president of the rebel government, and against Minister for Youth and Sport Isireli Leweniqila, for their participation in Speight's takeover of Parliament in May 2000. At year's end, Vice President Seniloli and Minister Leweniqila, as well as Deputy Speaker of Parliament Ratu Rakuita Vakalalabure, were awaiting trial on coup-related charges.

The reluctance of witnesses to provide statements against prominent citizens allegedly involved in the takeover of Parliament reportedly has hampered investigations. During the year, there were continued calls for action against some persons implicated but still not charged in the May 2000 coup, the November 2000 mutiny, and a separate, abortive mutiny conspiracy in December 2000.

Fiji's 71-seat House of Representatives included 5 elected and one appointed female M.P.s, while the 32-member Senate included two women. After the 2001 election, four ethnic Fijian women were appointed to the Cabinet (two as ministers and two as assistant ministers). Women also play important roles in the chiefly system and can be chiefs in their own right. The wife of former President Ratu Mara is one of the three highest-ranking chiefs.

Section 4. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A number of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials were generally cooperative and responsive to their views.

The constitutionally mandated Human Rights Commission (HRC) appeared to be impartial and independent. The HRC has received approximately 1,000 requests for assistance since it began operation in 1999. Most involved alleged abuses by military, police, and prison officers following the 2000 coup. Although it had a backlog, the commission worked closely with the judiciary and government officials to address outstanding cases. The HRC has investigated most of the coup-related claims, as well as allegations against the military involved in the November 2000 mutiny. The HRC's work was hampered by the Constitutional Redress Rules, which stipulated that the HRC and others had to file a human rights case in the High Court

within 30 days of receiving the complaint. The HRC continued to host a weekly radio program to educate citizens about their rights under the 1997 Constitution, and it conducted educational workshops and training.

There were also several small, foreign-based organizations that concentrated on local human rights causes, including the Coalition for Democracy in Fiji (with offices in New Zealand and Australia) and two United Kingdom-based groups, the International Fiji Movement and the Movement for Democracy in Fiji. There was little interaction between the Government and these groups.

The ICRC continued to operate an office in the country.

Section 5. Discrimination Based on Race, Sex, Disability, Language, or Social Status

The Constitution prohibits discrimination based on race, sex, place of origin, political opinion, color, or creed. It also provides specific affirmative action provisions for those disadvantaged as a result of such discrimination. A compact included in the Constitution specifically provides for affirmative action and “social justice” programs to secure effective equality of access to opportunities, amenities, and services for ethnic Fijians and Rotumans and for all disadvantaged citizens and groups. The Constitution cites the “paramountcy” of Fijian interests as a guiding principle for the protection of the rights of indigenous citizens.

Women.—Domestic abuse, rape, and incest were major problems. Reliable estimates indicated that 10 percent of women had been abused in some way. An active women’s rights movement addressed the problem of domestic violence. Police have adopted a “no-drop” rule, under which they prosecute cases of domestic violence even when the victim does not wish to press charges. Nonetheless, cases of domestic abuse and incest were often dismissed by courts or received minimal sentences. The traditional practice of reconciliation between the aggrieved parties was sometimes taken into account to mitigate sentences in domestic violence cases, particularly in cases of incest.

The women’s rights movement pressed for serious punishment for rape. Sentences varied widely but were generally lenient. Women’s groups continued to urge that all rape cases be heard in the High Court, where lengthier sentences were available. However, by law an accused rapist retains the right to choose between the High Court and magistrates’ courts. Only one case in the last 7 years has been sent to the High Court for sentencing, after it was tried in the magistrates’ courts. In December, a sentence of 11 years was issued in that case, the rape of a foreign citizen. Since there have been no effective prosecutions for marital rape, women’s activists continued to press for the explicit inclusion of marital rape in a new Domestic Violence Bill, due to be debated by Parliament in 2004.

Prostitution is illegal; however, it was a growing problem, particularly in Suva. The law prohibits sex tourism as well as sexual harassment; neither was considered to be a significant problem.

Suva, Ba, Labasa, and Lautoka have women’s crisis centers funded by foreign governments, which offer counseling and assistance to women in cases of domestic violence, rape, and other problems such as child support. The NGO Femlink Pacific distributed information at the grassroots level and encouraged community-based dialogue. The Ministry of Women provides a Gender Awareness Program to educate soldiers and police officers about women’s issues.

Under the Constitution, male and female citizens enjoy equal rights in regard to the granting of residence for spouses, and with regard to the registration and racial designation of children for purposes of enrollment on electoral rolls and entitlement to ethnic communal property rights.

Women had full rights of property ownership and inheritance, and a number were successful entrepreneurs. Other than a prohibition on working in mines, there were no legal limitations on the employment of women. Women were generally paid less than men.

Children.—Although hampered by resource constraints, the Government devoted 19 percent of the national budget to education and also worked to improve children’s health and welfare. School is mandatory until age 15. The inability of some families to pay school fees and bus fare limited attendance for some children. During the year, in response to a case brought by the HRC, the High Court ruled that corporal punishment in schools was illegal. Before the Court’s decision, there were several reports of corporal punishment in schools early in the year.

Societal changes have undermined traditional village and extended family-based structures. Outgrowths of these changes have included increased child abuse and a number of homeless youths in urban areas. Some youths found employment in the informal sector. Children worked on the streets, in homes as domestics, and in auto repair shops. Homeless children were often seen on the street working as shoeshine boys or involved in prostitution. A 2001 police report noted increases in the number

of street children engaged in prostitution. Child prostitution, along with prostitution in general, appeared to increase during the year and affected both the ethnic Fijian and Indo-Fijian communities.

The Ministry of Labor had few or no resources to investigate reports of child labor or to charge offending employers. The legal system was inadequate to protect the rights of children, since children's testimony was largely inadmissible unless corroborated by an adult.

The Government provided free medical care for children at public health centers and hospitals. Government nurses provided free immunizations for children in primary schools.

Persons with Disabilities.—The Constitution provides for equality before the law of all persons, including persons with disabilities, and discrimination against the physically disabled in employment, education, and the provision of state services is illegal. However, there was no legislation or mandated provision for accessibility for persons with disabilities, and there was little or no enforcement of laws protecting persons with disabilities.

The Fiji National Council for Disabled Persons worked to protect the rights of persons with disabilities. Several voluntary organizations also promoted greater attention to the needs of persons with disabilities.

Persons with mental disabilities were largely separated from society and were normally supported at home by their families. There were a few special schools for persons with mental disabilities; however, their costs limited access.

National/Racial/Ethnic Minorities.—Tension between ethnic Fijians and Indo-Fijians has been a longstanding problem. While 1997 amendments to the Constitution noted that “the composition of state services at all levels must be based on the principle of reflecting as closely as possible the ethnic composition of the population,” it also specified the “paramountcy of Fijian interests” as a protective principle (see Section 5). George Speight, leader of the Parliament takeover in May 2000, professed to be acting on behalf of ethnic Fijians in his attempt to overthrow a government led by the country's first Indo-Fijian Prime Minister (see Section 3).

Senators appointed by the Prime Minister have made numerous racial slurs directed against Indo-Fijians.

During the year, the SDL Government worked to ensure the political supremacy of ethnic Fijians. During the year, approximately one-fourth of valid complaints to the HRC dealt with racial and ethnic equality issues.

Land tenure remained a highly sensitive issue. Ethnic Fijians communally held over 80 percent of land, the Government held another 8 percent, and the remaining land was freehold. Ethnic Fijians' traditional beliefs, cultural values, and self-identity are tied to the land. Most cash crop farmers were Indo-Fijians, who leased land from the ethnic Fijian landowners through the Native Land Trust Board. Many Indo-Fijians, particularly farmers, believed that the absence of secure land tenure discriminated against them. Many traditional, communal indigenous Fijian landowners, in turn, felt that the rental formulas included in the Agricultural Land Tenure Agreement (ALTA) discriminated against them. A number of agricultural landlord and tenant agreement leases have expired, and many more will expire in the next few years. Racial tensions and grievances over low rents for agricultural lands resulted in several highly publicized illegal evictions of Indo-Fijians and reoccupations of land by native Fijian landowners. There were also several cases of Fijian landowners extorting so-called goodwill payments from their Indo-Fijian tenants. Almost none of these violations were prosecuted. The appointment of a respected moderate as head of the Native Land Trust Board in 2002 assuaged ethnic tension over land issues somewhat.

The Government pressed strongly for changes in the existing ALTA to accommodate landowner concerns; however, lacking sufficient support to amend the ALTA, Parliament took no action on the matter during the year.

In 2002, the Government implemented a new Rural Housing Assistance Scheme that, unlike the previous housing assistance plan, limited benefits to indigenous communities.

The minority Chinese community continued to grow dramatically, primarily through illegal immigration. There was a steep rise in illegal activities, including murder, that allegedly were connected to Chinese organized crime. A special police unit, the Asian Crime Unit, investigated criminal activity within the ethnic Chinese community.

Section 6. Worker Rights

a. The Right of Association.—The law protects the right of workers to form and join unions, elect their own representatives, publicize their views on labor matters, and determine their own policies, and the authorities respected these rights in prac-

tice. However, the law permitted restrictions to these rights in the interests of defense, public safety, public order, public morality, or public health, or to protect the rights and freedoms of other persons. In 2002, these restrictions were used by the Government to cut short strike actions. An estimated 55 percent of the wage-earning workforce was unionized.

All unions must register with, but are not controlled by, the Government. The major central labor body is the Fiji Trades Union Congress (FTUC), which in the past was associated closely with the opposition Fiji Labor Party; unions operated under its auspices. In recent years, the FTUC has adopted a more independent political stance. In August 2002, some unions broke away from the FTUC and formed a new labor group, the Fiji Island Council of Trade Unions. While certain unions remained ethnically based, both Indo-Fijians and ethnic Fijians held leadership roles in the trade union movement.

Unions can affiliate internationally; the FTUC is affiliated with the International Confederation of Free Trade Unions and the International Labor Organization (ILO).

In December, the Government, the FTUC, and the Fiji Employers' Federation signed a letter of intent reaffirming their commitment to respect the fundamental principles and rights contained in eight core ILO conventions.

b. The Right to Organize and Bargain Collectively.—Workers have the right to organize and bargain collectively. Employers are required to recognize a union if more than half of the employees in a workplace have joined it. The Government has the power to order recalcitrant employers to recognize unions, and has done so. Union recognition occurs when a fixed percentage of workers sign membership cards; no ballots are held to determine representation. Traditional key sectors of the economy, including sugar and tourism, were heavily unionized. However, there were no laws to protect workers who organized unions in a factory, resulting in low unionization in the country's garment factories. While the law encouraged unionization, union organizers' jobs were not protected. Since employers reserved the right to fire union organizers, some workers were afraid to unionize. Thus, unions were effective bargaining tools for older, more established industries, such as sugar and mining, but less effective for newer industries, such as the garment industry. Wage negotiations were generally conducted at individual companies rather than on an industry-wide basis.

Strikes are legal, except in connection with union recognition disputes, and trade unions can conduct secret strike ballots without government supervision. In order to carry out a legal strike, organizers must give the employer 28 days' notification. The Ministry of Labor also must be notified of the dispute and receive a list of all striking employees, the starting date of the strike, and location of the strike. This requirement is intended to allow the organizers, unions, employers, and Ministry of Labor time to resolve the dispute prior to a strike. There were 25 strikes in 2002, of which 20 were declared illegal by the Minister of Labour and Industrial Relations. During the year, there were 15 strikes, all of which were declared illegal. When a strike is declared illegal, the dispute is referred to a Permanent Arbitrator, but the strikers are ordered back to work. Most disputes, including those in which strike action was deemed illegal, were settled by referral to a Permanent Arbitrator.

Union officials operated without interference during the year.

Export processing zones (EPZs) are subject to the same laws as the rest of the country. However, the FTUC has been unsuccessful in obtaining collective bargaining agreements in EPZs and claimed that intimidation of workers by employers was widespread. The FTUC argued that because of illegal and intimidating practices, including threats of loss of work for those active in organizing workers, unions were effectively prevented from representing workers in the EPZs.

c. Prohibition of Forced or Bonded Labor.—The Constitution specifically prohibits forced or bonded labor, including by children, and there were no confirmed reports that such practices occurred. However, media reports and NGOs have alleged that work conditions in some garment factories might include forced or bonded labor and excessive work hours. In 2002, there were media reports of PRC women subjected to bonded labor at a garment factory.

d. Status of Child Labor Practices and Minimum Age for Employment.—The Government has adopted some laws to protect children from exploitation in the workplace, but enforcement of these laws was lax. Children under the age of 12 may not be employed in any capacity. Children under age 15 may be employed only outside of school hours in family enterprises, and not in the industrial sector. Young persons between the ages of 15 and 17 may be employed in certain occupations not involving heavy machinery, with specified hours and rest breaks. In practice, enforcement of these regulations by the Ministry of Labor was generally ineffective. There were

only two inspectors at the Ministry of Labor, who conducted regular annual workplace inspections, and no investigators to follow up claims or reports of violations. During the year, migration of rural youth to urban areas continued, and youths continued to find employment in the informal sector, including work as shoeshine boys, casual laborers, and in prostitution.

The Government has not ratified ILO Convention 182 on the worst forms of child labor. The law does not define the worst forms of child labor. The laws implementing and enforcing child labor regulations were insufficient; there were no adequate enforcement remedies and no comprehensive policy to eliminate the worst forms of child labor.

e. Acceptable Conditions of Work.—There was neither a national minimum wage nor a limit on maximum hours for working. Certain sectors had minimum wages set by the Ministry for Labor. Minimum wage levels provided a sparse but adequate standard of living for a worker and family in all sectors other than the garment industry, where no minimum wage applied. There were no regulations on maximum hours of work for adult males. Other than a prohibition from working in mines, there were no limitations on female employment. Workers in some industries, notably transportation and shipping, worked excessive hours. Factory housing for garment workers was overcrowded.

There are workplace safety regulations, a Worker's Compensation Act, and an accident compensation plan. However, government enforcement of safety standards suffered from a lack of trained personnel and lags in compensation hearings and rulings. Unions generally monitored safety standards in organized workplaces, yet many work areas did not meet standards and were not monitored by the Ministry of Labor for compliance. By law, employees have the right to remove themselves from a hazardous work site without jeopardizing their employment, but most feared the loss of their jobs if they did so. The ILO maintained an office in Suva.

There were a growing number of nonunionized and sometimes illegal immigrant workers (predominantly ethnic Chinese), particularly in the garment sector.

f. Trafficking in Persons.—There are no laws that specifically address trafficking in persons, although laws against procuring a woman to become a prostitute, kidnapping, and bonded and forced labor could be used to prosecute traffickers. There were no substantiated reports of trafficking in persons to, from, or within the country during the year.

There was an increase during the year in persons arriving in or transiting the country with altered or falsified travel documents; the police believed that an organized Asian criminal network in the country coordinated these and other illegal movements of persons. However, most appeared to be economic migrants rather than victims of trafficking. Police have received unsubstantiated reports of the use of forced labor from the PRC in the garment factories in Western Viti Levu, the country's largest island. However, law enforcement has made no arrests and has not investigated the reports. In 2002, there were media reports of PRC women forced to work as bonded laborers in a garment factory.

Child prostitution was also a problem, affecting both the ethnic Fijian and Indo-Fijian communities (see Section 5). There were no confirmed reports that children were trafficked to or from the country for this or any other purpose.

The Government did not sponsor or provide assistance to any programs to combat or prevent trafficking in persons.

INDONESIA

Indonesia is a republic with a presidential system and three branches of government. The President is head of state and serves a 5-year term for a maximum of two terms; the President was Megawati Soekarnoputri. The country's upper legislative body is the People's Consultative Assembly (MPR), which convenes once a year and has the power to amend the Constitution. Routine legislative affairs, including enacting legislation, are the responsibility of the 500-member House of Representatives (DPR). During the year, the Government made progress in its transition from three decades of repressive and authoritarian rule to a more pluralistic and representative democracy. This transition included a decision to reduce the formal political role of the police and military, who retained their appointed seats in the DPR during the year but were scheduled to relinquish them in 2004. The Constitution provides for an independent judiciary; however, in practice the courts remained subject to influence, including by the executive branch.

The military (TNI) ostensibly is responsible for external defense and the police are responsible for internal security; however, in practice, the division of responsibilities

continued to be unclear. They are known collectively as the security forces. The military played an overlapping role in internal security matters, particularly in conflict areas such as Aceh, the Maluku Islands, Central Sulawesi, and Papua (formerly known as Irian Jaya). There was considerable friction between the police and the TNI, but in conflict areas, joint operations were common. A civilian defense minister oversees the military, but in practice exercised very limited control over TNI policy and operations. The military and, to a much lesser extent, the police continued to wield significant political influence as well as economic power through businesses operated by security force members, their proxies, and foundations. The security forces showed greater willingness to hold accountable human rights violators within their ranks; at least 35 soldiers were court-martialed during the year and dozens of police officers were dismissed or otherwise disciplined. However, most such disciplinary actions involved lesser crimes, such as beatings, and in many cases punishments did not match the crime. Members of the security forces, including from the Army's Special Forces (Kopassus) and the Police Mobile Brigade (Brimob), continued to commit numerous serious human rights violations, including extrajudicial killings, torture, rape, and arbitrary detention.

During the year, the economy, which increasingly was market-driven, grew by 3.7 percent; however, 3 to 4 percent growth failed to reduce unemployment or to absorb the estimated 2.5 million new job seekers entering the market every year. Nonetheless, the actual poverty rate fell from 27 percent in 1999 to 16 percent in 2002. The population was approximately 230 million. Consumer demand was the leading force driving economic growth.

The Government's human rights record remained poor, and it continued to commit serious abuses. Security force members murdered, tortured, raped, beat, and arbitrarily detained civilians and members of separatist movements. The Government also frequently failed to protect adequately the fundamental rights of children, women, peaceful protestors, journalists, disabled persons, religious minorities and indigenous people, among others. Human rights abuses were most apparent in Aceh province, the scene of a long-running separatist revolt. Despite the signing of a December 2002 ceasefire between the Government and the Free Aceh Movement (GAM), little progress was made on demilitarization, and alleged violations by GAM prompted the Government to place the province under martial law on May 19 and launch its biggest military operation since 1975. This operation was aimed at eradicating GAM and was ongoing at year's end. Despite some evidence that military commanders wished to improve the behavior of their troops in the field, numerous human rights violations occurred. Unlawful killings, beatings, and torture by soldiers, police, and rebels were common. In many cases, the victims were not combatants but civilians. Accurate figures on human rights abuses in Aceh were extremely difficult to obtain.

In the provinces of Maluku, North Maluku, and Central Sulawesi, respect for human rights improved; however, beginning in October, there was an upsurge in violence in Central Sulawesi. Nevertheless, the death toll for the year fell: 22 persons were killed in Central Sulawesi, and 17 were killed in the Malukus. Approximately 200,000 persons remained displaced in the 3 provinces during the year.

In the easternmost province of Papua, where separatist sentiment has been strong for decades, there was no improvement in the human rights situation. The most serious violations took place in the Central Highlands, where at least one, and perhaps as many as 10, extrajudicial killings occurred, in addition to numerous acts of torture and politically motivated arson. The TNI and police jointly investigated the August 2002 ambush near the town of Timika, which killed three persons, but the probe was ineffectual, due largely to limited cooperation between the two security services. By year's end, no arrests had been reported. Also in Papua, the Government effectively delayed implementation of the Law on Special Autonomy for the province, undermining efforts to improve basic welfare and development. In contravention of the law, the Government also initiated the partition of the province into three separate provinces, which provoked clashes that resulted in the deaths of five persons in Timika.

Retired and active duty military officers who were known to have committed serious human rights violations occupied or were promoted to senior positions in both the Government and the TNI. During the year, the country's Ad Hoc Tribunal for Human Rights in East Timor convicted only four former or serving security force members of crimes against humanity over the 1999 violence in East Timor, in which at least 1,000 persons were killed. The tribunal's performance reinforced the impression that impunity would continue for soldiers and police who committed human rights abuses.

Terrorists, civilians, and armed groups also committed serious human rights abuses during the year, and the Government was in some cases unable or unwilling

to prevent these abuses. On August 5, members of the Jemaah Islamiyah (JI) terrorist organization set off a powerful bomb at Jakarta's Marriott Hotel, killing 12 persons. By year's end, the Government had arrested 14 persons for the bombing. The Government also achieved success in establishing accountability for the October 2002 bombings in Bali, which killed 202 persons. The Government identified, apprehended, and prosecuted at least 80 persons allegedly involved in the attack. In addition, mob vigilante action and religious groups purporting to uphold public morality continued to dispense "street justice."

Police used excessive and sometimes deadly force in arresting suspects and often used torture, sometimes fatally, in attempting to obtain information or a confession. Prison conditions remained harsh. The judicial system was corrupt, and this contributed to the Government's failure, in most cases, to provide redress to victims of human rights violations or hold civilian perpetrators accountable. Security force violators used political power, not money, to avoid justice. Land disputes generated numerous human rights abuses. These frequently involved forced evictions, some accomplished with lethal force. The Government jailed at least five peaceful anti-government protestors for "insulting the President" or "spreading hatred against the Government." Politicians and tycoons showed greater willingness to take legal action against news organizations whose work they found insulting or offensive, and this trend undermined press freedom. Members of the security forces and other groups limited freedom of expression by intimidating or attacking journalists whose content they found objectionable. The Government frequently restricted the activities of nongovernmental organizations (NGOs). Violence and discrimination against women remained problems. Female genital mutilation (FGM) occurred. Child sexual abuse and violence against children remained serious problems. Discrimination against persons with disabilities and mistreatment of indigenous people were problems. The Government allowed new trade unions to form and to operate, but it frequently failed to enforce labor standards or address violations of worker rights. Forced child labor remained a serious problem. Trafficking in persons was a serious problem; however, the Government took some initiatives to address the problem, including drafting an anti-trafficking law.

RESPECT FOR HUMAN RIGHTS

Section 1. Respect for the Integrity of the Person, Including Freedom From:

a. Arbitrary or Unlawful Deprivation of Life.—The security forces continued to employ unlawful killing against rebels, suspected rebels, and civilians in separatist zones, where most of the politically motivated extrajudicial killings occurred. There was evidence that the TNI considered anyone its forces killed to have been an armed rebel, particularly in areas where the TNI had announced an operation and told all civilians to leave. The security forces also committed numerous extrajudicial killings that were not politically motivated. The Government largely failed to hold soldiers and police accountable for such killings and other serious human rights abuses, particularly in Aceh.

The TNI tried, jailed, and discharged some soldiers for rape, robbery, and torture; however, no security-force members were prosecuted for unlawful killings in Aceh.

In Aceh, military and police personnel committed many extrajudicial killings and used excessive force against non-combatants as well as combatants. Between December 9, 2002 and May 18, 2003, a Cessation of Hostilities Agreement (COHA) was in effect between the Government and the GAM. According to the Center for Humanitarian Dialogue, which monitored the ceasefire, fewer than 50 violent deaths occurred during this 5-month period, representing a significant decrease from the 1,307 violent deaths during the 11 months prior to the signing. However, little progress was made on demilitarization or the establishment of a political dialogue. The rate of violence began to surge in April, and, after last-minute negotiations between the two sides broke down on May 18, the Government placed Aceh under martial law. The President provided written authority for an anti-insurgency operation, unlike previous military operations in Aceh and elsewhere in the country (see Section 2.d.). On May 19, the Armed Forces launched their largest military offensive since 1975, involving around 45,000 members of the Army, Navy, Marines, and police force. They were confronted with what the Government said were 5,325 armed GAM rebels. The operation led to a significant increase in violent deaths in Aceh during the year.

For numerous reasons, accurate figures on the number of persons killed in Aceh were difficult to obtain. Martial law administrators limited information coming out of Aceh, including restricting access for foreign journalists, blocking cell phones and forbidding contact with GAM. The Government effectively prohibited foreign humanitarian aid workers from the province, except for a limited number of U.N. workers.

Data from different sources, even within the Government, were often contradictory. NGO sources frequently questioned casualty figures announced by the security forces, claiming the number of victims was much higher, and that many of those killed were civilians. Security forces and rebels gave conflicting information on victims' identities, making it difficult to determine the breakdown of civilian, rebel, and security force deaths. During the early weeks of the military operation, many of the killings appeared to be executions. The Government and the GAM accused each other of killing captured combatants, and there was evidence to support such claims. Press reports undercounted the number of casualties. Police rarely investigated extrajudicial killings and almost never publicized such investigations.

On December 31, Aceh's provincial police chief, Inspector General Bahrum Syah Kasman, told reporters that during the military operation, 580 GAM members had been killed, along with 470 civilians, 50 soldiers and 26 police officers, for a total of 1,126 deaths. The police figure for GAM deaths was lower than that provided by the TNI earlier in the year, when the TNI simply reported all non-security force deaths as GAM deaths. The Aceh police force's figure for security force deaths also differed from information provided by the martial law administration, which noted on its website on December 20 that 105 soldiers and police had been killed in Aceh in the line of duty since the start of the military operation. On September 30, the Aceh branch of the Committee for Missing Persons and Victims of Violence (Kontras) stated that at least 342 civilian noncombatants were summarily killed or executed between May 19 and October 1, but noted that the total could be much higher and that the military was preventing NGOs from carrying out monitoring work. Sources linked to the Aceh Referendum Information Center (SIRA) reported that, during the first 6 months of the military operation, there were 520 noncombatant deaths. However, the sources did not identify the perpetrators.

The security forces were implicated in a number of unlawful killings. On May 20, Muhammad Jamaluddin, a cameraman with the government television network Televisi Republik Indonesia (TVRI), disappeared near the network's office in Banda Aceh. On June 18, Red Cross workers recovered Jamaluddin's body from a river on the edge of the city. His body displayed marks of torture and his arms were tied behind his back. NGO sources indicated that Jamaluddin might have been murdered because he was suspected of providing information to GAM and allowing rebels to borrow his camera equipment (see Section 2.a.). The case resembled that of Musliadi, a student activist abducted and later murdered by suspected intelligence operatives in November 2002. NGO sources indicated that security forces suspected that Musliadi had also been a GAM informer.

On May 21, army troops killed 10 men in Cot Rebo village, Bireuen. Residents told reporters after the incident that the men were part of a local guard force protecting the village's shrimp ponds. The military claimed that all the victims were GAM members but conceded that it had seized no weapons in the incident.

On June 16, unknown persons abducted a Kontras-Aceh volunteer, Muzakkir Abdullah, in the North Aceh area of Nisam, a GAM stronghold. The following day, villagers found Muzakkir's body tied to a tree, his throat slashed. Kontras-Aceh stated it believed that Muzakkir's killing was part of an intimidation campaign by the security forces against human rights activists in Aceh. The tactic of leaving a body in a public place had been used by the TNI in the past as a form of intimidation.

The Government made no progress in establishing accountability in a number of extrajudicial killings in Aceh in 2002, including the June killings of two farmers on Kayee Ciret Mountain and the August killings of three women in the north Aceh village of Kandang.

During the year, GAM members killed many soldiers, police, civil servants and civilians. In many cases, the victims were killed for allegedly collaborating with the security forces, while in other cases the motive appeared to be purely criminal. Although many Acehnese feared and resented the security forces, many also disliked GAM because of its extortion rackets and the criminal activities of some of its members. On May 20, residents of the Bireuen village of Geudong Alue discovered the body of Jamaluddin Hasany, a member of the local legislature. He had a gunshot injury to the stomach. Witnesses said he had left his house with a group of men the night before and never returned. On July 7, in the Bireuen village of Samalangan, unidentified gunmen shot and killed a former female GAM member, Cut Aca Budi, who had surrendered to the TNI 5 days earlier. Budi was home at the time and her young daughter was also shot and wounded. On July 22, in the Pidie village of Baroh Jong, unknown persons shot and killed a husband and wife, Muslim Sualaiman, 38, and Darmawati, 34, who were returning home from their workplace, an Islamic elementary school. GAM often targeted teachers as the most familiar civil servants in rural areas.

The Government did not report any progress in prosecuting those responsible for unlawful killings that might have been carried out by GAM members in previous years, including those of Zaini Sulaiman, Sukardi, Sulaiman Ahmad, Tengku Safwan Idris, and Nashiruddin Daud. Police continued their investigation into the 2001 killing of Dayan Dawood, rector of Banda Aceh's Syiah Kuala University who was shot after offering to mediate between the GAM and the Government; however, they refused to provide details on the case, apart from naming a suspect, Mahyudin, which might be the legal name of Tengku Don, a GAM rebel and suspect arrested in 2002 in this case.

Numerous unlawful killings that occurred in Aceh during the year could not be clearly attributed to either the security forces or GAM rebels. In early June, a local NGO reported evidence of a mass grave in Kreung Tuan, Nisam District, which had long been a GAM stronghold. According to the NGO, the grave may contain the remains of approximately 30 persons. In addition, other mass graves containing a total of at least 34 corpses were reportedly located near the Permata District villages of Guci and Wehnpasee. The TNI attributed the killings to GAM, an accusation the rebels denied. At year's end, it was unclear how many bodies existed in mass graves or who put them there. On December 31, a bomb exploded at an outdoor concert, killing nine persons. It was unclear whether the blast was linked to the separatist conflict. In the Aceh village of Lambhuk, a group of unidentified gunmen shot and killed a resident, Subhan, in his home. Police investigated and concluded that the attack was related to extortion. Subhan drove a fuel truck and his supervisor reportedly refused to make a hefty "tax" payment. In the East Aceh village of Kampung Baru, an unidentified gunman shot and killed school principal Rasyid near a police station. Police stated that they were unable to apprehend the assailant.

There were no known developments in the following cases of unlawful killings in previous years: The March 2002 killing of six persons in the town of Lombaro Angan, Aceh Besar District, which followed an incident in which 30 policemen were ambushed while searching for GAM rebels; the September 2002 killings of two high school girls in the village of Gumpueng Tiro, Pidie Regency; and the August 2001 massacre of 31 persons at a palm oil plantation run by PT Bumi Flora in Idi Rayeuk, East Aceh. Witnesses in the Bumi Flora attack told Human Rights Watch (HRW) that they believed that TNI soldiers carried out the killings.

In the eastern provinces of Central Sulawesi, Maluku, and North Maluku, unlawful killings also occurred. In these provinces, communal violence in previous years caused the death of thousands of Christians and Muslims and displaced hundreds of thousands more. During most of the year, the level of violence declined, continuing a trend from the previous year. Although violent incidents did occur, the death toll was down dramatically: By year's end, approximately 22 persons had been killed in Central Sulawesi and 17 in the Malukus, compared with more than 100 conflict-related deaths, total, in 2002. The Government-brokered Malino I and II peace agreements between the two religious communities remained in effect, and residents increasingly recognized that their disputes were not based on religious differences.

In Central Sulawesi, political and economic tensions had long existed among the roughly equal populations of Christians and Muslims, and inter-religious violence flared in 1998. By 2002, after approximately 2,000 persons had been killed and more than 100,000 displaced, the violence subsided. During the year, unlawful killings included the February 8 shooting of a bus passenger by a Brimob officer, who was subsequently dismissed, convicted, and sentenced to 1½ years in prison. On June 2, unknown gunmen opened fire on two men in the Poso village of Kapompa, killing Yefta Barumuju and injuring a colleague. On July 10, in the Poso village of Sayo, a bomb exploded at a cafe, killing one person and wounding five others. Violence surged in October, after the Government withdrew large numbers of security force members from the province. Unidentified assailants killed at least 14 persons during the month, some in an attack on the Morowali community of Beteleme. Nine suspects were arrested in the wake of the Beteleme attack, but none was tried by year's end. In October, attacks on mainly Christian villages killed 10 persons; police investigations continued at year's end. On November 29 and 30, unidentified persons shot and killed 2 men in the Poso coastal villages of Kilo Trans, home to ethnic Balinese migrants, and 2 men in the Christian village of Marowo. No arrests were made by year's end. The Government reported little progress in establishing accountability in the following 2002 cases: The June bombing of a crowded passenger bus, which killed 5 persons, and the prosecution of former Laskar Jihad members for numerous crimes committed in the province.

In July, TNI authorities in Central Sulawesi announced that they would court-martial 14 soldiers in connection with several abductions and extrajudicial killings

committed in Poso in December 2002. The 14 were reportedly court-martialed in the city of Manado during the year; however, the Government did not publicize the results of the proceedings.

In South Sulawesi province, the Government approved the creation of a new regency named Mamasa. On September 29, unknown persons killed two Mamasa residents in favor of the move; another disappeared. The following day, unknown persons killed another resident. Police later identified six suspects, most linked to a group that opposed the creation of the new regency. At year's end, the six suspects remained at large.

In Maluku and North Maluku, where sectarian violence erupted in 1999 following years of political, economic, and territorial tension, virtually no island had been spared from the conflict by 2000 and 2001. In February 2002, after thousands of deaths and hundreds of thousands of displacements, the Christian and Muslim communities agreed to work for peace. During the year, the peace accord, Malino II, remained intact; an increased security-force presence followed, and members of Laskar Jihad returned to their homes on Java and elsewhere. However, some unlawful killings did occur. For example, on January 14, a bomb exploded in Ambon, killing one person and injuring two others. On March 8, a man was shot and killed on the Maluku island of Haruku by a sniper. No arrests were reported by year's end. On August 19 in Ambon, a soldier was shot and killed with a standard military rifle. Police and military officials stated that the motive was unclear.

The Government made some progress during the year in prosecuting those responsible for human rights abuses committed in the Malukus in 2002 and previous years. On July 23, the North Jakarta District Court convicted Berty Loupatty, former leader of the Christian Ambonese "Coker" gang, of numerous bombings and other attacks committed in 2000, 2001, and 2002 and sentenced him to 11 years in prison. Loupatty's attorney reported that his clients told him that Kopassus troops had facilitated many of the attacks, providing instructions, weapons, and bombs, and police asserted that some Kopassus members had helped the gang commit various crimes. A senior TNI official denied these assertions and stated that police had tortured the gang members. These allegations were not investigated, and no TNI members were charged. Among the attacks for which Loupatty was convicted was the April 2002 raid on the Ambonese village of Soya, which killed at least 12 persons.

During the year, there were no reports of any former Laskar Jihad members being convicted for crimes in the Malukus. On January 30, the East Jakarta District Court acquitted former Laskar Jihad chief Jafar Umar Thalib of inciting religious violence and two other charges. Human rights activists suspected high-level intervention in the case. They expressed concern that Thalib, whose Islamic militia killed large numbers of Maluku Christians before disbanding in October 2002, had not been charged with more serious crimes.

In Papua province, where separatist sentiment remained strong and the Government continued to conduct operations against rebels of the Free Papua Movement (OPM), there was only one confirmed case of unlawful killing by the security forces during the year. On April 15, TNI members killed Yapenas Murib in the Central Highlands city of Wamena. Dozens of witnesses saw TNI troops march Yapenas through the streets to military headquarters. Shortly thereafter, TNI officials announced that Yapenas had died in custody. A human rights activist and a doctor who viewed the corpse stated it bore clear marks of torture. Murib's body reportedly had been punched and cut until "multi-colored" and dead. In the remote Highlands area of Kuyowage, where the military launched an operation following an April 4 break-in at the Wamena armory, as many as 9 other Papuans reportedly were killed. The National Human Rights Commission (KOMNAS HAM) launched an investigation in December, stating it had come across evidence that suggested that on April 17, unknown parties shot and killed at least four Kuyowage men: Alius Murib, Yinggen Tabuni, the Rev. Enggelek Tabuni and Yesaya Telenggen. In another incident, there were unconfirmed reports that police in Wamena shot and killed an unidentified Papuan separatist on July 7. The man was reportedly one of as many as 20 persons who tried to raise the Papuan "Morning Star" flag in front of the district parliamentary office (see Section 2.b.).

Also in Papua, the TNI and police continued to jointly investigate the August 2002 ambush that killed 2 American citizens and 1 Indonesian and injured 12 other persons near a large gold and copper mine close to the city of Timika. The victims were teachers on a recreational outing. Several persons dressed in military fatigues reportedly stopped the teachers' convoy in a heavy fog on the Tembagapura-Timika road and fired at the vehicles at close range. During the initial police investigation, senior police officials were quoted in the press as suggesting that soldiers were involved in the attack. During the year, the joint probe was not able to ascertain who

was responsible for the attack. Police contended they could not investigate the case without TNI cooperation. The TNI claimed that its investigation, which pinned the blame on OPM rebels, was conclusive and determined that soldiers were not involved. The TNI maintained that police access to soldiers was not necessary. Top government officials, including President Megawati, pledged to support ongoing efforts to identify and bring to justice the perpetrators of the attack. The case remained under investigation at year's end.

The Government made little progress in establishing accountability for numerous human rights violations committed in Papua in previous years, including those committed in the Biak and Abepura incidents. However, the Government formed an investigative team to probe the 2001 Wasior incident, in which police allegedly killed 12 civilians following an attack on a police post that left 5 policemen dead. During the year, there were developments in the case of Theys Hiyo Eluay, the Papuan pro-independence leader found dead in his car outside the provincial capital of Jayapura in 2001. In January, a military court in Surabaya opened the trial of seven Kopassus troops charged with Theys' murder. On January 31, the lowest-ranked defendant, Achmad Zufahmi, testified that he accidentally choked Theys to death. Zufahmi and the other defendants asserted that they were ordered to escort Theys home after a festive event at Kopassus headquarters in South Jayapura, when a verbal argument erupted. The defendants testified that Theys and his driver Aristoteles (who remained missing at year's end) shouted out for help. Zufahmi said he then covered Theys' mouth, but this conflicted with a medical report from Jayapura Hospital, which stated that Theys' death was caused by an obstruction to his windpipe. On April 21, the court convicted the seven soldiers of causing the death and sentenced them to a maximum of 3½ years in prison. One of those convicted, Lieutenant Colonel Hartomo, also was discharged from the military. The lightness of the sentences outraged many Papuans, as did a comment by the Army Chief of Staff Ryamizard Ryacudu, who called the killers "heroes."

In Banten province in western Java, the Government prosecuted those responsible for the March 2002 killing of Endang Hidayat, the village chief of Binuangun. Seven members of the Presidential Guard kidnapped and executed Endang after he informed police that one of them had purchased stolen motorcycles. During the year, military prosecutor Major Zulkifli announced that a military court had convicted the seven guardsmen and sentenced them to between 4 and 6 years' imprisonment. Zulkifli reported that a higher court upheld the ruling. At year's end, the seven were held at the Siliwangi prison in Bandung, West Java and were appealing their cases to the Supreme Court.

In Kalimantan, where clashes between indigenous Dayaks and ethnic Madurese settlers left hundreds of Madurese dead in 2001, there were no reports of ethnicity-related killings during the year.

Police frequently used deadly force to apprehend suspects or acted recklessly in pursuit of suspects, and this sometimes resulted in the deaths of civilians. In other cases, suspects in police custody died under suspicious circumstances. During the year, broadcast media in East Java aired videotaped incidents in which suspects with their hands in the air were beaten severely by the police. On July 11 in Jakarta, alleged JI member Ihwanuddin was in police custody and reportedly managed to steal a rifle, enter a bathroom, and commit suicide with the rifle. Police Chief Makbul Padmanagara noted that Ihwanuddin was handcuffed at the time and the rifle was partly disassembled. On February 10, on the island of Rote, near West Timor, a sub-district police commander identified by the initials H.B. fatally burned a burglary suspect named Arnoldus Adu. The sub-district commander allegedly doused the suspect with fuel during an interrogation and ignited him by lighting a cigarette. It is not clear whether the killing was intentional or whether the fuel was intended to scare the suspect into signing a confession. National Police Chief Da'i Bachtiar subsequently ordered the sub-district commander's dismissal. No criminal charges were brought by year's end. On June 1, two police officers in the East Java city of Probolinggo beat a local resident to death using their rifle butts. A police van was traveling past a group of youngsters when one yelled "Hey". The police stopped the van and attacked him. Thousands of persons protested the killing, and Probolinggo's police chief, AKBP Ahmad Lumumba, promised to respond fairly; however, no action was taken against the responsible officers by year's end. On June 27, Surabaya police officer Dwi Budi fatally shot street vendor Budiono, who was allegedly helping a criminal evade arrest. An eyewitness claimed that Dwi Budi was intoxicated. The police force reportedly placed Dwi Budi under arrest. The case was pending at year's end. Police in Makassar, South Sulawesi did not take disciplinary action against police officers who in September 2002 shot and killed a suspected gang member who was in their custody. The officers involved claimed they shot the suspect in the back when he tried to escape. In April, a court in Sura-

baya, East Java convicted seven Kopassus troops of causing the 2001 death of Papuan leader Theys Eluay and sentenced them to a maximum of 3½ years in prison.

The Government made little progress during the year in prosecuting those responsible for the Semanggi and Trisakti cases. In May 1998, four students at Jakarta's Trisakti University were shot and killed, and a number of police officers were implicated. Later in 1998, also in Jakarta, at least nine demonstrators were shot and killed at the Semanggi intersection. In September 1999, at the same location, police shot and killed four more demonstrators who were protesting proposed changes to the National Security Law. On June 10, the court-martial began of an enlisted man, one of three TNI soldiers indicted for reckless killing in connection with the second Semanggi incident. The soldier was accused of fatally shooting student Yap Yun Hap in September 1999 without orders from his superior. Two other defendants, who were officers, were to be tried separately. At year's end, all of the cases were pending.

During the year, bombs exploded in or near the cities of Ambon, Banda Aceh, Jakarta, Medan, and Poso, among others. For example, on August 5, members of the Jemaah Islamiyah (JI) terrorist organization set off a powerful car bomb in front of Jakarta's Marriott Hotel, killing 12 persons. By year's end, the Government had arrested 13 persons in connection with that attack.

The Government made significant progress in prosecuting those responsible for bombings carried out in previous years. Authorities worked to identify, apprehend, and successfully prosecute many of those who committed the Bali bombings of October 2002, which killed 202 persons. Investigators arrested more than 35 suspects, several of whom acknowledged ties to JI, the terror group linked to al-Qa'ida. By year's end, courts in Denpasar, Bali and Lamongan, East Java had convicted approximately 30 persons in connection with the Bali attacks. Key suspects Amrozi bin Nurhasyim, Ali Ghufron bin Nurhasyim (Mukhlas), and Abdul Aziz (Imam Samudra) were sentenced to death for their roles in planning and executing the attacks. In another case, the Supreme Court on July 18 rejected the appeal and extended the prison term of Tengku Ismuhadi Jafar, one of four men convicted for the 2000 bombing of the Jakarta Stock Exchange. On October 13, the Central Jakarta District Court convicted Abdul Jabar of transporting and detonating a bomb that exploded in 2000 at the Jakarta residence of the Philippine Ambassador. Jabar, who was also found guilty of involvement in two church bombings on Christmas Eve 2000, received a 20-year sentence. Following the December 2002 bombings in Makassar, South Sulawesi, the Makassar District Court convicted two suspects; 16 other trials were still underway at year's end.

Mobs carried out vigilante justice on many occasions, but reliable statistics on its prevalence were not available. Incidents of theft or perceived theft triggered many such incidents. For example, on January 12, in the Central Java village of Kendal, a mob killed two men for allegedly trying to steal electrical cables. Local residents allegedly caught the men in the act, tied them up, took them to a clearing, doused them with fuel, and set them on fire. On September 18 in Tangerang, near Jakarta, a mob killed two men who were allegedly attempting to steal a motorbike owned by a motorcycle taxi driver. The driver's shouts for help drew attention, and a mob seized the two men and killed them with rocks and knives. No official action was taken against those responsible for these killings.

Police and soldiers clashed on a number of occasions during the year, and at least one death was reported. On March 4, a group of 20 Air Force officers attacked a police station following the arrest of one of their intoxicated comrades. During the attack, police detective Salmon Panjaitan was stabbed and killed. The security forces later announced that approximately 20 Air Force officers had been detained for questioning. There were no reports of further action by the authorities in this case at year's end.

At schools, universities, police training centers, and other institutions, upperclassmen or superiors sometimes physically mistreated underclassmen or subordinates in continuation of a practice that dated back many years. During the year, a number of such incidents resulted in death. On September 1 in Palu, Central Sulawesi, members of Brimob hazed and killed five recruits. The victims were among 16 recruits who collapsed before reaching the finish line in a 5-mile initiation march. Witnesses reported that the cadets were beaten and kicked savagely. National Police Chief Da'i Bachtiar told DPR members that police authorities had detained the Central Sulawesi Brimob chief and six Brimob members for questioning. On September 2, there was an incident of systematic abuse in Sumedang, West Java, when upperclassmen at the Government-run Public Administration Institute (STPDN) allegedly strangled sophomore Wahyu Hidayat. An STPDN student said upperclassmen beat Wahyu to teach him a lesson in loyalty after he failed to appear at a flag-raising ceremony on Independence Day. Ten students were later charged in connec-

tion with the death. On December 10, their trials opened at the Sumedang District Court and were ongoing at year's end.

b. Disappearance.—During the year, hundreds of disappearances occurred, most frequently in Aceh province, and large numbers of persons who disappeared over the past 20 years, mainly in conflict areas, remained unaccounted for at year's end. The Government reported little progress in prosecuting those responsible for disappearances that occurred in previous years.

According to the Government, at least 297 persons disappeared in Aceh following the May 19 imposition of martial law (see Section 2.d.) and the launching of the military operation in the province. Provincial police commander Sayed Husaeny reported that the missing included journalists, civil servants, village chiefs, and bus passengers.

The security forces were implicated in some disappearances. On March 25 in Bireuen town, plainclothes military intelligence officers seized two student activists, Mukhlis and Zulfikar, members of Link for Community Development, a local NGO. The detentions were made in broad daylight on the main street of the district capital and took place during a demonstration by local residents opposing the construction of a police post in their neighborhood. Photographs taken by other participants clearly showed the two victims getting into an unmarked van. Witnesses stated that its plate numbers indicated it belonged to the local district military command (Kodim). Friends of the two, who were also students at the Ar-Rainy Islamic Institute in Banda Aceh, received text messages from the cell phones of the victims later in the day; however, no one has seen them since. Both TNI and police authorities in Bireuen and Banda Aceh denied holding the two men. At year's end, their whereabouts remained unknown.

The Government did not take significant action to prevent security force members from carrying out kidnappings. It was unclear whether any persons illegally detained by police or soldiers in Aceh died in custody during the year.

The GAM also abducted persons during the year. On June 29, in the East Aceh area of Peureulak journalists Ersya Siregar and Fery Santoro of television network Rajawali Citra Televisi (RCTI) disappeared as they were driving along the main Medan-Banda Aceh highway. After 3 days, the local GAM commander admitted that his men had taken Siregar and Santoro into custody, along with the wives of two Air Force officers traveling with them, to question them about their activities. Efforts by both RCTI and the International Committee of the Red Cross (ICRC) to arrange for their release failed. On December 11, the driver escaped from GAM custody. On December 29, Siregar was killed in a TNI ambush of the GAM patrol with which he was traveling. At year's end, Santoro and the wives remained in custody.

During the year, prominent Muslim leaders accused police of mistakenly arresting Islamic activists in the search for members of JI, the terrorist group responsible for the October 2002 Bali bombings and other attacks. Police denied targeting religious activists. On September 8, plainclothes police officers in the Central Java city of Solo rounded up Suradi, a fried cake seller, and Ichsan Miyarso, a tire repairman, and took them to Jakarta. Police suspected the two of involvement with JI. Police planned to hold them for up to 7 days, the period allowed by the Anti-Terrorism Law for detention without charge; however, police failed to notify the families of the detainees within 24 hours of their arrest, in accordance with criminal law. Both men were released later in the year.

In Papua, there were no credible reports of disappearance during the year. The Government did not report any progress in prosecuting those responsible for disappearances that occurred in previous years, including those of Martinus Maware, Mathius Rumbapak, or Hubertus Wresman.

In Central Sulawesi, Maluku, and North Maluku, there were no credible reports of disappearance during the year. The Government made some progress in prosecuting those responsible for disappearances that occurred in Central Sulawesi in 2002. On July 16, TNI Major Wempi Hapan, head of the province's military police, announced that the TNI would court-martial 14 soldiers over abductions and extrajudicial killings committed in the Central Sulawesi regency of Poso in December 2002. The TNI accused 2 lieutenants and 12 privates of kidnapping of dozens of civilians in the Toyado area, but declined to make their names public. The soldiers allegedly abducted the civilians in December 2002, after one of their commanders was shot in the head during a clash between Christians and Muslims in the Sepe area. Some of the abducted civilians turned up dead, while others remained missing at year's end.

The Government made limited progress in prosecuting those responsible for the 1996 attack by hundreds of pro-government civilians and soldiers on the Jakarta headquarters of what was then the Indonesian Democratic Party (PDI); 23 persons disappeared and 5 persons died in the attack. The Central Jakarta District Court

charged five persons, three of them civilians, with vandalism and assault during the attack: Colonel (retired) Budi Purnama, Lieutenant Suharto, Mochammad Tanjung, Jonathan Marpaung, and Rahimmi Illyas. However, Petrus Kurniawan, a key figure in a group pressing for accountability, called the trial an "orchestration," saying the defendants were field operators, not the leaders behind the attack. Police investigators submitted to prosecutors six dossiers on the case, but prosecutors returned five of them, stating that they were incomplete. Named in the allegedly incomplete dossiers were Jakarta Governor Sutiyoso, who in 1996 served as Jakarta's military commander; former State Intelligence Chief Zacky Anwar Makarim; Brigadier General Syamsiar Wangsamihardja; former Jakarta Police Chief Hamami Nata; Central Jakarta police official Abubakar Nataprawira; Colonel Haryanto; and former PDI Chairman Soerjadi.

The Government made no progress toward prosecuting those responsible for the late 1997 or early 1998 disappearances of 12 or more pro-democracy activists, including poet Wiji Thukul. At an August 1 seminar in Jakarta marking International Day of the Disappeared, relatives of some of the missing criticized the Government for not doing enough to solve the cases. Payan Siahaan, the father of missing Perbanas college student Uok Aris Munandar, believed the Government knew whom the leaders and perpetrators of the kidnappings were, but had no political will to arrest and prosecute them. Tuti Kotto, the mother of missing political activist Yani Afri, said no investigation had ever been undertaken despite the fact that her son was reportedly seen at Kopassus headquarters after he was kidnapped in 1997.

Retired Army Lieutenant General Prabowo Subianto, who once admitted ordering the abduction and torture of nine pro-democracy activists, competed for the presidential nomination of the Golkar party, as did retired Armed Forces Commander General Wiranto, who was indicted by the U.N. Special Crimes Unit for his role in the 1999 violence in East Timor.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The Criminal Code makes it a crime punishable by up to 4 years in prison for any official to use violence or force to elicit a confession; however, in practice, law enforcement officials widely ignored such statutes. Security forces continued to employ torture and other forms of abuse. The Government made some efforts to hold members of the security forces responsible for acts of torture. During the year, the use of torture to obtain confessions from suspects was most apparent in Aceh and Papua. According to the International Catholic Migration Commission (ICMC), at least 694 cases of torture were recorded in the country during the year. Kontras reported 289 confirmed torture cases for this period, more than two-thirds occurring in Aceh or Papua.

Torture was sometimes used to obtain confessions, for punishment, and to seek information that incriminated others in criminal activity. Torture also was used by the security forces to extort money from villagers. NGOs that worked with torture survivors, including ICMC, reported that the use of torture appeared to have increased over the previous 3 years; however, reliable figures were difficult to obtain. Physical torture cases included random beatings and acts involving the hair, nails, teeth, and genitals. Heat, suffocation, electricity, and suspension were also used. Psychological torture cases reportedly included food and sleep deprivation, sexual humiliation, being forced to witness torture, and being forced to participate in torture.

During the year, press restrictions in Aceh province limited media reports on cases of torture there. However, some cases were reported. In June, the military sentenced six soldiers to jail terms of between 4 and 5 months for the torture and beating of civilians in the Bireuen Regency village of Lawang. The soldiers reportedly committed the crimes after the civilians failed to hand over a rebel whom the troops said was hiding in the village. On August 31, 12 soldiers tortured and beat residents of the North Aceh village of Geulumpang Sulu Barat. Witnesses said the crimes were committed when residents failed to provide information on a wanted man, who allegedly escaped on a motorcycle while the questioning was underway. On October 10, a military court in Lhokseumawe acquitted the 12 soldiers, stating that although the troops had beaten civilians, they could not be held responsible because the victims and witnesses had been unable to identify the assailants. In June, Brimob officers in Banda Aceh detained 12 individuals (10 of them State Institute of Islamic Studies (IAIN) University students), took them to a police station, interrogated them over possible GAM links, and beat them.

According to Kontras, at least 17 verified cases of torture or beatings involving women or children were recorded in Aceh during the military operation, which began on May 19 and continued through year's end. According to a November press report, a TNI military commander in Aceh, Brigadier General Bambang Darmono, declared that beating suspected rebels was acceptable: "For example, my soldier

slugs a suspect across the face. That's no problem, as long as he is able to function after the questioning. [But] if it's gross torture, which causes someone to be incapacitated . . . that's a no-no."

The Government reported no progress in prosecuting those responsible for acts of torture committed in Aceh in 2002, including the beating and burning of civilian Rizki Muhammad.

In the Papuan city of Wamena, where unidentified gunmen raided a government armory on April 4, TNI officials announced that a suspect detained for questioning, Yapenas Murib, had died in their custody on April 15; his body bore clear marks of torture (see Section 1.a.). KOMNAS HAM launched an investigation into reports that dozens of residents of the Central Highlands area of Kuyowage were tortured by unknown parties during a military operation that followed the break-in at the Wamena armory. NGO activists reported that the victims were burned with cigarettes and struck in the face or legs with wooden planks. Kontras reported that at least 124 men were tortured in Papua during the year. In one case, an OPM member who was detained and interrogated at Wamena military headquarters on May 3 and 4 reported that, while there, he saw another ethnic Papuan whom he recognized from the town of Tium "whose fingernails and toenails had all been ripped out." The Government did not report any progress in prosecuting those responsible for acts of torture committed in Papua in 2002, including the torturing to death of Yanuaris Usi.

On August 6 in Banyuwangi, East Java, police abducted Mohammad Bian from his house in the village of Wonoroje late at night and during the following 24 hours of his detention, tortured him. Bian was in a land dispute with real estate company PT Budisanjaya, also known as PT Wonorejo. The police released Bian after attorneys from the Legal Aid Society of Surabaya filed a complaint with the East Java police chief.

Rapes, some punitive, occurred frequently in conflict zones. Human rights advocates blamed many of the rapes on soldiers and police. Statistics were unavailable, but credible sources provided a number of accounts that involved both soldiers and police. In 2002, an interfaith organization operating in Poso, Central Sulawesi, reported high rates of depression among female internally displaced persons (IDPs) because many had been raped and impregnated by Brimob members.

At schools, universities, police training centers and other institutions, upperclassmen or superiors sometimes physically mistreated underclassmen or subordinates. This was not a new development but the continuation of a practice that dated back many years. During this period a number of such incidents resulted in death (see Section 1.a.). On July 17, a number of female graduates of a Jakarta senior high school abducted 17 girls and abused 7 of them. On September 8, the South Jakarta District Court sentenced four of the perpetrators to 3 months in prison.

In June in Bali, JI member and Bali bomber Ali Ghufro bin Nurhasyim (Mukhlas) complained that he had been tortured in police custody. Mukhlas alleged that he had been struck in the genitals with sticks, burned with matches, and forced to make a false confession. However, police and prosecutors insisted that defense attorneys were present when Mukhlas was questioned, and there was no physical evidence of the alleged torture.

The Government failed to make progress in establishing accountability for the May 1998 riots, which included acts of torture and other attacks against Chinese Indonesian women in Jakarta and other cities. From March through September, an investigative team from KOMNAS HAM investigated the incident, received the testimony of dozens of witnesses, and identified 20 suspects. However, at the end of the investigation, team leader Solahuddin Wahid declined to publicly name the suspects, some of whom were members of the police and military. The team summoned 86 civilians, mostly witnesses, to testify; all but 5 complied. The team also summoned 48 government, military, and police officials, of whom only 3 complied. Among those who did not comply were former Armed Forces commander Wiranto, TNI spokesman Major General Sjafrie Sjamsoeddin, and the former commander of the Army's Strategic Command Reserve (Kostrad), Lieutenant General (retired) Prabowo Subianto. KOMNAS HAM prepared a 1,500-page report on the riots and stated that it planned to forward the report to the Attorney General's Office, in the hope that it would conduct an investigation of its own.

In Aceh province, many politically motivated acts of cruelty or punishment occurred during the year, including the burning of more than 603 school buildings since the start of the military operation on May 19; a majority were elementary schoolhouses. The Government attributed the arson attacks to GAM, which has a history of destroying public buildings, including schools, both as the most visible symbols of government presence and because security forces often used abandoned

government facilities as barracks or village headquarters. The GAM denied these allegations.

Occasionally Brimob personnel used arson as a form of punishment. The Government investigated the October 2002 burning of 80 shops and homes in Keude Seuneddon, North Aceh, an incident that occurred immediately after two Brimob officers were killed. Witnesses alleged that police burned the buildings intentionally as a form of revenge; however, in September, Police Commissioner Suryadarma claimed the fires resulted from the explosion of a stove at the market. He stated that this occurred at a time when Brimob members were at the site chasing rebels who had killed the two police officers. The case was under investigation at year's end.

The extremist Islam Defenders Front (FPI), which carried out a number of attacks on nightclubs in 2002 and in previous years, halted its operations in November 2002 following the arrest of the FPI leader Habib Rizieq. In February, the FPI restarted operations. Although the FPI held demonstrations and other actions during the year, including a recruitment drive for volunteers to fight the United States in Iraq and Afghanistan, it was not linked to any attacks on nightspots. Previous attacks were exercises in extortion and, to a lesser extent, punishment for businesses that allegedly tolerated or promoted vice. On August 11, the Central Jakarta District Court convicted Rizieq of organizing mob attacks in October 2002 and sentenced him to 7 months in prison. On September 28, approximately 150 members of the Betawi Brotherhood Forum (FBR), a group of criminals who claimed to be native Jakartans, raided a number of nightspots in the Jakarta areas of Cilincing and Muara Baru, saying the businesses were immoral and should close within a week. Police officers reportedly stood by as FBR members terrorized the nightspots. It was the FBR's first major attack since its March 2002 attack against members of the Urban Poor Consortium (UPC) at the Jakarta office of KOMNAS HAM. On June 27, self-described FBR members also forced the closure of a church in East Jakarta (see Section 2.c.).

Conditions at the country's 365 prisons and detention centers were harsh, and overcrowding was widespread. Facilities frequently were two or three times over capacity. Guards regularly extorted money and mistreated inmates. Unruly detainees were held in solitary confinement for up to 6 days on a rice-and-water diet. The wealthy or privileged had access to better treatment in prison. In July, the country's most famous inmate, Hutomo "Tommy Suharto" Mandala Putra, son of former President Suharto and convicted of arranging the killing of a judge, reportedly enjoyed the use of a special guest room to accommodate his many visitors. The air-conditioned room reportedly had a large TV set, an aquarium, and other amenities. Prison officials also granted special treatment to jailed Suharto crony Mohammed "Bob" Hasan, according to press reports.

Prison authorities housed female inmates separately from men, but in similar conditions. Most children convicted of serious crimes were sent to one of 13 juvenile prisons throughout the country. Until they were convicted, most juveniles were held with adults at detention centers. In theory, prisons held those convicted by courts, while detention centers housed those awaiting trial; however, in practice, pre-trial detainees were at times held with convicted prisoners. At the country's biggest prison, Cipinang in Jakarta, 1,537 of the 2,830 inmates were pre-trial detainees, rather than convicts.

There were no official restrictions on prison visits by human rights monitors; however, in practice, prison officials did not provide full access to outsiders and monitored information provided by inmates. The ICRC made some visits to prisoners during the year.

d. Arbitrary Arrest, Detention, or Exile.—The Criminal Procedures Code contains provisions against arbitrary arrest and detention but lacks adequate enforcement mechanisms, and authorities routinely violated it. The code provides prisoners with the right to notify their families promptly, and specifies that warrants must be produced during an arrest. Exceptions were allowed if, for example, a suspect is caught in the act of committing a crime. The law allows investigators to issue warrants; however, at times, authorities made arrests without warrants. No reliable statistics existed on how many arbitrary arrests and detentions took place during the year.

A defendant may challenge the legality of his arrest and detention in a pre-trial hearing and may sue for compensation if wrongfully detained; however, it was virtually impossible for detainees to invoke this procedure or to receive compensation after being released without charge. Military and civilian courts rarely accepted appeals based on claims of improper arrest and detention. The Criminal Procedures Code also limits periods of pre-trial detention. Police are permitted an initial 20-day detention, which can be extended to 60 days, and prosecutors may detain a suspect 30 days initially, with a 20-day extension permitted. Prosecutors may extend police

detention periods, and a district court may further extend prosecutors' detention of a suspect. The District and High Courts may detain a defendant up to 90 days during trial or appeal, while the Supreme Court may detain a defendant 110 days while considering an appeal. In addition, the code of criminal procedures allows detention periods to be extended up to an additional 60 days at each level if a defendant faces a possible prison sentence of 9 years or longer, or if the individual is certified to be mentally or physically disturbed. Authorities generally respected these limits in practice.

The country's police forces had a combined total of 250,000 officers, serving at the local, regional, and national levels. During the year, police generally improved their professionalism and capacity to deal with civil disorder, and succeeded in apprehending a large number of suspects in terrorist attacks. However, these improvements were not matched by an increased effectiveness at fighting crime, whether ordinary crime or crimes related to human rights. Impunity and corruption remained significant problems. The extent of wrongdoing within the nation's police forces was difficult to gauge. Police commonly extracted bribes, from minor payoffs in traffic cases to large bribes in criminal investigations. Jakarta Police Chief Inspector General Makbul Padmanagara did not deny or confirm media reports of blackmail and extortion among his officers. His deputy, Brigadier General Nanan Soekarna, said that, during the year, at least 379 officers were disciplined for misconduct, including 80 who were dismissed. The NGO Police Watch said the number of crimes committed by police officers increased during the year over 2002.

In areas of separatist conflict, such as Aceh and Papua, police frequently and arbitrarily detained persons without warrants, charges, or court proceedings. The authorities rarely granted bail. The authorities frequently prevented access to defense counsel during investigations and limited or prevented access to legal assistance from voluntary legal defense organizations. At least one person died in custody during the year (see Section 1.a.).

Human rights activists expressed concern over a number of controversial prosecutions, including that of prominent Acehese political activist Muhammad Nazar. On July 3, a Banda Aceh court operating in a province under martial law gave Nazar a 5-year sentence for "spreading hatred against the Government." Nazar was former chairman of SIRA, which had long campaigned for a referendum on Acehese independence. On February 12, police arrested him after he allegedly failed to notify the Government of a political rally held in the city of Lhokseumawe on January 9. Armed Forces chief Endriartono Sutarto defended the arrest, although the COHA between the Government and GAM rebels, which was in effect at that time, gave civil society the right to "express without hindrance their democratic rights." This was the second time Nazar was arrested for expressing his political views. In 2001, he served a 10-month sentence for "spreading hatred against the Government." His crime had been attending a campus rally and putting up banners critical of the TNI and supportive of Acehese independence. In another case, prosecutors in Aceh brought criminal charges against a young Acehese activist, Muhammad Rizal Falevi Al Kirani, for peacefully expressing his political views. Falevi, a university student and chairman of the Association of Anti-Militarism Activists (HANTAM), was charged with "inciting hatred and insulting the Indonesian Government." The charges stemmed from remarks Falevi made at a December 2002 political rally in Banda Aceh, at which he called for a referendum on the future status of the province. At the time of his arrest, police said Falevi lacked the proper permits for a public rally, but they later charged him with other offenses. In October, a Banda Aceh court convicted Falevi and sentenced him to 3 years in prison.

There was some controversy surrounding the Government's application of the terrorism decree passed in October 2002 and the ensuing anti-terrorism laws passed in March (which allow the use of evidence from wiretaps, video recordings, and other surveillance to be used in court) in the cases of at least five individuals associated with GAM. They included former negotiators Teuku Kamaruzzaman, Teuku Muhamad Usman, Amni bin Ahmad Marzuki, Sofyan Ibrahim Tiba, and Nasiruddin bin Achmed. On October 21 and 22, the Banda Aceh District Court convicted the five for acts of terrorism and sentenced them to between 12 and 15 years in prison. All five sentences were under appeal at year's end. Prosecutors argued that the defendants should have made concerted efforts to subdue the escalating violence and comply with the COHA, which GAM and the Government signed in 2002 in Geneva. Some human rights activists expressed concern that the terrorism decree was being misapplied to individuals who were not engaged in terrorism; others noted that the five were arrested on May 19, the day the Government declared martial law and launched its military offensive.

Also in Aceh, the Government freed two foreign women who were detained, convicted, and imprisoned in 2002 for violating the terms of their tourist visas. It re-

leased an American citizen on January 3, after 4 months in prison, and her colleague, a British citizen, on February 9, after a 5-month imprisonment.

On September 26, police in Jakarta arrested and briefly detained anti-corruption activist Azas Tigor Nainggolan. Tigor, chairman of the Jakarta Residents Forum (FAKTA), allegedly slandered Jakarta Governor Sutiyoso by claiming that he had bribed city councilors.

The Constitution prohibits forced exile, and the Government did not use it.

e. Denial of Fair Public Trial.—The Constitution provides for judicial independence; however, in practice, the judiciary remained subordinate to the executive and was often influenced by the military, business interests, and politicians outside of the legal system. The law requires that the Justice Ministry gradually transfer administrative and financial control over the judiciary to the Supreme Court by 2004, but the Ministry indicated during the year that this transfer would only begin in 2004. Judges were civil servants employed by the executive branch, which controlled their assignments, pay, and promotion. Low salaries encouraged corruption, and judges were subject to pressure from governmental authorities, which often influenced the outcome of cases.

Under the Supreme Court is a quadripartite judiciary of general, religious, military, and administrative courts. The law provides for the right of appeal, sequentially, from a district court to a High Court to the Supreme Court. The Supreme Court does not consider factual aspects of a case, but rather the lower court's application of the law. The judicial branch was theoretically equal to the executive and legislative branches and had the right of judicial review over laws passed by the DPR, as well as government regulations and presidential, ministerial, and gubernatorial decrees. In practice, the judiciary was less influential than the executive and legislative branches, and it was often heavily influenced by the executive branch. During the year, the budget for courts, as well as promotions and transfers for judges, was controlled by the Justice and Human Rights Department, but these functions were scheduled to be transferred to the Supreme Court in 2004.

In the country's 2,418 district courts, a panel of judges conducts trials by posing questions, hearing evidence, deciding on guilt or innocence, and assessing punishment. Judges rarely reversed initial judgments in the appeals process, although they sometimes lengthened or shortened sentences. Both the defense and prosecution can appeal verdicts.

The law presumes that defendants are innocent until proven guilty. It also permits bail, which was used in practice. Court officials commonly received an illicit payment in exchange for approving the security guarantee upon which the defendant's temporary release was based. Defendants have the right to confront witnesses and call witnesses in their defense. An exception is allowed in cases in which distance or expense is deemed excessive for transporting witnesses to court; in such cases, sworn affidavits may be introduced. Prosecutors were reluctant to plea bargain with defendants or witnesses or to grant witnesses immunity from prosecution. As a result, many witnesses were unwilling to testify, particularly against government officials. The courts often allowed forced confessions and limited the presentation of defense evidence. Defendants did not have the right to avoid self-incrimination, and some were compelled to testify against themselves.

The Criminal Procedures Code gives defendants the right to an attorney from the time of arrest and at every stage of examination. Persons summoned to testify in investigations do not have the right to legal assistance. The law requires counsel to be appointed in capital punishment cases and those involving a prison sentence of 15 years or more. In cases involving potential sentences of 5 years or more, the law requires the appointment of an attorney if the defendant is indigent and requests counsel. In theory, indigent defendants may obtain private legal assistance, but in practice few actually obtained the services of an attorney. In many cases, authorities quietly persuaded defendants not to hire an attorney. In many cases, procedural protections, including those against forced confessions, were inadequate to ensure a fair trial. On July 16, the head of the Association of Indonesian Lawyers (IPHI) met with the Vice President and the Minister of Justice and Human Rights and alleged that, in Aceh, the Government was depriving suspected GAM rebels of their right to an attorney. According to media reports, the Government was not providing defense attorneys to separatists on trial and actively hindered efforts by legal aid lawyers to join GAM-related cases.

Widespread corruption continued throughout the legal system. During the year, Transparency International reported that the country was among the world's most corrupt, and, in October, the World Bank stated that endemic corruption in the country was compromising law and order. Bribes influenced prosecution, conviction, and sentencing in countless civil and criminal cases. Most judges earned only \$200 to \$225 per month, while a judge with three decades' experience earned approxi-

mately \$660 per month. Key individuals in the justice system not only accepted bribes but appeared to turn a blind eye to other government offices suspected of corruption. During the year, the Supreme Audit Agency (BPK) repeatedly accused the Attorney General's Office (AGO) and National Police of not following up on cases of suspected corruption that had been referred to them. In September, BPK chairman Satrio B. Judono stated that, since 2001, the BPK had reported 6,162 cases of suspected corruption to the AGO and National Police, but that only 505 cases—approximately 8 percent—had been investigated by both offices. Judono estimated that state losses caused by the 6,162 cases could reach \$242 million. He added that the BPK had met with resistance from various ministries and state agencies where it had detected non-budgetary funds (those not listed on balance sheets).

In August, the Legal Review journal investigated the buying of verdicts in corporate civil lawsuits at district courts, high courts, and the Supreme Court. Based on information obtained from leaked corporate memos and other sources, the Review published a list that estimated the “price of victory” in a court case. Prices ranged from as little as \$8,300 at the Bandung District Court to as much as \$600,000 at the Supreme Court.

During the year, military courts prosecuted members of the armed forces, generally for common crimes. Apart from the handful of soldiers who were tried in human rights' courts, soldiers were always tried in military court, even for offenses that involved civilians or occurred when soldiers were not on duty. If a soldier was suspected of committing a crime, military police investigated and then passed their findings to military prosecutors, who decided whether or not to prepare a case. Military prosecutors, like military judges, were managed administratively by the TNI but were responsible to the Attorney General's office and the Supreme Court for the application of laws. Trials were conducted before a three-person panel of military judges. Appeals were made to the Military High Court; such appeals may question matters of fact or law. A Military Supreme Court based its rulings only on the application or interpretation of law. TNI convicts were held at prisons in the cities of Bandung, Medan, Makassar, and Surabaya. Each cell holds up to five persons. Some civilians complained about the brevity of prison sentences handed down by military courts. TNI legal officials responded that all troops sentenced to terms of 3 months or longer were discharged from the armed forces, regardless of their record or length of service, thus constituting a significant punishment.

Gross human rights violations can be adjudicated by four district courts. The law provides for each to have five members, including three non-career human rights judges, who were appointed to 5-year terms. Verdicts could be appealed to the standing High Court and the Supreme Court. The law provides for internationally recognized definitions of genocide, crimes against humanity, and command responsibility, but it does not include war crimes as a gross violation of human rights.

On August 5, the ad hoc human rights tribunal for East Timor concluded its trial phase in Jakarta with the conviction of Major General Adam Damiri of crimes against humanity. Damiri, who remained free on appeal, became the sixth of 18 Tribunal defendants convicted in connection with atrocities that occurred during April 1999 and September 1999 in 3 East Timor locations: Liquica, Dili, and Suai. The tribunal was convened in March 2002 although, according to even a broad interpretation of the human rights tribunal law, the Attorney General should have commenced prosecution in February 2001. The Government's failure to meet statutory deadlines in preparing cases for the tribunal represented a major procedural violation that could provide grounds to overturn any convictions on appeal.

During the year, the East Timor ad hoc human rights tribunal concluded the last four of 18 trials. Judges convicted former Dili police chief Hulman Gultom on January 20 (sentenced him to 3 years in prison), Army Brigadier General Noer Muis on March 12 (5 years) and Damiri, the highest-ranking defendant, on August 5 (3 years). These convictions followed the 2002 convictions of former Aitarak militia leader Eurico Guterres (10 years), former East Timor Governor Abilio Soares (3 years), and Army Lieutenant Colonel Soedjarwo (5 years). The court convicted Gultom for failing to control his subordinates in connection with the April 1999 massacre at the Dili home of pro-independence leader Manuel Viegas Carrascalao, and for failing to prevent similar violence at the workplace and residence of Bishop Carlos Ximenes Belo in September 1999. Noer Muis was convicted for failing “to prevent acts of omission by his subordinates, with the result that crimes against humanity occurred in the forms of murder and persecution” in Suai and Dili, according to the judgment. Judges ruled that Damiri, as commander of the military area that included East Timor, failed to take steps to avert a massacre when pro-integration militiamen went on a post-referendum rampage.

Although the human rights tribunal law stipulates 10-year minimum terms of imprisonment for the charges against the defendants, all but one of the six sentences

handed down by judges were for shorter periods. In the case of Noer Muis, judges acknowledged that the 5-year sentence fell short of the minimum for crimes against humanity, but cited mitigating factors. Human rights activists criticized the sentences as incommensurate with the crimes. All six of those convicted remained free at year's end pending appeal. The law allows not only appeals of convictions, but prosecutorial appeals of acquittals, and there were indications that prosecutors were appealing many of the 12 acquittals to the Supreme Court.

The trials featured weak indictments and sub-standard work by prosecutors, who were hampered by severe time and geographical restrictions placed on the tribunal's jurisdiction. Most prosecutors built their case around the defendants' "failure to act," rather than their role in organizing or perpetrating atrocities, as strongly suggested by evidence gathered and offered by the U.N.'s Serious Crimes Unit (SCU) in Dili. The prosecutors' failure to fully use the resources and evidence available to them called into question the overall credibility of the Tribunal, as did their decision to call few East Timorese witnesses. Most of the witnesses called were themselves either defendants in other Tribunal cases or were individuals with a stake in supporting the defendants. Former president Habibie on March 21 testified that the U.N. was responsible for the unrest because it did not give the country enough time to prepare troops for the announcement of the result of East Timor's referendum in 1999. Meanwhile, defense attorneys and even judges sometimes badgered or otherwise mistreated witnesses, creating a climate of intimidation in the courtrooms. Uniformed soldiers armed with bayonets packed the gallery during many of the trials. Amnesty International reported that the Tribunal proceedings were "not honest, truthful, or fair." Human Rights Watch (HRW) called the trials a sham, proving that there was no interest in holding senior TNI officials accountable for their actions. A Government spokesman in April acknowledged "shortcomings" in the trials, but stated that these were due to technical deficiencies, rather than a deliberate miscarriage of justice.

On September 15, the ad hoc human rights tribunal for the 1984 Tanjung Priok incident held its first court session in Jakarta. Four 5-judge panels consisting of career and ad-hoc judges began to hear four cases: One against 11 soldiers, and the other 3 against 3 high-ranking active or former military officers, retired Major General Pranowo, Army Major General (retired) Rudolf Adolf Butar-Butar, and Army Major General Sriyanto Mutrasan, the commander of Kopassus. All of the defendants faced charges of crimes against humanity in connection with the 1984 mass shooting that occurred near the Jakarta port of Tanjung Priok and left at least dozens, and possibly hundreds, dead. The killings occurred when 11 soldiers opened fire on a large group of Muslim demonstrators who were marching toward the District Military Command and demanding the release of several detained colleagues. At the opening of Sriyanto's trial, soldiers stood shoulder to shoulder at the doors to the courtroom and prevented some observers, including journalists and foreign diplomats, from attending the session. Following the same session, some Tanjung Priok victims reported that they had received death threats from soldiers at the courthouse. Some of the defense teams argued that charges of crimes against humanity were unfairly being applied retroactively to their clients. The tribunal generated considerable domestic interest as the first human rights court to hear a case involving crimes against humanity committed during Suharto's rule.

A number of high-profile trials held during the year produced complaints that justice had not been served. On September 2 in Jakarta, the conviction of suspected JI leader Abu Bakar Ba'asyir on a treason charge disappointed both his supporters and his critics. The latter were upset that Ba'asyir was not convicted on the primary charge of planning treason and stated that his sentence of 4 years was not adequate for the crime. Judges ruled that he had taken part in a plot to overthrow the Government, but noted that it was not proved that he was the leader of this plot or that he headed JI, which was blamed for such terrorist attacks as the church bombings of Christmas Eve 2000. Ba'asyir was also convicted on two of three immigration-related charges. Both Ba'asyir and the Government subsequently appealed the district court's decision. In November, the Jakarta High Court overturned Ba'asyir's conviction for taking part in a plot to overthrow the Government, but upheld his conviction on immigration charges. Judges said Ba'asyir's involvement in JI and his blessing of various bombings, including the October 2002 Bali bombings, were acts of terrorism, not treason. Both Ba'asyir and the Government appealed to the Supreme Court, and both appeals were pending at year's end.

In Central Sulawesi, the June 16 conviction for weapons possession of Rev. Rinaldy Damanik, a leader of the province's Christian community, was criticized. Police arrested Damanik after a vehicle in which he was riding was stopped and found to contain 14 firearms and ammunition. A Palu court sentenced him to 3 years in prison. Some of Damanik's supporters argued that he had been entrapped;

others claimed he was being persecuted for being a Christian who spoke out on behalf of his community. Others complained that Muslims involved in similar offenses in Central Sulawesi had yet to be prosecuted. Legal experts said Damanik had hurt his legal defense by refusing to show up for a number of court sessions. In a separate case, on January 30, the East Jakarta District Court acquitted Jafar Umar Thalib, former leader of the Islamic militia Laskar Jihad, of inciting religious violence and other charges. The verdict was criticized by human rights activists and Christian community leaders, who noted that Laskar Jihad was responsible for the deaths of large numbers of Maluku Christians. Two days earlier, a North Jakarta District Court had sentenced in absentia Maluku Sovereignty Front (FKM) leader Alex Manuputty, a Christian, separatist and supporter of the South Maluku Republic movement, to 3 years in prison for plotting a rebellion in the Malukus. Manuputty appealed his conviction to the High Court and then to the Supreme Court, which upheld his conviction on December 16. Manuputty was a fugitive from justice at year's end.

f. Arbitrary Interference with Privacy, Family, Home or Correspondence.—The law requires judicial warrants for searches except for cases involving subversion, economic crimes, and corruption. The law also provides for searches without warrants when circumstances are “urgent and compelling.” Security officials occasionally broke into homes and offices. The authorities generally did not monitor private communications, but they occasionally spied on individuals and their residences and listened in on telephone calls. There were reports that the Government occasionally infringed upon privacy rights of migrant workers returning from abroad, particularly women. Corrupt officials sometimes subjected migrants to arbitrary strip searches, stole their valuables, and extracted bribes at special lanes set aside at airports for returning workers.

Land disputes generated charges of unfair evictions and excessive force by the public security officials. FAKTA estimated that public security officials evicted at least 40,000 persons during the year, compared with 20,000 in 2002. On July 18, police in Bondowoso, East Java, who were enforcing a court order in a land-dispute case, fired a rubber bullet and killed the daughter of the losing party in the court battle. Four officers reportedly were injured in the incident and 31 persons were arrested. On August 26, public security officers in Tambora, West Jakarta brutally evicted approximately 10,000 squatters from privately owned land. FAKTA and the Urban Poor Consortium (UPC) argued that the evictors acted as defacto mercenaries on behalf of PT Cakra Wira Bumi Mandala, the company that owned the land and planned to resume building a business complex there. On September 17, a separate mass eviction occurred in Cengkareng, West Java, where security officers forcibly evicted thousands of residents from land owned by a state-owned company. One week later, a person died of injuries sustained in the eviction. According to the victim's brother, the man's kidney was punctured by a broken rib resulting from a struggle with Brimob officers and West Jakarta security personnel. A 15-year-old female evictee was believed to have been sexually assaulted by security officials immediately after the raid (see Section 5).

On January 15 in the Central Java village of Darmakradenan, approximately 2,000 farmers disappointed with a court decision occupied state land that they argued was stolen from them by the military in 1965. Shortly thereafter, a large number of Brimob officers and soldiers ousted the farmers, and injured 31 persons. The Indonesian Farmers Movement Network (JGPI) reported that canes, boots, rifle stocks, and rubber bullets were used in the clash, which allegedly continued in a residential area even after the farmers had fled the occupation site. On August 21, farmers from the West Java regency of Garut met with officials of KOMNAS HAM and alleged systematic violence by the security forces. The farmers, supported by the West Java Farmers Union and the Indonesian Forum for the Environment (WALHI), reported that this violence had occurred in mid-August when security forces apprehended 54 farmers who had been cultivating land owned by a state-owned forestry company. They added that the security forces had burned the homes of at least 39 farmers and seized tools and other property. In Sumatra, local communities involved in the pulp and paper industry reportedly were experiencing persistent human rights abuses, including land seizures, by police and corporate security guards. HRW also alleged that companies such as Arara Abadi routinely seized local residents' land for plantations, with little or no compensation.

Human rights activists viewed the national identity card (KTP) system as a form of government interference in the privacy of citizens. The KTPs, which all citizens are required to carry, identify the holder's religion. NGOs charged that the KTPs undermined the country's secular tradition and endangered cardholders who traveled through an area of inter-religious conflict. Members of the five religions officially recognized by the Government—Islam, Protestantism, Catholicism, Hinduism

and Buddhism—had little or no trouble obtaining accurate identification cards during the year; however, members of minority religions frequently were denied a card, or denied one that accurately reflected their faith.

Looting was a problem in areas of Aceh province where the security forces had forced residents to move to refugee camps. In July, hundreds of residents of the Bireuen village of Juli Keude Dua and 10 neighboring communities returned home to find that their houses and shops had been looted. Televisions, radios, cassette players, and refrigerators were among the missing items.

In many parts of the archipelago, particularly in Kalimantan and Papua, local residents believed that the government-sponsored transmigration program interfered with their traditional ways of life, land usage, and economic opportunities. During the year, the program moved at least 89,097 households from overpopulated areas to a total of 351 more isolated and less developed areas. The Government sent at least 12,136 households to Central Kalimantan, making that province again the top destination.

In Central and Western Kalimantan, NGOs accused the Government of not adequately addressing the issue of assets lost by ethnic Madurese following inter-ethnic violence in 2001.

The Government used its authority, and at times intimidation, to appropriate land for development projects, particularly in areas claimed by local persons, and often without fair compensation. In other cases, state-owned companies were accused of endangering resources upon which citizens' livelihood depended. On March 17 at Singkarak Lake in West Sumatra province, approximately 1,400 fishermen reportedly threatened to cut off the water supply to a hydropower plant operated by the State Electricity Company (PLN), alleging that its operations had depleted the lake's fish population.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution provides for freedom of speech and freedom of the press; however, the Government at times restricted these rights in practice. During the year, the Government jailed at least five peaceful anti-government protestors convicted of “insulting the President” or “spreading hatred against the Government.” In addition, politicians and powerful businessmen showed greater willingness to file criminal or civil complaints against journalists whose work they found insulting or offensive, and this trend undermined press freedom. Also during the year, journalists faced increasing threats or violence.

In January, after protests that followed a Government announcement of price increases, the President, police, and Cabinet ministers all spoke out against protestors who insulted “state symbols.” By July, the Government had in the preceding 24-month period prosecuted 25 protestors who had peacefully expressed their political views. On April 28, the Yogyakarta District Court found Ignatius Mahendra Kusuma Wardana and Yoyok Edo Widodok guilty of burning a photo of the President and Vice President at a January rally and sentenced them to 3 years in prison. On June 16, a Jakarta court sentenced Iqbal Siregar of the Islamic Youth Movement (GPI) to 5 months in prison for insulting the President at an anti-government protest in front of the State Palace. Siregar had carried a poster featuring the President with tape covering her eyes and had also started a chant: “This is the President who has disappointed the people.” NGOs such as HRW, Amnesty International, and Kontras criticized the Government's prosecution of peaceful protestors.

In Aceh province, press freedom deteriorated during the year. Martial law administrators took various steps to limit information coming out of Aceh, including restricting access of foreign journalists and diplomats, blocking cellular telephones, and forbidding contact with GAM. Journalists in Aceh experienced serious difficulties operating under martial law. The Government issued a decree that required each news coverage activity to “be supported by written permission by the head of Aceh's Emergency Military Authority.” However, enforcement of the decree was erratic. In practice, only foreign journalists and local journalists reporting for foreign news organizations required special permits from the martial law administrator. The administration did not directly censor reporters' stories, but many local journalists felt intimidated by public criticism from army spokesmen about specific stories, as well as by passionate statements from military commanders urging journalists to report “patriotically.” Journalists also expressed concern that critical reporting of TNI operations could cause them to lose access to military press briefings. Finally, the uncertain security situation in many parts of the province limited access to many areas. In the early weeks of the operation, the TNI operated a program of “embedding” journalists with military patrols. Many journalists who worked in Aceh—both embedded and independent—indicated they felt threatened by both GAM and the TNI in reporting on events. The military terminated the embedding

program after 1 month. Some journalists complained that pressure by the TNI on their Jakarta-based editors also limited negative reporting of the conflict. For example, in late May, the Surya Citra Television network (SCTV) fired reporter/producer Dandhy Dwi Laksono after the network aired Laksono's interview with an Acehese man who said he had been tortured by soldiers. Laksono told a media watchdog group that the TNI took offense at the report and that this prompted his dismissal.

Journalists faced violence and intimidation from police, soldiers, government officials, rebels, thugs, students, and ordinary citizens. During the year, the Alliance of Independent Journalists (AJI) recorded at least 36 physical attacks against journalists as well as 24 non-physical acts that included death threats and lawsuits. For example, on February 26 in the West Java city of Bandung, police assaulted five journalists who were covering a student protest outside the provincial assembly building (DPRD). Dedi Sudandi of the daily *Pikiran Rakyat* was preparing to photograph a policeman who was beating a student when Sudandi was dragged into a crowd of policemen and pummeled. Police intentionally fired a water cannon at the other four journalists and damaged their television equipment. On August 23, approximately 30 unidentified youths ransacked the Maluku Media Center in Ambon, injuring a number of persons and destroying furniture. Police later arrested nine persons and said the attack was not news related but linked to an earlier dispute that occurred near the center.

There were many violent attacks against journalists in Aceh. For example, on June 19, the corpse of TVRI cameraman Jamaluddin was found near Banda Aceh with his hands tied, mouth sealed, and head covered with a plastic bag (see Section 1.a.); however, evidence suggested that the killing may have been unrelated to his press activities. On July 20 in the North Aceh community of Krueng Keukeuh, unknown gunmen opened fire on the home of Waspada newspaper journalist Idrus Jeumpa, killing Jeumpa's wife and injuring him and his two children. In early July in the South Aceh village of Panton Luas, five soldiers allegedly beat brutally 68H radio journalist Alif Imam Nurlambang. On June 29, the GAM abducted journalists Ersa Siregar and Fery Santoso, along with the wives of two Air Force officers (see Section 1.b.). The GAM's commander in East Aceh, Ishak Daud, defended the abductions by saying that TNI intelligence officers frequently used vehicles marked "press," an assertion confirmed by journalists.

Expulsion was occasionally used against journalists. For example, on June 24, Aceh military authorities forced Korean reporter Jeong Moon Tae and Indonesian Reuters photographer Tarmidzi Harva to leave the province.

On March 8, persons linked to well-connected tycoon Tomy Winata appeared at Tempo Magazine's headquarters in Jakarta and criticized an article that implied Winata stood to benefit from a mysterious fire that destroyed a Jakarta market. They assaulted Tempo journalists, including Chief Editor Bambang Harymurti, both at the headquarters and later at a police station. Tempo lawyers reported the matter to the authorities and sued the assailants, but judges exonerated the group's leader. Winata's attorneys responded by initiating four new lawsuits (two civil and two criminal), actions that free press activists asserted were attempts to intimidate media companies into silence. On September 29, a judge in one of the four suits impounded the home of one of the defendants, Tempo columnist Goenawan Mohamad. The seizure warrant was issued after the impoundment occurred. A separate panel of judges called the action "erroneous," but declined to reverse the court order. On October 6, a Jakarta court ruled in favor of AJI in a civil suit against the police, who failed to act to protect journalists during the March 8 Tempo attack.

Government leaders and politicians showed greater willingness to use legal action against journalists for defamation claims. In September, Jakarta prosecutors demanded a 1-year sentence for *Rakyat Merdeka* daily editor Soepratman, who was charged with defaming President Megawati by publishing four defamatory headlines, such as: "Mega's Mouth Reeks of Diesel Fuel." On October 22, Soepratman was acquitted of slander; however, he was convicted of spreading hatred against the Government and given a 6-month suspended sentence. On September 9, a Jakarta court delivered a suspended 5-month sentence to another *Rakyat Merdeka* editor, Karim Papatungan, for a front-page political cartoon that showed an unflattering portrayal of Akbar Tandjung, the Golkar Party chairman and DPR Speaker who was convicted in 2002 of embezzling \$4.5 million in state funds intended for public food assistance.

The Government did not initiate legal action against any person responsible for crimes committed against journalists in 2002. However, following a lawsuit filed by AJI, the Central Jakarta District Court on January 27 ordered Jakarta Governor Sutiyo to apologize to a reporter who had been intimidated by a city public order officer. The journalist, Edi Hariyadi, was reporting on an eviction in March 2002 when the officer, Dapot Manihuruk, tried to prevent him from covering the story.

Hariyadi later experienced repeated acts of intimidation. Sutiyo's lawyers appealed the decision to the High Court and the case was under consideration at year's end. In a separate case, the Government did not make any arrests in connection with the June 2002 police beating of journalist Wisnu Dewabrata. According to Media Watch, Kompas sued the police force but then, fearing difficulties with the police, withdrew the suit. Police then allegedly sent an apology to Dewabrata.

Pervasive corruption undermined journalism, as did the lack of an enforceable journalistic code of ethics. According to an international survey published in September, the country was among the three countries where journalists were most likely to compromise their integrity by taking bribes.

During the year, the Government began implementing the Broadcasting Law that was passed in November 2002, including issuing frequency licenses and forming what appeared to be a fair broadcasting commission; however, since the law was still under judicial review for conformity with the Constitution, it was not fully implemented by year's end. Some critics argued that the law could permit censorship.

Despite numerous incidents of violence and intimidation of the press, there were some positive developments. Unity among journalists and their commitment to protect their colleagues appeared to have strengthened. Some members of the press also continued their aggressive reporting on such issues as corruption, Aceh, and environmental degradation. As decentralization proceeded, regional media increasingly prospered. In addition, moderate Islamic publications increased in number and popularity; some observers characterized the publications as the voice of the "silent majority." Panjimas magazine reinvented itself to present moderate views more aggressively, and the women's magazine Noor tried to promote a modern Islamic female lifestyle. Editors of both magazines said they were consciously responding to radical publications such as Sabili magazine, which they asserted did not reflect the majority Muslim view of the world.

A Government-supervised Film Censorship Institute continued to censor domestic and imported movies for content that is pornographic or deemed religiously offensive. By law, Communist teachings cannot be disseminated or developed. Although no mainstream books were banned during the year, Central Java Police Chief Didi Widayadi announced on September 19 that the provincial government had banned publications that describe methods for carrying out acts of terrorism or holy war.

The Government did not restrict Internet usage or content.

The law provides for academic freedom, and the Government did not restrict academic freedom.

b. Freedom of Peaceful Assembly and Association.—The Constitution provides for freedom of assembly; however, the Government restricted this right in certain areas. The law requires that persons planning to hold a demonstration notify police 3 days in advance and appoint someone accountable for every 100 demonstrators. The law generally does not require permits for public social, cultural, or religious gatherings; however, any gathering of five or more persons related to political, labor, or public policy required police notification (see Section 6.a.).

Police used excessive force at a number of demonstrations during the year (see Section 1.c.). For example, on February 26 in Bandung, West Java, police forcibly dispersed a demonstration outside a government building and many students reportedly sustained head injuries. Journalists were also injured (see Section 2.a.).

In Aceh, the security forces interfered with or shut down a number of public rallies, ostensibly for a lack of proper permits. For example, on January 9, police physically prevented thousands of civilians from attending a rally demanding the withdrawal of the security forces from the province. At one point, Brimob officers fired warning shots; four demonstrators were injured, two seriously. Although the shootings appeared to be accidental, police later charged two speakers at the rally with "spreading hatred." One of those charged, Muhammad Nazar, was convicted and sentenced to 5 years' imprisonment (see Section 4). The other, Kautsar, fled prosecution and remained at large at year's end.

On some occasions, counter-protestors violated the right to peaceful assembly. For example, on March 20 in Malang, East Java, members of an Indonesian Democratic Party of Struggle (PDI-P) youth group attacked students from various universities who were calling on the President and Vice President to resign. The violence resulted in 31 injuries, 6 of them serious.

The Government did not report any progress in prosecuting those responsible for the September 2002 forcible dispersal by Jakarta police of participants in a massive rally against the reelection of Governor Sutiyo. Similarly, no arrests were made in connection with the distribution of food containing cyanide at the same rally. In addition, no arrests were made over the May 2002 attack in the Central Java city of Semarang on two anti-poverty activists by persons who claimed to be members of the ruling PDI-P.

The Constitution provides for freedom of association; however, the Government restricted the exercise of this right. Although the Papua Special Autonomy Law permits the flying of a flag symbolizing Papua's cultural identity, the police prohibited the flying of the Papuan Morning Star flag. There were unconfirmed reports that on July 7 in Wamena, police shot and killed one person, whose name was not released, for attempting to raise the Morning Star flag in front of a government office. In related incidents, police removed such flags at numerous locations and continued their crackdown against Papuan nationalist T-shirts, stickers, bracelets, and other items they felt were associated with the separatist movement. In September, police reportedly carried out a "sweep" for such accessories in the Central Papuan Highlands city of Wamena.

The security forces continued to enforce a prohibition on the flying of the GAM flag. In July, Aceh's Governor instructed all Acehnese to fly the Indonesian national flag from July 8 to September 1, and residents who displayed a worn or tattered one were reportedly ordered to buy a new one. The flying of the red-and-white national flag was seen as a test of their loyalty to the state and their rejection of the separatist movement. On May 21, 37 homes in the Bireuen subdistrict of Peusangan were reportedly burned for not displaying the national flag. Some human rights activists accused the Government of forcing civilians to take part in patriotic mass rallies, such as the June 17 event in Banda Aceh, in which 10,000 young persons declared their loyalty to the unitary state of Indonesia. Similar rallies were held in Aceh Besar, Pidie, Bireuen, North Aceh, and East Aceh.

c. Freedom of Religion.—The Constitution provides for "all persons the right to worship according to his or her own religion or belief," and states that "the nation is based upon belief in one supreme God." The Government generally respected the former provision, but only five major faiths—Islam, Protestantism, Catholicism, Hinduism and Buddhism—received official recognition in the form of representation at the Ministry of Religious Affairs. Other religious groups were able to register with the Government, but only with the Ministry of Home Affairs, and only as social organizations. These groups experienced official and social discrimination. By stipulating that the country is based on belief in one God, the Government does not recognize atheism.

Following a sharp drop in violence between Christians and Muslims in the provinces of Maluku, North Maluku, and Central Sulawesi, inter-religious tolerance and cooperation improved during the year. During the first 6 months of the year, many Muslims and Christians in those provinces worked together to repair mosques and churches. In the Malukus, local governments reunited many government offices that since 1999 had separated into Christian and Muslim units. In Bali, where some feared that the October 2002 bombings would strain relations between Hindus and Muslims, no confrontations were reported during the year. As in previous years, some political parties advocated amending the Constitution to adopt Islamic law (Shari'a) on a nationwide basis, but most Parliamentarians and the country's largest Muslim social organizations remained opposed to the idea.

During the year, at least 7 churches were attacked; in 2002 attackers destroyed or forcibly closed 20 churches. Attacks occurred in the West Java communities of Haur Ngomong, Melayu Barat, and Cilaku; the Jakarta communities of Pondok Bambu and Kemayoran; the Central Java village of Modalan; and the North Sumatra village of Bandar Selamat Asahan. Approximately half of these attacks involved arson committed by unidentified persons, while others featured forced closures, either by mobs or by the authorities. No attacks on mosques occurred during the year. This marked an improvement from 2002, when at least two mosques were attacked. On March 13, a homemade bomb was found on the roof of Ambon's Al-Fatah mosque, but it did not explode and it was believed been there for a long period. The Government did not report progress in prosecuting those responsible for the September 2002 mob attack on a mosque, homes, and shops belonging to the Ahmadiyah community in the East Lombok town of Selong; however, the ICG reported that the attack—and another attack the same month on a Lombok mosque belonging to the Institute for the Proselytization of Islam in Indonesia (LDII)—came after district government chiefs issued decrees that said the two sects were not officially sanctioned. It was unclear what, if any, government investigation followed the July 2002 attack on a mosque in the predominantly Catholic town of Maumere and the September 2002 attack on an LDII mosque in Bima.

The civil registration system continued to discriminate against members of minority religions. Civil Registry officials refused to register the marriages or the births of children of Animists, Confucians, members of the Baha'i faith, and others because they did not belong to one of the five officially recognized faiths. Hindus, despite official recognition of their religion, sometimes had to travel far to register marriages or births, because in many rural areas the local government could not or

would not perform the registration. Persons whose religion was not one of the five officially recognized faiths, as well as persons of Chinese descent, had difficulty in obtaining a KTP, which was necessary to register marriages, births, and divorces. On April 9, followers of the indigenous belief system "kepercayaan" met with commissioners of KOMNAS HAM in Jakarta and complained about official discrimination, most notably in the area of civil registration. The 100-member delegation from the Cigugur Adat (traditional) community, based in West Java, reported that they could not get births or marriages registered, and that their children were disadvantaged at schools because they did not belong to one of the five officially recognized religions. The visitors also expressed concern about a movie titled "Infidel" which was popular at the time. They asserted that its depiction of the late Cigugur founder, Pangeran Madrais, as a witch doctor was harshly offensive and that he was in fact a holy man who had brought people together.

Men and women of different religions experienced difficulties both in getting married and registering the marriage. The Government refused to register any marriage before a religious marriage ceremony had taken place. However, very few religious officials were willing to take part in any wedding involving a man and woman of different faiths. For this reason, some soon-to-be brides and grooms converted to their partner's religion, sometimes superficially, in order to be married. Others resorted to traveling overseas to wed.

During the year, religious instruction sparked intense public debate. Such instruction is required for students at elementary and secondary public schools. On June 11, the DPR passed a controversial Education Bill that drew in part on "faith and piety" language newly included in the Constitution. Muslims largely supported the law, while Christians generally rejected it. It states, among other things, that each student has the right to receive religious instruction by a teacher of the same faith. Because few non-Muslims attended Muslim schools, such schools would likely be unaffected by the law, and thus not required to hire non-Muslim teachers, create a program for a (non-Muslim) religion class, or create a space for worship by Christian or other students. However, many Catholic and Protestant churches, church groups, and schools viewed the law as state intervention into private religious affairs. They expressed concern that high-quality Christian schools which attract many Muslim students would be forced to hire Muslim teachers, create a program for an Islam class, and set up a mushollah (prayer room). Muslim supporters argued that the nation's moral decay required swift action to instill ethics and morality in its youth. Other Muslims said the law was aimed at assuring Muslim parents that their children could receive a high-quality Catholic school education and still receive Islamic guidance. Many Muslim intellectuals opposed the law, saying it was too steeped in religion and that education should be based on enlightenment, rather than piety. Political observers saw the bill's passage as politics in preparation for 2004 elections. By year's end, the Government had not taken any concrete steps to implement the bill's provisions.

On March 3 in Aceh province, the Government began the implementation of Shari'a by issuing a presidential decree establishing Islamic law courts in that province. There was no evidence that suggested that Shari'a was being applied to non-Muslims in Aceh. Some in Aceh worried that implementation of Shari'a would provide new powers to already-discredited law enforcement institutions and provide opportunities to intrude on private religious matters, such as whether an individual attends Friday prayers. At year's end, such concerns thus far appeared unfounded. Women's groups played an active role in helping draft local regulations in order to avoid provisions that might restrict women's rights.

In some municipalities, local leaders applied stricter Islamic practices during the year. For example, in the West Java regency of Cianjur, a local regulation required all government workers to wear Islamic clothing every Friday. Virtually all women complied with the regulation, and women's groups including Women's Solidarity (Solidaritas Perempuan) said the women were afraid to not comply. Some residents alleged that the authorities were meddling in private affairs. In some areas, Islamization campaigns that began in 2002 seemed to lose momentum during the year. In the Madura regency of Pamekasan, the regent had set up a "local Shari'a" implementation committee and promulgated a decree calling for Muslim attire for civil servants and for public and work activities to cease during the call to prayer. During the year, the committee set less ambitious goals such as that persons should obey the rules of the road and not build food and drink stalls on sidewalks and medians.

The Human Rights Law allows conversions between faiths, but converts to minority religions sometimes felt reluctant to publicize their conversions because they feared discrimination.

As in previous years, during the Muslim fasting month of Ramadan, many local governments ordered either the closure or limited operating hours of various types of “entertainment” establishments. The Jakarta decree ordered the month-long closure of non-hotel bars, discos, nightclubs, sauna spas, massage parlors, and venues for live music. However, billiard parlors, karaoke joints, and hotel bars and discos were permitted to operate for up to 4 hours per night. Some members of minority faiths, as well as some Muslims, felt that these orders infringed on their rights. However, enforcement of the orders varied.

Foreign missionaries who obtained visas were generally allowed to work without serious restriction.

For a more detailed discussion, see the 2003 International Religious Freedom Report.

d. Freedom of Movement within the Country, Foreign Travel, Emigration, and Repatriation.—The Constitution allows the Government to prevent persons from entering or leaving the country, and sometimes the Government restricted freedom of movement. The Law on Overcoming Dangerous Situations gives the military broad powers in a declared state of emergency, including the power to limit land, air, and sea traffic; however, the Government did not use these powers.

The Government restricted freedom of movement through a system of “travel letters,” which were required for travel within Maluku, Aceh, and Papua. Enforcement was inconsistent. In parts of Papua, officials required a travel letter for a resident to walk from one village to another. The system promoted police graft and the monitoring of citizens’ activities.

On May 18, President Megawati issued a decree establishing martial law in Aceh province for an initial period of 6 months. On November 19, the Government extended martial law for 6 months. The decrees name the President as the central martial law administrator and appointed Aceh Regional Military commander, Major General Endang Suwarya, as regional martial law administrator. The decrees give the regional martial law administrator overall government authority for the province and power to issue emergency measures to control travel, trade, transport, and other civilian activities. The basis for the decree is a 1959 “Government Regulation with the Force of Law” on National Emergencies. Human rights activists called the President’s decrees vague and stated that, by drawing their authority from a 44-year-old law, the decrees do not explicitly recognize subsequent human rights legislation or the rights of non-combatants in a conflict area.

The Government restricted some residents’ movements through the issuance of new national identity cards. These cards required the signatures of the holder’s local military commander, local police chief, and village head. Acehese who wished to travel or leave the province had to produce these cards at security checkpoints along main highways. Failure to produce the card was cause for arrest. In practice, the cards were easily obtained.

The Government also restricted movements in order to close avenues of supply to GAM rebels. In the remote Lokop district of East Aceh, home to 30 villages and a heavy rebel presence, TNI units monitored and controlled food shipments moving in and out of villages and limited shipments to TNI-linked suppliers. Soldiers also limited the amount of food each family could purchase, and this resulted in malnutrition, according to the Aceh branch of Kontras. In addition, troops reportedly restricted the hours that fishermen could fish, and the hours that rice farmers could work their fields.

In Central Kalimantan, where inter-ethnic violence in 2001 prompted approximately 130,000 ethnic Madurese migrants to leave, mainly to Madura and East Java, at least 13,000 ethnic Madurese returned to Central Kalimantan between March and the end of the year. However, in the interim, a number of regency governments, including those of Barito Utara, Barito Selatan, and Kotawaringin Barat, had introduced regulations that prohibited the return of ethnic Madurese unless they could prove they had previously lived in the area for a certain length of time—such as 10 years—and did not have a criminal record. Several minor incidents of ethnic violence occurred during the year. Relations between Madurese and Dayaks remained poor. The West Kalimantan city of Sambas remained effectively inaccessible for its former Madurese residents.

In September, the Government lifted a 3-year state of emergency in the Malukus and ended a dusk-to-dawn curfew. The Government also ceased requiring foreigners to obtain a special permit to visit the Malukus.

The Government prevented at least 282 persons from leaving the country during the year and at least 4,000 persons from entering. The Attorney General’s Office and the High Prosecutor’s office prevented most of these departures and entries. Some of those barred from leaving were delinquent taxpayers, while others were involved in legal disputes.

The country continued to make dramatic progress in lowering its IDP population. In June, the U.N. Office for the Coordination of Humanitarian Affairs (OCHA) estimated that there were 587,000 IDPs in the country. This was down sharply from the 1,413,708 cited in 2002 by the World Food Program. Thousands of IDPs returned home due to the sharp reduction in communal violence in the provinces of Maluku, North Maluku, and Central Sulawesi. In May, according to OCHA, the areas with the highest numbers of IDPs were Maluku (232,000), Madura (125,000), and North Sumatra (122,000). The Government's military operation in Aceh did not produce a large flow of IDPs outside the borders of the province. Some of the country's IDPs lived in emergency shelters while others stayed with host families or were integrated into local communities. The Government dealt with many aspects of crisis but continued to rely on international organizations and donors to assist with most IDPs' needs. In theory, each IDP had a right to three options: they could return to their place of origin, start anew in their current location with the Government's assistance, or resettle through a relocation program. In some cases, including in North Sumatra, governmental assistance amounted to a one-time payment of approximately \$1,000 per family. However, the Government was not able to reach all IDPs, and, of those reached, the Government did not offer all such options. On June 30 on the North Maluku island of Ternate, thousands of IDPs who claimed that the Governor had stolen aid earmarked for their return to Halmahera island clashed with hundreds of police and soldiers. No injuries were reported. NGO activists who worked with IDPs reported that in conflict areas, the Government was doing little or nothing to see that compensation was provided for losses suffered or that justice was served for those responsible. Activists reported that IDPs were vulnerable to trafficking in persons, and others warned that widespread violence could re-ignite at any time in some regions.

Although the law does not include provisions for the granting of refugee status or asylum to persons who meet the definition in the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol, there were no reports of the forced return of persons to a country where they feared persecution. The Government cooperated with the U.N. High Commissioner on Refugees (UNHCR), which maintained an office in Jakarta. At year's end, there were 233 U.N.-recognized refugees and 68 asylum seekers living in the country. Some were applicants and others were dependents. Most were from Iraq, Afghanistan, or Iran. Some of the refugees had been accepted by Western resettlement countries but had not yet departed.

The above figures did not include approximately 28,000 former refugees from East Timor who resided in West Timor at year's end. The Government and UNHCR stated that at year's end, the remaining East Timorese in West Timor would no longer be considered refugees. Most of these former refugees resided in makeshift camps in the West Timor regencies of Atambua and Kupang. Many of these individuals did not want to return to their homeland; others wanted to return but apparently felt constrained by those opposed to returning. An NGO worker who frequently visited the camps estimated that 15 percent of their residents desired to return to East Timor. Meanwhile, the heads of at least five districts in East Nusa Tenggara province refused publicly to provide resettlement land for the former refugees.

Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government

The Constitution provides citizens with the right to change their government peacefully, and citizens exercised this right in practice through periodic, free, and fair elections held on the basis of universal suffrage. During the year, they exercised this right indirectly, as their elected legislators chose governors in regional DPR elections. The Constitution provides for general elections every 5 years. The last elections were held in 1999 and the next were scheduled for April 2004. During the year, the police and military continued to hold 38 appointed seats jointly in the DPR and 10 percent of the seats in provincial and district parliaments; however, according to a 2002 amendment to the Constitution, they will lose their appointed DPR seats after the 2004 elections. The DPR members automatically are members of the MPR, which also includes 130 regional representatives elected by provincial legislatures, and 65 appointed representatives from functional and societal groups.

Domestic and international observers monitored the 1999 elections and considered them largely free and fair. Following the 1999 elections, the MPR, in a transparent manner, elected Abdurrahman Wahid as President and Megawati Soekarnoputri as Vice President. In July 2001, the MPR convened an "Extraordinary Session" to require President Abdurrahman Wahid to account for his performance. Wahid refused to appear, claiming the charges were politically motivated, and instead issued a directive to "freeze" the MPR, the DPR, and the Golkar Party and to hold new elections. This exceeded his authority under the Constitution, and the military and po-

lice refused to enforce these measures. On July 23, 2001, the MPR canceled Wahid's mandate, and Vice President Megawati replaced Wahid as President, as provided by law.

During the year, the Government made preparations for the 2004 national elections, including the first direct election of the President in the country's history. The Election Commission (KPU) scheduled the first round of balloting for April 5, 2004. On July 7, the DPR passed a long-awaited Presidential Election Law. The law lowered the threshold for political parties and coalitions to register their tickets for the presidential/vice-presidential elections. Parties can register their presidential/vice-presidential candidates as much as 2 weeks after the issuance of the results of the legislative elections, if they win 3 percent of the next Parliament's seats or 5 percent of the 2004 popular vote. From a field of over 270 prospective parties, 50 met these registration requirements. The KPU then examined whether these parties met the requirements of the Political Party Law, including having offices and sufficient party membership in a prescribed number of provinces and district. On December 7, the KPU confirmed the eligibility to participate in the 2004 elections of the 6 largest political parties that participated in the 1999 elections as well as 18 parties formed subsequently.

The MPR can amend the Constitution and issue decrees, functions it performed in the first of its "annual sessions" held in 2000. A key demand of the reform movement was an overhaul of the 1945 Constitution, which was seen as having fostered the development of past authoritarian regimes. In the First Amendment of the Constitution, the 1999 MPR passed curbs on executive power, including a limit of two 5-year terms for the President and Vice President. At the same time, the MPR empowered an ad-hoc working committee to consider further amendments and to draft MPR decrees. This effort resulted in the adoption in 2000 of the Second Amendment, which included many important changes, including provisions for protections of human rights, regional autonomy, and further separation of powers. During its 2001 session, the MPR amended the 1945 Constitution to provide for direct presidential and vice-presidential elections, a bicameral legislature with a regional representative's chamber, and a Constitutional Court with the power of judicial review of legislation, certain election disputes and impeachment proceedings. This court was inaugurated on August 17. In 2002 the MPR approved the Fourth Amendment, which requires presidential and vice presidential candidates to run together on a single ticket. It provides for a second round of direct voting if no one candidate gets a majority of votes cast, as well as at least 20 percent of the vote in half of the provinces. The MPR retained authority to amend the Constitution but was no longer empowered to establish broad guidelines of state policy. The constitutional changes also restricted the MPR's authority to impeach the President. The 1999-2002 amendments, if fully implemented, would make the President and the Vice President directly accountable to constituents.

All adult citizens were eligible to vote, except active duty members of the armed forces, convicts who are serving a sentence of 5 years or more, persons suffering from mental disorders, and persons deprived of voting rights by an irrevocable verdict of a court of justice. Former members of the banned Indonesian Communist Party (PKI) are allowed to vote but may not run for office.

There were no legal restrictions on the role of women in politics. A woman, Megawati Soekarnoputri, served as President; however, women accounted for only 2 of the 32 Cabinet ministers, 44 of the 500 DPR members, and 8 of the 45 Supreme Court Justices. In February, the DPR passed an election law that included a non-binding call for parties to select women for at least 30 percent of the candidate slots on their party lists. Some women's rights NGOs were concerned that political parties would simply add women to the bottom of their proportional representation candidate lists, which would result in no significant increase in women DPR members.

There were no legal restrictions on the role of minorities in politics. There were 365 members of minorities in the 500-seat DPR; minorities meaning legislators from areas outside of Java, the most populous island, or neighboring Madura Island. There were 12 members of minorities in the 33-member Cabinet. While most Cabinet members were Javanese, Sundanese, or Madurese, minority members were of Bugis, Batak, Acehnese, Minang, Flores, Balinese, Banjar, Arab or Chinese heritage.

During the year, the Government continued its far-reaching decentralization program authorized by the 1999 Regional Autonomy Law. The devolution of powers continued, primarily to regencies (roughly the equivalent to large counties in the U.S. system) and municipalities.

In Papua, the Government's plan to divide the province into three generated significant opposition from NGOs, religious leaders, community leaders, and the Papuan Governor. Law 45/1999 called for the creation of the two additional provinces

of West Irian Jaya and Central Irian Jaya. However, the subsequent Law for Special Autonomy in Papua in 2001 makes clear that partition is only possible with approval of the Papuan People's Council (MRP) and the Papuan legislature. In January, the Government issued a Presidential Instruction, which overlooked the Special Autonomy Law and called for implementation of the 1999 law. Some critics said the plan would create discord, while others accused the Government of trying to destabilize Papua, to undermine the separatist movement, and to perpetuate full Government control. Stung by this criticism, Home Affairs Minister Hari Sabarno indicated that the partition plan would not be fully implemented until after the 2004 elections. Nevertheless, the Government subsequently recognized the province of West Irian Jaya and inaugurated its governor. In September, local politicians in Timika declared the establishment of Central Irian Jaya, resulting in street fighting between groups for and against the move. Following days of violence that left five persons dead, the Government announced it had postponed the creation of the new province.

Section 4. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

Domestic NGOs were subject to monitoring, abuse, harassment and interference by the Government; however, they remained active in advocating improvements to the Government's human rights performance. KOMNAS HAM reported that, since 2000, 14 human rights activists had been killed, and that in not one of these cases had the perpetrators been brought to justice. Many NGOs, particularly those in Aceh, accused the security forces of obstructing their activities and expressed concern that this prevented the revealing of many human rights violations. During the year, organized groups attacked members or offices of a number of NGOs and related organizations, including Kontras, IMPARSIAL, the Indonesian Red Cross (PMI), the Human Rights and Anti-Violence Foundation (HAMAK), and others.

In Aceh, NGOs experienced intense governmental interference, particularly after the Government launched a military operation against GAM rebels in May. The security forces repeatedly summoned many domestic NGO activists for questioning regarding possible links to GAM. The resulting intimidation prompted between 100 and 200 activists to leave the province. The Government effectively prohibited foreign humanitarian aid workers from the province, except for a limited number attached to U.N. agencies. For example, in June, a government decree prevented foreign NGOs from communicating directly with Acehnese without prior approval from local authorities. The same decree required martial law administrators to distribute all humanitarian aid. The Government criticized NGOs that questioned its policies. HRW called for the removal from Aceh of six serving or retired TNI officials who are known human rights violators. In November, the TNI removed Major General Adam Damiri, who was convicted of crimes against humanity by the country's own Ad Hoc Tribunal for Human Rights in East Timor (see Section 1.e.).

Following the imposition of martial law in Aceh, the Government charged at least six activists with crimes, including Cut Nurasikin, a director of Srikandi Aceh, a prominent Acehnese women's organization. Police charged her with being a leader of Inong Balee, GAM's women's auxiliary. She was convicted on October 21 and sentenced to 11 years in prison. On July 3, political activist Muhammad Nazar was convicted and sentenced to 5-years' imprisonment (see Section 1.e.).

There were reports of the killing of members of NGOs in Aceh (see Section 1.a.). For example, on June 7, a Kontras volunteer named Syaiful Bachri was shot and killed in the East Aceh village of Beringin. The military claimed that four GAM members shot Bachri while he was en route to his parents' home.

In September in Papua, five unidentified men abducted NGO activist Abner Doundi of HAMAK and held him for 18 hours. Papuan police chief Budi Utomo promised to investigate; however, there had been no further developments by year's end. In a separate case, the TNI commander in Papua, Major General Nurdin Zainal, submitted, withdrew, and then resubmitted a defamation lawsuit against John Rumbiak and Yohanis Bonay of the NGO ELS-HAM. The suit, which also named four editors at two newspapers as defendants, stemmed from a press conference ELS-HAM held in the wake of the August 2002 ambush near Timika. The lawsuit was ongoing at year's end. Unknown persons repeatedly threatened bodily harm against a number of leading human rights activists in Papua, including Pieter Ell, the head of Kontras' operations in Jayapura.

In Jakarta, approximately 100 members of the paramilitary youth group Pemuda Panca Marga attacked the offices of Kontras on May 26 and 27 after its founder, Munir, criticized the Government's decision to launch a military offensive in Aceh. The PPM members, many of whom are the children of veterans, reportedly destroyed office equipment and injured three Kontras staffers. Among those injured

was coordinator Ori Rachman, who was forced to sing a patriotic song and beaten when he did not know all of the words. Jakarta police failed to answer Kontras' calls for help during the May 26 attack. Police Chief Sukrawardi Dahlan reportedly explained that his officers were all at a meeting at the time and were unable to respond. On May 28, TNI commander General Endriartono Sutarto stated that Kontras should reflect on the attackers' motivation. Police eventually detained two of the attackers, who were charged with "violence against people and property," an offence that could carry a 5-year jail term. On August 29, an explosive device detonated near the front door of Munir's West Java home. No injuries were reported.

The Government made some progress in prosecuting those responsible for the March 2002 attack by hundreds of Betawi Brotherhood Forum (FBR) members against activists of the Urban Poor Consortium (UPC) at the Jakarta office of KOMNAS HAM. In April, the Central Jakarta District Court sentenced six members of the FBR to 6 months in prison, saying they had instigated the attack. The six appealed the verdict to the Jakarta High Court, and the appeal was pending at year's end.

The Government reported no progress in prosecuting the perpetrators of the December 2002 shooting in Papua of several family members of Johannes Bonay, executive director of ELS HAM. At least three of the family members were wounded.

The Government generally viewed outside investigations or foreign criticism of its human rights record as interference in its internal affairs. The security forces and intelligence agencies tended to regard foreign NGOs with suspicion, particularly those operating in conflict areas. Government monitoring of foreigners was apparent in some conflict areas. Some domestic NGOs expressed concern about possible negative consequences of contacting foreigners.

A number of government agencies and affiliated bodies addressed human rights issues, including the Ministry of Justice and Human Rights, the Ministry of Foreign Affairs, the Ministry of Women's Empowerment, and KOMNAS HAM. During the year, KOMNAS HAM's efforts to expose human rights violations and bring perpetrators to account were undermined by a number of court decisions regarding the Commission's jurisdiction or authority. For example, on July 28 a Jakarta court refused to subpoena former and active military officers who had ignored KOMNAS HAM summonses to face questioning over the 1998 riots, which claimed more than 1,200 lives. By law, severe human rights violations that occurred before 2000 could only be investigated by an ad-hoc human rights court, not KOMNAS HAM. Consequently, the Commission described a catch-22 situation: Such a court could only be formed at the suggestion of the DPR, but in order for the DPR to know enough about an incident to approve the formation of a court, a thorough investigation was necessary. The resulting stalemate blocked progress toward accountability. Some activists complained that the division of government responsibilities was unclear.

Section 5. Discrimination Based on Race, Sex, Disability, Language, or Social Status

The Constitution does not explicitly prohibit discrimination based on gender, race, disability, language, or social status. It provides for equal rights for all citizens, both native and naturalized. In practice, however, the Government failed to defend these rights adequately, and the basic rights of women and children were frequently abused. The Government did little to defend the rights of persons with disabilities. There was some societal discrimination against persons with HIV/AIDS; some such individuals received prejudicial treatment at medical centers, saw their confidential lab results released or had their identity published in a newspaper. In most if not all such cases, the Government failed to take corrective action. However, the Government encouraged tolerance, took steps to prevent new infections and drew up plans to subsidize anti-retroviral drugs.

Women.—Violence against women remained poorly documented. Nationwide figures were unavailable, but the Jakarta office of the NGO Legal Aid for Women (LBH-Apik) received reports of 280 cases in the capital during the year. The NGO said 70 of these cases involved physical abuse, 124 psychological, 85 economic, and one sexual. Jakarta's biggest hospital, Cipto Mangunkusumo, treated 112 women for domestic-violence injuries during the year. In West Sumatra, police received 33 reports of violence against women during the first six months of the year. Two types of crisis centers were available for abused women: Government-run centers in hospitals and NGO centers operated in the community. During the year, the Women's, Health, and Social Welfare ministries signed a memorandum of understanding with the National Police on the establishment of integrated crisis centers at certain police hospitals.

Rape was a problem. It is punishable by 4 to 12 years in jail, and the Government jailed perpetrators for rape and attempted rape. Reliable nationwide statistics were unavailable, but Jakarta police reportedly tallied 134 rape cases in the capital dur-

ing the year, marking a 25 percent increase from 107 in 2002. During the year, Cipto Mangunkusumo treated 91 women and 127 girls for rape and 132 girls for sexual assault. Women's rights activists speculated that these figures were artificially low because of the social stigma associated with rape. The law requires penile penetration to constitute rape. On several occasions in 2002 in Aceh, soldiers were not held accountable for violating women with bottles and other foreign objects. However, during the year, the Department of Justice and Human Rights completed a draft Criminal Code Bill that contained a provision expanding the definition of rape to cover the insertion of foreign objects into a woman's vagina or anus. The bill had not passed by year's end.

In Jakarta, eight men gang-raped a 16-year-old girl shortly after she arrived from her village in Central Java. On August 29, police arrested seven of the suspects; an eighth suspect evaded arrest and remained at large at year's end. After arriving in the capital, the girl was reportedly promised a job by one of the men. He then reportedly took her to the house, where she was gang-raped over a 2-day period before being taken to a pub, where she was instructed to wait on tables. The girl eventually managed to contact police. On September 17, a 15-year-old girl became one of thousands of persons to be brutally evicted from state-owned land in Cengkareng, West Jakarta. Later that day, she was found in a state of shock at a train station; evidence suggested that she had been sexually attacked by public order officials.

Rapes committed by members of the security forces were most numerous in Aceh, the scene of a major military operation against GAM rebels. Human rights activists expressed concern that rapes were being underreported in the province, partly because of press restrictions. The NGO consortium Sahabat Aceh reported that up to 100 rapes were committed in Aceh from May to September, but that only 21 cases of rape or sexual harassment had been reported to the authorities. The TNI prosecuted a few rape suspects. On July 19, a military court in Banda Aceh convicted three low-ranking soldiers and sentenced them to between 2½ and 3½ years in prison. The three soldiers, who were also discharged from the army, raped four women in the village of Alue Lhok between June 20 and 22. In each case, the soldier allegedly threatened to kill the victim if she spoke out.

Although it was unclear that GAM rebels committed rape during the year, there were numerous reports in previous years that GAM members committed rape.

During the year, many police stations set up a "special crisis room" (RPK), where female officers received criminal reports from sexual assault victims.

Sexual harassment was not a crime, but "indecent behavior" was illegal. The law only addresses physical abuse and requires two witnesses.

The Guidelines of State Policy, legal statutes adopted by the MPR, explicitly state that women have the same rights, obligations, and opportunities as men. However, the guidelines also state that women's participation in the development process must not conflict with their role in improving family welfare and the education of the younger generation. Marriage law designates the man as the head of the family. Women in many regions of the country, particularly in Papua, complained that they were frequently treated as second-class citizens.

The legal differentiation between a woman and a girl was not clear. The Marriage Law sets the minimum marriageable age at 16 for a woman (and 19 for a man), but the Child Protection Law states that those below 18 are children.

Female genital mutilation (FGM), also known as female circumcision, was practiced in some parts of the country, particularly in West Java and Madura Island. Although no new data were available, data from a 2002 study in areas where FGM was prevalent indicated that pain, suffering, and complications were minimal. Two types of persons performed the procedure: midwives and local traditional practitioners. Researchers said the midwives' procedure involved the tearing, cutting or piercing of part of the genitals, but not the removal of tissue. Most of the local traditional practitioners, on the other hand, stated that they customarily removed tissue, but the extent of this removal remained unclear. Likewise, it was unclear whether the removed tissue was from the clitoris, labia minora, or elsewhere. Some NGO activists dismissed any claims of mutilation, saying the ritual as practiced in the country was largely symbolic.

Trafficking in women and young girls was a serious problem (see Section 6.f.). During the year, there were reports that in some areas of the country, parents encouraged or sold their daughters to work as prostitutes in large urban areas.

Divorce was a legal option open to both men and women. Muslims who sought divorce generally had to turn to the Islam-based family court system. Non-Muslims obtained divorces through the national court system. Women often faced a heavier evidentiary burden than men, especially in the family court system. Many divorcees received no alimony, as there was no system to enforce alimony payments. Rights activists criticized the Marriage Law, saying it requires a woman who has just got-

ten divorced to wait a certain period of time before remarrying, while a man can enter into marriage immediately.

The Citizenship Law states that a child's citizenship is derived solely from the father. Children of citizen mothers and foreign fathers are considered foreigners, and require visas to remain in the country until 18, at which age they can apply for citizenship. These children are prohibited from attending public schools, and many were forced to attend private international schools. In cases in which a citizen mother lived abroad with her foreign husband, divorces sometimes caused severe child custody problems. The children of foreign women married to Indonesian men also faced difficulties. A foreign woman married to a citizen can obtain Indonesian citizenship after 1 year, if desired.

On March 3, the Government began to implement Shari'a (Islamic law) in Aceh (see Section 2.c.). There did not appear to be a significant impact on women's rights by year's end.

In Papua, as part of the province's Special Autonomy status, 30 percent of seats in the proposed Papuan People's Council (MRP) were slated for women; however, at year's end, the Government had not yet issued regulations for the MRP's formation. Also during the year, the Papuan women's NGO Yayasan Humi Inane complained that the Government had done nothing to improve the plight of Papuan women, who lagged far behind many other women in the country by most measures of health, education, and development. The NGO added that traditional, sexist Papuan attitudes exacerbated the problem.

Women faced considerable discrimination in the workplace, both in terms of obtaining positions and in gaining fair compensation for labor performed. During the year, the International Labor Organization's (ILO) Jakarta office reported that on average, women in the workforce earned 68 percent of that of male workers. In 2002, the Government stated that 38 percent of civil servants were women, but that only 14 percent of these women held positions of authority.

Some activists said that in manufacturing, employers relegated women to lower-paying, lower-level jobs. Many female factory workers were hired as day laborers instead of as full-time permanent employees, and companies were not required to provide benefits, such as maternity leave, to day laborers. According to the Government's Central Statistics Bureau, in May 2002, the unemployment rate for men was higher than that for women. If a husband and wife both work for a government agency, the couple's head-of-household allowance is given to the husband. There were reports that female university graduates received an average salary that was 25 percent less than their male counterparts.

Contraceptive use was largely the responsibility of women.

A number of organizations promoted women's rights or otherwise addressed women's issues during the year, including Solidaritas Perempuan, Mitra Perempuan, LBH-Apik, and the International Catholic Migration Commission (ICMC).

Children.—The Government stated its commitment to children's rights, education, and welfare, but devoted insufficient resources to fulfil that commitment. In practice, most schools were not free of charge, and poverty put an education out of reach of many children. Child labor and sexual abuse were serious problems during the year (see Sections 6.d. and 6.f.). Although girls and boys ostensibly received equal educational opportunities, boys were more likely to finish school. In January, the leader of the National Commission for Child Protection (KOMNAS PA) identified the most pressing issues related to the country's youth as: Child labor, child trafficking, child prostitution, street children, children in conflict areas, and undernourished children. The National Child Protection Act addresses economic and sexual exploitation of children, as well as adoption, guardianship, and other issues; however, some provincial governments did not enforce its provisions.

Children suffered casualties in areas of armed conflict. For example, on July 24 in Aceh, a grenade buried in a sandbox exploded, killing two sisters and seriously injuring their brother. The TNI alleged that GAM rebels had planted the grenade. Many children in Aceh reportedly have died as a result of explosives concealed by both sides in sandboxes and paddy fields. On May 21, 2 boys were among 10 males shot and killed by the security forces in the Bireuen village of Cot Rebo. The TNI claimed that the victims were all rebels; however, the Government conceded that it had not found any weapons. Residents said the victims were guarding the village's shrimp ponds.

Reported cases of violence against children increased in East Java during the year. Government authorities there recorded a total of 193 such cases, most involving sexual violence, in the first 6 months of the year, compared with 258 cases for all of 2002. In West Java and Jakarta, a child-kidnapping ring terrorized families and entire communities. The gang kidnapped as many as 10 children for ransom and killed at least 2 of them: A 2-year-old girl, who was raped before being killed,

and a 9-year-old girl, who was killed in spite of the payment of a ransom by her father. In September, police investigating the crimes arrested a suspect and members of his family. The key suspect confessed and at year's end remained in police custody, charged with kidnapping, murder, and vehicle license fraud.

By law, children are required to attend 6 years of elementary school and 3 years of junior high school; however, in practice, the Government did not enforce these requirements. According to 2002 UNICEF data, 96 percent of children aged 7 to 12 were enrolled in school; among children aged 13 to 15, 79 percent were enrolled in school; and among children aged 16 to 18, 49 percent were enrolled in school.

Monthly fees for public schools varied from province to province and were based on average incomes. During the year, some parents found it more difficult to afford the \$1.30 to \$5.30 monthly fee that most public elementary schools charged, in addition to the costs of uniforms and school materials. It was unclear how many children were forced to leave school to help support their families. On August 22, in an incident that drew widespread attention, a 12-year-old boy in the West Java regency of Garut was in a coma after attempting suicide because his parents could not afford to pay the 30 cents demanded by his teacher for school equipment. In some areas of the country, parents and watchdog groups complained that corruption among public servants severely undermined the quality of education. Parents of students at Senior High School 21 in East Jakarta accused school officials of misappropriating school funds, and a member of Indonesian Corruption Watch (ICW) who studied the case reported that only 15 percent of the funding received had been spent on educational activities. ICW reported that some principals in East Java, West Java, and North Sumatra bribed Education Ministry officials to secure special funding for their schools.

Conflicts or the lingering effects of conflicts disrupted the education of many children during the year.

For example, in Aceh province, more than 603 school buildings were burned in the months after the May start of the military operation against GAM rebels. Kontras said 361 of these schoolhouses were elementary schools. According to the deputy chief of the provincial education department, at least 56 teachers had been killed and more than 100 injured following the start of the operation. On August 25, a provincial education official said Aceh faced a shortage of 20,000 teachers. Thousands of children studied at makeshift schools, at mosques, and inside tents.

Many children grew up in poor health conditions. Malnutrition remained a serious problem. For example, Central Java health authorities announced that in the first 6 months of the year, 44,633 babies were found to be suffering from malnutrition, representing 1 out of every 6 babies in the province. The country's infant mortality rate remained high. According to UNICEF, there were 50 deaths for every 1,000 births during the year. Some health experts attributed the problem to poor service at public health centers.

The number of street children across the country was unknown. KOMNAS PA estimated 40,000 to 50,000 nationwide, but a study carried out in December 2002 by Family Health International (FHI) estimated the number at nearly 71,000, and there was no significant improvement in the situation during the year. Substantial street-child populations were apparent in Jakarta, East Java, West Java, North Sumatra, and South Sulawesi provinces. Surabaya, East Java, was home to approximately 8,000 street children, many reportedly susceptible to sexual abuse and violence. Around 40 shelters in the province provided services to such children. In August, the Jakarta provincial government announced that it would establish a large dormitory for street children capable of housing between 600 and 1,000 children. The city government also agreed to pay the children's schooling and provide a stipend of approximately \$58 to the children's parents to help them set up home businesses. The shelter had not yet been opened by year's end.

Commercial sexual exploitation of children continued to be a serious problem. The number of child prostitutes in the country was unclear; however, an ILO assessment estimated that there were approximately 21,000 child prostitutes on the island of Java. On October 7, a team of NGO and health officials visited a prostitution complex in Riau province and estimated that 30 to 40 percent of the 365 female sex workers there were less than 18 years of age. Although some teenage girls entered the sex trade knowingly, many were forced. At times, law enforcement officials treated child sex workers as perpetrators of crime, rather than victims. Women's rights activists and religious groups accused government officials, including police and soldiers, of operating or protecting brothels that employed underage prostitutes. During the year, corrupt civil servants issued identity cards to underage girls, facilitating entry into the sex trade. According to the Surabaya Social Department, of the 7,800 sex workers in that city and its environs, 30 percent were under the age of 18. Attention was drawn to the case of a 13-year-old female sex worker who told

journalists she had decided to become a prostitute because of her family's economic problems. There also were reports of sexual exploitation of boys. During the year, Jakarta's biggest hospital treated 18 boys for sexual assault. NGOs also reported long-active pedophile rings operating in Bali.

During the year, there were cases in which parents accepted advances of future salaries from employment brokers in exchange for their daughters. The child was required to repay the employment brokers at a later stage. Researchers described a "culture of prostitution" in some parts of the country, where parents encouraged their daughters to work as big-city prostitutes and send the proceeds home.

NGO observers said many girls were forced into prostitution after the failure of marriages they had entered into when they were as young as 10 to 14 years of age. There was no obvious violation of the law because their paperwork identified them as adults due to the fact they were once married.

Child abuse is not prohibited specifically by law; however, there were no reliable sources on violence within families. Governmental efforts to combat child abuse have generally been slow and ineffective. NGOs reported that it continued to take excessively long to bring a child rape case to court and that the reporting and handling mechanisms for child abuse cases were vague.

Child labor was a problem. In January, the ILO reported that 8 million children under 18 were doing the work of adults (see Section 6.d.).

Trafficking of children was a problem (see Section 6.f.). After an Indonesian man was reportedly caught selling two babies in Malaysia, police in Riau province launched an investigation and eventually arrested at least six suspects. One of the suspects was a doctor connected to a women's clinic on the Riau island of Karimun, whose name appeared on a number of medical certificates that accompanied infants who later turned up in Malaysia. The documents certified that the babies were free of HIV/AIDS.

There is no separate criminal justice system for juveniles and ordinary courts adjudicated such cases. KOMNAS PA reported that more courts were starting to involve social workers in children's trials, to safeguard their rights, but that financial constraints kept social workers from being available at all such trials. At year's end, the Government still had not implemented a 1997 Juvenile Justice Law, which calls for a special juvenile court system.

A number of NGOs promoted children's rights, including Child Advocacy Network (JARAK), National Commission on Child Protection (KOMNAS ANAK), Center for Study and Child Protection (PKPA), and Foundation for Indonesian Child Welfare (YKAI).

Persons with Disabilities.—The law mandates access to buildings for persons with disabilities; however, the Government did not enforce these provisions. The Disability Law requires companies that employ over 100 workers to set aside 1 percent of their positions for persons with disabilities. However, the Government did not enforce the law, and persons with disabilities faced considerable discrimination. The law also mandates accessibility to public facilities for persons with disabilities; however, extremely few buildings and virtually no public transportation facilities provided such accessibility. Recent statistics on the disabled population were not available. In 1999 the U.N. estimated the percentage of persons with disabilities at 5.43 percent of the population, or approximately 12 million persons; the Government put the number at 3 percent, or roughly 7 million persons. The Government classified persons with disabilities into four categories: The blind, deaf, mentally disabled, and physically disabled. The Constitution requires the Government to provide them with care; however, "care" was not defined, and the provision of education to disabled children was never inferred from the requirement.

In urban areas, only a few city buses offered wheelchair access, and many of those have had their hydraulic lifts vandalized, rendering them unusable. In other cases, the space reserved for wheelchairs was occupied by other passengers because the bus conductors could earn more money.

On August 28, an executive of the Indonesian Association of the Disabled (PPCI) met with Vice President Hamzah Haz and complained that many companies were violating the Disability Law. The penalty for a violation is a maximum fine of \$23,500, but PPCI alleged that the law was not being enforced. The Vice President reportedly agreed with PPCI; however, no official action was taken by year's end.

During the year, the Government said the country was home to 1.3 million children with disabilities, but that only 50,000 of them attended school. The true number of disabled children was believed to be much higher. The law provides children with disabilities with the right to an education and rehabilitative treatment. A government official alleged that many parents chose to keep their children with disabilities at home; however, many schools refused to accommodate such children, stating the schools lacked the resources to do so. According to the Government, there were

700 schools dedicated to educating children with disabilities; all but 41 of them were run privately. Some young persons with disabilities resorted to begging for a living.

Indigenous People.—The Government views all citizens as “indigenous,” with the exception of ethnic Chinese; however, it recognizes the existence of several “isolated communities” and their right to participate fully in political and social life. These communities include such groups as the myriad Dayak tribes of Kalimantan, families living as sea nomads, and the 312 officially recognized indigenous groups in Papua. Indigenous people remained subject to widespread discrimination during the year, and there was little improvement in respect for their traditional land rights. Mining and logging activities, many of them illegal, posed significant social, economic, and logistical problems to indigenous communities. The Government failed to stop domestic and multinational companies from encroaching on indigenous people’s land, often in collusion with the local military and police.

In Sumatra, where there were many lowland tropical forests, corporate interests continued to take over lands traditionally claimed by indigenous communities, who relied on them for rice farming and rubber tapping. HRW and other NGOs reported that the creation of huge plantations to serve the paper and pulp industry threatened the livelihoods of many indigenous people. Some indigenous people unsuccessfully filed land claims with the authorities. In the Sumatran subdistrict of Porsea, local people and environmental groups, including WALHI, condemned the Government’s decision to reopen a pulp company, PT Toba Pulp Lestari (formerly PT Indorayon), which was closed in 2002. The company’s pulp mills were blamed for far-reaching environmental degradation, and at least 5 persons involved in the dispute had been killed in recent years. In February, KOMNAS HAM noted that both sides in the dispute had committed significant human rights violations.

In Central Sulawesi’s Kambuno mountains, indigenous persons continued to protest plans by an Anglo-Australian mining company to open a gold mine on land traditionally inhabited by the Poboya people. The Governor and several NGOs also expressed opposition to the plan because the Kambuno area is designated as a protected forest. According to the journalist watchdog group AJI, the company encouraged the DPR to change the status of the site from a protected forest to a productive forest. Several mining companies complained that a 1999 law that changed the status of a number of producing forest areas did not respect existing contracts and requested that the Government honor the terms of those pre-existing contracts.

In Southeast Sulawesi, the Moronene people continued their struggle for government recognition of their claim to ancestral land in what is now the Rawa Aopa Watumohai National Park. During the year, no clashes with police were reported and police released 11 residents of the villages of Hukaea and Laea who were detained in May 2002. In addition, police did not take any immediate action against some 100 families who had occupied the land.

In Papua, the Government failed to fully implement the Special Autonomy Law, which took effect in January 2002. Meanwhile, tensions continued between indigenous Papuans and migrants from other provinces, between residents of coastal and inland communities, among tribes, and increasingly, between supporters and opponents of the creation of new Papuan provinces (see Section 3). Some in the indigenous community accused the newcomers of price gouging and condescension, while some newcomers claimed that indigenous Papuans treated them with resentment and suspicion. During the year, many indigenous Papuans expressed alarm over the continuing influx of migrants and speculated that they were part of a Government attempt to subjugate indigenous Papuans.

In Central Kalimantan, relations between indigenous Dayaks and ethnic Madurese transmigrants remained poor in the wake of inter-ethnic violence in 2001. However, at least 13,000 displaced ethnic Madurese returned to the province between March and December (see Section 2.d.). Relations between the two groups remained poor also in West Kalimantan, where former residents of Madurese descent were obstructed in their attempts to reclaim their property.

Human rights activists stated that the government-sponsored transmigration program violated the rights of indigenous people, bred social resentment, and encouraged the exploitation and degradation of natural resources on which many indigenous persons relied. In some areas, such as parts of Sulawesi, the Maluku, Kalimantan, Aceh, and Papua, relations between transmigrants and indigenous people were hostile. Some indigenous groups claimed that they received less government support than transmigrants, and some transmigrants claimed that in some cases they were moved to areas with undesirable land, or where the land’s ownership was in dispute.

National/Racial/Ethnic Minorities.—The Government officially promotes racial and ethnic tolerance. Ethnic Chinese accounted for approximately 3 percent of the

population, by far the largest non-indigenous minority group, and played a major role in the economy. Although the year started well for Chinese citizens, who on February 1 celebrated the Lunar New Year as a national public holiday for the first time, there were many instances of discrimination and harassment during the year. To obtain a passport, business license, or credit card, or to enroll a child in school, Chinese citizens had to first show a Republic of Indonesia Citizenship Certificate (SBKRI), a document not required of non-Chinese citizens. This requirement provided an extortion opportunity for the many bureaucratic institutions involved in the issuance process. An attorney advocate for the rights of ethnic Chinese stated that more than 60 articles of law, regulation or decree were in effect that discriminated against Chinese citizens. NGOs such as the Indonesia Anti-Discrimination Movement (GANDI) called on the Government to revoke these articles.

In May, a police chief in West Jakarta drew attention for allegedly blackmailing traders of traditional Chinese medicines. The police chief denied the accusations, but DPR member Haryanto Taslam stated that he had copies of receipts that appeared to implicate the police chief and in June, passed the evidence to the chief of the National Police. The West Jakarta police chief was subsequently replaced. On September 2, around 50 Chinese-Indonesian families in the West Java city of Tangerang protested in front of the Tangerang Council building over the alleged sale of land traditionally used as a Chinese cemetery. The families complained that the sale of the land for a commercial development prevented them from being able to bury their dead beside loved ones. City councilors agreed to review the case. During the year in Garut, East Java, a Chinese community organization, Paguyuban Marga Tionghoa (PMT), helped resolve a debt-collection dispute dating from July 2002. Regency officials had informed the Chinese community that it would have to cover unpaid debts of an ethnic Chinese businessman. However, during the year it was decided that the debtor, not the community, would be held accountable for the debts. However, no legal action was taken against the regency officials.

During the year, some Chinese citizens complained that the Government had not done enough to prosecute those responsible for the 1998 violence against them and their businesses.

In Papua, TNI authorities estimated the number of armed OPM rebels at more than 1,600. A prominent Papuan, Willy Mandowen, accused the Government of exaggerating this number to justify the deployment of large numbers of troops in the province. The NGO Institute for Human Rights Study and Advocacy (ELS-HAM) reported that rebel units were armed mainly with traditional bows, arrows, and spears. Indigenous Papuans complained that they were underrepresented in the civil service of that province; however, due largely to the partial implementation of the Special Autonomy Law and the creation of 14 new regencies in Papua, there was a large increase in the number of government positions for ethnic Papuans. However, many Papuans were disappointed with the performance of ethnic Papuan officials, alleging they were as corrupt as the non-ethnic Papuans.

After the Government declared martial law in Aceh province, a number of ethnic Acehnese outside the province complained of discriminatory treatment by local authorities. In late May, Jakarta Governor Sutiyoso warned Jakarta citizens to be on alert against "Acehnese terrorists" infiltrating the capital. He ordered local neighborhood leaders to register and report any unknown persons or new arrivals of Acehnese descent. Many Acehnese, even long-time Jakarta residents, reported increased tensions with neighbors and occasional taunts. In late May, youth gangs ransacked a mosque that was frequented by Acehnese; several Acehnese suffered injuries. Acehnese in Semarang and Padang also reported official harassment by local authorities based on their ethnicity; however, by August, the situation appeared to return to normal and most Acehnese reported no further problems.

Section 6. Worker Rights

a. The Right of Association.—The Labor Union Act provides broad rights of association for workers, and workers exercised those rights. The law stipulates that 10 or more workers have the right to form a union. Union membership must be open to all workers, regardless of political affiliation, religion, ethnicity, or gender. Private sector workers are by law free to form worker organizations without prior authorization, and unions may draw up their own constitutions and rules and elect representatives. The Government records, rather than approves, the formation of the union and provides it with a registration number. In addition, the law provides that union dues must finance union activities, but does not indicate how dues should be collected or whether management has a role in collecting dues. A regulation that requires that police be notified of all meetings of five or more persons of all organizations outside offices or normal work sites applies to union meetings. The police periodically showed up uninvited at labor seminars and union meetings,

which often had an intimidating effect. Under the law and registration regulations, 75 union federations notified the Ministry of Manpower and Transmigration of their existence. In addition, thousands of workplace-level units registered with the Ministry.

On February 25, the DPR passed the Manpower Development and Protection Act, following months of intensive consultations with unions and employers, both of whom rejected a July 2002 draft. The Act regulates collective bargaining, the right to strike, and general employment conditions. The Act does not apply to state-owned enterprises (SOE). The International Labor Organization (ILO) provided technical assistance in the development of the law, which generally met ILO standards. Some unions remained opposed claiming the law contained inadequate severance benefits, insufficient protection against arbitrary terminations, and legalization of child labor under some conditions. At year's end, the Government had issued some, but not all, of the required implementing regulations for the Manpower Act.

Government regulations prohibited employers from discriminating against or harassing employees because of union membership; however, there were frequent, credible reports of employer retribution against union organizers, including dismissals and violence, which were not prevented effectively or remedied in practice. Some employers warned employees against contact with union organizers. Some unions claimed that strike leaders were singled out for layoffs when companies downsized. On January 17, police in Tangerang arrested Munawir bin Muhammed Sidik, a garment worker and union activist, for carrying a knife in the factory, P.T. Kharisma Kulit Indah, where he was employed. The Solidarity Center reported that during the days prior to his arrest, company-employed thugs assaulted Munawir in an effort to intimidate and fire him because of his union activism. On the day of his arrest, thugs again attacked Munawir and left him unconscious. Prosecutors charged Munawir with carrying a restricted weapon. On June 3, the court convicted him and sentenced him to 5 months in jail.

The country has three main trade union confederations. The Confederation of All Indonesian Trade Unions (KSPSI), formed by the government-directed merger of labor organizations in 1973, is the oldest trade union organization and remained the largest confederation. The leader of KSPSI concurrently served as Manpower Minister. Some employers and unions questioned whether the dual role created a conflict of interest in adjudicating disputes between unions or between companies and workers. The Indonesian Prosperity Trade Union (SBSI), established in 1992 and legally recognized in 1998, was often cited as the second largest confederation. In February, 12 national unions formed a new confederation, the Committee of Trade Unions of Indonesia (KSPI). KSPSI, SBSI, and KSPI together represented over 90 percent of all union members, according to the Solidarity Center.

There were credible claims of government interference in SBSI's Fourth Congress, held from April 27 to May 1. An opposition group within SBSI reportedly admitted that it received over \$22,000 from the Manpower Ministry to oppose SBSI leaders and carry out disruptive activities. The resulting serious disputes within the Congress led to SBSI's ejection of 32 delegates. Some SBSI leaders attributed the interference to the Government's opposition to a new political party, the Social Democratic Labor Party, led by SBSI's former chairman.

The national social security agency, JAMSOSTEK, subsidized the operations of KSPSI and, to a lesser extent, SBSI and some other unions. Some trade union activists stated that such subsidies undermine trade union independence.

The law allows the Government to petition the courts to dissolve a union if its basis conflicts with the state ideology of Pancasila or the Constitution, or if a union's leaders or members, in the name of the union, commit crimes against the security of the State and are sentenced to at least 5 years in prison. Once a union is dissolved, its leaders and members may not form another union for at least 3 years. There were no reports of the Government dissolving any unions during the year.

The law does not address the adjudication of jurisdictional disputes among multiple unions in a workplace, and existing laws and regulations do not provide clear guidance on how jurisdictional disputes should be handled. Such ambiguity occasionally led to clashes between unions.

The law recognizes civil servants' freedom of association and right to organize. In 2002, employees of several ministries announced that they would form their own employee associations, and union organizations began to seek members. Unions also sought to organize SOE employees, although they encountered some resistance from enterprise management, and the legal basis for registering unions in SOEs remained unclear.

The law stipulates that unions may affiliate and cooperate with international trade unions and organizations. The KSPSI maintained international contacts and

was an affiliate of the Association of Southeast Asian Nations Trade Union Council. SBSI was affiliated with the World Confederation of Labor and some international trade union secretariats. The newly formed KSPI established relations with the International Confederation of Free Trade Unions' Asia and Pacific Regional Organization (ICFTU/APRO). Other unions maintained contacts and affiliations with international labor federations.

b. The Right to Organize and Bargain Collectively.—The law, including the new Manpower Act, provides for collective bargaining, and the Manpower Ministry promoted it within the context of Pancasila. The law allows for workers' organizations that register with the Government to conclude legally binding collective labor agreements (CLAs) with employers and exercise other trade union functions. In companies without unions, the Government discouraged workers from utilizing nongovernmental outside assistance, such as during consultations with employers over company regulations. Instead, the Manpower Ministry preferred that workers seek its assistance and stated that its role was to protect workers. However, there were credible reports that for many domestic and foreign-owned companies, ministry consultations with workers were perfunctory at best and usually only occurred with management-selected workers.

According to the Manpower Ministry, as of October, there were 9,097 CLAs in effect between unions and private companies. According to this data, 25 percent of companies with over 10 employees had collective labor agreements. Company regulations, allowed for under government regulations, substituted for CLAs in another 36,170 companies, many of which did not have union representation. In addition, there were 59 labor agreements in effect between unions and state enterprises, and another 65 agreements between non-unionized workers and state enterprises. The new Manpower Act requires that employers and workers form bipartite bodies (joint employer/worker committees), but the Manpower Ministry did not complete implementing regulations and the number of bipartite bodies did not increase significantly.

The new Manpower Act stipulates that if CLA negotiations are deadlocked, the Institution for Industrial Relations Dispute Settlement should settle the matter. According to regulations, agreements are for 2 years and can be extended for 1 year. According to NGOs involved in labor issues, the provision of collective bargaining agreements in practice often did not go beyond the legal minimum standards established by the Government, and employers often presented the agreements to worker representatives for signature rather than negotiation.

All workers, whether or not they are union members, have the legal right to strike, except for public sector workers and those involved in public safety activities. The law allows workers in these categories to carry out strikes only if such actions would not disrupt public interests or endanger public safety. State enterprise employees rarely exercised the right to strike, but private sector strikes were common. Unions or workers' representatives must provide 7 days notice in order carry out a legal strike. The law calls for mediation by local Manpower Ministry officials, but does not require government approval of strikes. In previous years, workers and employers rarely followed dispute settlement procedures in practice and workers rarely gave formal notice of the intent to strike because Manpower Ministry procedures were slow and had little credibility among workers. At year's end, it was unclear whether passage of the Manpower Act would change this situation.

During the year, strikes occurred across a wide range of industries, but declined in frequency. From January to October, the Manpower Ministry recorded 134 strikes involving 56,464 workers, continuing a steady decline since 2000. Observers speculated that depressed economic conditions, fears of job loss, and gradual worker and employer adjustment to the new labor relation's environment contributed to the decline in strikes. The vast majority of Government-recorded strikes involved non-union workers.

During the year, police and prosecutors in Bandung dropped legal action against and released from custody five labor activists arrested in September 2002 during protests over pending labor legislation.

On March 23, an independent union representing former employees at the Shangri-La Hotel in Jakarta settled a long-standing dispute stemming from a 2000 strike that included violence against workers, detention of workers, and the dismissal of some 580 employees. Worker representatives had brought this case before the ILO, which criticized the Government's response and called for the hotel to reinstate the employees. As part of the settlement, 72 union members, who had not accepted a previous severance package, reportedly received payments equivalent to 4 to 6 years' salary. The hotel also dropped its civil suit against union leaders, and in return, the union dropped its suit seeking reinstatement of the workers.

The Solidarity Center documented cases in which foreign employers in the garment and footwear industry, representing Korean, Japanese, Chinese, and Taiwanese owners, fled the country as the industry contracted in order to avoid making legally required severance payments to workers. One such case involved the garment factory P.T. Elaine, whose Taiwanese managing partners left the country without making wage and severance payments to 300 workers. Subsequently, workers occupied the factory in an attempt to guarantee that proceeds from the sale of equipment would be used to compensate workers.

Labor activists also reported that factory managers in some locations employed persons to intimidate and assault trade union members who attempted to organize legal strike actions. According to detailed trade union accounts, the management of agro-business PT First Mujur Plantation and Industry (PT FMPI) in North Sumatra hired 100 persons to prevent a legal strike action announced by the SBSI union for November 12. SBSI planned the strike to protest unpaid wages and other violations of labor law. On November 11, these persons abducted and severely beat 5 trade union leaders. On November 12, they delivered the union leaders to a local police station, where police began investigating charges against the labor leaders for inciting criminal activity. By November 15, the police released the labor leaders and did not pursue criminal charges. The SBSI leaders dropped their protests and demands against PT FMPI.

Thousands of employees from the state-owned aircraft manufacturer P.T. Dirgantara Indonesia held demonstrations in Bandung and Jakarta from July through October, following the company's announcement of a 6-month shutdown with reduced pay for 6,000 workers. Union leaders, supported by the Manpower Ministry, argued that the shutdown violated legal requirements for bipartite consultations with workers.

Since 1996, unions affiliated with the KSPSI could collect union dues directly through payroll deductions (the "check-off" system), rather than having the Manpower Ministry collect dues and transfer them to the KSPSI. Implementation of this system remained uneven. Unions other than the KSPSI alleged difficulties in having companies set up a check-off system for their members.

The police and military continued to intervene in labor matters, usually to protect employers' interests, although a shift away from open intervention and demonstrations of force by uniformed troops to less visible measures continued. In June, four police detectives in Surabaya allegedly abducted and beat three workers from the PT Maspion Company in an attempt to force them to confess to stealing company merchandise. The East Java police arrested the detectives following complaints from the workers. However, the police accepted an ILO worker rights training program initiated during this period.

Regional and national labor dispute resolution committees adjudicated charges of anti-union discrimination, and their decisions could be appealed to the State Administrative Court. However, due to a history of adverse decisions for labor and the long time necessary to process disputes, sometimes requiring years, many unions believed that these committees were not realistic alternatives for settling disputes. As a result, workers frequently presented their grievances directly to KOMNASHAM, the DPR, or NGOs. Administrative decisions in favor of dismissed workers usually took the form of monetary awards, but rarely reinstated workers. The law required that employers obtain the approval of the labor dispute resolution committee before firing workers, but employers often ignored the law in practice. On December 16, the DPR enacted the Labor Disputes Act, which mandates the establishment of substantially new dispute settlement procedures, including a system of labor courts. The ILO assisted the Government in the development of the Act.

There are seven bonded, or export processing zones (EPZs), in the country. The labor laws apply in EPZs, although nongovernmental observers believed there was stronger anti-union sentiment in EPZs. Working conditions in Batam's modern export electronics sector appeared better than the national average. In recent years, unions had increased success in organizing plants and negotiating with companies in the Batam EPZ. The Indonesian Metalworkers' Union (SPMI) succeeded in establishing a regional office and organizing some 7,000 workers in Batam during this period. However, trade unions in Batam raised concerns over insufficient wages, excessive overtime, and employer opposition to organizing efforts, including reprisals against workers who attempted to form unions.

c. Prohibition of Forced or Bonded Labor.—The law prohibits forced labor, and the Government generally enforced this prohibition. The law and regulations prohibit bonded labor by children. However, the Government was not effective in eliminating forced child labor, which remained a serious problem (see Section 6.d.).

According to the NGO KOPBUMI, approximately 3 million citizens worked overseas, mainly in the Middle East and Malaysia. There were many incidents in which

these migrant workers, most of whom occupied low skilled positions, received insufficient protection from the Government and host governments. The Government, through its diplomatic posts, established shelters in a few overseas locations, and the Government also funded the repatriation of several hundred workers who fled employers in the Middle East and Malaysia. The unscrupulous practices of migrant worker recruiting agencies, or Perusahaan Jasa Tenaga Kerja Indonesia (PJTKI), and poor government regulation, led to abuses of workers, including situations of debt bondage. According to press reports and research by the Solidarity Center, recruiting agencies frequently held migrant workers in holding centers for months at a time before sending them abroad. During their stay at holding centers, migrant workers normally did not receive pay and recruiters often did not allow them to leave the centers. In most instances, workers were forced to pay recruiters for the cost of their forced stay, resulting in large debts to the recruiters.

During the year, the Manpower Ministry revoked the licenses of 17 labor export companies for violating procedures in the placement of workers overseas including some that contributed to the abuse of migrant workers.

A Home Affairs Ministry decree requires that migrant workers sign an agreement not to disclose difficulties encountered abroad, and, in practice, the Government restricted the ability of migrant workers to speak about abuses they faced overseas.

Forced labor and debt bondage also was an issue in the informal sector. Private employers, within the country and abroad, at times forced household help to work without pay, for extremely low wages, or in situations of debt bondage. NGOs and the press reported cases of employers locking domestic workers within homes and physically and sexually abusing them.

d. Status of Child Labor Practices and Minimum Age for Employment.—The law prohibits children from working in hazardous sectors and the worst forms of child labor, to include mining, skin diving, construction, prostitution, and offshore fishing platforms; however, the Government did not enforce these laws effectively. Law, regulations and practice acknowledged that some children must work to supplement family incomes. The new Manpower Act prohibits the employment of children, defined as persons under 18, with the exception of those 13 to 15 years of age who may work no more than 3 hours per day and only under a number of other conditions, such as parental consent, avoidance of work during school hours, and payment of legal wages. The law does not appear to address exceptions for children ages 16 to 17.

The National Child Protection Act addresses economic and sexual exploitation, including child prostitution, child trafficking, and the involvement of children in the narcotics trade. The law provides severe criminal penalties and jail terms for persons who violate children's rights (see Section 5).

Child labor remained a serious problem in the country. An estimated 6 to 8 million children exceeded the legal 3-hour daily work limit, working in agriculture, street vending, mining, construction, prostitution, and other areas. More children worked in the informal, rather than the formal, sector. Some children worked in large factories, but their numbers were unknown, largely because documents verifying age could be falsified easily. Some employers hired children because they were easier than adults to manage and less likely to organize or make demands on employers. Children working in factories usually worked the same number of hours as adults. Children worked in industries, such as, rattan and wood furniture, garment, footwear, food processing, toy making, and in small-scale mining operations.

Many girls aged between 14 and 16 worked as live-in domestic servants. The ILO informally estimated that 700,000 children worked as servants, an estimate lower than reported in previous years by the National Committee for Child Protection. Many child servants were not allowed to study and were forced to work long hours, received low pay, and generally were unaware of their rights.

The law and regulations prohibit bonded labor by children; however, the Government was not effective in eliminating forced child labor, which remained a serious problem. A significant number of children worked against their will in prostitution, pornography, begging, drug trafficking, domestic servitude, and other exploitative situations, including a small number on fishing platforms. Two international NGOs estimated that there were 39,000 to 72,000 child prostitutes. A rapid assessment by the ILO produced a rough estimate of 21,000 child prostitutes on Java (home to 60 percent of the country's population). An ILO study indicated that, in cases of child prostitution in West Java, parents and other family members commonly were complicit in forcing children into prostitution. The NGO Bandungwangi reported that most child prostitutes in an area of East Jakarta originated from West Java and had been sold into prostitution by their parents.

Enforcement of child labor laws remained largely ineffective during the year. Despite legislative and regulatory measures, most children who worked, including as

domestics, did so in unregulated environments. Anecdotal evidence suggested that local labor officials carried out few child labor investigations. In an effort to address this, the ILO sponsored training of labor inspectors on child labor matters under the International Program on the Elimination of Child Labor (IPEC). The Solidarity Center also trained labor inspectors in the areas of child labor and trafficking. There were limited social programs to prevent exploitative child labor, usually conducted with international assistance.

The ILO carried out limited, rapid assessments of some of the worst forms of child labor. The assessments increased understanding of the extent of the worst forms of child labor. In May, the ILO conducted an extensive field study of the isolated, hazardous fishing platforms off the coast of North Sumatra and found only 10 child workers, a significant decline from previous years. The ILO, NGOs, and the Government took steps over a number of years that helped reduce the incidence of children working on fishing platforms. A related ILO study indicated that children working on fishing vessels was a greater problem.

e. Acceptable Conditions of Work.—Following the Government's implementation of wide-ranging decentralization in 2001, provincial and district authorities, not the central Government, established minimum wages, which vary by province, district, and sector. Provincial authorities determined provincial minimum wage levels based on proposals by tripartite (workers, employers, and government) provincial wage commissions. The provincial minimum wage rates establish a floor for minimum wages within the province. Local districts set district minimum wages, using the provincial levels as references. Districts also set minimum wages in some industrial sectors on an ad hoc basis. Provinces and districts conducted annual minimum wage rate negotiations, which often produced controversy and protests.

Nominal minimum wages rose significantly over the past several years, and on average increased 28 percent from 2001 to 2002. From 2002 to 2003, minimum wages increased more modestly in major industrial areas such as Jakarta (6.8 percent increase) and Batam (3.7 percent increase). Minimum wages (excluding industry specific wages) ranged from \$76 (631,554 rupiah) in Jakarta to only \$33 (274,000 rupiah) in the Trenggalek district in East Java. The minimum wage levels set by most local governments did not provide a worker and family with a decent standard of living. In many areas, legal minimum wages fell below the Government's own calculation of basic minimum needs.

Government enforcement of minimum wage regulations remained inadequate, particularly at smaller companies and in the informal sector. In practice, official minimum wage levels applied only in the formal sector, which accounted for just 35 percent of the workforce.

Labor law and ministerial regulations provide workers with a variety of benefits. Persons who worked at more modern facilities often received health benefits, meal privileges, and transportation. The law also requires employers to register workers with and pay contributions to the state-owned insurance agency JAMSOSTEK.

In January, workers and union officials complained that state-owned palm oil plantations in North Sumatra had not paid official minimum wages for tens of thousands of laborers and also failed to register these workers with JAMSOSTEK as legally mandated. A company representative reportedly told the press that the company was financially unable to comply with these measures. Separately, Manpower Ministry officials pointed out that minimum wage laws, like the new Manpower Act itself, did not apply to SOEs.

The law establishes a 40-hour workweek, with one 30-minute rest period for every 4 hours of work. The law also requires at least 1 day of rest weekly. The daily overtime rate was 1½ times the normal hourly rate for the first hour and double the hourly rate for additional overtime, with a maximum of 3 hours of overtime per day and no more than 14 hours in a week. Workers in industries that produced retail goods for export frequently worked overtime to meet contract quotas. Unions complained that companies relied upon excessive overtime in some electronics assembly plants, to the detriment of workers' health and safety. Observance of laws regulating benefits and labor standards varied between sectors and regions. Employer violations of legal requirements were fairly common and often resulted in strikes and employee protests. The Manpower Ministry continued to urge employers to comply with the law. However, in general, government enforcement and supervision of labor standards were weak.

Both law and regulations provide for minimum standards of industrial health and safety; however, in practice the country's worker safety record was poor. As revealed in press reports, JAMSOSTEK recorded 104,774 work-related accidents in 2001, 103,804 in 2002, and 51,528 in the first seven months of this reporting period. The ILO cited a National Health and Safety Council report that concluded only 80 of the country's 16,000 local companies had complied with safety regulations and re-

ceived zero accident certificates. The Council stated in 2002 that it did not have enough personnel to cover all enterprises and urged companies to be self-compliant.

In the country's larger registered companies, the quality of occupational health and safety programs varied greatly. Health and safety standards in smaller companies and in the informal sector tended to be weaker or nonexistent. Some foreign buyers effectively promoted worker health and safety improvements within the operation of their local suppliers. The limited number of qualified labor inspectors, corruption in the inspection system, and the low level of employee appreciation for health and safety practices severely hampered the enforcement of health and safety standards. Workers are obligated to report hazardous working conditions, and employers are forbidden by law from retaliating against those who do report hazardous working conditions; however, the law was not enforced effectively. As a result, workers who removed themselves from hazardous working conditions risked losing their jobs.

f. Trafficking in Persons.—There is no law that specifically prohibits trafficking in persons; however, trafficking in persons is criminalized under the Penal Code and the Child Protection Act. Persons were trafficked to, from, and within the country during the year for the purposes of prostitution and forced labor, including instances of debt bondage.

In December 2000, a National Action Plan to counter trafficking of women and children was approved by Presidential decree. It identifies specific roles for the Government and civil society at both the national and local levels, and includes goals for law-making and law enforcement. The Child Protection Act prohibits economic and sexual exploitation of children, and child trafficking. The Act specifies severe criminal penalties and jail terms for persons who violate children's rights, including trafficking in persons. The Government supported programs at two universities, in East and West Java, to develop specific anti-trafficking legislation. The Government completed the draft anti-trafficking bill during the year and began discussions on the bill with Parliament by year's end. The Government, with the help of NGOs, conducted public education efforts on trafficking, which included placing programming with TV and radio outlets.

The Criminal Code lacks an adequate legal definition of trafficking in persons. Two organizations, the Solidarity Center and the International Catholic Migration Commission (ICMC), identified articles of law that could be applied in cases of trafficking and related offenses. The Penal Code prohibits trade in women and male minors, but is silent on female minors. The Code provides for sanctions of up to 6 years in prison, whereas the Child Protection Act provides for stiffer penalties; however, police and prosecutors generally continued to use the Code against traffickers because they lacked familiarity with the relatively new Child Protection Act. Judges rarely sentenced traffickers to more than 3 years in prison.

The Government, NGOs, and international organizations were not able to compile statistics on the number of persons trafficked, and reliable figures were not available. A study by the Solidarity Center and ICMC arrived at boundary estimates of between 2.4 and 3.7 million women and children who worked in the vulnerable categories of migrant workers, sex workers, and child domestic workers. Within these categories, the total number of children ranged from 254,000 to 422,000. These were not estimates of victims, only of women and children vulnerable to trafficking. During the year, Indonesian women were trafficked to Malaysia, Japan, Saudi Arabia, United Arab Emirates, Taiwan, Hong Kong, Singapore, Australia, and other destinations.

The national police compiled statistics on trafficking cases. In 2001, the police investigated 178 cases of trafficking in women and children, and submitted 128 of these for prosecution. In the first 8 months of 2002, the police filed criminal charges in 155 cases, with 90 reaching the prosecutors. Preliminary figures for the year indicated a similar level of police investigations. By year's end, the Government at the national level had not reported statistics on prosecutions. Anecdotal evidence suggested that successful prosecutions were rare.

During the year, police arrested numerous traffickers. For example, in January, Jakarta police arrested two men for the attempted trafficking of young women to Malaysia. The Government initiated a joint operation with Malaysia that freed 24 Indonesian victims trafficked into prostitution in Sabah, Malaysia, and the police arrested two traffickers. In September, police arrested three suspected baby traffickers in Batam and charged them with violations under the Child Protection Act. Their cases were pending at year's end.

Prostitution was widespread and was a driving force behind trafficking in persons. Although the Government generally interpreted "crimes against decency/morality" as applicable to prostitution, the latter is not specifically mentioned in the Penal Code. The ICMC/Solidarity Center study estimated that there were between 130,000

and 240,000 sex workers in the country. Some NGOs claimed that the number was much higher. Researchers frequently found between 20 to 30 percent of sex workers to be underage. In May, an ILO rapid assessment conducted arrived at a very rough estimate of 21,000 child sex workers in Java, including 5,000 in Jakarta.

Commercial sexual exploitation of children continued to be a serious problem (see Section 5).

The Singkawang district of West Kalimantan remained well known as an area from which poor, Chinese-Indonesian women and teenage girls between the ages of 14 and 20 were recruited as "mail order" brides for grooms primarily in Taiwan but also in Hong Kong and Singapore. In some cases the women were trafficked for sex work and slavery-like servitude.

In many cases, traffickers recruited girls and women under false pretenses. One tactic was to offer young women in rural areas jobs as waitresses or hotel employees in distant regions, including island resorts. After the new recruits arrived and incurred debts to their recruiters, they learned they had been hired as prostitutes.

Many trafficking victims became vulnerable to trafficking during the process of becoming migrant workers. Many unauthorized recruiting agents operated throughout the country and were involved in trafficking to various degrees, and some government-licensed recruiting agents also were implicated in trafficking. Recruiting agents often charged exorbitant fees that led to debt bondage and recruited workers to work illegally overseas (see Section 6.c.), which increased their vulnerability to trafficking and other abuses.

Some women were trafficked overseas under the guise of cultural performers, particularly to Japan. An article in the August *Tempo* magazine indicated that there were several hundred Indonesian sex workers in Japan and concluded that many of them were tricked into the sex trade and subsequently unable to leave.

The basic 3-month course that all police officers received did not include training on counter-trafficking in persons. During the year, international agencies and a foreign government began to provide police with specific training with regard to trafficking. Trafficking falls under the purview of the Criminal Investigation Department (CID). The Police established a separate anti-trafficking unit within CID, with both operational and coordinating responsibilities. As a result, coordination within the police force and between the police and other interested departments on trafficking in persons improved during the year but often remained weak.

The national police headquarters issued new instructions to district police chiefs to break up trafficking rings, assist victims, and report cases to national headquarters. However, credible sources noted that individual security force members were involved in setting up and protecting brothels. Traffickers and brothel owners reportedly paid protection money to security force members. Apart from police and soldiers, some government officials allegedly were complicit in trafficking, particularly in the production of false documents. The prevalence and ease of obtaining fraudulent national identity cards, which could document children as adults, contributed to the trafficking problem. In some cases, law enforcement officials treated trafficked women and children as criminals. Within society and government, there was continued reluctance to acknowledge that prostitution was a major problem, despite frequent press reporting. Widespread and entrenched corruption contributed to trafficking.

Domestic NGOs, with international support, led efforts to monitor and prevent trafficking, frequently in coordination with government agencies. These NGOs included the Consortium for Indonesian Migrant Workers Advocacy (KOPBUMI), LBH-Apik, Women's Aid and Protection Group (DERAP), Women's Coalition (Koalisi Perempuan), and Solidaritas Perempuan.

In April, the Government co-hosted with Australia the Second Regional Ministerial Conference on Migrant Smuggling, Trafficking in Persons, and other Transnational Crimes. In June, the Government hosted the U.N. World Tourism Organization's Regional Consultation on the Protection of Children from Sexual Exploitation in Tourism. In July, the Government co-hosted the first National Conference on Trafficking in Women and Children with hundreds of participants from across the country. On July 23, President Megawati announced the launching of a national campaign to eliminate the sexual exploitation of children in tourist zones.

JAPAN

Japan is a parliamentary democracy based on its 1947 Constitution. Sovereignty is vested in the citizenry, and the Emperor is defined as the symbol of state. Executive power is exercised by a cabinet, composed of a prime minister and ministers

of state, which is responsible to the Diet, a two-house parliament. The Diet, elected by universal suffrage and secret ballot, designates the Prime Minister, who must be a member of that body. The most recent national elections were in November. The Liberal Democratic Party (LDP), the New Conservative Party, and the Komeito Party make up the current coalition Government headed by Prime Minister Junichiro Koizumi. The judiciary is generally independent.

The Self-Defense Forces are responsible for external security and have limited domestic security responsibilities. The well-organized and disciplined police force is effectively under the control of the civilian authorities. However, there continued to be credible reports that police committed some human rights abuses.

In spite of a lengthy economic downturn, the industrialized, free market economy continued to provide the approximately 127 million residents with a high standard of living and high levels of employment.

The Government generally respected the human rights of its citizens; however, there were problems in some areas. There continued to be credible reports that police and prison officials physically and psychologically abused prisoners and detainees. Violence against women and children, child prostitution, and trafficking in women were problems. Women, the Ainu (the country's indigenous people), the Burakumin (a group whose members historically were treated as outcasts), and alien residents experienced varying degrees of societal discrimination, some of it severe and longstanding. According to Ministry of Justice figures, Legal Affairs Bureau offices and civil liberties volunteers dealt with 382,952 human rights-related complaints during 2002. Also during 2002, the Regional Legal Affairs Bureaus and the District Legal Affairs Bureaus received reports of 18,517 suspected human rights violations. However, staffing constraints and limited legal powers kept the administrative system for combating human rights violations weak, and many of these cases were ultimately resolved in the courts.

RESPECT FOR HUMAN RIGHTS

Section 1. Respect for the Integrity of the Person, Including Freedom From:

a. Arbitrary or Unlawful Deprivation of Life.—There were no reports of the arbitrary or unlawful deprivation of life committed by the Government or its agents during the year.

In 2002, a 49-year-old male inmate at Nagoya Prison died after guards, as a disciplinary measure, severely tightened around his abdomen a restraining device used to secure leather handcuffs in which his arms were locked, and then placed him in solitary confinement (see Section 1.c.). In 2001, two Nagoya Prison guards reportedly sprayed a high-power water hose at an “unruly” inmate, severely lacerating his rectum and colon. Despite surgery to repair the damage, the inmate died of an infection the following day. Prosecutors demanded a 2-year sentence for the Deputy Chief Prison Guard, who was involved in both cases. At year's end, seven other prison guards indicted on charges of inmate abuse awaited sentencing. In November, family members of a deceased prisoner and three former inmates sued the Government for abuses suffered in Nagoya Prison between 2001 and 2002. At year's end, the trial was still underway.

b. Disappearance.—There were no reports of politically motivated disappearances.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The Constitution prohibits such practices, and the Penal Code prohibits violence and cruelty toward suspects under criminal investigation; however, reports by several bar associations, human rights groups, and some prisoners indicated that police and prison officials sometimes used physical violence, including kicking and beating, as well as psychological intimidation, to obtain confessions from suspects in custody or to enforce discipline. The National Police Law permits persons to lodge complaints against the police with national and local public safety commissions. These commissions may direct the police to conduct investigations. However, public confidence in the system remained low, and allegations persisted that the police and the public safety commissions remained lax in investigating charges of police misconduct.

The Constitution and the Criminal Code include safeguards to ensure that no criminal suspect can be compelled to make a self-incriminating confession or be convicted or punished in cases where the only evidence against the accused is his own confession. The appellate courts overturned some convictions in recent years on the grounds that they were obtained as a result of coerced confessions. In addition, civil and criminal suits alleging abuse during interrogation and detention have been brought against some police and prosecution officials.

Approximately 90 percent of all criminal cases going to trial included confessions, reflecting the priority the judicial system placed on admission of guilt. Confession was regarded as the first step in the rehabilitative process. The Government main-

tained that the high percentage of confessions, like the high conviction rate, was reflective of a higher standard of evidence needed to bring about indictment in the judicial system. However, Amnesty International pointed out that the confession-based system allows for incommunicado detention for up to 23 days, prolonged interrogations, and harsh psychological conditions.

A 2001 case of a prison death (see Section 1.a.) made public early in 2003 sparked a broad investigation into the prison system. Two other cases of abuse involving Nagoya Prison guards were reported in 2002. Eight guards were indicted for causing serious internal injuries to one prisoner and fatally injuring another using a restraining device consisting of a leather belt with attached leather manacles.

The Justice Ministry formed a special team to investigate 1,566 prisoner deaths from 1993 to 2002. A preliminary report suggested that nearly one-third of the cases involved suspicious circumstances. However, in June, the Ministry announced that there was evidence of abuse only in the two Nagoya fatalities. Regarding the other suspicious deaths, the Ministry said that approximately 10 deaths could be attributed to poor medical care. The authorities reported they had lost the documentation on nine deaths in Tokyo's Fuchu Prison. The remaining deaths were determined to be "not suspicious."

During the year, the Minister of Justice formed a Prison Reform Committee, which banned the use of the leather restraining device for a 6-month period until an appropriate substitute could be identified. During the 6 months, correctional facilities were obligated to inform the Ministry when they intended to use the device and to videotape the prisoners during its use. The committee also required prison officials to keep records of death for 10 years, instead of 3, and worked to develop a system that would allow prisoners to complain of mistreatment without fear of retribution. In May, the Minister formed a subcommittee to improve prison medical facilities.

Prison conditions met international standards. However, prisons in most areas of the country were not heated, and prisoners were given only minimal additional clothing to protect themselves against cold weather. There have been cases of frostbite among the prison population in recent years. In 2001, the Ministry of Justice requested funding for a 3-year plan to install heaters in prison buildings nationwide. Individual cells remained unheated. Prisoners were not allowed to purchase or receive supplementary food. The authorities read letters to and from prisoners, and some letters were censored, or, with a court order, confiscated. All visits with convicted prisoners were monitored; however, those prisoners whose cases were pending were allowed private access to their legal representatives. The Justice Ministry is not required to inform a condemned inmate's family prior to the person's execution. Human rights organizations reported that lawyers also were not told of an execution until after the fact, and that death row prisoners were held for years in solitary confinement with little contact with anyone but prison guards. Parole may not be granted for any reason, including medical and humanitarian reasons, until an inmate has served two-thirds of his or her sentence.

The Japanese Federation of Bar Associations and human rights groups have criticized the prison system, with its emphasis on strict discipline and obedience to numerous rules. Prison rules remained confidential. Wardens continued to have broad leeway in enforcing punishments selectively, including "minor solitary confinement," which may be imposed for a minimum of 1 and not more than 60 days during which the prisoner is made to sit (for foreigners) or kneel (for citizens) motionless in the middle of an empty cell.

In December, an advisory panel to the Justice Minister submitted a proposal to revise the 95-year-old Prison Law. The proposal calls for the establishment of a non-governmental "watchdog" group to protect prisoners' rights and consider petitions about possible mistreatment; greater flexibility and transparency in prison operations; increased visitation and communications with families and acquaintances; improved medical facilities; regulations on punitive confinement; and increased prison staff. The Ministry of Justice is expected to submit new legislation, or an amendment to the current Prison Law, to the Diet by 2005.

Women and juveniles were housed in separate facilities from men; at times during the year, some women's detention facilities were operating over stated capacity. Pre-trial detainees were held separately from convicted prisoners (see Section 1.d.).

Conditions in Immigration detention facilities met international standards.

The Government restricted access to prisons by human rights groups.

d. Arbitrary Arrest, Detention, or Exile.—Constitutional provisions for freedom from arbitrary arrest or imprisonment generally were respected in practice. The law provides for judicial determination of the legality of detention. Persons may not be detained without charge, and prosecuting authorities must be prepared to demonstrate before trial that probable cause exists to detain the accused. Under the law,

a suspect may be held in detention at either a regular detention facility or “substitute” (police) detention facility for up to 72 hours. A judge must interview suspects prior to detention. A judge may extend preindictment custody by up to 2 consecutive 10-day periods based on a prosecutor’s application. These extensions were sought and granted routinely. Under extraordinary circumstances, prosecutors may seek an additional 5-day extension, bringing the maximum period of preindictment custody to 28 days.

The National Police Safety Commission oversees the National Police Agency (NPA), which has six internal bureaus: the Secretariat, the Administration Bureau, the Criminal Investigation Bureau, the Traffic Bureau, the Security Bureau, and the Communications Bureau; and regional bureaus in Shikoku, Kyushu, Tohoku, Kanto, Chubu, Kinki, and Chugoku. The Tokyo Metropolitan Police Communications Division and the Hokkaido Prefecture Police Communications Division function as local units with more autonomy than the units under regional jurisdictions. In addition, each prefecture has a prefectural police safety commission as well as a prefectural police agency, which is primarily funded by the prefecture’s budget. There were approximately 15,000 koban (police boxes) located throughout the country. Corruption and impunity were not problems within either the national or the prefectural police forces.

Under the Criminal Procedure Code, police and prosecutors have the power to control or limit access by legal counsel when deemed necessary for the sake of an investigation. Counsel may not be present during interrogations at any time before or after indictment. As a court-appointed attorney is not approved until after indictment, suspects must rely on their own resources to hire an attorney before indictment, although local bar associations provided detainees with limited free counseling. Critics charged that access to counsel was limited both in duration and frequency; however, the Government denied that this was the case.

Critics charged that allowing suspects to be detained by the same authorities who interrogated them heightened the potential for abuse and coercion. The Government countered that cases sent to police detention facilities tended to be those in which the facts were not in dispute. A Justice Ministry regulation permits detention house officials to limit the amount of documentation related to ongoing court cases retained by prisoners.

The length of time before a suspect was brought to trial depended on the nature of the crime but rarely exceeded 3 months from the date of arrest; the average was 1 to 2 months.

The law does not permit forced exile, and it was not used.

e. Denial of Fair Public Trial.—The Constitution provides for an independent judiciary, and the Government generally respected this provision in practice. The Cabinet appoints judges for 10-year terms, which can be renewed until judges reach the age of 65. Justices of the Supreme Court can serve until the age of 70 but face periodic review through popular referendums.

There are several levels of courts, including high courts, district courts, family courts, and summary courts, with the Supreme Court serving as the final court of appeal. Normally a trial begins at the district court level, and a verdict may be appealed to a higher court, and ultimately, to the Supreme Court.

The Government generally respected in practice the constitutional provisions for the right to a speedy and public trial by an impartial tribunal in all criminal cases. Although most criminal trials were completed within a reasonable length of time, cases may take several years to work their way through the trial and appeals process. In July, the Diet passed legislation aimed at reducing the average time required to complete criminal trials and civil trials that include witness examination. Its provisions include hiring substantial numbers of additional court and Justice Ministry personnel, revising bar examinations, establishing new graduate law schools to increase the overall number of legal professionals three-fold by 2010, and requiring that courts and opposing litigants jointly work to improve trial planning by allowing for earlier evidence collection and disclosure. The advisory panel on judicial reform released the official standards for setting up graduate law schools, and, in November, an education ministry panel approved 66 schools’ programs to establish the country’s first law schools in the spring of 2004. The first common admission exam was administered on August 31. In 2002, the Ministry of Justice, the Supreme Court, and the Japan Bar Association agreed to set up a new bar examination system by 2010. On July 16, a law took effect, which makes the Supreme Court responsible for accelerating proceedings in lower courts, imposes a 2-year time limit for courts to bring criminal and civil trials to conclusion, and requires the Government to take the legal and financial measures necessary to accomplish these goals.

In the extraordinary case of the Aum Shinrikyo 1995 sarin gas attack on the Tokyo subway system, the leader of the cult, Chizuo Matsumoto, and his follower,

Masami Tsuchiya, who is charged with making the sarin, await a ruling on sentencing, which is scheduled for February 2004 (see Section 2.c.). The other accused persons have been tried, and those convicted have been sentenced.

There is no trial by jury. The defendant is informed of the charges upon arrest and is assured a public trial by an independent civilian court with defense counsel and the right of cross-examination. However, in 2001 the Government's Judicial Reform Council recommended that randomly chosen members of the public be allowed to participate in determining rulings and penalties in criminal trials by deliberating the cases alongside professional judges. The Diet enacted implementing legislation in 2001, with the aim of adopting all of the advisory panel's reform proposals by 2004.

The defendant is presumed innocent. The Constitution provides defendants with the right not to be compelled to testify against themselves as well as to free and private access to counsel; however, the Government contended that the right to consult with attorneys is not absolute and can be restricted if such restriction is compatible with the spirit of the Constitution. Access sometimes was abridged in practice; for example, the law allows prosecutors to control access to counsel before indictment, and there were allegations of coerced confessions (see Sections 1.c. and 1.d.). Defendants are protected from the retroactive application of laws and have the right of access to incriminating evidence after a formal indictment has been made. However, the law does not require full disclosure by prosecutors, and material that the prosecution does not use in court may be suppressed. Critics claimed that legal representatives of defendants did not always have access to all needed relevant material in the police record to prepare their defense. A defendant who is dissatisfied with the decision of a trial court of first instance may appeal to a higher court.

No guidelines mandate the acceptable quality of communications between judges, lawyers, and non-Japanese speaking defendants, and no standard licensing or qualification system for certifying court interpreters exists. In 2000, the Supreme Court introduced a training system to help court interpreters understand complicated trial procedures. A trial may proceed even if the accused does not understand what is happening or being said. Foreign detainees frequently claimed that police urged them to sign statements in Japanese that they could not read and that were not translated adequately.

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home or Correspondence.—The Constitution protects the right to privacy of family, home, and correspondence, and the Government generally respected these rights in practice. Under the Constitution, each search or seizure must be based on a separate warrant issued by a judge. Standards for issuing such warrants exist to guard against arbitrary searches. The law allows law enforcement authorities, after obtaining a court warrant, to use wiretaps in certain criminal investigations, including suspected drug offenses, murder, and trafficking in persons if law enforcement officials can demonstrate that all other investigative techniques have been ineffective. The law also stiffened penalties for unauthorized use of wiretaps by police authorities.

In 2002, the Defense Agency confirmed reports that it had violated a law protecting personal information when it compiled lists of citizens seeking official documents. This inspired public debate on a privacy bill, which passed the Diet on May 23.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution provides for freedom of speech and of the press, and the Government generally respected these rights in practice. An independent press, an effective judiciary, and a functioning democratic political system combined to ensure freedom of speech and of the press.

In July, the Diet passed legislation prohibiting the solicitation of sex from minors through the Internet (see Section 5). The Japan Internet Providers Association and the Telcom Services Association expressed concerns about the definitions of child-prohibited sites and about the actions providers are required to take to prevent illegal use of Internet sites.

Academic freedom was not restricted. The Science, Technology and Education Ministry's authority to order revisions to elementary, middle, and high school textbooks based on national curriculum guidelines remained a source of domestic and international controversy.

b. Freedom of Peaceful Assembly and Association.—The Constitution provides for the freedoms of assembly and association, and the Government generally respected these rights in practice.

c. Freedom of Religion.—The Constitution provides for freedom of religion, and the Government generally respected this right in practice.

The Government does not require that religious groups be licensed. However, to receive official recognition as a religious organization, which brings tax benefits and other advantages, a group must register with local or national authorities as a “religious corporation.” In practice, almost all religious groups were registered.

Aum Shinrikyo, the religious group responsible for the 1994 sarin gas attack in Matsumoto and the 1995 sarin attacks in the Tokyo subway, lost its status as a religious organization in 1996. In 2000, the group, which is considered a terrorist organization, changed its name to Aleph. In April, prosecutors demanded the death penalty for its leader, Chizuo Matsumoto, for his involvement in the gas attacks, as well as several previous counts of abduction and murder. The ruling is scheduled for February 2004. Matsumoto and Tsuchiya will be the last of 192 Aum members tried and sentenced in connection with crimes committed by the group. Because the group is still considered dangerous, in April the Public Security Investigation Agency extended surveillance of the group for an additional 3 years.

Members of the Unification Church and Jehovah’s Witnesses alleged that police did not act in response to allegations of forced deprogramming of church members. They also claimed that police did not enforce the laws against kidnapping when the victim was held by family members, asserting that Unification Church members were subjected to prolonged arbitrary detention by individuals, who were not charged by police.

For a more detailed discussion, see the 2003 International Religious Freedom Report.

d. Freedom of Movement within the Country, Foreign Travel, Emigration, and Repatriation.—The Constitution provides for these rights, and the Government generally respected them in practice.

Citizens have the right to travel freely both within the country and abroad, to change their place of residence, to emigrate, and to repatriate voluntarily. Citizenship may be forfeited by naturalization in a foreign country or by failure of persons born with dual nationality to elect citizenship at the required age.

The law provides for the granting of refugee status or asylum to persons who meet the definition in the 1951 U.N. Convention Relating to the Status of Refugees or its 1967 Protocol. In practice, the Government provided protection against refoulement, but did not routinely grant refugee or asylum status. The Government cooperated with the office of the U.N. High Commissioner for Refugees (UNHCR) and other humanitarian organizations in assisting refugees. The Government requires applicants to appear at an Immigration office within 60 days of arrival or within 60 days of learning that they are likely to be persecuted in their home country. Individuals who do not present their applications within the 60-day time frame due to extenuating circumstances may apply for an exception. However, the UNHCR estimated that approximately 50 percent of applicants were rejected for failing to meet the 60-day application deadline. An alien recognized as a refugee has access to educational facilities, public relief and aid, and social welfare benefits.

In 2002, North Korean nationals attempting to claim political asylum were stopped and arrested by Chinese security officials inside the Japanese Consulate General in Shenyang, China. The public scrutiny and criticism resulting from the incident led the Government to reexamine its refugee policy. In November 2002, a Ministry of Justice advisory group proposed that the 60-day application deadline be extended to either 6 months or a full year; however, by year’s end, no extension had been put into effect. In an effort to make procedures clearer to applicants, the Government distributed a pamphlet in English, Chinese, and eight other languages to those interested in the asylum process.

In recent years, the Government has granted refugee and asylum status to those claiming fear of persecution in only a small number of cases. A nongovernmental organization (NGO), in a statement to the U.N. Subcommission on Protection and Promotion of Human Rights, noted that from 1982 to December 2002, 301 persons were accepted as refugees. The Government considered that most persons seeking asylum in the country did so for economic reasons. In 2002, 250 persons sought asylum and the Government recognized 14 refugee cases. According to UNHCR, most new applicants were from Burma, China, Pakistan, Turkey, Afghanistan, and Iran.

In March, the Cabinet approved a bill allowing the Justice Minister to issue temporary-stay permits to asylum seekers who meet designated criteria. The Minister may also grant special permits on a case-by-case basis for those who do not meet the qualifications. Once refugee applications are approved, the Minister may also grant resident status. At year’s end, the bill was awaiting Diet approval.

Beginning in January, the Immigration Bureau began to give detailed, written explanations of decisions not to grant refugee status to asylum-seekers and, on a trial basis, opened an information office at Narita Airport for potential asylum seekers.

Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government

The Constitution provides citizens with the right to change their government peacefully, and citizens exercised this right in practice through periodic, free, and fair elections held on the basis of universal suffrage.

The country is a parliamentary democracy governed by the political party or parties able to form a majority in the lower house of its bicameral Diet. The Liberal Democratic Party and the Komeito Party formed the existing coalition government. Except for a brief hiatus in the 1990s, the LDP has been the dominant party in every government since the mid-1950s.

In recent years, the numbers of women holding public office has slowly increased. At year's end, women held 34 seats in the 480-member lower house of the Diet, and 38 of the 247 seats in the upper house. There were 3 women in the 18-member Cabinet. Four of the country's 47 governors were women; the female Governors of Osaka and Kumamoto were elected in 2000, a third was elected in Chiba in 2001, and a fourth in Hokkaido in April. Women accounted for 5.8, 10.8 and 4.9 percent of the elected members of prefectural, municipal, city and town assemblies respectively.

No figures were available at the national level regarding minority political participation.

Section 4. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A number of local and international human rights organizations functioned freely, without governmental restrictions, investigating and publishing their findings on human rights cases. Government officials generally were cooperative and responsive to their views, although the Government restricted access by human rights groups to prisons and Immigration detention facilities (see Section 1.c.).

The Justice Ministry's Council for Human Rights Promotion, an advisory panel, continued to work on a 5-year mandate to develop measures to educate citizens about the importance of respecting human rights. In 2001, the Council submitted a final set of recommendations that included the establishment of a human rights commission to provide relief through arbitration and administrative guidance to victims of social and racial discrimination, domestic violence, and human rights violations committed by public authorities and members of the media (the recommendations cited breaches of privacy, defamation, and "obstruction of a peaceful private life" as potential human rights violations by the mass media and Internet users). The report recommended that the proposed body be granted investigative powers, but it also recommended that its secretariat be established through a reorganization of the Justice Ministry's existing Civil Liberties Bureau. At year's end, this legislation was still under consideration in the Diet.

Section 5. Discrimination Based on Race, Sex, Disability, Language, or Social Status

The Constitution prohibits discrimination on the basis of race, creed, gender, social status, or family origin, and the Government generally respected these provisions.

Women.—Violence against women, particularly domestic violence, often went unreported due to social and cultural concerns about shaming one's family or endangering the reputation of one's spouse or children. Consequently, National Police Agency statistics on violence against women probably understated the magnitude of the problem. The law allows district courts to impose 6-month restraining orders on perpetrators and to sentence violators to up to 1 year in prison or fines of up to \$7,910 (1 million yen). In addition, the law covers common-law marriages and divorced individuals; it also encourages prefectures to expand shelter facilities for domestic abuse victims and stipulates that local governments offer financial assistance to 40 private institutions already operating such shelters. NPA statistics reported 2,357 rapes and 9,476 indecent assaults in 2002. Husbands have been prosecuted for spousal rape; usually these cases involved a third party who assisted in the rape.

Many local governments responded to the need for confidential assistance for abused women by establishing special women's consultation departments in police and prefectural offices. In 2002, police received 21,696 stalking complaints, arrested 178 persons, and issued 965 warnings.

Local governments and private rail operators continued to implement measures designed to address the widespread problem of groping and molestation of female commuters. Several railway companies have introduced women-only rail cars on

various trains, and the Tokyo Metropolitan Assembly revised its anti-groping ordinance to make first-time offenders subject to imprisonment.

Trafficking in women was a problem (see Section 6.f.). Prostitution is illegal, but it occurs.

The Constitution and the Equal Employment Opportunity (EEO) Law prohibit sexual discrimination; however, sexual harassment in the workplace remained widespread. The National Personnel Authority established workplace rules in an effort to stop harassment in public servants' workplaces. A 1999 revision to the EEO Law includes measures to identify companies that fail to prevent sexual harassment, but it does not include punitive measures to enforce compliance, other than allowing names of offending companies to be publicized. A number of government entities have established hot lines and designated ombudsmen to handle complaints of discrimination and sexual harassment. The Labor Standards Law forbids wage discrimination against women.

Women make up 40.5 percent of the labor force, and women between the ages of 15 and 64 have a labor force participation rate of 48.5 percent. Although the Labor Standards and the EEO laws prohibit wage discrimination against women, in 2002, female workers on average earned only 66.5 percent of average male earnings. Much of this disparity resulted from the "two-track" personnel administration system found in most larger companies under which new hires were put into one of two categories: Managerial track, in which those engaged in planning and decision making jobs had the potential to become top executives, and general track, in which employees engaged in general office work. In 2002, the Supreme Court mediated a settlement to a 1987 lawsuit in which 13 female employees had sued the Shiba Shinkin Bank over discriminatory salary and promotion policies. As a result of the mediation, six retired plaintiffs were retroactively promoted to section chief and paid lost wages worth \$1.86 million. Of the seven employed plaintiffs, six received immediate promotions to become section chiefs and one was guaranteed a chance to take the promotion exam.

Advocacy groups for women and persons with disabilities continued to press for a government investigation, a formal government apology, and compensation for sterilizations that were carried out between 1949–92.

The Asian Women's Fund (AWF) is a private, government-sponsored fund established to "extend atonement and support" to former "comfort women" (as many as 200,000 women, including Koreans, Filipinos, Chinese, Indonesians, Dutch, and Japanese, forced to provide sex to soldiers between 1932–45). The AWF supported three types of projects: Payments to individual victims; medical and welfare assistance to individual comfort women; and funding projects to improve the general status of women and girls. At the close of 2002, the AWF had collected donations totaling approximately \$4.91 million (590 million yen) and given lump sum payments of almost \$4.75 million (570 million yen) as well as letters of apology signed by the Prime Minister to more than 285 women from the Philippines, Korea, and Taiwan. These women also received medical and welfare assistance from the AWF. The Government's refusal to pay direct compensation continued to draw international criticism.

Children.—The Government is committed to children's rights and welfare, and in general the rights of children were protected adequately. Boys and girls have equal access to health care and other public services. Education is free and compulsory through the lower secondary level (age 14, or ninth grade). Education was available widely to students who met minimum academic standards at the upper secondary level through the age of 18. Society places an extremely high value on education, and enrollment levels for both boys and girls through the free upper secondary level (to age 18) exceeded 96 percent.

Public attention was focused increasingly on reports of frequent child abuse in the home. The law grants child welfare officials the authority to prohibit abusive parents from meeting or communicating with their children. The law also bans abuse under the guise of discipline and obliges teachers, doctors, and welfare officials to report any suspicious circumstances to 1 of the 182 nationwide local child counseling centers or to municipal welfare centers. In May, the Ministry of Health, Labor, and Welfare reported that 108 children have died of abuse since the November 2000 enactment of the Child Abuse Prevention Law. From April 2002 to March, there were 23,738 cases of child abuse, 8,940 of which were considered neglect.

Incidents of violence in schools and severe bullying ("ijime") also continued to be a societal and government concern. An Education, Culture, Sports, Science, and Technology Ministry survey released in 2002 reported 33,765 cases of violence by students in public schools during the 2001–02 academic year, an 11.7 percent decrease from the previous year. The Ministry attributed the decrease to its policy of suspending children with behavioral problems and increasing coordination with the police. Student-on-student violence accounted for 50 percent of the violence by stu-

dents in public schools. As for bullying, the number of cases in 2002–03 decreased 11.3 percent from the previous year to 22,207 cases. The Ministry of Justice's Office of the Ombudsman for Children's Rights provided counseling services for children 18 years of age and younger who have been victims of bullying.

In previous years, both the Government and society in general appeared to take a lenient attitude toward teenage prostitution and dating for money (which sometimes but not always involved sexual activity). However, in July, the Diet passed a law criminalizing the use of the Internet for child pornography and prostitution (see Section 2.a.). According to the NPA, the police arrested 1,366 persons in 2002 for crimes involving teenage prostitution and child pornography, a 340-person increase over 2001. However, teenage prostitution, dating for money, and child pornography continued to be problems.

Children can be held criminally responsible for their actions at age 14. Under juvenile law, juvenile suspects are tried in family court and have the right of appeal to an appellate court. Family court proceedings are not open to the public, a policy that has been criticized by family members of juvenile crime victims. During the year, the number of juveniles who committed penal code offenses was up 2.3 percent according to the NPA. For the last several years, juvenile crime has shown a trend toward more serious offenses such as murder, robbery, arson, and rape.

The Tokyo prefectural government continued programs to protect the welfare of stateless children, whose births their illegal immigrant mothers had refused to register for fear of forcible repatriation. According to Justice Ministry statistics, 720 stateless minors under the age of 5 were in the country in 2000.

Persons with Disabilities.—There were an estimated 3.2 million persons over the age of 18 with physical disabilities and roughly 2 million persons with mental disabilities. Although not generally subject to overt discrimination in employment, education, or in the provision of other state services, persons with disabilities faced limited access to public transportation, “mainstream” public education, and other facilities. The Deliberation Panel on the Employment of the Handicapped, which operates within the Ministry of Labor, has mandated that private companies with 300 or more employees hire a fixed minimum proportion of persons with disabilities. The penalty for noncompliance is a fine. In 2001, the Diet amended 27 laws that had banned the blind, deaf, and those with mental disabilities from working as doctors, dentists, nurses, and pharmacists, and the Health, Labor, and Welfare Ministry started awarding licenses for these professions on a case-by-case basis.

The law does not mandate accessibility to buildings for persons with disabilities; however, the law on construction standards for public facilities allows operators of hospitals, theaters, hotels, and similar enterprises to receive low-interest loans and tax benefits if they build wider entrances and elevators to accommodate persons with disabilities. In 2000, the barrier-free transportation law took effect, requiring public transport systems to take measures to make their facilities more accessible to persons with disabilities as well as to the elderly. In November 2002, the Tokyo District Court declared unconstitutional the Public Offices Election Law, which did not exempt persons with severe physical disabilities from the requirement to handwrite the name of the candidate on the ballot when voting by mail. Three Tokyo residents who suffered from Lou Gehrig's disease, a condition that left them unable to write, had brought the case.

The Law to Promote the Employment of the Handicapped includes those with mental disabilities. The law also loosened the licensing requirements for community support centers that promote employment for persons with disabilities, and it introduced government subsidies for the employment of persons with mental disabilities in part-time jobs. Despite the enactment of this law, Health, Labor, and Welfare Ministry data showed that during fiscal year 2001, the number of persons with disabilities fired from their jobs reach a record high of 4,017, a 1.6-fold increase from the previous year, significantly higher than the 1.2-fold increase recorded for the general population. The Headquarters for Promoting the Welfare of Disabled Persons, set up by the Prime Minister's Office, in previous years recommended that municipalities draw up formal plans for the care of citizens with disabilities. The Ministry of Health and Welfare has instructed local governments to set numerical targets for the number of home help providers and care facilities allocated to persons with disabilities. In 2000, 74.9 percent of municipalities had formal care plans for citizens with disabilities. In 2001, the Government abolished Medical Service Law provisions that had exempted mental hospitals from minimum staffing guidelines; however, reports of understaffing persisted.

Indigenous People.—The Ainu are a people descended from the first inhabitants of the country. Under an 1899 law, the Government pursued a policy of forced assimilation, imposing mandatory Japanese-language education and denying the Ainu

their right to continue traditional practices. The law also left the Ainu with control of approximately 0.15 percent of their original land holdings and empowered the Government to manage communal assets.

After a 1997 court ruling, the Diet passed a law that recognized the Ainu as an ethnic minority, required all prefectural governments to develop basic programs for promoting Ainu culture and traditions, canceled previous laws that discriminated against the Ainu, and required the Government of Hokkaido to return Ainu communal assets. However, the law stopped short of recognizing the Ainu as the indigenous people of Hokkaido, failed to address whether they deserved special rights as a distinct ethnic group, and did not mandate civil rights protection for the Ainu. A nonbinding accompanying resolution referred to the Ainu as a legal minority. The U.N. Special Rapporteur to the U.N. Working Group on Indigenous Populations stated that the Ainu never had entered into a consensual juridical relationship with any state and stated that the lack of such an agreement deprived them of their rights. Many Ainu criticized the Law to Promote Ainu Culture for not advancing Ainu political rights and criticized the Government for not providing funds for non-cultural activities that would improve Ainu living conditions or financial status. The Japan Ainu Association, a nationwide organization of Ainu, lobbied the Government for economic assistance and greater social welfare benefits. According to a 1999 survey, 37.2 percent of Ainu received welfare benefits, roughly double the regional average of 18.4 percent.

Although Ainu-language newspapers, radio programs, and academic programs studying Ainu culture have increased, the Ainu continued to face societal discrimination. In 2001, the U.N. Committee on the Elimination of Racial Discrimination (CERD) noted that the country “has not taken sufficient steps to address the issue of discriminatory treatment of Koreans and Ainu living in” the country. Also in 2001, several nongovernmental groups protested the Government’s failure to note continuing social and economic discrimination faced by the Ainu in its 2000 report to the CERD.

National/Racial/Ethnic Minorities.—Burakumin, Koreans, and alien workers experienced varying degrees of societal discrimination, some of it severe and longstanding.

The approximately 3 million Burakumin (descendants of feudal era “outcasts” who practiced “unclean” professions such as butchering and undertaking), although not subject to governmental discrimination, frequently were victims of entrenched societal discrimination, including restricted access to housing and employment opportunities. In 2002, as a result of the expiration of the Special Measures Law for Community Investment, Burakumin relief funds were cut to \$408.3 million (49 billion yen) from the previous level of \$875 million (105 billion yen), and the number of Burakumin-related projects was cut from 1,700 to 1,000. A 2001 working paper commissioned by the U.N. Human Rights Commission’s Subcommission on the Promotion and Protection of Human Rights acknowledged that the living standards of the Buraku had improved but noted that discrimination in marriage and employment continued.

According to the Ministry of Justice, there were nearly 1.85 million legal foreign residents as of 2002. The largest group, at approximately 625,422, was ethnic Koreans, followed by Chinese, Brazilians, and Filipinos. The number of Korean residents has been decreasing steadily since 1991 as Korean nationals have naturalized or married Japanese, which allows their children to gain citizenship automatically. Despite improvements in legal safeguards against discrimination, Korean permanent residents (most of whom were born, raised, and educated in Japan) were subject to various forms of deeply entrenched societal discrimination. In 2001, two associations representing Korean residents in the country lodged protests against the Public Security Investigative Agency (PSIA) and the Kyoto municipal government when media reports revealed that the PSIA had investigated over 200 persons of Korean ancestry under the Subversive Activities Prevention Law. Harassment and threats against pro-North Korean organizations and persons reportedly have increased since the 2002 admission by North Korea that it had kidnapped more than a dozen Japanese citizens.

Other foreigners also were subject to discrimination. There was a widespread perception among Japanese nationals that foreigners commit many crimes. In 2001, non-Japanese residents of Nagano Prefecture petitioned the governor to remove posters issued by the Nagano Prefectural Police and the Japan Crime and Fire Prevention Communication Association that depicted foreigners committing crimes. Also in 2001, as a result of widespread media attention, appeals by the Justice Ministry, and an anti-discrimination campaign waged by NGOs, several businesses in Hokkaido lifted their bans against foreigners. In 2001, Hokkaido police investigated death threats made against a foreign-born naturalized citizen who had sued a bath-

house for refusing him entrance on the basis of race and the Otaru Municipal Government for failing to take measures to stop discriminatory entrance policies. In November 2002, the Sapporo District Court ordered the bathhouse to pay the plaintiff \$25,000 (3 million yen) for subjecting the plaintiff to racial discrimination. The court rejected the claim against the Otaru Municipal Government, saying that the International Convention on the Elimination of All Forms of Racial Discrimination does not require local governments to institute ordinances to stamp out discrimination.

By law, aliens with 5 years of continuous residence are eligible for naturalization and the simultaneous acquisition of citizenship rights, including the right to vote; however, in practice most eligible aliens choose not to apply for citizenship, in part due to fears that their cultural identity would be lost. Obstacles to naturalization included broad discretion available to adjudicating officers and great emphasis on Japanese-language ability. Naturalization procedures also required an extensive background check, including inquiries into the applicant's economic status and assimilation into society. Koreans were given the option of adopting a Japanese surname. The Government defended its naturalization procedures as necessary to ensure the smooth assimilation of foreigners into society. Alien permanent residents may live abroad for up to 4 or 5 years without losing their right to permanent residence in the country.

In 2000, the Supreme Court upheld Nagoya and Osaka High Court decisions rejecting appeals by Korean permanent residents demanding the right to vote in local elections. The courts have consistently ruled that limiting the vote to citizens is constitutional, but that the Diet could legislate suffrage for foreign residents. Such legislation was submitted to the Diet and remains under deliberation.

Under the School Education Law, all students attending Chinese, Korean, or other non-Japanese-language schools were not automatically eligible to take national university examinations. They were required to pass a state-run high school equivalency test to qualify for the examinations. However, in September, the School Education Law was amended to allow graduates of 21 non-Japanese language schools to become automatically eligible to take university entrance examinations. The amended law also enabled universities to set their admissions criteria at their own discretion. During the year, many national universities also admitted graduates of non-Japanese language schools other than the 21 schools included in the School Education Law amendment.

In 2000, a revised law to end the practice of fingerprinting permanent foreign residents went into effect. The Government established a family registry system similar to that used for citizens. Foreign residents still are required to carry alien registration certificates at all times, but the revised law reduces the penalties imposed on those found without documentation.

In 1996, the Home Affairs Ministry reversed the national policy of opposition to lifting the citizenship requirement for public servants. However, the Ministry instructed local governments to restrict noncitizens' access to jobs that involved the exercise of public authority and influencing of public opinion, and required local governments to state clearly which jobs were closed to noncitizens. Jobs considered off limits included tax collection, construction permit issuance, sanitation inspection, and firefighting.

According to a 1997 joint survey conducted by the All Japan Prefectural and Municipal Workers Union and the Korean Residents Association in Japan, 19.8 percent of local governments forbade hiring noncitizens.

Section 6. Worker Rights

a. The Right of Association.—The Constitution provides for the right of workers to associate freely in unions. In 2002, approximately 10.8 million workers, 20.2 percent of all employees, belonged to labor unions. Unions were free of government control and influence. The Japanese Trade Union Confederation, which represented 6.8 million workers and was formed in 1989 through the merger of several confederations, was the largest labor organization.

Some public employees, including members of the Self-Defense Forces, police, and firefighters are not permitted to form unions or to strike. These restrictions have led to a long-running dispute with the International Labor Organization's (ILO) Committee on the Application of Conventions and Recommendations over the observance of ILO Convention 98 concerning the right to organize and bargain collectively. The Committee has observed that these public employees have a limited capacity to participate in the process of determining their wages and has asked the Government to consider measures it could take to encourage negotiations with public employees. The Government determines the pay of government employees based on a recommendation by the independent National Personnel Authority.

The law prohibits anti-union discrimination, and adequate mechanisms existed for resolving cases that occurred, including the reinstatement with back wages of any workers fired for union activities.

Unions were free to affiliate internationally and were active in international bodies, most notably the International Confederation of Free Trade Unions.

b. The Right to Organize and Bargain Collectively.—The Constitution provides unions with the right to organize, bargain, and act collectively. These rights were exercised freely, and collective bargaining was practiced widely. The annual “Spring Wage Offensive,” in which individual unions in each industry conduct negotiations simultaneously with their firms, involved nationwide participation. Management usually consulted closely with its enterprise union. However, trade unions were independent of management and aggressively pursued the interests of their workers. The right to strike, implicit in the Constitution, was exercised. During 2001, 29,101 workdays involving 223,144 employees were lost to strikes. The law prohibits retribution against strikers and is enforced effectively.

There are no export processing zones.

c. Prohibition of Forced or Bonded Labor.—The Constitution provides that no person shall be held in bondage of any kind. Involuntary servitude, except as punishment for crime, is prohibited. Although children were not specified in the provision, this legal prohibition against forced or compulsory labor applies equally to adults and to children.

Former Allied prisoners of war and Chinese and Korean workers continued to press claims for damages and compensation for forced labor during World War II in Japanese civil courts, U.S. courts, and in complaints to the ILO. In January, a U.S. federal appeals court dismissed a number of lawsuits by former prisoners of war and civilians who alleged they had been forced to labor for private Japanese firms during World War II. In 2002, 15 Chinese men who were forced to work in coalmines during World War II appealed a decision handed down by the Fukuoka High Court that ordered Mitsui Mining Co., but not the Government, to pay them compensation. In late 2001, 18 Chinese men filed a law suit for damages against the Government and 2 major construction firms to seek compensation for their forced labor during World War II, seeking \$3.87 million (464.4 million yen) in damages and a public apology. In 2001, in two separate cases, the Tokyo and Kyoto District Courts ordered the Government to pay damages. In the first, compensation was ordered to the family of a Chinese man who died in hiding after escaping from a coalmine where he had been forced to work during World War II. In the second case, compensation was ordered to be paid to 15 survivors of a 1945 explosion that had killed 524 Koreans brought to the country as forced laborers. Both courts ruled that the Government had failed to ensure a safe return home for the laborers but rejected further compensation for their forced labor. In 2002, the Government appealed both rulings. An ILO committee has called on the Government to take additional measures to satisfy individual Chinese and Korean victims of forced labor during the war. In 2000, the Diet passed a law offering “condolence money” for foreign nationals killed or injured while serving with the Imperial forces in response to a 1998 Tokyo High Court recommendation. The Public Management Ministry began accepting applications for condolence money in 2001; the legislation provides for payments of \$33,333 (4 million yen) to seriously injured foreign national soldiers and \$21,667 (2.6 million yen) to the survivors of those foreign nationals killed in service. However, seriously injured Japanese veterans are eligible for \$632,761 (80 million yen) and a lifetime pension.

The AWF continued to support former comfort women, who were forced to provide sexual services to Japanese troops during World War II (see Section 5).

d. Status of Child Labor Practices and Minimum Age for Employment.—The Constitution bans the exploitation of children. Both societal values and the rigorous enforcement of the Labor Standards Law protect children from exploitation in the workplace. By law, children under the age of 15 may not be employed, and those under age 18 may not be employed in dangerous or harmful jobs. In 2001, the Labor Inspection Division of the Ministry of Labor, which vigorously enforces the Labor Standards Law, reported 18 instances of children under the age of 15 being employed and 25 instances of children under the age of 18 being employed in dangerous or harmful jobs.

e. Acceptable Conditions of Work.—Minimum wages are set on a regional (prefectural) and industry basis, with the input of tripartite (workers, employers, public interest) advisory councils. Employers covered by a minimum wage must post the concerned minimum wages, and compliance with minimum wages was considered widespread. Minimum wage rates including benefits, effective during 2002, ranged from \$18 (2,231 yen) per hour in Tokyo to \$11 (1,358 yen) in Aomori Prefecture and

were considered sufficient to provide a worker and family with a decent standard of living. The Labor Standards Law provides for a 40-hour workweek for most industries and mandates premium pay for hours worked over 40 in a week, or 8 in a day. However, labor unions frequently criticized the Government for failing to enforce maximum working hour regulations in smaller firms.

The Ministry of Labor effectively administered various laws and regulations governing occupational health and safety, principal among which is the Industrial Safety and Health Law. Standards were set by the Ministry of Labor and issued after consultation with the Standing Committee on Safety and Health of the Central Labor Standards Council. Labor inspectors have the authority to suspend unsafe operations immediately, and the law provides that workers may voice concerns over occupational safety and remove themselves from unsafe working conditions without jeopardizing their continued employment.

Activist groups claimed that employers exploited or discriminated against foreign workers, who often had little or no knowledge of the Japanese language or their legal rights. The Immigration Bureau of the Justice Ministry estimated that as of January, there were approximately 220,000 foreign nationals, primarily from South Korea, the Philippines, China, Thailand, and Malaysia, residing illegally in the country, a reduction of 3,500 persons from the previous year.

The Government tried to reduce the inflow of illegal foreign workers by prosecuting employers of such workers. Revisions of the Immigration Law provide for penalties against employers of undocumented foreign workers. Suspected foreign workers also may be denied entry for passport, visa, and entry application irregularities. The Government continued to study the foreign worker issue, and several citizens' groups were working with illegal foreign workers to improve their access to information on worker rights.

f. Trafficking in Persons.—The Constitution prohibits holding persons in bondage, and the Penal Code contains several provisions that could be used to combat trafficking in persons; however, there are no specific laws that prohibit trafficking in persons, and trafficking of women and girls into the country was a problem. Women and girls, primarily from Thailand, the Philippines, and Eastern Europe, were trafficked into the country for sexual exploitation and forced labor. Women and girls from Colombia, Brazil, Mexico, South Korea, Malaysia, Burma, and Indonesia also were trafficked into the country in smaller numbers. The country was a destination for illegal immigrants from China who were trafficked by organized crime groups who often held such persons in debt bondage for sexual exploitation and indentured servitude in sweatshops and restaurants. The Government reported that some smugglers used killings and abduction to ensure payment.

There was evidence that trafficking took place within the country to the extent that some recruited women subsequently were forced, through the sale of their "contracts," to work for other employers. Child prostitution was a problem (see Section 5).

Reliable statistics on the number of women trafficked to the country were unavailable. During 2002, the NPA identified 55 women as potential trafficking victims during criminal investigations involving entertainment businesses. In the course of those investigations, 28 individuals were prosecuted as trafficking brokers under various immigration and entertainment facility laws. However, the Government does not consider an individual who has willingly entered into an agreement to work illegally in the country to be a trafficking victim, regardless of that person's working conditions once in the country. Thus, government figures may understate the problem as persons who agreed to one kind of work found themselves doing another, or were subject to force, fraud, or coercion. Traffickers were prosecuted for crimes ranging from violations of employment law to Penal Code offenses such as abduction, and the Government did not compile statistics on the number of trafficking victims associated with these cases. Because trafficked women generally were deported under immigration law as prostitutes, immigration statistics may provide only a rough picture of the scale of the problem. A government-funded study released in 2000 found that nearly two-thirds of foreign women surveyed following arrests for immigration offenses stated that they were working in the sex industry under duress.

Many women who were trafficked into the country, particularly from the Philippines, entered legally on entertainment visas. In 2002, approximately 69,986 women from the Philippines entered the country on such visas. "Entertainers" are not covered by the Labor Standards Law, and have no minimum wage protections; however, there were indications that they may be somewhat less vulnerable to abuse by employers than female migrant workers entering illegally or on other types of visas. To tighten scrutiny on the entertainer visa system, the Immigration Control and Refugee Recognition Law was revised to give regional immigration bureaus

the authority to verify that foreigners entering the country on such visas are abiding by all relevant regulations. Early results of the checks showed that a significant number of entertainer visa holders acquired their visas using fraudulent information, often listing defunct shops or fictitious establishments as employers on immigration documents. Regional immigration bureaus planned to file criminal complaints against promoters of entertainer visas who submitted fraudulent information.

Brokers in the countries of origin recruited women and “sold” them to Japanese intermediaries, who in turn subjected them to debt bondage and coercion. Agents, brokers, and employers involved in trafficking for sexual exploitation often had ties to organized crime.

Women trafficked to the country generally were employed as prostitutes under coercive conditions in businesses licensed to provide commercial sex services. Sex entertainment businesses are classified as “store form” businesses such as strip clubs, sex shops, hostess bars, and private video rooms, and as “nonstore form” businesses such as escort services and mail order video services, which arrange for sexual services to be conducted elsewhere. According to NGOs and other credible sources, most women who were trafficked to the country for the purpose of sexual exploitation were employed as hostesses in “snack” bars, where they were required to provide sexual services off premises.

Many Thai women were enticed to come to the country with offers of lucrative legitimate employment, only to be sexually exploited; many others reportedly knew that they would work as prostitutes. However, whether or not they understood the nature of the work they would be doing, trafficked women generally did not understand the debts they would be forced to repay, the amount of time it would take them to repay the debts, or the conditions of employment they would be subjected to upon arrival. According to Human Rights Watch, the passports of women trafficked to work in “dating” bars usually were confiscated by their employers, who also demanded repayment for the cost of their “purchase.” Typically, the women were charged \$25,000 to \$40,000 (3 million to 5 million yen); their living expenses and expenses for medical care (when provided by the employer) and other necessities, as well as “fines” for misbehavior, were added to the original “debt” over time. How the debt was calculated was left to the employers; the process was not transparent, and the employers reportedly often used the debt to coerce additional unpaid labor from the trafficked women. Employers also sometimes “resold” or threatened to resell troublesome women or women found to be HIV positive, thereby increasing the debt they must repay and possibly worsening their working conditions. Many women trafficked into the sex trade had their movements strictly controlled by their employers while working off their debt, and were threatened with reprisals, perhaps through members of organized crime groups, to themselves or their families if they tried to escape. Employers often isolated the women, subjected them to constant surveillance, and used violence to punish them for disobedience. Many trafficked women also knew that they were subject to arrest if found without their passports or other identification documents. Few spoke Japanese well, making escape even more difficult.

Domestic NGOs and lawyers compiled credible anecdotal evidence suggesting that some individual police officials returned trafficking victims to their employers when these individuals sought police protection. NGOs also reported that police sometimes declined to investigate suspected brokers when presented with information obtained from trafficking victims.

Except for the Tokyo Metropolitan Government, which funded a Tokyo-based NGO assisting victims of trafficking, the Government did not assist victims of trafficking for sexual purposes other than to house them temporarily in facilities established under the Anti-prostitution Law, in detention centers for illegal immigrants, or through referrals to shelters run by NGOs; generally they were deported as illegal aliens. Victims without documentation or sufficient funds to return to their country of origin were sometimes detained for long periods. Several NGOs throughout the country provided shelter, medical aid, and legal assistance to trafficking victims. A 2002 domestic violence law channeled funding to two NGOs that worked to provide protection to trafficking victims as well as victims of domestic violence. The Government funded trafficking prevention efforts in Asian source countries, sponsored public information campaigns targeted at potential victims, and provided equipment and training to police and customs officials in those countries.

KIRIBATI

Kiribati is a constitutional republic that occupies 33 small islands widely scattered across 1.365 million square miles of the central Pacific Ocean. The country has a popularly elected president and a legislative assembly of 42 members; 40 are elected by universal adult suffrage, the Rabi Island Council in Fiji nominates one, and the Attorney General holds an ex officio assembly position. The most recent parliamentary and presidential elections, held in May and July respectively, were considered free and fair. Anote Tong of the Boutokan te Koaua Party was elected President; he took office on July 10. The government party and allied independents together held 25 legislative seats. Elected village councils ran local governments in consultation with traditional village elders. The judiciary is independent.

The country has no military force. Australia and New Zealand are responsible for its external defense. A police force of 284 sworn officers and 200 constables, headed by a commissioner who reports directly to the Office of the President, is responsible for internal security. The civilian authorities maintained effective control over the security forces. There were no reports that security forces committed human rights abuses.

The country has a mixed economy. The Government owns and operates most enterprises; however, there also are some privately owned enterprises. The population of over 90,000 was primarily Micronesian, with a significant component of Polynesian origin. Economic activity consisted primarily of subsistence agriculture and fishing. Remittances from sailors employed on overseas merchant vessels and foreign development assistance also were important sources of revenue. The islands' isolation and meager resources, including poor soil and limited arable land, severely limited prospects for economic development. The rate of economic growth in 2002 was approximately 3 percent and the per capita gross domestic product was approximately \$660.

The Government generally respected the human rights of its citizens, and the law and judiciary provide effective means of dealing with individual instances of abuse; however, the Government retained some limits on freedom of the press. In this traditional culture, women occupy a subordinate role and have limited job opportunities. Violence against women and child abuse in urban areas were problems.

RESPECT FOR HUMAN RIGHTS

Section 1. Respect for the Integrity of the Person, Including Freedom From:

a. Arbitrary or Unlawful Deprivation of Life.—There were no reports of the arbitrary or unlawful deprivation of life committed by the Government or its agents.

b. Disappearance.—There were no reports of politically motivated disappearances.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The Constitution prohibits such practices, and there were no reports that government officials employed them. Traditional village practice permits corporal punishment for criminal acts and other transgressions. On some outer islands, village councils occasionally ordered strokes with palm fronds to be administered for public drunkenness and other minor offenses, such as petty theft.

Prison conditions generally met international standards. There were separate prisons for men and women. Children under age 16 were not incarcerated. There was no separate facility for juvenile offenders aged 16 or older. Juveniles aged 16 to 17 generally may be detained no longer than 1 month in the adult facility; however, for more serious offenses, such as murder, juveniles over the age of 16 can be held in custody for more than 1 month and can be sentenced to longer terms. Pre-trial detainees who did not meet bail were housed with convicted prisoners.

Family members and church representatives are allowed access to prisoners. Both diplomats and senior judicial officials have visited the prisons, including some unannounced visits, and reported no problems. During the year, there were no reported requests by local human rights groups or nonresident international human rights observers to visit prisons. The Government has not formulated a policy concerning such visits.

d. Arbitrary Arrest, Detention, or Exile.—The Constitution prohibits arbitrary arrest and detention, and the Government generally observed these prohibitions.

The Commissioner of Police and Prisons, who reports directly to the Office of the President, heads the police force. There are three superintendents under the Commissioner responsible, respectively, for crime and security, prisons, and administrative functions. The police force was reasonably effective in maintaining law and order. Police corruption generally was not a problem, and there were no reported instances where the police acted with impunity.

The law requires that arrested individuals be informed of their rights, which include the right to legal counsel during questioning and the right not to incriminate themselves. Two police officers must be present at all times during questioning of detainees, who also are provided the option of writing and reviewing statements given to the police. Those taken into custody without a warrant must be brought before a magistrate within 24 hours or within a reasonable amount of time when arrested in remote locations. Many individuals are released on their own recognizance pending trial, and bail is granted routinely for many offenses. Detainees were allowed prompt access to legal counsel.

The Constitution prohibits government restrictions on citizens' freedom of movement, but does not restrict such actions by village councils. The Government does not use forced exile; however, on rare occasions, village councils have used this punishment. This practice sometimes results in exile from a specific island, but not from the country. This form of punishment never has been challenged legally.

e. Denial of Fair Public Trial.—The Constitution provides for an independent judiciary, and the Government generally respected this provision in practice.

The judiciary consists of magistrate courts, a High Court, and a Court of Appeal. The law provides for the right to a fair public trial, and an independent judiciary generally enforced this right. The Constitution provides that an accused person be informed of the charges against him and be provided adequate time and facilities to prepare a defense. The law also provides for the right to confront witnesses, present evidence, and appeal convictions. Defendants facing serious criminal charges are entitled to free legal representation. Procedural safeguards are based on English common law, and include the presumption of innocence until proven guilty.

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home or Correspondence.—The law prohibits such practices, and the Government generally respected these prohibitions in practice.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution provides for freedom of speech and of the press, and the Government generally respected these rights in practice; however, the Government limited these rights in some instances. Under the 1988 Newspaper Registration Act, newspapers are required to register with the Government. In 2002, the legislature amended the act to give the Government the authority to deregister a newspaper if the publication was found to have published material deemed to be offensive to good taste, decency, or public feeling, or was likely to encourage or incite to crime. The amendment also requires newspapers to ensure that, in an article affecting the "credibility or reputation of any person," the affected individual can respond in the same article. Fines of \$329 (A500) may be assessed for each violation of these provisions. As of year's end, no publications had been deregistered or prevented from publishing. Opponents criticized the amendment as an attempt by the Government to restrict press freedom.

The Government owns the country's main newspaper, along with one AM and one FM radio station in Tarawa. In 2000, a former president established the country's first private newspaper to provide a forum for views divergent from those of the government. In 2002, the former president commenced operations of New Air FM, the country's first private radio station. (In 1999, the government blocked the radio station from operating for importing broadcast equipment without a license; the station owner initiated legal action and won the right to operate in 2002.) Churches published newsletters and other periodicals. High costs limited the availability of foreign print media and Internet access, but there were no government-imposed limitations.

The Government did not restrict academic freedom.

b. Freedom of Peaceful Assembly and Association.—The Constitution provides for freedom of assembly and association, and the Government generally respected these rights in practice. Permits are required for public gatherings, but these were granted routinely.

c. Freedom of Religion.—The Constitution provides for freedom of religion, and the Government generally respected this right in practice.

For a more detailed discussion, see the 2003 International Religious Freedom Report.

d. Freedom of Movement within the Country, Foreign Travel, Emigration, and Repatriation.—The law provides for these rights, and the Government generally respected them in practice. On rare occasions, village councils have banished persons

from a specific island within the country, usually for a fixed period of time (see Section 1.d.).

There is no law providing for the granting of refugee status or asylum to persons who meet the definition in the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol, and the Government has not formulated a policy regarding refugees or asylum. However, there were no reports of the forced return of persons to a country where they feared persecution. There were no applications for refugee resettlement or asylum during the year.

Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government

The Constitution provides citizens with the right to change their government peacefully, and citizens exercised this right in practice through periodic, free, and fair elections held on the basis of universal suffrage. To be elected, a candidate must secure at least half the valid votes cast; if there is no first-round winner, a runoff election is held. The President exercises executive authority and is elected for a 4-year term. The elected Legislative Assembly nominates no fewer than three and no more than four presidential candidates from among its members. Under the Constitution, the President is limited to three terms. In March, Parliament was dissolved after the administration of President Teburoro Tito, who had been reelected in February by a narrow margin, fell on a no-confidence vote. New parliamentary elections were held in May, and opposition leader Anote Tong of the Boutokan Te Koaua Party (BTKP) was elected President in July; the elections were considered free and fair. In October, the High Court ruled in favor of President Tong in a lawsuit filed by several members of opposition parties alleging illegal cash payments by the BTKP to village councils during the presidential election campaign. Under the law, traditional gifts to village councils do not constitute bribes; however, the law places limits on the amount of such gifts. The plaintiffs alleged that the BTKP's payments exceeded these limits and constituted "vote buying." The court dismissed the claims, ruling that the gifts in question lacked a "corrupt motive" and did not constitute "vote buying."

There were 2 women, including the Vice President, in the 42-member Parliament, and 4 women held permanent secretary positions.

Section 4. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

There were no restrictions on the formation of local human rights nongovernmental organizations, but none have been formed. There were no restrictions on operations by international human rights groups. There were no reported allegations of human rights abuses by the Government during the year, and no known requests for investigations.

Section 5. Discrimination Based on Race, Sex, Disability, Language, or Social Status

The Constitution prohibits discrimination on the basis of race, creed, national origin, or sex, and the Government observed these prohibitions in practice; however, only native I-Kiribati (those with Kiribati ancestry) may own land. Society is fundamentally egalitarian and has no privileged class.

Women.—Spousal abuse and other forms of violence against women were a significant problem. Alcohol abuse frequently was a factor in attacks on women. The law does not address domestic violence specifically, but general common law and criminal law make assault in all forms illegal. Rape, including spousal rape, is a crime, and the law was enforced when charges were brought to court. However, it is believed that such prosecutions are relatively infrequent for cultural reasons.

Prostitution is not illegal, but it was not common; procuring sex and managing brothels are illegal. The law does not specifically prohibit sex tourism; however, there were no reports of such activity. Obscene or indecent behavior is banned.

The law does not prohibit sexual harassment; although it sometimes occurred, it generally was not regarded as a major problem.

The Constitution prohibits discrimination based on sex; however, the traditional culture, in which men are dominant, has impeded a more active role for women in the economy. Nevertheless, women are slowly finding work in unskilled and semi-skilled occupations. The Government has increased its hiring and promotions of women; women filled many governmental office positions and teaching positions. The Employment Ordinance prohibits night work by women except in seven exempt occupations, including health worker, hotel, bar, and restaurant worker, and business manager. However, this ordinance was little known, and there were no reported prosecutions based on its provisions. Statistics on the participation of women in the work force and on comparative wages were unavailable, and statistics gen-

erally were not well collected in the country. Women have full rights of ownership and inheritance of property as well as full and equal access to education.

Children.—Within its limited financial resources, the Government made adequate expenditures for child welfare. Primary education is compulsory, free, and universal for children between the ages of 6 and 14 years. In practice, the Government did not enforce primary school attendance. Unofficial estimates indicated that over 50 percent of all children attended school, with no significant gender discrimination. The approximately 40 percent of primary school graduates who pass a national examination qualify for 3 additional years of subsidized junior secondary and 4 years of subsidized senior secondary education; a small fee was charged to other students who wished to matriculate at these levels.

The Government provided free national medical service; however, there were no doctors on the outer islands. The central hospital in Tarawa provided basic medical services, but not intensive care facilities. There were no reports of gender bias in the provision of health services.

Child abuse was an ongoing problem, particularly on more densely populated South Tarawa.

Persons with Disabilities.—The law does not prohibit specifically discrimination against persons with disabilities; however, there were no complaints of discrimination in employment, education, or in the provision of other state services for persons with mental or physical disabilities. Accessibility of buildings for persons with disabilities has not been mandated; accommodations for persons with disabilities were basically nonexistent.

The central hospital on Tarawa has a wing for persons with mental disabilities, and there was a foreign national psychiatrist working on Tarawa. Foreign-based aid workers and the World Health Organization cooperated with the Ministry of Health to conduct outer island workshops for health workers.

Section 6. Worker Rights

a. The Right of Association.—The Constitution provides for freedom of association, and workers are free to join and organize unions; workers exercised these rights in practice.

Over 90 percent of the work force were occupied in fishing or subsistence farming, but the small wage sector had a relatively strong and effective trade union force. An estimated 10 percent of wage-earning workers were union members. In 1982, seven registered trade unions merged to form the Kiribati Trade Union Congress (KTUC), which has approximately 2,500 members. There are no official public sector trade unions; however, public sector nurses and teachers belonged to voluntary employee associations similar to unions and constituted approximately 30 to 40 percent of total union and association membership.

Unions are free to affiliate internationally. The KTUC is affiliated with the International Confederation of Free Trade Unions.

b. The Right to Organize and Bargain Collectively.—The law protects workers from employer interference in their right to organize and administer unions. The Government did not control or restrict union activities; however, unions must register with the Government. Collective bargaining is provided for under the Industrial Relations Code. The Government sets wages in the large public sector. However, in a few statutory bodies and government-owned companies, employees could negotiate wages and other conditions. In the private sector, individual employees also could negotiate wages with employers. In keeping with tradition, negotiations generally were nonconfrontational. There were no reports of anti-union discrimination, and there were mechanisms to resolve any complaints that might arise.

The law provides for the right to strike. However, strikes are rare; the last one took place in 1980.

There are no export processing zones.

c. Prohibition of Forced or Bonded Labor.—The Constitution prohibits forced or bonded labor, and there were no reports that such practices occurred.

The prohibition does not mention specifically forced and bonded labor by children; however, there were no reports that such practices occurred.

d. Status of Child Labor Practices and Minimum Age for Employment.—The law prohibits the employment of children under age 14. Children through the age of 15 are prohibited from industrial employment and employment aboard ships. Labor officers from the Ministry of Commerce, Industry, and Employment generally enforced these laws effectively, given the rudimentary conditions of the economy. Children rarely were employed outside the traditional economy.

The Government has not ratified ILO Convention 182 on the worst forms of child labor.

e. Acceptable Conditions of Work.—There is no minimum wage. There is provision for a minimum wage at ministerial discretion, but it has never been implemented. Income tended to be pooled within the extended family, and the standard income appeared adequate to provide a decent standard of living for a worker and family. There is no legislatively prescribed workweek. Workers in the public sector (80 percent of the wage-earning work force) worked 36¼ hours per week, with overtime pay for additional hours.

Employment laws provide rudimentary health and safety standards for the workplace. For example, employers had to provide an adequate supply of clean water for workers and ensure the existence of sanitary toilet facilities. Employers are liable for the expenses of workers injured on the job. However, the Government's ability to enforce employment laws was hampered by a lack of qualified personnel. Workers do not have the right to remove themselves from hazardous work sites without risking loss of employment.

There are no laws specifically to protect foreign workers; however, there were no significant numbers of foreign workers and no reports of mistreatment. Some foreign volunteers and missionaries worked in the schools.

f. Trafficking in Persons.—The law does not prohibit trafficking in persons; however, there were no reports that persons were trafficked to, from, or within the country.

DEMOCRATIC PEOPLE'S REPUBLIC OF KOREA¹

The Democratic People's Republic of Korea (DPRK or North Korea) is a dictatorship under the absolute rule of Kim Jong Il, General Secretary of the Korean Workers' Party (KWP) since October 1997. In 1998, the Supreme People's Assembly reconfirmed Kim Jong Il as Chairman of the National Defense Commission and declared that position the "highest office of state." The presidency was abolished, leaving Kim Jong Il's father, the late Kim Il Sung, as the DPRK's "eternal president." During the year, the Korean People's Army (KPA) continued to displace the KWP as Kim Jong Il's chief instrument for making and implementing policy. The titular head of state is Kim Yong Nam, the President of the Presidium of the Supreme People's Assembly. Elections for the 687-member Assembly were held in August. Only the KWP and two small satellite parties participated. The elections were not free. Kim Jong Il and his father were the objects of an intense personality cult and the regime continued to cling to "juche," a national ideology of self-reliance, even though the population was dependent on international aid for its survival. The judiciary is not independent.

The DPRK is one of the world's most militarized states. The KPA is the primary organization responsible for external security. A large military reserve force and several quasi-military organizations, including the Worker-Peasant Red Guards and the People's Security Force, assist it. These organizations also assisted the large internal security apparatus, which includes the Ministry of Public Security [MPS], the State Security Department, the National Security Agency, the National Security Police, and the KWP. Members of the security forces have committed serious human rights abuses.

North Korea has had one of the most centralized and tightly controlled economies in the world; however, citizens increasingly have tried to work in the informal economy, in recent years, to cope with shortages of food and other necessities. Only government-controlled labor unions are permitted in this country of 22 million persons. Industry continued to operate at very low capacity, reflecting antiquated plant and equipment and severe shortages of inputs. Heavy military spending, which is estimated at more than one quarter of gross domestic product (GDP), hampered economic development. The economy also was hampered by a lack of access to commercial lending stemming from the country's default on its foreign debt and its inability to obtain loans from international financial institutions. Rarely self-sufficient in food supplies, the country relied on international aid and trade to supplement domestic production. Economic and political conditions have caused at least tens of thousands

¹The United States does not have diplomatic relations with the Democratic People's Republic of Korea. North Korea does not allow representatives of foreign governments, journalists, or other invited guests the freedom of movement that would enable them to assess fully human rights conditions there. This report is based on information obtained over more than a decade, updated where possible by information drawn from recent interviews, reports, and other documentation. While limited in detail, this information is nonetheless indicative of the human rights situation in North Korea today.

of persons to flee their homes since the mid-1990s. To relieve food shortages, the Government permitted an increase in the number of private vendors to compensate for the contraction of food supplied through the public distribution system. Food, clothing, and energy provided by the Government were rationed throughout the country. To encourage economic development, in 2002 the Government raised wages and prices drastically, sharply devalued its currency, and announced that it would grant managers more responsibility. These changes sparked a dramatic rise in inflation, but failed to re-energize industrial growth. The regime remained committed to the notion of establishing special economic zones as “capitalist” enclaves to attract foreign direct investment, but no significant progress was recorded during the year.

The Government’s human rights record remained extremely poor, and it continued to commit numerous serious abuses. Citizens do not have the right to change their government, and the leadership views most international human rights norms, particularly individual rights, as illegitimate, alien, and subversive to the goals of the State and Party. There continued to be reports of extrajudicial killings, disappearances, and arbitrary detention including many who were held as political prisoners. Prison conditions were harsh, and torture reportedly was common. Credible eyewitness reports note that pregnant female prisoners underwent forced abortions, and in other cases babies reportedly were killed upon birth in prisons. The constitutional provisions for an independent judiciary and fair trials were not implemented in practice. The regime subjected its citizens to rigid controls over many aspects of their lives. The Penal Code is Draconian, stipulating capital punishment and confiscation of assets for a wide variety of “crimes against the revolution,” including defection, attempted defection, slander of the policies of the Party or State, listening to foreign broadcasts, writing “reactionary” letters, and possessing reactionary printed matter. Citizens are denied freedom of speech, the press, assembly, and association; all forms of cultural and media activities are under the tight control of the KWP. Little outside information reaches the public except that which is approved and disseminated by the Government. The Government restricted freedom of religion, citizens’ movement, and worker rights. There were reports of trafficking in women and young girls among refugees and workers crossing the border into China. In April, the U.N. Commission on Human Rights for the first time adopted a resolution on the situation of human rights in the DPRK, which, among other things, “expresses its deep concern about reports of systemic, widespread and grave violations of human rights. . . .”

RESPECT FOR HUMAN RIGHTS

Section 1. Respect for the Integrity of the Person, Including Freedom From:

a. Arbitrary or Unlawful Deprivation of Life.—Defectors and refugee reports over several years indicate that the regime executed political prisoners, opponents of the regime, some repatriated defectors, and others, including military officers suspected of espionage or of plotting against Kim Jong Il. Criminal law makes the death penalty mandatory for activities “in collusion with imperialists” aimed at “suppressing the national liberation struggle.” Prisoners have been sentenced to death for such ill-defined “crimes” as “ideological divergence,” “opposing socialism,” and “counterrevolutionary crimes.” In its 2001 report to the U.N. Human Rights Committee, the Government claimed that it had reduced the number of criminal offences carrying the death penalty from 33 to 5; the Committee, while welcoming this reduction, noted that 4 of the 5 offences were essentially political and “couched in terms so broad that the imposition of the death penalty may be subject to essentially subjective criteria, and not confined to the ‘most serious crimes’ only. . . .” In some cases, executions reportedly were carried out at public meetings attended by workers, students, school children, and before assembled inmates at places of detention. Border guards reportedly have orders to shoot to kill potential defectors. Similarly, prison guards are under orders to shoot to kill those attempting escape from political concentration camps, according to defectors.

Defectors have reported that government officials prohibit live births in prison. Forced abortion and the killing of newborn babies reportedly were standard prison practices (see Section 1.c.).

Religious and human rights groups outside the country reported that members of underground churches have been killed because of their religious beliefs and suspected contacts with overseas evangelical groups operating across the Chinese border (see Section 2.c.).

Many prisoners reportedly have died from beatings, disease, starvation, or exposure (see Section 1.c.).

b. Disappearance.—The Government reportedly was responsible for cases of disappearance. Defectors in recent years have claimed that individuals suspected of po-

litical crimes often were taken from their homes by state security officials and sent directly, without trial, to camps for political prisoners. There are no practical restrictions on the ability of the Government to detain and imprison persons at will and to hold them incommunicado.

Numerous reports indicated that ordinary citizens are not allowed to mix with foreign nationals, and Amnesty International has reported that a number of citizens who maintained friendships with foreigners have disappeared.

There also were long-standing reports of past government involvement in the kidnapping abroad of South Koreans, Japanese, and other foreign nationals. In September 2002, Kim Jong Il acknowledged to Japanese Prime Minister Koizumi the involvement of DPRK "special institutions" in the kidnapping of Japanese citizens and said that those responsible had been punished. Japanese officials reported that these abductions took place between 1977 and 1983. Five surviving victims were allowed to visit Japan in October 2002, and they decided to remain in Japan. Japan also seeks an accounting for 10 Japanese said to be dead or never to have entered North Korea and hopes to gain answers regarding 20 other cases of suspected abductions of Japanese nationals.

Many South Koreans are believed to have been abducted in the 1970s and 1980s. The South Korean Government has compiled a list of 486 South Korean citizens, most of whom were fishermen, abducted since the 1950–53 Korean War.

In addition, other reported cases of kidnapping, hostage-taking, and other acts of violence took place, apparently intended to intimidate ethnic Koreans living in China and Russia. Despite the admission to Prime Minister Koizumi, the Government continued to deny that it had been involved in kidnappings of other foreign nationals.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.— In its 2001 submission to the U.N. Human Rights Committee, the Government claimed that torture is prohibited by law; however, a number of sources confirm its practice. According to a report by the U.S. Committee for Human Rights in North Korea (USCHRNK), torture "is routine and severe." Methods of torture reportedly routinely used included severe beatings; electric shock; prolonged periods of exposure; humiliations such as public nakedness; confinement to small "punishment cells," in which prisoners were unable to stand upright or lie down, where they could be held for several weeks; being forced to kneel or sit immobilized for long periods; being hung by one's wrists; being forced to stand-up and sit-down to the point of collapse; and, forcing mothers recently repatriated from China, to watch the infanticide of their newly born infants. Defectors reported that many prisoners have died from torture, disease, starvation, exposure, or a combination of these causes. There were allegations of lethal gas experiments on prisoners.

Since 2002, China has deported thousands of North Korean women, some of whom were pregnant, and many of whom were imprisoned upon their return. Reportedly, North Korean officials prohibited live births in prison and forced abortions were regularly performed, particularly in detention centers holding women repatriated from China. Those sources further indicate that, in cases of live birth, the child was immediately killed. According to reports, the reason given for this policy was to prevent the birth of half-Chinese children. In addition, guards sexually abused female prisoners.

Prison conditions were harsh; starvation and executions were common. "Reeducation through labor" is a common punishment, consisting of forced labor, such as logging, mining, or tending crops under harsh conditions, and reeducation consisting of memorizing speeches by Kim Jong Il and being forced to participate in self-criticism sessions after labor. Visitors to the country have observed prisoners being marched in leg irons, metal collars, or shackles. In some places of detention, prisoners were given little or no food and, when they contract illnesses, were denied medical care. Sanitation was poor, and prisoners reported rarely being able to bathe, or wash their clothing, and having no change of clothing during months of incarceration.

In June 2002, Lee Soon-ok, a woman who spent several years in a prison camp before fleeing to China in 1994 and then to the Republic of Korea (South Korea), testified before the U.S. Senate that the approximately 1,800 inmates in her camp typically worked 16 to 17 hours a day. Lee witnessed severe beatings and incidents of torture involving forcing water into a victim's stomach with a rubber hose followed by guards jumping on a board placed across the victim's abdomen. Lee also testified that chemical and biological warfare experiments were conducted on inmates by the army. Other defectors reported similar experiences. At Camp 22 in Haengyong, approximately 50,000 prisoners worked under conditions that reportedly resulted in the death of 20 to 25 percent of the prison population per year in the 1990s.

Other witnesses who testified before the U.S. Congress in 2002 stated that prisoners held on the basis of their religious beliefs generally were treated worse than other inmates (see Section 2.c.).

In Washington in October, Kim Yong, a former police Lieutenant Colonel, told USCHRNK that, as an inmate in a political prison camp, he had been forced to kneel for long periods with a steel bar placed between his knees and calves, been suspended by his handcuffed wrists, and submerged in waist-deep cold water for extended periods.

The Government did not permit inspection of prisons by human rights monitors.

d. Arbitrary Arrest, Detention, or Exile.—There are no restrictions on the ability of the Government to detain and imprison persons at will and to hold them incommunicado. Family members and other concerned persons reportedly find it virtually impossible to obtain information on charges against or the length of sentences of detained persons. Judicial review of detentions does not exist in law or in practice.

An estimated 150–200,000 persons are believed to be held in detention camps in remote areas for political reasons. Satellite imagery of these camps made available during the year revealed they may cover areas as large as 200 square miles and contain mass graves in addition to barracks, work sites, and other prison facilities. The Government has denied the existence of prison camps for political prisoners, which are marked as military areas to prevent access by the local population. In recent years, the Government has reportedly reduced the total number of prison camps from approximately 20 to less than 10, but the prison population was consolidated rather than reduced. During the year, a defector who had been a ranking official in the Ministry of Public Security told USCHRNK that conditions in the camps for political prisoners were extremely harsh and prisoners are not expected to survive. In these camps, prisoners received little food and no medical provisions.

Collective punishment is practiced. Entire families, including children, have been imprisoned when one member of the family was accused of a crime. In November, an investigator for a human rights nongovernmental organization (NGO) said that punishment could be extended to imprison three generations of a family for life at hard labor.

The Government is not known to use forced exile. However, the Government routinely uses forced internal resettlement and has relocated many tens of thousands of persons from Pyongyang to the countryside, although not always as punishment for offenses. For example, although disabled veterans are treated well, other persons with physical disabilities, as well as those judged to be politically unreliable, have been sent out of the city into internal exile.

e. Denial of Fair Public Trial.—The Constitution states that courts are independent and that judicial proceedings are to be carried out in strict accordance with the law; however, an independent judiciary does not exist in practice. Moreover, the Constitution also mandates that the Central Court is accountable to the Supreme People's Assembly, and the Criminal Code subjects judges to criminal liability for handing down "unjust judgments." Furthermore, individual rights are not acknowledged. The Public Security Ministry dispensed with trials in political cases and referred prisoners to the Ministry of State Security for punishment. Little information was available on formal criminal justice procedures and practices, and outside observation of the legal system has been limited to show trials for traffic violations and other minor offenses.

The Constitution contains elaborate procedural protections. It states that cases should be heard in public, except under some circumstances stipulated by law. The Constitution also states that the accused has the right to a defense, and when trials were held, the Government reportedly assigned lawyers. Some reports noted a distinction between those accused of political crimes and common criminals, and stated that the Government afforded trials or lawyers only to the latter. The Government considered critics of the regime to be political criminals.

Past reports have described political offenses as including sitting on newspapers bearing Kim Il Sung's picture, noting DPRK founder Kim Il Sung's limited formal education, or defacing photographs of the two Kims. Foreigners are not exempt from such rules. In one case a foreigner working on international broadcasts for the regime was imprisoned for 1 year without trial for criticizing the quality of the regime's foreign propaganda and then imprisoned for 6 more years (with trial) when, after his release, he claimed in a private conversation that his original imprisonment was unjust.

Common criminals were occasionally amnestied on the occasion of Kim Il Sung's or Kim Jong Il's birthday.

f. Arbitrary Interference with Privacy, Family, Home or Correspondence.—The Constitution provides for the inviolability of person and residence and the privacy

of correspondence; however, the Government does not respect these provisions in practice. The regime subjects its citizens to rigid controls. The Government relies upon a massive, multi-level system of informers to identify critics and potential troublemakers. Whole communities sometimes are subjected to security checks. The possession of "reactionary material" and listening to foreign broadcasts are crimes that could subject the transgressor to harsh punishments. As noted above, entire families could be punished for alleged political offenses committed by one member of the family. Defectors have reported that families were punished because children had accidentally defaced photographs of the two Kims (see Section 1.e.).

The Government monitored correspondence and telephone conversations. Telephones essentially are restricted to domestic service, although some international service was available on a very restricted basis.

The Constitution provides for the right to petition. However, when an anonymous petition or complaint about state administration was submitted, the Ministries of State Security and Public Safety sought to identify the author, who could be subjected to investigation and punishment.

Since the late 1950s, the regime has divided society into three main classes: "core," "wavering," and "hostile." Security ratings are assigned to each individual; according to some estimates, nearly half of the population is designated as either "wavering" or "hostile." Loyalty ratings determine access to employment, higher education, place of residence, medical facilities, and certain stores. They also affect the severity of punishment in the case of legal infractions. While there were signs that this rigid system has been relaxed somewhat in recent years, it remained a basic feature of KWP political control.

Citizens with relatives who fled to the Republic of Korea at the time of the Korean War still appeared to be classified as part of the "hostile class." One defector estimated that those considered potentially hostile comprised 25 to 30 percent of the population; others placed the figure at closer to 20 percent. Members of this class still were subject to discrimination, although defectors reported that their treatment had improved greatly in recent years.

Citizens of all age groups and occupations are subject to intensive political and ideological indoctrination. The cult of personality of Kim Jong Il and his father and the official "juche" ideology has declined somewhat, but remained an important ideological underpinning of the regime, approaching the level of a state religion. Since 2002, the regime increasingly has emphasized an "army first" policy, purportedly necessitated by the external threat. Indoctrination is intended to ensure loyalty to the system and leadership, as well as conformity to the State's ideology and authority. The necessity for the intensification of such indoctrination is repeatedly stressed in the writings of Kim Jong Il, who attributed the collapse of the Soviet Union largely to insufficient ideological indoctrination, compounded by the entry of foreign influences.

Indoctrination was carried out systematically: through the mass media, in schools, and through worker and neighborhood associations. Kim Jong Il has stated that ideological education must take precedence over academic education in the nation's schools, and he also called for the intensification of mandatory ideological study and discussion sessions for adult workers. Indoctrination also involved mass marches, rallies, and staged performances, sometimes involving hundreds of thousands of persons. In September, a crowd estimated to be in the hundreds of thousands celebrated the 55th anniversary of the founding of the DPRK with parades and carefully choreographed demonstrations.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution provides for freedom of speech and the press; however, the Government prohibits the exercise of these rights in practice. Articles of the Constitution that require citizens to follow "socialist norms of life" and to obey a "collective spirit" take precedence over individual political and civil liberties. The regime only permits activities that support its objectives. Authorities punished persons for criticizing the regime or its policies with imprisonment or "corrective labor." Persons reportedly have been placed under surveillance through their radio sets, and imprisoned and executed for statements made at home that were critical of the regime.

The Government sought to control virtually all information. Claiming that the country is under continuing threat of armed aggression, the Government carefully managed visits by foreigners, especially foreign journalists. On occasion, when it served its agenda, the Government allowed foreign media to cover certain events. In October, a South Korean television network was allowed to send a crew of 270 to Pyongyang to broadcast an inter-Korean basketball game. On occasion, during visits by foreign leaders, groups of foreign journalists were permitted to accompany

official delegations and to file reports. In all cases, journalists were strictly monitored. They were not generally allowed to talk to officials or to persons on the street, and cellular or satellite phones were confiscated for the duration of a visitor's stay.

Domestic media censorship was enforced strictly, and no deviation from the official government line was tolerated. The regime prohibits listening to foreign media broadcasts except by the political elite, and violators are subject to severe punishment. Radios and television sets receive only domestic programming; radios obtained from abroad must be submitted for alteration to operate in a similar manner. Private telephone lines operated on an internal system that prevented making and receiving international calls; international phone lines were available only under very restricted circumstances. Some deluxe hotels in Pyongyang offered Internet service for foreign visitors, but for citizens, Internet access was limited to high-ranking officials with a "need to know." This access was provided via international telephone lines to a provider in China.

The Government severely restricted academic freedom and controlled artistic and academic works. A primary function of plays, movies, operas, children's performances, and books is to contribute to the cult of personality surrounding Kim Il Sung and Kim Jong Il.

b. Freedom of Peaceful Assembly and Association.—The Constitution provides for freedom of assembly; however, the Government did not respect this provision in practice. The Government prohibits any public meetings without authorization.

The Constitution provides for freedom of association; however, the Government did not respect this provision in practice. There are no known organizations other than those created by the Government. Professional associations existed primarily to facilitate government monitoring and control over the organizations' members.

c. Freedom of Religion.—The Constitution provides for "freedom of religious belief"; however, in practice the Government severely discouraged organized religious activity except as supervised by officially recognized groups. In 1992, a constitutional change authorized religious gatherings, provided for "the right to build buildings for religious use," and deleted a clause about freedom of anti-religious propaganda. The Constitution also stipulates that religion "should not be used for purposes of dragging in foreign powers or endangering public security." Genuine religious freedom did not exist.

Several government-sponsored religious organizations served as interlocutors with foreign church groups and international aid organizations. Foreigners who met with representatives of these organizations believed that some were genuinely religious but noted that others appeared to know little about religious dogma, liturgy, or teaching.

The number of religious believers was unknown but has been estimated by the media and religious groups at 10,000 Protestants, 10,000 Buddhists, and 4,000 Catholics, in addition to an undetermined number of persons belonging to underground Christian churches. Some sources estimated that as many as 500 informal Christian congregations were active during the year. In its July 2002 report to the U.N. Human Rights Committee, the Government reported the existence of 500 "family worship centers," an apparent reference to these congregations. Some reports indicated that such "house churches" have been increasingly tolerated as long as they do not openly proselytize or have contact with foreign missionaries. The Chondogyo Young Friends Party, a government-sponsored group based on a traditional Korean religious movement, also remained in existence.

Most of the 300 Buddhist temples in the DPRK were regarded as cultural relics, but in some of them religious activity was permitted. Since 1988, two Protestant churches under lay leadership and a Roman Catholic church (without a priest) have opened in Pyongyang. Several schools for religious education exist, including 3-year religious colleges for training Protestant and Buddhist clergy. A religious studies program also was established at Kim Il Sung University in 1989; its graduates usually go on to work in the foreign trade sector. It was not known whether any Catholic priests remained in the country.

Hundreds of religious figures have visited the country in recent years, including papal representatives and religious delegations from the Republic of Korea, the United States, and other countries. Overseas religious relief organizations have been active in responding to the country's food crisis. Although some foreigners who visited the country stated that church activity appeared staged, others believed that church services were genuine, although sermons contained both religious and political content supportive of the regime. Foreign legislators attending services in Pyongyang during the year noted that the congregations all arrived at and departed the services as a group on tour buses.

Persons engaging in religious proselytizing can be arrested and are subject to harsh penalties, including imprisonment and prolonged detention without charge. The regime appeared to have cracked down on unauthorized religious groups in recent years, particularly on persons who proselytized or who had ties to overseas evangelical groups operating across the border in China. The Government appeared especially concerned about religiously based South Korean relief and refugee assistance efforts along the northeast border with China becoming entwined with political goals, including opposition to the regime. Some repatriated defectors who had established contacts with religiously based South Korean groups have reportedly been executed.

Religious and human rights groups outside the country continued to provide numerous but unconfirmed reports that thousands of members of underground churches have been beaten, arrested, detained in prison camps, or killed because of their religious beliefs. One unconfirmed report stated that approximately 400 Christians were executed during 2001. Though unconfirmable, the collective weight of anecdotal evidence of harsh treatment of unauthorized religious activity lends credence to such reports.

Little was known about the actual life of religious persons in the country. Members of government-recognized religious groups did not appear to suffer discrimination, perhaps because, as some reports claimed, they had been mobilized by the regime. Persons whose parents were believers but who themselves were non-practicing were able to rise to at least the mid-levels of the bureaucracy in recent years. Such individuals, as a category, suffered broad discrimination in the past. However, the regime continued to view religious believers belonging to underground congregations or with ties to evangelical groups in North China as subversive.

Persons who witnessed the treatment of persons held in prison camps through the early 1990s said that prisoners held on the basis of their religious beliefs generally were treated worse, sometimes much worse, than other inmates. One such witness, a former prison guard, testified that those believing in God were regarded as insane, since authorities taught, "all religions are opiates." He recounted an instance in which a woman was kicked repeatedly and left with her injuries unattended for days because a guard overheard her praying for a child who was being beaten.

For a more detailed discussion, see the 2003 International Religious Freedom Report.

d. Freedom of Movement within the Country, Foreign Travel, Emigration, and Repatriation.—The Constitution provides for the "freedom to reside in or travel to any place"; however, the Government did not respect these rights in practice. In the past, the regime has controlled strictly internal travel, requiring a travel pass for any movement outside one's home village. Numerous reports in recent years suggested that, in part due to the worsening food conditions in the country and in part because of changing economic policies, internal travel rules have been relaxed to allow citizens to search for food, conduct local market activities, or engage in enterprise-to-enterprise business activities. However, only members of a very small elite had vehicles for personal use and the regime tightly controlled access to civilian aircraft, trains, buses, food, and fuel. The Government strictly controlled permission to reside in, or even to enter, Pyongyang, where food supplies, housing, health, and general living conditions were much better than in the rest of the country.

The regime issues exit visas for foreign travel only to officials and trusted artists, athletes, academics, and religious figures. It did not allow legal emigration, though officials in border areas have reportedly often taken bribes from or simply let pass persons crossing the border with China without required permits.

Since the mid-1990s, substantial numbers of North Koreans have crossed the border into China and have proceeded to the Republic of Korea, Hong Kong, Vietnam, and other Asian countries. Many of those who crossed into China during the year returned to North Korea after securing food.

The Penal Code makes defection and attempted defection (including the attempt to gain entry to a foreign embassy for the purpose of seeking political asylum) capital crimes. Many would-be refugees who were returned involuntarily have been imprisoned under harsh conditions; however, some have been executed (see Section 1.a.). USCHRNK interviewed witnesses who stated that "North Korean women who were pregnant when repatriated were subsequently subjected to forced abortions, or if the pregnancy was too advanced, were allowed to deliver their babies only to have them killed immediately after birth (based on the possibility that the Korean women had been impregnated by Han Chinese men)" (see Section 1.c.). Some migrants have stated that DPRK border guards have orders to shoot to kill persons attempting to cross the border into China, although many extra-legal border crossings did occur. The regime has reportedly retaliated against the relatives of some of those who managed to leave the country.

During the year, deportations of North Koreans from China continued. Most observers estimated that since 1994 there have been at least tens of thousands, and perhaps several hundred thousand North Koreans in China. Most crossed the border clandestinely in small groups to seek food, shelter, and work. Some have settled semi-permanently in Northeastern China, while others travel back and forth across the border. Since 2000, the Chinese Government has sporadically sought out and forcibly repatriated large numbers of these persons, whom PRC authorities regarded as illegal economic migrants. Deportations appeared to have risen in 2001 and 2002 after North Koreans began seeking onward travel to South Korea through high-profile tactics such as seeking asylum in diplomatic missions, although sufficient data to confirm this view was lacking. Deportations continued, albeit at a slower pace than in 2002.

During the year, over 1,500 North Koreans were able to travel to the Republic of Korea after seeking refuge primarily in South Korean Consulates in China. However, there were reports that the Chinese authorities were warning church groups and others that have given shelter to North Koreans in the past to cease such activities or risk severe consequences.

North Koreans in Russia also suffered serious human rights abuses. Many were workers employed under harsh conditions under contracts entered into by the North Korean authorities with Russian firms. Many North Koreans in Russia had their passports and other identification confiscated by North Korean border guards and faced severe hardship due to their lack of any identification.

From 1959 to 1982, 93,000 Korean residents of Japan, including 6,637 Japanese wives, voluntarily repatriated to North Korea. Despite DPRK assurances that the wives, more than a third of whom still had Japanese citizenship, would be allowed to visit Japan every 2 or 3 years, none were permitted to do so until 1997. Many had not been heard from, and their relatives and friends in Japan were unsuccessful in their efforts to gain information about their condition and whereabouts. In 1997, the Government agreed to allow some of these Japanese wives to visit Japan. Some visits have taken place on an irregular basis since then. Although the Government has permitted an increasing number of overseas Koreans to visit relatives in North Korea over the past decade, most requests for such visits were denied.

Although a member of the U. N., the country did not participate in international refugee forums. The Government had no known policy or provision for refugees or asylees.

Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government

Citizens do not have the right to change their leadership or government peacefully. The Korean Workers' Party and Korean People's Army, with Kim Jong Il in control, dominate the political system. Very little reliable information is available on intra-regime politics. The legislature, the Supreme People's Assembly (SPA), meets only a few days per year to rubber-stamp resolutions presented to it by the party leadership.

The regime justifies its dictatorship with arguments derived from concepts of collective consciousness and the superiority of the collective over the individual, appeals to nationalism, and citations of the *juche* ideology. The authorities emphasize that the core concept of *juche* is "the ability to act independently without regard to outside interference." Originally described as "a creative application of Marxism-Leninism" in the national context, *juche* is a malleable philosophy reinterpreted from time to time by the regime as its ideological needs changed. Though it was de-emphasized during the year, the concept is used by the regime as a "spiritual" underpinning for its rule.

In an effort to give the appearance of democracy, the Government has created several "minority parties." Lacking grassroots organizations, they exist only as rosters of officials with token representation in the SPA. Their primary purpose appeared to be promoting government objectives abroad as touring parliamentarians. Free elections did not exist, and the regime criticized the concept of free elections and competition among political parties as an "artifact" of "capitalist decay."

Elections to the SPA and to provincial, city, and county assemblies are held irregularly. Elections were held in 1990, 1998, and in August. In the August balloting, "all (687) candidates were successfully elected," according to the DPRK Central Election Committee. Kim Jong Il was elected to a seat with 100 percent of the vote of his constituency. Results of previous SPA elections produced virtually identical outcomes.

Section 4. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

The Government has not permitted any independent domestic organizations to monitor human rights conditions or to comment on violations of such rights. A North Korean Human Rights Committee, established by the Government in 1992, has denied the existence of any human rights violations in the country.

In July 2001, a North Korean delegate reporting to the U.N. Human Rights Committee dismissed reports of human rights violations in the country as the propaganda of “egoistic” and “hostile forces” seeking to undermine the sovereignty of the country.

The Government has ignored requests for visits by international human rights organizations, and none were known to have visited since a 1996 Amnesty International visit. In 2002, the Government submitted a report on human rights to the U.N. Human Rights Committee.

A number of countries that have established relations with the DPRK in recent years have sought to engage it on human rights. In 2001 and 2002, North Korean officials and EU representatives held dialogues on human rights. North Korea emphasized that it had ratified most U.N. human rights instruments. Human rights concerns were further addressed during political consultations during the year. In April, the U.N. Commission on Human Rights for the first time adopted a resolution on the situation of human rights in the DPRK. The resolution, among other things, expressed “deep concern about reports of systemic, widespread and grave violations of human rights . . . and note(d) with regret that the authorities . . . have not created the necessary conditions to permit the international community to verify these reports. . . .”

Although not involved in monitoring human rights, the World Food Program (WFP) visited 162 of the country’s 206 counties during the year to monitor food distribution and survey nutritional needs. The number of WFP monitoring visits has increased since the WFP first established its presence in the DPRK in 1995. Monitoring visits could not be made on a random or short-notice basis, thus limiting their effectiveness in verifying that aid reached its intended recipients on a sustained basis. The WFP also was not allowed to bring in native Korean speakers for its staff. During the year, South Korean monitoring teams were allowed for the first time to observe briefly the distribution of food aid provided on a bilateral basis. For every 100,000 tons of food delivered, the Republic of Korea was allowed to send three monitoring teams to visit any of the previously agreed-upon distribution points.

Section 5. Discrimination Based on Race, Sex, Disability, Language, or Social Status

The Constitution grants equal rights to all citizens. However, the Government denied its citizens most fundamental human rights in practice, and there was pervasive discrimination on the basis of social status.

Women.—The Constitution states “women hold equal social status and rights with men”; however, although women were represented proportionally in the labor force, few women had reached high levels of the Party or the Government. Women reportedly made up 20 percent of the membership of the SPA, but only approximately 4 percent of the membership of the Central Committee of the KWP.

There was no information available on domestic and general societal violence against women; women prisoners reportedly were subject to rape and forced abortions (see Section 1.c.).

Working-age women, like men, are required to work. They were thus required to leave pre-school aged children in the care of elderly relatives or in state nurseries. According to the Constitution, women with large families are to work shorter hours. There were reports of trafficking in women and young girls among North Koreans crossing the border into China (see Section 6.f.).

Children.—The State provides compulsory education for all children until the age of 15. However, some children were denied educational opportunities and subjected to other punishments and disadvantages as a result of the loyalty classification system and the principle of “collective retribution” for the transgressions of family members (see Section 1.f.).

Like others in society, children were the objects of intense political indoctrination; even mathematics textbooks propound party dogma. In addition, foreign visitors and academic sources reported that children from an early age were subjected to several hours a week of mandatory military training and indoctrination at their schools. School children sometimes were sent to work in factories or in the fields for short periods to assist in completing special projects or in meeting production goals.

There was some evidence that children have suffered disproportionately from the persistent food shortages. The WFP reported feeding 3 million children during the year, a reduction from its assistance to 4 million children in 2002, caused by a shortfall in donor contributions. A nutrition survey carried out in 2002 by UNICEF and the WFP, in cooperation with the Government, found that in the sample of 6,000 children, 20 percent were underweight, 39 percent were stunted, and 8 percent were severely malnourished; however, this was an improvement compared to a 1998 UNICEF/WFP survey.

In practice, children did not enjoy any more civil liberties than adults. The U.N. Committee on the Rights of the Child has repeatedly expressed concern over de facto discrimination against children with disabilities and the insufficient measures taken by the state to ensure that these children had effective access to health, education, and social services, and to facilitate their full integration into society.

Information about societal or familial abuse of children is unavailable. There were reports of trafficking in young girls among persons crossing the border into China (see Section 6.f.).

Persons with Disabilities.—Traditional social norms condone discrimination against persons with physical disabilities. Apart from veterans with disabilities, persons with disabilities were almost never seen within the city limits of Pyongyang, and several defectors and other former residents reported that persons with disabilities were routinely relocated to rural areas. Furthermore, some NGO reports claimed that these persons, along with some sick and elderly persons from the capital, were predominantly sent to the northeastern part of the country, where the Government reportedly no longer distributed international food aid. However, recent visitors to Pyongyang have reported seeing handicapped people on the streets of the capital. There are no legally mandated provisions for accessibility to buildings or government services for persons with disabilities.

Section 6. Worker Rights

a. The Right of Association.—Nongovernmental labor unions do not exist. The KWP purports to represent the interests of all labor. There is a single labor organization, the General Federation of Trade Unions of Korea. Operating under this umbrella, unions function on the classic “Stalinist model,” with responsibility for mobilizing workers to support production goals and for providing health, education, cultural, and welfare facilities.

The country is not a member of, but does have observer status with, the International Labor Organization.

b. The Right to Organize and Bargain Collectively.—Workers do not have the right to organize or to bargain collectively. Government ministries set wages. “Ideological purity” may be as important as professional competence in deciding who receives a particular job, and foreign companies that have established joint ventures report that all their employees must be hired from lists submitted by the KWP. Factory and farm workers are organized into councils, which do have an impact on management decisions. Unions do not have the right to strike.

Government officials have claimed that in the labor force “there are no riots, no strikes, and no differences of opinion” with management. It was not clear whether the economic changes being gradually introduced will have an impact on labor practices.

There is one free enterprise zone (FEZ) in the Rajin-Songbon area, and the creation of a Special Administrative Region in Sinuiju was announced in 2002. The same labor laws that applied in the rest of the country applied in the Rajin-Songbon FEZ, and it was believed that workers in the FEZ were carefully screened and selected.

c. Prohibition of Forced or Bonded Labor.—In its 2000 and 2001 reports to the U.N. Human Rights Committee, the Government claimed that its laws prohibit forced or bonded labor. However, the Government frequently mobilized the population for construction projects and for mass demonstrations and performances. Military conscripts were routinely used for these purposes as well. “Reformatory labor” and “reeducation through labor” were common punishments for political offenses. Forced labor, such as logging and tending crops, was common among prisoners.

The Constitution requires that all citizens of working age must work and “strictly observe labor discipline and working hours.” The Penal Code provides the death penalty for any individual who hinders the country’s industry, trade, or the transport system by purposely failing to fulfill a specific duty. It also states that anyone failing to carry out an assigned task properly is subject to at least 5 years in prison (see Section 6.e.).

d. Status of Child Labor Practices and Minimum Age for Employment.—According to the Constitution, the State prohibits work by children under the age of 16 years. There was no prohibition on forced labor by children, and school children may be assigned to factories or farms for short periods to help meet production goals (see Section 6.c.).

e. Acceptable Conditions of Work.—No data was available on the minimum wage in state-owned industries. Until the mid-1990s food crisis, wages and rations appeared to be adequate to support workers and their families at a subsistence level; however, in recent years that has no longer been the case. Wages are not the primary form of compensation since the State provides all educational and medical needs free of charge, and only token rent is charged. In 1997, KEDO, the international organization charged with implementation of a light-water reactor and other projects under the U.S.–DPRK Agreed Framework of 1994, concluded a protocol and a related memorandum of understanding concerning wages and other working conditions for citizens who work on KEDO projects. Under this protocol, unskilled laborers would have received approximately \$110 per month while skilled laborers would have been paid slightly more depending on the nature of the work performed. KEDO and the authorities were unable to agree on implementation of the protocol and only a limited number of laborers were employed. In November, KEDO Executive Board members suspended the project for 1 year effective December 1. According to news reports, workers in factories in an industrial park to be built near the border with South Korea are to be paid \$0.26 per hour.

Under laws punishing “anti-Socialist wrecking,” even persistent tardiness could be defined as a crime. However, as a result of food shortages, absenteeism reportedly became widespread, as more time had to be spent finding food.

The Constitution stipulates an 8-hour workday; however, several sources reported that most laborers worked from 12 to 16 hours daily when factories were operating. Some of this additional time appeared to include mandatory study of the writings of Kim Il Sung and Kim Jong Il. The Constitution provides all citizens with a “right to rest,” including paid leave, holidays, and access to sanitariums and rest homes funded at public expense. Paid leave was provided on public holidays, but on some holidays some persons were required to participate in mass demonstrations involving extra hours of preparation.

Many worksites were hazardous, and the rate of industrial accidents was high. It is believed that workers do not have the right to remove themselves from hazardous working conditions.

f. Trafficking in Persons.—There were no known laws specifically addressing the problem of trafficking in persons, and trafficking was a growing problem. There were widespread reports of trafficking in women and young girls into China. Some were sold by their families or by kidnappers as wives or concubines to men in China; others have fled on their own volition to escape starvation and deprivation in North Korea. A network of smugglers reportedly facilitated this trafficking. Many such women, unable to speak Chinese, were held as virtual prisoners, and some were forced to work as prostitutes.

REPUBLIC OF KOREA

The Republic of Korea (Korea) is governed by a directly elected president and a unicameral legislature. In December 2002, President Roh Moo-hyun was elected in free and fair elections to a single 5-year term of office. A free and fair National Assembly election was held in 2000, with another scheduled in 2004. The judiciary is independent under the Constitution, and is becoming increasingly so in practice.

Responsibility for maintaining internal security lies with the National Intelligence Service (NIS), the National Police Administration (NPA), and the Defense Security Command (DSC). The NIS and the DSC are legally barred from involvement in domestic politics, although the NIS is authorized to investigate organizations believed to support the Government of the Democratic People’s Republic of Korea (DPRK). Some members of the police were responsible for occasional human rights abuses.

During the year, the country’s economy grew by 3.0 percent. Unemployment remained under 3.4 percent. However, the country’s economic growth was dependent on key export products, and weakness in the financial system left the economy susceptible to unpredictable external conditions. The country’s population was 48,289,037.

The Government generally respected the human rights of its citizens; however, problems persisted in some areas. The police and prison personnel at times physically and verbally abused detainees, although human rights groups reported that

the number of such cases continued to decline. The National Security Law (NSL) curtailed free speech and press, peaceful assembly and association, and free travel. Domestic violence, rape, and child abuse remained serious problems. Women and minorities continued to face legal and societal discrimination. Many public sector employees did not enjoy the right of association. The Republic of Korea continued to be a significant country of origin, transit, and destination for trafficking in persons, particularly women and children for the sex trade and domestic servitude.

RESPECT FOR HUMAN RIGHTS

Section 1. Respect for the Integrity of the Person, Including Freedom From:

a. Arbitrary or Unlawful Deprivation of Life.—There were no reports of arbitrary or unlawful deprivation of life committed by the Government or its agents.

The Presidential Truth Commission on Suspicious Deaths continued to investigate and redress cases of government-sanctioned torture and killing of pro-democracy activists under the military regimes of the past. Since its inception in 2000, the Commission has reviewed 83 cases and confirmed 30 cases of suspicious deaths.

b. Disappearance.—There were no reports of politically motivated disappearances.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The Penal Code prohibits mistreatment of suspects. The Government has ordered investigating authorities to protect the human rights of suspects, and allegations of abuse by authorities of those in custody continued to decline. Nonetheless, police sometimes abused persons in custody. Prosecutors continued to place emphasis on securing convictions through confessions, a focus driven by cultural factors, with confession viewed as a necessary basis for the reform and rehabilitation of convicted defendants. Credible sources reported that in some cases police verbally or physically abused suspects, including beatings, threats, and intimidation in the course of arrest and police interrogation. However, human rights groups reported fewer such cases during the year.

During the year, there were occasions when demonstrators used violent tactics, including firing nuts and bolts with slingshots and throwing Molotov cocktails. The police responded with commensurate force. Although some activists accused the police of brutality, most observers reported that police personnel acted in a disciplined and professional manner.

In recent years, under the National Public Service Law and criminal law, a number of police and security officials accused of abuse or harassment have been punished or disciplined through demotion, pay cuts, and dismissal. No police officials were charged under criminal law during the year for abuses committed while on duty.

The Government continued to investigate past abuses. For example, by year's end, the Commission for the Restoration of Honor and Compensation to Activists of the Democratization Movement, established in 2000 to review cases in which political activists may have been tortured, had reviewed 7,496 of the 11,901 cases submitted to it and determined that compensation was due in 402 of them.

Prison conditions and diets were spartan but met international standards. By year's end, the Government had installed floor heating and cooling systems in 35 of 44 prisons nationwide as part of a multi-year plan to upgrade the entire prison system. Traveling clinic teams visited prisons, and prison clinics were equipped with x-ray machines.

Inmates occasionally criticized guards for using excessive force or needlessly putting prisoners in manacles. The nongovernmental organization (NGO) Asian Legal Resource Center (ALRC), in a report to the U.N. Commission on Human Rights, criticized prison officials for disciplining prisoners by imposing multiple consecutive solitary confinement sentences. Under prison regulations, offending prisoners may be held in solitary confinement for a period of 2 months, but the ALRC alleged that officials routinely imposed consecutive terms, thus exceeding the 2-month limit. Inmates had access to reading materials, telephones, and television broadcasts. Education in computers and foreign languages, occupational training programs, and an Inmate Employment Center helped inmates prepare to resume normal lives. Most prisoners were allowed to receive up to five visitors four to six times per month. Some prisoners were allowed unlimited visits. Model prisoners who had served more than one-third of their sentences were allowed unsupervised meetings with visitors and were exempt from mail censorship. Some were eligible for overnight leave. Pregnant inmates received special treatment, including supplementary food, for the full term of their pregnancies and for an additional 6 months after giving birth. Pregnant inmates also received prenatal care for the full term of their pregnancies. Female inmates were not searched by male prison guards without the prior consent of the prison warden, and a female guard was present during such searches.

Female prisoners were segregated from male prisoners, and juveniles were segregated from adults.

The National Human Rights Commission monitored prison conditions through a prisoner petition system, in which prisoners could submit suggestions through a petition box in each prison. The Commission also conducted investigations and studies on medical equipment and facilities in prisons, provision of medical services, and conditions in military prisons. According to the Ministry of Justice, human rights NGOs are allowed to visit prisons by appointment and to submit recommendations to prison authorities.

d. Arbitrary Arrest, Detention, or Exile.—Laws regarding arrest and detention often are vague, and prosecutors have wide latitude to interpret them. For example, the NSL defines espionage in broad terms and permits the authorities to detain and arrest persons who commit acts viewed as supporting North Korea, and therefore deemed dangerous to the country. The NSL permits the imprisonment for up to 7 years of anyone who “with the knowledge that he might endanger the existence or security of the State or the basic order of free democracy, praised, encouraged, propagandized for, or sided with the activities of an anti-state organization.” The legal standard for what constitutes “endangering the security of the State” is vague. Thus, a number of persons have been arrested for what appeared to be the peaceful expression of views that the Government considered pro-North Korean or anti-state. Among those arrested under the NSL were persons who praised North Korea, its former leader Kim Il Sung, or North Korea’s “self-reliance” philosophy.

Between January and July, 43 persons were arrested for violating the NSL, and 15 persons remained in custody as of September 5. One high-profile case was that of Professor Song Du-yul, a longtime resident of Germany accused of supporting the North Korean regime (see Section 2.d.).

Because of the vagueness of the NSL and the invocation of classified security threat information regarding the Korean Peninsula, the Government is relieved of the burden of proof that any particular speech or action in fact threatened the nation’s security.

The U.N. Human Rights Committee has termed the NSL “a major obstacle to the full realization of the rights enshrined in the International Covenant on Civil and Political Rights.” Then-President Kim Dae-jung, who himself narrowly avoided a death sentence under the NSL, acknowledged in 2000 that the law had “problematic areas” and announced his intent to pursue major revisions, particularly in light of improvements in relations between North and South Korea since the June 2000 summit.

The National Police Agency is under the Ministry of Government Administration and Home Affairs. The approximately 93,000-member force has a national headquarters in Seoul, 5 special agencies including the Maritime Police, 13 provincial headquarters, 220 police stations, and 3,389 branch offices. The NPA was considered well disciplined, and corruption and impunity were not major problems.

The Criminal Code requires warrants in cases of arrest, detention, seizure, or search, except if a person is apprehended while committing a criminal act or if a judge is not available and the authorities believe that a suspect may destroy evidence or escape capture if not quickly arrested. In such emergency cases, judges must issue arrest warrants within 48 hours after the suspect is apprehended, or, if a court is not located in the same county, within 72 hours. Police may detain suspects who appear voluntarily for questioning for up to 6 hours but must notify the suspects’ families. The police generally respected these requirements.

Authorities normally must release suspects after 30 days unless an indictment is issued. Consequently, detained suspects were a relatively small percentage of the total prison population.

The Constitution provides for the right to representation by an attorney, including during police interrogation. There were no reports of access to legal counsel being denied. There is a bail system, but human rights lawyers said bail generally was not granted for detainees who were charged with committing serious offenses, might attempt to flee or harm a previous victim, or had no fixed address.

The Constitution and law neither provide for nor prohibit forced exile. The Government does not use forced exile, although some persons living abroad could face criminal charges if they returned to the country (see Section 2.d.).

e. Denial of Fair Public Trial.—The Constitution provides for an independent judiciary, and the judiciary showed increasing independence. The President appoints the Chief Justice and most justices of the Constitutional Court. Although judges do not receive life appointments, they cannot be fired or transferred for political reasons. The Prosecutor’s Office, under the jurisdiction of the Ministry of Justice (MOJ), has shown increased independence and impartiality. Early in the year, the Minister of

Justice initiated a new system of appointments and promotions based on merit rather than the previous traditional system based on seniority. Many civic organizations strongly endorsed these changes; however, some members of the opposition criticized them as "political interference." Late in the year, the Prosecutor's Office initiated an investigation into allegations of corruption and illegal campaign financing by both major parties during the 2002 presidential campaign, an investigation that the opposition Grand National Party (GNP) complained was biased.

During the year, one member of the National Assembly lost his seat for violating election law.

Local courts are presided over by judges who render verdicts in all cases. There is no trial by jury. Both defendants and prosecutors can appeal a verdict or a sentence to a district appeals court and to the Supreme Court. Constitutional challenges can be taken to the Constitutional Court.

The Constitution provides defendants with a number of rights in criminal trials, including the presumption of innocence, protection against self-incrimination, freedom from retroactive laws and double jeopardy, the right to a speedy trial, and the right of appeal. Although the Constitution prohibits double jeopardy, the courts have interpreted this provision to mean that a suspect cannot be indicted or punished more than once for the same crime. However, the prosecution can appeal a not guilty verdict or a sentence it considers excessively lenient; thus, a suspect may in fact be tried more than once for the same crime. When a person is detained, the initial trial must be completed within 6 months of arrest. These rights generally were observed. Trials were open to the public, but a judge could restrict attendance if he believed spectators might disrupt the proceedings.

Judges generally allowed considerable scope for examination of witnesses by both the prosecution and defense. Cases involving national security and criminal matters were tried by the same courts. Although few convictions were overturned, appeals often resulted in reduced sentences. Death sentences were appealed automatically.

It was difficult to estimate the number of political prisoners because it was not clear whether particular persons were arrested for merely exercising the rights of free speech or association, or were detained for committing acts of violence or espionage. A human rights group reported that, as of September, there were 109 political prisoners, including 37 students, 49 labor leaders, and 23 other dissidents. However, this group's definition of a political prisoner often included all persons imprisoned for politically motivated acts, including violations of the NSL, the Assembly and Demonstration Act, or the Trade Union Act, and for violence or interference with official duties in the course of demonstrations or strikes. Typically, on several occasions during the year, the Government grants special pardons or reinstatements of civil rights to persons, including some imprisoned for violations of the NSL or for engaging in violence during labor demonstrations.

f. Arbitrary Interference with Privacy, Family, Home or Correspondence.—The Government generally respected the integrity of the home and family. The Anti-Wiretap Law and the law to reform the NIS have curbed government surveillance of civilians, including political dissidents. The Anti-Wiretap Law lays out broad conditions under which the Government may monitor telephone calls, mail, and other forms of communication for up to 2 months in criminal investigations and 4 months in national security cases. Some human rights groups argued that illegal wiretapping, shadowing, and surveillance photography still occurred. They asserted that the lack of an independent body to investigate whether police have employed illegal wiretaps hindered the effectiveness of the Anti-Wiretap Law. They called for either tightening or abolishing a provision in the existing law that allows government officials to obtain retroactive judicial permission to monitor a conversation in the event of an emergency.

The Government continued to require some released prisoners to report regularly to the police under the Social Surveillance Law.

The NSL forbids citizens from listening to North Korean radio in their homes or reading books published in North Korea if the Government determines that they are doing so to help North Korea. However, this prohibition is rarely enforced, and the viewing of North Korean satellite telecasts in private homes is legal. The Government also allows the personal perusal of North Korean books, music, television programs, and movies as a means to promote understanding and reconciliation with North Korea. North Korean books were sold openly in a few shops. Student groups made credible claims that government informants were posted on university campuses.

The Korean Bar Association alleged that police installation of closed-circuit television cameras, as a crime prevention measure in Gangnam district, was an illegal infringement on privacy. Residents generally were supportive of the measure and believed it had reduced crime in the district.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—Most political discourse is unrestricted, but, under the NSL, the Government may limit the expression of ideas that authorities consider Communist or pro-North Korean. Broad interpretations of the NSL allowed for restrictions on peaceful dissent. A bill to abolish the NSL, proposed in November 2000, and a bill to amend the NSL, proposed in April 2001, were still pending in the National Assembly's Legislation and Judiciary Committee at year's end.

Although the Government has abandoned direct control over the news media, there were instances in which it appeared to seek to exert pressure on media activities through direct lobbying, by conducting tax audits on news organizations and key journalists, or other legal or administrative measures. Libel laws have in the past been used to harass publishers for articles that were unflattering but not necessarily untrue. While no journalists were arrested or jailed for libel during the year, news organizations were subject to legal action. The Government Information Agency announced that opinion pieces such as editorials could be subject to legal action if they contained falsehoods. In August, President Roh brought a libel suit against the four major mainstream newspapers in the country. The Fair Trade Commission also began to monitor newspaper distribution sites for "unfair" trade practices such as distributing free copies or providing promotional gifts to new subscribers. Roh's actions against the news publications drew criticism from the International Federation of Journalists for infringing on freedom of the press.

The state-owned radio and television network maintained a considerable degree of editorial independence in its news coverage.

During the year, prosecutors indicted 18 persons under the NSL for producing, selling, or distributing pro-North Korean or pro-Communist materials. Court precedents allowed citizens to possess these kinds of publications for purely academic use, profit, or curiosity, but not with the intent of subverting the Government. Prosecutors had wide discretion in determining motives for possessing or publishing such materials.

There was frequent and diverse reporting on North Korea and North-South issues in the media. Reporting on these issues previously had been illegal or highly monitored.

The Government Censorship Board, which screens movies for sex and violence, followed more liberal guidelines in recent years and allowed the release of a broader range of films.

The Government blocked violent and sexually explicit websites, and required site operators to rate their site as harmful or not harmful to youth. Some homosexual groups charged that the Government acted discriminatorily in blocking their websites.

The Government did not restrict academic freedom. However, student groups credibly claimed that government informants were posted on university campuses.

b. Freedom of Peaceful Assembly and Association.—The Law on Assembly and Demonstrations prohibits assemblies that are considered likely to undermine public order. The law requires that the police be notified in advance of demonstrations of all types, including political rallies. The police must notify organizers if they consider an event impermissible under this law.

In October, the Constitutional Court found that provisions of the law that made it a crime to hold demonstrations within 100 yards of a foreign mission were unconstitutional. At year's end, the Government was considering an appeal.

In March, the Seoul police warned organizers of a series of "vigils" held in proximity to a foreign embassy that their vigils were taking the form of demonstrations. Reacting against this warning, 40 members of the organizing group tried to force their way into NPA headquarters. A number of persons were arrested.

The Constitution provides for freedom of association, and the Government generally respected this right in practice. Associations operated freely, except those deemed by the Government to be seeking to overthrow the Government.

c. Freedom of Religion.—The Constitution provides for freedom of religion, and the Government generally respected this right in practice. There is no state religion, and the Government did not subsidize or favor a particular religion. Government policy continued to contribute to the generally free practice of religion.

For a more detailed discussion, see the 2003 International Religious Freedom Report.

d. Freedom of Movement within the Country, Foreign Travel, Emigration, and Repatriation.—Most citizens could move freely throughout the country; however, police had discretion to restrict the movements of some former prisoners. Foreign travel generally was unrestricted; however, the Government must approve travel to North Korea. To obtain approval, potential visitors must demonstrate that their trip does

not have a political purpose and is not undertaken to praise North Korea or criticize the Government. During the year, the Government continued to promote the expansion of North-South government, economic, cultural, and tourism-related contacts. However, travelers to North Korea who did not receive government permission were subject to arrest upon their return. There were five such cases during the year.

In the past, the Government forbade some citizens convicted of politically related crimes from returning to the country, and some citizens still faced sanctions if they chose to return. However, the current Roh administration appeared to be relaxing the Government's position. For example, dissident scholar Song Du-yul, who returned to the country in September after 37 years of self-imposed exile, was not arrested upon arrival, as some had predicted. He was accused of having urged a South Korean student to defect to the North, of having visited North Korea on numerous occasions without the Government's authorization, of being a member of the Korean Worker's Party (the North Korean Communist Party), and of being a member of the Party's Politburo. Song voluntarily presented himself for several days of questioning by the National Intelligence Service and was indicted on November 19 for violations of the NSL. His trial was underway at year's end.

The Government cooperated with the office of the U.N. High Commissioner for Refugees (UNHCR) and other organizations in assisting refugees. In practice, the Government provided protection against refoulement, but did not routinely grant refugee or asylum status. Government guidelines provide for offering temporary refuge in the case of a mass influx of asylum seekers. According to the UNHCR, procedures for adjudicating asylum applications were substantially improved during the year, including an improved level of dialogue with the UNHCR on technical aspects of individual cases and an expansion of the decision-making body to include non-governmental experts. The Government's handling of asylum applications, although slow, became more flexible toward cases under review by the UNHCR. The Government suspended exit orders for these individuals. It also exercised flexibility toward persons whose applications were rejected in the government review process, but who the UNHCR found met the definition of refugee. However, procedures for receiving asylum applications were not always consistent with the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. UNHCR continued to document instances in which asylum seekers encountered correctable difficulties in the application process, including the lack of independent and competent translators and a lack of basic counseling by government officials on asylum procedures. There were instances during the year when immigration officials told applicants that they had no reason to seek asylum.

In 2002, the Government extended the right to work to refugees, and during the year initiated a limited social assistance program for both refugees and asylum seekers. Convention refugees are eligible for the same national health insurance as are citizens, and two medical hardship cases were provided livelihood assistance grants by the Ministry of Justice due to their inability to pursue gainful employment. Asylum seekers are given 90-day extensions of their temporary stay permits while their applications are under review. Although legally barred from working during this period, in practice, most asylum seekers entered the labor market, as did other undocumented foreign workers.

Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government

The Constitution provides citizens the right to change their government peacefully, and citizens exercise this right in practice through periodic, free, and fair elections held on the basis of universal suffrage for all citizens 20 years of age or older. Elections are held by secret ballot.

The Constitution provides for the direct election of the president to a single 5-year term; the president may not stand for re-election. Representatives to the National Assembly are elected under a dual system of direct and proportional representation. Voters cast one vote for a candidate from their electoral district and a separate vote for a party; the percentage of votes for each party determines the number of that party's candidates who are elected as proportional representatives. The National Assembly members serve terms of 4 years and are not subject to a term limit.

At year's end, the 273-seat National Assembly included 15 female legislators. One of them chaired a special committee on women's affairs. Four of the 19 cabinet ministers were women: the Minister of Justice, the Minister of Health, the Minister of Environment, and the Minister of Gender Equality.

Section 4. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

Many domestic nongovernmental organizations (NGOs) were active in promoting human rights, and they generally operated without government restriction. Chief among these groups were the Lawyers for a Democratic Society, Sarangbang, the Human Rights Committee of the National Council of Churches in Korea, the Korean Bar Association, People's Solidarity for Participatory Democracy, and Mingahyup, an association of the families of political prisoners. These groups published reports on human rights and made their views known both inside and outside the country. A number of high-level government officials were formerly associated with Lawyers for a Democratic Society. Government officials were willing to meet with international human rights groups.

The National Human Rights Commission, established by the Government in 2001, continued to monitor and investigate human rights violations and complaints of discrimination, including during interrogations and in correctional facilities. Members of the National Human Rights Commission were not permitted to be present at interrogations, but they were authorized to visit prisons and correctional institutions and to meet with persons who had been arrested and were in custody.

The work of the National Human Rights Commission was augmented and complemented by that of the Presidential Truth Commission on Suspicious Deaths (see Section 1.a.) and the Commission for the Restoration of Honor and Compensation to Activists of the Democratization Movement (see Section 1.c.).

Section 5. Discrimination Based on Race, Sex, Disability, Language, or Social Status

The Constitution and law forbid discrimination on the basis of race, sex, religion, disability, or social status, and the Government generally respected these provisions. However, traditional attitudes limited opportunities for women and the disabled. Ethnic minorities, primarily foreign workers, were very small in number and faced both legal and societal discrimination.

Women.—Violence against women remained a problem. The Ministry of Gender Equality, established in 2001, reported that more women were coming forward to report abuse. The Prevention of Domestic Violence and Victim Protection Act defines domestic violence as a serious crime and enables authorities to order offenders to stay away from victims for up to 6 months. Offenders may also be placed on probation or ordered to see court-designated counselors. The law also requires police to respond immediately to reports of domestic violence.

Rape remained a serious problem. From January 1 through September 1, 3,914 cases of rape were reported, and 3,630 cases were prosecuted. Many rapes were believed to have gone unreported because of the stigma associated with being raped. The activities of a number of women's groups increased awareness of the importance of reporting and prosecuting rapes, as well as of offenses such as sexual harassment in the workplace. According to women's rights groups, cases involving sexual harassment or rape frequently went unprosecuted, and perpetrators of sex crimes, if convicted, often received light sentences. The penalty for rape is 3 years' imprisonment; if a weapon is used or two or more persons commit the rape, punishment may be a maximum of life imprisonment.

Prostitution is illegal but widespread.

The country was a major origin, transit, and destination point for trafficking in women and children destined for the sex trade and domestic servitude (see Section 6.f.).

From January through July, 90 cases were filed under the Gender Discrimination Prevention and Relief Act; 51 dealt with sexual harassment and 18 concerned employment discrimination (pregnancy, promotion, or salary). Under the law, companies could be fined up to \$2,500 (3 million won) for failing to take steps to prevent sexual harassment in the workplace or failing to punish an offender. The law also required companies to establish in-house sexual harassment complaint centers and prohibits firms from punishing employees for taking their complaints to outside organizations.

The Family Law permits women to head a household, recognizes a wife's right to a portion of the couple's property, and allows a woman to maintain greater contact with her children after a divorce. Although the law helped abused women who chose to divorce, the stigma of divorce remained strong, and there was little government or private assistance for divorced women. These factors, plus the fact that divorced women had limited employment opportunities and had difficulty remarrying, led some women to stay in abusive situations. However, according to a Ministry of Health and Welfare report the country now has one of the highest divorce rates in the world, with 47.4 percent of marriages ending in divorce. The Government has established some shelters for battered women and has increased the number of

childcare facilities, giving women in abusive situations more options. However, women's rights groups said these measures fell far short of effectively dealing with the problem.

The country's conservative traditions left women subordinate to men legally, socially, and economically. Despite the passage of equal employment opportunity legislation, few women worked as company executives, and sexual discrimination in the workplace remained a problem. The Equal Employment Act has been revised to impose tougher penalties on companies found to discriminate against women in hiring and promotions. Under the law, the Presidential Commission on Women's Affairs (the precursor of the existing Ministry of Gender Equality) was granted the authority to investigate sexual discrimination cases in the workplace. A company found guilty of practicing sexual discrimination could be fined up to \$4,167 (5 million won) and have its name published in the newspaper. The law also provides for a public fund to support victims in seeking legal redress. Nevertheless, some government agencies' preferential hiring of applicants with military service (nearly always men) perpetuated legal barriers against women, despite a 1999 Constitutional Court ruling that such preferential hiring discriminated against women and disabled persons and was unconstitutional.

Women had full access to education, and social mores and attitudes were changing gradually. For example, the major political parties made more efforts to recruit women, and an increasing number of women occupied key party positions. The military and service academies also continued to expand opportunities for women.

The Government provided an allowance of \$446 (535,000 won) per month to 137 former "comfort women" (women who, during World War II, were forced to provide sex to soldiers of the Japanese Imperial Army).

Children.—The Government demonstrated its commitment to children's rights and welfare through public education. The Government provided high-quality elementary education to all children free of charge. Education is compulsory through the age of 15, and most children obtained a good secondary education. High-quality health care was widely available to children.

As public awareness of the problem of child abuse continued to grow, the number of reported cases increased. According to one NGO's figures, approximately 363 cases were reported from January 1 through September 1. The Seoul metropolitan government ran a children's counseling center that investigated reports of abuse, counseled families, and cared for runaway children. The Prevention of Domestic Violence and Victim Prevention Act of 1998 allows a child to bring charges against a parent in cases of abuse. Since then, the Government has established a child abuse hotline, as well as temporary protection facilities, counseling centers, communal homes, and other protection services and facilities. Revisions since 1998 also included increased penalties for convicted child abusers, who faced up to 5 years in prison (compared to the previous 2 years) for child abuse.

Since 1999, the Youth Protection Law has provided for prison terms of up to 10 years and a fine of \$8,333 (10 million won) per minor hired for owners of entertainment establishments who hired minors under the age of 19. The Commission on Youth Protection also expanded the definition of "entertainment establishment" to include facilities, such as restaurants and cafes, where children were hired illegally as prostitutes. In 2000, the Government enacted the Juvenile Sexual Protection Act, which established a maximum sentence of 20 years' imprisonment for the sale of the sexual services of persons younger than 19 years of age. It also established prison terms for persons convicted of the purchase of sexual services of youth under the age of 19 (see Section 6.f.). Based on this law, the Commission enforced a decree to publicize the names of those who had committed sex offenses against minors. As of September, the names of 643 sexual offenders had been made public, with another 640 to be publicized in December.

The traditional preference for male children continued, although it was less evident among those in their twenties and thirties. Although the law bans fetal testing except in cases in which a woman's life is in danger, hereditary disease could be transmitted, or in cases of rape or incest, such testing and the subsequent abortion of female fetuses frequently occurred. The Government expressed concern about the widening disparity between male and female birth rates.

Persons with Disabilities.—Discrimination against persons with disabilities in employment, education, or the provision of other state services is illegal. The law states, "No one shall be discriminated against in all areas of political, economic, social, and cultural life on the grounds of disability." Although measures aimed at creating opportunities for persons with disabilities have been taken, public facilities remained inadequate.

Firms with over 300 employees are required by law either to hire persons with disabilities or pay a fine. Surveys indicated that most companies either paid the fine or evaded the law; a 1999 survey indicated that 9 out of 10 firms with more than 300 employees failed to meet the mandated 2 percent job quota for persons with disabilities. The hiring of persons with disabilities remained significantly below target levels. Persons with disabilities made up less than 1 percent of the work force. New public buildings were required to include facilities for persons with disabilities, such as ramp access to entrances, wheelchair lifts, and special parking spaces. The Health and Welfare Ministry announced that existing government buildings must be retrofitted with these facilities, and, as of September, 98 percent of major public buildings had facilities for persons with disabilities. In 2002, after two persons with disabilities were killed in accidents involving wheelchair lifts, the Government embarked on a plan to install elevators at all subway stations. As of September, there were 304 elevators in service; all 492 subway stations are scheduled to have elevators installed by April 2005.

National/Racial/Ethnic Minorities.—The country is racially homogeneous, with no sizable populations of ethnic minorities. Except in cases of naturalization, citizenship is based on parentage, not place of birth, and persons must show their family genealogy as proof of citizenship. Naturalization is a difficult process requiring detailed applications, a long waiting period, and a series of investigations and examinations. Because of the difficulty of establishing Korean citizenship, those not ethnically Korean remained “foreign,” thus disqualifying them legally from entering the civil service and, in practice, being hired by some major corporations. According to a Human Rights Commission survey, 50.7 percent of foreign workers reported that they experienced mockery and verbal attacks in the workplace. Amerasians faced no legal discrimination, but informal discrimination was prevalent.

Section 6. Worker Rights

a. The Right of Association.—The Constitution provides workers, except public sector employees, with the right to associate freely. White-collar government workers may form “workplace councils,” and blue-collar government workers may organize unions.

Labor law changes in 1997 authorized the formation of competing unions starting in 2002, but implementation of these changes was postponed until 2006 by mutual agreement among members of the Tripartite Commission, which includes representatives of the Government, labor, and management (see Section 6.b.). According to the International Confederation of Free Trade Unions (ICFTU), the consequence of a lack of competing unions is that employers can create their own management-controlled unions. All unions are required to notify the authorities when formed or dissolved. According to the Ministry of Labor 1.6 million workers, approximately 11.6 percent of employed workers, were union members, and there were 6,506 trade unions.

In the past, the Government formally recognized only two labor federations: the Federation of Korean Trade Unions (FKTU) and the Independent Korean Federation of Clerical and Financial Workers. In recent years, the Government has recognized independent white-collar federations representing hospital workers, journalists, and office workers at construction firms and at government research institutes. In 1999, the legalization of the teachers’ unions paved the way for government recognition of the militant Korean Confederation of Trade Unions (KCTU). The two teachers’ unions, the KCTU-affiliated Korean Teachers’ Union (Chonkyojo) and the FKTU-affiliated Korean Union of Teachers and Educational Workers, have the right to bargain collectively with the Ministry of Education on wages and working conditions but not school curricula; it is illegal for the unions to strike. In practice, however, even those labor federations not formally recognized by the Labor Ministry have operated without government interference.

The FKTU and KCTU were affiliated with the International Confederation of Free Trade Unions (ICFTU). Most of the FKTU’s 20 constituent federations maintained affiliations with international trade secretariats, as did the KCTU Metalworkers Council.

b. The Right to Organize and Bargain Collectively.—The Constitution and the Trade Union Law provide for the right of workers to collective bargaining and collective action. This law also empowers workers to file complaints of unfair labor practices against employers who interfere with union organizing or who discriminate against union members. Employers found guilty of unfair practices can be required to reinstate workers fired for union activities. According to the FKTU, this occurred frequently. The Tripartite Commission established a subcommittee on the protection of civil servants’ basic rights and has discussed the establishment of a civil servants’ union.

Extensive collective bargaining was practiced, even with unions whose federations were not recognized legally by the Government. However, labor laws do not extend the right to organize and bargain collectively to defense industry workers or white-collar government employees, who may form “workplace councils” and make recommendations but may not engage in collective bargaining.

The Labor Dispute Adjustment Act requires unions to notify the Labor Ministry of their intention to strike. It mandates a 10-day “cooling-off period” before a work stoppage legally may begin and 15 days’ notice in public interest sectors. Labor laws prohibit retribution against workers who have conducted a legal strike and allow workers to file complaints of unfair labor practices against employers.

Strikes are prohibited in government agencies, state-run enterprises, and defense industries. By law, unions in enterprises determined to be of “essential public interest”—including public transportation, utilities, public health, banking, and telecommunications—can be ordered to submit to government-ordered arbitration. However, in practice the Government rarely imposed arbitration.

There were 319 strikes and 49 lockouts involving a total of 137,241 workers and a loss of 1,298,663 working days.

According to the KCTU, through September, 213 persons were arrested for allegedly instigating violent strikes or illegally disrupting business during the year, of whom 62 were still imprisoned at year’s end. Police sometimes dispersed demonstrations that were determined to be violent or potentially violent. For example, in June, police dispersed a rally of striking railroad workers and briefly detained 1,749 of them.

During the year, there were at least three suicides by labor leaders who were the targets of legal actions for having led illegal strikes.

There is no independent system of labor courts. The central and local labor commissions form a semiautonomous agency of the Labor Ministry that adjudicates disputes in accordance with the Labor Dispute Adjustment Law. Each commission is composed of equal numbers of representatives of labor and management, plus neutral experts who represent the “public interest.” Local commissions can decide on remedial measures in cases involving unfair labor practices and can mediate and sometimes arbitrate labor disputes. Arbitration can be made compulsory in sectors of the economy (for example, utilities and transportation) deemed essential to public welfare.

In 1998, the Government established the Tripartite Commission, with representatives from labor, management, and the Government, to deal with labor issues related to the economic downturn. The Tripartite Commission concluded an agreement that year covering, among other things, unemployment policy, corporate restructuring, labor conditions, labor market flexibility, and the promotion of basic labor rights. The work of the Commission made it legal for companies to lay off workers due to economic hardship and authorized temporary manpower agencies.

Under the 1997 labor laws, persons who assist trade unions or employers in a dispute are required to register with the Ministry of Labor. Those who fail to do so face a large fine or a maximum sentence of 3 years’ imprisonment. However, no one has been charged for failing to register.

The Government originally designated enterprises in the two export processing zones (EPZs) as public interest enterprises. Workers in these enterprises gradually have been given the rights enjoyed by workers in other sectors of the economy. Labor organizations are permitted in EPZs.

c. Prohibition of Forced or Bonded Labor.—The law prohibits forced or bonded labor, including forced or bonded labor by children, and it was not known to occur. The Constitution provides that no person shall be punished, placed under preventive restrictions, or subjected to involuntary labor, except as provided by law and through lawful procedures.

Some illegal foreign workers alleged beatings, forced detention, withheld wages, and seizure of passports by their employers (see Section 6.e.).

d. Status of Child Labor Practices and Minimum Age for Employment.—The Labor Standards Law prohibits the employment of persons under age 15 without a special employment certificate from the Labor Ministry. Because education is compulsory through middle school (approximately age 15), few special employment certificates were issued for full-time employment. To obtain employment, children under age 18 must obtain written approval from either parents or guardians. Employers can require minors to work only a limited number of overtime hours and are prohibited from employing them at night without special permission from the Labor Ministry. Child labor laws and regulations are clear and were usually enforced when violations were found, but critics claimed that the Government employed too few inspectors to carry out regular inspections.

e. Acceptable Conditions of Work.—The minimum wage is reviewed annually. As of September, the minimum wage was \$2.09 (2,510 won) per hour, \$16.73 (20,080 won) per day, or \$472.17 (567,260 won) per month. Companies with fewer than 10 employees were exempt from this law. The FKTU and other labor organizations asserted that the existing minimum wage did not meet the basic requirements of urban workers. However, the money an average blue-collar worker took home in overtime and bonuses significantly raised the total compensation package. According to the Ministry of Health and Welfare, 1.4 million persons (2.9 percent of the population) lived below the poverty level. Another 3.2 million persons were classified as living in “potential extreme poverty.”

The Labor Standards Law was amended in September to provide for a maximum regular workweek of 40 hours, and provides for a higher wage for overtime. However, the overtime premium will be reduced from 150 percent of the base wage to 125 percent concurrent with the reduction in weekly working hours. Labor law mandates a 24-hour rest period each week. Several firms have already negotiated new contracts with their unions that reduced the workweek to 40 hours, i.e., five 8-hour days, with no reduction in annual leave days or total wages. Labor laws also provide for a flexible hours system, under which employers can require laborers to work up to 44 hours during certain weeks without paying overtime, so long as average weekly hours for any given 2-week period do not exceed 40 hours. If a union agrees to a further loosening of the rules, management may ask employees to work up to 56 hours in a given week. Workers may not be required to work more than 12 hours per working day. Labor groups claimed that the Government did not enforce adequately the maximum workweek provisions at small companies.

Foreign workers, mostly from China, Bangladesh, Mongolia, the Philippines, Thailand, Nepal, Vietnam, Indonesia, Sri Lanka, and Pakistan, often faced difficult working conditions. Under legislation enacted in July, approximately 227,000 illegal foreign workers were eligible for a 2-year extension of their stay, but an additional 120,000 (those who had illegally overstayed their visas by more than 4 years) were subject to arrest and deportation. The Ministry of Labor warned employers to pay workers subject to deportation all their back wages. Workers injured in industrial accidents were to be allowed to remain in Korea until they had recovered, and those suing employers would be allowed to stay until their suits had been resolved.

The Foreign Workers Human Rights Commission has met three times since its establishment in 2000 to hear complaints from foreign workers and to discuss methods of controlling violations of foreign workers' rights, including unpaid wages. The Commission concluded that the Ministry of Gender Equality, Ministry of Labor, KNPA, and the Medium and Small Business Administration should cooperate to implement these measures.

Foreign workers working as language teachers have complained that the language institutes frequently violated employment contracts, for which the legal system provided insufficient redress.

The Government has set health and safety standards, but the accident rate was high by international standards. However, this rate continued to decline gradually due to improved occupational safety programs and union pressure for better working conditions. Although the number of inspectors has increased, the Labor Ministry still lacked sufficient inspectors to enforce the laws fully. The law does not provide job security for workers who remove themselves from dangerous work environments.

f. Trafficking in Persons.—There is no single law that specifically prohibits trafficking in persons; however, various laws can be used to prosecute traffickers, including laws against kidnapping, inducement to prostitution, and laws protecting juveniles. These laws stipulate that proper security measures as well as financial assistance must be provided to trafficked victims when they report a trafficking crime. The Labor Standards Law prohibits the employment of any person under 18 years of age in work that “is detrimental to morality or health.” The Juvenile Sexual Protection Act, which took effect in 2000, imposes lengthy prison terms for persons convicted of sexual crimes against minors (see Section 5).

Despite these legal prohibitions against trafficking in persons, the Republic of Korea was a country of origin, transit, and destination for trafficking in persons. As a country of origin, women were trafficked primarily for sexual exploitation to the United States, as well as to other Western countries and Japan. Relatively small numbers of economic migrants, seeking opportunities abroad, were believed to have become victims of traffickers as well.

The country was considered a major transit point for alien smugglers, including traffickers of primarily Asian women and children for the sex trade and domestic servitude. Women from many countries, primarily China, were trafficked through Korea to the United States and many other parts of the world. There were reports of the falsification of government documents by travel agencies; many cases involved

the trafficking or smuggling of Chinese citizens to Western countries. In addition to trafficking by air, much transit traffic occurred in the country's territorial waterways by ship.

Women from the Philippines and Russia were trafficked to the country for sexual exploitation. They were recruited personally or answered advertisements and were flown to Korea, often with entertainer visas. In some cases, employers held victims' passports.

In 2001, the Supreme Prosecutor's Office established joint investigations centers in collaboration with the police force and local governments to address trafficking and inveigling of women for forcible sexual exploitation, forcible transfer to foreign territory for employment in "service establishments of indecent nature," illegal entry into the country for purposes of sexual exploitation, the sale of women between prostitution establishments, and departures from the country through fake employment or marriage overseas.

As a result of tightened restrictions on "entertainer" visas, applicants for this type of visa must now be interviewed in their home country by a Korean consular official. The Government also instituted restrictions on the types of establishments in which foreign entertainers may be employed. The National Police Administration initiated a program of informing foreign employees of bars and similar establishments of their rights, and, in cooperation with the Ministry of Gender Equality, established a multilingual hotline for victims of trafficking.

At year's end, 792 persons had been investigated for suspected trafficking, of whom 135 were arrested. In addition, 139 suspected visa brokers and alien smugglers were investigated for violation of the Stowaway Control Law, of whom 137 were prosecuted. Additionally, 552 persons were investigated on charges of violation of the Passport Law, of whom 489 were prosecuted.

Various laws stipulate that appropriate facilities, such as temporary shelters, as well as counseling assistance, medical treatment, and occupational training programs, be provided to protect and assist trafficking victims. In 2002, the latest year for which statistics were available, 116,664 calls were received by hotlines dealing in women's issues. There were 25 guidance and protection facilities, used by 1,634 persons; 92 sexual assault counseling centers, with 48,112 cases reported; 12 protection facilities for victims of sexual violence and of trafficking, used by 193 persons; 142 counseling centers for family violence, with 177,413 cases reported; and 32 protection facilities for victims of family violence, used by 3,553 persons.

Prostitution is illegal but widespread. The Ministry of Gender Equality conducted a comprehensive survey of the sex industry in 2002 that concluded that as many as 500,000 women, Korean and foreign, engaged in some form of prostitution in Korea. The study estimated that the country's sex industry had generated \$22 billion (26 trillion won) in profits that year.

The Government worked with various NGOs to develop awareness of the issue and help prevent trafficking. Some foreign women working in the entertainment industry were advised of their rights in an orientation program organized by the National Police Agency. The police cooperated with officials of the Philippine, Russian, and other embassies in investigating and attempting to resolve various trafficking-related issues and disputes.

LAOS

The Lao People's Democratic Republic is an authoritarian, Communist, one-party state ruled by the Lao People's Revolutionary Party (LPRP). Although the 1991 Constitution, amended in 2003, outlines a system composed of executive, legislative, and judicial branches, in practice, the LPRP continued to control governance and the choice of leaders at all levels through its constitutionally designated "leading role." In April 2002, the National Assembly reelected the President and Vice President and ratified the President's selection of a prime minister and cabinet. The judiciary was subject to executive influence.

The Ministry of Public Security (MOPS, formerly known as the Ministry of Interior) maintains internal security but shares the function of state control with the Ministry of Defense's security forces and with party and popular fronts (broad-based organizations controlled by the LPRP). The Ministry of Foreign Affairs, with MOPS support, is responsible for oversight of foreigners. The MOPS includes local police, immigration police, security police (including border police), and other armed police units. Communication police are responsible for monitoring telephone and electronic communications. The armed forces are responsible for external security but also have domestic security responsibilities that include counterterrorism and

counterinsurgency activities and control of an extensive system of village militias. Civilian authorities generally maintained effective control over the security forces. Some members of the security forces committed serious human rights abuses.

The country is extremely poor with an estimated population of 5.5 million. The economy is overwhelmingly agricultural, with 85 percent of the population engaged in subsistence agriculture. The sharp income inequality between participants in the monetary economy and those in the subsistence economy was demonstrated by the fact that the mean annual income was just over \$300 and the per capita gross domestic product was estimated at \$1,700. Since 1986, the Government has abandoned most of its socialist economic policies in favor of market-based policies. It officially welcomed foreign investment and was gradually strengthening its legal framework, including laws to protect property rights, but a reluctance to embrace far-reaching reforms has slowed the process. The country was heavily dependent on official foreign aid and on remittances from citizens living or working abroad.

The Government's human rights record remained poor, and it continued to commit serious abuses. Citizens did not have the right to change their government. Members of the security forces abused detainees, especially those suspected of insurgent or anti-government activity. Heightened insurgent activity and the Government's response resulted in scores of civilian casualties during the year. Prisoners were sometimes abused and tortured, and prison conditions generally were extremely harsh and life threatening. Police used arbitrary arrest, detention, and surveillance. Lengthy pretrial detention and incommunicado detention were problems. The judiciary was subject to executive, legislative, and LPRP influence, was corrupt, and did not ensure citizens due process. The Government infringed on citizens' privacy rights and restricted freedom of speech, the press, assembly, and association. The Government continued to restrict freedom of religion, and police and provincial authorities arrested and detained approximately 30 members of Christian churches. At year's end, 13 members of religious communities were in custody or under arrest for their religious beliefs. In some areas, ethnic minority Protestant communities continued to be pressured to renounce their faith. On several occasions, Christians were threatened with expulsion from their villages for refusing to renounce their religion. In one case, senior government officials intervened to prevent an expulsion. A small number of churches were closed during the year, while others were allowed to reopen. Authorities in some areas refused requests from Christian congregations to build new churches or to reopen closed churches. The Government imposed some restrictions on freedom of movement. Societal discrimination against women and minorities persisted, although the Government actively supported a policy of encouraging greater rights for women, children, persons with disabilities, and minorities. The Government restricted some worker rights. Trafficking in women and children was a problem.

RESPECT FOR HUMAN RIGHTS

Section 1. Respect for the Integrity of the Person, Including Freedom From:

a. Arbitrary or Unlawful Deprivation of Life.—In August, a Christian and former policeman in Attapeu Province was reportedly detained by police on unspecified charges. The body of the detained man was discovered buried in a shallow grave 3 days later. Friends and family of the dead man assumed that he was killed by the police who detained him, but they were unsure of the motive for his killing.

As a result of intensified insurgent attacks against civilian targets, security forces increased counterinsurgency operations, leading to unconfirmed reports of deaths of ethnic Hmong villagers in connection with security sweeps in remote parts of Saisomboun Special Zone, Xieng Khouang, and Houaphanh Provinces.

Relatively quiescent in recent years, the long-running anti-government insurgency increased its activities during the year, resulting in scores of civilian and military casualties. In February, a group of armed insurgents, identified by witnesses as ethnic Hmong, ambushed a bus and other vehicles traveling along Route 13 north of Vang Vieng town in Vientiane Province, killing 10 persons, including 2 Swiss citizens and 1 Chinese citizen. In April, another ambush of a civilian bus on Route 13 near Phoukoun, South of Luang Prabang, resulted in 12 persons killed, many of whom were students on their way home from the Lao New Year's holiday. Witnesses also identified these attackers as ethnic Hmong. After attacking the bus, the attackers doused it with gasoline and ignited it, burning the bodies of the dead and seriously injuring passengers on board.

During the year, there were more organized attacks against symbols of government authority. A group calling itself the Lao Citizens Movement for Democracy proclaimed an "uprising" against the Government in June. That proclamation was immediately followed by an attack by an armed group of insurgents of unknown eth-

nicity against a customs post in a remote area of Sayaboury Province on the border with Thailand. Thai and Lao police and military forces repelled the attack, but a child was reportedly injured in the clash. In August, insurgent raiders killed three Lao officials during another cross-border attack in Sayaboury Province. Also in August, ethnic Hmong in Houaphanh Province launched a series of coordinated attacks on government outposts in an apparent effort to seize weapons located in a government arsenal in Viengsay town. The attack against the arsenal was repulsed, but in the aftermath, the rebels fired on a bus and motorcycle traveling to a market, killing five passengers. Five of the attackers were also killed when security forces caught up with them shortly after the vehicle ambush. Following this incident, fighting broke out between rebels and government troops in several areas of Houaphanh Province; at least 13 soldiers and probably several dozen Hmong rebels were killed in this fighting, and over 100 Hmong villagers suspected of supporting the rebellion were arrested and detained in the provincial capital. The uprising displaced over 1,000 Hmong villagers, many of whom sought safety in the provincial capital. There were unconfirmed reports of civilians being killed by security forces as part of the campaign to quell this local uprising.

During the year, several bombings occurred throughout the country. In June, an explosive device detonated on a long-distance bus traveling on Route 13 near Thakhek, killing one passenger and injuring several others. In August, a bomb exploded outside the central bus station in Vientiane, injuring as many as a dozen persons. In September, a military court sentenced two active duty soldiers to life imprisonment for the 2000 and 2002 bombings in Vientiane. In October and November, bombings in Vientiane and Savannakhet caused some property damage, but resulted in no injuries. A group calling itself the Free Democratic Government Committee of the Lao People claimed responsibility for these, as well as other bombings that had occurred since 2000.

b. Disappearance.—In March, police in Vientiane Province arrested two ethnic Hmong former insurgents on charges of having been involved in the February Vang Vieng bus ambush. Authorities did not notify the suspects' families of the arrests, and both men were missing for more than a month. The families were finally able to locate both men at the provincial jail. The men were subsequently absolved of involvement in the Vang Vieng ambush and released.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The Constitution and the Penal Code prohibit torture; however, in practice, members of the security forces subjected prisoners to torture and other abuses. Credible sources reported that detainees sometimes were subjected to beatings, long-term solitary confinement in completely darkened rooms, and burning with cigarettes. In some cases, detainees were held in leg chains or wooden stocks. During the year, several persons arrested for religious activity or suspected insurgent activity were held in wooden stocks or shackles for part of their confinement.

Prison conditions generally are extremely harsh and life threatening. Food rations were minimal, and most prisoners relied on their families for their subsistence. The Government discriminated in its treatment of prisoners, restricting the family visits of some and prohibiting visits to a few. Credible reports indicated that ethnic minority prisoners and some foreign prisoners were treated particularly harshly. Prison authorities used degrading treatment, solitary confinement, and incommunicado detention against perceived problem prisoners, especially suspected insurgents. On occasion, the authorities used incommunicado detention as an interrogation method; in isolated cases, this was life threatening when prisoners were detained in such conditions for lengthy periods. There were confirmed reports that, in a few jails, prisoners were placed in leg chains, wooden stocks, or fixed hand manacles for extended periods (see Section 2.c.). Medical facilities were extremely poor or nonexistent. Some prisoners died as a result of abusive treatment and lack of medical care. Prison conditions for women were similar to those for men. Prisons held both male and female prisoners, although they were placed in separate cells. Juveniles were housed together with adult prisoners.

In June, police in Xieng Khouang Province arrested six persons on charges of having conspired with ethnic Hmong insurgents in the killing of a local militia villager. The six persons included a French journalist and a Belgian journalist, who were in the country to research secretly the plight of a band of Hmong insurgents living in Saisomboun Special Zone, their ethnic Hmong foreign translator, and three local ethnic Hmong porters. The six were in the company of a band of insurgents, waiting to return to the Xieng Khouang provincial capital after having spent several days visiting an insurgent base camp in the forest, when local militia villagers clashed with the group. During the clash, a militia villager was killed. After the six were arrested, they were taken to the provincial capital and held in extremely Spartan

conditions for more than a week, during which time the three Lao citizens were reportedly beaten. During this time, one of the three Lao citizens escaped. The remaining five prisoners were subsequently taken to Vientiane and held at Phonetong Prison, where their conditions improved and they reported no further mistreatment. The five were later tried in Xieng Khouang, found guilty of “conspiring to cause the death of an official on duty” and “possession of explosives” and sentenced to 15 years imprisonment. In response to diplomatic intercessions, the Government released and deported the three foreigners; however, the two Lao citizens remained incarcerated at year’s end. Human rights groups criticized the continued incarceration of the two citizens, on the grounds that they were only paid porters for the journalists and were not guilty of the charges under which they were convicted.

Several international human rights groups repeated their longstanding requests to the Government to move two political prisoners to a prison with better conditions, including more modern medical facilities (see Section 1.e.). The Government continued to ignore these pleas, as well as other representations regarding use of torture and abusive treatment.

The Government has provided limited access to some detention facilities to U.N. personnel monitoring the status of juveniles in the prison system, and has given limited access to two provincial prisons to representatives of the Swedish Government; however, the Government generally did not permit independent monitoring of prison conditions, including by foreign individuals or organizations. The International Committee of the Red Cross (ICRC) requested access to prisons; however, the Government did not grant access by year’s end.

d. Arbitrary Arrest, Detention, or Exile.—The Constitution and law prohibit arbitrary arrest and detention; however, in practice the Government did not respect these provisions, and arbitrary arrest and detention remained problems. Police sometimes used arrest as a means of intimidation or to extract bribes. Police exercised wide latitude in making arrests, relying on exceptions to the requirement for arrest warrants for those in the act of committing a crime or for “urgent” cases. Incommunicado detention was a problem (see Section 1.c.). There is a 1-year statutory limit for detention without trial; the length of detention without a pretrial hearing or formal charges by law also is limited to 1 year; however, these limits often were ignored in practice. The Office of the Prosecutor General must authorize police to hold a suspect pending investigation. Authorization is given in 3-month increments, and, in theory, after a maximum of 1 year, a suspect must be released if police do not have sufficient evidence to bring charges. Access to family members and a lawyer was not assured. There is a bail system, but its implementation was arbitrary. A statute of limitations applies to most crimes. In practice, alleged violations of criminal laws have led to lengthy pretrial detentions without charge and minimal due process protection of those detained. Authorities sometimes continued to detain prisoners after they had completed their sentences, particularly in cases where prisoners were unable to pay court fines.

During the year, government authorities arrested and detained approximately 50 Christians. Although most of these persons were released shortly after their detention, some of them, notably 12 members of a group of 21 ethnic Brou arrested in Savannakhet Province in May, were held for months allegedly for other offenses (see Section 2.c.). According to confirmed reports, there were 11 untried religious detainees at year’s end.

In August, police in Houaphanh Province detained over 100 ethnic Hmong villagers suspected of involvement in anti-government activities. Most of those detained were taken to the provincial capital for questioning. Reportedly, most of the persons detained were later released, but a number of persons identified as suspected insurgents were later transferred to Vientiane for further questioning and were still detained at year’s end.

Police continued to arrest without charges any persons suspected of involvement with the insurgency. For example, in August, an ethnic Hmong in Muang Feuang district of Vientiane Province was arrested on suspicion of having been in contact with insurgent elements in Saisomboun Special Zone. Two former insurgents were likewise held without charges for 2 months on suspicion of being involved with insurgent groups (see Section 1. b.).

Police in some instances administratively overruled court decisions, at times detaining a defendant exonerated by the court, in violation of the law (see Section 1.e.). Local police at times also continued to detain persons who had been ordered released by higher authorities. Police held two ethnic Hmong, who were arrested in Vientiane Province in March on suspicion of having been involved with insurgents, for several weeks after senior officials in Vientiane ordered their release (see Section 1. b.). There were no known instances of the police being reprimanded or punished for such behavior.

An unknown number of persons were in detention for suspicion of violations of criminal laws concerning national security, particularly persons suspected of insurgent activities. Security-related laws were sometimes applied to routine criminal actions to justify long periods of incarceration without trial.

The Government did not use forced exile; however, a small group of persons, who fled the country at the time of the change in government in 1975 and who were tried in absentia for anti-government activities, did not have the right of return (see Section 2.d.).

e. Denial of Fair Public Trial.—The Constitution provides for the independence of the judiciary and the Prosecutor General's Office; however, senior government and party officials influenced the courts, although perhaps to a lesser degree than in the past. Impunity was a problem, as was corruption. Many observers reported that judges could be bribed. Under the 2003 amendments to the Constitution, the National Assembly Standing Committee appoints judges for life terms rather than the previously mandated 5-year terms; the executive appoints the Standing Committee. The Assembly may remove judges from office for "impropriety." Since 1991, only one judge at the district level has been removed for improper behavior.

Under the amended Constitution, the People's Courts have four levels: District courts, municipal and provincial courts, the Court of Appeals, and the Supreme People's Court. Decisions of the lower courts are subject to review by the Supreme Court, but decisions by military courts are not subject to the Supreme Court's review. Both defendants and prosecutors in civilian courts have the right to appeal an adverse verdict. There are instances in which civilians may be tried in the military courts, but this reportedly was rare.

The Constitution provides for open trials in which defendants have the right to defend themselves with the assistance of a lawyer or other person. The Constitution requires that the authorities inform persons of their rights. The law states that defendants may have anyone assist them in preparing a written case and accompany them at their trial; however, only the defendant may present oral arguments at a criminal trial. The Lao Bar Association, with a membership of nearly 50 attorneys, operates under the direction of the Ministry of Justice. Its members are private attorneys that court litigants may select for trials. For several reasons, including lack of funds, a shortage of attorneys, and a general perception that attorneys cannot affect court decisions, most defendants do not have attorneys or trained representatives. In theory, under the law defendants enjoy a presumption of innocence; however, in practice trial judges usually decided a defendant's guilt or innocence in advance, basing their decisions on the result of police or Prosecutor's Office reports. Reliance on these reports created a presumption that the defendant is guilty. Most trials were little more than pro forma examinations of the accused, with a verdict having already been reached. Most criminal trials reportedly ended in convictions. Defendants sometimes were not permitted to testify on their own behalf. Trials for alleged violations of some criminal laws relating to national security and trials that involved state secrets, children under the age of 16, or certain types of family law were closed.

Most of the country's 450 judges had only basic legal training, and many had few or no references upon which to base their decisions. The National Assembly's Legal Affairs Committee occasionally reviewed Supreme Court decisions for "accuracy" and returned cases to the Court or the Prosecutor General's Office for review when it felt a decision had been reached improperly.

In some instances, police administratively overruled court decisions, at times detaining a defendant exonerated by the court, in violation of the law.

In addition to the hundreds of short- and long-term political detainees (see Section 1.d.), there were nine known political prisoners. Two former Royal Lao Government officials arrested in 1975, Colonel Sing Chanthakoumane and Major Pang Thong Chokbengvoun, were serving life sentences after trials that did not appear to be conducted according to international standards. Two former government officials, Latsami Khamphoui and Feng Sakchittaphong, were arrested in 1990 for advocating a multiparty system and criticizing restrictions on political liberties and were not tried until 1992. They were serving 14-year sentences based on their 1992 convictions. Reportedly both men were in ill health. Five persons arrested in October 1999 for attempting to organize a pro-democracy demonstration in Vientiane were tried and sentenced to 20 years' imprisonment for anti-government activities. During the year, at the urging of the international community, the Prosecutor General's Office reviewed these sentences and reduced them to 10 years (for 3 of the 5) and 5 years (for 2 of the 5). However, the five remained incarcerated in Vientiane at year's end.

Other political prisoners may have been arrested, tried, and convicted under laws relating to national security that prevent public court trials; however, the Govern-

ment was silent on the matter, and there was no reliable independent method to ascertain accurately their total number.

f. Arbitrary Interference With Privacy, Family, Home or Correspondence.—The Government limits citizens' privacy rights, and the Government's surveillance network is vast. Security laws allow the Government to monitor individuals' private communications (including e-mail and cell phones) and movements. However, some personal freedoms accorded to citizens have expanded along with the liberalization of the economy.

The Constitution prohibits unlawful searches and seizures; however, police at times disregarded constitutional requirements to safeguard citizens' privacy, especially in rural areas. By law, police may not authorize their own searches; they must have approval from a prosecutor or court; however, in practice, police did not always obtain prior approval. The Penal Code generally protects privacy, including that of mail, telephone, and electronic correspondence; however, the Government often violated these legal protections.

MOPS monitored citizens' activities; in addition, an informal militia in both urban and rural areas, operating under the aegis of the military, had responsibility for maintaining public order and reporting "undesirable elements" to the police. The militia usually was more concerned with petty crime and instances of moral turpitude than with political activism, although in remote rural areas where the insurgency was active the militia also played a role in providing security against insurgents and robbers. A sporadically active system of neighborhood and workplace committees under the control of popular front organizations played a similar monitoring role.

Although the Government permitted the public sale of leading foreign magazines and newspapers, restrictions on publications mailed from overseas were enforced, albeit loosely (see Section 2.a.). The Government allowed citizens to marry foreigners but only with prior approval. Although the Government routinely granted permission, the process was lengthy and burdensome. Marriages to foreigners without government approval could be annulled, with both parties subject to arrest or fines.

During the year, the Government accelerated efforts to relocate highland slash-and-burn farmers, most of whom belong to ethnic minority groups, to lowland areas, in keeping with the Government's plan to end opium production by 2005 and slash-and-burn agriculture by 2010. District and provincial officials used persuasion and, in some cases, verbal orders to encourage villages to relocate, especially in the northern provinces. Although the Government's resettlement plan called for compensating farmers for lost land and resettlement assistance in their new homes, in many cases, this assistance was not available or was insufficient to give relocated farmers the means to adjust to their new homes and new way of life. Moreover, in some areas, farmland allocated to relocated villagers was of poor quality and unsuited for intensive rice farming. The result was that in some districts relocated villagers experienced increased poverty, hunger, malnourishment, susceptibility to disease, and increased mortality.

In at least one instance, ethnic Brou villagers in a remote area of Savannakhet Province were expelled from their village because of their Christian faith. Other Christians in several villages in Attapeu, Vientiane, and Bolikhamsai provinces were likewise threatened with expulsion for their religious convictions; however, these expulsion orders were not carried out. In at least one case, senior officials of the Lao Front for National Construction intervened to prevent district officials from expelling Christian families from their village (see Section 2.c.).

There were six Internet service providers. The Prime Minister's Office has stated that it intended to monitor and control more actively Internet communications by the country's nearly 4,000 subscribers; however, most Internet sites, including those critical of the Government, were accessible to users. More than 40 Internet cafes in Vientiane and other larger towns catered primarily to foreigners but were also accessible to citizens.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution provides for freedom of speech and of the press; however, the Government severely restricted political speech and writing in practice. The Government also prohibited most criticism that it deemed harmful to its reputation. The Penal Code forbids slandering the State, distorting party or state policies, inciting disorder, or propagating information or opinions that weaken the State. Citizens who lodged legitimate complaints with government departments generally did not suffer reprisals, but criticism of a more general nature, or targeting the leadership, could lead to censure or arrest.

All domestic print and electronic media are state-owned and controlled. Local news in all media reflected government policy. Television talk shows and opinion

articles referred only to differences in administrative approach. Although domestic television and radio broadcasts were closely controlled, the Government made no effort to interfere with television and radio broadcasts from abroad. In practice, many citizens routinely watched Thai television or listened to Thai radio, including news broadcasts. Citizens had 24-hour access to Cable News Network and the British Broadcasting Corporation, among other international stations accessible via satellite television. The Government required registration of receiving satellite dishes and a one-time licensing fee for their use, largely as a revenue-generating scheme, but otherwise made no effort to restrict their use. In addition, a Chinese-owned company provided cable television service to subscribers in Vientiane. This government-registered cable service offered Thai and international news and entertainment programs without restriction from authorities. A few Asian and Western newspapers and magazines were available through private outlets that had government permission to sell them.

Foreign journalists must apply for special visas. Although such visas normally were granted, persons traveling on journalist visas were restricted in their activities. The authorities did not allow journalists free access to information sources, but some journalists were allowed to travel without official escort. In addition, they must pay a daily fee for the services of their escort. Two journalists arrested in June for having been in the company of insurgents who were responsible for the death of a local militia soldier traveled on tourist, rather than journalist, visas (see Section 1.c.).

The authorities also prohibited the dissemination of materials deemed to be indecent, to undermine the national culture, or to be politically sensitive. Any person found guilty of importing a publication deemed offensive to the “national culture” faced a fine or imprisonment for up to 1 year. The Prime Minister’s Decree on the Administration and Protection of Religious Practice (Decree 92), promulgated in 2002, permits the publication of religious material with permission from the Lao Front for National Construction. In practice, although several religious groups have sought such permission, no Christian or Baha’i groups received authorization to publish religious material by year’s end (see Section 2.c.).

Films and music recordings produced in government studios must be submitted for official censorship; however, in practice, most foreign films and music were easily available in video and compact disc format. During the year, the authorities in Vientiane launched a crackdown on entertainment clubs in an effort to prevent minors from frequenting those establishments. The Ministry of Information and Culture imposed new restrictions aimed at limiting foreign influence in music and entertainment; however, these restrictions were only loosely enforced.

The Government controlled all domestic Internet servers and occasionally blocked access to those Internet sites that were deemed pornographic or were critical of government institutions and policies. The Government also sporadically monitored e-mail. Highly restrictive regulations regarding Internet use by citizens significantly curtail freedom of expression. “Disturbing the peace and happiness of the community” and “reporting misleading news” are criminal acts. In addition, the Prime Minister’s Office consolidated government control over Internet service (see Section 1.f.). However, the Government in the past has been limited in its ability to enforce such regulations.

The Constitution provides for academic freedom; however, the Government restricted it, although over the past several years it has relaxed its restrictions in certain areas. Both citizen and noncitizen academic professionals conducting research in the country may be subject to restrictions on travel and access to information and Penal Code restrictions on publication. As the sole employer of virtually all academic professionals, the Government exercised some control over their ability to travel for research or to obtain study grants; however, the Government, which once limited foreign travel by professors, actively sought such opportunities worldwide and approved virtually all such proposals.

b. Freedom of Peaceful Assembly and Association.—The Constitution provides for freedom of assembly; however, the Government restricted this right in practice. The Penal Code prohibits participation in an organization for the purpose of demonstrations, protest marches, or other acts that cause “turmoil or social instability.” Such acts are punishable by a prison term of from 1 to 5 years. If defendants were tried for crimes against the State, they could face sentences of up to 20 years or possible execution.

The Constitution provides citizens with the right to organize and join associations; however, the Government restricted this right in practice. The Government registered and controlled all associations and prohibited associations that criticized the Government. Political groups other than popular front organizations approved by the LPRP were forbidden. Although the Government restricted many types of formal

professional and social associations, in practice, informal nonpolitical groups met without hindrance. The Foundation for Promoting Education, a private voluntary organization in Vientiane Municipality, operates independently under its own charter; however, it reports to the Ministry of Education. The Buddhist Promotion Foundation is a semiprivate group founded in 1998 by the Lao Buddhist Fellowship Association, which reports to the LPRP Lao Front for National Construction.

c. Freedom of Religion.—The Constitution provides for freedom of religion; however, the authorities, particularly at the local level, interfered with this right in practice.

Although the state is secular in both name and practice, the Party and the Government paid close attention to Theravada Buddhism, which was followed by more than 40 percent of the population and was the faith of nearly all of the country's ethnic Lao population. The Constitution does not recognize a national religion, but the Government's support for and oversight of temples and other facilities and its promotion of Buddhist practices, gave Buddhism an elevated status among the country's religions.

The Constitution prohibits "all acts of creating division of religion or creating division among the people." The LPRP and Government apparently interpreted this section as inhibiting religious practice by all persons, including the Buddhist majority and a large population of animists. Although official pronouncements acknowledged the positive benefits of religion, they also emphasized its potential to divide, distract, or destabilize. The Constitution notes that the State "mobilizes and encourages" Buddhist monks, novices, and priests of other religions to participate in activities "beneficial to the nation and the people."

In 2002, the Prime Minister's Office issued a Decree on the Administration and Protection of Religious Practice. The decree, which has the effect of law, is designed to specify clearly the range of activities permitted religious groups or practitioners. The decree permits minority religious groups to engage in a number of activities that have previously been considered by most authorities to be illegal, such as proselytizing and printing religious material; however, it requires religious groups or individuals to obtain permission in advance for these activities, in most cases from the Lao Front for National Construction, the party-controlled organization that oversees religious issues on behalf of the Government. Although the intent of the decree is to clarify the rights and responsibilities of religious groups, many minority religious leaders complained that the decree was too restrictive in practice. The requirement that religious groups obtain permission, sometimes from several different offices, for a broad range of activities greatly limited the freedom of these groups.

During the year, government authorities arrested and detained approximately 50 Christians, at times holding them in custody for months. In several cases, the prisoners were handcuffed, detained in leg chains and stocks, and subjected to psychological pressure.

During the year, there were reports of authorities closing churches. Local officials in Savannakhet Province closed two churches and seized property belonging to a local Christian congregation. However, in October, these same officials returned one church and parsonage that had been seized previously. In some areas of the country, officials continued to refuse requests to reopen already-closed churches, or to construct new church buildings. There were reports that authorities in some areas used intimidation or threats of expulsion to force Christians to renounce their religious faith, particularly in Saisomboun Special Zone and in Savannakhet, Attapeu, Bolikhamsai, and Luang Prabang provinces.

There are two semi-religious government-recognized holidays—Boun That Luang and the end of Buddhist Lent—that are also major political and cultural celebrations. The Government recognizes the popularity and cultural significance of Buddhist festivals, and most senior officials openly attended them. Buddhist clergy were featured prominently at important state and party functions, and the Government's dedication early in the year of a monument to a founding King of Laos was as much a religious as a secular event.

The Lao Front for National Construction directs the Lao Buddhist Fellowship Association. Since 1996, monks studying at the National Pedagogy School were no longer required to study Marxism-Leninism as part of their curriculum, and the integration of Communist ideology in Buddhist instruction has waned greatly in recent years. Some temples have been permitted to receive support from Theravada Buddhist temples abroad, to expand the training of monks, and to focus more on traditional teachings. In addition, many monks traveled abroad, particularly to Thailand, for formal religious training.

The authorities continued to be suspicious of non-Buddhist religious communities, including some Christian groups, in part because these faiths did not share Theravada Buddhism's high degree of direction and incorporation into the govern-

ment structure. Some authorities criticized Christianity in particular as a Western or imperialist "import." Local authorities, apparently with encouragement from some officials in the central Government or Communist Party, singled out Protestant groups as a target of persecution. Protestant churches' rapid growth over the last decade, contact with religious groups abroad, aggressive proselytizing on the part of some members, and independence of central government control all have contributed to Government and Communist Party suspicion of the churches' activities. The Government strictly prohibited foreigners from proselytizing, although it permitted foreign nongovernmental organizations with religious affiliations to work in the country. Foreign persons found distributing religious material may be arrested or deported, although no such incidents were known to have occurred during the year. Although Decree 92 on Religious Practice, promulgated in 2002, permits proselytizing by religious practitioners as long as they obtain permission for such activities from the Lao Front for National Construction, the Front has not yet granted such permission, and persons found evangelizing risked harassment or arrest.

The Government's tolerance of religion varied by region. The Lao Front for National Construction often sought to intervene with local governments in cases where minority religious practitioners, particularly Christians, had been harassed or mistreated; however, incidents of religious intolerance by local officials continued in some areas. Although there was almost complete freedom to worship in a few areas, particularly in the largest cities, government authorities in many regions allowed properly registered religious groups to practice their faith only under restrictive conditions. Officials in some areas of Savannakhet, Attapeu, and Luang Prabang provinces continued to arrest and detain some religious believers without charges (see Section 1.d.). Unlike in previous years, there were no reports during the year that local officials in isolated areas monitored and arrested persons who converted to Christianity. Followers of the Baha'i faith were able to practice their religion without hindrance in Vientiane city, but in Savannakhet Province, the small Baha'i community continued to face restrictions from local authorities on their gatherings for worship. The small community of Muslims in Vientiane, made up almost exclusively of foreign nationals, was able to practice their religion without hindrance.

Although in most parts of the country members of long-established congregations had few problems in practicing their faith, some churches established a century ago continued to be subjected to harassment and closure by local government officials in Savannakhet. The authorities sometimes advised new congregations to join other religious groups with similar historical roots, despite clear differences between the groups' beliefs. While Decree 92 establishes procedures for new denominations to register with the Lao Front for National Construction, during the year, the Front did not authorize any new denominations to practice in the country, although several applied. These denominations continued to conduct worship services; however, their members risked arrest for their unauthorized activities.

The Roman Catholic Church was unable to operate effectively in the highlands and much of the north, and the Catholic Church in the northern part of the country was largely moribund. The small Catholic communities in Luang Prabang, Sayaboury, and Bokeo provinces sporadically held services in members' homes, but there were no priests resident in the area and pastoral visits from Vientiane were infrequent. However, the church had an established presence in five of the most populous central and southern provinces, where Catholics were able to worship openly. There were three official bishops, one each in Vientiane, Thakhek, and Pakse, as well as a fourth bishop for Luang Prabang who resided in Vientiane and traveled infrequently to his bishopric.

Between 250 and 300 Protestant congregations conducted services throughout the country. The Lao Front for National Construction has recognized two Protestant groups: The Lao Evangelical Church (the umbrella Protestant church) and the Seventh-Day Adventist Church. Nominally all Protestant congregations in the country belong to one of these two organizations, although in practice some congregations operated independently. Both the Lao Evangelical Church and the Seventh Day Adventist Church own properties in Vientiane and other cities.

The Government generally permitted major religious festivals of established congregations without hindrance; however, in some areas, local officials restricted the celebration of major Christian holidays by some congregations. Several Protestant congregations in remote areas of Vientiane, Luang Prabang, Savannakhet, and Sayaboury Provinces were required to join with other congregations, often some distance away, in Easter celebrations. Villagers in several districts of Savannakhet Province, arrested in December 2002 for holding Christmas worship service outside their closed churches, were released early in the year. In December, authorities in Savannakhet Province arrested nine Christians who were attending pre-Christmas services, releasing them several days later. Just after Christmas, authorities in

Attapeu arrested 11 Christians who were attending home prayer services, after having denied the Christians permission to hold public Christmas services.

Animists generally experienced no interference from the Government in their religious practices, which varied extensively among the approximately 70 identified ethnic groups and tribes in the country; however, the Government actively discouraged animist practices that it regarded as outdated, unhealthful, or illegal, such as the practice in some tribes of infanticide of infants born with birth defects or of keeping the bodies of deceased relatives in homes.

Until recently, the Government did not permit the printing of non-Buddhist religious texts or their distribution outside a congregation and restricted the import of foreign religious texts and artifacts. Decree 92 on Religious Practice permits the printing of religious material, providing permission is obtained from the Lao Front for National Construction. The Government required and usually granted its permission for formal links with coreligionists in other countries; however, in practice, the distinction between formal and informal links was unclear, and relations with coreligionists generally were established without much difficulty (see Section 2.a).

For a more detailed discussion, see the 2003 International Religious Freedom Report.

d. Freedom of Movement within the Country, Foreign Travel, Migration, and Repatriation.—The Constitution provides for these rights; however, the Government restricted some of them in practice. Citizens who traveled across provincial borders no longer were required to report to authorities upon their departure and arrival; however, in designated security zones, roadblocks and identity card checks of travelers were conducted occasionally. Citizens who sought to travel abroad were required to apply for an exit visa. The Government usually granted such visas; however, officials at the local level have denied permission to apply for passports and exit visas to some persons seeking to emigrate. Access by foreigners to certain areas, such as the Saysomboune Special Zone, an administrative area operated by the military forces, was restricted for safety and security reasons.

During the year, there were at least 5 separate insurgent ambushes on passenger vehicles, resulting in the deaths of at least 36 civilians (see Section 1.a.).

Between 1980 and 1999, more than 29,000 citizens who sought refugee status in Thailand, China, and other countries returned to Laos for permanent resettlement under monitoring by the U.N. High Commissioner for Refugees (UNHCR). Other persons who had fled the country after 1975 have returned from abroad to resettle voluntarily, outside the oversight of the UNHCR. In general, returnees have been subject to greater scrutiny by the authorities than other citizens. Nevertheless, many who fled after the change of government in 1975 have visited relatives, some have stayed and gained foreign resident status, and some have reclaimed citizenship successfully. Some refugee returnees carry government-issued identification cards with distinctive markings, ostensibly for use by authorities. Such cards tend to reinforce a pattern of societal discrimination against the returnees. A small group tried in absentia in 1975 for antigovernment activities does not have the right of return (see Section 1.d.).

The Constitution provides for asylum and the protection of stateless persons under the law; however, in practice, the Government did not provide protection against refoulement and did not routinely grant refugee or asylum status.

Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government

Citizens do not have the right to change their government. Although the 1991 Constitution, amended in 2003, outlines a system composed of executive, legislative, and judicial branches, in practice, the LPRP continued to control governance and the choice of leaders at all levels through its constitutionally designated “leading role.” The Constitution provides for a representative National Assembly, elected every 5 years in open, multiple-candidate, fairly tabulated elections, with voting by secret ballot and universal adult suffrage; however, it legitimizes only a single party, the LPRP. Election committees, appointed by the National Assembly, must approve all candidates for local and national elections. Candidates need not be LPRP members, but in practice, almost all were.

The National Assembly chooses a standing committee generally based on the previous standing committee’s recommendation. Upon the committee’s recommendation, the National Assembly elects or removes the President and Vice President. The standing committee also has supervision of administrative and judicial organizations and the sole power to recommend presidential decrees. It also appoints the National Election Committee, which has powers over elections (including approval of candidates). Activities of the standing committee were not fully transparent.

The National Assembly, upon the President's recommendation, elects the Prime Minister and other Ministers of the Government. The 109-member National Assembly, elected in February 2002 under a system of universal suffrage, approved the LPRP's selection of the President at its inaugural session in April 2002, and, in the same session, it ratified the President's selection of a new Prime Minister and cabinet. The National Assembly may consider and amend draft legislation, but only permanent subcommittees of the Assembly may propose new laws. The Constitution gives the right to submit draft legislation to the National Assembly standing committee and the ruling executive structure.

Women increased their representation in the National Assembly in the 2002 elections from 20 to 22 members in the 109-member body. Three members of the 53-member LPRP Central Committee were women, one of whom was also a member of the 7-member standing committee in the National Assembly. There were no women in the Politburo or the Council of Ministers.

The proportions of ethnic minority members in the 109-member National Assembly—9 Lao Soung (highland dwelling tribes) and 19 Lao Theung (mid-slope dwelling tribes)—were slightly less than in the previous national assembly; most members of the Assembly were ethnic Lao, who also dominated the upper echelons of the Party and the Government. Three cabinet ministers were members of ethnic minority groups.

Section 4. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

There are no domestic nongovernmental human rights organizations, and the Government does not have a formal procedure for registration. Any organization wishing to investigate and publicly criticize the Government's human rights policies would face serious obstacles if it were permitted to operate at all.

The Government in general does not respond in writing to requests for information on the human rights situation from international human rights organizations; however, the Government has instituted a human rights dialogue with the Swedish Government and has accepted training in U.N. human rights conventions from several international donors. In February, it also answered a specific query from Amnesty International regarding the fate of six imprisoned citizens allegedly convicted of demonstrating against the Government and explained that the individuals had been convicted of espionage but recently had had their sentences reduced.

The Government maintains contacts with the ICRC; government officials received ICRC training on human rights law in 1998 and again during the year, and the Government continued to translate international human rights and humanitarian law conventions with ICRC support. The Government permitted U.N. human rights observers to monitor the treatment of almost 30,000 returned refugees in all parts of the country with minimal interference (see Section 2.d.). The UNHCR's office in the country closed at the end of 2001, with the Commissioner's determination that the office's monitoring role had been completed and former refugees had been successfully reintegrated; however, since the closing of the UNHCR office the Government has not permitted UNHCR monitors based in Thailand to conduct monitoring visits to the country.

A human rights unit in the Ministry of Foreign Affairs' Department of International Treaties and Legal Affairs has responsibility for inquiry into allegations of human rights violations. This unit rarely responded to inquiries regarding individual cases.

Section 5. Discrimination Based on Race, Sex, Disability, Language, or Social Status

The Constitution provides for equal treatment under the law for all citizens without regard to sex, social status, education, faith, or ethnicity. The Government at times took action when well-documented and obvious cases of discrimination came to the attention of high-level officials, although the legal mechanism whereby a citizen may bring charges of discrimination against an individual or organization was neither well developed nor widely understood among the general population. There was no official discrimination against those with HIV/AIDS, but social discrimination existed. The Government conducted awareness campaigns during the year to educate the population and promote understanding toward those with HIV/AIDS.

Women.—There were reports that domestic violence against women occurred, although it did not appear to be widespread. Spousal abuse is illegal. Rape reportedly was rare. In cases of rape that were tried in court, defendants generally were convicted with penalties ranging from 3 years' imprisonment to execution. Spousal rape is not illegal.

Trafficking in women and girls for prostitution was a problem (see Section 6.f.). Prostitution is illegal with penalties ranging from 3 months to 1 year in prison.

Sexual harassment was rare. Although sexual harassment is not illegal, "indecent sexual behavior" toward another person is illegal and punishable by 6 months' to 3 years' imprisonment.

The Constitution provides for equal rights for women, and the Lao Women's Union operated nationally to promote the position of women in society. The Family Code prohibits legal discrimination in marriage and inheritance. Discrimination against women was not generalized; however, varying degrees of traditional, culturally based discrimination persisted, with greater discrimination practiced by some hill tribes. Many women occupied responsible positions in the civil service and private business, and in urban areas their incomes were often higher than those of men.

In recent years, the Government increased support for development programs designed to improve the position of women in society, including in the political system.

Children.—The level of budgetary support for education was very low. Education is free and compulsory through the fifth grade; however, fees for books, uniforms, and equipment, among other factors, precluded children from rural areas and poor urban families from complying with this requirement. According to government statistics, 80 percent of primary school-age children, 50 percent of junior high school-age children, and 25 percent of high school-age children were enrolled in school; the U.N. Development Program estimated that almost 40 percent of children never attended school at all and only 10 percent entered secondary school. There was significant difference in the treatment of boys and girls in the educational system: Female literacy was 48 percent versus 70 percent for males; however, men and women attended the national university in approximately equal numbers. Although the Government has made children's education and health care a priority in its economic planning, funding for children's basic health and educational needs was inadequate, and the country had a very high rate of infant and child mortality.

Violence against children is prohibited by law, and violators were subject to stiff punishments. Reports of the physical abuse of children were rare. Trafficking in girls for prostitution and forced labor was a problem (see Section 6.f.). Other forms of child labor generally were confined to family farms and enterprises (see Section 6.d.).

Persons with Disabilities.—With donor assistance, the Government implemented limited programs for persons with disabilities, especially amputees. The law does not mandate accessibility to buildings or government services for persons with disabilities, but the Labor and Social Welfare Ministry has established some regulations regarding building access and some sidewalk ramps in Vientiane. The Lao National Commission for the Disabled has promulgated regulations to protect the rights of persons with disabilities.

National/Racial/Ethnic Minorities.—The Constitution provides for equal rights for all minority citizens, and there is no legal discrimination against them; however, societal discrimination persisted. Moreover, critics have charged that the Government's resettlement program for ending slash-and-burn agriculture and opium production has adversely affected many ethnic minority groups, particularly in the north. The program requires that resettled persons adopt paddy rice farming and live in large communities, ignoring their traditional livelihoods and community structures. The program has led to an active debate among international observers about whether the benefits of resettlement promoted by the Government—providing access to markets, schools, and medical care for resettles—outweigh the negative impacts on traditional cultural practices.

Less than half the population is ethnic Lao, also called "lowland Lao." Most of the remainder, probably around 60 percent, is a mixture of diverse upland hill tribes whose members, if born in the country, are citizens. There were also ethnic Vietnamese and Chinese minorities and a small community of South Asian origin, particularly in the towns. The Law on Nationality provides a means for foreigners to acquire citizenship, and each year some foreigners, mostly Vietnamese and Chinese, acquire Lao citizenship. The Government encouraged the preservation of minority cultures and traditions; however, due to their remote location and inaccessibility, minority tribes had little voice in government decisions affecting their lands and the allocation of natural resources.

The Hmong are one of the largest and most prominent highland minority groups. There were a number of Hmong officials in the senior ranks of the Government and LPRP, including at least five members of the LPRP Central Committee. However, societal discrimination against the Hmong continued, and some Hmong believe their ethnic group cannot coexist on an equal basis with the ethnic Lao population. This belief has fanned separatist or irredentist beliefs among some Hmong. In recent years, the Government focused some limited assistance projects in Hmong areas in

order to address regional and ethnic disparities in income. The Government also provided for Hmong and Khmu language radio broadcasts.

The increased number of attacks by Hmong insurgents against civilian and military targets, coupled with the outbreak of a localized uprising in Houaphanh Province in August, heightened ethnic tensions and aroused the government leadership's suspicion of Hmong irredentist desires. These heightened security problems also resulted in increased efforts by security forces to eliminate scattered pockets of insurgents living in remote jungle areas. One group in Saisomboun Special Zone numbering 700 ethnic Hmong, mostly women and children, was highlighted in several international press articles, which alleged that the group was being systematically hunted down and attacked by government air and ground forces and that it was at the point of starvation. During the year, the U.N. Committee to Eliminate Racial Discrimination strongly criticized the Government for its treatment of these insurgent Hmong remnants.

At least partially in response to charges that it was trying to kill all insurgent elements, the Government publicized its amnesty program, which promised amnesty to all insurgents and family members who came out of the forest and turned in their weapons. Small groups took up this offer and received small amounts of resettlement assistance from the Government, especially in Vientiane, Bolikhamsai, and Xieng Khouang provinces and in the Saisomboun Special Zone. In some areas, such as in Bolikhamsai, this amnesty program included job training, land, and equipment for farming. However, in some cases, this assistance was less than had been promised to the insurgents on their surrender. Moreover, because of their past activities, amnestied insurgents continue to be the focus of government suspicion and scrutiny (see Sections 1.a. and 1.c.).

During the past 2 years, international observers who monitored the status of ethnic minorities, especially Hmong, who repatriated under UNHCR auspices in the late 1990s, reported no significant human rights violations.

The Constitution states that foreigners and stateless persons are protected by "provisions of the laws," but in practice, they did not enjoy the rights provided for by the Constitution.

Section 6. Worker Rights

a. The Right of Association.—Under the law, labor unions may be formed in private enterprises as long as they operate within the framework of the officially sanctioned Federation of Lao Trade Unions (FLTU), which in turn is controlled by the LPRP. Most of the FLTU's approximately 77,000 members worked in the public sector.

The State employed the majority of salaried workers, although this situation was changing as the Government privatized state enterprises and otherwise reduced the number of its employees. Subsistence farmers made up an estimated 85 percent of the work force.

The 2001 Report of the International Labor Organization (ILO) Committee of Experts cited the Government for its failure to submit reports on ratified conventions required of member states. Furthermore, the Government has not replied to comments by the Committee from 8 years ago.

The FLTU was free to engage in contacts with foreign labor organizations, which during the year included contacts with the Association of Southeast Asian Nations Trade Unions and the Asia-Pacific American Labor Alliance. The FLTU was a member of the World Federation of Trade Unions.

b. The Right to Organize and Bargain Collectively.—There is no right to organize and bargain collectively. The Labor Code stipulates that disputes be resolved through workplace committees composed of employers, representatives of the local labor union, and representatives of the FLTU, with final authority residing in the Ministry of Labor and Social Welfare. Labor disputes reportedly were infrequent. The Government sets wages and salaries for government employees, while management sets wages and salaries for private business employees.

Strikes are not prohibited by law, but the Government's ban on subversive activities or destabilizing demonstrations (see Section 2.b.) made a strike unlikely, and none were reported during the year.

The Labor Code stipulates that employers may not fire employees for conducting trade union activities, for lodging complaints against employers about labor law implementation, or for cooperating with officials on labor law implementation and labor disputes, and there were no reports of such cases during the year. Workplace committees were one mechanism used for resolving complaints; however, there was no information on how effective these committees were in practice.

There are no export processing zones.

c. Prohibition of Forced or Bonded Labor.—The Labor Code prohibits forced labor except in time of war or national disaster, during which time the State may conscript laborers. The Code also prohibits forced or bonded labor by children; however, there were reports that such practices occurred (see Section.f.).

d. Status of Child Labor Practices and Minimum Age for Employment.—Under the Labor Code, children under age 15 may not be recruited for employment, except to work for their families, provided that such children are not engaged in dangerous or difficult work. Many children helped their families on farms or in shops, but child labor was rare in industrial enterprises. Some garment factories reportedly employed a very small number of underage girls. The Ministries of Public Security and Justice are responsible for enforcing these provisions. Enforcement was ineffective due to a lack of inspectors and other resources.

The Government has not ratified ILO Convention 182 against the worst forms of child labor.

e. Acceptable Conditions of Work.—The Labor Code provides for a workweek limited to 48 hours (36 hours for employment in dangerous activities). The Code also provides for at least 1 day of rest per week. The daily minimum wage was about \$0.40 (4,000 kip), which was insufficient to provide a decent standard of living for a worker and family. Most civil servants received inadequate pay. Some piecework employees, especially on construction sites, earned less than the minimum wage.

The Labor Code provides for safe working conditions and higher compensation for dangerous work. Employers are responsible for all expenses for a worker injured or killed on the job, a requirement generally fulfilled by employers in the formal economic sector. The Labor Code also mandates extensive employer responsibility for those disabled while at work. During the year, this law was enforced adequately. Although workplace inspections reportedly have increased over the past several years, the Ministry of Labor and Social Welfare lacked the personnel and budgetary resources to enforce the Labor Code effectively. The Labor Code has no specific provision allowing workers to remove themselves from a dangerous situation without jeopardizing their employment.

There were a number of illegal immigrants in the country, particularly from Vietnam and China, and they were vulnerable to exploitation by employers. Some illegal immigrant Vietnamese children worked selling goods on the streets of Vientiane.

f. Trafficking in Persons.—The Penal Code prohibits abduction and trade in persons as well as the constraint, procuring, and prostitution; however, trafficking in persons, particularly women and children, was a problem. Laos was primarily a country of origin for trafficking in persons and to a lesser extent, a country of transit. There was almost no effective border control. There was little reliable data available on the scope and severity of the problem until recently, when studies indicated that the scale of economic migration out of the country, mostly young people between the ages of 15 and 30, was far greater than had previously been supposed. About 7 percent of the total sample population in three southern provinces migrated, either seasonally or permanently. Approximately 45 percent of them were male and 55 percent female, and an unknown number of these persons were actually trafficked in some sense of the term. A small number of citizens were trafficked to China and other third countries, including the United States. In recent years, highland minority women from the remote interior of the country have become the group most vulnerable to traffickers. These groups do not have the cultural familiarity or linguistic proximity to Thai that Lao-speaking workers can use to protect themselves from exploitative situations. A much smaller number of trafficked foreign nationals transited through Laos, especially Burmese and Vietnamese.

Many labor recruiters in the country were local people with cross-border experience and were known to the trafficked persons. For the most part, they had no connection to organized crime, commercial sexual exploitation, or the practice of involuntary servitude, but their services ended once their charges reached Thailand, where more organized trafficking operations also operated.

There were few reports of official involvement in trafficking; however, anecdotal evidence suggested that local officials knew of trafficking activities, and some may have profited from them.

In the past, the Government has prosecuted some persons for involvement in trafficking activities. During the year, a female trafficker was tried, convicted, and sentenced to 2 years imprisonment in one southern province. The police occasionally arrested both citizens and foreigners for having sexual relations outside of marriage, which is prohibited under the law. The Government previously denied that there were cases of child prostitution in the country; however, in recent years it has become more actively involved in countering the worst forms of trafficking and the ex-

ploitation of underage persons, chiefly through cooperation with international NGOs working on trafficking problems.

The Ministry of Labor and Social Welfare (MLSW) has a unit devoted to children with special needs, including protection and prevention of trafficking. The Ministry also maintains a small-scale repatriation assistance center for returned victims of trafficking. However, the unit's effectiveness was limited by a small budget, inadequate international assistance, and a lack of trained personnel. The MLSW and the Lao Women's Union have conducted pilot studies on anti-trafficking information campaigns and are now pursuing more active interventions in conjunction with NGOs. Financial constraints limited the contributions the Government could make, but it did offer the services of ministerial personnel and venues to NGOs doing anti-trafficking work.

The Lao Women's Union and the Youth Union, both party-sanctioned organizations, offered educational programs designed to educate girls and young women regarding the schemes of recruiters for brothels and sweatshops in neighboring countries and elsewhere. These organizations were most effective in disseminating information at the grassroots level.

Some victims have been punished for improper documentation or for crossing the border illegally. Despite a new Memorandum of Understanding with Thailand regarding border control and a decree allowing citizens to work abroad, this practice continued, especially in the provinces. The victims have no recourse to relief. Some local authorities have ordered trafficking victims into reeducation seminars and subjected them to substantial fines. The National Commission for Mothers and Children continued an active program of support for victims with support from UNICEF.

MALAYSIA

Malaysia is a federation of 13 states and 3 federal territories with a parliamentary system of government based on periodic multiparty elections. Opposition parties actively contest elections but face significant obstacles in competing with the ruling National Front coalition, which has held power for more than 45 years. In the November 1999 elections, opposition parties won approximately 25 percent of the seats in the Parliament, and an opposition party also retained control of one state government and gained control of another. The Constitution provides for an independent judiciary; however, government action, constitutional amendments, legislation, and other factors undermined judicial independence and strengthened executive influence over the judiciary.

The Royal Malaysian Police have primary responsibility for internal security matters. The police report to and are under the control of the Home Minister. Members of the police committed human rights abuses.

The country has a free market economy and a population of approximately 25 million. The economy grew 0.4 percent in 2001 but expanded in 2002 to 4.1 percent growth. Analysts expected the economy to grow from 4.2 percent to 4.8 percent in 2003. During the year, the Government continued its expansionary fiscal and monetary policies and took an active role in managing the export-oriented economy. Services and manufacturing accounted for 57 percent and 30.4 percent, respectively, of the gross domestic product. The unemployment rate was approximately 3.5 percent.

The Government generally respected the human rights of its citizens; however, serious problems remained. The Government acknowledged that it restricted certain political and civil rights in order to maintain social harmony and political stability. Police killed a number of persons in the course of apprehending them, and there were deaths in custody as well. Other problems included police abuse of detainees, use of the Internal Security Act and other statutes to arrest and detain persons without charge or trial, persistent questions about the impartiality and independence of the judiciary, and restrictions on the freedom of the press, freedom of association, and freedom of assembly. There continued to be some restrictions on religious freedom and workers rights and instances of discrimination and exploitation of indigenous groups. Longstanding policies gave preferences to ethnic Malays in many areas. The country was a source and destination for trafficking in women and girls for the purposes of prostitution.

RESPECT FOR HUMAN RIGHTS

Section 1. Respect for the Integrity of the Person, Including Freedom From:

a. Arbitrary or Unlawful Deprivation of Life.—There were no reports of political killings; however, the press reported that police killed 27 persons while appre-

hending them. The criminal procedure code empowers magistrates and public prosecutors to investigate deaths and charge those responsible under the penal code. However, no such prosecutions were brought forward during the year.

The press reported that 11 persons died in police custody during the year. The law requires that a magistrate investigate all such deaths; an inquiry was begun in two of these cases. In July, the Government-sponsored Human Rights Commission of Malaysia (Suhakam) stated that it was aware of "numerous" complaints of deaths in police custody, police brutality, and negligence. In August, a 28-year-old man died in police custody in Kuala Lumpur. When the autopsy attributed the death to a perforated ulcer, the man's family disputed the finding, claiming his body was heavily bruised, and sought a second, independent autopsy. The court rejected the application on the basis that the relatives had insufficient personal interest in the victim. The family of the victim filed an appeal against the court's decision, which was still pending at year's end.

In August 2002, the High Court overturned a May 2001 Coroner's Court ruling that there was no criminal wrongdoing in the 1998 fatal shooting of six men at close range by police officers. The High Court found that the police were responsible for murderous assault, but the court took no action against them by year's end.

b. Disappearance.—There were no reports of politically motivated disappearances.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—No constitutional provision or law specifically prohibits torture. However, laws that prohibit "committing grievous hurt" encompass torture, and, according to the Government, every report of abuse of prisoners is investigated. There were press reports of alleged torture or mistreatment by the police. Local nongovernmental organizations (NGOs) stated that police sometimes subjected criminal suspects and illegal alien detainees to physical and psychological torture during interrogation and detention. At year's end, there was still no government response to the March 1999 police report filed by opposition activist Abdul Malek bin Hussin in which he accused police of torturing him in 1998 while he was under detention. No further action by the Government was expected (see Section 1.d.).

In June, the Bar Council called for immediate investigation of a "number" of allegations of improper conduct of police and other law enforcement officers. The authorities investigated some of the cases; however, the Government routinely does not release information on the results of investigations, and whether those responsible are punished is not always known. According to the Police Commission report covering 2002, disciplinary actions were initiated against 754 police personnel, and 98 police officers were relieved of their duties that year.

In August, the High Court reversed a Sessions Court's acquittal and convicted a police constable for the 2002 rape of two foreign women who were in custody at the time of the rape (see Section 5).

On several occasions, riot police forcibly dispersed peaceful demonstrators around the country, using truncheons, water cannons, and tear gas. The press reported that the police forcefully dispersed a peaceful May Day celebration (see Section 2.b.).

Logging companies reportedly used police force and intimidation to appropriate land from indigenous Iban and Penan communities in Sarawak (see Section 5).

Criminal law prescribes caning as an additional punishment to imprisonment for those convicted of some nonviolent crimes, such as narcotics possession, criminal breach of trust, and alien smuggling. The immigration law, in effect since 2002, prescribes up to six strokes of the cane for both illegal immigrants and their employers. Judges routinely included caning in sentences of those convicted of such crimes as kidnapping, rape, and robbery. Some state Shari'a (Islamic) laws, which bind only Muslims, also prescribe caning (see Section 1.e.). The caning, which is carried out with a 0.5-inch-thick wooden cane, commonly causes welts and sometimes causes scarring. Males over 50 and women are exempted from caning. According to the provisions of the Child Act passed in December 2002, male children 10 years of age and older may be given up to 10 strokes of a "light cane" (see Section 5).

Prison overcrowding was a serious problem. In January, Suhakam called on the Government to improve conditions for inmates at the Kajang women's prison. Press reports indicated that the prison, which has a maximum capacity of 450, housed 1,450 prisoners. According to the Deputy Home Minister, the country's prison system had a capacity of 24,000 prisoners but actually held 35,000 inmates. Five new prisons, with the capacity to hold 7,900 prisoners, were under construction at year's end and scheduled for completion in 2004. Additionally, in February, the Deputy Home Minister announced that a parole system for prisoners, to be implemented by year's end, would further reduce prison overcrowding.

The law provides that young boys and girls may be placed in judicially approved places of detention. Children have the right to remain with their imprisoned moth-

ers until the age of 3 years and can stay beyond that age with approval of the Director General of Prisons. In May, the press reported that a juvenile was arrested and placed in a detention facility together with adult detainees.

Special security prisoners were detained in a separate detention center (see Section 1.d.). During the year, a number of persons released from detention under the Internal Security Act (ISA) alleged that during the initial stages of their detention they were subject to intensive interrogation and disoriented by isolation, deliberately interrupted sleep, and abusive treatment by police (see Section 1.d.).

The U.N. High Commissioner for Refugees (UNHCR) made credible allegations of inadequate food, inadequate medical care, poor sanitation, and abuse by guards in government camps for illegal immigrants. According to credible reports, this overcrowding and related poor health conditions contributed to the deaths of several detainees. Suhakam, which visited the camps in January, found 2,000 detainees enduring hot, uncomfortable, and cramped living conditions. During the year, thousands of Acehnese asylum seekers were detained in camps for illegal immigrants pending deportation to Indonesia (see Section 2.d.). Some individuals convicted of violating the immigration law were subject to caning. In January, Suhakam confirmed that they found detainees with fresh scars at Semenyih camp and said that it amounted to cruel and inhumane treatment.

The Government does not have any agreement with the International Committee of the Red Cross (ICRC) that permits visits to prisoners. NGOs and the media allegedly were not permitted to monitor prison conditions. Access to illegal alien detention camps was restricted, although UNHCR officials were given access to several camps to identify and interview potential refugees at various times during the year (see Section 2.d.). In addition, Suhakam officials visited various camps and prisons at different times during the year.

d. Arbitrary Arrest, Detention, or Exile.—The law permits police to arrest individuals for some offenses without a warrant. Police may hold suspects for 24 hours without charge. A magistrate may extend the period for up to 2 weeks. In general, police observed these restrictions. However, Suhakam reported in 2002 that some detainees were held beyond the 2-week limit. Suhakam also noted that police sometimes released suspects and then quickly rearrested them on new but similar charges. In one 2002 case, a detainee was consecutively held in this manner for a total of 77 days. Police routinely denied detainees access to legal counsel and questioned suspects without giving them access to counsel. Police justified this practice as necessary to prevent interference in ongoing investigations. Judicial decisions generally upheld this practice.

Modeled on the British system, The Royal Malaysia Police (PDRM) is under the command of the Inspector General of Police (IGP), who reports to the Minister of Home Affairs. The IGP is responsible for organizing and administering the police force. The functions of the police are generally divided into five areas: The enforcement of law and order; the maintenance of national peace and security; the prevention and detection of crimes; the arrest and prosecution of offenders, and the gathering of security intelligence. Consisting of 74,000 officers, the PDRM generally was regarded as well organized and efficient. During the year, there were some allegations of corruption and police abuse of detainees. In December, the Prime Minister (who is concurrently Home Affairs Minister) announced that a Royal Commission would be set up to review such issues within the police force as police brutality, poor service, and corruption. During the year, the PDRM in conjunction with Suhakam organized a number of training courses throughout the country focused on informing police officers about the importance of human rights. In November, the Prime Minister appointed a new IGP with a reputation as a tough disciplinarian.

Three laws permit the Government to detain suspects without judicial review or the filing of formal charges: the ISA, the Emergency (Public Order and Prevention of Crime) Ordinance, and the Dangerous Drugs Act (Special Preventive Measures).

The ISA, enacted in 1960 during an active communist insurgency, empowers the police to hold for up to 60 days any person who acts "in a manner prejudicial to the security of Malaysia." The Home Minister may authorize further detention for periods of up to 2 years. Those released before the end of their detention period are subject to "imposed restricted conditions" for the remainder of their detention periods. These conditions limit their freedom of speech, freedom of association, and freedom to travel outside the country. Since its inception over 4,000 persons have been detained under the ISA.

Even when there are no formal charges, the ISA requires that the authorities inform detainees of the accusations against them and permit them to appeal to an advisory board for review every 6 months. However, advisory board decisions and recommendations are not binding on the Home Minister, are not public, and often are not shown to the detainee. Local human rights NGOs claimed that the police

at times intimidated and harassed family members of ISA detainees to prevent them from taking legal action against the police.

Amendments to the ISA in 1988 circumscribed judicial review of ISA detentions. The Bar Council has in the past asserted that detentions under the ISA should be subject to full judicial review. The courts did not concur with this interpretation, limiting their review to procedural issues. Detainees freed after judicial order nearly always were detained again immediately. Following several successful legal challenges to ISA detentions on procedural grounds, in August, the Federal Court ruled that the courts should not intervene where matters of national security and public order are at stake.

According to the Government, the goal of the ISA is to control internal subversion. In August, the Government stated that there were 99 persons in detention under the ISA of whom 79 were suspected of involvement in terrorism. These included 61 members of Jemaah Islamiyah and 18 members of *Kumpulan Militan Malaysia*. Among those detained were members of the opposition Islamic Party (PAS), including Nik Adli, son of the PAS leader.

There were no new reports of the Government using the ISA against political opponents during the year. However, the ISA, and the threat of invoking the ISA, have in the past been used to intimidate and restrict political dissent. For example, in 2001 the Government used the ISA to detain 10 political activists who were leaders of, or closely associated with, the opposition National Justice Party (*Keadilan*), claiming that they represented a threat to national security. In August 2002, the Federal Court ruled that the detentions were unlawful. However, as the Court's rulings focused on the police's initial 60-day detention order and not on the Home Affairs Ministry's subsequent 2-year detention, the six remained in prison until June, when they were released. Two of those released claimed that their police interrogations were limited to questions about their political beliefs and personal life and not about the alleged offenses for which they initially were detained.

Opposition leaders and human rights organizations continued to call on the Government to repeal the ISA and other legislation that deprived persons of the right to defend themselves in court. In April, after nearly a year of reviewing the case, Suhakam publicly urged the Government to release the six *Keadilan* detainees and recommended that the ISA be rewritten to ensure that the Government could not use it against political opponents. Suhakam also recommended that ISA detainees have access to legal counsel within 24 hours of detention and to families within 48 hours. The Suhakam 2002 annual report noted that detention without trial constituted a violation of human rights.

The Government stated that the move by foreign governments to implement preventive detention measures to combat terrorism underscored the country's continued need for the ISA. However, in September, the Minister of Legal Affairs said that the Government was reviewing the ISA and would incorporate Suhakam's recommendations into its report.

Under the Emergency Ordinance, the Home Minister may issue a detention order for up to 2 years against a person if he deems it necessary to protect public order, or for the "suppression of violence, or the prevention of crimes involving violence." In practice, the Government used the Emergency Ordinance for other reasons.

Provisions of the Dangerous Drugs Act (Special Preventive Measures) give the Government specific power to detain suspected drug traffickers without trial for up to 39 days before the Home Minister must issue a detention order. Once an order is issued, the detainee is entitled to a hearing before a court, which may order the detainee's release. Suspects may be held without charge for successive 2-year intervals with periodic review by an advisory board, whose opinion is binding on the Home Minister. However, the review process contains none of the procedural rights that a defendant would have in a court proceeding. The police frequently detained suspected narcotics traffickers under this act after the traffickers were acquitted of formal charges. During the year, the Government detained over 1,975 persons under the act.

The Restricted Residence Act allows the Home Ministry to place criminal suspects under restricted residence in a remote district away from their homes for 2 years. The Ministry is authorized to issue the banishment orders without any judicial or administrative hearings. Human rights activists questioned the need for this colonial-era law and called for its repeal. The Government continued to justify the act as a necessary tool to remove suspects from the area where undesirable activities were being conducted. The Government did not disclose how many persons were subject to the Restricted Residence Act and no accurate estimate was available.

Immigration laws were used to detain alleged illegal immigrants. The detainees were not accorded any administrative or judicial hearing and were released only after their employers proved their legal status. Those who were able to produce

legal documents normally were released immediately; those who were unable to prove their legal status often were held for extended periods before deportation. Illegal immigrants were kept in detention centers that were separate from prisons. There is no codified legal distinction made between illegal workers, asylum seekers and trafficking victims (see Sections 1.c. and 2.d.).

Crowded and understaffed courts often resulted in lengthy pretrial detention, sometimes lasting several years.

Section 396 of the Criminal Procedure Code allows the detention of a person whose testimony as a material witness is necessary in a criminal case, if that person is considered likely to flee.

The Constitution provides that no citizen may be banished or excluded from the Federation. However, according to the terms of a 1989 peace agreement, Chin Peng, the 80-year-old former leader of the Communist insurgency in the country lives in exile in Thailand and has been denied permission to return to the country.

e. Denial of Fair Public Trial.—The Constitution provides for an independent judiciary; however, over the last 20 years government action, constitutional amendments, legislation restricting judicial review, and other factors limited judicial independence and strengthened executive influence over the judiciary. The secular legal system is based on English common law. Trials are public, although judges may order restrictions on press coverage. Defendants have the right to counsel, bail is sometimes available, and strict rules of evidence apply in court. Defendants may make statements for the record to an investigative agency prior to trial. Limited pretrial discovery in criminal cases impeded defendants' ability to defend themselves.

The Government limited judicial independence significantly in 1988 through a constitutional amendment that provided that judicial powers would be conferred by Parliament rather than being vested directly in the courts. The amendment also conferred certain judicial powers on the Attorney General, including the authority to instruct the courts on which cases to hear, the power to choose venues and the right to discontinue cases. The Attorney General has control and direction of all criminal prosecutions under the Criminal Procedure Code and has assumed responsibility for judicial assignments and transfers. Since 1988, senior judges have been appointed based on the recommendation of the Prime Minister.

In recent years, members of the bar, NGOs and other observers have expressed serious concern about the general decline of judicial independence, citing a number of high-profile instances of arbitrary verdicts, selective prosecution, and preferential treatment of some litigants and lawyers. The most widely criticized such case was that of former Deputy Prime Minister Anwar Ibrahim. In 1998, after a peaceful demonstration in which he called for Prime Minister Mahathir's resignation, Anwar was detained for alleged corruption and sodomy. In 1999, Anwar was convicted of four counts of corruption and sentenced to 6 years in prison. Appeals in 2000 and 2002 were denied. In 2000, Anwar was convicted on a separate charge of sodomy and sentenced to 9 years in prison, to be served consecutively with the corruption sentence. In April, the Court of Appeal upheld this conviction. Anwar appealed the decision to the Federal Court, and the case was pending at year's end.

According to many legal experts, both domestic and international, Anwar Ibrahim is a political prisoner because he was charged, tried, and convicted in a legal process that was politically motivated and patently unfair. Observers alleged manufactured charges of corruption and sodomy, questionable rulings by the presiding judges that facilitated the prosecution and greatly limited Anwar's defense, and an unwillingness by the judiciary to consider reasonable bail requests. In July, three of the judges involved in Anwar's case were promoted to higher positions ahead of judges with more seniority. According to the law, Anwar Ibrahim is classified as a common criminal who does not have the right to receive visits from international human rights organizations.

Defendants enjoy the presumption of innocence and may appeal court decisions to higher courts; however, a 1997 amendment to the Criminal Procedure Code strengthened prosecutors' ability to bring a case to trial by reducing the standard of proof necessary to avoid summary dismissal of the case.

The Courts of Judicature Act limits a defendant's right to appeal in some circumstances. The Government stated that the limits expedited the hearing of cases in the upper courts, but the president of the Bar Association said that the act imposed too many restrictions on appeals.

High Courts have original jurisdiction over all criminal cases involving serious crimes. Minor civil suits are heard by Sessions Courts. Juvenile Courts try offenders below 18 years of age. The Special Court tries cases involving the King and the Sultans. The Court of Appeal has appellate jurisdiction over High Court and Sessions

Court decisions. The Federal Court, the country's highest court, reviews Court of Appeal decisions.

The Essential (Security Cases) Regulations restrict the right to a fair trial by lowering the standard for accepting self-incriminating statements by defendants as evidence in firearm and certain national security cases. The regulations also allow the authorities to hold an accused for an unspecified time before making formal charges.

Even when the Essential Regulations are not invoked, police sometimes used other tactics to limit the legal protections of defendants. For example, during a trial police may summon and interrogate witnesses who have previously given testimony that was not helpful to the prosecution. Human rights advocates accused police of using this tactic to intimidate witnesses. Police also have used raids and document seizures to harass defendants.

Contempt of court charges also restricted the ability of defendants and their attorneys to defend themselves. However, the use of contempt charges against defendants and their attorneys appeared to be decreasing. During the year, a lawyer active in representing the families of persons who died in custody was charged with intentionally insulting a public servant and criminally intimidating a witness during a 2002 inquest hearing. The prosecution subsequently dropped the first charge, and a High Court judge dismissed the second charge. Observers believed the case to be an aberration and did not believe there was a government policy to hinder public defenders.

Certain provisions of the Anti-Corruption Act impinge on the presumption of a defendant's innocence. A 1997 amendment to the act requires that an accused prove that he acquired monetary and other assets legally.

Shari'a laws administered by state authorities through Islamic courts bind Muslims, the large majority of whom are ethnic Malays. These laws vary from state to state. In 2002, the Government established a committee to recommend ways to harmonize Shari'a laws throughout the country, but any recommendations it may make will have to be adopted by individual state legislatures. The Shari'a courts do not give equal weight to the testimony of women. Many NGOs also complained that women did not receive fair treatment from Shari'a courts, especially in matters of divorce and child custody (see Section 2.c.).

Indigenous peoples in Sarawak and Sabah have a system of customary law to resolve matters such as land disputes between tribes. Additionally, Penghulu (village head) courts may adjudicate minor civil matters, but these were rarely used.

The military has a separate system of courts.

f. Arbitrary Interference with Privacy, Family, Home or Correspondence.—The law protects against such practices; however, authorities infringed on citizens' privacy rights in some cases. Provisions in the security legislation allow the police to enter and search without a warrant the homes of persons suspected of threatening national security (see Section 1.d.). Police also may confiscate evidence under these acts. In some cases each year, police use this legal authority to search homes and offices, seize books and papers, monitor conversations, and take persons into custody without a warrant.

The Anti-Corruption Act empowers the Attorney General to authorize the interception of mail and the wiretapping of telephones. Information obtained in this way is admissible as evidence in a corruption trial.

The law permits the Home Ministry to place criminal suspects under restricted residence in a remote district away from their homes for 2 years (see Section 1.d.).

The Government bans membership in unregistered political parties and in unregistered organizations (see Section 2.b.).

Certain religious issues posed significant obstacles to marriage between Muslims and adherents of other religions (see Section 2.c.).

Muslim couples must take premarital courses (see Section 5).

Two state governments sought to restrict Muslim women's dress (see Section 5). In Kelantan, the state government decreed that female performers may appear only before female audiences.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution provides for freedom of speech and freedom of the press; however, some important legal limitations exist, and in practice, the Government restricted freedom of expression and intimidated most of the print and electronic media into practicing self-censorship. According to the Government, restrictions on this freedom were imposed to protect national security, public order, and friendly relations with other countries.

The Constitution provides that freedom of speech may be restricted by legislation "in the interest of security (or) public order." For example, the Sedition Act prohibits public comment on issues defined as sensitive, such as racial and religious matters.

In practice the Sedition Act, Official Secrets Act (OSA), criminal defamation laws, and some other laws were used to restrict or to intimidate dissenting political speech.

The Prime Minister and other senior officials continued to ascribe seditious or treasonous motives to critics of government policies, although many persons still criticized the Government publicly. In June 2002, the opposition leader Lim Kit Siang and a number of his colleagues were arrested for distributing leaflets that criticized the Prime Minister's declaration that the country was an Islamic state. Throughout the year, Government officials warned that political parties that raised sensitive issues and threatened national stability would be charged under the Sedition Act. In May, the editor of the opposition paper *Harakah* was fined \$1,300 (5,000 ringgit) for publishing an allegedly seditious article in 1999 regarding the Anwar Ibrahim trial. In 2002, opposition politician Marina Yusoff, charged with sedition for comments she made about the 1969 racial violence while campaigning for Parliament in 1999, was fined \$1,300 (5,000 ringgit).

In the past, the Bar Council and other NGOs called for a review of certain provisions of the OSA, accusing the Government of using the act to cover up corruption. In 2000, Ezam Noor, a former aide to Anwar Ibrahim, was charged under the OSA with disclosing secret Anti-Corruption Agency reports to the media. In August 2002, Ezam was convicted of the charge and sentenced to 2 years in prison, but he was released on bail in June pending appeal.

The English and Malay press provided generally uncritical coverage of government officials and policies and usually gave only limited and selective coverage to political views of the opposition or political rivals. Editorial opinion almost always reflected government positions on domestic and international issues. Print journalism was dominated by eight daily newspapers—two each publishing in English and Malay and four publishing in Chinese. One of the parties in the ruling coalition owned or controlled a majority of shares in each of the English and Malay dailies, and two of the Chinese dailies. Politically well-connected tycoons owned the other two Chinese-language newspapers. During the year, several newspaper vendors were the targets of official raids for selling opposition party or independently owned newspapers. However, self-censorship and biased reporting in the print media were not uniform and the English-, Malay-, and Chinese-language press sometimes provided balanced reporting on sensitive issues.

The Printing Presses and Publications Act (PPPA) limits press freedom. Under the Act, domestic and foreign publications must apply annually to the Government for a permit. The Act was amended to make the publication of "malicious news" a punishable offense, to expand the Government's power to ban or restrict publications, and to prohibit court challenges to suspension or revocation of publication permits. According to the Government, this amendment was made to ensure that "distorted news" was not disseminated to the public. Government power over annual license renewal and other policies created an atmosphere that inhibited independent or investigative journalism and resulted in extensive self-censorship. In October 2002, Deputy Home Affairs Minister Chor Chee Heung told Parliament that, from the beginning of 2001 until October 2002, 1,345 publications and printing premises were inspected and 2,305 volumes of publications were confiscated under the Act. Government officials continued to argue that the Act helped to preserve harmony and to promote peaceful coexistence in a multiracial country.

On October 16, the Kuala Lumpur Magistrate Court sentenced human rights monitor Irene Fernandez to 12 months' imprisonment for malicious publication of false material. The sentence was suspended pending appeal. The charge under the PPPA stemmed from a 1995 memorandum entitled "Abuse, Torture and Dehumanized Treatment of Migrant Workers at Detention Camps." The magistrate rejected Fernandez's interviews as hearsay and noted that Fernandez had made no effort to visit the camps personally (the Government does not allow NGOs to visit the camps). The proceeding was the longest criminal trial in the country's history.

A draft Media Code submitted to Parliament in 2002 sought to establish a code of conduct for all print, radio, and television journalists and to form a regulatory Media Council. While the stated purpose of the code was to raise the standards of journalism, the National Union of Journalists publicly denounced the proposed Council as an attempt to curb media freedom. Media sources alleged that press freedoms declined during the year and that news editors had little freedom in deciding what to print. Editorial decisions were frequently left to editors-in-chief chosen by the Prime Minister's office. Media staffs were routinely required to attend briefings where they were asked to be more cooperative.

In September 2002, the permit of the independently owned Chinese language newspaper *Oriental Daily Express* was suspended on the day of the paper's first issue. The Home Affairs Ministry gave no reason for the suspension but allowed the

paper to resume publication 2 months later. One month after resumption of publication, the newspaper cut its opinion page due to pressure from the Home Ministry and rival newspapers.

The Government also sometimes directly restricted the dissemination of information that it deemed embarrassing or prejudicial to national interests. For example, the Government continued its policy of not allowing public disclosure of air pollution index readings or deaths due to dengue fever.

Publications of opposition parties, social action groups, unions, and other private groups actively covered opposition parties and frequently printed views critical of government policies. However, the Government retained significant influence over these publications by requiring the annual renewal of publishing permits and limiting circulation only to organization members. The PAS newspaper, *Harakah*, was the target of several ruling party-sponsored libel suits. *Harakah* was the only major Malay- or English-language print media forum for opposition views, and its circulation rivaled that of mainstream newspapers. Since 2000, under Government stricture *Harakah* has been limited to publishing only twice monthly instead of twice a week.

Most major newspapers have online editions, which generally fall outside government regulations, as they are not required to have publication permits. The Government engaged in a campaign to discredit the independent Internet daily, *Malaysiakini.com*, winner of an International Press Institute 2001 Press Freedom Award. In January, the ruling party youth movement, United Malays National Organization Youth, (UMNO Youth) lodged a complaint against *Malaysiakini* over a letter published on the website that allegedly contained seditious remarks. In response, police raided the daily's offices, confiscating 15 computers and 4 servers, and shutting down the company's online service for over 10 hours. While the Government continued to deny *Malaysiakini* formal press accreditation, its reporters were allowed to cover government functions and ministers' press conferences.

Printers, who also must have their permits renewed annually, often were reluctant to print publications that were critical of the Government.

During the year, the Government interfered with the timely release and distribution of several foreign magazines, including the *Far Eastern Economic Review* and *The Economist*. Government officials, including the Prime Minister, continued to accuse the foreign media of harboring ill intentions toward the country and of deliberately misrepresenting the country's political and economic environment by focusing on negative news. In September, the Deputy Home Minister said the Government would consider a ban against any foreign magazine that made unfounded allegations against the country and its leaders.

The electronic media was restricted more tightly than the print media. Radio and television stations almost uniformly were supportive of the Government's news coverage and commentary. News of the opposition was restricted tightly and reported in a biased fashion. Opposition representatives said they were unable to have their views heard and represented on the country's television and radio stations. In the period preceding a 2002 by-election, the government-owned television networks ran a recurring prime-time news clip likening the opposition PAS party to the Taliban.

The two privately owned television stations had close ties to the ruling coalition and were unlikely to provide a forum for the opposition parties. In 2002, the Government did not approve a longstanding license application for a state radio station in opposition-controlled Kelantan State. Internet television faced no such restrictions. In 2001, PAS launched its own Internet television studio, with daily broadcasts.

The Government censored books and films for profanity, nudity, sex, violence, and certain political and religious content. Television stations censored programming in line with government guidelines. Some foreign newspapers and magazines were banned, and, infrequently, foreign magazines or newspapers were censored, most often for sexual content. However, the increased prevalence of the Internet undermined such restrictions. The Government maintained a "blacklist" of local and foreign performers, politicians, and religious leaders who were not allowed to appear on television or radio broadcasts. The Government continued to try to block the production, distribution, and sales of unauthorized video compact discs (VCDs) and digital video discs (DVDs), especially those with pornographic or sensitive political content.

The Communications and Multimedia Act (CMA) requires certain Internet and other network service providers to obtain a license. In the past, the Government stated that it did not intend to impose controls on Internet use, but noted that it would punish the "misuse" of information technology under the CMA. During the year, the Government did not use licensing provisions under the CMA to interfere with Internet access or to restrict Internet content.

The Government generally restricted remarks or publications that might incite racial or religious disharmony; it also attempted to restrict the content of sermons at mosques in the states controlled by the ruling coalition. Some state governments banned certain Muslim clergymen from delivering sermons, and more recently, active monitoring of sermons began in certain states (see Section 2.c.). The Religious Affairs Department continued to conduct background checks on all clergymen. The Government also cracked down on the distribution and sale of the opposition party's VCDs and audiocassettes.

The Government places some restrictions on academic freedom, particularly the expression of unapproved political views, and the Government enforced restrictions on teachers and students who expressed dissenting views. In 2002, the Government began to require that all civil servants, university faculty, and students sign a pledge of loyalty to the King and the Government. Opposition leaders and human rights activists claimed that this was intended to restrain political activity among civil servants, academics, and students. Although academics sometimes were publicly critical of the Government, there was clear self-censorship among public university academics whose career advancement and funding depended on the Government. In 2001, senior government officials said that teachers who opposed the Government and students who took part in anti-government activities would face disciplinary actions, including dismissal and expulsion. In February, a Universiti Teknologi Malaysia lecturer who was pursuing his doctorate had his scholarship revoked after he was found to have been involved in anti-government activity. In June, seven university students were denied the right to continue their studies after being charged with illegal assembly.

Private institution academics practiced self-censorship as well, fearing that the Government might revoke the licenses of their institutions. The law also imposes limitations on student associations and student and faculty political activity (see Section 2.b.).

The Government has long stated that students should be apolitical and used that assertion as a basis for denying parties access to student forums. According to student leaders, students who signed anti-government petitions sometimes were expelled or fined. The Government enforced this policy selectively and did not refrain from spreading government views on political issues among students and teachers.

b. Freedom of Peaceful Assembly and Association.—The Constitution provides for freedom of peaceful assembly; however, in practice, the Government placed significant restrictions on this right. This right may be limited in the interest of security and public order, and the Police Act requires police permits for all public assemblies except for workers on picket lines. The decision to grant a permit theoretically rests with the district police chief; however, in practice, senior police officials and political leaders influenced the grant or denial of some permits. Police granted permits routinely to government and ruling coalition supporters; however, they used a more restrictive policy with government critics. In July 2001, the Government ceased issuing permits for all political meetings throughout the country. This was widely perceived as an effort to target the activities of the political opposition, although some opposition rallies continued to be held. In 2002, PAS filed a suit against the Government protesting the ban. In January, opposition activists attending a political forum organized by PAS were arrested for illegal assembly. Similarly, in July, an outdoor march in support of rape victims was cancelled after police refused a permit on grounds of “public security.” However, in September, the Elections Commission announced that public rallies by political parties would be permitted for the upcoming general election, subject to appropriate police permits.

In July, Suhakam's third annual report reiterated the Commission's earlier criticism of government-imposed restrictions on freedom of assembly. In 2001, Suhakam released a report highlighting the fact that the right of assembly is provided for in the Constitution; it recommended easing police permits for gatherings, setting up a special “speaker's corner,” and reviewing laws that restrict the right to free assembly. The Government responded by calling the report “biased and idealistic” and influenced by “Western liberal thinking.”

The Constitution provides for the right of association; however, the Government placed significant restrictions on this right and certain statutes limit this right. Under the Societies Act, only registered, approved organizations of seven or more persons may function as societies. The Government sometimes refused to register organizations or imposed conditions when allowing a society to register. The Government prohibited the Communist Party and affiliated organizations to register and has blocked the registration of the Socialist Party of Malaysia since 1999 (see Section 1.f.). The Government also has the power to revoke the registration of an existing society for violations of the Act, a power that it enforced selectively against political opposition groups.

In 2001, Parliament amended the Registration of Businesses Act to enable the Registrar to revoke or refuse the registration of organizations deemed to be engaging in unlawful activities or with purposes that were incompatible with national security. Some human rights activists expressed concern that this could be used to restrict NGOs that were critical of the Government.

Under the Companies Act, the Registrar of Companies may refuse to register a proposed company or disband an existing company if he is satisfied that the company is likely to be used for any purpose prejudicial to national security or the public interest. Opposition parties and NGO activists alleged that the sweeping powers granted to the Registrar of Companies were designed to stifle criticism. The Government denied these charges and stated that financial irregularities were the amendments' main target.

The Universities and University Colleges Act also restricts freedom of association. This act mandates university approval for student associations and prohibits student associations and faculty members from engaging in political activity. Many students, NGOs, and opposition political parties called for the repeal or amendment of the act. A number of ruling coalition organizations and politicians also supported reexamination of the act, but the Government argued that the act still was necessary.

c. Freedom of Religion.—The Constitution provides for freedom of religion; however, the Government placed some restrictions on this right. Although Islam is the official religion, the practice of Islamic beliefs other than Sunni Islam was restricted significantly. Religious minorities, which include large Buddhist, Christian, Hindu, and Sikh communities, generally worshipped freely, although with some restrictions. Government funds supported an Islamic religious establishment, and it was official policy to “infuse Islamic values” into the administration of the country. The Government imposed Islamic religious law (Shari’a) on Muslims only in some matters and it did not impose Shari’a beyond the Muslim community. Adherence to Islam was considered intrinsic to Malay ethnic identity in peninsular Malaysia and therefore Islamic religious laws administered by state authorities through Islamic courts bind all ethnic Malays (and other Muslims) in some matters. Then-Prime Minister Mahathir’s remarks about Jews at the October summit of the Organization of the Islamic Conference (OIC) drew international condemnation. Prime Minister Abdullah Badawi, who succeeded Mahathir 2 weeks after the OIC speech, subsequently emphasized religious tolerance towards all faiths.

The Registrar of Societies, under the Ministry of Home Affairs, registers religious organizations. Registration enables organizations to receive government grants and other benefits.

Muslims who wished to convert from Islam faced severe obstacles. In 2001, a High Court judge rejected the application of a Malay woman who argued that she had converted to Christianity and requested that the term “Islam” be removed from her identity card. The judge ruled that an ethnic Malay is defined by the Federal Constitution as a “person who professes the religion of Islam.” The judge also stated that only an Islamic court has jurisdiction to rule on the woman’s supposed renunciation of Islam and conversion to Christianity. In 2002, the Court of Appeal upheld this decision. These rulings made conversion of Muslims nearly impossible in practice.

In 2000, Perlis State enacted a law requiring that Muslims found guilty of apostasy by a Shari’a court be sent to “faith rehabilitation centers.” Since its enactment, there have been no convictions under this law.

The Government generally respected non-Muslims’ right of worship; however, state governments carefully controlled the building of non-Muslim places of worship and the allocation of land for non-Muslim cemeteries. In 1999, the Malaysian Consultative Council of Buddhism, Christianity, Hinduism, and Sikhism (MCCBCHS) protested the planned implementation of Ministry of Housing and local government guidelines governing non-Muslim places of worship. The MCCBCHS specifically complained that the guidelines required an area to have at least 2,000 adherents of a non-Muslim faith before a building permit would be granted. As a result of the controversy raised by this issue, the MCCBCHS and the Federal Territory Counseling and Service Center separately urged the Prime Minister to create a national “inter-religious” council to improve understanding among different religious groups. Muslim NGOs opposed the proposal, arguing that such a council would have powers to endorse apostasy and could pave the way for other religions to spread their teachings among Muslims.

Proselytizing of Muslims by members of other religions is strictly prohibited although persons proselytizing non-Muslims face no obstacles. The Government discouraged the circulation in the country’s peninsular region of Malay-language translations of the Bible and distribution of Christian tapes and printed materials in

Malay. However, Malay-language Christian materials could be found. The distribution of Malay-language Christian materials faced few restrictions in the eastern part of the country.

While representatives of non-Muslims do not sit on the immigration committee that approves visa requests from members of the clergy, the MĀCBCHS is asked for its recommendation.

The Government opposed what it considers to be “deviationist” interpretations of Islam, maintaining that the deviant groups’ extreme views endanger national security. In the past, the Government imposed restrictions on certain Islamic groups, primarily the small number of Shi’a Muslims. The Government continued to monitor the activities of the Shi’a minority and religious groups believed to be involved in deviant Islamic teachings. In 2000, the Shari’a Court in Kelantan State sentenced four persons to 3 years in jail for disregarding a lower court order to recant their allegedly heretical Islamic beliefs and to return to the true teachings of Islam. The High Court rejected their argument that Shari’a law had no jurisdiction over them because they had ceased to be Muslims. In 2002, the Court of Appeal affirmed the High Court ruling. The four individuals subsequently filed an appeal with the Federal Court that was still pending at year’s end. In a similar case also in 2002, the Federal Court ruled that civil courts have no power to intervene in matters pertaining to Shari’a court orders involving Muslim parties and Islamic law.

The Government periodically detained members of deviant sects. In July, the Selangor Religious Affairs Department detained 67 members of the group Islam Jamaah, claiming that the teachings of the group were detrimental to society. The members were charged under the Selangor Shari’a Criminal Enactment and if convicted are liable to a 2-year jail term and/or a fine of \$800 (3,000 ringgit). The case was still pending at year’s end.

The Government generally restricted remarks or publications that might incite racial or religious disharmony. This included some statements and publications critical of particular religions, especially Islam. The Government also restricted the content of sermons at mosques. The Government periodically warned against those who delivered sermons in mosques for “political ends,” and, occasionally, state governments banned certain Muslim clergymen from delivering sermons at mosques.

For Muslim children, religious education according to a government-approved curriculum is compulsory. There were no restrictions on home instruction.

In 2002, the Government implemented a policy that requires all Muslim civil servants to attend Islamic classes taught by government-approved teachers.

In family and religious matters, all Muslims are subject to Shari’a law. Efforts by the PAS-led governments of Terengganu State and Kelantan State to implement Shari’a criminal law (see Section 5), which would impose Islamic penalties for theft, robbery, illicit sex, drinking alcohol, and the renunciation of Islam have been challenged in Federal court, and the cases were still pending as of year’s end. In September, the Deputy Prime Minister stated that police could not enforce Islamic criminal law (hudud) until the Attorney General decided on the matter and that the criminal procedure code was still in effect in Terengganu. The PAS-controlled state governments in Terengganu and Kelantan have placed restrictions on non-Muslims consuming alcohol, gambling, and dancing. Reportedly, women were subject to discriminatory interpretations of Shari’a law and inconsistent application of the law from state to state.

The Government has a comprehensive system of hiring and other preferences for ethnic Malays and members of a few other groups, known collectively as “bumiputras,” most of whom are Muslim (see Section 5).

For a more detailed discussion, see the 2003 International Religious Freedom Report.

d. Freedom of Movement within the Country, Foreign Travel, Emigration, and Repatriation.—Citizens generally have the right to travel, live, and work where they please; however, the Government restricted these rights in some circumstances. The eastern states of Sabah and Sarawak control immigration and require citizens from peninsular Malaysia and foreigners to present passports or national identity cards for entry. In 2002, the Federal Court ruled that Sabah’s exclusive control on immigration was provided for in the Constitution and could not be challenged. In August, a prominent local human rights activist was denied entry to Sarawak and returned to peninsular Malaysia, allegedly due to her anti-logging positions. NGOs claimed that some citizens were blacklisted and not permitted to travel outside of Malaysia as they might “tarnish the reputation” of the country.

The Government regulated the internal movement of provisionally released ISA detainees. The Government also used the Restricted Residence Act to limit movements of those suspected of some criminal activities (see Section 1.d.).

Citizens must apply for government permission to travel to Israel.

The Government has not ratified the 1951 U.N. Convention Relating to the Status of Refugees or its 1967 Protocol and does not abide by customary international law in this area. The Government sometimes granted temporary refuge to asylum seekers. In August, the police arrested over 240 Acehnese asylum seekers outside the office of the United Nations High Commissioner for Refugees (UNHCR) in Kuala Lumpur. On August 28, the Prime Minister stated that Acehnese would not be allowed to seek political asylum and would be deported. The UNHCR and a number of human rights groups protested the government policy, asserting that it was contrary to customary international law.

In January, Suhakam called on the Government to reconsider caning as a penalty for illegal immigrants alleging that it amounts to cruel and inhumane treatment. The new immigration law, in effect since 2002, provides for 6 months in prison and up to six strokes of the cane for immigration violations. In practice, due to delays in processing travel documents, many illegal immigrants were detained in the camps for over a year (see Section 1.d.).

The Government does not distinguish between asylum seekers and illegal immigrants, and those under detention were detained together. Detention facilities were overcrowded and lacked medical facilities. Detainees allegedly were provided inadequate food and were subject to abuse. Local NGOs maintained that there were some forced expulsions of asylum seekers and refugees during the year.

Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government

By law, citizens have the right to change their Government through periodic elections; however, while votes generally were recorded accurately, there were irregularities that affected the fairness of elections.

In practice, opposition parties were unable to compete on equal terms with the governing coalition (which has held power at the national level since 1957) because of significant restrictions on campaigning, freedom of assembly, freedom of association, and access to the media. Nevertheless, opposition candidates campaigned actively, with some success in state and national elections. In 2002, the opposition retained a seat in the Kedah state assembly but lost a national Parliamentary seat in a tightly contested election. In the last national election, held in 1999, the opposition more than doubled the number of its seats in parliament from 20 to 45, out of a total of 193.

The country has a parliamentary system of government with a bicameral legislature. National elections are required for the lower chamber at least every 5 years and have been held regularly since independence in 1957. Members of the upper chamber, the Senate, are appointed. The Malay-based UMNO party dominates the ruling National Front coalition. Since 1969, the National Front coalition always has maintained at least a two-thirds majority in parliament, which enables the Government to amend the Constitution at will. Over the years, power increasingly has been concentrated in the Prime Minister. In October, Mahathir Mohamad, who had been Prime Minister since 1981, retired and relinquished power to his deputy, Abdullah Badawi.

The lack of equal access to the media was the most serious problem encountered by the opposition in the November 1999 elections (see Section 2.a.). Government-owned stations and the country's two private television stations had virtually no impartial reporting on the opposition. The mainstream English- and Malay-language newspapers carried biased coverage of domestic politics as well. In addition, opposition parties encountered difficulties in placing paid advertisements in newspapers; however, a few opposition advertisements did appear, after editing by the newspapers, in English- and Chinese-language newspapers.

Opposition leaders claimed that the Election Commission, which is responsible for holding and monitoring elections, did not carry out its duties impartially. The Election Commission is nominally independent but was perceived to be under the control of the Government. NGOs were permitted to form an independent election watch organization, but the organization was accorded no special privileges.

Opposition complaints of irregularities by election officials and allegations of other election fraud during the 1999 campaign were not substantiated, and, according to most observers, there was no evidence that the conduct of election officers significantly affected the results of the 1999 elections. Opposition leaders complained that, in the past, local government officials who served as election officers were not always neutral. In the 1999 elections, the Government did not permit international monitoring or adequately allow for domestic NGO monitoring efforts.

Opposition parties complained about their inability to monitor postal votes (absentee ballots) cast by police and military personnel. The Government, citing security concerns, did not allow party agents to monitor postal vote boxes on military and

police installations. Opposition parties questioned the rationale for such security restrictions. They also raised credible allegations of improper manipulation of postal votes, including statements by former military personnel that their ballots were filled out by others or under the eye of commanding officers.

In the 1999 elections, ballots were marked with a serial number that could be matched against a voter's name. While there was no evidence that the Government ever traced individual votes, some opposition leaders alleged that the potential to do so had a chilling effect on some voters, particularly civil servants.

The Constitution states that parliamentary constituencies should have approximately equal numbers of eligible voters, although the same section states that greater weight should be given to rural constituencies. In recent years, changing demographics and redistricting have reduced the voting advantage previously given to rural constituencies. The Government conducted a nationwide electoral redistricting exercise during 2002. In June, 25 new parliamentary seats were added primarily in states in which the ruling coalition is strong. In September, the opposition complained that the two states it controlled did not get any new seats and that the redistricting was undertaken by the Government to weaken the opposition in the next elections.

Other government measures hampered the opposition's ability to compete with the incumbent ruling coalition. For example, the Government on several occasions issued public warnings to civil servants, including teachers, not to support the opposition (see Section 2.a.). Students faced certain restrictions on political activity (see Sections 2.a. and 2.b.). Government leaders routinely and openly threatened to suspend the allocation of federal funds beyond the constitutionally mandated minimum to constituencies that elected opposition representatives. Ruling coalition members of Parliament received a government allocation totaling approximately \$25 million (95 million ringgit). Opposition members of parliament received no such funds.

In the past, the opposition complained about restrictions on public assemblies during the campaign period (see Section 2.b.). However, the opposition held many large rallies before the 1999 elections. In September, the Elections Commission indicated that it would lift the ban on political rallies for the next general elections.

In 2002, Parliament passed an amendment to the Election Offenses Act providing that anyone raising "sensitive issues" such as religion or race before, during, or after an election could be removed from the electoral roles or banned from standing in an election for 5 years. It also prescribed a prison sentence of up to 5 years and a \$13,000 (50,000 ringgit) fine for violators of the law.

Under the electoral law, unsuccessful candidates may appeal election results to special election courts in instances of alleged fraud, vote tampering, or other infractions of electoral rules. However, in July 2002, Parliament passed an amendment to the electoral law forbidding judicial scrutiny of voter rolls after the Election Commission has certified them.

Over the years, Parliament's function as a deliberative body has deteriorated. Legislation proposed by the Government rarely was amended or rejected. Legislation proposed by the opposition never was given serious consideration. Opposition opportunities to hold legislation up to public scrutiny have diminished. In 2001, a member of Parliament from the opposition Democratic Action Party was suspended without pay for 6 months after publicly criticizing the parliamentary Speaker for disallowing discussion concerning corruption in the process of certifying lawyers.

The 1995 parliament amended its rules to strengthen the power of the Speaker and to curb parliamentary procedures frequently used by the opposition. The amendments empowered the Speaker to ban members he considered unruly for up to 10 days, imposed limits on deputies' ability to pose supplementary questions and revisit non-germane issues, and established restrictions on the tabling of questions of public importance. Further measures in 1997 and 1998 limited even more severely members' opportunities to question and debate government policies. In 2001, an amendment to the parliamentary Standing Orders permitted the Speaker to edit written copies of members' speeches before the speeches were delivered. Nonetheless, Government officials often faced sharp questioning in Parliament, although this was not always reported in detail in the press.

After the 1969 inter-communal riots, the Government abolished elected local government in favor of municipal committees and village chiefs appointed by state governments. Some politicians and NGO activists advocated the reintroduction of local government elections. Even some ruling party municipal officials noted that local bodies were simply "rubber stamps" for the Government.

Women faced no legal limits on participation in government and politics, and the Government proposed a "plan of action for the advancement of women" to redress inequalities that did exist. At year's end, 3 of 28 cabinet ministers were women. Women held 20 of 193 seats in the House of Representatives, and they held 19 of

69 seats in the Senate. In 2001, the Prime Minister established the Ministry of Women's Affairs and Family Development and appointed a prominent female politician as its first minister. In August, noting the low percentage of women in legislative seats, the Minister of Women's Affairs asserted that, "It is a simple fact of life that women operate in a very unequal workplace environment." PAS does not allow women to stand as candidates for the House of Representatives; however, the party has three female senators. In the past, it has supported female candidates of other parties.

Ethnic minorities are represented in cabinet-level positions in Government, as well as in senior civil service positions. The political dominance of the Malay majority meant, in practice, that ethnic Malays held the most powerful senior leadership positions. Non-Malays filled 9 of the 28 cabinet posts and 16 of 31 deputy minister positions. An ethnic Chinese leader of a component party of the ruling coalition was Chief Minister of Penang State.

Section 4. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A number of NGOs, including the Bar Council and other public interest groups, devoted considerable attention to human rights. The Government generally tolerated their activities but often did not respond to their inquiries or press statements. Government officials met with NGOs on several occasions during the year. Although Government officials harshly criticized domestic NGOs for collaborating with foreigners, including international human rights organizations, in recent years, no group was banned or decertified.

The Government generally did not allow international human rights organizations to form domestic branches; however, it usually did not restrict access by representatives of those organizations. The Government did not allow Amnesty International (AI) to set up a branch as an NGO. However, AI incorporated itself as a business, and it was able to function much like an NGO.

The National Human Rights Commission (Suhakam) under the leadership of former Attorney General Abu Talib has come to be seen by some analysts as a credible monitor of the human rights situation in the country and a check on police activities that previously lacked oversight. The legislation that created Suhakam defines human rights as "the fundamental liberties provided for" in the Constitution and restricts the application of the Universal Declaration of Human Rights to those provisions consistent with the Constitution. Opposition leaders and NGOs, including the Bar Council, criticized this definition of human rights as too narrow. Suhakam is not empowered to inquire into allegations relating to ongoing court cases and must cease its inquiry if an allegation under investigation becomes the subject matter of a court case.

In July, Suhakam published its third annual human rights report, which criticized deaths in police custody, detentions without trial, and reiterated Suhakam's opposition to government-imposed restrictions on freedom of assembly. It also called for the repeal and replacement of the ISA with new legislation that is more in line with human rights principles.

During the year, Suhakam commissioners traveled throughout the country to educate community leaders, including police officials, on the purposes of the Commission and the importance of human rights. Commissioners also made several visits to prisons throughout the country to monitor conditions. In March, Suhakam released a report on the condition of ISA detainees. The report noted some human rights violations and outlined 18 recommendations aimed at improving conditions. Some observers credited Suhakam with the release of six opposition activists detained under the ISA.

Some observers acknowledged Suhakam as one of the few institutions in society with any ability to challenge, however tentatively, executive control. In August, Suhakam itself noted that a major challenge that remained unresolved was the slow government response to their reports on major issues that touched on fundamental liberties. In September, the then-Deputy Prime Minister (now Prime Minister) praised Suhakam for playing a positive and constructive role in the national dialogue on human rights.

Section 5. Discrimination Based on Race, Sex, Disability, Language, or Social Status

The Constitution provides for equal protection under the law and prohibits discrimination against citizens based on religion, race, descent, or place of birth. In 2001, Parliament unanimously approved a constitutional amendment barring discrimination on the basis of sex. However, discrimination based on some of these factors persisted. For example, government policies gave preferences to ethnic Malays in housing, home ownership, the awarding of government contracts, educational

scholarships, and other areas. Neither the Constitution nor other laws explicitly prohibited discrimination based on physical or mental disabilities, but the Government promoted greater public acceptance and integration of persons with disabilities.

Women.—Violence against women remained a problem. Spousal abuse drew considerable government, NGO, and press attention. According to the Women's Aid Organization, there were over 3,000 cases of domestic violence reported during the year.

The Domestic Violence Act addresses violence against women in the home. However, women's groups criticized the act as inadequate and called for amendments to strengthen it. In their view, the act fails to protect women in immediate danger by requiring separate reports of abuse to be filed with both the Welfare Department and the police, causing delay in the issuance of a restraining order against the perpetrator. Women's rights activists also highlighted the fact that, because the act is a part of the Penal Code, legal protection for victims is limited to cases in which visible evidence of physical injury is present, despite its interpretation to include sexual and psychological abuse.

Although the Government, NGOs, and political parties established shelters and offered other assistance to battered spouses, activists asserted that support mechanisms for victims of domestic violence remained inadequate. The police established a Sexual Investigations Unit at each police headquarters as part of a nationwide effort to help victims of sexual crimes and abuse. Police responses and sensitivity to complaints of domestic violence improved, but women's rights activists claimed that the police needed additional training in handling domestic abuse as well as rape cases. In September, the Minister for Women and Family Development urged the Government to place female officers at each police station to deal with victims who are often reluctant to lodge reports with male personnel. In December, the Prime Minister, who is also the Home Affairs Minister, directed all district police stations to establish units specially trained to minimize the trauma faced by victims of sex crimes and domestic violence.

Some Shari'a experts have urged Muslim women to become more aware of the provisions of Shari'a that prohibit spousal abuse and provide for divorce on grounds of physical cruelty. However, provisions in state Shari'a laws generally prohibit wives from disobeying the lawful orders of their husbands and present an obstacle to women pursuing claims against their husbands in Shari'a courts. Muslim women were able to file complaints in the civil courts.

Spousal rape is not a crime. Theoretically a man who raped his wife could face charges of assault; however, reportedly no man has been convicted under such circumstances.

Reports of rape were common in the press and among women's rights groups and NGOs. According to police statistics, 714 women were raped in the first 7 months of the year. Many government hospitals have set up crisis centers where victims of rape and domestic abuse could make reports without going to a police station. NGOs and political parties also cooperated in providing counseling for rape victims. However, cultural attitudes and a perceived lack of sympathy from the largely male police force resulted in many victims not reporting rapes. According to the Ministry of Women's Affairs and Family Development and a leading woman's NGO, only 10 percent of rape cases were reported to the police. In November, the Penal Code was amended to increase the punishment for rape to include imprisonment for a term of 5 to 30 years, caning, and a fine. While some rapists received heavy punishments, including caning, women's groups noted that other rapists received inadequate punishments. In September 2002, a police constable was acquitted of charges of raping two foreign women who were in police custody. The Sessions Court ruled that the acts had been consensual. Following sharp public criticism of the verdict, the Attorney General's office filed an appeal. In August, the High Court overturned the Sessions Court's decision and sentenced the policeman to 15 years in prison.

In July 2002, the PAS-controlled Terengganu state assembly passed the Shari'a Criminal Offenses Bill (see Section 2.c.). The Government, led by the Minister of Women's Affairs and Family Development, argued that the proposed law discriminates against women, especially in regard to rape cases. Under the new state law, conviction for rape would require four Muslim male eyewitnesses of good standing to testify if adequate physical evidence was lacking. Women and non-Muslims would be barred from testifying. Illicit sex is punishable with death by stoning if the man or woman is married. For unmarried offenders, the punishment is 100 lashes and 1 year in prison. One prominent NGO critic of the law noted that the provision requiring four male witnesses originally was intended to protect women from false accusations of illicit sex and not as an additional burden of proof for rape victims. The law remained in limbo at year's end, as its implementation requires an amendment to the Federal Constitution. A suit filed in the Federal Court challenging a similar

proposed Kelantan state law on the constitutional grounds that states have no authority over criminal law was pending at year's end.

In the past, some NGOs reported instances of female genital mutilation (FGM) in rural areas, but there have been no reports of such practices in recent years.

Prostitution exists but is not widespread. Prostitution was prosecuted but statistics were only available for foreigners arrested on immigration charges with suspected involvement in prostitution. The number of such persons arrested during the year was 5,584 compared to 4,132 arrested in 2001. Police attributed the increase to more vigorous enforcement efforts.

The country was a source and destination country for trafficking in women for purposes of prostitution (see Section 6.f.).

The Government's Code of Practice on the Prevention and Eradication of Sexual Harassment in the Workplace provides a detailed definition of sexual harassment and attempts to raise public awareness of the problem, but women's groups advocated passage of a law on sexual harassment in lieu of the voluntary code of conduct. The Malaysian Employers Federation opposed any attempt to legislate against sexual harassment in the workplace, arguing that government-imposed policies would unduly restrict the management of labor relations. Since the Code's 1999 introduction, the number of reported incidents of sexual harassment has risen. In July, the Women's Aid Organization reported that it receives approximately 2,000 calls per year relating to all forms of abuse against women.

According to the Minister of Women's Affairs and Family Development, by September 2001 only 1 percent of registered companies in the country had adopted the code. Despite the 2001 approval of a constitutional amendment banning discrimination based on sex, women continued to be the victims of legal discrimination.

Polygyny is allowed and practiced to a limited degree. Islamic inheritance law varies by state, but it generally favors male offspring and relatives. However, one state, Negeri Sembilan, provides for matrilineal inheritance. The number of women obtaining divorces under the provisions of Shari'a that allow for divorce without the husband's consent, while small, was increasing steadily.

Women's rights advocates asserted that women still face discriminatory treatment in Islamic courts due to prejudicial interpretation of Islamic family law and the lack of uniformity in the implementation of family laws among the various states. In 2002, the Sultan of Selangor, who is also the senior Islamic figure in the state, acknowledged the bias against women of Shari'a court judges. In previous years, female activists reported that the premarital courses Muslim couples are required to take perpetuated gender discrimination by misinforming women regarding their rights in marriage. However, there were no such reports during the year.

State governments in Kelantan and Terengganu, which were controlled by PAS, made efforts to restrict Muslim women's dress. In 2002, a local council in Kelantan fined 120 Muslim women for failing to adhere to the dress code while at work. In 2000, the Terengganu state government introduced a dress code for government employees and workers on business premises.

Non-Muslim women are subject to civil (secular) law. The Guardianship of Women and Infants Act was amended in 1999 to give mothers equal parental rights. Four states extended the provisions of the amended bill to Muslim mothers. Women's groups urged all states to do the same. In 2002, Parliament approved an amendment to the Group Settlement Act that gives wives of settlers a joint stake in the land awarded to their husbands.

The Government undertook a number of initiatives to promote equality for women and the full and equal participation of women in education and the work force. Women were represented in growing numbers in professional positions; however, in August the Minister of Women's Affairs and Family Development noted that, while 46 percent of public sector staff were women, only 15 percent held key posts. The media reported in September that women made up 12 percent of the police force. In the scientific and medical fields, women made up more than half of all university graduates, and the total representation of women at universities increased from 29 percent in 1970 to over 50 percent of the student population in recent years. According to the national union of bank employees, 65 percent of members were women, but only one out of eight principal banking officials was a woman.

Children.—The Government has demonstrated a commitment to children's rights and welfare and spends approximately 23 percent of the national budget on education. The Government provides free education for children through 15 years of age. Although primary education is compulsory, there is no enforcement mechanism governing school attendance. Actual attendance at primary school is 96 percent, while secondary school attendance is 82 percent. A variety of programs provided low cost health care for most children.

In 2002, the Child Act of 2001 went into force. The act incorporates the principles of the U.N. Convention of the Rights of the Child, prescribing more severe punishments for child abuse, molestation, neglect, and abandonment. It also mandates the formation of a Children's Court, which the Government stated would better protect the interests of children; however, the court has not yet been established. The act allows caning of male children between the ages of 10 and 18 years, who may receive a maximum of 10 strokes with a "light cane."

The Government recognized that sexual exploitation of children and incest were problems. Incest in particular was a problem in rural areas. A 2002 amendment to the Penal Code provides for from 6 to 20 years' imprisonment and caning for individuals convicted of incest. In September, a man was sentenced to 14 years and 10 strokes of the cane for raping his 15-year-old daughter. However, under the Evidence Act, the testimony of children is accepted only if there is corroborating evidence. This poses special problems for molestation cases in which the child victim is the only witness. Some judges and others recommended that the Evidence Act be amended to accept the testimony of children and that courts implement special procedures to hear the testimony of children.

Statutory rape occurred and was prosecuted. However, Islamic law provisions that consider a Muslim girl an adult after she has had her first menstruation sometimes complicated prosecution of statutory rape. Such a girl may be charged with "khalwat" or "close proximity" (the charge usually used to prosecute premarital or extramarital sexual relations), even if she is under the age of 18 and her partner is an adult. Thus Shari'a courts sometimes punished the victims of statutory rape. Moreover, Shari'a courts sometimes were more lenient with males who were charged with "close proximity." However, in many cases Muslim men were charged and punished for statutory rape under secular law.

In the past, some girls in rural areas were subject to varying forms of FGM (see Section 5).

Child prostitution existed, but child prostitutes often were treated as delinquents rather than victims. According to police statistics, in 2002, 97 girls under 18 were detained and sent to rehabilitation centers for involvement in immoral activities (see Section 6.f.).

Child labor occurred in certain areas of the country (see Section 6.d.).

Persons with Disabilities.—The Government did not discriminate against persons with disabilities in employment, education, or in the provision of other state services. A public sector regulation reserves 1 percent of all public sector job openings for persons with disabilities. Few public facilities were adapted to the needs of persons with disabilities, and the Government has not mandated accessibility to transportation or public buildings for persons with disabilities. However, new government buildings were generally outfitted with a full range of facilities for persons with disabilities.

In 2001, the Government announced the Code of Practice for the Employment of Persons with Disabilities in the Private Sector as a guideline for all government agencies, employers, employee associations, employees, and others to place suitable persons with disabilities in private sector jobs. In its second annual report, Suhakam recommended the passage of a Disabled Persons Bill to address discriminatory practices and to eliminate architectural and communication barriers facing persons with disabilities.

Special education schools existed, but were not sufficient to meet the needs of the disabled population. The Government undertook many initiatives to promote public acceptance of persons with disabilities, to make public facilities more accessible to persons with disabilities, and to increase budgetary allotments for programs aimed at aiding them. Recognizing that public transportation was not disabled-friendly, the Government reduced the excise duty for persons with disabilities on locally made cars and motorcycles by 50 percent. The most recent statistics indicated that persons with disabilities made up 7 percent of the population.

Indigenous People.—Indigenous people (the descendants of the original inhabitants of the peninsular region of the country and the Borneo states) generally enjoyed the same constitutional rights as the rest of the population. However, in practice, federal laws pertaining to indigenous people of the peninsular region, known as the Orang Asli, vest considerable authority in the Minister for Rural Development, to protect, control, and otherwise decide issues concerning this group. As a result, indigenous people, particularly in peninsular Malaysia, had very little ability to participate in decisions that affect them.

The Orang Asli, who numbered approximately 133,000, were the poorest group in the country. According to government statistics, over 80 percent of the Orang Asli live below the poverty level. In 2002, the Cabinet approved the formation of a na-

tional advisory council for the development of Orang Asli. However, only 5 out of 17 council members were Orang Asli. In July, the Government announced development projects for the Orang Asli totaling \$26.3 million (100 million ringgit) for the 2004 fiscal year focused on improving the health, pre-school education, infrastructure, and economic activities of the Orang Asli community. Nonetheless, according to a local NGO the percentage of Orang Asli living below the poverty line increased during the year.

Under the Aboriginal People's Act, the Orang Asli who had been granted land on a group basis were permitted to live on reserves but did not possess land rights. Observers reported that, over the years, the total area of land reserved for Orang Asli had decreased, and some land previously set aside as Orang Asli reserve had been re-zoned for development.

The uncertainty surrounding Orang Asli land ownership made them vulnerable to exploitation. Logging companies continued to encroach on land traditionally held by Orang Asli and other indigenous groups in the Borneo states. In May, Orang Asli in Pahang State were arrested for attempting to block logging trucks from entering their land. The press reported that they were later released on bail and the logging project was cancelled. In 2002, the High Court ruled in favor of an Orang Asli group, the Temuans, as the rightful owners of land used for the construction of the Kuala Lumpur International Airport and ordered the Selangor state government to give compensation. The state government has appealed the decision, and the case was still pending at year's end.

Indigenous people in Sarawak continued to protest encroachment by state and private logging and plantation companies onto land that they consider to be theirs under native customary rights. In 2002, for example, a court refused an injunction to stop two timber companies from conducting logging activities in an area that approximately 200 indigenous people in Miri, Sarawak, claimed was their ancestral land. The indigenous persons appealed the decision, and a decision was still pending at year's end.

Laws allowing condemnation and purchase of land do not require more than perfunctory notifications in newspapers to which indigenous people may have no access. The result was that many indigenous people were deprived of their traditional lands with little or no legal recourse.

Suhakam reported that the Bakun Dam project in Sarawak encroached upon the native land of the Penans and that this encroachment caused the degradation of the forests around Penan villages and the pollution of their water supply. The Commission also noted that the development of oil palm plantations encroached on traditional lands.

National/Racial/Ethnic Minorities.—The Government maintained extensive preferential programs designed to boost the economic position of the Malay majority, which remained poorer on average than the Chinese minority. Such preferential programs and policies limited opportunities for non-Malays in higher education, government employment, business permits and licenses, and ownership of land. According to the Government, these programs were instrumental in ensuring ethnic harmony and political stability. Ethnic Indian citizens, who did not receive such privileges, remained among the country's poorest groups.

Section 6. Worker Rights

a. The Right of Association.—By law, most workers have the right to engage in trade union activity, but only 8.5 percent of the labor force was represented by the 609 trade unions. Those who do not have the right to engage in union activity include workers categorized as "confidential" and "managerial and executive," as well as defense and police officials. With certain limitations, unions may organize workplaces, bargain collectively with employers, and associate with national federations. In theory, foreign workers can join a trade union; however, the Immigration Department placed conditions on foreign workers' permits that effectively barred them from joining a trade union (see Section 6.e.).

The Trade Unions Act prohibits interfering with, restraining, or coercing a worker in the exercise of the right to form trade unions or in participating in lawful trade union activities. However, the act restricts a union to representing workers in a "particular establishment, trade, occupation, or industry or within any similar trades, occupations, or industries," contrary to International Labor Organization (ILO) guidelines. The Director General of Trade Unions may refuse to register a trade union and, in some circumstances, may also withdraw the registration of a trade union. When registration is refused, withdrawn, or canceled, a trade union is considered an unlawful association.

Trade unions from different industries may join in national congresses, but the congresses must register as societies under the Societies Act (see Section 2.b.).

Malaysian Trade Union Congress (MTUC) officials continue to express frustration about delays in the settlement of union recognition disputes. While the Industrial Relations Act requires that a union be recognized within 21 days of application, it was not uncommon for unions to go unrecognized for 1 to 2 years. During the year there were 99 claims for trade union recognition under the Industrial Relations Act. However, according to MTUC officials, during 2002, there were 10 court challenges by private companies to decisions authorizing the formation of unions. Even in-house unions sometimes faced difficulties. One company resisted concluding a collective bargaining agreement for over 12 years, in part by changing its name five times. At year's end, the company union remained in limbo pending a decision by the Court of Appeal.

Government policy inhibited the formation of national unions in the electronics sector, the country's largest industry. The Government believed that enterprise-level unions were more appropriate for this sector. According to MTUC officials, 150,000 electronics workers still were unable to organize and only 8 in-house unions were formed in the electronics industry. Collective bargaining agreements are limited in those companies designated as having "pioneer status." According to the ILO, the Government has promised to repeal this statute since 1994.

Unions maintained independence both from the Government and political parties, although individual union members may belong to political parties. Although union officers by law may not hold principal offices in political parties, individual trade union leaders have served in Parliament. Trade unions were free to associate with national labor congresses, which exercised many of the responsibilities of national labor unions, although they cannot bargain for local unions.

There are two national labor organizations. The MTUC is a society of trade unions, in both the private and government sectors, registered under the Societies Act. As such, the MTUC does not have collective bargaining or industrial action rights, but provides technical support for affiliated members. Government sector unions had opportunities to affiliate with the Congress of Unions of Employees in the Public and Civil Service, a federation of trade unions registered under the Trade Unions Act. Trade unions were also permitted to affiliate with international trade union organizations, such as global union federations and the International Confederation of Free Trade Unions, subject to the approval of the Director General of Trade Unions. Although the law grants public servants the right to organize at the level of ministries and departments, the Government did not respond to ILO requests for specific information on the numbers and categories of civil servant employees covered or details regarding the collective bargaining agreements reached. There were three national joint councils representing management and professional civil servants, technical employees, and non-technical workers.

b. The Right to Organize and Bargain Collectively.—Workers have the legal right to organize and bargain collectively, and collective bargaining was widespread in those sectors where labor was organized. Charges of discrimination may be filed with the Ministry of Human Resources or the Industrial Court. Critics alleged that the Industrial Court was slow in adjudicating worker complaints when conciliation efforts by the Ministry of Human Resources failed. However, others pointed out that the Industrial Court almost always sided with the workers in disputes. In the past, employers reportedly often ignored Industrial Court judgments with impunity. In 2002, the number of Industrial Court chairpersons was increased from 14 to 23 to address the problem of backlogged cases.

The Government holds that issues of transfer, dismissal, and reinstatement are internal management prerogatives; therefore, they are excluded from collective bargaining, which is not in accordance with ILO standards. The Minister of Human Resources can suspend for up to 6 months any trade union deemed to be used for purposes prejudicial to or incompatible with security or public order.

Although strikes are legal, the right to strike is severely restricted. The law contains a list of "essential services" in which unions must give advance notice of any industrial action. The list includes sectors not normally deemed essential under ILO definitions. The Government stated these essential services were considered crucial to the economy and the public interest. The MTUC officials said that requirements imposed by the authorities were so stringent that it was almost impossible to strike. According to the Ministry of Human Resources statistics, there were 2 strikes and lockouts involving 57 workers during the year. Employees in the public sector do not have the right to collective bargaining.

The Industrial Relations Act requires the parties to notify the Ministry of Human Resources that a dispute exists before any industrial action may be taken. The Ministry's Industrial Relations Department then may become involved actively in conciliation efforts. If conciliation fails to achieve settlement, the Minister has the power to refer the dispute to the Industrial Court. Strikes or lockouts are prohibited while

the dispute is before the Industrial Court. The act prohibits employers from taking retribution against a worker for participating in the lawful activities of a trade union. When a strike is legal, these provisions prohibit employer retribution against strikers and leaders. However, some trade unions questioned the effectiveness of the provisions.

Companies in free trade zones (FTZs) must observe labor standards identical to those in the rest of the country. Many workers in FTZ companies were organized, especially in the textile and electrical products sectors. The ILO continues to object to legal restrictions on collective bargaining in pioneer industries.

c. Prohibition of Forced or Bonded Labor.—The Constitution prohibits forced or bonded labor, and the Government generally enforced this prohibition. Certain laws allow the use of imprisonment with compulsory labor as punishment for persons who express views opposed to the established order or who participate in strikes. However, these laws were not applied and appear to be constitutionally prohibited.

The Government prohibits forced and bonded labor by children, and there were no reports that such practices occurred.

d. Status of Child Labor Practices and Minimum Age for Employment.—The Children and Young Persons (Employment) Act prohibits the employment of children younger than the age of 14. The Act permits some exceptions, such as light work in a family enterprise, work in public entertainment, work performed for the Government in a school or in training institutions, or work as an approved apprentice. In no case may children work more than 6 hours per day, more than 6 days per week, or at night.

Child labor occurred in certain areas of the country. There was no reliable estimate of the number of child workers. Most child laborers worked informally in the plantation sector, helping their parents in the field. However, only adult members of the family received a wage. In urban areas, child labor could be found in family food businesses, night markets, and small-scale industries. Government officials did not deny the existence of child labor in family businesses but maintained that foreign workers have largely replaced child labor and that the Government vigorously enforced child labor provisions.

e. Acceptable Conditions of Work.—There was no minimum wage, as the Government preferred to allow market forces to determine wages. Prevailing market wages generally provided a decent living. Wage Councils, which were established by the Wage Council Act of 1947 to provide a recommended minimum wage in those sectors in which the market wage was determined insufficient, had little impact on wages in any sector. According to MTUC officials, the Wage Councils had not met for more than 12 years, and their recommended wages have long been obsolete.

Plantation workers generally received production-related payments or daily wages. In April, the National Union of Plantation Workers (NUPW) and the Malaysian Agriculture Producers Association agreed on a monthly minimum wage for palm oil plantation workers of \$92 (350 ringgit) per month. Proponents of the agreement said that productivity incentives and bonuses raised the prevailing wage to nearly \$184 (700 ringgit). In April, rubber plantation workers were provided with a similar minimum guarantee.

Under the Employment Act, working hours may not exceed 8 hours per day or 48 hours per workweek of 6 days. Each workweek must include a 24-hour rest period. The Act also sets overtime rates and mandates public holidays, annual leave, sick leave, and maternity allowances. The Labor Department of the Ministry of Human Resources is responsible for enforcing these standards, but a shortage of inspectors precluded strict enforcement.

Significant numbers of contract workers, including numerous illegal immigrants, worked on plantations and in other sectors. According to statistics from the NUPW, foreign workers made up 45 percent of the plantation work force; however, the true number may have been higher since illegal immigrants were not counted. Working conditions for these laborers compared poorly with those of direct-hire plantation workers, many of whom belonged to the NUPW.

Work-related accidents were especially high in the plantation sector. According to the Human Resources Ministry, 14 percent of all reported industrial accidents during the year occurred on plantations.

Foreign workers in the construction and other sectors, particularly if they were illegal aliens, generally did not have access to the system of labor adjudication. In 2002, government investigations into this problem resulted in a number of steps to eliminate the abuse of contract labor. For example, in addition to expanding programs to regularize the status of immigrant workers during the year, the Government investigated complaints of abuses, attempted to inform workers of their rights, encouraged workers to come forward with their complaints, and warned employers

to end abuses. Like other employers, labor contractors may be prosecuted for violating the labor laws.

The Workmen's Compensation Act covers both local and foreign workers, but provides no protection for foreign domestic workers. According to the Government, foreign domestic workers are protected under the Employment Act, particularly as regards wages and contract termination. However, employers sometimes failed to honor the terms of employment and abused their domestic servants. Some workers alleged that their employers subjected them to inhuman living conditions, withheld their salaries, and physically assaulted them.

Legal and illegal foreign workers from Indonesia, the Philippines, Burma, Thailand, India, Bangladesh, Nepal, Vietnam, and other countries constituted approximately 20 percent of the work force. Illegal foreign workers have no legal protection under the labor laws and have no legal recourse in cases of abuse.

The Occupational Safety and Health Act (OSHA) covers all sectors of the economy except the maritime sector and the military. The Act established a national Occupational Safety and Health Council, composed of workers, employers, and government representatives, to set policy and coordinate occupational safety and health measures. It requires employers to identify risks and take precautions, including providing safety training to workers, and compels companies that have more than 40 workers to establish joint management-employee safety committees. The Act requires workers to use safety equipment and to cooperate with employers to create a safe, healthy workplace. Employers or employees that violate the OSHA are subject to substantial fines or imprisonment for up to 5 years. There are no specific statutory or regulatory provisions that provide a right for workers to remove themselves from dangerous workplace conditions without arbitrary dismissal.

f. Trafficking in Persons.—The Constitution prohibits slavery; however, this provision has not been invoked in cases of trafficking in persons. There is no law that specifically criminalizes trafficking in persons. However, section 372 of the Penal Code comprehensively addresses trafficking for the purpose of prostitution and prescribes up to 15 years in prison for those convicted. The Government also uses other laws, such as the Immigration Act, the Restricted Residence Act, and the ISA to prosecute traffickers. However, the authorities generally did not separate trafficking victims from other illegal immigrants.

The country was a source and destination country for trafficking in women and girls for sexual exploitation. Young women primarily from Indonesia, China, Thailand, and the Philippines were trafficked into the country for sexual exploitation. These women often worked as karaoke hostesses, "guest relations officers," and masseuses.

During the year, the police arrested 5,584 foreign prostitutes. According to the police, members of the Bar Council, and Suhakam, the majority of foreigners found to be involved in prostitution were economically motivated. There were allegations of corruption among law enforcement personnel since some trafficking victims were known to pass through two or more ports of entry without travel documents. One NGO alleged that high-level business and political officials were involved in the trafficking. In December, the police cracked a human smuggling syndicate including Malaysian Airlines and Malaysian Airports officials.

Some Malaysian women were trafficked for sexual purposes, mostly to Singapore, Macau, Hong Kong, and Taiwan, but also to Japan, Australia, Canada, and the United States. According to police and Chinese community leaders, Malaysian women who were victims of trafficking were almost exclusively ethnic Chinese, although ethnic Malay and ethnic Indian women worked as prostitutes domestically. Police and NGOs believed that criminal syndicates were behind most of the trafficking. During the year, the Malaysian Chinese Association's social services department reported that the number of Malaysian women trafficked to other countries declined compared to previous years.

Trafficking victims were kept compliant through involuntary confinement, confiscation of travel documents, debt bondage, and physical abuse. During the year, there were a number of reports of foreign women escaping from luxury apartments where they were held and forced to serve as unwilling prostitutes. According to news reports, these women said that they were lured to the country by promises of legitimate employment and were forced into prostitution upon their arrival in the country.

In 2002, the Government amended section 372 of the Penal Code to include extensive provisions prohibiting buying or selling any person, using deceitful means to bring anyone into or out of the country, and wrongfully restraining (defined to include using threats, withholding clothing, or holding a person's passport) any person with the intention that that person will be used for the purposes of prostitution. Punishment for these offenses includes a maximum 15-year prison term, caning and

a fine, to be determined at the discretion of the sentencing judge. During the year, police investigated 31 cases under section 372, charged and tried 10 persons and convicted 7. There were 145 trafficking victims involved in these prosecutions. Additionally, during the year, 49 suspected traffickers were arrested under the Prevention of Crime Ordinance. In 2002, the Government charged 1,242 traffickers under the Immigration Act.

The Government assisted some underage prostitutes and rescued some kidnapped women during the year. In 2002, 97 underage prostitutes were sent to rehabilitation centers. The MCA reported that it assisted 73 trafficking victims in escaping from vice syndicates during the year. However, police had no comprehensive policy to protect victims of trafficking. Rather than prosecute traffickers, police generally arrested or deported individual women for immigration offenses. The police and members of the Bar Council legal aid bureau advised that this was the easiest and fastest way to expedite victims' return to their home countries. Trafficking victims who exhibit signs of physical abuse may be sent to a women's shelter instead of being detained by the police; however, permission from the police to allow victims to reside in a shelter was sometimes difficult to obtain.

A number of NGOs supported by the Government provided shelter for trafficking victims and assisted them in being repatriated to their home countries.

The Government recognized the need to improve the treatment and protection of trafficking victims. A local women's NGO was working with the Bar Council to draft legislation specifically aimed at prosecuting traffickers and protecting victims. By year's end, no action had been taken on their proposals. In 2002, the Government formed an inter-agency trafficking-in-persons working group to formulate strategies and to strengthen inter-agency and public-private cooperation against trafficking in persons. Also in 2002, the Ministry of Home Affairs formed a special anti-vice task force to target trafficking and prostitution networks and to identify and deport foreign women who entered the country, legally or illegally, and subsequently engaged in the sex trade. During the year, this task force, with a stated policy of zero tolerance for those involved in trafficking, targeted vice syndicates. In November, the Government hosted a legislative workshop on the Bali Ministerial Conference on People Smuggling, Trafficking in Persons and Related Transnational Crime; after which legislative was submitted to the Attorney General for review and action.

MARSHALL ISLANDS

The Republic of the Marshall Islands is a self-governing nation under the Compact of Free Association with the United States. The Constitution provides for executive, legislative, and judicial branches. The legislature consists of a 33-member Parliament (Nitijela), as well as a Council of Chiefs (Iroij), which serves a largely consultative function dealing with custom and traditional practice. In November, the Nitijela was elected in free and fair elections from lists of independent and party candidates. The President is elected by majority Nitijela vote and appoints his Cabinet from its membership. In 2000, the Nitijela elected Kessai Note to a 4-year term as President. The Constitution provides for an independent judiciary; however, judges are appointed by the Cabinet, and past governments have attempted to influence the judiciary.

Under the Compact of Free Association, the United States is responsible for the country's defense and national security, and the country has no external security force. The national police under the Ministry of Internal Affairs and local police forces have responsibility for internal security. The civilian authorities maintained effective control of the security forces. There were no reports that security forces committed human rights abuses.

According to 2000 statistics, the population of approximately 57,000 was of Micronesian origin and was concentrated primarily on the Majuro and Kwajalein Atolls. The economy is mixed but heavily dependent on transfer payments from the United States, which totaled approximately \$40 million during the year. Coconut oil and copra exports, a small amount of tourism, import and income taxes, an open ship registry, fresh tuna exports, a tuna loining plant, ship chandlery, and fishing licensing fees generated limited revenues. Economic growth in 2002 was approximately 4 percent, but government austerity measures have resulted in a decline in real wages for the past several years. The U.S. dollar is the national currency.

The Government generally respected the human rights of its citizens, and the law and the judiciary provide effective means of dealing with individual instances of abuse. Actions to improve the Attorney General's office and the independence of the judiciary improved the human rights situation. Violence against women and child

abuse continued to be problems, and law enforcement agencies did not take adequate measures to improve prosecution of these cases.

RESPECT FOR HUMAN RIGHTS

Section 1. Respect for the Integrity of the Person, Including Freedom From:

a. Arbitrary or Unlawful Deprivation of Life.—There were no reports of the arbitrary or unlawful deprivation of life committed by the Government or its agents.

b. Disappearance.—There were no reports of politically motivated disappearances.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The Constitution forbids such practices, and there were no reports that government officials employed them.

Prison conditions, while Spartan, generally met international standards, and the Government permitted prison visits by independent human rights observers. Male juveniles and adults were detained separately. Female prisoners were held under house arrest. Pretrial detainees were not separated from the general prison population.

d. Arbitrary Arrest, Detention, or Exile.—The Constitution prohibits arbitrary arrest and detention, and the Government generally observed these prohibitions. Warrants are required for arrests and are issued by the courts. Detainees may request bond immediately upon arrest for minor offenses; most serious offenses require the detainee to remain in jail until a hearing can be arranged, normally the morning after arrest. Nonetheless, the Chief Justice of the High Court acknowledged in 2001 that arbitrary detentions did occur. Since that time, the Government has augmented the Attorney General's staff and taken steps to improve coordination between the police and the Attorney General's office. There were no reports of arbitrary detention over 24 hours reported during the year.

There is a national police force and local police forces. Police officers do not carry firearms, and local mores generally result in police using the minimum force necessary to detain a suspect. There were no reports of significant police corruption; however, inexperience and limited training resulted in several significant cases, including rape cases, being dropped due to procedural problems.

Families had access to detainees, and detainees have the right to lawyers of their choice. There is a functioning system of bail, and the State provides a lawyer if the defendant is indigent. The Constitution and law do not prohibit forced exile; however, the Government did not employ this practice.

e. Denial of Fair Public Trial.—The Constitution provides for an independent judiciary, and the Government generally respected this provision in practice. Although in the past, governments have attempted to influence the judiciary, there were no known incidents of executive pressure on the judiciary during the year. In August, the Government proposed and the Nitijela adopted legislation that updates rules of evidence, gives the judiciary more control over its funding, allows district and community courts to hear higher value cases, increases from \$50 to \$500 the definition of felony larceny, and increases pay for jurors. Since the election of President Note in 2000, the Government has increased judges' salaries by 20 percent to better attract and retain qualified judges. During the year, the Government appointed a foreign national to the High Court for a 10-year term; previously, judges were named to a 2-year term with a government option to renew the appointment for an additional 2 years. The Government cited this long-term appointment as evidence of its commitment to promoting judicial stability and leadership. The new appointee replaced a foreign national judge who was suspended in 2002 after he was charged with misappropriating government travel funds. The suspended judge denied the charges, and his court case was pending at year's end.

The judiciary consists of a Supreme Court with appellate jurisdiction, a High Court with general jurisdiction in civil and criminal matters and appellate jurisdiction over subordinate courts at the district and community levels, and a Traditional Rights Court with jurisdiction in cases involving matters of customary law and traditional practice. Few citizens were trained in the law. Therefore, the judicial system relied heavily on noncitizen public prosecutors and defense attorneys. Most lower court judges were citizens; the higher courts relied on noncitizen judges, in part to prevent conflicts of interest in the small, highly interrelated society.

The Constitution provides for the right to a fair trial, and an independent judiciary generally enforced this right.

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home or Correspondence.—The Constitution prohibits such actions, and the Government generally respected these prohibitions in practice.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution provides for freedom of speech and of the press, and the Government generally respected these rights in practice. An independent press, an effective judiciary, and a functioning democratic political system combined to ensure freedom of speech and of the press, including academic freedom.

There was one locally printed, privately owned newspaper, which published articles and opinions in both English and Marshallese. Regional publications that covered significant events were readily available. There were four private FM radio stations and one government-owned AM station. The private stations offered news broadcasts from the Voice of America, the British Broadcasting Corporation, and Radio Australia as well as religious broadcasts. Live broadcasts of the legislative sessions were carried on the government station, which generally allowed both pro- and anti-government speakers to be heard, although there were some interruptions during strongly anti-government speeches. A cable television company broadcast a variety of foreign news and entertainment programs and occasional videotaped local events.

The Government did not restrict Internet access.

b. Freedom of Peaceful Assembly and Association.—The Constitution provides for freedom of assembly and association, and the Government generally respected these rights in practice.

c. Freedom of Religion.—The Constitution provides for freedom of religion, and the Government generally respected this right in practice.

For more detailed information, see the 2003 International Religious Freedom Report.

d. Freedom of Movement within the Country, Foreign Travel, Emigration, and Repatriation.—The Constitution provides for these rights, and the Government generally respected them in practice.

In 2001, the Government enacted regulations restricting the operations of certain businesses to citizens. Efforts to correct abuses created in 1996 when the Government issued so-called investment passports (which conveyed Marshall Islands citizenship) to approximately 3,000 noncitizens continued, with the Government denying renewal in cases where the initial issuance appeared to be fraudulent.

Although not a signatory, the Government adheres to the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol, and it cooperated with the U.N. High Commissioner for Refugees. The Government has not formulated a policy regarding refugees or asylum. However, it granted the only application for asylum received during the year, submitted by a citizen of the People's Republic of China. There were no reports of the forced return of persons to a country where they feared persecution.

Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government

The Constitution provides citizens with the right to change their government peacefully, and citizens exercised this right in practice through periodic, free, and fair elections held on the basis of universal suffrage. Executive power is centralized in the President and his Cabinet. The Nitijela and mayors are elected by secret ballot every 4 years by citizens 18 years of age and older. Elections for the 33-member Nitijela were held on November 17 following a 2-month campaign; President Kessai Note's United Democratic Party won a majority of the seats. The elections were open, and there were no serious allegations of electoral fraud. However, the complex electoral system, which grants voters the option of voting where they have land rights instead of where they reside, requires almost every polling place to provide for voters from many other districts. A significant number of absentee ballots also were cast in the November elections. As a result, several close elections generated formal complaints against election officials for alleged mishandling of ballots and other problems, including some allegations of favoritism. The complaints still were pending at year's end.

There are no restrictions on the formation of political parties, although many candidates preferred to run independently or loosely aligned with informal coalitions. Political activity by foreigners is prohibited.

There are no legal impediments to women's participation in government and politics; however, traditional attitudes of male dominance, women's cultural responsibilities, traditionally passive roles, and the generally early age of pregnancies made it difficult for women to obtain political qualifications or experience. Three women ran for the Nitijela in November, and one was elected. Five women were members of the eight-seat House of Iroij. There were no female judges. Society is matrilineal,

and those men and women who exercised traditional leadership and land ownership powers derived their rights either from their own positions in the family or from relationships based on their mother's and sister's lineage. However, the traditional authority exercised by women has declined with growing urbanization and movement of the population away from traditional lands.

There were only a few non-ethnic Marshallese who were citizens, and none were represented in the national government.

Section 4. Governmental Attitudes Regarding International and Nongovernmental Investigations of Alleged Violations of Human Rights

Human rights groups generally operated without government restriction, but only a few local groups have been formed.

The women's nongovernmental organization Women United in the Marshall Islands (WUTMI) worked on women's, children's, and family issues and played a more significant role in social issues during the year than it has in the past.

No international human rights organization has expressed interest or concern or visited the country. A committee established in 2002 to form a local Red Cross chapter had not done so by year's end.

Section 5. Discrimination Based on Race, Sex, Disability, Language, or Social Status

The Constitution prohibits discrimination on the basis of sex, race, color, language, religion, political or other opinion, national or social origin, place of birth, family status or descent, and the Government observed these provisions.

Women.—Spousal abuse was common. Domestic violence was not condoned in society, and most assaults occurred while the assailant was under the influence of alcohol. The Government's health office provided counseling for reported spousal and child abuse cases, but many cases apparently went unreported. Rape and assault are criminal offenses, but women involved in domestic violence were reluctant to prosecute spouses in the court system. Women's groups under the WUTMI umbrella publicized women's issues and promoted a greater awareness of women's rights. From March to April, WUTMI conducted a survey on spousal abuse. Preliminary results, which were reported in the press and discussed at a national WUTMI meeting, suggested that more than 80 percent of Marshallese women had been affected by some level of spousal abuse. The final survey report had not been published by year's end. Violence against women outside the family occurred, and women in urban centers risked assault if they went out alone after dark.

There is no legal age of consent. The law criminalizes only "forced" rape and does not specifically cite sexual assault, domestic violence, or sexual abuse. There was some national debate regarding criminalizing these acts; however, debate was hampered by cultural norms against discussion of these subjects. Several highly publicized rape cases were not prosecuted due to a combination of factors, including cultural pressures, reluctance to press charges against relatives, and police procedural errors.

In September, the Nitijela made prostitution illegal; however, prostitution exists on the Majuro and Kwajalein Atolls. Organized prostitution was run by and catered to foreigners, primarily the crews of foreign fishing vessels. There were no specific reports of violence against prostitutes, although the Government assumed that it existed. There is no law against sex tourism, and none has been reported.

Sexual harassment is not prohibited by law and was not considered a serious problem.

The inheritance of property and of traditional rank is matrilineal, with women occupying positions of importance in the traditional system. No instances of unequal pay for equal work or of sex-related job discrimination were reported. However, while female workers were very prevalent in the private sector, many of them were in low-paying jobs with little hope of advancement.

Children.—The Government showed commitment to children's welfare through its programs of health care and free education, but these have not been adequate to meet the needs of the country's sharply increasing population.

Education is free, compulsory, and universal through eighth grade. There was no difference between the attendance rates of boys and girls.

It was estimated that up to 20 percent of elementary school-age children did not attend school on a regular basis. In many cases, this was because they lived too far away from a school or their families could not afford the monthly registration fee (which varied by school but averaged approximately \$10) or incidental expenses. The Government did not enforce the compulsory education law. Admission to high school is by competitive examination; not all children qualified to attend. The Government's enrollment report indicated that only two-thirds of those completing eighth grade attended high school. Of that number, 50 percent—or one-third of

those who started elementary school—eventually graduated. There were only three public high schools in the country: One each in Majuro, Jaluit and Wotje.

The Government provided subsidized essential medical services for all citizens, including children.

Child abuse and neglect are criminal offenses; however, public awareness of children's rights remained low. The law requires teachers, caregivers, and other persons to report instances of child abuse and exempts them from civil or criminal liability as a consequence of making such a report. However, there were few reports and few prosecutions. Child abuse and neglect were considered to be on the increase. During the year, four cases of sexual assault against minors aged 7 to 14 were reported to the Attorney General. At year's end, prosecutions were pending in three cases; one case was withdrawn because the parents did not want their child to testify. In July, two young men who sexually assaulted an infant in 2001 were sentenced to 10 years in prison for child abuse and sodomy.

Persons with Disabilities.—There was no apparent discrimination against persons with disabilities in employment, education, or the provision of other state services; however, there were no building codes and no legislation mandating access for persons with disabilities.

There were approximately 50 persons who could be medically defined as psychotic. When these individuals demonstrated dangerous behavior, they were imprisoned and visited by a doctor.

There were no reports of discrimination against persons with mental disabilities.

Section 6. Worker Rights

a. The Right of Association.—The Constitution provides for the right of free association in general, and the Government interpreted this right as allowing the existence of labor unions, although none have been formed to date.

b. The Right to Organize and Bargain Collectively.—There is no legislation concerning collective bargaining or trade union organization. However, there were no impediments to the organization of trade unions or to collective bargaining. Wages in the cash economy were determined by market factors in accordance with the minimum wage and other laws.

The Constitution does not provide for the right to strike, and the Government has not addressed this issue. There were no strikes during the year.

There are no export processing zones.

c. Prohibition of Forced or Bonded Labor.—The Constitution prohibits involuntary servitude, and there was no evidence of its practice among citizens of the country. Officials suspected that some forced or bonded labor existed among the illegal alien population; however, they were unable to uncover specific cases during the year.

The law does not specifically prohibit forced and bonded labor by children; however, such practices were not known to occur.

d. Status of Child Labor Practices and Minimum Age for Employment.—Children typically were not employed in the wage economy, but some assisted their families in fishing, agriculture, and other small-scale domestic enterprises. There is no law or regulation setting a minimum age for employment of children. The Government has not ratified International Labor Organization (ILO) Convention 182 on the worst forms of child labor.

e. Acceptable Conditions of Work.—A government-specified minimum wage of \$2.00 for both government and private sector employees is established by law. In 1999, the government approved a lower minimum wage of \$1.50 per hour for employees at the country's tuna loining plant to encourage investment in the plant, a major employer. That minimum wage remained in effect for plant employees during the year. The minimum wage was not adequate to maintain a decent standard of living for a worker and family. However, in the subsistence economy, extended families were expected to help less fortunate members, and there were often several wage earners to support each family. The Ministry of Resources and Development oversees minimum wage regulations, and its oversight was regarded as adequate. Foreign employees and Marshallese trainees of private employers who had invested in or established a business in the country were exempt from minimum wage requirements. This exemption did not affect a significant segment of the workforce.

There is no legislation concerning maximum hours of work or occupational safety and health. On Sunday, most businesses were closed, and persons generally refrained from working.

A government labor office makes recommendations to the Nitijela on working conditions, such as the minimum wage, legal working hours and overtime payments, and occupational health and safety standards in accordance with ILO conventions. The office periodically convenes board meetings that are open to the public. No leg-

isolation specifically gives workers the right to remove themselves from situations that endanger their health or safety without jeopardy to their continued employment, and no legislation protects workers who file complaints about such conditions.

The law protects foreign workers in the same manner as citizens.

f. Trafficking in Persons.—The law does not prohibit specifically trafficking in persons; however, there were no reports that persons were trafficked to, from, or within the country during the year. A series of articles in the U.S. press in 2002 alleged abusive labor situations for some Marshallese workers recruited for low-wage jobs in the United States; there were no further reports of such incidents during the year. To address such abusive recruitment practices, December revisions to the Compact of Free Association included a requirement that labor recruiters register with the Government and disclose the terms and conditions of the employment offered.

FEDERATED STATES OF MICRONESIA

The Federated States of Micronesia, administered by the United States from 1947 to 1979 pursuant to an agreement with the United Nations, is composed of four states: Chuuk (formerly Truk), Kosrae, Pohnpei, and Yap. Political legitimacy rests on the popular will expressed by a majority vote through elections in accordance with the Constitution. There are three branches of government: An executive branch led by a president who also serves as head of state; a unicameral legislature elected from the four constituent states that elects the President from among its members; and an independent judicial system that applies criminal and civil laws and procedures that closely parallel those of the United States. Elections for Congress were held in March; they were generally considered to be free and fair, and resulted in a major changeover in the government. The incumbent President and Speaker of Congress both were defeated. Senator Joseph J. Urusemal was chosen as President in May. Individual states enjoy significant autonomy and have their own constitutions and governmental systems. Traditional leaders retain considerable influence.

Under the Compact of Free Association, the United States is responsible for the country's external defense. The country has no security forces apart from national police and state public safety officers, who operated under effective civilian control. There were a few reports of human rights abuses by the police.

The economy is market based, but dominated by the large governmental sector. The population was approximately 107,000 according to the 2000 census, mostly of Micronesian origin. The economy depended heavily on financial assistance from the United States. Fishing, tourism, and subsistence agriculture, the major investment sectors, totaled only 5 percent of economic activity. Real economic growth was negative 0.1 percent during the year, after growing 0.9 percent in 2002. The real value of wages and benefits declined 1.7 percent in 2002 and again during the year.

The Government generally respected the human rights of its citizens, and the law and judiciary provide effective means of dealing with individual instances of abuse; however, there were problems in some areas. Traditional customs distinguish among persons on the basis of social status and sex. Neither the Government nor other social organizations have supplanted the role of the traditional extended family in protecting and supporting its citizens. There was continued evidence of spousal abuse and child neglect, and government efforts to address such problems were constrained by traditional society.

RESPECT FOR HUMAN RIGHTS

Section 1. Respect for the Integrity of the Person, Including Freedom From:

a. Arbitrary or Unlawful Deprivation of Life.—There were no reports of the arbitrary or unlawful deprivation of life committed by the Government or its agents.

b. Disappearance.—There were no reports of politically motivated disappearances.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The law prohibits such practices, and there were no reports that government officials employed torture; however, there were occasional reports of physical abuse by police.

Prison conditions generally met international standards; however, during the year, Pohnpei and Chuuk States' underfunded Corrections Divisions failed to provide nutritionally adequate meals to inmates. On September 5, during a raid of the state jail to search for drugs and weapons, Pohnpei State police struck one inmate and pointing loaded weapons at others, including incarcerated mentally ill patients.

Each of the four state jails includes a separate cell for female prisoners. Since women rarely were detained, these cells typically were used to separate disruptive male prisoners from the general population of detainees. There are no designated juvenile detention facilities; however, juvenile crime was rare, and the states typically have decided against incarceration of juveniles. Pretrial detainees usually were housed together with convicted prisoners. All four states used jail cells to house persons with mental illnesses but no criminal background (see Section 5).

The question of prison visits by human rights observers did not arise during the year.

d. Arbitrary Arrest, Detention, or Exile.—The law prohibits arbitrary arrest and detention, and the Government generally observed these prohibitions.

Each state has a Department of Public Safety comprising police, corrections, fire, and emergency response functions. The directors of public safety are state cabinet-level positions. The Government has a small national police force reporting to the Department of Justice. Some municipalities also have small local police forces. In Chuuk State, political considerations influenced some police hiring, leading to an oversized and underqualified force. There were reports of police showing favoritism toward relatives and occasional reports of physical abuse by the police. Many citizens preferred to rely on customary and traditional remedies to resolve criminal and civil matters.

Laws governing arrests, warrants, access to counsel, and bail are patterned on U.S. law. All defendants have the right to counsel; however, the Public Defenders Office was underfunded, and not all defendants received adequate legal assistance in practice. Bail usually is set at low levels except in cases involving flight risk.

In 2002, national government officials attempted to serve a search warrant on the Mayor of Udot in Chuuk State. A crowd made up of the Mayor's supporters, including local police, disarmed the national officials and briefly detained them. The Mayor and the Director of Public Safety were charged, respectively, with abuse of power and obstruction of justice; court proceedings still were pending at year's end. In August, the suspended Director of Public Safety was appointed Director of Public Affairs and began collecting a state salary again.

The Constitution and law do not explicitly prohibit forced exile; however, the Government did not employ it. Punishments for crimes are set out specifically in statutes, which do not provide for the imposition of exile.

e. Denial of Fair Public Trial.—The Constitution provides for an independent judiciary, and the Government generally respected this provision in practice. The President, with the advice and consent of the legislature, appoints the three justices of the Supreme Court. Each state also has a supreme court, and each municipality has a community court. Some states have additional courts to deal with land disputes.

The Constitution provides for public trials, and trials generally were conducted fairly. Juveniles may have closed hearings. Despite these provisions, cultural resistance to litigation and incarceration as methods of maintaining public order allowed some persons to act with impunity. Serious cases of sexual and other assault and even murder have not gone to trial, and suspects routinely were released indefinitely. Bail, even for major crimes, usually was set at low levels.

Delays in some judicial appointments and underfunding of the court system hampered the judiciary's ability to function efficiently. Shortages or unavailability of court personnel and services occasionally hampered the right to a speedy trial. One appeal of a felony conviction in Pohnpei has been pending since 2000 awaiting the finalization of the court transcript.

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home or Correspondence.—The law prohibits such actions, and the Government generally respected these prohibitions in practice.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution provides for freedom of speech and of the press, and the Government generally respected these rights in practice.

The national Government and the four states maintained public information offices. There was a biweekly national newspaper, the Kaselelie Press. Yap also had a privately published weekly newspaper, the Yap Networker. Both newspapers have published politically sensitive stories.

Each of the four state governments controlled a radio station that broadcast primarily in the local language. Credible sources reported that the Chuuk State government censored politically sensitive domestic news for its public radio station. Religious groups operated private radio stations. The populations of Pohnpei, Chuuk, and Kosrae increasingly had access to live satellite-broadcast information from

around the world and tape-delayed broadcasts of programming by the major U.S. networks.

There was an increasing level of open public discussion of social and governmental issues on various Internet sites. The Internet played an important role in allowing citizens in the four states, as well as those residing outside the country, an opportunity to share views and opinions. The Government did not restrict Internet access.

The Government did not restrict academic freedom.

b. Freedom of Peaceful Assembly and Association.—The Constitution provides for the freedoms of assembly and association, and the Government generally respected these rights in practice.

During political campaigns, citizens often questioned candidates at public meetings and social gatherings. Formal associations were uncommon, but nongovernmental organizations increased in number, including organizations for students and women.

c. Freedom of Religion.—The Constitution provides for freedom of religion, and the Government generally respected this right in practice. Missionaries of many faiths worked in the country without hindrance.

For a more detailed discussion, see the 2003 International Religious Freedom Report.

d. Freedom of Movement within the Country, Foreign Travel, Emigration, and Repatriation.—The Constitution provides for freedom of movement within the country. It does not address foreign travel, emigration, and repatriation, but in practice none of these were restricted.

The law does not include provisions for the granting of refugee status or asylum in accordance with the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. The Government has not formulated a policy regarding refugees or asylum; however, there were no reports of the forced return of persons to a country where they feared persecution. Three Vietnamese who arrived in Yap by boat in 1998 were granted temporary entry permits restricting them to Yap State only. At year's end, their status still had not been resolved. In December, the Government conducted a hearing on the matter in Yap; however, the Supreme Court issued an injunction prohibiting the Government from removing the three from the country pending further legal review of their cases.

Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government

The Constitution provides citizens with the right to change their government peacefully, and citizens exercised this right in practice through periodic, free, and fair elections held on the basis of universal suffrage.

The 14-member Congress is elected by popular vote from each state; the Congress then chooses the President and Vice President from among its 4 at-large senators by majority vote. Elections for Congress were held in March; the President and Vice President were selected in May; and the two vacated congressional seats were filled in a July by-election. The election cycle resulted in a new President and Speaker and a substantial turnover in Congress. The elections were generally free and fair; however, the national Attorney General filed charges against one election worker in Chuuk State who had withheld a ballot from a voter in the March election. The case remained pending at year's end.

State governors, state legislators, and municipal governments are elected by direct popular vote. Pohnpei held statewide elections in November and December. Political campaigning was unrestricted. There are no restrictions on the formation of political groups; however, there have been no significant efforts to form political parties, and none exist. Political support generally was sought from family and allied clan groupings, as well as religious groups.

Cultural factors in the male-dominated society limited women's representation in government and politics. Women held mid-level positions at both the federal and state level. The first woman to hold a national government cabinet-level position was appointed in 1999; she continued to serve in that capacity as Public Defender. Yap State's new governor appointed two women to his Cabinet during the year and designated one as Acting Governor for 3 weeks during his absence.

There was one woman in the Pohnpei State legislature; although the sole woman elected to that legislature in 2000 lost her bid for reelection in November, another woman won election. There were no women serving in the other state legislatures or in the national legislature.

Section 4. Governmental Attitudes Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

There were no known requests for investigations of alleged human rights violations during the year; international human rights groups never have raised issues with the country. While there were no official restrictions, no local groups concerned themselves exclusively with human rights. However, there were groups that addressed problems concerning the rights of women and children, and the Government cooperated with these groups.

Section 5. Discrimination Based on Race, Sex, Disability, Language, or Social Status

Although the Constitution provides explicit protection against discrimination based on race, sex, language, or religion, there was extensive societal discrimination, notably discrimination and violence against women. Government enforcement of these constitutional provisions was weak.

Women.—Reports of spousal abuse, often severe, continued during the year. There are no specific laws against domestic abuse, and there were no governmental or private facilities to shelter and support women in abusive situations. Effective prosecution of offenses was rare. In many cases, the victim decides against initiating legal charges because she is pressured by family, is fearful of further assault, or is convinced that the police will not involve themselves actively in what is seen as a private family problem. There were a number of reports of physical and sexual assaults against women outside the family context, according to police and women's groups. Such assaults were perpetrated against both citizens and foreigners. Within this traditional society, unmarried women sometimes were considered to have invited such violence by living or traveling alone.

Within the traditional extended family unit, spouses and children were accorded strong protections from violence, abuse, and neglect. Such actions were deemed offenses against the family, not just the individuals within them, and were addressed by a complex system of familial sanctions. However, with increasing urbanization and monetization of the economy, greater emphasis has been placed on the nuclear family, and the traditional methods of coping with family discord were breaking down. No government agency, including the police, has succeeded in replacing the extended family system or in addressing the problem of family violence directly. In October, the Speaker of Congress publicly called on the national legislature to deal more effectively with the problem of domestic violence.

Prostitution is not legal, nor was it a major problem. The law does not prohibit sex tourism specifically; however, the Government took steps to deny visas to potential foreign prostitutes on two occasions during the year. The law does not prohibit sexual harassment; it appeared to be pervasive, although seldom reported.

Women have equal rights under the law, and there were no institutional barriers to education and employment. Women received equal pay for equal work and were well represented in the lower and middle ranks of government. However, there was extensive societal discrimination against women. Nonetheless, women were active and increasingly successful in private business and enterprises. There was an active National Women's Advisory Council that lobbied the Government, and several small nongovernmental groups were interested in women's issues, particularly those associated with spousal and family violence and abuse.

Children.—The Government was committed to children's welfare through its programs of health care and education; however, these programs were inadequate to meet the needs of the population, particularly in an environment in which the extended family was breaking down. Health officials and religious leaders started peer support and family care groups to address the factors that may contribute to youth suicides. A number of such suicides occurred during the year, but there were no comprehensive statistics.

A compulsory education law requires all children to begin school at age 6; however, not all did so. Teacher shortages and lack of textbooks hampered progress. Education was free, and there was no difference between the education of boys and girls. Education levels differed among the states, but, on average, 75 percent of children finished 8th grade, 55 percent finished 9th grade, and 35 percent finished high school. Children may leave school when they reach the age of 14 or after completing the 8th grade, whichever comes first.

The Government administered an immunization program throughout the country and provided some vitamin supplements.

Persons with Disabilities.—The law prohibits discrimination in public service employment against persons with disabilities. Children with physical or mental disabilities were provided with special education, including instruction at home if nec-

essary. There were no reports of discrimination against persons with disabilities; however, they usually did not seek employment outside the home.

Neither laws nor regulations mandate accessibility to public buildings and services for persons with disabilities. Some private businesses provided special parking spaces and wheelchair ramps for persons with disabilities. The school system has established special education classes to address problems encountered by those with learning disabilities, although such classes were completely dependent on foreign government funding.

Some persons with mental illnesses but no criminal background were kept in jails rather than cared for in hospitals. This practice continued during the year despite major hospital renovations in all four states.

National/Racial/Ethnic Minorities.—The country is multi-ethnic, including many ethnic groups with distinct cultural and linguistic backgrounds. The Constitution prohibits noncitizens from purchasing land, and a 2002 law limits the occupations that noncitizens may fill. The national Congress grants citizenship to non-Micronesians only in rare cases (an authority that last was exercised in 1998 for the first time in almost 20 years). There is no permanent residency status. However, for the most part, noncitizens shared fully in the social and cultural life of the country.

Section 6. Worker Rights

a. The Right of Association.—Under the law, citizens have the right to form or join associations, and national government employees by law may form associations to “present their views” to the Government without coercion, discrimination, or reprisals. During the year, a group of teachers employed by Kosrae State formed such an association to protest the terms of a new contract. For a variety of reasons, including the fact that most private-sector employment was in small-scale, family-owned business and that citizens are not accustomed to collective bargaining, there were neither associations nor trade unions. The country is not a member of the International Labor Organization (ILO).

b. The Right to Organize and Bargain Collectively.—No law deals specifically with trade unions or with the right to collective bargaining. Individual employers, the largest of which are the national and state governments, set wages. There is no specific right to strike. There were no reports of strikes or collective bargaining agreements during the year.

There are no export processing zones.

c. Prohibition of Forced or Bonded Labor.—The Constitution specifically prohibits forced or bonded labor, and there were no reports that such practices occurred. This prohibition does not mention specifically forced and bonded labor by children; however, there were no reports that such practices occurred. There were some reports of trafficking in persons (see Section 6.f.).

d. Status of Child Labor Practices and Minimum Age for Employment.—There is no law establishing a minimum age for employment of children. In practice, there was no employment of children for wages; however, children often assisted their families in subsistence farming activities and in family-owned shops. The Government has not ratified ILO Convention 182 on the worst forms of child labor.

e. Acceptable Conditions of Work.—The four state governments have established minimum wage rates for government workers. Pohnpei has a minimum hourly wage rate of \$2.00 for government and \$1.35 for private workers. The other three states have established minimum hourly rates only for government workers: \$1.25 for Chuuk, \$1.49 for Kosrae, and \$0.80 for Yap. The minimum hourly wage for employment with the national government is \$1.68. (The U.S. dollar is the country’s legal currency.) These minimum wage structures and the wages customarily paid to skilled workers were sufficient to provide a decent standard of living for a worker and family. The minimum wage was enforced through the tax system, and this mechanism was believed to be effective.

There are no laws regulating hours of work (although a 40-hour workweek is standard practice) or prescribing standards of occupational safety and health. A federal regulation requires that employers provide a safe workplace. The Department of Health has no enforcement capability; working conditions varied in practice.

There is no law for either the public or private sector that would permit workers to remove themselves from dangerous work situations without jeopardy to their continued employment.

Yap State permitted foreign laborers to work in garment manufacturing enterprises. At the factories, the foreign laborers were paid at a lower rate than citizens, worked longer hours per day, and worked a 6-day week in contrast to the 5-day week for citizens. However, working and living conditions generally were regarded as good, and workers were not subjected to abuse or deported without cause; they

have the right to a hearing under such circumstances. Foreign workers have the right to form unions; however, they have not done so.

Working conditions on board some Taiwan- and People's Republic of China (PRC)-owned fishing vessels operating in the country's waters were very poor. Crewmen reported a high incidence of injuries, beatings by officers, and nonpayment of salary. Many crewmen did not complete their contracts as a result. In December, the PRC citizen crew of a Taiwanese vessel, complaining of beatings and non-payment of salaries, compelled the captain to take the vessel to Pohnpei. Several of the employees were dismissed and returned to the PRC.

f. Trafficking in Persons.—The law does not address specifically the subject of trafficking in persons. A series of articles in the U.S. press in 2002 alleged abusive labor situations for some Micronesian workers recruited for low-wage jobs in the United States. During the year, Congress passed legislation to regulate foreign labor recruiters as part of a strategy to control abusive recruitment practices; however, as of year's end, the Government had not promulgated implementing regulations. The amended Compact of Free Association also mandates such regulations.

There were a small number of cases in which foreign workers were enticed to come to the country illegally by fraudulent claims about working conditions, pay, and the possibility of onward migration to the United States. These cases did not involve severe forms of trafficking and exploitation. Law enforcement officials investigated these cases as well as the few allegations of sex trafficking. In February, in one such case, the authorities deported 12 Thai citizens who had paid large fees to work in the hotel industry in Pohnpei. The victims were recruited in rural Thailand and trafficked via Manila. Although the country has no antitrafficking or alien-smuggling regulations, the Government indicted the trafficking ringleader, a Thai national, on felony conspiracy charges. Local business partners were not prosecuted. In December, the Government denied extensions of stay to five PRC citizen women who were brought to the country with false promises concerning employment opportunities and conditions. The suspected trafficker left the country under pressure from the Government and was put on an immigration watchlist.

MONGOLIA

Mongolia continued its transition from a highly centralized, Communist-led state to a full-fledged, multiparty, parliamentary democracy, although these gains have not yet been consolidated. The majority party in Parliament (the State Grand Hural) nominates the Prime Minister with the agreement of the President and submits the candidate to the Parliament for approval. In 2000, the Mongolian People's Revolutionary Party (MPRP), which held power from 1921 to 1996, won a sweeping victory in the parliamentary elections, leaving only 4 of 76 seats to opposition members. In 2001, the MPRP's presidential candidate was elected to his second and constitutionally limited final term. The transition to the new Government occurred in accordance with constitutional procedures, and international observers characterized the elections as free and fair. There were 14 political parties, 4 of which held seats in the Parliament. The judiciary is constitutionally independent, but low salaries made it vulnerable to corruption. The judiciary was subject to outside influence.

Security forces are divided among the Ministry of Defense (MOD), the Ministry of Justice and Home Affairs (MOJHA), and the General Intelligence Agency (GIA). Military forces under the MOD are responsible for external security, but border security forces are under MOJHA control during peacetime. Civil defense is subordinate to the MOD, giving the MOD a role in internal security. National police, with primary responsibility for law enforcement, operate under the MOJHA. The GIA, formerly the State Security Agency, is responsible for internal security; its civilian head has ministerial status and reports directly to the Prime Minister. Twenty-two crimes fall under the GIA's purview. Reduced government spending continued to force downsizing of the military forces, and all security forces operated on a minimal budget. The security forces were under civilian control. The Minister of Defense was a civilian (who retired from the military to accept the position). Some members of the security forces committed human rights abuses.

After several years of stagnation, the economy grew at an estimated 5 percent during the year. There was also a very large and growing shadow economy not reflected in official statistics. Unemployment and underemployment remained high. The country continued to privatize state-owned entities, and the private sector produced approximately 75 percent of the gross domestic product. The country's population was 2.4 million with a population growth rate of 1.4 percent, and per capita income was approximately \$450 per year. The country relied heavily on foreign eco-

conomic assistance. The mainstays of the economy continued to be copper production, other mining activity, livestock raising, and food, wool, and hide processing industries. A growing trade and small entrepreneurial sector in the cities provided basic consumer goods. Lack of transportation and other infrastructure, legal and regulatory deficiencies, petty corruption, bureaucratic obstacles, and a small domestic market discouraged foreign investment.

The Government generally respected the human rights of its citizens; however, there were problems in some areas. Members of the police at times beat prisoners and detainees. Pretrial detention conditions continued to be poor, although there were some marginal improvements during the year. There were no deaths reported in detention centers during the year, but a number of prisoners died while in prison. Arbitrary arrest and lengthy detention were problems, as was corruption. Government attempts to enforce compliance with moral strictures and tax laws may have been an attempt to intimidate the media and may have resulted in self-censorship by the press. Harassment by some officials of religious groups seeking registration persisted. Domestic violence against women was a serious problem; however, efforts to assist victims continued to increase during the year. Child abuse and child labor also were problems. There were some instances of forced labor, and some women seeking work overseas may have become victims of trafficking schemes.

RESPECT FOR HUMAN RIGHTS

Section 1. Respect for the Integrity of the Person, Including Freedom From:

a. Arbitrary or Unlawful Deprivation of Life.—There were no reports of the arbitrary or unlawful deprivations of life committed by the Government or its agents. The 1998 killing of the Minister of Infrastructure, which was suspected of being politically motivated, remained under investigation at year's end. The inability to solve this case continued to be a major problem for the Government. In November 2002, the Parliament announced a reward of \$500,000 (500 million tugriks) for tangible information about the killers.

During the year, 34 prisoners died in custody, largely due to disease (see Section 1.c.).

b. Disappearance.—There were no reports of politically motivated disappearances.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The Constitution prohibits such practices; however, while reports of such actions diminished, the police in rural areas occasionally beat prisoners and detainees, and the use of unnecessary force in the arrest process was common. In 2002, the Prison Administration equipped 11 out of 17 central prisons with television camera monitoring systems, which contributed to a significant decline in the number of prisoners and detainees beaten by guards. The Supreme Court ordered the case of five persons, who were allegedly tortured in 2000 and 2001 while in pretrial detention, re-investigated in view of questions raised concerning evidence presented at the trial by the prosecution and the absence of legal counsel for the defendants during the early months of their detention. At year's end, the results of the investigation were pending.

In recent years, reforms have changed significantly the way that accused persons and prisoners are treated. In 2001, a human rights training center for prison management and some police guards was implemented. During the year, 180 prison guards received training at the center. The Ministry's Department for the Enforcement of Court Decisions also monitored conditions, but new laws and procedures were not publicized widely, especially in the countryside, and citizens were not always aware of their rights with respect to detention and arrest. In general, pretrial detention and prison facilities were poor, providing insufficient food, heat, and medical care, thereby threatening the health and life of inmates. Overcrowding declined in prisons but remained common in detention centers.

Many inmates entered prison already infected with tuberculosis or contracted it in prison. The Government's tuberculosis hospital provided treatment for a large number of prisoners and better isolated infected persons from the general prison population. The number of inmates who died of the disease continued to decline significantly.

The Prison Administration assumed responsibility for detention centers in September 2002. Although conditions remained poor, the Prison Administration continued to address overcrowding; provided improved food, including warm meals twice, rather than just once, per day, and clothing and hygienic items.

Although the number of inmates remained fairly constant, the seriousness of crimes allegedly committed by those detained increased.

Under the continuing reform process, prison inmates in the capital were divided into smaller groups managed by trained personnel and provided health and hygiene

instructions. There is a separate facility for juvenile prisoners in Ulaanbaatar, which is designated a training center. At year's end, there were 127 children in the facility. Outside of Ulaanbaatar, juveniles between the ages of 14 and 18 who were charged with crimes were kept in the same detention centers as adults, unsegregated from the adult population. Improvements in detention and prison conditions outside of the capital were minimal or nonexistent due to lack of funding. However, families gained better access to inmates, alleviating some of the hardship in obtaining food and clothing. At least two domestic and six foreign nongovernmental organizations (NGOs) worked to improve conditions in prisons and detention centers, distributing clothing, food, books, and textbooks, and providing English-language instruction and training in computers and trades. All female prisoners were held separately in one central prison in Ulaanbaatar. At year's end, the prisoner population of that facility was 247. In detention centers inside and outside the capital, women are held separately from men.

The Government permitted prison visits by human rights monitors, foreign diplomats, and journalists. Amnesty International, The U.N. Development Program's (UNDP) human rights monitor, diplomatic representatives, local journalists, and other observers have visited detention centers as well as prisons.

d. Arbitrary Arrest, Detention, or Exile.—The Constitution provides that no person shall be searched, arrested, detained, or deprived of liberty except by law, and these protections have been incorporated into the Criminal Code; however, arbitrary arrest and detention remained problems. General public awareness of basic rights and judicial procedures, including their rights in regard to arrest and detention procedures, was limited. Police may arrest those suspected of a crime and hold them for up to 72 hours before a decision is made to prosecute or release. Under the revised Criminal Code, which came into effect in September 2002, a court order must be requested to continue holding a suspect after 24 hours have elapsed. If the requested order is not granted within 72 hours, the suspect must be released. In addition, prosecutors no longer have authority to issue warrants. A detainee has the right to a defense attorney during this period and during all subsequent stages of the legal process. If a defendant cannot afford a private attorney, the Government must appoint an attorney. However, in practice, many detainees were not made aware of and therefore did not assert this right. There was a shortage of state attorneys, and the low quality of attorney training and the bureaucratic obstacles faced by attorneys and defendants were chronic problems. Detainees may be released on bail with the agreement of the prosecutor. The maximum pretrial detention (with a court order) is 24 months; an additional 6 months are allowed for particularly serious crimes such as murder. According to administrative regulation, if a person is wrongly charged with a crime, the Government must restore the person's rights and reputation and compensate him, but this regulation very rarely was followed in practice.

The Constitution prohibits forced exile, and the Government did not use it.

e. Denial of Fair Public Trial.—The Constitution provides for an independent judiciary, and the courts were generally independent in practice, although corruption was a problem.

The judiciary consists of local courts, provincial courts, and the Supreme Court. The 11-member Supreme Court is the court of final appeal, hearing appeals from lower courts and cases involving alleged misconduct by high-level officials. Local courts primarily hear routine criminal and civil cases; provincial courts hear more serious cases, such as murder, rape, and grand larceny, and also serve as the appeals court for lower court decisions. The Constitutional Court, separate from the criminal court system, has sole jurisdiction over constitutional questions. The General Council of Courts, an administrative body within the Ministry of Justice and Home Affairs, nominates candidates for vacancies on both the Supreme and lower courts; the President has the power to approve or refuse such nominations. The Council also is charged with protecting the rights of judges and providing for the independence of the judiciary. A human rights course is mandatory for all law students.

According to law, all accused persons have the right to due process, legal defense, and a public trial, although closed proceedings are permitted in cases involving state secrets, rape cases involving minors, and other cases provided by law. Defendants do not enjoy a presumption of innocence. Defendants may question witnesses and appeal decisions.

There were no reports of political prisoners. Each September, the Government publicly pays respect to the memory of victims of the political repression from 1922 through the 1960s. Since 1991, of approximately 36,000 people who were repressed, 28,560 have been absolved of accusations leveled against them. The Government has

provided approximately 500 apartments and gers (a traditional nomadic dwelling of the Mongols) to surviving victims or the victims' spouses. In addition, the State Rehabilitation Commission has provided compensation to other family members of victims in the form of cash grants of \$500 and \$1,000 (500,000 and 1 million tugrik). The program was halted temporarily due to a budget shortfall in 2001 but resumed in 2002. Since 1991, approximately 16,000 persons have received more than \$14 million (14 billion tugrik) in compensation. The program, originally scheduled to end in 2000, was extended to February 2006.

f. Arbitrary Interference with Privacy, Family, Home or Correspondence.—The Constitution prohibits such actions, and the Government generally respected these provisions in practice. The head of the General Intelligence Agency, with the knowledge and consent of the Prime Minister, may direct the monitoring and recording of telephone conversations. The extent of such monitoring was unknown. Police wiretaps must be approved by the Prosecutor's Office and are authorized for 2 weeks at a time.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution provides for freedom of speech, press, and expression, and the Government generally respected these rights in practice. However, cultural shows and other performances sponsored by candidates and their supporters were prohibited during the election campaign period except at its start and end.

An increasing variety of newspapers and other publications represented major political party viewpoints as well as independent views. The 1999 media law bans censorship of public information and future legislation that would limit the freedom to publish and broadcast. This law also bars state ownership or financing of the media or media organizations. Nonetheless, the vast majority of radio and television stations and frequency licenses remained state-owned. The law took effect without agreement on regulations and procedures for the privatization of assets, and its implementation has been difficult and controversial. Lack of access to information and of transparency in government continued to inhibit political dialog in the media and led to media complaints.

The Government monitored all media for compliance with anti-violence, anti-pornography, anti-alcohol, and tax laws. In July 2002, an Ulaanbaatar Court found the editor-in-chief of Word newspaper guilty of libel and sentenced her to 1 year in prison. She was released in January, after completing a reduced sentence of 6 months. Journalists accused the Government of overzealous prosecution of the case and believed the trial was an assault on freedom of the press. While there was no direct government censorship, the press alleged indirect censorship in the form of government harassment such as frequent libel lawsuits and tax audits. The law places the burden of proof on the defendants in libel and slander cases. As a result, some media practiced self-censorship, although independent media outlets were at times strongly critical of the Government. All newspapers bought newsprint directly from private suppliers, and neither party-affiliated nor independent news media reported difficulty securing an adequate supply. Due to transportation difficulties, uneven postal service, and fluctuations in the amount of newsprint available, access to a full range of publications was restricted in outlying regions.

There were several television stations, including a government-financed and -owned television station with countrywide broadcasting capability, seven private television stations (which do not broadcast nationwide), and a local television station controlled by the Ulaanbaatar mayor's office. An estimated 70 percent of households had television. Ulaanbaatar residents received broadcasts from other countries in Asia, Europe, and North America, including China, Russia, Japan, the United Kingdom, France, Germany, and the United States, by commercial satellite and cable television systems.

State-owned radio was important as the major source of news in the countryside; however, one independent radio station broadcast widely and there were an increasing number of small local FM stations. The Voice of America and the British Broadcasting Company broadcast in English only, over FM radio frequencies leased from private media interests. The media presented both opposition and government views.

Access to the Internet was available, and the Government did not interfere with its use.

The Government did not restrict academic freedom.

b. Freedom of Peaceful Assembly and Association.—The Constitution provides for freedom of assembly and association, and the Government generally respected these rights in practice.

c. Freedom of Religion.—The Constitution provides for freedom of conscience and religion, and the Government generally respected these rights in practice; however, the law limits proselytizing, and some groups that sought to register faced bureaucratic harassment.

The Constitution explicitly recognizes the separation of church and state. However, although there is no official state religion, traditionalists believe that Buddhism is the “natural religion” of the country. The Government contributed to the restoration of several Buddhist sites that are important religious, historical, and cultural centers. The Government otherwise did not subsidize the Buddhist religion.

Religious groups must register with the Ministry of Justice and Home Affairs. However, the registration process is decentralized with several layers of bureaucracy, in which officials sometimes demanded financial benefits in exchange for authorization. Local assemblies have the authority to approve applications at the local level. In general, it appeared that difficulties in registering were primarily the consequence of bureaucratic action by local officials and attempts to extort financial assistance for projects not publicly funded. Of the 260 temples, churches, and mosques founded since 1990, approximately 239 were registered, including 151 Buddhist, 74 Protestant, 2 Catholic, 5 Baha’i, 4 Muslim, and 3 other denominations. Contacts with coreligionists outside the country were allowed. During the year, the Catholic Church named its first Bishop in the country.

Under the law, the Government may supervise and limit the number of places of worship and clergy for organized religions; however, there were no reports that the Government did so during the year.

The law does not prohibit proselytizing, but forbids the use of incentives, pressure, or “deceptive methods” to introduce religion. In addition, a Ministry of Education directive bans mixing foreign language or other training with religious instruction. The edict was enforced, particularly in the capital area.

The Dalai Lama, a Tibetan Buddhist leader greatly respected by Mongolian Buddhists, visited the country in November 2002, after a series of previous attempts to arrange such a visit failed. The Government actively worked with a number of countries in the region to ensure that the visit of this important religious leader could occur.

For a more detailed discussion, see the 2003 International Religious Freedom Report.

d. Freedom of Movement within the Country, Foreign Travel, Emigration, and Repatriation.—The Constitution provides for freedom of movement within the country as well as the right to travel abroad and return without restriction, and the Government generally respected these rights in practice. However, due to continued harsh winter weather and drought conditions, an increased number of persons sought shelter in the capital, and the authorities continued to raise bureaucratic obstacles, such as increasing fees for residency applications, to prevent new arrivals from qualifying for residency and social benefits in the capital. Ulaanbaatar was the only city that required registration fees for those moving into the city from other areas. During the year, the Chingeltei District Court declared these fees illegal, and the city stopped collecting them on October 1.

The country is not a party to the 1951 U.N. Convention Regarding the Status of Refugees and its 1967 Protocol, and it has no laws for granting refugee status. In practice, the Government provided protection against refoulement but did not routinely grant refugee or asylum status. The Government continued talks with U.N. High Commissioner for Refugees (UNHCR) representatives on refugee and asylum issues.

Small groups of North Koreans continued to enter the country from China. The Government’s concerns about potentially growing numbers of North Korean migrants increased opposition to accession to the 1951 Convention.

The Government cooperated with the UNHCR and other humanitarian organizations in assisting refugees. However, in recent years, the authorities have denied entry to some persons claiming refugee status, having determined that these persons were “economic immigrants” and not refugees.

Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government

The Constitution provides citizens with the right to change their government peacefully, and citizens exercised this right in practice through periodic, free, and fair elections held on the basis of universal suffrage. The Constitution limits the President to two 4-year terms. Presidential, parliamentary, and local elections were held separately.

In 2000, parliamentary elections brought the MPRP back into power. In 2001, the MPRP’s presidential candidate was elected to a second term. International observers

deemed the presidential election generally free and fair; some irregularities in the 2000 parliamentary elections generated improved election practices and procedures in the 2001 presidential election. New rules were introduced requiring two to three observers to be present with election commission representatives when votes are collected by mobile box (a ballot box circulated among rural households); however, no state funds were provided for the observers to accompany the election commission representatives, and corruption remained a problem in some remote areas. Ballot papers were printed and distributed under the strict control of political party observers. Cultural shows and other performances sponsored by candidates and their supporters were prohibited during the election campaign period except at its start and end. The Constitution provides that the Prime Minister, in consultation with the President, shall submit proposals of the executive branch to the Parliament, and Members of Parliament may serve in the Government (as Cabinet Ministers).

There were 14 registered political parties; 4 were represented in the Parliament.

There were no legal impediments to the participation of women or minorities in government and politics. There were 9 female members in the 76-member Parliament. There were no female ministers, but there was one female vice-minister. Women and women's organizations were vocal in local and national politics and actively sought greater representation by women in government policymaking.

There were three members of the ethnic Kazakh minority group serving in the 76-member Parliament

Section 4. Governmental Attitudes Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A number of national and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials generally were cooperative and responsive to their views.

Under the direction of the UNDP, a local representative in each provincial assembly, among other duties, monitored human rights conditions.

In 2001, Parliament established the NCHR consisting of three senior civil servants nominated by the President, the Supreme Court, and the Parliament for terms of 6 years. The NCHR was responsible for monitoring human rights abuses, initiating and reviewing policy changes, and coordinating with human rights NGOs. The NCHR reports directly to the Parliament. In its 2003 report, as in its 2001 and 2002 reports, the NCHR criticized the Government for abuses of the power of arrest and detention, poor conditions in detention and prison facilities, lengthy detentions without trial, and failure to implement laws. The reports also faulted Parliament and the courts for failure to protect fully human rights.

Section 5. Discrimination Based on Race, Sex, Disability, Language, or Social Status

The Constitution states that "no person shall be discriminated against on the basis of ethnic origin, language, race, age, sex, social origin, or status" and that "men and women shall be equal in political, economic, social, cultural fields, and family." The Government generally enforced these provisions in practice. There was no official discrimination against those with HIV/AIDS; however, some social discrimination existed.

Women.—Domestic violence against women was a serious problem. Rape and domestic abuse are illegal, and offenders can be prosecuted after formal charges have been filed. There is no law specifically prohibiting spousal rape.

There were no reliable statistics regarding the extent of domestic abuse but qualified observers believed that it was common, affecting as much as one-third of the female population. Approximately 98.5 percent of those who committed violent crimes in the home were male, and women were disproportionately the victims of these crimes. Further, in recent years, domestic abuse appeared to become more violent; different statistical sources stated that between 10 and 24 percent of murders occurred in the home. In 1998, murders of women were 8 percent of all murder cases; in 2001, the number had doubled to 17 percent. After many years of government and societal denial, there was increasing public and media discussion of domestic violence, including spousal and child abuse. However, a common perception was that domestic abuse was either a family issue or not a problem at all. The large economic and societal changes underway have created new stresses on families, including loss of jobs, inflation, and lowered spending on social and educational programs. Some statistics showed that more than 60 percent of the cases of family abuse were related to alcohol abuse. The high rate of alcohol abuse contributed to increased instances of family abuse and abandonment and added to the number of single-parent families, most of which were headed by women. Although women's groups advocated new statutes to cope with domestic violence, there was no known

police or government intervention in cases involving violence against women beyond prosecution under existing criminal laws after formal charges were filed. Women were hesitant to prosecute because of likely long-term detention of spouses in detention centers and the resulting loss of household income.

Rape, including spousal rape, was a problem. During the year, the number of reported cases increased nearly 5 percent.

Prostitution is illegal, and it was not a problem.

There were reports that some women and teenagers worked in the sex trade in Asia and Eastern Europe; an unknown number of them may have been trafficked (see Section 6.f.).

There are no laws against sexual harassment.

The Family Law details rights and responsibilities regarding alimony and parents' rights, and is intended to bring about timely dispute settlement and ameliorate the causes of some domestic violence. The National Center Against Violence operated branches, each staffed by two to three persons, in two districts of Ulaanbataar and eight provinces. Only one small shelter for victims of domestic abuse existed in the country, largely funded by foreign charitable organizations.

The law stipulates the obligations regarding divorce, custody, and alimony for the parent caring for children. It provides for more speedy resolution of divorce cases when the relevant agencies have determined that domestic violence is involved.

The Constitution provides men and women with equal rights in all areas. By law, women are to receive equal pay for equal work and have equal access to education. Women represented approximately half of the work force, and a significant number were the primary earners for their families. The law prohibits women from working in certain occupations that require heavy labor or exposure to chemicals that could affect infant and maternal health. The Government enforced these provisions. Many women occupied midlevel positions in government and the professions, and many were involved in the creation and management of new trading and manufacturing businesses.

There is no separate government agency that oversees women's rights; however, there is a national council to coordinate policy and women's interests among ministries and NGOs, and the Ministry of Social Welfare and Labor has a Division for Women and Youth Issues. There were approximately 40 women's rights groups that concerned themselves with such issues as maternal and child health, domestic violence, and equal opportunity.

Children.—Increased stress on the family structure and throughout society has had adverse effects on many children, and the Government has been unable to keep pace with the educational, health, and social needs of this most rapidly growing segment of its population, although it is committed to children's rights and welfare in principle. The Government provides children with free and, by law, compulsory public education through the age of 16; however, family economic needs and state budgetary difficulties made it difficult for some children to attend school. In practice, female children over the age of 15 had better opportunities to complete their education than male children, because teenage males often were required to work at home and schools generally were located far from homes (see Section 6.d.). In addition, there continued to be a severe shortage of teachers and teaching materials at all educational levels.

The society has a long tradition of supporting communal raising of children. The Government was more willing than in the past to admit the extent of the problem of orphaned children, but it lacked the resources to improve the welfare of children who have become the victims of larger societal and familial changes. NGOs continued to assist orphaned and abandoned children. The Government does not publish statistics on street children; however, the 2002 census identified approximately 1,300 homeless youths between 7 and 18 years of age. Of those, 840 lived in shelters provided by 21 children's centers sponsored by international NGOs. Groups working in the field disagreed on the number of street children but estimated that there were as many as 3,000. Female street children, who accounted for one third of all street children, sometimes faced sexual abuse. The Government established the National Committee for Children to address this and other child welfare issues. The Government supported two government-funded but privately owned and administered shelters, one for children from birth to age 3, and the other for children from 3 to 16 years of age. While government facilities received government funding, finances were inadequate, and the Government used foreign aid to help sustain the orphanages.

There was growing awareness that child abuse, often associated with parental alcoholism, was a problem. In conjunction with efforts to counter violence against women, NGOs have begun to address the issue. The Ministry of Social Welfare and Labor added a Department for Women and Youth Issues.

Persons with Disabilities.—The Labor Law prohibits discrimination against persons with disabilities in employment and education, and requires the Government to provide benefits according to the nature and severity of the disability, which it did. There was no official discrimination against persons with disabilities in employment and education. However, in practice, most could not find jobs. The Labor Law requires companies employing more than 50 persons to hire at least 3 persons with disabilities. Those who have been injured in industrial accidents have the right to reemployment when ready to resume work, and the Government offered free retraining at a central technical school. There are several specialized schools for youths with disabilities, but these students also were free to attend regular schools. The Government also provided tax benefits to enterprises that hired persons with disabilities, whom some firms hired exclusively. There is no law mandating access for the persons with disabilities; thus, it was difficult for the persons with disabilities to participate fully in public life. However, in 2001, the Government allocated a small sum to build wheelchair access ramps to public buildings. Groups of persons with disabilities have demonstrated for higher government subsidies. Government pensions for persons with disabilities were approximately \$40 (40,000 tugrik) per month. Approximately 30 NGOs participated in activities assisting the approximately 40,000 persons with disabilities in the country.

Section 6. Worker Rights

a. The Right of Association.—The Constitution entitles all workers to form or join unions and professional organizations of their choosing. Union officials estimated that union membership remained constant at approximately 400,000, which represented less than half of the workforce. Workers who were self-employed or worked at small firms generally did not belong to unions. No arbitrary restrictions limited who could be a union official, and officers were elected by secret ballot.

During the year, the leadership of the newer Association of Free Trades Unions merged with the Mongolian Trade Unions Confederation, leaving, in effect, only one trade union confederation in the country.

The Mongolian Trade Unions Confederation had ties with international labor organizations and confederations in other countries.

b. The Right to Organize and Bargain Collectively.—The law regulates relations between employers, employees, trade unions, and the Government. The Government's role is limited to ensuring that contracts meet legal requirements concerning hours and conditions of work. Wages and other conditions of employment are set between employers, whether state or private, and employees, with trade union input in some cases. The Labor Dispute Settlement Commission resolves disputes involving an individual; disputes involving groups are referred to intermediaries and arbitrators for reconciliation. If an employer fails to comply with a recommendation, employees may exercise their right to strike. The law protects workers' right to participate in trade union activities without discrimination.

Union members have the right to strike; however, those employed in "essential services," which the Government defines as occupations critical for national defense and safety, including police, utility, and transportation workers, do not have the right to strike. During the year, there were approximately 8 strikes involving over 1,000 workers.

There are no export processing zones.

c. Prohibition of Forced or Bonded Labor.—The law specifically prohibits forced or bonded labor, including forced and bonded labor by children; however, enforcement was irregular. Some members of the military forces in rural areas were required to help with the fall harvest. In many cases, prisoners worked to support the detention facility or prison in which they were held, and detained alcohol abusers and petty criminals sometimes were required, as part of their sentences, to perform menial tasks such as street sweeping. Detainees were compensated financially for their work; prisoners were not but received credit toward time off of their sentences.

d. Status of Child Labor Practices and Minimum Age for Employment.—The law in general prohibits children under the age of 16 from working, although those who are 14 or 15 years of age may work up to 30 hours per week with parental consent. Those under 18 years of age may not work at night, engage in arduous work, or work in hazardous occupations such as mining and construction. Enforcement of these prohibitions, as well as all other labor regulations, was the responsibility of state labor inspectors assigned to regional and local offices. These inspectors have the authority to compel immediate compliance with labor legislation, but enforcement was limited due to the small number of labor inspectors and the growing number of independent enterprises.

Children worked informally in petty trade, scavenging in dumpsites, scavenging coal from abandoned mines, and herding animals. Increasing alcoholism and parental abandonment made it necessary for many children to have an income to support themselves, their siblings, and sometimes their parents. Estimates placed the number of children in the labor force as high as 58,000.

Also, due to increasing economic pressures, fewer children, especially teenage boys in the countryside, were staying in school until age 18 (see Section 5). These children most often herded family animals, but reports of such children working in factories or coalmines increased.

The Government prohibits forced and bonded labor by children and generally attempted to enforce this prohibition. However, forced labor by children existed.

The International Labor Organization has a national office for the International Program on the Elimination of Child Labor in the country.

e. Acceptable Conditions of Work.—The legal minimum wage established for the year was under \$30 (30,000 tugrik) per month. This minimum wage, which applied to both public and private sector workers and was enforced by the Ministry of Social Welfare and Labor, was insufficient to provide a decent standard of living for a worker and family. Virtually all civil servants earned more than this amount, and many in private businesses earned considerably more. Some employees received housing benefits.

The standard legal workweek is 40 hours, and there is a minimum rest period of 48 hours between workweeks. By law, overtime work is compensated at either double the standard hourly rate or by giving time off equal to the number of hours of overtime worked. Pregnant women and nursing mothers are prohibited by law from working overtime. For those 16 and 17 years of age, the workweek is 36 hours, and overtime work is not allowed. These laws were generally enforced in practice.

Laws on labor, cooperatives, and enterprises set occupational health and safety standards. However, the near-total reliance on outmoded machinery and problems with maintenance and management led to frequent industrial accidents, particularly in the mining, power, and construction sectors. Ministry of Social Welfare and Labor enforcement of occupational health and safety standards was inadequate. The labor-monitoring unit employed only 73 inspectors to inspect a growing number of enterprises throughout the country. According to the law, workers have the right to remove themselves from dangerous work situations and still retain their jobs. There were a small number of foreign workers in the country who, in general, enjoyed the same protections as citizens.

f. Trafficking in Persons.—The law specifically prohibits trafficking in women and children; however, there was evidence that Mongolian women and teenagers working in the sex trade in Asia and Eastern Europe may have been the victims of trafficking rings. The country was both a source and transit point for trafficking. Although most officials and NGOs found it difficult to estimate the extent of the trafficking, increasing attention was focused on the issue.

The primary targets of trafficking schemes were middle class girls and young women, ranging in age from 14 to approximately 28 years of age. These girls and women were lured abroad by offers to study or work. It was not difficult to traffic persons across the country's borders. Some NGO experts believed that members of the police sometimes were involved in trafficking young women and helping facilitate their movement across borders. During the year, an NGO and the Ministry of Justice provided training and education on trafficking to police officials.

NAURU

The Republic of Nauru adopted a modified form of parliamentary democracy on gaining independence in 1968. The country is governed by a unicameral Parliament. The Parliament is elected at least triennially and consists of 18 members from 14 constituencies. It elects the President, who is both chief of state and head of government, from among its members. The most recent parliamentary elections, held in May, were considered free and fair. The presidency changed five times during the year. In May, Parliament elected a new president, Ludwig Scotty, but he was replaced in August by Rene Harris after three members of Parliament changed alliances. The judiciary is independent.

There are no armed forces, although there is a small police force, with fewer than 100 members, under civilian control. There were no reports that security forces committed human rights abuses.

The population was approximately 12,000. The economy depended almost entirely on mining of dwindling phosphate deposits. The government-owned Nauru Phos-

phate Corporation (NPC) controlled the mining industry, and a large percentage of its earnings were placed in long-term investments meant to provide national revenue after the phosphate reserves were exhausted. However, financial mismanagement and corruption led to severe and chronic shortages of basic goods and utilities and some domestic unrest. In February, in response to international money laundering concerns, the Government announced that it would close its offshore banking operations, suspend its investor passport program, and update its banking laws and financial sector legislation. However, none of these actions had been completed by year's end.

The Government generally respected the human rights of its citizens, and the law and judiciary provide effective means of dealing with individual instances of abuse. However, some human rights advocates continued to express concerns about poor living conditions and alleged arbitrary detention of asylum seekers held in the country since 2001. The country has a refugee processing and detention center, funded by the Government of Australia, that held approximately 300 asylum seekers at year's end, down from 700 at the end of 2002. Most were intercepted at sea en route to Australia; Australian immigration officials continued to process their asylum claims in coordination with the U.N. High Commissioner for Refugees (UNHCR). On December 10, 33 of the detained refugees began a hunger strike, which had not been resolved by year's end.

RESPECT FOR HUMAN RIGHTS

Section 1. Respect for the Integrity of the Person, Including Freedom From:

a. Arbitrary or Unlawful Deprivation of Life.—There were no reports of arbitrary or unlawful deprivation of life committed by the Government or its agents.

b. Disappearance.—There were no reports of politically motivated disappearances.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The Constitution prohibits such practices, and there were no reports that government officials employed them.

The Government attempted to meet international prison standards within its limited financial means and in accordance with local living standards; however, prison conditions were basic, and food and sanitation were limited. There were separate accommodations for pretrial detainees and convicted prisoners, for men and women, and for adults and juveniles.

The country hosted a refugee processing and detention center, funded by the Government of Australia, that held approximately 300 asylum seekers at year's end. Most of the detainees were citizens of Afghanistan, Pakistan, and other South Asian countries; were intercepted at sea en route to Australia in 2001; and sought resettlement in Australia or another developed country. Australian human rights organizations expressed concern about conditions at the detention center, including problems with the water quality and the power supply. However, water quality and power supply problems were common in the country as a whole. During the year, Amnesty International and other Australia-based human rights groups protested that journalists, human rights activists, doctors, lawyers, and clergy members were denied visas to visit asylum seekers held in the detention center. On December 10, 33 of the detained refugees began a hunger strike, which had not been resolved by year's end.

There were no local human rights groups, and the question of visits to local prisons by human rights observers was not raised. Prison visits by church groups and family members were permitted.

d. Arbitrary Arrest, Detention, or Exile.—The Constitution prohibits arbitrary arrest and detention, and the Government generally observed these prohibitions. The police may hold a person for no more than 24 hours without a hearing before a magistrate.

In 2002, the Australia-based Catholic Commission for Justice, Development, and Peace asserted that the detention of asylum seekers in the country was not being handled in accordance with the Constitution, since these individuals had been detained without first being brought before a court for a hearing. The court system reportedly took up the issue during the year; however, no decision was announced by year's end.

The Constitution and law do not prohibit forced exile; however, the Government did not use it.

e. Denial of Fair Public Trial.—The Constitution provides for an independent judiciary, and the Government generally respected this provision in practice.

The Supreme Court is the highest court when addressing constitutional issues; it is presided over by the Chief Justice. The Appellate Court, composed of two judges,

hears appeals of Supreme Court decisions on other matters. Parliament cannot overturn court decisions. Under the Appeals Act, cases may be reviewed by the High Court of Australia on Criminal and Civil Actions, but this rarely was done. A Resident Magistrate, who is also the Registrar of the Supreme Court, presides over the District Court. The Resident Magistrate also presides over the Family Court as Chairman of a three-member panel. There are two other quasi-courts established under the Constitution, the Public Service Appeal Board and the Police Appeal Board. The Chief Justice presides over both as chairman, with two members for each board.

Defendants may have legal counsel, and a representative for the defense is appointed when required "in the interest of justice." However, traditional reconciliation mechanisms rather than the formal legal process were used in many cases—usually by choice but sometimes under communal rather than governmental pressure. Contract workers from Kiribati and Tuvalu working in the mining sector did not have recourse to effective communal assistance and were disadvantaged in complaints against citizens. There were only three trained lawyers in the country, and many persons were represented in court by "pleaders," trained paralegals certified by the Government (see Sections 6.a. and 6.b.).

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home or Correspondence.—The Constitution prohibits such actions, and the Government generally respected these prohibitions in practice.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution provides for freedom of speech and of the press, and the Government generally respected these rights in practice. An independent press, an effective judiciary, and a functioning democratic political system combined to ensure freedom of speech and of the press, including academic freedom.

The country had no regular print media. Occasional publications included the government bulletin. In addition, *The Visionary*, a newsletter published sporadically by the opposition party Naoero Amo, provided an independent and critical view of the Government. It was particularly vocal regarding economic crises during the year. In December 2001, Presidential Counsel David Adeang and Senior Medical Officer Dr. Kieren Keke (both members of Naoero Amo) were suspended from and later resigned their government positions following publication in *The Visionary* of their comments criticizing the Government's policy toward asylum seekers. In May, Adeang and Keke were elected to Parliament and were briefly appointed as Ministers, until the defection of coalition members forced them into the opposition in August. The sole radio station was owned and operated by the Government; it broadcasted Radio Australia and British Broadcasting Corporation news reports. Local television included government-owned Nauru TV, as well as a privately owned sports network.

The Government was the sole Internet service provider in the country, but did not monitor or censor content.

b. Freedom of Peaceful Assembly and Association.—The Constitution provides for the freedoms of assembly and association, and the Government generally respected these rights in practice.

c. Freedom of Religion.—The Constitution provides for freedom of religion; however, the Government restricted this right in some cases. In recent years, the Government has prevented Mormons and members of Jehovah's Witnesses from practicing their religion freely on some occasions, and members of these religions were subjected to arbitrary licensing and immigration requirements.

For a more detailed discussion, see the 2003 International Religious Freedom Report.

d. Freedom of Movement within the Country, Foreign Travel, Emigration, and Repatriation.—The law provides for these rights, and the Government generally respected them in practice.

Foreign workers were required to apply to their employers for permission to leave during the period of their contracts. They could break the contract and leave without permission but would lose their positions and often a sizable bond as a result. In most cases, foreign employees whose contracts were terminated by their employers had to leave the country within 60 days.

The Government has not formulated a formal policy regarding refugees, asylees, or temporary protection. However, the Government cooperated with the office of the UNHCR and other humanitarian organizations in assisting refugees. The country has accommodated asylum seekers as a processing center for Australia. These asy-

lum seekers were held in facilities funded by the Government of Australia, with day-to-day supervision provided by officials of the International Office on Migration and local authorities. At year's end, some asylum seekers had been resettled, primarily in Australia and New Zealand; however, approximately 300 remained in detention, down from 700 at the end of 2002. Most of this population had been denied refugee status but not yet repatriated. None had requested resettlement in Nauru. In 2002, the UNHCR asked the Government to reconsider its denial of admission to the bar for several Australian lawyers offering legal assistance to detained asylum seekers. The Government reportedly had suggested that asylum seekers instead retain local counsel. During the year, the Government continued to deny admission to the Australian lawyers.

Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government

The Constitution provides citizens the right to change their government peacefully. The Government also can be changed through a petition from the members of Parliament. Although the country's politics is based more on clan than party membership, persons with diverse points of view have been elected to Parliament.

Parliament elects the President. In a year marked by political uncertainty, there were five changes in government. Following general elections in May, Ludwig Scotty was elected President by Parliament, after the reformist party Naoero Amo won enough seats to form a coalition government. In August, Scotty was replaced by President Rene Harris, following the defection of three members of the coalition to the opposition.

During the country's history, all changes in government have been peaceful and in accordance with the Constitution. In parliamentary elections, voting by secret ballot is compulsory for all citizens over the age of 20. There were multiple candidates for all parliamentary seats in the elections held during the year.

There are no legal impediments to participation in politics by women. In the past, the dominance of traditional clans in national politics limited participation by women, and there were no female members of parliament. However, there was growing participation by women in party-based politics, and women held many senior civil service positions, including Permanent Secretary and Cabinet Secretary-level jobs.

Section 4. Governmental Attitudes Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

There were no restrictions on establishing local groups that concern themselves specifically with human rights, but no groups have been formed. The Catholic Commission for Justice, Development, and Peace raised concerns about alleged arbitrary detention of asylum seekers, asserting that the detainees were not being processed in accordance with the Constitution (see Section 1.d.).

Section 5. Discrimination Based on Race, Sex, Disability, Language, or Social Status

The law prohibits discrimination on the basis of race, sex, disability, language, or social status, and the Government observed these provisions.

Women.—The Government did not keep track of incidents of physical and domestic abuse against women. However, credible reports indicated that sporadic abuse, often aggravated by alcohol use, occurred. Families normally sought to reconcile such problems informally, and, if necessary, communally. The judiciary and the Government treated major incidents and unresolved family disputes seriously.

Spousal rape is not a crime, but police will prosecute charges of rape leveled against a spouse. Prostitution is illegal and not widespread. Sexual harassment is a crime, and it was not a serious problem.

The law grants women the same freedoms and protections as men. The Government officially provided equal opportunities in education and employment, and women were free to own property and pursue private interests. However, in practice societal pressures limited opportunities for women to fully exercise these rights. There was a Women's Affairs Office to promote professional opportunities for women.

Children.—The Government devoted adequate resources for education and health care for children. Education was compulsory until age 16. Child abuse statistics did not exist, but alcohol abuse sometimes led to child neglect or abuse. There were no reported cases of child abuse or child prostitution during the year.

Persons with Disabilities.—There was no reported discrimination in employment, education, and the provision of state services to persons with disabilities. However, no legislation mandated access to public buildings and services for persons with dis-

abilities. Persons who applied to the Health Department could obtain government assistance in building access ramps to homes and workplaces.

There are no formal mechanisms to protect persons with mental disabilities; however, the Government at times provided essential services to the families of such persons.

National/Racial/Ethnic Minorities.—Nonnative Pacific Island workers experienced some discrimination. While foreign workers were provided free housing, the shelters were often poorly maintained and overcrowded. In the past, some foreign workers alleged that the police rarely acted on their complaints against citizens (see Section 6.e.).

Section 6. Worker Rights

a. The Right of Association.—The Constitution provides for the right of citizens to form and belong to trade unions or other associations. However, the country has virtually no labor laws, and there were no trade unions. Past efforts to form unions were discouraged officially. The transient nature of the mostly foreign work force also hampered efforts to organize the labor force. There were no prohibitions or limits on the right of unions to affiliate with international bodies.

b. The Right to Organize and Bargain Collectively.—While there were no legal impediments, collective bargaining did not take place. The private sector employed only approximately 1 percent of salaried workers. For government workers, public service regulations determined salaries, working hours, vacation periods, and other employment matters.

The right to strike is neither protected, prohibited, nor limited by law. Workers of the government-owned Nauru Phosphate Company (NPC), the country's largest employer, went on strike in August. The strike ended after approximately 3 weeks when the company agreed to pay the full 6 months' back wages. However, the wages had not been paid in full by year's end.

There are no export processing zones.

c. Prohibition of Forced or Bonded Labor.—The Constitution forbids forced or bonded labor, including by children, and the Government effectively enforced these prohibitions.

d. Status of Child Labor Practices and Minimum Age for Employment.—The law sets age 17 as the minimum age of employment. The only two large employers, the Government and the NPC, honored this rule. Some children under the age of 17 worked in small, family-owned businesses.

The country is not a member of the International Labor Organization (ILO) and has not ratified ILO Convention 182 on the worst forms of child labor.

e. Acceptable Conditions of Work.—Minimum wage rates for office workers and manual laborers provided an adequate, if modest, standard of living for a worker and family. However, due to the Government's near-permanent lack of funds during the year, public service salaries often went unpaid, often for months at a time. Most families lived in simple but adequate housing, and almost every family owned some sort of motor vehicle. The Government set the minimum yearly wage administratively for the public sector. Since 1992, that rate has been \$6,562 (\$A9,056) for those 21 years of age or older. The rate is progressively lower for those under 21 years of age. Employers determined wages for foreign contract workers based on market conditions and the consumer price index. Usually foreign workers and their families received free housing, utilities, medical treatment, and often a food allowance. Some noncitizen contract workers complained about conditions in company living compounds. By regulation, the workweek for office workers was 36 hours and, for manual laborers, 40 hours in both the public and private sectors. Neither law nor regulations stipulated a weekly rest period; however, most workers observed Saturdays and Sundays as holidays.

The Government sets health and safety standards. The NPC had an active safety program that included an emphasis on worker education and the use of safety equipment such as helmets, safety shoes, and dust respirators. The NPC had a safety officer specifically responsible for improving safety standards and compliance throughout the company.

f. Trafficking in Persons.—The law does not specifically prohibit trafficking; however, there were no reports that persons were trafficked to, from, or within the country.

NEW ZEALAND

New Zealand is a parliamentary democracy, with executive authority vested in a 20-member cabinet led by the Prime Minister. Queen Elizabeth II is Chief of State and is represented by the Governor General. The 120-member Parliament is elected in a mixed-member proportional representation system, with 7 seats reserved for members of the native Maori population. Citizens periodically choose their representatives in free and fair multiparty elections. The most recent elections were held in July 2002. The Labor Party won 52 parliamentary seats and, following the election, formed a minority coalition government with the Progressive Coalition Party, with support from the centrist United Future Party. The judiciary is independent.

The Minister of Police oversees the national police. The civilian authorities maintained effective control of the security forces. There were some complaints that individual members of the police committed human rights abuses.

The country has a market-based, mixed economy. As of December, the population was approximately 4 million. Gross Domestic Product grew 4.4 percent during the March 2002-March fiscal year. Wages kept ahead of inflation, with wages increasing 3.1 percent and inflation 1.5 percent in the first 9 months of the year. A net gain in immigration, rising housing prices, and strong consumer spending outweighed the negative effects of an appreciating exchange rate that hurt the trade sector. Government social programs offered substantial benefits to disadvantaged persons.

The Government generally respected the human rights of its citizens, and the law and judiciary provide effective means of addressing individual instances of abuse. There were some complaints of police abuses and of violence against women and children; societal discrimination against persons with disabilities, indigenous people, Pacific Islanders, and Asians was a problem. The Government generally respected the human rights of citizens living in its territories of Tokelau, Niue, and the Cook Islands.

RESPECT FOR HUMAN RIGHTS

Section 1. Respect for the Integrity of the Person, Including Freedom From:

a. Arbitrary or Unlawful Deprivation of Life.—There were no reports of the arbitrary or unlawful deprivation of life committed by the Government or its agents.

The Independent Police Complaints Authority handles complaints of police abuse, ranging from use of abusive language to allegations of complicity in deaths. During the 12-month period ending June 30, the Authority investigated 10 cases involving deaths in police custody, pursuit, or while police were present. Police were exonerated in 1 of the 10 cases; the remaining cases were pending as of June 30.

In November, the State Services Commission began an inquiry into the activities of a former Canterbury prison guard unit nicknamed “the Goon Squad,” which operated in 1999 and 2000 and allegedly was responsible for the death of a prisoner in transit and the use of excessive force; the investigation was ongoing at year’s end.

b. Disappearance.—There were no reports of politically motivated disappearances.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The law prohibits such practices, and the Government generally respected these prohibitions in practice.

There were some complaints that individual members of the police committed abuses during the year. The Independent Police Complaints Authority accepted for investigation 2,369 complaints against the police in the 12-month period ending June 30 and upheld 180.

Prison conditions generally met international standards, and the Government permitted visits by human rights observers. In 2000, prison overcrowding prompted the Government to begin a major building program. A 360-bed men’s facility opened in 2002. As of June 30, the male inmate population was 5,795, and total prison bed capacity was 6,121. Since 1999, the Government has been adding prison beds for women and, as of June 30, had a total capacity of 344 beds for a female inmate population of 320. In October, the Department of Corrections inaugurated a 60-bed faith-based unit at Rimutaka Prison, aimed at reducing recidivism.

In 2002, the Government began a program to reduce recidivism among female inmates by creating mother-baby feeding facilities, parenting programs, and enhanced family visitation opportunities. Babies under 6 months of age were allowed to live with their mothers in prison, where appropriate. Under the Criminal Justice Act of 1985, the Minister of Corrections also may grant early release to an inmate who has given birth while serving a determinate sentence.

Maori make up only 15 percent of the general population but were approximately 50 percent of the prison population as of June. The Government sought to reduce Maori recidivism through special programs to integrate Maori cultural values into the rehabilitation program (see Section 5); there were Maori focus units at 5 of the country's 18 prisons.

Assaults in prisons (inmate on inmate) increased nominally to approximately 2 per 1,000 for the period July 2002–June from 1.9 per 1,000 in 2001–2002. There were two serious assaults on staff by inmates in the 12-month period ending June 30. During the same period, there were 14 recorded deaths in custody, including 5 assumed suicides and 1 assumed homicide; in the latter case, inmates beat another inmate to death in Wanganui's Kaitoke prison in March. In September, an inmate committed suicide in Auckland's privately run Central Remand Prison. All new corrections officers received suicide awareness training, including tools to manage at-risk inmates effectively.

In October, nine inmates of Auckland's Paremoremo Prison Behavioral Management Regime (BMR) brought a case against the Department of Corrections, alleging that the BMR, a special unit set up in 1998 that isolates prisoners for violent behavior posing a risk to staff or other inmates, constituted torture. The prisoners alleged that they were subjected to psychological torture and inhumane conditions, including being kept in solitary confinement for up to 23 hours a day, being denied access to adequate ventilation or natural light, and not being allowed outside to exercise. The case was pending at year's end. During the year, a woman won a case against the police after she was held for deportation for 2 days in a prison cell and was denied access to sanitary products.

Male and female inmates normally were housed separately; there were 15 men's prisons and 3 women's prisons. There also was a temporary unit for female inmates at Waikeria Prison. Juvenile detainees come under the jurisdiction of Child, Youth, and Family Services (CYFS) rather than the police. Inmates under age 20 constituted approximately 6 percent of the total prison population. There were 4 special youth units under the Department of Corrections, providing a peer-based approach to rehabilitation for inmates under the age of 17 and vulnerable 17-to-19-year-olds. Despite increases in capacity, a shortage of beds for youthful offenders continued to be a problem during the year. At year's end, the 4 youth units had a combined capacity of 143 beds. CYFS facilities had 75 beds for juvenile offenders charged with less serious offenses whose cases were handled by the Youth Court, with an additional 15 beds planned for 2004; an additional 6 CYFS beds were available for juveniles sentenced to imprisonment for indictable offenses. In 2002, the Sentencing and Parole Act was amended temporarily to permit youths ages 15 and older to be remanded to adult facilities. Since the amendment was passed in 2002, 12 juveniles have been held in adult remand centers. Pretrial detainees were housed separately from convicted prisoners to the extent possible.

The country has expanded its use of home detention for minor offenders, in order to separate them from the corrupting influences of prison. Between January and September, 1,120 offenders were sentenced to home detention; of these, approximately 50 percent were European, 37 percent Maori, 9 percent Pacific Islander, and 3 percent Asian. The average length of home detention was between 16 and 19 weeks.

d. Arbitrary Arrest, Detention, or Exile.—The law prohibits arbitrary arrest and detention, and the Government generally observed these prohibitions.

The Police Commissioner, appointed by the Governor General, is the chief executive of the police force and reports to the Minister of Police. A Board of Commissioners, consisting of the Commissioner and two Deputy Commissioners, is responsible for high-level leadership of the police and makes decisions on police strategy, governance and performance management. Nationally, the police are organized into 12 districts, which are administered from the Office of the Police Commissioner in Wellington. There are three operational branches: General Duties, Criminal Investigation, and Traffic Safety. Allegations of corruption or impunity are referred to the Independent Police Complaints Authority, which can refer cases directly to Parliament. The police generally did not have problems with corruption and impunity.

In 2002, the High Court ruled that detained asylum seekers had the right to seek release on bail and that the Government's operating instructions regarding detention of asylum seekers violated domestic and international refugee law. However, in April, the Court of Appeal overturned the High Court decision and ruled that, under certain circumstances, the Immigration Service has the power to detain refugee status claimants on their arrival in the country (see Section 2.d.).

There is no statutory authority for imposing a sentence of exile, and the Government did not practice forced exile. The Bill of Rights guarantees every citizen the right to enter the country.

e. Denial of Fair Public Trial.—The law provides for an independent judiciary, and the Government generally respected this provision in practice.

In October, Parliament passed a law creating a domestic Supreme Court to replace the Privy Council in London as the country's highest court of appeal. The Supreme Court, to be composed of the Chief Justice and four other judges appointed by the Governor General, was scheduled to come into being on January 1, 2004, with hearings to commence on July 1, 2004.

The Court of Appeal is the highest appellate court below the new Supreme Court; it hears appeals from the High Court, which has original jurisdiction for major crimes and important civil claims. The High Court also hears appeals from lower courts and reviews administrative actions. Remaining original jurisdiction rests with the 66 district courts. Special courts include the Employment Court, family courts, youth courts, the Maori Land Court, the Maori Appellate Court, and the Environment Court. The country's military forces have their own court system, with a Courts Martial and a Courts Martial Appeals Court.

The law provides for the right to a fair trial and affords defendants the rights found in other common-law jurisdictions. An independent judiciary generally enforced these rights.

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home or Correspondence.—The law prohibits such actions, and the Government generally respected these prohibitions in practice.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The law provides for freedom of speech and of the press, and the Government generally respected these rights in practice. An independent press, an effective judiciary, and a functioning democratic political system combined to ensure freedom of speech and of the press, including academic freedom.

The Government did not restrict Internet access.

b. Freedom of Peaceful Assembly and Association.—The law provides for freedom of assembly and association, and the Government generally respected these rights in practice.

c. Freedom of Religion.—The law provides for freedom of religion, and the Government generally respected this right in practice.

For a more detailed discussion, see the 2003 International Religious Freedom Report.

d. Freedom of Movement within the Country, Foreign Travel, Emigration, and Repatriation.—The law provides for these rights, and the Government generally respected them in practice.

The law provides for the granting of refugee status or asylum to persons who meet the definition in the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. In practice, the Government provided protection against refoulement and granted refugee status or asylum. The Government cooperated with the office of the U.N. High Commissioner for Refugees (UNHCR) and other humanitarian organizations in assisting refugees. The Government also provides protection to certain individuals who fall outside of the definition of the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. Under its refugee quota, the Government resettles up to 750 UNHCR-approved refugees per year. From July 1, 2002 to July 30, the Government approved 247 applications for refugee status.

In 2002, a joint report by the Refugee Council of New Zealand and the Human Rights Foundation of Aotearoa expressed concerns about an alleged lack of human rights safeguards for detained asylum seekers; it recommended that children and other vulnerable persons not be detained pending resolution of their claims and that other asylum seekers be detained only in exceptional circumstances. The High Court subsequently ruled that asylum seekers retained the right to seek bail from detention and that the Government's operating instructions on detention of asylum seekers failed to comply with domestic and international refugee law. The Government appealed this ruling. In April, the Court of Appeal overturned the High Court's decision and ruled that, under certain circumstances, the Immigration Service has the power to detain refugee status claimants on their arrival in the country. The ruling noted that children under 17 who must be detained overnight must be detained in a residence or other premises under the control of, or approved by, the department responsible for the administration of the Children, Young Persons, and Their Families Act or in a location approved by the child's parent or guardian and an immigration officer.

During the year, Amnesty International and other human rights groups expressed concern about the continued detention of Ahmed Zaoui, a former member of the Al-

gerian Parliament, who traveled to the country from Malaysia in December 2002 on a false passport and requested asylum. In January, his asylum application was denied by a refugee status officer acting under the 1987 Immigration Act. The Refugee Status Appeals Authority (RSAA) allowed his appeal against the officer's decision to proceed, and, in August, concluded that he met the definition of a refugee. However, the intelligence service had issued a Security Risk Certificate in March asserting that Zaoui was a threat to national security, a claim the RSAA disputed. Zaoui was detained in solitary confinement from December 2002 until October, when he was transferred to a different prison; he remained in detention at year's end awaiting a final determination on his status. In December, the High Court ruled that human rights must be considered in the Inspector General's review of the Security Risk Certificate on Zaoui and that he should be given access to a meaningful summary of the information against him.

In September, Parliament passed legislation giving judges the authority to order the continued detention of illegal immigrants in cases where the immigrants' own actions were preventing their deportation. Parliament took this action after an incident in which an Afghan man allegedly shot a woman 4 days after his release from prison, where he had been held for 6 months after refusing to apply for a passport to enable the Government to deport him. He was released a day after the High Court ruled that an unsuccessful Iranian refugee claimant, who also refused to apply for a passport, was being detained unlawfully under the Immigration Act. The Minister of Immigration reportedly stated that the Afghan man was the only other person freed because of this High Court ruling.

Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government

The law provides citizens with the right to change their government peacefully, and citizens exercised this right in practice through periodic, free, and fair elections held on the basis of universal suffrage. Parliamentarians are elected under a mixed-member proportional representation system. In the most recent general elections, held in July 2002, the Labor Party won 52 of 120 parliamentary seats and formed a minority government with the Progressive Coalition Party (2 seats), with support from the centrist United Future Party (8 seats); Helen Clark remained Prime Minister. The Labor Party also had a cooperation agreement with the Green Party (9 seats). Three other political parties were represented in Parliament: The National Party (27 seats), New Zealand First (13 seats), and the ACT party (8 seats).

Women are accorded full opportunity to participate in political life. There were 35 women in the 120-seat Parliament. There were 8 women (including the Prime Minister) on the Executive Council, which comprises 27 ministers (20 within the Cabinet and 7 outside the Cabinet). The Cabinet included six women. The Prime Minister, the Attorney General, and the Chief Justice are women; the Governor General, who represents the Queen, also is a woman. There were 2 women in the 25-seat Parliament of the dependent territory of the Cook Islands, and 1 woman in the 20-seat Parliament of the dependent territory of Niue.

Seven seats in Parliament are reserved for persons of Maori ancestry. The number of Maori seats is adjusted every 5 years, based on the number of persons of Maori ancestry who register to vote on the Maori electoral roll rather than the general electoral roll. The number of Maori seats was increased from six to seven in 2001.

There were 20 Maori, 3 members of Pacific Island origin, and 1 member each of East and South Asian heritage in Parliament. The first Muslim Member of Parliament was elected in 2002. The Cabinet included at least 5 members with Maori ancestry.

Section 4. Governmental Attitudes Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A number of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials were cooperative and responsive to their views. The Human Rights Commission (HRC), a U.N.-accredited national human rights institution, investigates complaints of human rights violations and unlawful discrimination and acts as a conciliator. The HRC, which presents an annual report to Parliament, is funded by the Government but acts independently.

Section 5. Discrimination Based on Race, Sex, Disability, Language, or Social Status

The law prohibits discrimination on the basis of race, sex, religion, disability, and national or ethnic origin, and the Government actively enforced it.

Women.—Violence against women remained a serious problem, although convictions for assaults by males against females (all races) decreased from 2,916 for the period July 2001–June 2002 to 2,630 for the period July 2002–June. Just over half (52 percent) of those convicted were Maori, 30 percent were of European origin, and 14 percent were Pacific Islander. Assaults on a child remained level during the same period; there were 292 cases from July 2001–June 2002 compared with 294 cases from July 2000–June 2001.

Convictions for breaching protection orders issued under the provisions of the Domestic Violence Act continued to fall, declining from 2,360 in the period July 2000–June 2001 to 2,038 in the period July 2001–June 2002. Approximately 96 percent of those convicted for breaching a protection order were men. Of these, 41 percent were Maori, another 41 percent were European, and 7 percent were Pacific Islander.

According to a National Survey of Crime Victims conducted in 2001 and released in May, an estimated 32 percent of Maori, 17 percent of persons of European ancestry, and 12 percent of Pacific Islanders reported violent abuse by a heterosexual partner at least once in their lifetime; these figures included both men and women. One in four of the women included in the survey reported experiencing violent behavior from a partner at least once. According to the survey, Maori women (42 percent) were more than twice as likely as European women (20 percent) and Pacific Islander women (17 percent) to experience violence from a partner. Although Maori women and children constituted less than 10 percent of the population, approximately half the women and children who used the National Council of Independent Women's Refuges were Maori.

The law penalizes spousal rape. The Government prosecuted and convicted a small number of persons for spousal rape or unlawful sexual connection with a spouse during the year. Rape crisis groups existed throughout the country and included centers focusing specifically on Maori and Pacific Islanders. Rape crisis groups asserted that most sexual assault cases went unreported and that only a small percentage of reported cases resulted in convictions, a fact borne out by the results of the 2001 crime victims survey. There were 3,312 recorded sexual offenses from July 2002 to June, down 6.5 percent from those recorded in the previous 12-month period.

The 1995 Domestic Violence Act broadened the definition of violence to include psychological abuse, threats, intimidation, harassment, and allowing children to witness psychological abuse. It provides for expanded intervention measures, such as the use of protection orders; education programs for men, women, and children; stronger police powers to arrest and detain offenders; improved access to legal services for women eligible for legal aid; and tougher penalties for breach of a protection order. From July 2001 through June 2002, the Family Court received 23,805 applications for protection orders under the Act.

The Ministry of Justice worked with the Ministry of Social Development to launch a Family Violence Strategy and Youth Offending Strategy as part of its Crime Reduction Strategy. In 2002, 30 Youth Offending Teams began work to coordinate the work of local youth support agencies. The teams included representatives from the police, CYFS, and health and education agencies. In 2002, the Government also introduced "Te Rito," a national strategy to address all forms and degrees of domestic violence. The strategy had a 5-year implementation plan separated into 18 areas of action. These areas of action included monitoring and enforcing legal sanctions for family violence offenders, increasing public education and awareness, promoting and increasing child advocacy services, and developing specific culturally appropriate responses to prevent violence in Maori and Pacific Islander communities. The Government partially funded women's shelters, rape crisis centers, sexual abuse counseling, family violence networks, and violence prevention services.

Female genital mutilation (FGM) is not traditionally practiced in the country. However, in the mid-1990s, cases of FGM were documented in the Somali, Sudanese, and Ethiopian immigrant communities. A 1996 law made it illegal to perform FGM or to remove a child from the country to carry out the procedure; violations of the law are punishable by up to 7 years in prison. The Government also funded a national FGM education program. During the year, the Government sponsored ongoing public awareness campaigns to address FGM, a child protection network, and a refugee health education program providing information and medical care to new immigrants. There were no FGM cases reported during the year.

The 2003 Prostitution Reform Bill legalized prostitution. The legislation sets a minimum age of 18 to work in the industry, gives prostitutes the same workplace protections as other industries, and provides for a licensing regime for brothels. In addition, the law removes a client's ability to defend himself from prosecution based on his belief that an underage sex worker was 18 years or older, and extends prosecution to any person receiving financial gain from an act involving an underage

sex worker. The law prohibits sex tourism, and citizens who commit child sex offenses overseas can be prosecuted in New Zealand courts. There were no reports of abuse or the involuntary detention of women involved in prostitution during the year; however, there were several credible reports that women smuggled into the country were forced into prostitution to repay substantial debts to traffickers. There were also reports that some foreign commercial sex workers had their passports withheld by employers until bonds were repaid (see Sections 6.c. and 6.f.).

The law prohibits sexual harassment; however, it was a serious problem. In a survey commissioned in 2001 by the National Human Rights Commission, 31 percent of women and 13 percent of men reported experiencing sexual harassment. The Department of Labor reported settlement of 48 cases of sexual harassment from July 2002 to June. The HRC offered sexual harassment prevention training.

The Ministry of Women's Affairs addresses issues of discrimination and gender equality, and there is a Minister of Women's Affairs in the Cabinet. While the law prohibits discrimination in employment and in rates of pay for equal or similar work, the Government acknowledged that a gender earnings gap persisted in practice. Statistics as of May indicated that women earned 76 percent of men's average total wage and 84.4 percent of men's average ordinary hourly wage. Maori and Pacific Islander women earned 73.8 and 70.3 percent, respectively, of the average hourly earnings of men. During the year, the Ministry of Women's Affairs undertook a pay equity project with the Department of Labor.

Children.—The law provides specific safeguards for children's rights and protection. The Government demonstrated its commitment to children's rights and welfare through its well-funded systems of public education and medical care. In 2001, the Government instituted 12 weeks of government-funded, paid parental leave to care for children born after July 2002. The office of the Commissioner for Children played a key role in monitoring violence and abuse against children.

During the year, the Government agreed in principle to remove its reservation to Article 37(c) of the U.N. Convention on the Rights of the Child (concerning acceptance of the definition of a "child" as a person up to age 18), for implementation following completion of additional youth units for juvenile offenders (see Section 1.c.) and development of a "test of best interests" for determining placement in such units.

The law provides for compulsory, free, and universal education through age 16, and the Government effectively enforced the law. The Government provided free health care to all children under age 5.

Child abuse continued to gain significant attention. According to a UNICEF report released in September, there were 1.2 deaths from physical abuse per 100,000 children during the period 1994–1998. From July 2001 to June 2002, 6,892 children were assessed as abused or neglected. This resulted in a child abuse rate of 6.9 children for every 1,000 children under 17, a slight increase from the July 2000–June 2001 statistic of 6.7 children per 1,000. During the same period, there were approximately 2,026 reported cases of physical abuse, 1,262 cases of sexual abuse, and 2,121 cases of severe emotional abuse of children. Ten Maori children per 1,000 were reported abused or neglected, compared with 6 per 1,000 for non-Maori children. In 2000, the Government instituted an expanded program of information sharing between the courts and health and child protection agencies to identify children at risk of abuse. During the 12-month period ending June 30, applications to Family Court requested protection for 31,781 children. Of these cases, 80 percent required further action from the CYFS.

A 2002 study published by the Ministry of Justice concluded, on the basis of anecdotal evidence, that commercial sexual exploitation was a growing problem throughout the country. A 2001 study by the nongovernmental organization (NGO) End Child Prostitution, Child Pornography and Trafficking of Children for Sexual Purposes New Zealand (ECPAT NZ) found 140 children between the ages of 11 and 16 who were described as having sex for money and goods. In 2001, the Government published a National Plan of Action against the Commercial Exploitation of Children developed in concert with NGOs. The Prostitution Reform Act made it illegal to have sex with an individual under 18 years old (see Section 6.f.). Assistance programs for victims of debt bondage were implemented through the HRC, the Mayor of Auckland, the police, the Immigration Service, and NGOs, including ECPAT NZ, the Prostitutes Collective, and Shakti Asian Women's Refuge. Other initiatives included distribution of pamphlets about the unacceptability of commercial sexual exploitation of children and peer counseling programs.

In July, a man received the then-maximum allowable prison sentence of 26 months for trading objectionable pornographic material. In August, a man was sentenced to 20 months in prison on 24 Internet pornography charges related to children. Both men were apprehended by the Department of Internal Affairs' Censor-

ship Compliance Unit, which was established in 1996 to police Internet child pornography. In 1995, the Government introduced extraterritorial jurisdiction over child sex offenses committed by the country's citizens abroad.

In the mid-1990s, there were a small number of documented FGM cases, most involving young girls, in Somali, Sudanese, and Ethiopian immigrant communities. However, there were no documented cases of FGM during the year (see Section 5, Women).

Incidents of trafficking in children for sexual purposes have been documented; however, there were no such cases during the year. The Government worked with the NGO ECPAT NZ to combat trafficking in children (see Section 6.f.).

Persons with Disabilities.—The law prohibits discrimination against persons with disabilities in employment, education, access to places and facilities, and the provision of goods, services, and accommodation. Compliance with access laws varied. The Government is prohibited from discrimination on the basis of disability, mental or physical, unless such discrimination can be “demonstrably justified in a free, democratic society.” The Human Rights Commission reported that during the year, it continued to receive more complaints of discrimination based on disability than for any other type of discrimination. The International Labor Organization (ILO) has criticized the Government for not collecting adequate data regarding the employment of persons with disabilities.

Both the Human Rights Commission and the Mental Health Commission continued to address mental health issues in their antidiscrimination efforts during the year.

Indigenous People.—Approximately 15 percent of the population claim at least one ancestor from the country's indigenous Maori or Moriori minorities. The law prohibits discrimination against the indigenous population; however, the Government's May 2000 Closing the Gaps report noted a continuing pattern of disproportionate numbers of Maori on unemployment and welfare rolls, in prison, among school dropouts, in infant mortality statistics, and among single-parent households. For example, the official Maori unemployment rate remained more than twice the national average of 4.4 percent, despite a Household Labor Force Survey released in November that showed that the Maori unemployment rate had dropped from an average of 17.9 percent in 1999 to 10.6 percent in first 9 months of the year. Maori officials continued to express concern over the Government's strategy of addressing socioeconomic rather than race-based disparities.

Maori inmates continued to constitute more than half the prison population. The Government addressed the problem of recidivism among Maori through Maori focus units and special cultural assessments of Maori offenders. Five Maori focus units, involving approximately 300 inmates, integrated Maori values into the prison rehabilitation program. A special program for Maori sex offenders, Kia Marama, halved the rate of recidivism among participants.

Government policy recognizes a special role for indigenous people and their traditional values and customs, including cultural and environmental issues impacting commercial development. The Ministry of Maori Development, in cooperation with several Maori NGOs, sought to improve the status of indigenous people. A special tribunal continued to hear Maori tribal claims to land and other natural resources stemming from the 1840 Treaty of Waitangi.

During the year, the issue of ownership of the foreshore (defined as the land between high and low tide) and the seabed was the focus of protests both by Maori groups asserting customary title to the land, and non-Maori groups opposing such claims. In December, the Government introduced legislation to clarify the issue of equal access to the foreshore for all citizens.

National/Racial/Ethnic Minorities.—Pacific Islanders, who make up 6.5 percent of the population, experienced societal discrimination similar to that experienced by Maori. Pacific Islanders also were overrepresented in the prison system, accounting for approximately 10 percent of inmates. The Department of Corrections continued its strategy to reduce the crime rate among Pacific Islanders through the use of culturally based techniques. Asians, who make up less than 5 percent of the population, also reported discrimination.

The 2001 Crime Victims Survey showed that Pacific Islanders were as likely as Europeans to be victims of crime in 2000, in contrast with previous research that stated they were a higher risk group. However, Pacific Islanders were more likely than the other groups to be subjected to repeated victimization, particularly violent victimization. Overall, Pacific Islanders experienced less victimization than Maori.

Section 6. Worker Rights

a. The Right of Association.—The law provides workers the right to establish and join organizations of their own choosing, and workers exercised this right in practice. The principal labor organization is the New Zealand Council of Trade Unions, a federation that includes unions representing various trades and locations. In 2000, the Council of Trade Unions merged with the second-largest labor federation, the New Zealand Trade Union Federation. As a result, nearly all unionized workers are members of the Council of Trade Unions. A few small, independent labor unions also exist. Unions represented approximately 21 percent of all wage earners.

Labor organization is rudimentary in the territory of Tokelau (population 1,500) and in the Freely Associated State of Niue (population 1,700). In the more developed Associated State of the Cook Islands (population 19,000), most workers in the public sector, the major employer, belonged to the Cook Islands Workers' Association, an independent local union. Industrial relations in the Cook Islands are governed by a simplified version of national legislation.

The law protects unions from governmental interference, suspension, and dissolution.

The law prohibits uniformed members of the armed forces from organizing unions and bargaining collectively. Under the law, "sworn police officers" (which includes all uniformed and plainclothes police but excludes clerical and support staff) are barred from striking or taking any form of industrial action. However, police have freedom of association and the right to organize and to bargain collectively.

The law prohibits anti-union discrimination against members and organizers. Unions may affiliate internationally. The New Zealand Council of Trade Unions is affiliated with the International Confederation of Free Trade Unions.

b. The Right to Organize and Bargain Collectively.—The law provides for the right of workers to organize and contract collectively, and workers exercised this right in practice.

Unions influenced legislation and government policy. Some unions were affiliated with the Labor Party; others operated independently of political parties; all were free to support parties whose policies they favored.

In 2000, the Government significantly changed the law governing industrial relations, repealing the Employment Contracts Act of 1991 and replacing it with the Employment Relations Act (ERA). The ERA promotes collective bargaining, strengthens unions, and requires that parties to an employment agreement bargain in good faith to achieve either a collective or individual employment agreement. The act also promotes mediation and attempts to reduce the need for judicial intervention. Under the ERA, employment relationships are based on contracts. Individual employees and employers may choose to conduct negotiations for employment contracts on their own behalf or may authorize any other person or organization to do so on their behalf. Although choosing a union is entirely voluntary, unions remained the most common agents used by workers to negotiate with employers. Employers must recognize a representative authorized by an employee or employees.

During the year, the Government conducted a technical review of ERA legislation, prompted by the June ratification by the Parliament of ILO Convention 98 on the right to organize and bargain collectively.

The Government does not control mediation and arbitration procedures. The ERA strongly encourages mediation and requires that the majority of employment disputes first proceed through mediation. It also established the Employment Relations Authority as an investigative body to establish the facts of an employment relationship dispute and to make a determination according to the merits of the case. There is also an Employment Court with exclusive jurisdiction over employment matters. Appeals from the Employment Court to the Court of Appeal are possible. Firing an employee for union activities is grounds for a finding of unjustified dismissal and may result in reinstatement and financial compensation. Other than police and armed forces personnel, public services employees, including essential service employees such as prison workers, may organize and strike. Disputes that cannot be settled by negotiation between the Police Association and management are subject to compulsory, final-offer arbitration.

Sympathy strikes, secondary strikes, and strikes over social or political causes are illegal.

Unions often exercised the right to strike. Significant limitations on the right to strike were eliminated when the ERA replaced the Employment Contracts Act; unions no longer are limited to strikes related to the negotiation of a collective contract and may strike in pursuit of multiemployer contracts across an entire economic sector.

During the 12 months that ended in March, there were 40 work stoppages, involving 17,624 workers and the loss of approximately \$2.31 million (\$NZ3.6 million) in wages and salaries. This represented a 13 percent decrease in the number of work stoppages compared with the previous reporting period (July 2001–June 2002), involving 28 percent fewer workers and a 54 percent decrease in lost wages and salaries.

There are no export processing zones.

c. Prohibition of Forced or Bonded Labor.—The law prohibits forced or bonded labor, including by children. Inspection and legal penalties ensured respect for provisions against forced labor. There were no reports of the involuntary detention of women involved in prostitution; however, there were reports that some foreign commercial sex workers had their passports held by employers until bonds were repaid. In May, a Thai woman settled a civil court case for the money that she had paid traffickers. The woman believed that she was coming to the country to work in a restaurant but was forced into prostitution.

d. Status of Child Labor Practices and Minimum Age for Employment.—Department of Labor inspectors effectively enforced a ban on the employment of children under the age of 15 in manufacturing, mining, and forestry. Children under the age of 16 may not work between the hours of 10 p.m. and 6 a.m. By law, children enrolled in school may not be employed, even outside school hours, if such employment would interfere with their education.

e. Acceptable Conditions of Work.—A 40-hour workweek is traditional. There are legal limits regarding hours worked; for example, professional drivers must have a 24-hour rest period after an 11-hour day. There is premium pay for overtime work. The law does not provide specifically for a 24-hour rest period weekly; however, management and labor have accepted the practice, and it was the norm. The law provides for a minimum 3-week annual paid vacation and 11 paid public holidays. In 2000, the Government mandated an hourly minimum wage of approximately \$4.95 (\$NZ7.70) and lowered the minimum age of eligibility for this wage to cover workers ages 18 to 20. In March, the minimum wage was increased to approximately \$5.46 (\$NZ8.50). Combined with other regularly provided entitlements and welfare benefits for low-income earners, this wage was generally adequate to provide a decent standard of living for a worker and family. There is a separate youth minimum wage for younger workers (ages 16 to 17), which was increased in March to approximately \$4.37 (\$NZ6.80). Legislation passed in June allows trainees to receive a minimum training wage, which is equivalent to the youth minimum wage. A majority of the work force earned more than the minimum wage.

Extensive laws and regulations govern health and safety issues. Under these rules, employers are obliged to provide a safe and healthy work environment, and employees are responsible for their own safety and health, as well as ensuring that their actions do not harm others. As a result of union criticism, the law was reviewed by Parliament, and amendments to the ERA were introduced in December; however, they had not been enacted by year's end.

Workers have the legal right to strike over health and safety issues. Unions and members of the general public may file safety complaints on behalf of workers. Department of Labor inspectors effectively enforced safety and health rules, and they had the power to shut down equipment if necessary. The Department of Labor standard is to investigate reports of unsafe or unhealthy working conditions within 24 hours of notification. Inspectors can issue notices of deficiencies and bring prosecutorial action to enforce workplace safety. Workers have the right to withdraw from a dangerous work situation without jeopardy to continued employment.

Labor laws were applied to foreign workers and citizens in the same manner.

f. Trafficking in Persons.—The country has been a destination for internationally trafficked persons and, to a lesser extent, a transit point for persons being trafficked to the United States and other countries. In 2002, the Government passed legislation that criminalizes alien smuggling and trafficking in persons, with penalties of up to 20 years in prison and fines of up to \$321,337 (\$NZ 500,000). Laws against child sexual exploitation and slavery carry penalties of up to 14 years in prison. Trafficking in women and children (particularly from Thailand) to work in the sex industry has been a problem. Since the Government imposed a visa requirement for Thai nationals in 2001 in an effort to reduce the trafficking of women, no new cases of internationally trafficked persons have been brought to the attention of the authorities. However, there were continuing reports that undocumented Thai and Chinese were forced to work in the sex industry to repay debts to smugglers. There were concerns that the passage of the Prostitution Reform Bill (see Section 5) would increase trafficking to the country, specifically among Southeast Asian women who arrive believing they will be enrolled in an English-language school.

Shakti Migrant Services Trust, an antitrafficking NGO, provided reports of prostitution and abuse resulting from the immigration of Indian women for arranged marriages. The Trust reported that some of these women were forced to work long hours, treated as virtual slaves, and in some cases forced into prostitution.

In July, an Australian man was the first person charged under the new Immigration Amendment Act of 2002 with attempting to help a foreigner enter the country illegally for the purpose of prostitution.

The Government worked with the NGO ECPAT NZ to combat trafficking in children. There were no documented incidents of trafficking in children for sexual purposes during the year.

The Government provided funding for the Human Rights Commission to coordinate antitrafficking activities, for health services for trafficked persons, and for the New Zealand Prostitutes Collective to provide peer counseling and assistance to trafficked persons. The major urban areas have support networks for trafficked individuals, including mechanisms to provide safehouses and repatriation. Antitrafficking campaigns included literature on how to escape from prostitution, translated into the Thai language and distributed throughout the commercial sex worker areas in Auckland.

PALAU

Palau, formerly a U.N. trusteeship administered by the United States, became an independent nation in free association with the United States on October 1, 1994. The democratically elected government is modeled after that of the United States. The Constitution provides for executive and legislative branches and free and fair elections. Members of the legislature, the Olbiil Era Kelulau, are elected for 4-year terms. The President and Vice President also are elected for 4-year terms. In the November 2000 general elections, Vice President Tommy E. Remengesau, Jr. won the presidential race and Senator Sandra S. Pierantozzi became the first female Vice President. The country is organized politically into 16 states. The Council of Chiefs, consisting of the highest traditional chiefs from each state, advises the President on traditional laws and customs. The judiciary is independent.

The country has no security forces other than police and civilian law enforcement personnel; all were under the effective control of the civilian authorities. The Ministry of Justice oversees the national police force. The country also has a Marine Law Enforcement Division that patrols its borders with assistance from the Australian Government. Under the Compact of Free Association, the United States is responsible for the country's external defense. There were no reports that members of the security forces committed human rights abuses.

The small, market-based, mixed economy was sustained largely by transfer payments from the United States. The population was approximately 19,100 according to the 2000 census. The Government employed approximately 29 percent of the work force. The rate of economic growth was 2.3 percent in 2002. Traditional subsistence agriculture and fishing diminished as persons moved to urban areas in search of employment. An increasing number of Chinese farmers operated vegetable farms that competed with indigenous farmers; most indigenous farmers worked and sold what they produced from their own land.

The Government generally respected the human rights of its citizens; however, there were problems in a few areas. Traditional customs sustain a value system that discriminates between persons on the basis of social status and sex. Domestic violence and child neglect continued to be problems. Societal discrimination and some abuse against certain foreign workers, who accounted for nearly 30 percent of the population and 73 percent of the paid work force, also were serious problems. There were reports of persons being trafficked to the country from the People's Republic of China (PRC), the Philippines, and Taiwan.

RESPECT FOR HUMAN RIGHTS

Section 1. Respect for the Integrity of the Person, Including Freedom From:

a. Arbitrary or Unlawful Deprivation of Life.—There were no reports of the arbitrary or unlawful deprivation of life committed by the Government or its agents.

b. Disappearance.—There were no reports of politically motivated disappearances.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The Constitution prohibits such practices, and there were no reports that government officials employed them.

Some witnesses asserted that police used excessive force during a clash with PRC citizen workers of a defunct garment factory (see Section 6.e.) who barricaded themselves inside a restaurant in April and allegedly held a police officer hostage for several hours. The Government responded that the police used an appropriate level of force to deal with the situation.

Prison conditions generally met international standards, and the Government permitted visits by independent human rights observers. However, during the year, the country's sole prison suffered from overcrowding resulting from increased convictions and mandatory sentences for firearms and drug-related offenses. Members of the Palau Red Cross Society, which is affiliated with the International Federation of Red Cross and Red Crescent Societies, have visited the prison. Government health and sanitation officials also inspected the prison regularly. The prison has separate quarters for men, women, juveniles, and pretrial detainees.

d. Arbitrary Arrest, Detention, or Exile.—The Constitution prohibits arbitrary arrest and detention, and the Government generally observed these prohibitions.

The Bureau of Public Safety within the Ministry of Justice is the country's primary law enforcement agency, and performs both police and emergency response functions. It has a force of approximately 300 officers. In addition to training received locally, some law enforcement personnel received training in other countries. The police generally were considered effective. Since 2000, the overall crime rate has fallen, and investigations, prosecutions, and convictions for drug offenses increased. Corruption and impunity were not major problems. An Internal Affairs Officer within the bureau investigates reports of police misconduct. There also is a Special Prosecutor within the Ministry of Justice, with authority to investigate reports of misconduct by government employees.

Warrants for arrests are prepared by the Office of the Attorney General and signed by a judge. Detainees had prompt access to family members and lawyers. If a detainee could not afford a lawyer, the Public Defender or a court-appointed lawyer was available. There was a functioning system of bail. Lengthy pretrial detention was not a problem.

The Constitution prohibits forced exile, and the Government did not use it.

e. Denial of Fair Public Trial.—The Constitution provides for an independent judiciary, and the Government generally respected this provision in practice.

The judiciary consists of the Supreme Court, the National Court, and the Court of Common Pleas. The President appoints judges to the Supreme Court and National Court from a list recommended by the Judicial Nominating Commission. Appointments are for life.

The Constitution provides for the right to a fair trial, and an independent judiciary generally enforced this right. The Government has an independent special prosecutor and an independent public defender system.

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home or Correspondence.—The Constitution prohibits such actions, and the Government generally respected these prohibitions in practice.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution provides for freedom of speech and of the press, and the Government generally respected these rights in practice. An independent press, an effective judiciary, and a functioning democratic political system combined to ensure freedom of speech and of the press, including academic freedom.

The Internet was easily accessible; the Government did not control or limit its use.

b. Freedom of Peaceful Assembly and Association.—The Constitution provides for freedom of assembly and association, and the Government generally respected these rights in practice.

c. Freedom of Religion.—The Constitution provides for freedom of religion, and the Government generally respected this right in practice.

The Government did not promote or restrain religious activities; however, it regulated the establishment of religious organizations by requiring them to obtain charters as nonprofit organizations from the Office of the Attorney General. This registration process was not protracted, and the Government did not deny any groups registration during the year.

In 1998, in response to complaints from employers that the religious practices of Bangladeshi Muslims interfered both with activity in the workplace and with the living arrangements of the employing families, the Ministry of Commerce and Trade decided to deny work permits to Bangladeshi workers in the future. In 2001, the

Ministry extended this policy to Indians and Sri Lankans, both Muslims and non-Muslims. Workers already in the country were not expelled.

For a more detailed discussion, see the 2003 International Religious Freedom Report.

d. Freedom of Movement within the Country, Foreign Travel, Emigration, and Repatriation.—The Constitution provides for these rights, and the Government generally respected them in practice.

The law does not include provisions for the granting of refugee status or asylum to persons who meet the definition in the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. The Government has not formulated a policy regarding refugees or asylum, and government practice remained undefined. However, there were no reports of the forced return of persons to a country where they feared persecution. The issue of cooperation with the office of the U.N. High Commissioner for Refugees and other humanitarian organizations in assisting refugees never has arisen.

Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government

The Constitution provides citizens with the right to change their government peacefully, and citizens exercised this right in practice through periodic, free, and fair elections held on the basis of universal suffrage.

The Constitution provides for executive and legislative branches. The legislature, the Olbiil Era Kelulau, consists of 2 equal houses: The 9-member Senate and the 16-member House of Delegates. The President and Vice President are elected by popular vote and have no limit on the number of their terms, except that the President may serve only two consecutive terms. Although there have been political parties in the past, there were none during the year. In the November 2000 general elections, Vice President Tommy E. Remengesau, Jr., won the presidential race, and Senator Sandra S. Pierantozzi became the first female Vice President.

There are no legal impediments to women participating in government and politics. Women constituted 16 percent of state government legislators, down from 18 percent in 2002. A woman was governor of 1 of the 16 states. No women were elected to the Olbiil Era Kelulau in the 2000 election.

Section 4. Governmental Attitudes Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A number of domestic and international human rights groups generally operated without government restraint, investigating and publishing their findings on human rights issues. Government officials were cooperative and responsive to their views.

The Palau Red Cross Society opened its office in 1996, and in 1997, it joined the International Federation of Red Cross and Red Crescent Societies.

Section 5. Discrimination Based on Race, Sex, Disability, Language, or Social Status

The Constitution prohibits discrimination on the basis of sex, race, place of origin, language, religion or belief, social status, or clan affiliation, and the Government observed these provisions.

Women.—There were many incidents of violence against women, primarily domestic abuse. Alcohol and illegal drug abuse increasingly contributed to this problem. According to the Office of the Attorney General, the Government's Public Health Office, and women's groups, only a few such cases are reported to the authorities every year. Although assault is a criminal offense, women were reluctant to prosecute their spouses.

The law prohibits rape, including spousal rape; however, such crimes were not common. The Bureau of Public Health and the Bureau of Public Safety have urged all victims of crime, including rape, to report offenses.

Prostitution is illegal, and it was a problem; there were reports of women being trafficked to the country from the PRC, Taiwan, and the Philippines to work in karaoke bars as hostesses and prostitutes (see Section 6.f.). There were no prosecutions for prostitution during the year.

Sex tourism is illegal, and it was not a problem. Sexual harassment is illegal, and did not appear to be a major problem.

Two cases alleging sexual harassment were brought during the year; they were pending at year's end.

The inheritance of property and of traditional rank is matrilineal, with women occupying positions of importance within the traditional system. Women serve by presidential appointment as bureau directors for human resources and clinical services. There were no reported instances of unequal pay for equal work or sex-related job discrimination.

Since 1993, local women's groups have organized an annual women's conference that focuses on women's and children's issues, including health, education, drug abuse, prostitution, and traditional customs and values. Government officials, including the President, Vice President, ministers, and traditional chiefs, have participated in the conference to discuss these issues. Women's group leaders and government officials agreed that changes were needed to improve the country's educational system and to reduce illegal drug use among youth. The 10th Annual Women's Conference held in April continued its focus on previously discussed issues and problems.

Children.—The Government provided a well-funded system of public education and medical care for children. There was no difference in the treatment of girls and boys in educational opportunities, or in the availability of scholarships to attend postsecondary education abroad. Education was mandatory from ages 6 to 17; it was free and universal. Ninety-four percent of school-age children attended school; of these, 97 percent finished elementary school and 78 percent completed high school. Girls and boys received equal treatment in health care services.

While there have been a few instances of child abuse, cases have been prosecuted successfully by the Office of the Attorney General. While children's rights generally were respected, there were reports of several instances of child neglect, which was a byproduct of the breakdown of the extended family. Commercial sexual exploitation of children was neither accepted within society nor practiced.

Government officials and representatives from nongovernmental organizations (NGOs) agreed that changes were needed to improve the educational system and to reduce illegal drug abuse among youth.

Persons with Disabilities.—The National Code includes a Disabled Persons Anti-discrimination Act and a Handicapped Children Act, and the Government enforced the provisions of these acts. No instances of discrimination against persons with disabilities were reported. The law requires building access for persons with disabilities, and most government and business buildings have access for such persons. The public schools have established special education programs to address problems encountered by persons with disabilities.

National/Racial/Ethnic Minorities.—The law prohibits noncitizens from purchasing land or obtaining citizenship. The rapid increase in foreign workers, who according to the 2000 census constituted nearly 30 percent of the population and 73 percent of the work force, was viewed negatively by a majority of citizens. Foreign residents were subjected to some forms of discrimination and were targets of petty, and sometimes violent, crimes, as well as other random acts against person and property. Foreign residents made credible complaints that crimes against noncitizens were not pursued or prosecuted by authorities with the same vigor as crimes against citizens.

Certain foreign nationals experienced generalized discrimination in employment, pay, housing, education, and access to social services, although the law prohibits such discrimination. While precise data was lacking, there continued to be anecdotal reports regarding the abuse of workers' civil rights perpetrated against domestic servants, female bar workers, construction laborers, and other semiskilled workers, the majority of whom were from the Philippines, the PRC, and Taiwan. The most common abuses included misrepresentation of contract terms and conditions of employment, withholding of pay or benefits, and, at times, physical abuse (see Section 6.e.). In a number of instances, local authorities took corrective action when alerted by social service and religious organizations to which foreign workers had turned for assistance. Nonetheless, foreign workers often were reluctant to seek legal redress for fear of losing their employment and, thus, permission to remain in the country.

Section 6. Worker Rights

a. The Right of Association.—The Constitution provides for the right of all persons to assemble peacefully and to associate with others for any lawful purpose, including the right to join and organize labor unions. However, there were no active labor unions or other employee organizations.

b. The Right to Organize and Bargain Collectively.—There is no legislation concerning trade union organization, including collective bargaining, although there were no legal impediments to either. Wages in the cash economy were determined by market factors.

The Constitution does not provide for the right to strike, and the Government has not addressed this issue. There were no strikes during the year.

There are no export processing zones.

c. Prohibition of Forced or Bonded Labor.—The Constitution prohibits slavery or involuntary servitude except to punish crime. The law does not prohibit specifically forced and bonded labor by children; however, there were no reports that such practices occurred. Instances were reported of foreign workers, particularly domestic helpers and unskilled laborers, who were forced to accept jobs different from those for which they were recruited. The freedom of foreign workers to leave employment situations not to their liking may be hindered by verbal threats or the withholding of passports and return tickets to the country in which they were recruited. There were some reports of trafficking in persons (see Section 6.f.).

d. Status of Child Labor Practices and Minimum Age for Employment.—The Constitution states that the Government shall protect children from exploitation. There is no minimum age for employment. Children typically were not employed in the wage economy, but some assisted their families with fishing, agriculture, and other small-scale family enterprises. By regulation, no foreigner under the age of 21 may be admitted into the country for employment purposes, and the Government enforced this regulation effectively.

The Government has not ratified ILO Convention 182 on the worst forms of child labor.

e. Acceptable Conditions of Work.—The law sets the minimum wage at \$2.50 per hour. Foreign workers are not included under the minimum wage law. The minimum wage appeared to be sufficient to provide a decent standard of living for a worker and family. Anecdotal evidence indicated that unskilled workers for commercial firms (usually foreigners) were paid only \$1.50 to \$2.00 per hour. However, foreign workers usually were provided, in addition to their wages, basic accommodations and food at no or nominal cost. Although these wages were low, the country continued to attract large numbers of foreign workers from the Philippines and the PRC. There were more than 7,500 foreign nationals with work permits in the country; over half were from the Philippines, followed by the PRC, Korea, Indonesia, and Vietnam. Since 1998, the Philippine Embassy has been working closely with the Government's Labor Division to resolve problems created by falsified documents, and it interceded in several cases involving allegations of worker abuse during the year; it also assisted in the repatriation of several workers.

There is no legislation concerning maximum hours of work, although most businesses are closed on either Saturday or Sunday. The Division of Labor has established some regulations regarding conditions of employment for nonresident workers. The Division may inspect the conditions of the workplace and employer-provided housing on the specific complaint of the employees, but actual enforcement was sporadic. Working conditions varied in practice. No law specifically gives workers the right to remove themselves from situations that endanger their health or safety without jeopardy to their continued employment, and no law protects workers who file complaints about such conditions.

As the number of foreign workers increased, there continued to be increasing numbers of reports of mistreatment of such workers by their employers. These incidents of alleged mistreatment were common knowledge among the general public but rarely were reported to law enforcement authorities by the foreign workers due to fear of their employers. Some types of mistreatment that foreign workers consistently complained about included physical and verbal abuse; being required to work overtime and on days off without pay; employers withholding monthly salary; employers and recruiters deducting the amount of airfare from salaries; and substandard housing. Some workers also complained that they were not provided sufficient food. The foreign workers most likely to be abused were those who worked under contracts and earned between \$150 and \$300 a month as domestic helpers, construction workers, farmers, waitresses, beauticians, and hostesses in karaoke bars and massage parlors. Under the terms of their contracts, they also were to be provided room and board and air travel from their home country and back after the termination of their contracts. It was generally assumed that legislators specifically exempted contract workers in the 1998 minimum wage bill to ensure a continued supply of low-cost labor in industries that the legislators often control.

During the year, over 200 PRC nationals were stranded when the garment factory that had employed them closed without paying the workers back wages and other monies owed them; the Government helped to arrange their repatriation.

f. Trafficking in Persons.—Neither the Constitution nor the law prohibits specifically trafficking in persons; however, there are laws against slavery, fraud, and prostitution. There were reports of women and some men being trafficked to the country from the PRC, Taiwan, and the Philippines to work in karaoke bars as hostesses and prostitutes, as domestics in private homes, and on construction sites. The freedom of foreign workers to leave employment situations not to their liking or into

which they were forced may be hindered by verbal threats or the withholding of passports and return tickets to the country in which they were recruited (see Section 6.c.).

There were press reports that women recruited in the country to work in a nursing home in the United States were exploited by their employer; the women charged that the nursing home paid them barely enough to live on, retaining the remainder of their wages for repayment of their travel and other claimed expenses. The Government assisted the women in leaving the employer; some returned to Palau at their own expense.

The Divisions of Immigration and Labor are involved in combating trafficking; however, the Government lacked funding and expertise to address the problem in practice. There was no formalized assistance available for victims, and victims normally were detained, jailed, or deported if they committed a crime such as prostitution. There were no NGOs that specifically addressed trafficking.

PAPUA NEW GUINEA

Papua New Guinea has a federal parliamentary system based on universal adult suffrage. Voters elect a unicameral parliament with 109 members from all 19 provinces and the National Capital District. The most recent general elections were in June 2002; there were localized instances of voter intimidation and violence, and influence peddling. A coalition government, led by Prime Minister Michael Somare, formed following the election. The judiciary is independent, but was hampered by inefficiency.

The Government has constitutional authority over the Defense Force, the Royal Papua New Guinea Constabulary, and the National Intelligence Organization. The constabulary maintains internal security, assisted from time to time by the Defense Force, including during elections. The Defense Force is responsible for external security. While civilian authorities generally maintained effective control of the security forces, there were some instances in which elements of the security forces acted independently of government authority. Members of the constabulary committed a number of serious human rights abuses.

The economy is market based and relied heavily on agriculture and commodity exports. The population was approximately 5.5 million according to a 2001 United Nations Development Program (UNDP) estimate, and there are more than 800 distinct indigenous languages and tribes. Cyclical commodity prices, frequent changes of government complicating long-term economic planning, and lack of political will over a number of years to implement sound economic policies have resulted in persistent macroeconomic stagnation. Crime, especially in urban areas, was a critical problem. Approximately 85 percent of the population resided in isolated rural villages engaged in subsistence and smallholder agriculture. Real national and per capita incomes have declined in recent years, from \$4.9 billion in 1997 to approximately \$3 billion in 2002. During the year, the country received approximately \$170 million in development assistance from Australia, its largest trade partner and aid provider.

The Government generally respected the human rights of its citizens; however, there were serious problems in some areas. Police committed arbitrary or unlawful killings, used excessive force when arresting and interrogating suspects, and engaged in excessively punitive and violent raids. The Government on occasion investigated allegations of abuse and prosecuted those believed responsible. Prison conditions in several areas continued to be poor. Court understaffing reduced court hearings and increased pretrial detention periods. Police infringed on citizens' privacy rights. In the past, the Government limited freedom of assembly in the form of marches or demonstrations; there reportedly were no applications for permits for marches or demonstrations during the year. Extensive violence and discrimination against women were problems, and child abuse appeared to be a growing problem. Discrimination against persons with disabilities persisted, and violence among tribes in both urban and rural areas remained a serious problem.

RESPECT FOR HUMAN RIGHTS

Section 1. Respect for the Integrity of the Person, Including Freedom From:

a. Arbitrary or Unlawful Deprivation of Life.—The police killed several persons during the year. According to police reports, most killings occurred during gunfights with criminal suspects who were resisting arrest. There were no deaths in custody during the year.

All police shootings are investigated by the police department's internal affairs office and reviewed by a coroner's court. If the court finds that the shooting was unjustifiable or due to negligence, the police officers involved are tried. Families of persons killed or injured by police in such circumstances may challenge the coroner's finding in the National Court, with the assistance of the Public Solicitor's Office. Cases of accidental shootings of bystanders by police during police operations are also investigated and reviewed by a coroner's court.

During the year, the Government took no further action in the cases of police officers involved in the 2001 shootings of university students in Port Moresby, in which four students were killed, and did not release the results of an inquiry it ordered into the shootings.

In the past few years, due to the availability of modern weapons, there have been an increasing number of deaths resulting from violent tribal conflicts (see Section 5).

b. Disappearance.—There were no reports of politically motivated disappearances.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The Constitution forbids torture and other cruel or degrading treatment or punishment; however, individual members of the police often beat suspects during arrests, interrogations, and in pretrial detention. In February, police reportedly assaulted two priests in Tapo during a search for criminals in the area. A photographer for The National newspaper reported that police punched and threatened him during a police confrontation with market vendors in Port Moresby in November (see Section 2.a.). In November and December, several persons alleged sexual abuses by police at Yangoru police station in East Sepik province. Although abuses such as citizens being permitted to beat suspects and the rape of female detainees by police reportedly did not occur during the year, no action was taken against offenders from previous years.

In March, a group of approximately 100 armed soldiers assaulted civilians in a Port Moresby suburb during a search for a thief.

Prison conditions were poor. According to the Minister for Correctional Services, as of year's end, there were more than 3,300 detainees, of whom 90 percent were male. During the year, 15 of the country's 17 jails were operational. The prison system suffered from serious underfunding. Prisons closed in 2000 because of life-threatening conditions remained closed, and there was no new construction. Some prisons in urban areas were seriously overcrowded. In rural areas, infrequent court sessions and bail restrictions for certain crimes exacerbated overcrowding (see Section 1.d.). Shortly after mid-year, eight prisoners died of either a food-transmitted or airborne infection at a provincial prison; the deaths spurred medical treatment of other infected inmates.

Male and female inmates were housed separately. There were no separate facilities for juvenile offenders; however, in some prisons, juveniles were provided with separate sleeping quarters. Pretrial detainees were not separated from convicted prisoners.

Prisoners were often confined in crowded conditions in police stations. Prison guards' living conditions were as poor as those of the prisoners. Prison escapes were common.

The Government permitted prison visits by human rights observers.

d. Arbitrary Arrest, Detention, or Exile.—The Constitution prohibits arbitrary arrest and detention, and the Government generally observed these prohibitions.

The country has a national police force, known as the Royal Papua New Guinea Constabulary. The force is headed by a commissioner, who reports to the Minister for Internal Security. A new commissioner was appointed in 2002 and replaced much of the police leadership in an effort to address corruption and inefficiency; however, corruption and impunity remained problems. During the year, some police officials were suspended for involvement in corruption or other criminal activity. Police effectiveness was impeded both by a serious lack of resources and by clan rivalries; within the constabulary, clan members often attempted to thwart remedial or disciplinary actions against fellow members of their clan. In December, the Cabinet directed the Minister for Internal Security to appoint a panel to review the administration and operations of the police force.

The Arrests Act of 2000 governs arrests. To make an arrest, police must have reason to believe that a crime was committed, is in the course of being committed, or will be committed. A warrant is not required, and police made the majority of arrests without one. Citizens may make arrests under the same standards as the police, although this was rare in practice. Police, prosecutors, or citizens may apply to a court for a warrant; however, police normally did so only if they believed it would assist them in carrying out an arrest.

Under the law, only National or Supreme Court judges may grant bail to persons charged with willful murder or aggravated robbery. In all other cases, the police or magistrates may grant bail. Arrested suspects have the right to legal counsel, to be informed of the charges against them, and to have their arrests subjected to judicial review. Access to counsel by detainees was not a problem during the year. Due to very limited police and judicial resources and a high crime rate, suspects often were held in pretrial detention for long periods of time. Pretrial remand is subject to strict judicial review through continuing pretrial consultations, especially at the National Court level; however, the slow pace of police investigations and occasional political interference or police corruption frequently delayed cases for months. Additionally, circuit court sittings were infrequent because of a shortage of judges and travel funds, delaying both the trial process and the rendering of decisions. Some detainees have been held in jail for more than 2 years because of the shortage of judges. During the year, development aid was provided for some training and education of the judiciary.

The Constitution prohibits forced exile, and the Government did not use it.

e. Denial of Fair Public Trial.—The Constitution provides for an independent judiciary, and the Government generally respected this provision in practice. The Supreme Court is the final court of appeal and has original jurisdiction on constitutional matters. The National Court hears most cases and appeals from the lower district courts established at the provincial level. There also are village courts headed by lay persons (generally local chiefs, known as “big-men”), who judge minor offenses under both customary and statutory law.

The legal system is based on English common law. The Constitution provides for due process, including a public trial, and the court system generally enforced these provisions. Defendants have the right to an attorney. The Public Solicitor’s office provides legal counsel for those accused of “serious offenses” who are unable to afford counsel. Serious offenses are defined as charges for which a sentence of 2 years or more is the norm. Defendants and their attorneys may confront witnesses, present evidence, plead cases, and appeal convictions. The shortage of judges created delays both in the process of trials and in the rendering of decisions (see Section 1.d.).

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home or Correspondence.—The Constitution prohibits such action; however, there were instances of abuse. Police raids and searches of the homes or settlements of suspected criminals or other wrongdoers can be marked by a high level of violence and property destruction. Police units operating in highland regions sometimes used intimidation and destruction of property to suppress tribal fighting (see Section 5). During the year, there were reported instances of politicians directing or bribing police officials to arrest or intimidate individuals seen as political enemies or as possible whistle-blowers on corruption or misuse or theft of public assets.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution provides for freedom of speech and of the press, and the Government generally respected these rights in practice. The combined circulation of 2 daily English-language newspapers was less than 60,000. A weekly newspaper in Melanesian Pidgin (the national “lingua franca”) also was published. All freely expressed independent coverage, including a variety of editorial viewpoints, and reported on controversial issues such as alleged abuses by police, cases of alleged corruption by government officials, and political opposition views. However, after the local press gave wide coverage to a critical report on the country released in March by the Australian Center for Independent Studies, members of both the executive branch and Parliament called for greater control of the press. The study’s co-author, a naturalized citizen, was called before a parliamentary committee and questioned about his patriotism and his sources and methods; some elected officials demanded that his citizenship be revoked. Nonetheless, the Government did not take any further action against him or place any new restrictions on press freedom during the year.

A reporter for The National newspaper charged that on November 28, one police officer punched him and smashed his camera and another threatened to hit him with an iron bar as he was attempting to photograph a confrontation between police and a group of vendors at a Port Moresby market. As of year’s end, the Government had taken no action against the officers involved. In August, the Bougainville correspondent of the Post-Courier newspaper reported that armed men claiming to be supporters of Harold Ke’ke, a militant leader in the Solomon Islands, entered the paper’s Bougainville office, vandalized office equipment, and threatened to burn down the office and kill the correspondent if the paper did not stop publishing arti-

cles about Ke'ke. The paper's office closed temporarily, but reopened later in the year.

The sole domestic television broadcaster, EMTV, is a subsidiary of an Australian broadcasting company; reception was limited to the capital and provincial centers. The two local cable companies were independent. The government-owned National Broadcasting Corporation operated two radio networks whose effectiveness was limited by inadequate funding and deteriorating equipment. Based in Port Moresby, a privately owned radio network, NAU-FM, was expanding to other areas of the country. There were a small number of local radio stations in cities other than Port Moresby.

Internet access was privately operated and becoming common in cities; the Government did not restrict it.

The Government did not restrict academic freedom.

b. Freedom of Peaceful Assembly and Association.—The Constitution provides for freedom of assembly; however, the Government often has limited this right in practice. Public demonstrations require police approval and 14 days' notice. Police, asserting a fear of violence from unruly spectators, rarely gave approval. Police reportedly received no requests for such approval during the year.

The Constitution provides for freedom of association, and the Government generally respected this right in practice. Associations wishing to open a bank account and conduct financial transactions must register. The process of registration was slowed by bureaucratic inefficiency, but there was no policy of denying registration. International affiliation of church and civic groups was permitted freely.

c. Freedom of Religion.—The Constitution provides for freedom of religion, and the Government generally respected this right in practice. It was the policy of the Department of Education to set aside 1 hour per week for religious instruction in the public schools. Religious representatives taught the lessons, and the students attended the class operated by the denomination of their parents' choice. Children whose parents did not wish them to attend the classes were excused.

For a more detailed discussion, see the 2003 International Religious Freedom Report.

d. Freedom of Movement within the Country, Foreign Travel, Emigration, and Repatriation.—The Constitution provides for these rights, and the Government generally respected them in practice. Persons displaced by the 1989–2001 civil war between the central government and Bougainville rebels have returned to their homes.

Although a party to the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol, the Government has not enacted enabling legislation.

A reservation to the Convention regarding the issuance of travel documents restricted the travel of some persons from the Indonesian province of Papua (formerly Irian Jaya) living in a refugee camp in the western part of the country. At year's end, there remained approximately 120 persons from Indonesian Papua living in a camp in Vanimo, near the Indonesian border. The Government cooperated with the U.N. High Commissioner for Refugees (UNHCR) and did not force any persons to return to countries where they feared persecution. In practice, the Government provides temporary protection to certain persons who fall outside the definition of the 1951 Convention and its 1967 Protocol. During the year, the Government provided protection for several hundred persons who fled the Indonesian province of Papua. Several hundred more lived in informal, unrecognized camps adjacent to the border with Indonesia. The Government cooperated with the office of the UNHCR in assisting the Indonesian Papuans living in the East Awin refugee camp in Western Province and has administered the camp since 1996, when the UNHCR office closed. The Government has a policy of limited integration for Indonesian Papuans with certain skills or other qualifications, who were accorded limited residency status and permitted to leave the refugee settlement. Those who violated conditions of their residency could be repatriated, but there were no known forced returns of Papuans to Indonesia. Several thousand persons lived in tribes along the borders and moved freely between the two countries, although border tensions increased in 2002.

At year's end, one detainee remained in the Manus Island detention camp, which had held asylum seekers interdicted at sea by Australia; the detainee was awaiting a decision by Australia on his transfer to a facility outside the country.

Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government

The Constitution provides citizens with the right to change their government peacefully, and citizens exercised this right in practice through periodic, free, and fair elections held on the basis of universal suffrage. Voters elect a unicameral parliament with 109 members from all 19 provinces and the National Capital District.

Any citizen may stand for election. Because of the high number of candidates for Parliament, some members have won election with less than 10 percent of the total votes cast.

The most recent general election was held in June 2002. Of the 109 seats in Parliament, 77 changed hands. A coalition government, led by Prime Minister Michael Somare, formed following the election. Fraud, voter intimidation, theft of ballot boxes, and violence, including rape and murder, marred the election in some parts of the country. As a result, the polls were declared failed in six electoral districts in the Southern Highlands; new elections, financed by Australia and accompanied by very little violence, were held successfully in April.

The law provides that a losing candidate may dispute the election of the winning candidate by filing a petition with the National Court. Such petitions may question actions of the candidate and his supporters or allege malfeasance by the election officials. The procedure is fair, but time consuming and expensive both to initiate and to defend. Following the 2002 election, 83 such petitions were filed against winning candidates. A number of the petitions were successful, and new elections were held in those cases.

In August 2001, the Government signed a peace agreement with Bougainville rebels and progress toward the establishment of an autonomous Bougainville government has been made. On June 30, the U.N.-led Peace Monitoring Group in Bougainville ceased operations. A Bougainville autonomous interim authority was established as a governing body pending approval of a new constitution and the holding of elections, scheduled for 2004. The U.N. Observer Mission in Bougainville, originally scheduled to close at year's end, was extended for 60 days, with provision for a smaller, 2-person office to remain for an additional 4 months.

The weapons-surrender program mandated in the August 2001 Bougainville peace agreement and carried out under U.N. supervision was declared successful and concluded in the third quarter of the year.

One woman was elected to the 109-seat Parliament in the 2002 elections, compared with two in the previous Parliament. She was named the Minister for Welfare and Social Development, the only Cabinet position held by a woman. There were no female Supreme Court justices or provincial governors.

Section 4. Governmental Attitudes Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

There were no official barriers to the formation of human rights groups. The Government cooperated with human rights nongovernmental organizations (NGOs), both domestic and international, but at times was slow in responding to their requests for information. The International and Community Rights Advocacy Forum, an umbrella group, concentrated on human rights and the environment during the year.

Section 5. Discrimination Based on Race, Sex, Disability, Language, or Social Status

The Constitution provides for equal protection under the law irrespective of race, tribe, place of origin, political opinion, color, creed, religion, or sex. Despite these constitutional and other legal provisions, women often faced discrimination. Geographic diversity prevents any one tribe or clan from dominating the country. The democratically elected government, based on loose coalitions, has consistently avoided favoring any group. Skirmishes and conflicts tended to be based on disputes between clans over issues such as boundaries, land ownership, and injuries and insults suffered by one clan at the hands of another; they were not ethnically based. In the past, clan and tribal warfare was ritualized and fought with traditional weapons; the availability of firearms has made such conflicts much deadlier.

There were no reports of government discrimination against persons with HIV/AIDS, although there were reports that companies have separated HIV positive employees after learning of their condition.

Women.—Violence against women, including domestic violence and gang rape, was a serious and prevalent problem. Domestic violence was common and is a crime. However, since most communities viewed domestic violence as a private matter and few victims pressed charges, prosecutions were rare. Traditional village mores, which served as deterrents, were weakening and were largely absent when youths moved from their village to a larger town or to the capital. Although rape is punishable by imprisonment and sentences were imposed on convicted assailants, few rapists were apprehended. The willingness of some communities to settle incidents of rape through material compensation rather than criminal prosecution made the crime difficult to combat. Violence committed against women by other women frequently stemmed from domestic disputes. In areas where polygyny was still customary, an increasing number of women were charged with the murder of another

of their husband's wives. According to one report, 65 percent of women in prison were there for attacking or killing another woman.

The Constitution and laws have provisions for extensive rights for women dealing with family, marriage, and property issues. Some women have achieved senior positions in business, the professions, and the civil service. However, traditional patterns of discrimination against women persisted. Many women, even in urban areas, were considered second-class citizens. Village courts tended to impose jail terms on women found guilty of adultery, while penalizing men lightly or not at all. Circuit-riding National Court justices frequently annulled such village court sentences. By law, a district court must endorse orders for imprisonment before the sentence is imposed. Polygyny and the custom in many of the country's tribal cultures of paying a bride price tended to reinforce the view that women were property. In addition to the purchase of women as brides, women also sometimes were given as compensation to settle disputes between clans. The courts have ruled that such settlements denied the women their constitutional rights.

According to statistics published in the UNDP's 1999 country report on human development, women were gaining rapidly in literacy and education. Adult literacy rose to 73 percent; 65 percent of women were literate, compared with 86 percent of men. However, there were approximately 15 percent fewer girls in primary schools than boys. According to Ministry of Health statistics, the maternal mortality rate was 370 deaths per every 100,000 live births during the period 1985–1997.

Prostitution is illegal; however, the laws were not enforced and the practice was widespread. Although sex tourism existed, it was not common. Sexual harassment is not illegal, and it was a widespread problem. There is an Office of Women's Affairs in the Office of Church and Family Services of the Ministry of Provincial Affairs; however, due to funding constraints, it was not active during the year and it had little effect on the Government's policy toward women.

Children.—Most independent observers agreed that the Government did not dedicate significant resources to protecting the rights and welfare of children. Most programs to protect and develop youth and children were operated by NGOs and religious organizations. In the past, children were well cared for within the family and under traditional clan and village controls. However, preliminary, small-scale studies indicated that this situation has changed over the last decade, especially in areas where households have become isolated from the extended family support system and depend on the cash economy for a livelihood.

According to a report prepared by the Government and UNICEF, sexual abuse of children was believed to be frequent. Because of the geographic isolation and remoteness of many villages, malnutrition and infant mortality rates were very high. More than 60 of every 1,000 children born did not survive their first year. Primary education was not free, compulsory, or universal; substantial fees were charged. In 1999, the Asian Development Bank reported a primary school enrollment rate of 91 percent for boys and 78 percent for girls; many children did not progress further. Government provision of free medical care for its citizens, including children, was no longer available due to budget cuts and deteriorating infrastructure, particularly in rural areas. As a result, many children did not have effective medical care.

Persons with Disabilities.—Through the National Board for the Disabled, the Government provided funds to a number of NGOs that provided services to persons with disabilities. The Government did not provide programs or services directly. Apart from those provided by the traditional clan and family system, services and health care for persons with disabilities did not exist in several of the country's provinces. There was no legislation mandating accessibility to buildings. Persons with disabilities faced discrimination in education, training, and employment. Most persons with disabilities did not find training or work outside the family structure. The Government provided free consultation and treatment for persons with mental disabilities; however, such services were rarely available outside major cities.

National/Racial/Ethnic Minorities.—Centuries-old animosities among isolated tribes, a persistent cultural tradition of revenge for perceived wrongs, and the lack of police enforcement sometimes resulted in violent tribal conflict in the highland areas. The number of deaths in the last few years has risen due to the availability of modern weapons.

Section 6. Worker Rights

a. The Right of Association.—The law provides for the right to form and join labor unions, subject to registration by the Department of Industrial Relations. The Government did not use registration to control unions. However, an unregistered union has no legal standing with the Department of Labor and Employment or before the courts and thus cannot operate effectively. About half of the 250,000 wage earners

in the formal economy were organized and were members of approximately 50 trade unions. Most of the unions representing private-sector workers were associated with the Trade Unions Congress. The Public Employees Association represented an estimated 23,000 persons employed by national, provincial, and municipal governments, or one-third of the public sector work force. The law prohibits anti-union discrimination by employers against union leaders, members, and organizers; however, it was enforced selectively. Unions were independent of the Government and of political parties. Unions may affiliate freely with international organizations, and they have done so.

b. The Right to Organize and Bargain Collectively.—The Constitution provides for the right to engage in collective bargaining and to join industrial organizations, and workers exercised these rights in practice. Under the law, the Government has discretionary power to cancel arbitration awards or declare wage agreements void when they are contrary to government policy. The International Labor Organization (ILO) criticized this law. The Department of Industrial Relations and the courts are involved in dispute settlement. Wages above the minimum wage are set through negotiations between employers and employees or their respective industrial organizations. The Constitution provides for the right to strike, and there were no government efforts to hinder either public- or private-sector unions from exercising this right. The law prohibits retaliation against strikers; however, it was not always enforced. Employees of some government-owned enterprises went on strike on several occasions during the year, primarily to protest against privatization policies. These strikes were brief and ineffective.

There are no export processing zones.

c. Prohibition of Forced or Bonded Labor.—The Constitution forbids slavery and all forms of forced, compulsory, or bonded labor, including that performed by children, and there were no reports that such practices occurred.

d. Status of Child Labor Practices and Minimum Age for Employment.—The Employment Act establishes the minimum working age as 18. However, children between the ages of 11 and 18 may be employed in a family-related business or enterprise provided they have parental permission, a medical clearance, and a work permit from a labor office. This type of employment was rare, except in subsistence agriculture. The Government has ratified ILO Convention 182 on the worst forms of child labor.

e. Acceptable Conditions of Work.—The Minimum Wage Board, a quasi-governmental body with labor and employer representatives, sets minimum wages for the private sector. The national youth wage, for new entrants into the labor force between 16 and 21 years of age, was set at 75 percent of the adult minimum wage. Although it is above the national per capita income, the adult minimum wage of \$6.55 (22.96 kina) per week, unchanged since 1992, did not provide a decent standard of living for a worker and family who lived solely on the cash economy. During the year, as has been the case annually for nearly a decade, the Minimum Wage Board recommended a large increase in the minimum wage; however, the Government disagreed, and no increase was implemented.

The law regulates minimum wage levels, allowances, rest periods, holiday leave, and overtime. Although the Department of Labor and Employment and the courts attempted to enforce the minimum wage law, enforcement was not effective. The law limits the workweek to 42 hours per week in urban areas and 44 hours per week in rural areas. The law provides for at least one rest period of 24 consecutive hours every week; however, enforcement was lax. Enforcement of the Industrial Health and Safety Law and related regulations is the responsibility of the Department of Labor and Employment. The law requires that work sites be inspected on a regular basis; however, due to a shortage of inspectors, inspections took place only when requested by workers or unions. Workers' ability to remove themselves from hazardous working conditions varied by workplace. Unionized workers had some measure of protection in such situations.

The law protects legal foreign workers. The few illegal foreign workers lacked full legal protection.

f. Trafficking in Persons.—While the Constitution does not prohibit trafficking in persons, there was no evidence that persons were trafficked to, from, or within the country. However, over the last 4 years, the Government investigated allegations of corruption among officials dealing with passport issuance and immigration. These allegations centered on the organized circumvention of immigration controls; often this involved the issuance outside of regulations of residence and work permits for Chinese or South Asian nationals migrating to the country. Nevertheless, there was

concern that the country may be used as a route for trafficking in persons to Australia.

PHILIPPINES

The Philippines is a democratic republic with an elected president, an elected bicameral legislature, and a fractious but functioning multiparty system. Although the executive traditionally sets the political agenda, the legislature plays an active role in policy formation. The Constitution provides for an independent judiciary; however, the judicial system suffered from corruption and inefficiency.

The President is Commander-in-Chief of the Armed Forces of the Philippines (AFP). The Department of National Defense directs the AFP, and the Department of Interior and Local Government has authority over the civilian Philippine National Police (PNP). The AFP, which has primary responsibility for counterinsurgency operations, also has duties in traditional law enforcement efforts, including the pursuit of kidnappers, whose actions remained a chronic criminal problem. Local civilian militias help provide security in certain conflict areas. The civilian authorities generally maintained effective control of the security forces; however, some elements of the security forces, including police, soldiers, and local civilian militias, committed human rights abuses; and, on July 26 and 27, a group of junior AFP officers attempted a mutiny.

The country has a market-based, mixed economy. The service sector accounted for approximately 47.5 percent of gross domestic product, the industrial sector 34.3 percent, and agriculture 18.2 percent. However, agriculture accounted for approximately 36.7 percent of total employment. Overseas worker remittances, estimated at \$7 billion per year, and tourism were important sources of foreign exchange. The population is nearly 80 million with an annual growth rate of 2.36 percent. According to the most recent Family Income and Expenditure Survey, the richest 30 percent of families earned 66.3 percent of national income, while the poorest 30 percent received approximately 7.9 percent. The incidence of poverty (measured as the ratio of those below the official poverty threshold to the total population) worsened during the year and approached 33.4 percent. Poverty was more severe in rural areas, with an estimated 54 percent of the rural population unable to meet basic needs. Poverty in urban centers was approximately 25 percent.

The Government generally respected the human rights of its citizens; however, there were serious problems in some areas. Some elements of the security services were responsible for arbitrary and unlawful and, in some cases, extrajudicial killings, disappearances, torture, and arbitrary arrest and detention. Other physical abuse of suspects and detainees as well as police, prosecutorial, and judicial corruption remained problems. The constitutionally mandated Commission on Human Rights (CHR) described the PNP as the worst abuser of human rights. Police and local government leaders at times appeared to sanction extrajudicial killings and vigilantism as expedient means of fighting crime and terrorism. Prison conditions were harsh. Judges and prosecutors remained poorly paid, overburdened, susceptible to corruption and the influence of the powerful, and often failed to provide due process and equal justice. Long delays in trials were common. The Supreme Court undertook efforts to ensure speedier trials and to sanction judicial malfeasance, and launched a 5-year program to increase judicial branch efficiency and raise public confidence in the judiciary. Despite efforts by reformist leaders in all three branches of the Government to strengthen rule of law and protection of human rights, a fundamental and pervasive weakness in the rule of law contributed to a widely held belief that official justice is beyond reach. Some local military and police forces harassed human rights activists. Violence against women and abuse of children continued to be problems. Discrimination against Muslims persisted. The law provides for worker rights, but implementation and enforcement were not always effective. Child labor continued to be a problem, although the Government and nongovernmental organizations (NGOs) continued to give the problem increased attention. The use of underage workers in domestic servitude persisted. Child prostitution continued to be a problem, as did trafficking in women and children.

A large, well-funded Communist insurgency continued to operate in various regions of the country; its military arm, the terrorist New People's Army (NPA), committed numerous human rights violations, including political assassinations, kidnappings, and torture. The small, terrorist Abu Sayyaf Group (ASG) committed some kidnappings and killings, including summary beheadings of hostages and local residents. The NPA and ASG continued to use children both as soldiers and as non-combatants.

RESPECT FOR HUMAN RIGHTS

Section 1. Respect for the Integrity of the Person, Including Freedom From:

a. Arbitrary or Unlawful Deprivation of Life.—Police forces and anti-government insurgents committed a number of arbitrary and unlawful killings. The CHR investigated 92 complaints of killings for the first 6 months of the year, the same number as in the first 6 months of 2002. The CHR included killings by anti-government insurgents in its investigations. The NGO Task Force Detainees of the Philippines (TFDP) documented six summary executions of civilians by government forces and insurgents through June.

In combating criminal organizations, security forces sometimes resorted to summary execution of suspects, or “salvaging.” Police and military spokesmen at times explained these killings as the unavoidable result of a shoot-out with suspects or escapees. Statements by various local government officials have condoned extrajudicial killings as an acceptable means to fight crime. The CHR suspected PNP members in a majority of the human rights violations involving deaths that it investigated through June.

One of the most prominent cases was the April 22 abduction and killing in Oriental Mindoro of two members of a team of human rights advocates investigating reports of abductions allegedly perpetrated by the AFP. The Justice Department ordered the surrender of three soldiers believed responsible, but the military unit linked to the murders reportedly was not cooperating with the investigation. In November, the Government filed murder charges against two soldiers and three militiamen, based on evidence presented by the parents of one of the victims and findings of the regional office of the CHR.

There have been deaths as a result of military hazing in recent years, including in 2003 (see Section 1.c.).

On October 7, the Supreme Court dismissed various procedural appeals and remanded to a regional trial court the 1995 Kuratong Baleleng case, in which the police are accused of summarily executing 11 suspected members of a criminal gang. In November, the regional trial court judge dismissed the case, citing lack of evidence. Prosecutors said they would appeal. An opposition senator implicated in these killings accused the Government of pursuing the case for political reasons.

The principal suspect in the April 2002 killing of two human rights activists in Oriental Mindoro Province did not appear in court as scheduled. In November, the U.N. Human Rights Committee expressed concern over extrajudicial killings and asked to be informed of developments related to this case.

In March, authorities found four indigenous Tausug villagers beheaded after a clash between suspected ASG members and Philippine troops in Indanan, Sulu (see Section 1.g.). On April 16, four minors and five others were killed in Kananga, Leyte (see Section 1.g.).

In April, a 16-year-old boy in North Cotabato was brutally killed and disemboweled by persons suspected of being members of a pro-government militia (see Section 1.c.).

The struggle for political power, particularly in rural areas, sometimes involves killings. During the year, several candidates and political supporters of local officials died as a result of political violence. In February, two armed men ambushed and killed the brother of a former Maguindanao governor. The victim’s family believed that the killing was politically motivated. In April, police named a former army sergeant as the principal suspect in the killings and filed charges against him. The suspect remained at large.

In March, unknown persons shot and killed the secretary of a municipal official in South Luzon who was allegedly at odds with the municipal councilors. In May, armed men in Northern Luzon killed a village chief who supported a losing congressional candidate. The victim reportedly was the municipal chairman of a leftwing organization. On May 19, in what police believed was a political vendetta, two men killed a town councilor in South Luzon.

On June 22, suspected vigilantes killed the mayor of a Pangasinan town as he left the town cockpit. Authorities blamed the Communist New People’s Army for the attack but the NPA denied the accusation. On June 26, suspected Moro National Liberation Front (MNLF) members ambushed and killed the mayor of Zamboanga Sibugay. On June 28, a mayor in Compostela Valley Province, a former army intelligence officer, was shot and killed by suspected NPA members.

In January, President Macapagal-Arroyo ordered the arrest of the vice mayor and eight other persons allegedly involved in the December 24, 2002 bombing in Datu Piang that killed Mayor Saudi Ampatuan and 16 of his followers. In June, police arrested the vice mayor and two of his companions for possession of an explosive

material. The vice-mayor was put under the custody of the PNP in General Santos City. In October, he was killed reportedly in an escape attempt.

Journalists were also targets for murder, and during the year seven journalists were killed. No one has been convicted in these cases (see Section 2.a.).

President Macapagal-Arroyo ordered the creation of an independent commission to probe the March 4 Davao City airport bombing and April 2 seaport bombing that killed 38 persons and injured 200. Some government officials suspected the Moro Islamic Liberation Front (MILF) or MILF-related parties were responsible for the bombings, but some persons, including disgruntled members of the military, suspected the AFP.

The terrorist Abu Sayyaf Group kidnapped and tortured civilians during the year and summarily beheaded some of its captives (see Section 1.b.). On June 26, suspected ASG members beheaded three persons in a remote farming village in Zamboanga City. ASG members reportedly used the victims as human shields during a clash with government forces. In August, suspected Abu Sayyaf members killed a man who was delivering ransom to them.

Communist insurgents, mainly from the NPA, killed political figures, military and police officers, and civilians, including suspected military and police informers and foreign tourists. Peace negotiations between the Government and the political arm of the Communist Party, the National Democratic Front (NDF), made no significant progress.

In January, military authorities excavated the remains of 10 persons, including that of a kidnapped priest, in a mass grave near a former NPA headquarters in Tarlac. In March, in Pampanga authorities discovered another mass grave, believed to be of victims of an NPA breakaway faction, which reportedly killed persons who refused to yield to extortion and other demands.

On January 23, four armed men killed a former NPA commander who had become a security consultant for a number of government agencies. Communist guerillas claimed responsibility for the killing.

On February 14, members of a suspected NPA hit squad killed a Laguna chief of police. In March, the Communist Party of the Philippines (CPP) reportedly stated that its armed wing, the NPA, had killed 21 government troops, including the Laguna police chief.

In May, suspected NPA members abducted and killed a leader of a leftist NGO who had campaigned against the NPA practice of collecting "revolutionary taxes" (i.e., extortion).

On June 26, at least 17 people, 11 of whom were members of a Civilian Armed Forces Geographical Unit (CAFGU), were killed when the NPA attacked a remote army camp in the central Philippines.

In January, the PNP filed criminal charges against a top communist leader in connection with the 2001 killing of two policemen, a Congressman, and his bodyguard.

On March 6, the MILF captured five paramilitary men and two soldiers in Lanao del Norte and held them as "prisoners of war." Reportedly, one of the captives subsequently was killed. Several weeks later, the MILF Central Committee ordered the release of the captives to the International Committee of the Red Cross (ICRC).

In May, police arrested two former MILF members in connection with the May 10 bombing in Koronadal, Southern Mindanao that killed 13 and wounded at least 26 primarily civilian persons. The MILF had denied any involvement. Also in May, a ranking MILF leader, who was believed to be a special operations bomb expert responsible for a Manila bomb attack that killed 22 civilians, was arrested along with an Egyptian Islamic missionary. In September, the suspect withdrew his guilty plea. In December, government attorneys asked a Manila trial court to transfer the case to another venue.

The secessionist MILF reportedly burned down more than 1,000 houses of villagers in Central Mindanao and killed a number of civilians. In February, suspected MILF members killed 11 persons in Zamboanga del Norte. In April, unidentified men the AFP suspected were MILF members hurled a grenade into an outdoor food stand in North Cotabato, killing eight.

b. Disappearance.—Government forces were believed responsible for disappearances. The domestic NGO Families of Victims of Involuntary Disappearances (FIND) reported 21 disappearances during the year.

There were no developments in the February 2002 disappearances of two Bayan Muna members in Aurora Province, or in the February 2002 disappearances of two Bayan Muna members in Nueva Ecija Province. The local media reported that the two Nueva Ecija abductees were forcibly taken by a group of soldiers.

FIND reported that 1,082 cases of disappearance remained unsolved; the majority of these cases date from 1983–85, the peak of the agitation against the Marcos dic-

tatorship, and 1987–89, the height of an Aquino administration crackdown on insurgents.

The courts and the police failed to address adequately complaints of victims' families concerning past disappearances in which government security forces were suspected. Disappearance itself is not a crime under the law; evidence of a kidnapping or killing is required in order for charges to be filed. FIND and Amnesty International's (AI) Manila office continued to support the efforts of victims' families to press charges; however, in most cases evidence and documentation were unavailable. Convictions were rare, and FIND reported that only 14 cases were pending in court at year's end. Judicial inaction on the vast majority of disappearances contributed to a climate of impunity that continued to undermine public confidence in the justice system. On April 6, unidentified gunmen in Davao del Sur abducted an Arabic teacher. From April to June, six Muslims were abducted from Davao City and Cotabato City. Some human rights NGOs suspected police involvement.

In June, armed men believed to belong to a drug syndicate abducted a local government official from Tawi-Tawi who had been campaigning against drug trafficking. His captors later freed him unharmed. At year's end, there were no arrests in the case.

In April, two women from a group abducted by ASG in August 2002 escaped. Also in April, one of four Indonesian sailors abducted by the ASG was found alive. A foreign missionary accused a Philippine army general of demanding a 50 percent cut of the ransom paid to the ASG for her and two other former hostages. The military denied the charges.

According to anticrime watchdogs, kidnapping cases doubled in April compared to the same period the previous year. Statistics from the Police Anti-Crime and Emergency Response Task Force, the police anti-crime body formed to fight kidnapping and illegal drugs, listed a total of 29 abduction cases from January to May, one less than the 30 recorded during the same period in 2002. The police reportedly solved 11 of the 29 cases. Many instances of kidnapping are not reported.

In April, armed men suspected to be anti-communist vigilantes abducted and killed two members of a team of human rights advocates that went to Oriental Mindoro to look into prior reports of abduction by military men (see Section 1.a.).

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The Constitution prohibits torture, and evidence obtained through its use is inadmissible in court; however, members of the security forces and police continued to use torture and to abuse suspects and detainees. The CHR provides the police with mandatory human rights training, including primers on the rights of suspects, and higher level PNP officials seemed more receptive to respecting the human rights of detainees; however, rank-and-file awareness of the rights of detainees remained inadequate.

TFDP stated that torture remained an ingrained part of the arrest and detention process. Common forms of abuse during arrest and interrogation reportedly included striking detainees and threatening them with guns. Less common forms included the placing of plastic bags over heads to deprive the detainee of air. TFDP reported that arresting officers often carried out such beatings in the early stages of detention.

Within the AFP, the CHR observed greater sensitivity to the need to prevent human rights violations. Officers with human rights violations cannot be promoted. Nevertheless, abuses still occurred. Human rights activists complained of abuses by security forces against suspected ASG and NPA members in captivity. According to the Moro Human Rights Center, members of the AFP frequently beat ASG suspects.

AI reported in January that torture and ill treatment persisted and expressed concern about the limitations of the CHR in protecting torture complainants. Acts of torture fall under the offense of "physical injuries" defined in the Revised Penal Code as wounding, beating, or assaulting another person resulting in injuries with no intention to kill. In April, human rights lawyers and advocates urged the Government to ratify U.N. statutes and declarations that would criminalize torture.

Hazing activities at the Philippine Military Academy (PMA) have led to deaths. In January, the chief of the Philippine National Police Academy (PNPA) and three other school officials were fired following the death of a cadet. Other cases remain unresolved, including that of a female military cadet who died in 2001. The Government has undertaken measures to combat hazing, including separating younger cadets from upperclassmen and posting officers in strategic areas within the school premises.

The CHR reported 6 cases of torture from January to June. TFDP reported 11 cases for the same period.

In March, four indigenous and two Muslim farmers in North Cotabato reported that soldiers and CAFGU elements arrested and tortured them on suspicion that they were members of the MILF.

In April, a 14-year-old Muslim boy in North Cotabato was tortured by persons suspected of being members of a pro-government militia on suspicion that he was a member of the MILF. His 16-year-old cousin, with him at that time, was killed and disemboweled. The 14-year-old victim survived by faking death. During the same month, nine Muslim farmers in Maguindanao were ambushed and tortured. Local government officials and the military denied that an anti-Muslim vigilante group committed these acts.

In May, PNP officers reportedly tortured and forced confessions from five suspects in the March 4 Davao bombing case. TFDP stated that the suspects claimed they were beaten and threatened with explosives.

Also in May, the CHR reportedly cleared soldiers who had been charged with torture of six farmers in Negros Occidental in November 2002.

In January, the Department of Justice reopened the investigation of a case in which 5 persons suspected of murder claimed that a high-ranking police officer and 25 accomplices tortured them. By year's end, there were no further developments.

Prison conditions were harsh. Provincial jails and prisons were overcrowded, had limited exercise and sanitary facilities, and provided prisoners with an inadequate diet. The Government reported that jails in the metropolitan Manila area were operating at 203 percent of capacity. A significant percentage of the inmates were detainees unable to post bail. Administrators budgeted a daily subsistence allowance of about \$0.63 (P35) per prisoner. Prison inmates often depended on their families for food because of the insufficient subsistence allowance, and the need to bribe guards to receive food rations.

As a result of the overcrowding caused by an increase in the number of imprisoned drug offenders, some inmates took turns sleeping while others slept on their feet. The slow judicial process, aggravated by a lack of sitting judges to adjudicate cases, exacerbated the problem. Some prison wardens reportedly allowed wives or children to move in with inmates or stay in the prison compound because they could help feed the prisoners. The Manila city jail was poorly ventilated and, at times, lacked potable water.

According to Department of Interior and Local Government (DILG) records, there are an estimated 53,600 inmates in overcrowded detention centers nationwide, up by 4,000 from 2002. A detention facility for all inmates would cost an estimated \$20 million (P1,100,000,000), but the Bureau of Jail Management and Penology (BJMP) had an annual budget of \$400,000 (P22 million).

According to regulation, male and female inmates are to be held in separate facilities, overseen by guards of the same sex in national prisons; however, there have been anecdotal reports that these regulations were not enforced. In provincial and municipal prisons, male guards sometimes supervised female prisoners, directly or indirectly. In Bureau of Immigration (BI) detention facilities, male and female inmates were segregated by sex, but male guards oversaw both sexes. Although prison authorities attempted to segregate children, in some instances they were held in facilities not fully segregated from adult male inmates.

There were reports of widespread corruption among guards. Guards demanded that prisoners pay to receive food, to use sanitary facilities, and to avoid beatings by other prisoners. Jail administrators reportedly delegated to senior inmates authority to maintain order. The CHR and TFDP reported that beatings by prison guards and other inmates were common, but that prisoners, fearing retaliation, refused to lodge complaints. Corruption appeared to be a problem at higher levels of authority within the prison system as well. Favored inmates reportedly enjoyed access to outside contacts, enabling them to trade in prostitution and drugs.

In April, President Macapagal-Arroyo ordered the immediate relief of all personnel at Cebu City jail in response to reports of massive corruption there. In May, a legal officer from the Bureau of Corrections was fired reportedly for extorting money from inmates.

There were reports that guards abused prisoners. In 2001, AI reported that women in police custody were particularly vulnerable to sexual and physical assault by police and prison officials. Victims often were afraid to report incidents (see Section 5). In May, police suspended three officers for allegedly raping a 20-year-old jail inmate. Some detainees at BI detention centers reportedly gained their release by making cash payments to guards.

From January to July, the PNP recorded a total of 28 successful prison escapes encompassing 135 prisoners, including a high-profile escape by three suspected terrorists. Police blamed the escapes on lenient security and the poor quality of detention facilities.

International monitoring groups and the ICRC are allowed free access to jails and prisons.

d. Arbitrary Arrest, Detention, or Exile.—The Constitution requires a judicial determination of probable cause before issuance of an arrest warrant and prohibits holding prisoners incommunicado or in secret places of detention; however, police in a number of cases arrested and detained citizens arbitrarily. The CHR investigated 72 cases of illegal arrest and detention through June—an increase of 24 percent from the number recorded during the same period in 2002. The TFDP documented 36 cases of politically motivated arrests by the Government through July. TFDP and the NGO Philippine Human Rights Information Center (Philrights) both estimated the total number of political prisoners in the country at approximately 200. Many of these individuals were charged with common crimes. There were allegations that some of these individuals remained in custody for periods longer than their stated jail terms. The Government denied that there were any political detentions or detainees (see Section 1.e.).

Detainees have the right to a judicial review of the legality of their detention and, except for offenses punishable by a life sentence or death (when evidence is strong), the right to bail. Authorities are required to file charges within 12 to 36 hours of arrests made without warrants, depending on the seriousness of the crime. Due to the slow judicial process, lengthy pretrial detention remained a problem (see Section 1.e.).

The National Police Directorate for Investigation and Detective Management reported that 53 erring policemen were dismissed from service from January through October. Of the 2,882 administrative cases filed against PNP officers and personnel, 1,407 had been resolved, 693 were still under preliminary investigation, and 782 underwent summary hearings.

In March, soldiers arrested four farmers in Bohol Province in Central Visayas and accused them of killing a “barangay” (neighborhood or community) captain and his brother. A congressional representative claimed the arrests were arbitrary and called for an investigation.

In June, the AFP arrested two female activist leaders and charged them with attempted multiple murder and several bombing activities. A human rights group said the two women were falsely accused. After 6 weeks of detention, the two women were released due to insufficient evidence.

There were reports during the year of arrests of foreign businessmen on immigration charges to pressure them as part of commercial disputes.

The terrorist NPA, as well as some Islamic insurgent groups, were responsible for a number of arbitrary detentions, often in connection with informal courts set up to try military personnel, police, local politicians, and other persons for “crimes against the people” (see Section 1.e.).

Forced exile is illegal, and the Government did not use it.

e. Denial of Fair Public Trial.—The Constitution provides for an independent judiciary; however, the judicial system suffered from corruption and inefficiency. Personal ties and sometimes venality, undermined the commitment of some government employees to ensure due process and equal justice. The result was impunity for some wealthy and influential offenders, and widespread skepticism that the judicial process would produce fair outcomes. In October, a group of mostly opposition congressmen initiated an impeachment complaint against the Chief Justice, allegedly for misusing public funds, but reportedly as retaliation for decisions against the interest of politically and economically powerful individuals. There were reports that some congressmen accepted money to sign the complaint. In November, the complaint was withdrawn after the Supreme Court ruled it unconstitutional, and the lower House of Congress accepted the Supreme Court decision.

On October 23, the President signed into law a measure raising judicial salaries by 100 percent over 4 years. Low pay was one of the factors that rendered both judges and prosecutors susceptible to corruption. There were many allegations that judges and witnesses accepted money or other bribes. The President and the Chief Justice of the Supreme Court expressed their desire to root out corrupt practices, and both warned judges and prosecutors not to abuse their authority. A high-profile campaign against judicial corruption showed some progress.

In February, the Supreme Court dismissed a Pampanga municipal trial court judge for extorting money from a lawyer with a pending case and fined a retired judge for deciding a case, which was no longer under his jurisdiction. The Supreme Court threatened to sanction lower court judges who failed to hear pending cases on time.

In March, a Dumaguete City Regional Trial Court (RTC) judge was convicted for soliciting money from a plaintiff in exchange for a favorable ruling in a civil case

pending before his bench; a Pampanga judge was fined for ignoring the rules on preliminary investigation; and in Negros Occidental, a Municipal Trial Court (MTC) judge was fined for imposing excessive bail on a daughter of a poor fisherman accused of stealing.

In April, a Cebu City judge was sentenced to from 4 to 9 years in prison for demanding money in exchange for a favorable decision. A few weeks later, agents of the National Bureau of Investigation arrested a Tarlac municipal trial court judge after he allegedly accepted marked bribe money. The judge later committed suicide.

In May, the Supreme Court suspended a judge from law practice for 1 year and imposed a fine for violating an order that barred him from accepting legal consulting work. Also in May, an Albay RTC judge was dismissed for releasing \$910,000 (P50 million) worth of suspected smuggled rice in 2001, and a Caloocan City RTC judge was fined for refusing to implement a prior judgment.

In June, a Pasig RTC judge was investigated for allowing a Korean to post bail despite being caught in possession of more than a kilo of illegal drugs, and the Department of Justice (DOJ) ordered the prosecution of a Davao City judge for allegedly using a stolen vehicle.

In July, the Supreme Court dismissed a Zamboanga del Sur provincial judge for disregarding the order of the Court of Appeals regarding a land dispute case.

Judges continued to be assaulted and killed in the line of duty. On May 17, unidentified men shot and killed a provincial municipal circuit trial court judge in front of his residence in Kalinga, Apayao. The judge had been involved in a legal conflict with a prominent family. In July, a Cebu RTC judge survived an ambush.

The national court system consists of four levels: Local and regional trial courts; a national Court of Appeals divided into 17 divisions; a 15-member Supreme Court; and an informal local system for arbitrating or mediating certain disputes outside the formal court system. The "Sandiganbayan," the Government's anticorruption court, hears criminal cases brought against senior officials. A Shari'a (Islamic law) court system, with jurisdiction over domestic and contractual relations among Muslim citizens, operates in some Mindanao provinces.

The Constitution provides that those accused of crimes be informed of the charges against them, have the right to counsel, and be provided a speedy and public trial. Defendants are presumed innocent and have the right to confront witnesses against them, to present evidence, and to appeal convictions. The authorities respected the right of defendants to be represented by a lawyer, although poverty often inhibited a defendant's access to effective legal representation. Skilled defense lawyers staffed the Public Attorney's Office (PAO), but their workload was large and resources were scarce. The PAO provides legal representation for all indigent litigants at trial; however, during arraignment, courts may at their option appoint any lawyer present in the courtroom to provide counsel to the accused.

According to the Constitution, cases should be resolved within set time limits once submitted for decision: 24 months for the Supreme Court; 12 months for the Court of Appeals; and 3 months for lower courts. However, these time limits are not mandatory and, in effect, there are no time limits for trials.

The judicial system was unable to ensure expeditious trials for detained persons. Because of numerous technical delays and the frequent failure of judges and prosecutors to appear, many trials lasted for several months. Furthermore, there is a widely recognized need for more prosecutors, judges, and courtrooms. Of the more than 2,074 trial court judgeships nationwide, 28 percent remained vacant as of August due to a lack of qualified applicants. Positions in Mindanao and other poorer provinces were particularly difficult to fill, and 37.2 percent of these judgeships were vacant. Also difficult to fill were the Shari'a court positions, in part because of the requirement that applicants be members of both the Shari'a Bar and the Integrated Bar.

Although Shari'a courts do not have criminal jurisdiction, the MILF asserts that its Islamic law courts do. There were no reports of executions resulting from MILF court decisions during the year. The terrorist NPA continued to subject military personnel, police, local politicians, and other persons to its so-called courts for "crimes against the people." The NPA executed some of these "defendants."

International and domestic NGOs criticized many court proceedings that resulted in death sentences, stating that the judicial system does not ensure the rights of defendants to due process and legal representation. At times, defendants in death penalty cases lacked adequate legal representation at the time of arrest, indictment, or trial. By law, the Supreme Court reviews all death sentences. In a July speech the President announced an end to the death penalty moratorium, which had been in effect since April 2001; however, by year's end, no executions had been carried out.

Various human rights NGOs maintained lists of incarcerated persons they allege to be political prisoners; estimates usually range from a few to over 200. Typically there was no distinction in these lists between detainees and prisoners, and the majority of persons on these lists have not been convicted. Some face murder, kidnapping, and other serious charges, while others are charged with lesser offenses such as possession of drugs or firearms. Some NGOs asserted that it was frequent practice to arrest political detainees for common crimes and to continue to detain them after their sentences expired. Often it was difficult to distinguish between persons possibly incarcerated for political reasons and those for common crimes. The Government uses NGO lists as one source of information in the conduct of its pardon, parole, and amnesty programs, but it does not consider the persons listed to be political detainees or prisoners. Through September, the Office of the President returned to the Board of Pardons and Parole 947 requests for presidential action, with instructions to restudy the cases.

The Government permitted access to alleged political prisoners by international humanitarian organizations.

f. Arbitrary Interference with Privacy, Family, Home or Correspondence.—The Constitution provides that a judge may issue search warrants on a finding of probable cause; however, while the Government generally respected restrictions on search and seizure within private homes, searches without warrants occurred. Judges declared evidence obtained illegally to be inadmissible.

The Government generally respected the privacy of its citizens; however, leaders of Communist organizations complained of what they described as a pattern of surveillance on their activities. In January, offices of a peace advocacy group in Davao City were ransacked. The perpetrators were not identified, although members of the group suspected government agents.

Forced resettlement of urban squatters, who made up at least 30 percent of the urban population, continued during the year, although to a lesser extent than in previous years. The law provides certain protections for squatters; eviction is often difficult, especially because politicians recognize squatters' voting power. Government relocation efforts were constrained by budget problems, and the issuance of land titles to squatters targeted by displacement was limited.

Although the Government itself did not use forced conscription, there were reports of forced conscription in Southern Mindanao into local indigenous peoples' paramilitary units with links to the AFP. The AFP denied these allegations. In July, a delegation of community representatives, together with representatives from religious organizations and indigenous peoples' support groups, reported abuses by vigilante groups in Southern Mindanao. Some suspected that local government officials or members of the armed forces supported the vigilante groups.

g. Use of Excessive Force and Violations of Humanitarian Law in Internal and External Conflicts.—Some citizens groups complained that the AFP, in confronting the terrorist ASG, the NPA, and the separatist MILF, illegally detained citizens, torched houses, displaced residents, and shelled villages suspected of being ASG strongholds. The AFP defended its actions (see Sections 1.a. and 1.d.).

The terrorist ASG kidnapped and tortured many civilians during the year and beheaded a number of its captives. There were reports that the ASG killed citizens whom it suspected of being government or military informants. Clashes between the AFP and ASG occurred intermittently throughout the year, mostly in the Zamboanga peninsula and Sulu archipelago.

According to the Department of Social Welfare and Development (DSWD) statistics, at least 350,000 persons from Mindanao were displaced due to conflict between the AFP and Muslim insurgents throughout the year. From January to July, approximately 6,900 homes were damaged due to conflict between the AFP and the MILF.

In March, authorities found four indigenous Tausug villagers beheaded after a clash between suspected ASG members and AFP forces in Indanan, Sulu. The lone survivor reportedly claimed that the perpetrators were government troops who suspected the villagers of being members of the ASG. The military denied the allegations. Others suspected that the ASG beheaded the civilians.

On April 16, an AFP unit killed four minors and five others in Kananga, Leyte. The AFP reported the incident as an encounter between army soldiers and the NPA; however, activist groups accused the AFP of torturing and summarily executing the victims.

In February, clashes between the AFP and MILF in the Buliok areas of Mindanao displaced at least 70,000 persons, some of whom had returned to their homes by year's end.

During the year, the terrorist NPA killed political figures, mayors, military and police personnel, and civilians. The NPA also harassed businesses and burned buses to enforce the collection of “revolutionary taxes.” The NPA continued actively to recruit minors both as combatants and noncombatants (see Section 5).

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution provides for freedom of speech and of the press, and the Government generally respected these rights in practice.

Several television and radio stations were owned by the state. Most print and electronic media were privately owned. Broadcast and print media were free-wheeling and often criticized for lacking rigorous journalistic ethics. They tended to reflect the particular political or economic orientations of owners, publishers, or patrons, some of whom were close associates of present or past high-level political officials.

On August 4, police arrested the publisher-editor of an opposition newspaper on charges of libel, based on allegations of corruption against some of the President’s associates. This was the first arrest of an editor since 1986. At year’s end the case was pending. The editor was not incarcerated and was free on bail.

Journalists were the targets of several violent incidents during the year. According to the National Union of Journalists in the Philippines (NUJP), the country is now considered one of the most dangerous places in the world for journalists. Seven journalists were killed during the year. An average of three journalists are killed every year. According to the Center for Media Freedom and Responsibility, no one has been convicted and imprisoned for these killings. The NUJP accused the police and the Government of failing to adequately investigate these killings, and of subjecting journalists to harassment and surveillance.

On April 28, unidentified assailants shot and killed a Legazpi City radio announcer and former vice mayor suspected of supporting communist guerillas. On May 17, motorcyclists shot and killed a broadcaster from Quezon Province who was a former NPA member. On July 8, a lone assailant shot and killed a former barangay captain and reporter-columnist for a tabloid circulated in Tarlac province. A village official reportedly had filed a libel case against the columnist. On August 19, a radio commentator known for his criticism of corruption in the provincial government was shot and killed in front of his house in Laguna. On August 20, a radio reporter from Agusan del Norte was shot and killed near his radio station. On September 6, gunmen on a motorcycle killed a Davao City radio commentator who was a former spokesperson of an anti-communist group. The commentator had repeatedly criticized the mayor of Davao City on the air.

The Government did not restrict Internet use.

School administrators reportedly warned several student journalists against publishing critical commentaries and articles, and students on other campuses complained of military surveillance. The Government did not otherwise interfere with academic freedom.

b. Freedom of Peaceful Assembly and Association.—The Constitution provides for freedom of assembly and association, and the Government generally respected these rights in practice.

Although the law requires that groups request a permit to hold a rally, the Government at times has followed an unwritten policy of allowing rallies to occur without requiring the filing of a request.

Several NGOs complained about security forces violently dispersing rallies. Violence generally was limited, and at times some of these groups provoked security forces by shoving or throwing objects. In March, members of a militant student organization in Pangasinan reported the violent dispersal of their assembly. In May, a truckload of police reportedly assaulted with water cannon and truncheons workers protesting alleged unfair labor practices. In July, militant groups and human rights organizations in Iloilo condemned the violent dispersal of a rally protesting government policies. Six protesters reportedly were injured.

c. Freedom of Religion.—The Constitution provides for freedom of religion, and the Government generally respected this right in practice. Although Christianity, particularly Roman Catholicism, was the predominant religion, there is no state religion, and under the Constitution church and State are separate.

Muslims were the largest minority religious group in the country. There was widespread debate over the exact size of the Muslim population, as some officials and observers claimed that security concerns in western Mindanao prevented census takers from conducting accurate counts outside urban areas. Estimates ranged from 3.9 million to 7 million, or 5 to 9 percent of the population. Muslims resided principally in Mindanao and nearby islands, but there were Muslim communities throughout the country.

Historically, Muslims have been alienated from the predominant Christian majority. The national culture, with its emphasis on familial, tribal, and regional loyalties, creates informal barriers whereby access to jobs or resources is provided first to those of one's own family or group network. Muslims reported difficulty renting rooms in boarding houses or being hired for retail work if they used their real name or wore distinctive Muslim dress. As a result, some Muslims used a Christian pseudonym and did not wear distinctive dress when applying for housing or jobs.

The Government's crackdown on the terrorist ASG has led some human rights NGOs to accuse the police and military of unfairly targeting Muslims for arrest and detention. However, most observers believed that discrimination against Muslims was grounded on cultural differences, not religious beliefs or practices. There also were reports of Muslim discrimination against Christians in areas where Muslims were the majority.

Intermittent government efforts to integrate Muslims into political and economic society have achieved only limited success. Many Muslims claimed that they continued to be underrepresented in senior civilian and military positions, and cited the lack of proportional Muslim representation in national government institutions (see Section 3). Predominantly Muslim provinces in Mindanao lagged far behind the rest of the country in most aspects of socioeconomic development.

The teaching of religious classes in public schools was permitted with the written consent of parents, provided that there was no cost to the Government. The Department of Education required schools to ensure the protection of the religious rights of students. These measures included allowing Muslim girls to wear their head coverings ("hijab") and not requiring them to wear shorts during physical education classes.

The Commission on Higher Education, a government agency that oversees public and private higher education in the Philippines, offered study grants for some former Muslim separatists who cannot afford to study in college due to financial constraints. The program aimed to contribute to peace and order by upgrading the education of these individuals.

Approximately 14 percent of the Muslim school population in Mindanao attended Islamic schools. As of July, there were 1,569 Islamic schools ("madrassas") across the country. Of these, 832 madrassas were located in the Autonomous Region of Muslim Mindanao (ARMM), while 737 were outside the ARMM. Only 35 madrassas had been registered with Department of Education due to the others inability to meet accreditation standards.

In March, a cabinet secretary claimed that a number of Islamic schools in Mindanao were being used to teach extremism, thus leading young people to take up arms for their faith. Several Muslim leaders denied the claim.

For a more detailed discussion, see the 2003 International Religious Freedom Report.

d. Freedom of Movement within the Country, Foreign Travel, Emigration, and Repatriation.—The Constitution provides for these rights, and the Government generally respected them in practice. Citizens enjoyed the freedom to change their places of residence and employment. Travel abroad was limited only in rare circumstances, such as when a citizen has a pending court case. Government authorities discouraged travel by workers deemed vulnerable to areas in which they face personal risk (see Section 6.f.). The Philippine Overseas Employment Administration (POEA) sought to limit departures for work abroad to those persons whom the POEA certified as qualified for the jobs. More than 7.54 million citizens worked overseas and remitted money home. Such remittances amounted to approximately 8 percent of the gross national product.

There was no comprehensive legislation that provides for granting refugee status or asylum to persons who meet the definition in the 1951 U.N. Convention Relating to the Status of Refugees or its 1967 Protocol. However, in practice, the Government provided protection against refoulement and granted refugee status or asylum. The Refugee Unit in the Department of Justice determines which asylum seekers qualify as refugees; such determinations in practice implement many of the basic provisions of the 1951 U.N. Convention. The Government cooperated with the U.N. High Commissioner for Refugees (UNHCR) and with other humanitarian organizations in assisting refugees. The Government also has provided temporary protection to certain individuals who fall outside of the definition of the 1951 U.N. Convention.

The Government continued to allow approximately 2,000 asylum seekers from Vietnam to remain in the country. All had been precluded from refugee status. There was popular support, particularly from the Roman Catholic Church, for allowing permanent residency for those asylum seekers who do not wish to repatriate and are ineligible for resettlement in other countries. The Government continued to en-

courage voluntary repatriation of such asylum seekers but has not ruled out forcible repatriation.

Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government

The Constitution provides citizens with the right to change their government peacefully, and citizens exercised this right through periodic elections that largely were free and fair and held on the basis of universal suffrage. On February 13, the President signed the Absentee Voting Law, which would enfranchise those eligible to vote among the 7.4 million Filipinos who reside outside the country. Total budget allocation for the law implementation amounted to \$18.2 million (P1 billion). On August 29, Congress passed the Dual Citizenship law. Under the law, those who have acquired foreign citizenship by subscribing to an oath of allegiance will be able to reacquire their Philippine nationality and to regain their right to vote.

As of September, 362,526 overseas Filipinos had registered to vote. The low rate of registration was attributed to lack of information about the procedures, inaccessible registration centers, strict employers who did not allow overseas workers to take a day off, and the requirement that voters execute an affidavit to return to the Philippines to reside within 3 years of the time of registration.

In May 2001, midterm elections were held for new senators, representatives, provincial governors, and local government officials. Approximately 100 persons were killed in election-related violence, including two sitting congressmen and a candidate for provincial governor (the NPA claimed responsibility for these and many other election-related killings), and another 140 persons were wounded in more than 200 incidents in the period preceding and following the voting. The next national election is scheduled for May 2004.

In compliance with the residence requirement for registration, the Commission on Elections (Comelec) did not allow first time voters among squatters in urban poor communities to register for the 2004 national elections unless they could prove that they were bona fide residents of their locale. Some NGOs argued that this policy reinforced the marginality of the urban poor, but Comelec officials reasoned that allowing non-compliant squatters to register would legitimize their illegal occupation of private and public properties. NGOs estimated that these developments could deprive one million squatters of the right to vote in 2004.

Some lawmakers supported the registration policy. Vote buying is common in squatter colonies, and many residents accepted bribes to vote in a certain way, or act as "flying voters," voting in several precincts.

There were no restrictions in law or practice on participation by women and members of minorities in politics. There were a number of women in positions of leadership and authority, some in highly visible positions. There were 3 female Senators in the 24-member Senate and 39 women in the 227-member House of Representatives. The President was a woman, and there were five female cabinet-level officials. There were 4 women on the 15-member Supreme Court.

Along with many other citizens, Muslims argued that the method of electing senators from a nationwide list favors established political figures from the Manila area, to the disadvantage of Muslims. Election of senators by region would require a constitutional amendment, and many Muslims and members of other groups underrepresented in the national legislature favored such an amendment. There was one Muslim cabinet member and no Muslim senators. The House of Representatives had eight Muslim members, including some elected from Christian majority districts.

Section 4. Governmental Attitudes Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A large and active group of human rights NGOs generally operated without government interference, investigating and publishing their findings on human rights cases. Most government officials, including those of the CHR, were responsive to NGO views. Many domestic NGOs were critical of the Government's human rights record; these NGOs also criticized previous governments' human rights records. While acknowledging that respect for human rights has improved under President Macapagal-Arroyo, many NGOs criticized the Government for being overzealous in its efforts to defeat the various insurgencies in the country. These groups cited indiscriminate arrests, torture of suspects, and the shelling of civilian areas the AFP suspected of harboring insurgents.

Some NGOs expressed concern over what they perceived as hostile government rhetoric toward human rights activists. NGOs also expressed concerns over statements by various local government officials that condoned extrajudicial killings as an acceptable means to fight crime.

Member organizations of the Philippine Alliance of Human Rights Advocates (PAHRA), a leading NGO network, monitored human rights problems and sought redress through their contacts with government agencies, the Congress, and the Government's Commission on Human Rights. Human rights activists continued to encounter minor or sporadic harassment, mainly from security forces or local officials from the area in which incidents under investigation took place. On April 22, two members of a team of human rights observers investigating alleged AFP abuses in Oriental Mindoro Province were killed (see Section 1.a.).

CHR monitoring and investigation of human rights complaints remained hamstrung by insufficient resources. Approximately one-third of the country's 42,000 barangays had Human Rights Action Centers, which coordinated with CHR regional offices. However, the CHR's regional and subregional offices remained understaffed and underfunded, reducing their effectiveness and preventing them from sufficiently investigating many abuses. The CHR was allocated \$3.6 million (P196 million) for the year, down 7 percent from 2002.

Section 5. Discrimination based on Race, Sex, Disability, Language, or Social Status

The Constitution prohibits discrimination against women, children, and minorities; however, vague regulations and budgetary constraints hindered implementation of these protections.

Women.—Violence against women, both in and out of the home, remained a serious societal problem. The law does not specifically address the problem of domestic violence; complaints are filed under the charge of "physical injury." The Government did not disaggregate statistics to indicate the number of physical injury cases that result from domestic violence. The Department of Social Welfare and Development assisted an average of four women per day who complained of domestic abuse, not including rape.

The PNP and the DSWD both maintained women's help desks to assist victims of violence against women and to encourage the reporting of crimes. With the assistance of NGOs, officers received gender sensitivity training to deal with victims of sexual crimes and domestic violence. Many PNP stations included female officers. Overall the Government spent an estimated \$814,000 (P45 million) during the year for medical and psychiatric facilities and shelters for women who are victims of violence.

Rape continued to be a serious problem. The PNP reported that it investigated at least 988 cases of rape during the year. There were reports of rape and sexual abuse of women in police or protective custody. These often involved women from marginalized groups, such as suspected prostitutes, drug users, and lower income individuals arrested for minor crimes.

In January, AI reported that sexual abuse of persons in police custody continued despite government initiatives to protect women in custody. Although there have been a small number of prosecutions of police officers for rape of women in their custody, most perpetrators continued to escape prosecution. According to AI, the more than 40 cases of rape or sexual abuse reported between 1995 and 2002 represent only a fraction of the real number of cases. A study from the Center for Women's Resources, a non-government women's service institution, estimated that an average of 14 cases of rape and domestic violence occur daily involving women and children (see Section 1.c.).

The law provides for the death penalty in cases of rape. Although spousal rape and abuse also are illegal, enforcement was ineffective. Some NGOs argued that courts' imposition of death sentences for rape convictions inhibits some victims, particularly relatives of the accused, from pressing charges. During the year, of the eight prisoners sentenced to death, three were convicted of rape. Of the total prison population, approximately 19 percent were sentenced for rape. Of prisoners sentenced to death, 39 percent were convicted of rape.

Prostitution is illegal. Many women suffer exposure to violence through their recruitment, often through deception, into prostitution (see Section 6.f.). Penalties for the offense are light, but detained prostitutes were subjected to administrative indignities and extortion. The DSWD continued to provide temporary shelter and counseling to women engaged in prostitution. Officials believed that this helped only a small percentage of victims. Some local officials condoned a climate of impunity for those who exploited prostitutes. An anti-trafficking law passed in May criminalizes the act of engaging the services of a prostitute. By year's end, there had been no convictions under that provision.

Sex tourism was a serious problem. Trafficking in women and children for sexual exploitation and forced labor were problems. The anti-trafficking law enacted in May outlawed a number of activities specifically related to trafficking and provided stiff penalties for convicted offenders (see Section 6.f.).

Sexual harassment in the workplace was thought to be widespread yet under-reported due to victims' fear of losing their jobs. Female employees in special economic zones (SEZs) were particularly at risk; most were economic migrants who had no independent workers' organization to assist with filing complaints. Women in the retail industry work on 3- to 5-month contracts, and were reluctant to report sexual harassment for fear their contracts would not be renewed.

In this predominantly Roman Catholic country, the law does not provide for divorce, although the courts generally recognize the legality of divorces obtained in other countries. The process of annulment is cumbersome and costly, which precluded annulment as an option for many women. Many lower income couples simply separate informally without severing their marital ties. The Family Code provides that in child custody cases resulting from annulment, illegitimacy, or divorce in another country, children under the age of 7 are placed in the care of the mother unless there is a court order to the contrary. Children over the age of 7 normally also remain with the mother, although the father can dispute custody through the courts.

In law, but not always in practice, women have most of the rights and protections accorded to men. However, unemployment rates for women are consistently higher than for men. Women's salaries averaged approximately 47 percent lower than their male counterparts'. Women continued to face some discrimination in employment. More women than men enter secondary and higher education.

The National Commission on the Role of Filipino Women, composed of 10 government officials and 13 NGO leaders appointed by the President, acts as an oversight body whose goal is to press for effective implementation of programs benefiting women.

Children.—The Government devoted considerable resources to the education, welfare, and development of children. The Department of Education had the largest budget of any cabinet department. Nevertheless, children faced serious problems.

Elementary and secondary education is free, but the quality of education remained poor due in part to inadequate budget allocation. According to U.N. Development Program figures, the annual per pupil expenditure in 2002 was \$138 (P7,590). Congress cited fiscal constraints to explain the low government allocation. In June, public school teachers criticized President Macapagal-Arroyo following the revelation of a reported \$1.2 billion (P64 billion) budget shortfall. The Department of Education reported that it needs \$3.2 billion (P170.7 billion), but reportedly was allotted \$2 billion (P106.4 billion) (13.23 percent of the national budget) for the 2003-04 school year. The Department of Education estimated that 25 percent of students drop out between grades one and three, and 33 percent between grades one and six. Nearly 60 percent of children who start school do not complete grade 10.

According to government reports, 68.3 percent of children are well nourished and 64 percent were fully immunized. The child mortality rate was 48 out of 1,000 children before the age of 5 years. In 2000, an NGO estimated that 30 to 40 percent of preschool children in the five-province Autonomous Region in Muslim Mindanao suffered from malnutrition. Most of the malnourished children were in villages in Maguindanao, Lanao del Sur, and Tawi-Tawi Provinces. According to the latest UNICEF data, at the end of 2001, 30.6 percent of children under age 5 nationwide were moderately or severely underweight.

According to UNICEF and International Labor Organization (ILO) studies, approximately 2 million children were exposed to hazardous working environments, such as in quarries, mines, and at docksides (see Section 6.d.). Sexual exploitation and trafficking in children for the purpose of sexual exploitation were problems, in spite of positive steps by the Government to address these issues. NGOs estimated that approximately 60,000 children were involved in the commercial sex industry (see Section.).

The Government estimated there were at least 22,000 street children nationwide, although some NGOs believed the number to be much higher. Welfare officials believed that the number increased as a result of widespread unemployment in rural areas. Many street children appeared to be abandoned children engaged in scavenging or begging.

Child abuse remained a problem. DSWD offices served nearly 10,045 victims of child abuse during the year, 73 percent of whom were girls. Some 44 percent of the girls were victims of sexual abuse, while the majority of the boys had been abandoned or neglected. Several cities ran crisis centers for abused women and children. The problem of foreign pedophiles continued to be reported in the press, and the Government continued to prosecute accused pedophiles. Children also were victims of police abuse while in detention for committing minor crimes.

There were reports of discrimination against children of single parents at some private Catholic schools. In 2002, the Secretary of Education ordered all private

schools to discontinue their practice of refusing admission to children of single or separated parents.

Children were targeted for recruitment as combatants and noncombatants by the terrorist NPA and ASG. The NPA claimed that it assigned persons 15 to 18 years of age to self-defense and noncombatant duties; however, there were reports that the NPA continued to use minors in combat. An official from the Office of the Presidential Advisor on the Peace Process estimated that children made up as much as 19 percent of the NPA's fighting force. In the last several years, the AFP on numerous occasions captured or killed NPA fighters who turned out to be minors.

The ASG also recruited teenagers to fight and participate in criminal activities. There were reports that a significant number of ASG members staffing the groups' camps were teenagers. The AFP said that some Islamic schools in Mindanao served as fronts to indoctrinate children, and that the ASG used children as couriers and spies. In February, the DSWD reported that seven former "child warriors" ages 11 to 15 admitted to having fought with the ASG against the AFP on Basilan island.

A variety of national executive orders and laws provide for the welfare and protection of children. Police stations have child and youth relations officers to ensure that child suspects are treated appropriately. However, the procedural safeguards were often ignored in practice. Many child suspects were detained for extended periods without access to social workers and lawyers and were vulnerable to torture and other ill treatment. There were also reports that many children detained in jails appeared to have been arrested without warrants.

A number of NGOs actively promoted children's rights.

Persons with Disabilities.—The law provides for equal physical access for persons with disabilities to all public buildings and establishments and for "the rehabilitation, self development, and self-reliance of disabled persons and their integration into the mainstream of society." The law applies to both those with physical and mental disabilities. The Department of Labor and Employment's (DOLE) Bureau of Local Employment (BLE) maintains registers of persons with disabilities indicating their skills and abilities. BLE monitors private and public places of employment for violations of labor standards regarding persons with disabilities and also promotes the establishment of cooperatives and self-employment projects for persons with disabilities.

Estimates of the number of disabled persons in the country ranged from 1 million to 3.5 million. Advocates suspected the data were incomplete due to the social stigma attached to persons with disabilities. It was estimated that the majority of persons with disabilities are younger than 65 years of age and lived at home with their families. Assisted living centers were understaffed and underfunded.

The Government mandated the provision of accessibility to buildings for persons with disabilities. Advocates for persons with disabilities contended that equal-access laws were ineffective because implementing regulations were weak, funding was inadequate, and government programs were inadequately focused on integration. Many public buildings, particularly older ones, lacked functioning elevators, meaning that persons in wheelchairs had to be carried up stairwells. Many schools had architectural barriers that made attendance difficult for persons with disabilities.

Government efforts to improve access to transportation for persons with disabilities have been halting. Only one of Manila's metro lines was wheelchair-accessible, and many stops had out-of-service elevators. Buses lacked wheelchair lifts, and there were reports of drivers who failed to stop for passengers in wheelchairs. A limited number of sidewalks had wheelchair ramps, but garbage cans and street vendors often blocked access. Many of the sidewalk wheelchair ramps were crumbling or too steep. The situation was worse in many smaller cities and towns.

Indigenous People.—Indigenous people live throughout the country, but primarily in the mountainous areas of northern and central Luzon and in Mindanao. They account for approximately 16 percent of the national population. Although no specific laws discriminate against indigenous people, the remoteness of the areas that many inhabit and cultural bias prevented their full integration into society. Indigenous children suffered from lack of basic services, health, and education.

Because they inhabit mountainous areas also favored by guerrillas, indigenous people suffered disproportionately from armed conflict. Their lands were often the sites of armed encounters, and various parties to the fighting have recruited many indigenous people. The MILF reportedly tried to recruit the Arumanen Manuvu tribe in central Mindanao. In 2002, there were reports the governor of a central Mindanao province was recruiting and arming indigenous people against the terrorist NPA.

The 1997 Indigenous Peoples' Rights Act, which was intended to implement constitutional provisions to protect indigenous people, established a National Commis-

sion on Indigenous People (NCIP), which was staffed by tribal members empowered to award certificates of title to lands claimed by indigenous persons in the country. It awards such “ancestral domain lands” on the basis of communal rather than individual ownership, impeding sale of the lands by tribal leaders. The law requires a process of informed consultation and written consent by the indigenous group to allow mining on tribal lands. The law also assigns the indigenous groups the responsibility to preserve forest, watershed, and biodiversity areas in their domains from inappropriate development. Although the Government has been slow to implement the legislation, primarily because of strong opposition from mining and agribusiness interests, some limited progress has been made. As of July, the Government claimed it had distributed approximately 907,345 acres of land to more than 76,330 indigenous families.

In his April report to the U.N. Commission on Human Rights (UNCHR), the Special Rapporteur on the rights and freedoms of indigenous people documented abuses involving arbitrary detention, persecution, killing of community representatives, coercion, torture, demolition of houses, involuntary displacements, rape, and disruption of the rights to food and shelter. He recommended more effective implementation of the Indigenous Peoples’ Rights Act. The head of the Philippine delegation at the UNCHR said that the Special Rapporteur “. . . had allowed his mandate to be hijacked and manipulated by groups with a hidden agenda.”

Section 6. Worker Rights

a. The Right of Association.—The Constitution and laws provide for the right of workers, including most public employees, with the exception of the military and the police, to form and join trade unions. Trade unions are independent of the Government. Unions have the right to form or join federations or other labor groups.

As of August, there were 171 registered labor federations and more than 19,928 private sector unions, compared to 17,771 reported in 2002. The 1.7 million union members represented approximately 5 percent of the total workforce of 34 million. The number of firms using contractual labor, primarily large employers, continued to grow.

As of August, the Bureau of Labor Relations reported 1,242 public sector unions, compared with 1,086 as of August 2002. Total public sector union membership was nearly 247,853, up from 229,929 in 2002.

Allegations of intimidation and discrimination in connection with union activities are grounds for review as possible unfair labor practices before the quasi-judicial National Labor Relations Commission (NLRC). However, unions maintained that widespread ignorance of basic standards and rights was a major obstacle to union organization. Before disputes reach the NLRC, the Department of Labor and Employment provides the services of a mediation board, which settles most of the unfair labor practice disputes raised as grounds for strikes before the strikes may be declared. DOLE, through the mediation board, also worked to improve the functioning of labor-management councils in companies that already had unions.

Unions have the right to affiliate with international trade union confederations and trade secretariats. Two of the largest trade union federations, the Trade Union Congress of the Philippines and the Federation of Free Workers, were affiliated with the International Confederation of Free Trade Unions (ICFTU) and the World Confederation of Labor, respectively.

The ICFTU has claimed that a union may be registered only if it represents at least 20 percent of workers in a bargaining unit, and that the law requires an excessively high number of unions before a federation or national center can be formed.

b. The Right to Organize and Bargain Collectively.—The Constitution provides for the right to organize and bargain collectively. The Labor Code provides for this right for employees both in the private sector and in government-owned or controlled corporations. A similar right is afforded to most government workers. Approximately 5 percent of the work force was organized. Collective bargaining was freely practiced. The number of workers covered by collective bargaining agreements rose to 270,721 or about 16 percent of union members.

Subject to certain procedural restrictions, strikes in the private sector are legal; however, unions are required to provide strike notice, respect mandatory cooling-off periods, and obtain majority member approval before calling a strike. By law, the reason for striking must be relevant to the labor contract or the law, and all means of reconciliation must be exhausted. The Secretary of Labor and Employment may intervene in some labor disputes by assuming jurisdiction and mandating a settlement if the Secretary decides that the industry involved in the strike is vital to national security. During the year, there were 38 strikes, compared to 36 in 2002.

The Labor Code provides that union officers who knowingly participate in an illegal strike may be dismissed and, if convicted, imprisoned for up to 3 years; however, according to the DOLE, there never has been a conviction under this provision.

Trade union officials reported that underpayment of the minimum wage and the use of contracting to avoid required benefits were common practices, including in the government-designated special economic zones (SEZs), where tax benefits were used to encourage the growth of export industries. Dismissal or threatened dismissal of union members also was common, and there were reports that some workers were fired after merely speaking with union organizers. There were reports that some companies offered cash to employees who agreed to identify union organizers. Some companies reportedly ordered overtime to disrupt union meetings.

Labor law applies uniformly throughout the country, including the SEZs; however, local political leaders and officials who govern the SEZs have attempted to frustrate union organizing efforts by maintaining union free or strike free policies. A conflict over interpretation of the SEZ law's provisions for labor inspection created further obstacles to the enforcement of workers' rights to organize. Despite objections from the DOLE, SEZ local directors claimed authority to conduct their own inspections as part of the zones' privileges intended by Congress. Hiring often was controlled tightly through SEZ labor centers. In organizing efforts, union successes in the SEZs have been few and marginal. Some mainstream unions avoided a major unionizing effort in the lower-wage SEZ industries, such as the garment industry. They considered it unpromising in view of both the organizers' restricted access to the closely guarded zones and the rapid turnover of the young, mainly female staff who worked on short-term contracts in the zones' many electronics and garment factories.

c. Prohibition of Forced or Bonded Labor.—The law prohibits forced labor, including forced and bonded labor by children; however, despite the Government's efforts, there were some reports of forced and bonded labor, especially by children, mainly in prostitution, drug trafficking, and other areas of the informal sector (see Sections 6.d. and 6.f.). The legal minimum age for employment as a domestic worker is 15; however, over 4 million children 17 years of age or younger, including many under 15, were so employed. Some recruiters reportedly brought girls between the ages of 13 and 17 to work in Manila or Cebu under terms that involved a "loan" advanced to their parents that the children were obliged to repay through their work (see Section 6.f.). The DOLE continued to address the problem of underage workers in family work settings by prosecutions and fines of violators (see Sections 6.d. and 6.f.).

d. Status of Child Labor Practices and Minimum Age for Employment.—The law prohibits the employment of children under the age of 15, except under the direct and sole responsibility of parents or guardians, or in cases in which employment in cinema, theater, radio, or television is essential to the integrity of the production. The law allows employment of those between the ages of 15 and 18 for such hours and periods of the day as are determined by the Secretary of Labor, but forbids the employment of persons under 18 years of age in hazardous or dangerous work. However, child labor remained a problem, and a significant number of children were employed in the informal sector of the urban economy or as unpaid family workers in rural areas—some as bonded laborers (see Section 6.c.). The most recent government survey reported at least 4 million working children, approximately 2.4 million of whom were exposed to hazardous working environments, such as quarries and mines, docksides, and fishing boats.

Most child labor occurred in the informal economy, most often in family settings, and the Government rarely sought to prosecute a poor family because it had a working child. Nevertheless, the Government, in coordination with a number of domestic NGOs and international organizations, implemented programs to develop other, safer options for children, return them to school, and offer families viable economic alternatives to child labor. Although the Government made attempts to devote more resources to child labor programs, resources remained well below what was needed.

The Government and NGOs implemented programs to prevent the engagement of children in exploitative child labor. DOLE worked with domestic NGOs to educate communities on child labor and provided counseling and other activities for children. DOLE and the Department of Education worked with NGOs, UNICEF, and the ILO International Program on the Elimination of Child Labor to assist children to return to school. The Government also implemented fines and criminal prosecutions for child labor violations in the formal sector, such as in manufacturing. DOLE continued its efforts to rescue exploited child workers, rescuing 43 minors in 249 different operations during the year. The Employers Confederation of the Philippines pursued an active and highly visible program against child labor.

e. Acceptable Conditions of Work.—The national minimum wage did not provide a decent standard of living for a worker and family. Tripartite regional wage boards

set minimum wages. In January and February, a round of wage increases was implemented in most regions of the country. The highest rates were in the National Capital Region (NCR) and the lowest in rural regions. The minimum daily wage for NCR nonagricultural workers was \$5.05 (P280), which did not provide a decent standard of living for a worker and family in the NCR. The lowest minimum wages were in the ARMM, where the daily agricultural wage was \$2.36 (P131). The regional wage board orders covered all private sector workers except domestic servants and other persons employed in the personal service of another person. Boards outside the NCR exempted some employers because of factors such as establishment size, industry sector, involvement with exports, financial distress, and level of capitalization. These exemptions excluded substantial additional numbers of workers from coverage under the law. Unions have filed complaints about the minimum wage exemption policies.

In practice, violation of minimum wage standards was common, and large numbers of workers received less than the minimum wage set for their area. Many firms hired employees at below the minimum apprentice rates, even if there was no approved training in their production-line work. DOLE officials estimated that 60 to 70 percent of workers who should be covered by the minimum wage were actually underpaid. They acknowledged that the shortage of inspectors made the law difficult to enforce. In addition to fines, the Government also made use of administrative procedures and moral suasion to encourage employers to voluntarily rectify violations. Complaints about nonpayment of social security contributions, bonuses, and overtime were particularly common with regard to companies in SEZs.

By law, the standard legal workweek is 48 hours for most categories of industrial workers and 40 hours for government workers, with an 8-hour per day limit. The Government mandates an overtime rate of 125 percent of the hourly rate on ordinary days and 130 percent on rest days and holidays. The law mandates a full day of rest weekly. However, there is no legal limit on the number of overtime hours that an employer may require. The DOLE managed enforcement of workweek hours through sporadic inspections. The Labor Inspectorate was not considered effective.

The law provides for a comprehensive set of occupational safety and health standards. The DOLE has responsibility for policy formulation and review of these standards, but with only 209 positions allocated for inspectors nationwide, local authorities often must carry out enforcement. DOLE officials acknowledged that the number of inspectors was not adequate for the number of work sites to be inspected. DOLE launched a campaign to promote safer work environments in small enterprises. Statistics on actual work-related accidents and illnesses were incomplete, as incidents (especially in agriculture) were underreported. Workers do not have a legally protected right to remove themselves from dangerous work situations without risking loss of employment.

The Government and several NGOs worked to protect the rights of the country's 7.4 million overseas citizens, most of whom are temporary or contract workers. The Government placed financial sanctions and criminal charges on domestic recruiting agencies found guilty of unfair labor practices. Although the Philippine Overseas Employment Agency registered and supervised domestic recruiters' practices successfully, the authorities sometimes lacked sufficient resources to ensure workers' protection overseas. It sought cooperation from receiving countries and proposed migrant worker rights conventions in international forums. The Government also provided assistance through its diplomatic missions in countries with substantial numbers of migrant workers.

The labor laws protect foreign workers in the country. Foreign workers must obtain work permits and may not engage in certain occupations. Typically their work conditions were better than those faced by citizens.

f. Trafficking in Persons.—Trafficking was a problem. In May, the Government enacted a comprehensive anti-trafficking law, which defines several activities related to trafficking as illegal and imposes stiff penalties—up to life imprisonment—for convicted offenders. There were reports that the Government brought cases against traffickers; however, there was no central database for the number of cases prosecuted.

Although the Government investigated several cases of trafficking-related offenses, efforts were halting due to scarce resources and a lack of witnesses willing to testify. The principal investigative agencies were the National Bureau of Intelligence, the Bureau of Immigration, and the PNP Criminal Investigation and Detection Group. The Government cooperated with international investigations of trafficking. In January, the Philippines, Cambodia, Indonesia, Malaysia, and Thailand agreed to form a joint committee to boost multilateral cooperation against terrorism and other transnational crimes, including human trafficking.

The country was a source, transit, and destination country for internationally trafficked persons. Internal trafficking was also a problem. Reliable estimates on the numbers of individuals trafficked were not available, primarily because of limited government and NGO resources to maintain accurate information. The most serious problem appeared to be the trafficking of women across international borders to destinations in Asia (especially Japan), Europe, the Middle East, and North America. Many of these women were forced to work in the sex industry. Organized crime gangs typically trafficked persons from China through the country to destinations elsewhere, although occasionally the Philippines was the final destination.

Both adults and children were trafficked domestically from poor, rural areas in the southern and central parts of the country to major urban centers, especially metro Manila and other cities on Luzon. A significant percentage of the victims of internal trafficking were from Mindanao and were fleeing the severe poverty and violence of their home areas. Women were far more at risk to be victims of trafficking than men, and girls were more at risk than boys.

There were reports of the sexual exploitation of children. Despite government efforts at law enforcement and expanded children's programs, NGOs estimated that approximately 60,000 children were involved in the commercial sex industry. Most of these children were girls, and nearly all had dropped out of school. Children in the "entertainment industry" work long (10 to 12), odd hours from evening until early morning. Typically they came from families with unemployed or irregularly employed parents.

Traffickers targeted persons seeking overseas employment. Most recruits were girls and young women ages 15 to 22, from poor farming families, with an average of 6 to 10 siblings. The traffickers generally were private employment recruiters and their partners in organized crime. Many recruiters targeted persons from their own hometowns. The primary method used to approach victims was the promise of a respectable and lucrative job.

There was anecdotal evidence that some officials (such as customs officers, border guards, immigration officials, local police, or others) received bribes from traffickers or otherwise assisted in their operations.

Victims faced health risks, such as contracting sexually transmitted or other infectious diseases, as well as susceptibility to beatings, sexual abuse, and humiliation.

The Government devoted significant resources to assist and protect victims. The concept of a trafficked person as a victim rather than a perpetrator was particularly strong. The Government, in conjunction with NGO partners, assisted victims by providing temporary (not permanent) residency status and relief from deportation, shelter, and access to legal, medical, and psychological services.

The Department of Social Welfare and Development (DSWD) and many private groups have established shelters and rehabilitation centers. DSWD provided economic aid to victims, including residential care. Additional protective services included hotlines for reporting cases, and the operation of 24-hour halfway houses in 13 regions of the country to respond to victims. Although the Government provided some funding to domestic and foreign NGOs for services to victims, religious groups, multinational donor agencies, and private foundations typically funded most of the budgets for these NGOs.

The Government rarely deported or charged victims of trafficking with crimes; however, police frequently charged alleged prostitutes with vagrancy. No reliable statistics indicating whether these individuals were victims of trafficking were available.

Victims may file civil suits or seek legal action against traffickers. Most victims who chose to do so filed charges of illegal recruitment. However, the Government lacked substantial resources to pursue these cases.

Numerous government agencies and officials, as well as NGOs and international organizations, continued to support public information campaigns against trafficking. The Government also supported other programs to prevent trafficking, such as the promotion of women's participation in economic decision-making and efforts to keep children in school. The Government provided skills training to women, lessening the need for them to go to urban centers or overseas for employment. However, funding remained limited.

SAMOA

Samoa is a parliamentary democracy that incorporates certain traditional practices into its governmental system. The Constitution provides for a head of state;

a unicameral legislature composed primarily of extended family heads, or “matai,” and elected by universal suffrage; the protection of land rights and traditional titles; and other fundamental rights and freedoms. In 2001, the Human Rights Protection Party (HRPP) won reelection to its sixth term as the governing party and holds 31 of the 49 parliamentary seats. The election was marred by charges of bribery. In September 2001, the Supreme Court ordered four by-elections as a result of election challenges filed by losing candidates; the HRPP won all four. Executive authority is vested in the Head of State with the Government administered by the Cabinet, which consists of the Prime Minister and 12 ministers chosen by him. All laws passed by the Legislative Assembly need the approval of the Head of State, Malietoa Tanumafili II, who holds the position for life. The Legislative Assembly is to elect his successors for 5-year terms. The judiciary is independent.

The country does not have a defense force. The civilian authorities maintained effective control over the small national police force, but it had little effect beyond Apia, the capital city. There were no reports that security forces committed human rights abuses. Enforcement of rules and security within individual villages is vested in the “fono” (Council of Matai), which settles most internal disputes. Judgments by the fono usually involve fines or, more rarely, banishment from the village.

The economy is market based. The population was approximately 199,000 as of December, according to the Government Statistics Department. More than 60 percent of the workforce was engaged primarily in agriculture. The country was heavily dependent on foreign aid and on remittances sent to family members by the more than 100,000 citizens living overseas. The Government reported a 1.8 percent gross domestic product increase in 2002 and a per capita income of approximately \$1,680.

The Government generally respected the human rights of its citizens; however, there were problems in some areas. The law and the courts addressed some of these problems. Political discrimination against women and non-matai was a problem. Societal pressures and customary law may interfere with the ability to conduct fair trials. Those who do not conform to accepted societal values may face pressure, threats, violence, and banishment. However, in April, the Supreme Court overturned a lower court ruling and found that a village fono had acted illegally when it banished some residents for their religious activities. The ruling affirmed that both statutory and customary laws are subject to the individual rights provided for in the Constitution. Violence against women and children was a problem.

RESPECT FOR HUMAN RIGHTS

Section 1. Respect for the Integrity of the Person, Including Freedom From:

a. Arbitrary or Unlawful Deprivation of Life.—There were no reports of the arbitrary or unlawful deprivation of life committed by the Government or its agents.

There were no further developments in the 2002 case of parliamentary by-election candidate Taliaoa Taamilosaga and three other persons, whose deaths in a fire were ruled homicides. The police investigation was ongoing at year’s end (see Section 3.).

b. Disappearance.—There were no reports of politically motivated disappearances.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The law prohibits such practices, and there were no reports that government officials employed them.

Prison conditions generally appeared to meet international standards, although they were fairly basic with respect to food and sanitation. Within the country’s sole prison, men and women were housed separately, juveniles were held separately from adults, and pretrial detainees were separated from convicted prisoners.

There were no known requests by independent human rights observers to visit prisons; however, the Government indicated members and church representatives also were permitted.

d. Arbitrary Arrest, Detention, or Exile.—The Constitution prohibits arbitrary arrest and detention, and the Government generally observed these prohibitions.

The country’s police, prison guards, and firefighters all belong to one consolidated national service. A commissioner appointed to a fixed 3-year term of office heads this service. He is assisted by four assistant commissioners and, since a government reorganization in August, reports to the Minister of Police. Corruption and impunity were not significant problems among the police; however, a lack of resources limited police effectiveness.

The law provides for issuance by the Supreme Court of an arrest warrant based on sufficient evidence, and the Government generally adhered to this provision in practice. The law provides for the right to a prompt judicial determination regarding the legality of detention, and the authorities generally respected this right in practice. Detainees are informed within 24 hours of the charges against them, or they

are released. Detainees were allowed prompt access to family members and a lawyer of their choice. If the detainee is indigent, the Government provides a lawyer. There is a functioning system of bail.

Villages are governed by traditional law, and the fono may mete out banishment, one of the harshest forms of punishment in this collective society. In some cases, civil courts have overruled banishment orders (see Sections 1.e. and 2.c.). Exile is prohibited by law, and the Government did not use it.

e. Denial of Fair Public Trial.—The Constitution provides for an independent judiciary, and the Government generally respected this provision in practice.

The judiciary consists of the District Court, the Lands and Titles Court, the Supreme Court, and the Court of Appeals. The Court of Appeals is the highest court. It has appellate jurisdiction only and can review the rulings of any other court. It is composed of a panel of retired New Zealand judges and sits once a year for several weeks.

The law provides for the right to a fair trial, and an independent judiciary generally enforced this right. The accused must be charged within 24 hours. A trial judge examines evidence and makes a determination as to whether there are grounds to proceed. Trials are public, and defendants have the right to be present and to timely consultation with an attorney, at public expense if required. Defendants may confront witnesses and present witnesses and evidence on their own behalf. Defendants and their attorneys have access to government-held evidence, and defendants have the right to appeal a verdict.

However, many civil and criminal matters were handled by village fono, which varied considerably both in their decision-making style and in the number of matai involved in the decisions. The 1990 Village Fono Act gives legal recognition to the decisions of the fono and provides for limited appeal to the Lands and Titles Court and to the Supreme Court. In 2000, the Supreme Court ruled that the Village Fono Act may not be used to infringe upon villagers' freedom of religion, speech, assembly, or association. More recent court decisions reinforced this principle (see Section 2.c.).

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home or Correspondence.—The law provides substantive and procedural safeguards against invasion of the home or seizure of property, including a requirement for search warrants, which are issued by the judicial branch. However, there is little or no privacy in villages. While village officials by law must have permission to enter homes, there can be substantial societal pressure to grant such permission.

In accordance with traditional law, village fono may impose a punishment of banishment (see Section d. and 2.d.).

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution provides for freedom of speech and of the press, and the Government generally respected these rights in practice. Three English-language newspapers and a number of Samoan-language newspapers were published regularly. The law requires journalists to reveal their sources in the event of a defamation suit against them. However, there has been no court case invoking this law.

The Government operated one of two television stations. There were five private radio stations, and a satellite-cable system was available in parts of Apia. In addition, approximately one-third of the population was within the broadcast area of the television station in American Samoa. Internet use was expanding rapidly, both as a news source and as a means of two-way communication; there was no government interference with its use.

The Government did not restrict academic freedom.

b. Freedom of Peaceful Assembly and Association.—The Constitution provides for freedom of assembly and association, and the Government generally respected these rights in practice. In 2000, the Supreme Court ruled that the Village Fono Act may not be used to infringe upon villagers' freedom of religion, speech, assembly, or association (see Sections 1.e. and 2.c.).

c. Freedom of Religion.—The Constitution provides for freedom of religion, and the Government generally respected this right in practice.

The Constitution acknowledges "an Independent State based on Christian principles and Samoan custom and traditions." Although Christianity is favored constitutionally, there is no official or state denomination. There are no requirements for the recognition of a religious group or for licenses or registration.

The Constitution grants each person the right to change religion or belief and to worship or teach religion alone or with others; however, in practice, the matai often

choose the religious denomination of the extended family. In past years, despite the constitutional protection, village fono—in the name of maintaining social harmony within the village—sometimes banished or punished families that did not adhere to the prevailing religious belief in the village. However, civil courts take precedence over village fono in matters involving the exercise of constitutional rights, and courts have ordered families readmitted to their villages. During the year, there were no new cases of individuals being banished by villages due to their practicing religion differently from that practiced by the village majority.

On April 24, the Supreme Court overturned a September 2000 ruling by the Lands and Titles Court that had affirmed a decision by the Falealupo village fono to banish members of a Bible study group for their religious activities. The Supreme Court's ruling in this case was the latest in a series of judicial decisions in recent years that affirmed that all laws, whether statutory or customary, are subject to the individual rights provided for in the Constitution.

Missionaries operated freely, either as part of one of the established churches or by conducting independent revival meetings. There was an independent Christian radio and television station.

The Constitution provides for freedom from unwanted religious indoctrination in schools but gives each denomination or religion the right to establish its own schools; these provisions were adhered to in practice.

For a more detailed discussion, see the 2003 International Religious Freedom Report.

d. Freedom of Movement within the Country, Foreign Travel, Emigration, and Repatriation.—The Constitution provides for these rights, and the Government generally respected them in practice; however, village fono have, and regularly employed, the power to ban citizens from village activities or to banish them from the village for failing to conform to village laws or to obey fono rulings.

The Government actively supported emigration as a “safety valve” for the pressures of a growing population, especially for potentially rebellious youths, and because it generated income through remittances. There were an estimated 100,000 citizens living abroad, and their remittances made a significant contribution to the national economy.

The country is a signatory of the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol; however, the Government has not enacted enabling legislation or formulated a policy regarding refugees or asylum. Nevertheless, the authorities have indicated that they would conform to international norms if such cases should arise. The Government was prepared to cooperate with the office of the U.N. High Commissioner for Refugees and other humanitarian organizations in assisting refugees; however, the need did not arise during the year. There were no reports of the forced return of persons to a country where they feared persecution.

Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government

Citizens have the right to change their government through direct multiparty elections held on the basis of universal suffrage; however, women's political rights are restricted by the fact that few of them are matai. While all citizens above the age of 21 may vote, the right to run for 47 of the 49 seats in the Legislative Assembly remains the prerogative of the approximately 25,000 matai. The remaining two seats are reserved for “at large” voters (primarily citizens who are not of full Samoan ethnic heritage and lack strong ties to one of the 47 village-based electoral districts). Matai are selected by family agreement; there is no age qualification. Although women sometimes are selected, 95 percent of matai are men. Matai control local government through the village fono, which are open to them alone.

The HRPP has dominated the political process, winning six consecutive elections since 1982. Although candidates were free to propose themselves for electoral office, in practice, they usually required the approval of the senior matai of the villages within their electoral district.

In elections in March 2001, the HRPP won 23 seats and declared victory 2 weeks later when 5 opposition party members switched to the HRPP. At year's end, the HRPP held 31 of the Parliament's 49 seats. The newly formed opposition Samoa Democratic United Party, which resulted from a December merger of the Samoa National Development Party and the United Independent Party, held 17 seats, while an HRPP-aligned independent Member of Parliament (M.P.) occupied the remaining seat. The election was marred by charges of bribery, and 10 losing candidates initially filed election challenges. In August 2001, the Attorney General intervened to foreclose further challenges and thereby prevented as many as 40 additional chal-

lenges from being filed. Following a series of trials in 2001, the Supreme Court in September 2001 ordered four by-elections. The HRPP won all four.

Retaliation was directed against witnesses who testified in these bribery cases. In March 2001, the Afega village fono banished 10 persons and their families for giving evidence in such a case; however, in June 2001, the Supreme Court overturned the village fono order, and the persons returned to their village. Other candidates who ran against the wishes of their village fono were banished. For example, in January 2001, Aeau Peniamina Leavai, former Speaker of Parliament, and his family were banned from entering his village of Falealupo, reportedly because he ran for Parliament against the wishes of the village fono (see Section 1.f.). In July 2002, the authorities determined that the deaths in a fire of four persons, including a candidate in a parliamentary by-election who had refused to withdraw in favor of the village leadership's preferred candidate, were homicides (see Section 1.a.).

There were no prohibitions on the formation of opposition parties, and there were several such parties.

There are 3 women in the 49-member legislature, and 1 woman in the 13-person Cabinet. The political rights of citizens who are not of ethnic Samoan heritage are addressed by the reservation of two parliamentary seats for "at large" voters. One cabinet minister is an at-large M.P. of mixed European-Samoan heritage. Samoans of mixed European-Samoan or Chinese-Samoan heritage are well represented in the civil service.

Section 4. Governmental Attitudes Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A number of human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials were cooperative and responsive to their views.

Section 5. Discrimination Based on Race, Sex, Disability, Language, or Social Status

The Constitution prohibits discrimination based on race, sex, disability, language, or social status. Citizens of foreign heritage constituted approximately 3 percent of the population; they were not subjected to discrimination. Politics and culture reflect a heritage of matai privilege and power, and members of certain families have some advantages. While there was discrimination against women and non-matai, who only occasionally reached high office, women (and particularly the few female matai) nonetheless played an important role in society.

Women.—While the law prohibits the abuse of women, social custom tolerates their physical abuse within the home; such abuse was common. The role and rights of the village fono and tradition prevented police from interfering in instances of domestic violence, unless there was a complaint from the victim—which village custom strongly discouraged. While police received some complaints from abused women, domestic violence offenders typically were punished by village fono, but only if the abuse was considered extreme (that is, visible signs of physical abuse). Village religious leaders also may intervene in domestic disputes. The Government punished persons responsible for extreme assault cases, including by imprisonment.

Many cases of rape still go unreported because tradition and custom discourage such reporting; spousal rape is not illegal. Despite such discouragement, the authorities noted an increasing number of reported cases of rape, as women slowly became more forthcoming with the police. Rape cases that reached the courts were treated seriously. Convicted offenders often were given sentences of several years' imprisonment.

Prostitution is illegal; it existed, but was not a major problem. The law does not address sex tourism specifically; however, it was not a problem. The law prohibits sexual harassment; it was not a widespread problem but was believed to be under-reported.

Women have equal rights under the Constitution and statutory law, and the traditional subordinate role of women is changing, albeit slowly, particularly in the more conservative parts of society. The Ministry of Women, Community, and Social Development, which in an August governmental reorganization assumed the responsibilities of the former Ministry of Women's Affairs, oversees and helps secure the rights of women. In order to integrate women into the economic mainstream, the Government sponsored literacy programs and training programs for those not completing high school.

Children.—The Government made a strong commitment to the welfare of children through the implementation of various youth programs by the Ministry of Education and the Ministry of Health. Education is formally compulsory through age 14; however, the Government did not enforce this law, and the children of families that could not pay the required school fees were unable to attend. Boys and girls were

treated equally and attended school in approximately equal percentages. Most children attended school through junior high school. The Government provided health care for children at public hospitals for minimal charge. Law and tradition prohibit severe abuse of children but both tolerate corporal punishment. The police have noted an increase in reported cases of child abuse, which was attributed to citizens becoming more aware of the need to report the physical, emotional, and sexual abuse of children. The Government aggressively prosecuted such cases. There were no reports of commercial sexual exploitation of children. The nongovernmental organization Mapusaga o Aiga (Women against Domestic Violence) provided limited educational programs on children's rights.

There was one privately run behavior modification camp for foreign children with emotional or behavioral problems. The children were enrolled in the camp by their parents.

Persons with Disabilities.—The Government has passed no legislation pertaining to the status of persons with disabilities or regarding accessibility for them. Tradition dictates that families care for persons with disabilities, and this custom was observed widely in practice. There were no reports of societal discrimination against persons with physical or mental disabilities. In April, the Government convened a national symposium on mental health, which focused attention on the needs of the mentally ill and the challenges local communities and caregivers faced in addressing those needs.

Section 6. Worker Rights

a. The Right of Association.—Workers legally have unrestricted rights to establish and join organizations of their own choosing. There were no practical limitations to union membership, and approximately 20 percent of the workforce was unionized. There are two trade unions in the country. The Samoa National Union, organized in 1994, is a six-member association that includes workers from the three major banks. A second union represented members at the sole factory in the country. Both unions were independent of the Government and political parties. The Public Service Association, which represents government workers (an important sector of the work force), also functions as a union. There are no laws specific to union activity. The Commissioner of Labor adjudicates any cases of retribution against strikers or union leaders on a case-by-case basis.

The Public Service Association freely maintained relations with international bodies and participated in bilateral exchanges.

b. The Right to Organize and Bargain Collectively.—While workers have the legal right to engage in collective bargaining, they seldom have practiced it, due to the novelty of union activity and the inexperience of union leaders. The Public Service Association engages in collective bargaining on behalf of government workers, including bargaining on wages. Any anti-union discrimination case would be reported to and adjudicated by the Commissioner of Labor. Arbitration and mediation procedures are in place to resolve labor disputes, although such disputes rarely arise.

The Supreme Court has upheld the right of government workers to strike, subject to certain restrictions imposed principally for reasons of public safety. Workers in the private sector have the right to strike, but there were no strikes during the year.

Labor law and practice in the sole export processing zone are the same as in the rest of the country.

c. Prohibition of Forced or Bonded Labor.—The law prohibits forced or bonded labor, including by children; however, in this collective society, persons, including minors, frequently were called upon to work for their villages. Most persons did so willingly; however, the matai may compel those who do not (see Section 6.d.). In February, police in American Samoa uncovered a prostitution ring in which women from Independent Samoa were lured to American Samoa with the promise of work as waitresses; once there, they allegedly were forced into prostitution (see Section 6.f.).

d. Status of Child Labor Practices and Minimum Age for Employment.—Under the law, it is illegal to employ children under 15 years of age except in "safe and light work." The Commissioner of Labor refers complaints about illegal child labor to the Attorney General for enforcement; however, no cases were prosecuted during the year. Children frequently were seen vending goods and food on Apia street corners. The Government has not made a definitive determination as to whether this practice violates the country's labor laws, which cover only persons who have a place of employment. Although the practice may constitute a violation of the law, local officials mostly tolerated and overlooked it. There were no reports of bonded labor by children; however, the law does not apply to service rendered to the matai, some

of whom required children to work for the village, primarily on village farms (see Section 6.c.). The extent of this practice varied by village, but it generally did not significantly disrupt children's education.

The country is not a member of the International Labor Organization (ILO) and has not ratified ILO Convention 182 on the worst forms of child labor.

e. Acceptable Conditions of Work.—The law establishes for the private sector a 40-hour workweek and an hourly minimum wage of \$0.55 (WS\$1.60). An advisory commission to the Minister of Labor sets minimum wages. Wages in the private sector are determined by competitive demand for the required skills. This minimum wage sufficed for a basic standard of living for a worker and family when supplemented by the subsistence farming and fishing in which most families engage. The law provides that no worker should be required to work for more than 40 hours in any week.

The law also establishes certain rudimentary safety and health standards, which the Attorney General is responsible for enforcing. However, independent observers reported that the safety laws were not enforced strictly, except when accidents highlighted noncompliance. Many agricultural workers, among others, were protected inadequately from pesticides and other dangers to health. Government education programs were addressing these concerns. The law does not apply to service rendered to the matai. While the law does not address specifically the right of workers to remove themselves from a dangerous work situation, a report of such a case to the Commissioner of Labor would prompt an investigation, without jeopardy to continued employment. Government employees are covered under different and more stringent regulations, which were enforced adequately by the Public Service Commission.

Foreign workers are protected by law; minimum wage and working conditions standards apply equally to them. There were very few foreign workers in the country due to the high unemployment rate. Most foreign workers were educated professionals in technical and health services fields.

f. Trafficking in Persons.—There is no statute that specifically addresses trafficking in persons. In February, police in American Samoa uncovered a prostitution ring in which up to 40 young women from Independent Samoa were lured to American Samoa with the promise of work as waitresses; once there, they allegedly were forced into prostitution. The Government cooperated with the American Samoan authorities' investigation and deported an alleged leader of the ring, who had fled to Independent Samoa, back to American Samoa for prosecution. The six Samoan women found in a brothel operated by the ring when the authorities acted to close it down returned to Independent Samoa.

SINGAPORE

Singapore is a parliamentary republic in which politics is dominated overwhelmingly by the People's Action Party (PAP), which has been in power since the country gained autonomy from the United Kingdom in 1959. Opposition parties exist, and there are regularly contested elections. However, the PAP holds 82 of 84 elected parliamentary seats and all ministerial positions. Elections take place at regular, constitutionally mandated intervals. The judiciary is efficient and constitutionally independent; however, there is a general perception that it reflects the views of the ruling party in politically sensitive cases. Moreover, a variety of executive actions are exempt from judicial review. Government leaders used court proceedings, in particular defamation suits, against political opponents and critics.

The police are responsible for routine security within the country and for border protection, including action against illegal immigrants. Military forces are responsible for external defense. The Internal Security Department (ISD) in the Ministry of Home Affairs is authorized by the Internal Security Act (ISA) to counter perceived threats to the nation's security such as espionage, international terrorism, threats to racial and religious harmony, and subversion. The Government maintains effective control over all security activities. There were no reports that security forces committed human rights abuses.

The country has a free market economy and wealth is distributed broadly. Its population is approximately 4 million with foreign workers accounting for nearly one-fifth of the total. Financial and business services industries, manufacturing of semiconductors and telecommunications equipment, and petroleum refining and petrochemical production are key sectors of the economy. After more than 30 years of high growth rates, economic performance has been inconsistent since 2000. The

economy grew an estimated 0.8 percent during the year, following 2 percent growth in 2002. Unemployment was around 6 percent, an historic high for the country.

The Government generally respected the human rights of its citizens; however, there were significant problems in some areas. The Government has broad powers to limit citizens' rights and to handicap political opposition, which it used in practice. There were no substantiated instances of police abuse of detainees. In the past, the media has fully covered the Government's vigorous investigations and prosecutions of cases involving alleged police abuse. Caning, in addition to imprisonment, was a routine punishment for numerous offenses. The Government continued to rely on preventive detention to deal with espionage, terrorism, organized crime, and narcotics. The authorities sometimes infringed on citizens' privacy rights. The Government continued to restrict significantly freedom of speech and freedom of the press, as well as to limit other civil and political rights. Government pressure to conform resulted in the practice of self-censorship among journalists. Government leaders continued to utilize court proceedings and defamation suits against political opponents and critics. These suits, which have consistently been decided in favor of government plaintiffs, chilled political speech and action and created a perception that the ruling party used the judicial system for political purposes.

There was a moderate level of ongoing debate in newspapers and Internet chat groups on various public issues. A Speakers' Corner continued to provide a public forum for persons to speak on a range of issues. However, government restrictions on its use, including prohibitions against the discussion of sensitive ethnic or religious issues, inhibited free speech. The Government significantly restricted freedom of assembly and freedom of association; however, in July, the Government granted permits to an opposition-affiliated international youth conference. Jehovah's Witnesses and the Unification Church are banned; however, freedom of religion generally was respected. There was some legal discrimination against women, which affected benefits for children and husbands. The Government moved actively to counter societal discrimination against women and minorities. The Government maintains a strong commitment to children's rights and welfare, and implemented a comprehensive program for barrier-free accessibility for persons with disabilities. Some violence and discrimination against women occurred. Trafficking in persons occurred.

RESPECT FOR HUMAN RIGHTS

Section 1. Respect for the Integrity of the Person, Including Freedom From:

a. Arbitrary or Unlawful Deprivation of Life.—There were no reports of arbitrary or unlawful deprivation of life committed by the Government or its agents.

b. Disappearance.—There were no reports of politically motivated disappearances.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The law prohibits such practices, and there were no reports that government officials employed them during the year. In previous years, there were a small number of cases involving alleged police mistreatment of detainees. Persons who alleged mistreatment were permitted to bring criminal charges against government officials suspected of involvement in such abusive behavior. The media reports fully on allegations of police abuse, and the Government has taken action against abusers. In July, a court overturned a dismissal of a former police officer who was fired in 2001 for allegedly slapping three women detainees in 1999; the Government is appealing the decision.

The Penal Code mandates caning, in addition to imprisonment, as punishment for approximately 30 offenses involving the use of violence or threat of violence against a person, such as rape and robbery, and for nonviolent offenses such as vandalism, drug trafficking, and violation of immigration laws. Caning is discretionary for convictions on other charges involving the use of force, such as kidnapping or voluntarily causing grievous hurt. Women and men over age 50 or under age 16, and those determined medically unfit are exempt from punishment by caning. Although statistics for the year were not available, caning was a commonly administered punishment.

Prison conditions, while Spartan, generally were believed to meet international standards. However, a member of an opposition party who served a 5-week prison sentence in 2002 said after his release that he and other sick bay inmates had been chained to their beds at night. The Government responded that the inmates were restrained to minimize the risk of hurting themselves, medical staff, or other inmates. The Government did not allow human rights monitors to visit prisons; however, diplomatic representatives were given consular access to citizens of their countries.

Male and female prisoners are held separately, and juveniles are held separately from adults. Pretrial detainees are held separately from convicts. It is unknown where persons detained under the ISA are held.

d. Arbitrary Arrest, Detention, or Exile.—The law provides that, in most instances, arrests be carried out following the issuance of an authorized warrant; however, some laws, such as the Internal Security Act (ISA), provide for arrests without warrants. Those arrested must be charged before a magistrate within 48 hours. The majority of those arrested are charged expeditiously and brought to trial. Those who face criminal charges are allowed counsel, and the Law Society of Singapore administered a criminal legal aid plan for those who could not afford to hire an attorney. A functioning system of bail exists. In death penalty cases, the Supreme Court appoints two attorneys for defendants who are unable to afford their own counsel.

The police force is well trained and highly disciplined. Corruption is not a problem, and the police effectively maintain internal law and order.

Some laws—the ISA, the Criminal Law (Temporary Provisions) Act (CLA), the Misuse of Drugs Act (MDA), and the Undesirable Publications Act (UPA)—have provisions for arrest and detention without a warrant or judicial review. The ISA has been employed primarily against suspected security threats. Historically, these threats have been Communist-related; however, during the year, the ISA was employed against suspected terrorists. Opposition politicians have called for the abolition of the ISA, but the Government rejected these calls, claiming that citizens accept the act as an element of the nation's security. The CLA historically has been employed primarily against suspected organized crime and drug trafficking.

The ISA and the CLA permit preventive detention without trial for the protection of public security, safety, or the maintenance of public order. The ISA gives broad discretion to the Minister for Home Affairs to order detention without filing charges at the direction of the President, if the latter determines that a person poses a threat to national security. The initial detention may be for up to 2 years and may be renewed without limitation for additional periods up to 2 years at a time. Detainees have a right to be informed of the grounds for their detention and are entitled to counsel. However, they have no right to challenge the substantive basis for their detention through the courts. The ISA specifically excludes recourse to the normal judicial system for review of a detention order made under its authority. Instead, detainees may make representations to an advisory board, headed by a Supreme Court justice, which reviews each detainee's case periodically and must make a recommendation to the President within 3 months of the initial detention. The President may concur with the advisory board's recommendation that a detainee be released prior to the expiration of the detention order but is not obligated to do so.

An individual detained under the ISA for suspected espionage in 1998 was released in March 2002. Authorities have stated that a total of 37 detainees are being held under the Internal Security Act as suspected terrorists, including 5 persons first detained during the year. Of these detainees, 35 are suspected of belonging to the Jemaah Islamiyah, an Al-Qa'ida-affiliated terrorist group, and 2 are suspected of membership in the Moro Islamic Liberation Front. The first arrests of 15 suspected terrorists occurred in December 2001, with other arrests subsequently announced in 2002 and during the year. The 37 detainees include 3 Singaporean citizens who were arrested after being repatriated by Afghanistan, Thailand, and Indonesia over the last 2 years. By year's end, authorities had released six other persons under ISA restriction orders, which limited travel and association; three of these persons were suspected of being Jemaah Islamiyah members, two were suspected Moro Islamic Liberation Front members, and one was identified as an "Al-Qa'ida sympathizer" who had given material support to an Al-Qa'ida operative.

The CLA comes up for renewal every 5 years, and the next review of the Act is scheduled for 2004. Under its provisions, the Minister for Home Affairs may order preventive detention, with the concurrence of the Public Prosecutor, for an initial period of 1 year, and the President may extend detention for additional periods of up to 1 year at a time. The Minister must provide a written statement of the grounds for detention to the Criminal Law Advisory Committee (CLAC) within 28 days of the order. The CLAC then reviews the case at a private hearing. CLAC rules require detainees be notified of the grounds of their detention at least 10 days prior to this hearing, in which a detainee may represent himself or be represented by a lawyer. After the hearing, the Committee makes a written recommendation to the President, who may cancel, confirm, or amend the detention order. However, persons detained under the CLA may have recourse to the courts via an application of a writ of habeas corpus. Persons detained without trial under the CLA are entitled to counsel but may challenge only the substantive basis for their detention to the CLAC. The CLA is used almost exclusively in cases involving narcotics or criminal organizations and has not been used for political purposes. According to official

figures, 213 persons were in detention under the provisions of the CLA as of September, down from 400 in June 2000. Persons who allege mistreatment while in detention may bring criminal charges against government officials alleged to have committed such acts.

Both the ISA and the CLA contain provisions that allow for modified forms of detention such as curfews, residence limitations, requirements to report regularly to the authorities, limitations on travel, and, in the case of the ISA, restrictions on political activities and association.

The MDA permits detention without trial. Under the MDA, the director of the CNB also may commit—without trial—suspected drug abusers to a drug rehabilitation center for a 6-month period, which is extendable by a review committee of the institution for up to a maximum of 3 years. From January to September, 225 persons were committed to drug rehabilitation centers. Under the Intoxicating Substances Act, the CNB director may order the treatment for rehabilitation of a person believed to be an inhalant drug abuser for up to 6 months. Other sections of the MDA allow for capital punishment or conviction of persons found guilty of narcotics trafficking offenses (see Section 1.e.).

The Constitution prohibits forced exile, and the country did not employ forced exile.

e. Denial of Fair Public Trial.—The Constitution provides for an independent judiciary, and the Government generally respected this provision; however, in practice, laws that limit judicial review permit restrictions on Constitutional rights. Some judicial officials, especially Supreme Court judges, have ties to the ruling party and its leaders. The President appoints judges to the Supreme Court on the recommendation of the Prime Minister and in consultation with the Chief Justice. The President also appoints subordinate court judges on the recommendation of the Chief Justice. The term of appointment is determined by the Legal Service Commission, of which the Chief Justice is the Chairman. Under the ISA and the CLA, the President and the Minister of Home Affairs have substantial de facto judicial power, which explicitly (in the case of the ISA) or implicitly (in the case of the CLA) excludes normal judicial review. These laws provide the Government with the power to limit, on vaguely defined national security grounds, the scope of certain fundamental liberties that otherwise is provided for in the Constitution.

Government leaders historically have used court proceedings, in particular defamation suits, against political opponents and critics (see Sections 2.a. and 3). Both this practice and consistent awards in favor of government plaintiffs raised questions about the relationship between the Government and the judiciary and led to a perception that the judiciary reflected the views of the ruling party in politically sensitive cases. Opposition leader Chee Soon Juan, charged with defamation by the Prime Minister and Senior Minister arising from comments Chee made during the 2001 election campaign, stated he was unable to retain experienced local counsel (see Section 2.a.). Chee requested that the judge hearing the case allow a foreign lawyer to represent him. In April 2002, the judge ruled that he had not established that the complexity of his case merited foreign counsel and refused the request. In an August 2002 summary judgment proceeding, Chee represented himself unsuccessfully. He protested that the judge's bar against foreign counsel had significantly handicapped his ability to receive a fair hearing. In February, Chee again represented himself in an appeal of the summary judgment. An April High Court judgment denied the appeal. The Lawyer's Committee for Human Rights (LCHR), which observed the February hearing, issued a report that criticized the process, especially the absence of counsel for Chee in court. The Government, and the lawyer for the Prime Minister and Senior Minister, rejected the organization's criticisms, noting that Chee had extensive legal help in preparing his briefs, and that it is not uncommon for local courts to disapprove applications for foreign counsel.

The judicial system has two levels of courts: The Supreme Court, which includes the High Court and the Court of Appeal, and the subordinate courts. Subordinate court judges and magistrates, as well as public prosecutors, are civil servants whose specific assignments are determined by the Legal Service Commission, which can decide on job transfers to any of several legal service departments. The subordinate courts handle the great majority of civil and criminal cases in the first instance. The High Court may hear any civil or criminal case, although it generally limits itself to civil matters involving substantial claims and criminal matters carrying the death penalty or imprisonment of more than 10 years. The Court of Appeal is the highest and final court of review for matters decided in the subordinate courts or the High Court. In addition, the law provides for Islamic courts whose authority is limited to Islamic family law, which is applicable only to Muslims. Supreme Court Justices may choose to remain in office until the mandatory retirement age of 65, after which they may continue to serve at the Government's discretion for brief, re-

newable terms at full salary. The Constitution permits the Prime Minister or the Chief Justice to convene a tribunal to remove a justice “on the ground of misbehavior or inability . . . to properly discharge the functions” of office, but this provision never has been used.

The judicial system provides citizens with an efficient judicial process. In normal cases, the Criminal Procedures Code provides that a charge against a defendant must be read and explained to him as soon as it is framed by the prosecution or the magistrate. Defendants enjoy a presumption of innocence and the right of appeal in most cases. They have the right to be present at their trials and to be represented by an attorney; the Law Society administers a criminal legal aid plan for those who cannot afford to hire an attorney. Defendants also have the right to question opposing witnesses, to provide witnesses and evidence on their own behalf, and to review government-held evidence relevant to their cases. Trials are public and heard by a judge; there are no jury trials. Despite the general presumption of innocence, the Misuse of Drugs Act (MDA) stipulates that a person whom the prosecution proves has illegal narcotics in his possession, custody or control shall be assumed to be aware of the substance, and places the burden on the defendant to prove otherwise. The same law also stipulates that, if the amount of the narcotic is above set low limits, it is the defendant’s burden to prove he did not have the drug for the purpose of trafficking. Convictions for narcotics trafficking offenses carry lengthy jail sentences or the death penalty, depending on the type and amount of the illegal substance. Persons charged with a capital offense under the MDA have the right to a public trial and to appeal conviction.

The Constitution extends these rights to all citizens; however, persons detained under the ISA or CLA are not entitled to a public trial. In addition, proceedings of the advisory board under the ISA and CLA are not public (see Section 1.d.).

There is a two-tier military court system, which has jurisdiction over all military servicemen, civilians in the service of the Armed Forces, and volunteers when they are ordered to report for service. The Military Court of Appeal has the jurisdiction to examine an appeal from a person convicted at a subordinate military court. Trials are public and the defendants have the right to be present. An accused individual also has the right to defense representation.

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home or Correspondence.—The Constitution does not address privacy rights. The Government generally respected the privacy of homes and families; however, it has a pervasive influence over civic and economic life and sometimes uses its broad discretionary powers to infringe on these rights. Normally the police must have a warrant issued by a court to conduct a search; however, they may search a person, home, or a property without a warrant if they decide that such a search is necessary to preserve evidence. The Government has wide-ranging discretionary powers under the ISA, CLA, MDA, and UPA to conduct searches without a warrant if it determines that national security, public safety and order, or the public interest is at risk. Defendants may request judicial review of such searches.

Law enforcement agencies, including the Internal Security Department and the Corrupt Practices Investigation Board, have extensive networks for gathering information and conducting surveillance, and highly sophisticated capabilities to monitor telephone and other private conversations. No court warrants are required for such operations. It is believed that the authorities routinely monitor telephone conversations and the use of the Internet; however, there were no confirmed reports of such practices during the year. The law permits government monitoring of Internet use. It is widely believed that the authorities routinely conduct surveillance on some opposition politicians and other government critics; however, no such reports were substantiated during the year.

In pursuit of what it considers the public interest, the Government generally enforces ethnic ratios for publicly subsidized housing, where the majority of citizens live and own their own units. The policy is designed to achieve an ethnic mix more or less in proportion to that in society at large (see Sections 1.d. and 5). When a housing development is at or near the limit for a particular ethnic group, the policy could mean owners find it difficult to sell their apartments, or must sell at a lower price.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution provides for freedom of speech and freedom of expression but permits official restrictions on these rights, and, in practice, the Government significantly restricted freedom of speech and freedom of the press. The Government’s authoritarian style fostered an atmosphere inimical to free speech and a free press. Government intimidation and pressure to conform re-

sulted in the practice of self-censorship among journalists; however, there continued to be some limited progress towards greater openness during the year, including a moderate level of ongoing debate in newspapers and Internet chat groups on various public issues.

Under the ISA, the Government may restrict or place conditions on publications that incite violence, counsel disobedience to the law, have the potential to arouse tensions in the country's diverse population, or might threaten national interests, national security, or public order. While the ISA has not been invoked in recent years against political opponents of the Government, political opposition and criticism remained restricted by the Government's authority to define these powers broadly. Occasional government references to speech that it considered "out-of-bounds" were understood to be implicit threats to invoke the ISA; however, these limits are not codified, and journalists and others generally believed these limitations have shifted toward greater tolerance in recent years.

Government leaders urged that news media support the goals of the elected leadership and help maintain social and religious harmony. In addition, strict defamation and press laws and the Government's demonstrated willingness to respond vigorously to what it considered personal attacks on officials sometimes led journalists and editors to moderate or limit what was published.

Under the Public Entertainment and Meetings Act (PEMA), a permit is required for virtually any form of public speech or entertainment (see Section 2.b.). In June 2002, Chee Soon Juan, Secretary-General of the opposition Singapore Democratic Party, after being denied a permit, was charged with willful trespass and attempting to provide public entertainment without a license for holding an unauthorized rally in May 2002 outside the Istana, the government compound housing the offices of the President and the Prime Minister. Chee was fined \$2,570 (S\$4,500) and a colleague was fined \$1,715 (S\$3,000). Chee chose to serve a 5-week prison sentence rather than pay the fine.

In 2000, the Speakers' Corner opened in a financial district park; however, government restrictions limited the ability to speak freely. Prospective speakers must be citizens, must show their identification cards, and are required to register in advance with the police. However, they do not need to obtain a public entertainment license. There is a ban on sound amplification at the Speakers' Corner. A list of registered speakers was posted on a notice board outside of the police station. While speech topics were not required to be declared in advance, government regulations governing the Speakers' Corner state that "the speech should not be religious in nature and should not have the potential to cause feelings of enmity, ill will, or hostility between different racial or religious groups." In early 2001, police issued a public notice stating that activities at the Speakers' Corner, including demonstrations and marches, required public permits; violators and persons engaging in "disorderly behavior" were subjected to prosecution. A variety of persons, including politicians, social activists, and ordinary citizens, availed themselves of the Speakers' Corner during the year. In 2002, opposition figure Chee Soon Juan spoke at the Corner to criticize the Government's enforcement of a ban on schoolgirls wearing the "tudung," a headscarf that some Muslims considered a religious requirement. When he registered to speak, police called Chee's attention to the ban on any discussion of sensitive religious or ethnic issues then did so again after he began his speech. Chee was allowed to finish his remarks. However, he was later charged with violation of the PEMA and convicted. The \$1,715 (S\$3,000) fine imposed on Chee affected his ability to participate in politics. Under the Constitution, individuals who are fined more than \$1,140 (S\$2,000) cannot run for Parliament for 5 years.

The Government strongly influenced both the print and electronic media. Two companies, Singapore Press Holdings Ltd. (SPH) and MediaCorp, own all general circulation newspapers in the four official languages—English, Chinese, Malay, and Tamil. MediaCorp is wholly owned by the Government investment company. SPH is a private holding company with close ties to the Government; the Government must approve, and can remove, the holders of SPH management shares who have the power to appoint or dismiss all directors or staff. As a result, while newspapers printed a large and diverse selection of articles from domestic and foreign sources, their editorials, coverage of domestic events, and reporting of sensitive foreign relations issues closely reflected government policies and the opinions of government leaders. However, columnists' opinions, editorials, and letters to the editor expressed a moderate range of opinions on public issues.

Government-linked companies and organizations operated all broadcast television channels and almost all radio stations. Only one radio station, the British Broadcasting Corporation (BBC) World Service, was completely independent of the Government. Some Malaysian and Indonesian television and radio programming can be received, but satellite dishes were banned, with few exceptions. However, house-

holds subscribing to cable have access to three foreign television news channels and many entertainment channels, including some with news programs.

A substantial number of foreign media operations were located within the country. The law requires foreign publications that report on politics and current events in Southeast Asia to register, post a \$114,286 (S\$200,000) bond and name a person in the country to accept legal service. The Government has granted exemptions to 14 of the 17 publications to which these requirements could apply. Nonetheless, these requirements strengthen the Government's control over foreign media. Under the Newspaper and Printing Presses Act, the Government may limit the circulation of foreign publications that it determines interfere with domestic politics. The importation of some publications is barred, although a wide range of international magazines and newspapers can be purchased uncensored. However, newspapers printed in Malaysia may not be imported. The weekly circulation of the Asian Wall Street Journal (AWSJ) and the Far Eastern Economic Review (FEER), both foreign publications, was limited (or "gazetted"). The Government gradually has raised the allowed weekly circulation of publications to correspond more or less to actual demand. The Government also may ban the circulation of domestic and foreign publications under provisions of the ISA and the UPA. In 2001, Parliament passed an amendment to the Broadcasting Act that empowers the Minister for Information, Communication, and the Arts to "gazette" or place formal restrictions on any foreign broadcaster deemed to be engaging in domestic politics. Once gazetted, a broadcaster can be required to obtain express permission from the Minister to continue broadcasting in the country. The broadcaster also may have restrictions imposed on the number of households receiving its programming and can be fined up to \$57,000 (S\$100,000) for failing to comply with this provision.

The country's defamation laws make it relatively easy for plaintiffs to win substantial judgments for damages and legal costs. Conviction on criminal defamation charges can result in a prison sentence of up to 2 years, a fine, or both. Threats of defamation actions often persuade newspapers and others to apologize and pay damages for perceived slights, a situation which prompts general caution in expressing criticisms. Critics charged that government leaders used defamation lawsuits or threats of such actions to discourage public criticism and intimidate opposition politicians and the press. The unbroken success of government leaders' suits in the last decade has fostered public caution about political speech and a culture of self-censorship within the news media, and has inhibited opposition politics. During the last decade, ruling party leaders sued opposition politicians J.B. Jeyaretnam, Chee Soon Juan, and Tang Liang Hong for defamation several times. The Government argued that these individuals had repeatedly defamed ruling party leaders, who then acted to clear their names. At the end of 2001, Senior Minister Lee Kuan Yew and Prime Minister Goh Chok Tong sued opposition leader Chee Soon Juan for defamation, based upon comments Chee made during a campaign stop prior to the November 2001 general election. During the 2001 campaign, Chee issued a public apology, which he later retracted, then countersued the Senior Minister for calling him a "liar" and a "cheat." In August 2002, a court ruled that Chee's earlier statements effectively had conceded the defamation charges, but ordered a hearing to set the amount of damages. Chee represented himself in the hearing after being refused permission to retain foreign counsel (see Section 1.e.). The court has yet to decide the amount Chee will have to pay the two ministers.

In 2002, the Bloomberg news service publicly apologized and agreed to pay \$340,000 (S\$595,000) in damages to Prime Minister Goh and Senior Minister Lee Kuan Yew for an Internet-distributed Bloomberg column that accused them of nepotism. The column alleged that Ms. Ho Ching, Deputy Prime Minister Lee Hsien Loong's wife, was promoted to the senior position in the main government investment holding company because of her relationship with the senior leadership. Also in 2002, police seized the computers of two men as part of a formal investigation into whether their Internet postings the previous month had constituted criminal defamation. These postings also had raised the issue of nepotism. One of the men, Zulfikar Mohamad Shariff, later left the country for Australia, asserting that the country's judicial system was biased politically. The other man complained that, 2 weeks after seizure of his computer, authorities had compelled him to stay in a mental facility for more than a week; authorities claimed his wife requested that he be committed to the facility. In 2001, other criminal charges against the man for an Internet posting were dropped after a government consultant told the court he had longstanding mental problems, and his wife agreed to send him for treatment. No further developments in the police investigations were reported at year's end.

The Singapore Broadcasting Authority (SBA) censored broadcast media and Internet sites. The Ministry of Information, Communication, and the Arts (MITA) censored all other media, including movies, video materials, computer games, and

music. Banned publications consisted primarily of sexually oriented materials, but also included some religious and political publications. Both SBA and MITA developed censorship standards with the help of a citizen advisory panel. The ISA, the UPA, and the Films Act allow the banning, seizure, censorship, or restriction of written, visual, or musical materials by these two agencies if they determine that such materials threaten the stability of the State, are pro-Communist, contravene moral norms, are pornographic, show excessive or gratuitous sex and violence, glamorize or promote drug use, or incite racial, religious, or linguistic animosities. The Films Act bans political advertising using films or videos, as well as films directed towards any political purpose. Other restrictions tightly control the types of campaign materials that can be distributed by or about candidates and parties during an election.

The Media Development Authority (MDA) has the power to sanction broadcasters for airing what it believes to be inappropriate content. In June, the MDA fined MediaCorp, the country's largest broadcasting conglomerate, \$8,570 (S\$15,000) for airing an interview with a foreign actress that focused on her much publicized lesbian relationship. The program aired at 4:30 PM on a Sunday afternoon and was deemed inappropriate for family viewing. All content airing between 6:00 AM and 10:00 PM must be suitable for viewers of all ages. Polls indicated strong public support for continued censorship of sex and violence in films. There was a list of banned films, which was available for viewing on the MDA's website. Certain films that have been barred from general release may be allowed limited showings, either censored or uncensored, with a special rating. In practice, censorship standards have been significantly relaxed in recent years for live theater performances. Plays with overtly sexual or anti-ruling party themes have been permitted.

The SBA regulates access to material on the Internet, using a framework of website licenses. Internet service providers are not required to submit content for approval before posting, but are required to ensure that content complies with the SBA's Internet Code of Conduct. It also regulates Internet material by licensing Internet service providers through which local users are required to route their Internet connections. Such services act as a filter for content that the Government considers objectionable and could even block access to certain sites. While the Government did not consider regulation of the Internet to be censorship, the SBA directed service providers to block access to websites that, in the Government's view, undermined public security, national defense, racial and religious harmony, and public morals. The SBA has ordered ISPs to block 100 specific websites, which the Government considered pornographic; officials stated that this step was largely symbolic, since means existed to circumvent the blocking. The SBA indicates it does not intend to monitor the Internet or electronic mail use but to block access to material that contains pornography or excessive violence or incites racial or religious hatred. Those responsible for sites that violated the Code of Practice can face charges, including fines. The Government has not taken official action against any ISPs for violating the code.

In 2001, the SBA ordered Sintercom, which ran an online discussion forum that included some political postings, to register with the authorities as a political website. Registration as a political site underlined the responsibility of organizers to ensure that site content complied with the Code of Conduct. After an unsuccessful appeal, Sintercom complied with the request. Soon thereafter, the founder and sponsor of the site shut it down, citing fatigue after 7 years on the job. In May 2002, an anonymous editor resurrected the Sintercom website, hosting it on servers outside of the country. The site was still operating at year's end.

All public institutions of higher education and political research institutions are linked closely to the Government. Although faculty members are not technically government employees, in practice they were subject to potential government influence. Academics spoke and published widely, and engaged in debate on social and political issues. However, they were aware that any public comments outside the classroom or in academic publications that ventured into prohibited areas—criticism of political leaders or sensitive social and economic policies, or comments that could disturb ethnic or religious harmony or that appeared to advocate partisan political views—could subject them to sanctions. Publications by local academics and members of research institutions rarely deviated substantially from government views.

b. Freedom of Peaceful Assembly and Association.—The Constitution provides citizens the right to peaceful assembly but permits Parliament to impose restrictions “it considers necessary or expedient” in the interest of security, public order, or morality. In practice, the Government restricted this right. Public assemblies of five or more persons, including political meetings and rallies, require police permission (see Section 2.a.). Spontaneous public gatherings or demonstrations were virtually unknown. The Government closely monitored political gatherings regardless of the

number of persons present. Persons who wished to speak at a public function, excluding functions provided by or under the auspices of the Government, needed to obtain a public entertainment license from the police; however, in 2001, new regulations exempted some cultural events (such as Chinese operas or lion dances), requiring 7-day advance notice to the police in lieu of a permit. In the past, opposition politicians routinely experienced delays before being notified of decisions on their applications for speaking permits, although the Government claimed that the delays came only when applications were submitted late. According to the police, the normal processing time for an application is 7 working days from the date of receipt.

In October 2002, Singapore Democratic Party leader Chee Soon Juan and a colleague were convicted of holding an unauthorized rally in May 2002 at the entrance to the compound where senior government leaders maintained their offices (see Section 2.a.). In 2001, authorities approved two public rallies by opposition political activists; one was a rally in support of the Singapore Democratic Party, and the other was to raise money for defamation judgments against opposition politician J.B. Jeyaretnam. In both cases, authorities required the hiring of security guards for crowd control, which organizers complained increased costs significantly. In July, the Government permitted the Singapore Democratic Party to hold an "International Youth Conference for Democracy." Over 100 delegates from Europe, Asia, and the U.S. attended the 3-day event.

In August, the Government granted a permit for a second annual 3-day, 2,500-person festival advertised to homosexuals around Asia. On December 5, the police denied a public entertainment license for a forum on Burma organized by the Alliance for Reform and Democracy in Asia and the Taiwan Foundation for Democracy, asserting that, "The proposed event is likely to be contrary to the public interest." The police did grant a license for a December 6 event organized by an NGO to present the Human Rights Defender award to J.B. Jeyaretnam, former MP and former Secretary General of the Workers' Party.

Most associations, societies, clubs, religious groups, and other organizations with more than 10 members are required to register with the Government under the Societies Act. The Government denied registration to groups that it believed were likely to have been formed for unlawful purposes or for purposes prejudicial to public peace, welfare, or public order. During the last 5 years, authorities denied registration to 10 of 1,236 groups seeking registration. The Government has absolute discretion in applying criteria to register or dissolve societies. The Government prohibits organized political activities except by groups registered as political parties or political organizations. This prohibition limits opposition activities, and contributes to restricting the scope of unofficial political expression and action (see Section 3). The prohibition affected the PAP less because of its long domination of the Government and its overwhelming parliamentary majority; the PAP traditionally has been able to use nonpolitical organizations such as residential committees and neighborhood groups for political purposes far more extensively than opposition political parties. Political parties and organizations are subject to strict financial regulations, including a ban on receiving foreign donations. Due to laws regulating the formation of publicly active organizations, there were few NGOs, apart from nonpolitical organizations such as religious groups, ethnically affiliated organizations, and providers of welfare services.

c. Freedom of Religion.—The Constitution provides for freedom of religion, and the Government generally respected this right in practice; however, the Government banned some religious groups. The Constitution provides that every citizen or person in the country has the right to profess, practice, or propagate his religious belief so long as such activities do not breach any other laws relating to public order, public health, or morality.

All religious groups are subject to government scrutiny and must be registered under the Societies Act. The 1992 Maintenance of Religious Harmony Act (MRHA) gives the Government the power to restrain leaders and members of religious groups and institutions from carrying out political activities, "exciting disaffection against" the Government, creating "ill will" between religious groups, or carrying out subversive activities. The act was prompted by activities that the Government perceived as threats to religious harmony, including aggressive and "insensitive" proselytizing and the "mixing of religion and politics." Violation of a restraining order issued under the MRHA is a criminal offense. The act also prohibits judicial review of its enforcement or of any possible denial of rights arising from its implementation.

The Government played an active but limited role in religious affairs. It did not tolerate speech or actions, including those of a religious nature, which adversely affect racial and religious harmony, and sometimes issued restraining orders barring participation in such activities. The Presidential Council for Religious Harmony re-

views such orders and makes recommendations to the President on whether to confirm, cancel, or alter a restraining order. The Presidential Council for Minority Rights examines all pending legislation to ensure it is not disadvantageous to a particular group, reports to the Government on matters that affect any racial or religious community, and investigates complaints. The Government also supports citizen access to traditional religious organizations by assisting religious institutions to find space in public housing estates where most citizens lived. The Government maintained a semi-official relationship with the Muslim community through the Islamic Religious Council (MUIS), which was established under the Administration of Muslim Law Act. The MUIS advises the Government on the Muslim community's concerns, maintains regulatory authority over Muslim religious matters, and oversees a Mosque Building Fund financed by voluntary payroll deductions.

In 2002, four sets of Muslim parents challenged the country's ban on girls wearing the traditional Muslim headscarf (*tudung*) in school. When the parents refused to heed school warnings regarding the ban, the four 6-year-old girls were suspended. One subsequently returned to school at mid-year and another moved to Australia. The parents of the other two initially filed lawsuits against the ban, but withdrew the complaint during the year.

Under the Societies Act, the Government bans meetings of Jehovah's Witnesses and the Unification Church. The Government deregistered and banned Jehovah's Witnesses in 1972 on the grounds that its approximately 200 members refused to perform obligatory military service, salute the flag, or swear oaths of allegiance to the State. The Government regarded such refusals as prejudicial to public welfare and order. While the Government did not outlaw the profession or propagation of the beliefs of Jehovah's Witnesses and does not arrest members merely for being believers, the result of deregistration was to make meetings of Jehovah's Witnesses illegal. The community now numbers approximately 2,000 in the country, and Jehovah's Witnesses continue to refuse to perform national military service. The Government also banned all written materials published by the Jehovah's Witnesses' publishing affiliates, the International Bible Students Association and the Watch Tower Bible and Tract Society. In July, the authorities confiscated a Bible, published by the Watch Tower Bible and Tract Society, from a member of the Jehovah's Witnesses as he entered the country. A person in possession of banned literature can be fined up to \$1,140 (S\$2,000), and for holding a meeting, the fine can be as high as \$2,285 (S\$4,000). During the year, the authorities seized Jehovah's Witnesses' literature on 30 occasions from individuals attempting to cross the Malaysia-Singapore land border. In 13 cases, authorities warned the Jehovah's Witnesses, but did not press charges. The other 17 cases remain open.

During the year, the Ministry of Education indefinitely suspended eight students who were members of Jehovah's Witnesses for failure to sing the national anthem and participate in the flag ceremony. This brings to 30 the number of such cases since 2000. All 30 students have made alternate schooling arrangements; none have returned to public school. The students can return if they are prepared to sing the anthem, salute the flag, and say the pledge of allegiance. In 2001, a long-time public school teacher, who was a member of the Jehovah's Witnesses, resigned after being threatened with dismissal and disciplinary action for refusing to sing the national anthem.

Missionaries, with the exception of members of Jehovah's Witnesses and representatives of the Unification Church, were permitted to work, publish, and distribute religious texts. However, while the Government did not prohibit evangelical activities in practice, it discouraged activities that could upset inter-communal relations, such as unsolicited public proselytizing.

For a more detailed discussion, see the 2003 International Religious Freedom Report.

d. Freedom of Movement within the Country, Foreign Travel, Emigration, and Repatriation.—The Constitution provides citizens the right to move freely throughout the country; however, while the Government generally respected this right in practice, it limited it in a few respects. For example, citizens' choice of where to live sometimes was limited by the Government's policy of assuring ethnic balance in publicly subsidized housing, in which the great majority of citizens lived (see Sections 1.f. and 5). The Government required all citizens and permanent residents over the age of 15 to register and to carry identification cards. The Government may refuse to issue a passport and did so in the case of former ISA detainees. Under the ISA, a person's movement may be restricted. In December 2001 and in August 2002, five persons who were detained and questioned for possible terrorist activities were later released under restriction orders; the exact nature of the restrictions was not disclosed.

The right of voluntary repatriation was extended to holders of national passports. The Government actively encouraged citizens living overseas to return home or at least to maintain active ties with the country. A provision of law for the possible loss of citizenship by citizens who resided outside the country for more than 10 consecutive years seldom was used.

Men are required to serve 24 to 30 months of national service upon turning 18 years of age. They also are required to undergo reserve training up to the age of 40 (for enlisted men) or 50 (for officers). Male citizens with national service reserve obligations are required to advise the Ministry of Defense if they plan to travel abroad. Boys aged 11 to 16½ years are issued passports that are valid for 2 years and are no longer required to obtain exit permits. From the age of 16½ until the age of enlistment, male citizens are granted 1-year passports and are required to apply for exit permits for travel that exceeds 3 months.

The law stipulates that former members of the Communist Party of Malaya (CPM) residing outside the country must apply to the Government to be allowed to return. They must renounce communism, sever all organizational ties with the CPM, and pledge not to engage in activities prejudicial to the country's internal security. In addition, the law requires them to submit to an interview by the Internal Security Department and to any restrictive conditions imposed on them.

The law does not provide for the granting of refugee status or asylum to persons who meet the definition in the 1951 U.N. Convention Relating to the Status of Refugees or its 1967 Protocol. In practice, the Government provides protection against refoulement but does not grant refugee or asylum status. A small number of ethnic Chinese persons from Indonesia have entered the country as visitors for temporary stays during episodes of racial or religious strife.

Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government

The Constitution provides citizens with the right to change their government peacefully. Opposition parties are free to contest elections, and the voting and vote-counting systems are fair and free from tampering; however, the PAP, which has held power continuously and overwhelmingly for more than 3 decades, has used the Government's extensive powers to place formidable obstacles in the path of political opponents. In 2001, a general election was held. The Prime Minister requested dissolution of Parliament more than 6 months before the end of its full term. The opposition contested only 29 of 84 seats and won only 2 seats. There were no opposition allegations of irregularities in the casting or counting of votes in the election. The opposition continued to criticize what it described as PAP abuse of its incumbency advantages to extensively handicap opposition parties. The PAP maintained its political dominance in part by developing voter support through effective administration and its record in bringing economic prosperity to the country, and in part by manipulating the electoral framework, intimidating organized political opposition, and circumscribing the bounds of legitimate political discourse and action. The belief that the Government might directly or indirectly harm the employment prospects of opposition supporters curtailed opposition political activity; however, there were no confirmed cases of such retaliation. As a result of these and other factors, opposition parties were unable to seriously challenge the ruling party. The PAP claimed that the lack of an effective opposition was due to disorganization, weak leadership, and a lack of persuasive alternative policies.

The country has a parliamentary system in which the majority party in Parliament has the authority to constitute the Government, which is headed by a Prime Minister. The parliamentary term is for no more than 5 years after the first sitting of Parliament following a general election. Parliament may be dissolved early by presidential proclamation, which normally follows a request by the Prime Minister. Elections must be held within 3 months of Parliament's dissolution. Following the 2001 elections, the PAP held 82 of 84 elected seats; the opposition Singapore People's Party and the Workers' Party each held 1 seat. A constitutional amendment allows at least three opposition members in Parliament even if fewer than three actually were elected. Following the elections, the Government allotted a non-constituency seat to Singapore Democratic Alliance candidate Steve Chia, the opposition candidate who had obtained the highest share of the vote without winning a seat. In addition, a parliamentary committee nominated and the President appointed Nominated Members of Parliament (N.M.P.s) for 2-year terms. In July 2002, nine N.M.P.s were appointed by the President. The voting rights of non-constituency members and N.M.P.s were restricted.

The PAP has an extensive grassroots system and a carefully selected, highly disciplined membership. The establishment of government-organized and predominantly publicly funded Community Development Councils (CDCs) has further

strengthened the PAP's position. The Councils promote community development and cohesion and provide welfare and other assistance services. The PAP dominates the CDCs even in opposition-held constituencies and has used the threat of withdrawing benefits. During the last two election campaigns, the Prime Minister and other senior government officials warned voters that precincts that elected opposition candidates would have the lowest priority in government plans to upgrade public housing facilities. This statement heightened concerns among some observers about voters' genuine freedom to change their government.

The PAP completely controlled key positions in and out of government, influenced the press and courts, and limited opposition political activities. Often these means were fully consistent with the law and the normal prerogatives of the Government, but the overall effect (and many argued the ultimate purpose) was to disadvantage and weaken political opposition. For example, the Government altered dramatically the boundaries of election districts only 17 days before the 2001 general election, abolishing some constituencies and adjusting the borders of many other constituencies. Since 1988, it has changed all but nine single-seat constituencies into Group Representative Constituencies (GRCs) of three to six parliamentary seats, in which the party with a plurality wins all of the seats. According to the Constitution, such changes are permitted to ensure ethnic minority representation in Parliament; each GRC candidate list must contain at least one Malay, Indian, or other ethnic minority candidate. However, these changes made it more difficult for opposition parties, all of which had very limited memberships, to fill multimember candidate lists. The PAP did not suffer from this disadvantage.

Although political parties legally were free to organize, they operated under the same limitations that applied to all organizations, and the authorities imposed strict regulations on their constitutions, fundraising, and accountability (see Section 2.b.). There are 24 registered political parties in the country; however, only 6 of these are active. Political parties and organizations were subject to strict financial regulations, including a ban on receiving foreign donations. Government regulations hindered attempts by opposition parties to rent office space in government housing or to establish community foundations. In addition, government influence extended in varying degrees to academic, community service, and other NGOs.

The Films Act bans political films and recorded televised programs, putting opposition parties at a disadvantage. The ban, which ostensibly was to prevent the sensationalist or emotional effect that video or film productions could have on political issues, applied to the PAP as well as to the opposition parties. Nonetheless, it had the effect of denying opposition parties, which already received far less coverage than did the PAP in the government-influenced press and media, a potential outlet for their political messages. The law regulates the use of the Internet by political parties and others for political purposes during election campaigns (see Section 2.a.).

The threat of civil libel or slander suits, which government leaders often used against political opponents and critics and consistently won, had a stifling effect on the full expression of political opinion and disadvantaged the political opposition (see Section 2.a.). Large judgments in libel suits can lead to bankruptcy, and under the law, bankrupt persons are ineligible to sit in Parliament. The Penal Code also provides for criminal defamation offenses. In July 2002, police opened criminal defamation investigations against two individuals (see Section 2.a.).

In the past, the Government also used parliamentary censure or the threat of censure to humiliate or intimidate opposition leaders. Government entities also used libel or slander suits, and dismissal from positions in government-related entities, to intimidate prominent opposition politicians.

The duties of the President are largely ceremonial. Nonetheless, the President has significant budget oversight powers, as well as some powers over civil service appointments and internal security affairs. The President is popularly elected for a 6-year term from among candidates who are approved by a constitutionally prescribed committee to meet specified requirements. Candidates cannot be nominated for the position if they are members of political parties. No election was held for President in 1999, after the committee decided that the government-backed candidate met the constitutional requirements, but that the other two nominees did not. The Government placed significant obstacles in the way of opposition political figures' Presidential candidacy. For example, opposition members were much less likely to satisfy the requirement that candidates have experience in managing the financial affairs of a large institution, since many of the country's large institutions are government-run or linked to the Government. Opposition political figures asserted that such strict compliance requirements weakened their parties.

Voting was compulsory, and women and minorities voted at approximately the overall 95 percent rate in contested constituencies. There was no legal bar to the participation of women in political life; women held only 10 of the 84 elected par-

liamentary seats, an increase from 6 female Members of Parliament (M.P.s) in the previous Parliament. During the year, there were no female ministers, but 3 of the 14 Supreme Court justices were women.

There was no restriction in law or practice against minorities voting or participating in politics; they actively participated in the political process and were well represented throughout the Government, except in some sensitive military positions. Malays make up approximately 15 percent of the general population and hold approximately the same percentage of regularly elected seats in Parliament. Indians make up approximately 7 percent of the general population and hold approximately 10 percent of the regularly elected seats in Parliament. Minority representation in Parliament is, in part, the result of a legal requirement that candidate slates in every multi-seat constituency have at least one minority representative. There is one ethnic Malay minister and one ethnic Indian minister. Two of the 14 Supreme Court justices are ethnic Indian; there are no Malays on the Court.

Section 4. Governmental Attitudes Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

Efforts by independent organizations to investigate and evaluate government human rights policies faced the same obstacles as those faced by opposition political parties. NGOs were subject to registration under the Societies Act (see Section 2.b.). Some domestic NGOs criticized restrictions on human rights or suggested changes that would relax or remove restrictions. In 2001, two organizations that criticized the Government on human rights grounds were declared "political" organizations by the Government, but their operations were unaffected (see Section 2.b.).

There is a Presidential Council on Minority Rights that monitors pending legislation for anything possibly disadvantageous to minorities (see Section 5).

In recent years, the Government permitted international human rights organizations to observe human rights related court cases. In 2001, opposition politician J.B. Jeyaretnam's bankruptcy appeal was witnessed by a Canadian observer, who acted as a representative of both Amnesty International and the Lawyers' Rights Watch in Canada. In February, two representatives from the LCHR attended opposition figure Chee Soon Juan's appeal of a summary judgment in the defamation suits filed against him by Prime Minister Goh Chok Tong and Senior Minister Lee Kuan Yew (see Section 1.e.).

Section 5. Discrimination Based on Race, Sex, Disability, Language, or Social Status

The Constitution states that all persons are equal before the law and entitled to the equal protection of the law, and the Government generally respected these provisions in practice. The Constitution contains no explicit provision granting equal rights for women and minorities. Mindful of the country's history of inter-communal tension, the Government took measures to ensure racial, ethnic, religious, and cultural nondiscrimination. Social, economic, and cultural benefits and facilities were available to all citizens regardless of race, religion, or sex. However, men did not have the right to seek alimony from their wives in cases of divorce or separation. In October 2002, the Ministry of Community Development and Sports denied a proposal that would have entitled men to seek alimony. Moreover, women are not required to do national service; virtually all males must do 2 years of fulltime national service at the age of 18, with continuing reserve requirements thereafter.

Some individuals with HIV/AIDS claimed they were socially marginalized and faced employment discrimination if they revealed they were suffering from the disease. The Government discouraged discrimination, supported initiatives that counter misperceptions about HIV/AIDS, and praised employers that welcome workers with HIV/AIDS.

Women.—The Penal Code and the Women's Charter criminalize domestic violence and sexual or physical harassment; however, violence or abuse against women occurred. A victim of domestic violence can obtain court orders barring the spouse from the home until the court is satisfied that the spouse has ceased aggressive behavior. The number of court orders for protection against violent family members has increased in recent years, in part because the definition of violence includes intimidation, continual harassment, or restraint against one's will. The Penal Code prescribes mandatory caning and a minimum imprisonment of 2 years for conviction on any charge of "outraging modesty" that caused the victim fear of death or injury. The press gave fairly prominent coverage to instances of abuse or violence against women. There were several organizations that provided assistance to abused women. The Association of Women for Action and Research (AWARE) ran a hotline that offered counseling and legal advice. The Family Protection and Welfare Service, an office of the Ministry of Community Development and Sports, documented physical and psychological abuse, and provided counseling and other support services to

abused women. In 1999, the Council of Women's Organizations established a crisis center for abused persons. The Star shelter accepted children, women, and men, and can accommodate up to 30 persons. The Government enforced the law against rape, which provides for imprisonment of up to 20 years and caning for offenders. Under the law, rape can only be committed by a man, and spousal rape is not a crime; however, husbands who force their wives to have intercourse can be prosecuted for other offenses, such as assault.

The country's laws neither ban nor authorize prostitution per se. However, public solicitation, living on the earnings of a prostitute, and maintaining a brothel are illegal. The authorities periodically carried out crackdowns on solicitation for prostitution, and arrested and deported foreign prostitutes, particularly when their activities took place outside of informally designated red light areas. In practice, police unofficially tolerated and monitored a limited number of brothels; prostitutes in such establishments were required to undergo periodic health checks and carry a health card.

Trafficking in women occurred (see Section 6.f.).

Women currently account for 54 percent of civil service employees. They enjoyed the same legal rights as men in most areas, including civil liberties, employment, commercial activity, and education. The Women's Charter gives women, among other rights, the right to own property, conduct trade, and receive divorce settlements. Muslim women enjoyed most of the rights and protections of the Women's Charter. For the most part, Muslim marriage law falls under the administration of the Muslim Law Act, which empowers the Shari'a (Islamic law) court to oversee such matters. The laws allow Muslim men to practice polygyny, although requests to take additional spouses may be refused by the Registry of Muslim Marriages, which solicits the views of an existing spouse or spouses and reviews the financial capability of the husband. Of the 4,000 Muslim marriages registered in 2001, only 20 were polygynous. Both men and women have the right to initiate divorce proceedings; however, in practice, women faced significant difficulties that often prevented them from pursuing proceedings, especially the lack of financial resources to obtain legal counsel.

Women constituted 42 percent of the labor force and were well represented in many professions but held few leadership positions in the private sector. They still preponderantly were found in low-wage jobs such as clerks and secretaries; however, there were some women who held senior corporate leadership positions. The overall average salary of women was 72 percent of that of men. The wage gap has narrowed over the past 5 years in many occupations; in some sectors, women earn more than their male counterparts. Observers noted that the wage differential was smaller in professional jobs, and that wage disparities could be attributed in part to differences in average educational levels and work experience. In 2002, the Government announced a change to the Medical Registration Act, which eliminates a quota on the number of female medical students who can be admitted to the National University of Singapore.

There were no specific laws prohibiting stalking or sexual harassment, and sexual harassment was not considered a significant issue. However, the Miscellaneous Offences Act and laws prohibiting insults to modesty were used successfully to prosecute such offenses.

Women were unable to automatically transmit citizenship to a child born abroad, but could apply for citizenship on the child's behalf. The children of male citizens automatically acquired citizenship at birth. Women were able to sponsor non-citizen husbands for citizenship as of 1999.

Children.—The Government demonstrated its strong commitment to children's rights and welfare through its well-funded systems of public education and medical care. Access to public education and medical care was equal for all children. Legislation making 6 years of education in public schools compulsory for students entering school took effect during the year. Although school attendance previously was not compulsory, virtually 100 percent of children were enrolled through grade 6, and the dropout rate for secondary school was low. The Children and Young Persons Act established protective services for orphaned, abused, disabled, or troubled children, and created a juvenile court system. The Ministry of Community Development and Sports worked closely with the National Council for Social Services to oversee children's welfare cases. Voluntary organizations operated most of the homes for children, while the Government funded up to 50 percent of all child costs, which included normal living expenses and overhead, as well as expenses for special schooling, health care, or supervisory needs. In some cases, the Government covered 100 percent of such costs.

Child prostitution occurred. In 2002, the Ministry of Home Affairs discovered 66 foreign children under the age of 18 it suspected were involved in prostitution. Sex-

ual intercourse with girls under the age of 16 is illegal, but there is no legal prohibition on commercial sex with "consenting" partners aged 16 and 17. However, authorities have the power to detain persons under the age of 21 who are believed to be engaged in prostitution, as well as to prosecute those who organize or profit from prostitution, who bring women or girls to Singapore for prostitution, or who coerce or trick women or girls into prostitution.

The Ministry for Community Development and Sports sponsored activities promoting children's causes, including family stability. This agency and several NGOs focused on keeping fathers involved in their children's lives and on preventing child abuse.

Persons with Disabilities.—The Government maintained a comprehensive code on barrier-free accessibility; this established standards for facilities for persons with physical disabilities in all new buildings and mandated the progressive upgrading of older structures. There was no legislation addressing equal opportunities for persons with disabilities in education or employment. However, the National Council of Social Services, in conjunction with various voluntary associations, provided an extensive job training and placement program for persons with disabilities. A tax deduction of up to \$57,000 (S\$100,000) was available to employers to defray building modifications to benefit employees with disabilities. Informal provisions in education have permitted university matriculation for visually impaired, deaf, and physically disabled students. There were 19 special education schools that enrolled 4,200 students. It is expected that upon completion of retrofitting, one out of every eight schools will be accessible to handicapped students. The Government also set aside funds for 6 childcare centers to take in a total of 60 children with special needs.

The Government allowed a tax deduction of up to \$2,000 (S\$3,500) per individual for families caring for a sibling, spouse, or child with a disability. Mental and physical disabilities were treated in the same way. Press coverage of the activities and achievements of persons with disabilities was extensive, and discrimination or abuse of persons with disabilities did not appear to be a problem.

National/Racial/Ethnic Minorities.—Ethnic Malays constituted approximately 15 percent of the total population. The Constitution acknowledges them as the indigenous people of the country and charges the Government to support and to promote their political, educational, religious, economic, social, cultural, and language interests. The Government took steps to encourage greater educational achievement among Malay students as a key to economic advancement. However, ethnic Malays have not yet reached the educational or socioeconomic levels achieved by the ethnic Chinese majority, the ethnic Indian minority, or the Eurasian community. Malays remained underrepresented at senior corporate levels, and, some assert, in certain sectors of the Government and the military. This reflected their historically lower educational and economic levels, but some argued that it also was a result of employment discrimination. The Government has issued guidelines that call for eliminating language referring to age, gender, or ethnicity in employment advertisements; restrictive language pertinent to job requirements, such as "Chinese speaker" or "physically strong," remains acceptable. These guidelines were generally followed.

The Presidential Council on Minority Rights examined all pending bills to ensure that they were not disadvantageous to a particular group. It also reported to the Government on matters that affected any racial or religious community and investigated complaints.

The Government enforced ethnic ratios for publicly subsidized housing, where the majority of citizens lived and owned their own units, a policy designed to achieve an ethnic mix more or less in proportion to that of society at large.

Section 6. Worker Rights

a. The Right of Association.—The Constitution provides all citizens with the right to form associations, including trade unions; however, Parliament may impose restrictions based on security, public order, or morality grounds. The right of association was restricted by the Societies Act and by labor and education laws and regulations. Under these laws, any group of 10 or more persons is required to register with the Government. The Trade Unions Act authorizes the formation of unions with broad rights, albeit with some narrow restrictions such as prohibitions on the unionization of uniformed personnel. The Trade Unions Act prohibits government employees from joining trade unions, but the President has the power to make exceptions to this provision. The Amalgamated Union of Public Employees was declared exempt from these provisions, and its scope of representation was expanded over the years to cover all public sector employees except the most senior civil servants. The Trade Union Act restricts the right of trade unions to elect their officers and whom they may employ. Foreigners and those with criminal convictions may not hold

union office or become employees of unions. However, the Minister of Manpower could grant exemptions. The Government granted two foreign citizens permission to serve on the executive committee of the Airline Pilots Association of Singapore, the Singapore Airlines pilots' union. In December, the Government revoked this permission and invoked both Singapore Airlines and the pilots to adopt moderate positions in upcoming contract negotiations (see Section 6.b.). The Act limits the objectives on which unions can spend their funds and prohibits payments to political parties or the use of funds for political purposes. According to government statistics, the national labor force was made up of approximately 2.12 million workers, nearly 390,000 of whom were represented by 70 unions. Almost all of the unions (which represented virtually all of the union members) were affiliated with the National Trades Union Congress (NTUC), an umbrella organization with a close relationship with the Government.

The NTUC acknowledged that its interests were linked closely with those of the ruling PAP, a relationship often described by both as symbiotic. The NTUC's Secretary General (SG), Lim Boon Heng, a PAP M.P., was a member of the Cabinet as Minister in the Prime Minister's Office. Young PAP M.P.s with no union experience were often elected to leadership positions in the NTUC or a member union. The NTUC policy prohibited union members who supported opposition parties from holding office in affiliated unions. In November 2002, the branch chairman of a union affiliated with NTUC was elected secretary general of the Singapore Democratic Alliance—an opposition body. In December 2002, he was stripped of both his union position and his membership in the union by the NTUC. He unsuccessfully attempted to secure a reversal of the decision, but the NTUC's advisory council denied his appeal. While the NTUC is financially independent of the PAP, the two share a common ideology and work closely with management in support of non-confrontational labor relations. The NTUC is free to associate regionally and internationally and is a member of the International Confederation of Free Trade Unions (ICFTU). The country is a member of the International Labor Organization (ILO).

b. The Right to Organize and Bargain Collectively.—Collective bargaining was a normal part of labor-management relations in the industrial sector. Collective agreements must be certified by the tripartite Industrial Arbitration Court (IAC) before going into effect. The IAC could refuse certification at its discretion on the ground of public interest. Transfers and layoffs were excluded from the scope of collective bargaining. However, in practice, employers did consult with unions on both issues, and the Tripartite Panel on Retrenched Workers issued guidelines calling for early notification to unions of layoffs. Disputes could be settled through discussions with the Ministry of Manpower. If conciliation fails, the parties may submit their cases to the IAC. In limited situations, the law provides for a system of recourse to compulsory arbitration, which can put an end to collective bargaining at the request of only one of the parties. However, the compulsory arbitration clause has not been used since 1980. Agreements between management and labor were renewed every 2–3 years, although wage increases were negotiated annually. Yearly guidelines on raises and bonus pay issued by the National Wages Council (NWC), a group composed of labor, management, and government representatives, served as the starting point for bargaining agreements. Subject to negotiation in each enterprise, up to 10 percent of salaries were considered “variable” each month, allowing companies to eliminate that portion of pay if there were financial problems. The intent is to enable companies to adjust wages quickly in a changing business environment and minimize job losses.

Workers in “essential services” are required to give 14 days notice to an employer before striking, and there is a prohibition on strikes by workers in the water, gas, and electricity sectors. Other workers have the legal right to strike but rarely did so. There were no specific laws that prohibited retaliation against strikers. The law provides that before striking, unionized workers must vote in favor of the strike by secret ballot. In August 2002, Singapore Airlines (SIA) pilots came close to taking “work to rule” action on a dispute over working conditions; in a “work to rule” action, the pilots would hamper airline operations by doing only the minimum amount required under their contract. The airline pilot union is the only significant union not affiliated with the NTUC. During the year, SIA sought to cut pilots' pay in response to a sharp travel slump amid the SARS epidemic; after unsuccessful talks with the union, SIA indicated it would seek official mediation through the Industrial Arbitration Court. In December, citing the “strategic” importance of SIA to the country's economic success, the Government publicly warned the pilots' union against unreasonable contract demands and announced it would amend the Trade Unions Act to rescind the right of union members to vote on collective bargaining agreements. Unlike other unions, only the pilots' union has its members take such a vote on contracts. The move came as the pilots prepared to negotiate a new contract with

SIA; the Government urged both pilots and SIA to adopt moderate positions in the negotiations. Most disagreements are resolved through informal consultations with the Ministry of Manpower. If conciliation fails, the disputing parties usually submit their case to the Industrial Arbitration Court, which is composed of representatives from labor and management, and chaired by a judge. Besides these labor dispute mechanisms and the close working relationship and shared views among labor, management, and the Government, the maintenance of labor peace has been a product of high economic growth rates, regular wage increases, and a high degree of job mobility in a virtual full-employment economy. In addition, the widely held view that labor conflict would undermine the country's economic competitiveness and attractiveness to investors, compounded with a cultural aversion to confrontation, helped to maintain a harmonious labor situation.

There are no export processing zones.

c. Prohibition of Forced or Bonded Labor.—The law prohibits forced or bonded labor, including by children, and there were no reports that such practices occurred. Under sections of the Destitute Persons Act, any indigent person may be placed in a welfare home and assigned suitable work. The ILO criticized the coercive terms of this act, which included penal sanctions not in compliance with the ILO Convention on Forced Labor. The Government maintained that the Act was social legislation providing for the shelter, care, and protection of destitute persons, and that work programs were designed to reintegrate individuals into society.

d. Status of Child Labor Practices and Minimum Age for Employment.—The Government enforced the Employment Act, which prohibits employment of children under the age of 12. Restrictions on the employment of children between the ages of 12 and 16 are rigorous and fully enforced. Children under the age of 14 generally are prohibited from employment in the industrial sector. Exceptions include family enterprises; children may work in a business in which only members of the same family are employed. A child of 12 or older may be employed in light work, subject to medical clearance. Employers have to notify the Commissioner of Labor within 30 days of hiring a child between the ages of 14 and 16 and attach a medical certification of the child's fitness for employment. The incidence of children in permanent employment was low, and abuses were almost nonexistent.

Ministry of Manpower regulations prohibit night employment of children and restrict industrial work for children between the ages of 14 and 16 to no more than 7 hours a day, including the hours spent in school. Children may not work on commercial vessels, with moving machinery, on live electrical apparatus lacking effective insulation, or in any underground job. The Minister of Manpower effectively enforced these laws and regulations.

e. Acceptable Conditions of Work.—There are no laws or regulations on minimum wages or unemployment compensation. However, the National Wages Council, a tripartite body consisting of representatives from government, labor, and business, monitored the economy and made annual recommendations to the Government concerning wage guidelines. The labor market offered good working conditions and relatively high wages, which provided a decent standard of living for a worker and family.

The Employment Act sets the standard legal workweek at 44 hours and provides for 1 rest day each week.

The Ministry of Manpower effectively enforces laws and regulations establishing working conditions and comprehensive occupational safety and health laws. Enforcement procedures, coupled with the promotion of educational and training programs, were implemented to reduce the frequency of job-related accidents. While a worker had the right under the Employment Act to remove himself from a dangerous work situation, his right to continued employment depended upon an investigation of the circumstances by the Ministry of Manpower.

Because of a domestic labor shortage, approximately 600,000 foreign workers were employed legally, constituting about 30 percent of the total work force. There were no reliable estimates of the number of foreigners working illegally. Most foreign workers were unskilled laborers and household servants from other Asian countries. Foreign workers faced no legal wage discrimination. However, they were concentrated in low-wage, low-skill jobs and were often required to work long hours. Most foreign construction workers live on worksites in substandard conditions.

Although the great majority of the approximately 140,000 maids (mainly from the Philippines, Indonesia, and Sri Lanka) worked under clearly outlined contracts, their low wages, dependence on their employers for food and lodging, and relative isolation made them vulnerable to mistreatment and abuse. In response to concern about cases of maid abuse, the Government amended the Penal Code in 1998 increasing the maid. The authorities fined or imprisoned employers who abuse maids,

often with great publicity. During the year, eight employers were convicted of abusing their maids, and the Ministry of Manpower blacklisted 19 employers during the first 6 months of the year. Prison sentences have ranged from 7 weeks for one woman to 6 years and 12 strokes of the cane for a male employer convicted on three counts of molesting his maid. Debate on how to prevent abuse of maids was ongoing at year's end. Substantiated cases of abuse of foreign maids fell by almost 50 percent following the 1998 amendment strengthening legal penalties. In 2002, there were 43 substantiated cases of maid abuse as compared with 89 in 1998. According to the Ministry of Manpower, there were 19 substantiated cases of maid abuse in the first half of the year. Police also investigated one employer's allegation that a recruitment agency abused a maid while she was at the agency's office.

Most maids worked 6 days per week from very early morning until late in the evening. Many contracts allowed only 1 day off per month. Contracts often stipulated that, even when not working, a maid was required to remain on the premises unless on official duties or on her day off. Maids often had to set aside most or all of their wages for the first several months of employment to reimburse their placement agents. Work permits for low-wage foreign workers could be cancelled if a worker applied to marry or married a citizen or permanent resident.

The Employment Act protects foreign workers, such as the many employed in the construction industry; however, domestic servants are not covered by the Act and are not eligible for limited free legal assistance from the Government. However, the Ministry of Manpower offered conciliation services for all employees, foreign or local. The Foreign Workers Unit of the Ministry of Manpower provided free advisory and mediation services to foreign workers experiencing problems with employers. The Government allowed complainants to seek legal redress.

f. Trafficking in Persons.—The law prohibits trafficking in persons; however, trafficking in persons occurred.

Almost all sex workers were foreign; most originated in Thailand, the Philippines, Malaysia, China, Indonesia, Vietnam, India, or Sri Lanka. Almost all foreign prostitutes were aware when they entered the country that they were going to be employed as prostitutes. While prostitution is not an offense per se, public solicitation is illegal. Police periodically carried out crackdowns on prostitutes, particularly those operating outside of informally designated red light areas (see Section 5). Foreign prostitutes detained in these raids usually were deported quickly. Foreign prostitutes and maids were deported immediately if they tested positive for pregnancy, or HIV/AIDS or other sexually transmitted diseases.

Authorities prosecuted some cases of trafficking. In May, authorities charged five individuals with forcing a 12-year old Malaysian girl into prostitution after promising her employment in Singapore as a maid. Two of those charged pleaded guilty and were sentenced to 12 years in prison; one of these two was also sentenced to be caned six strokes. The trial of the other three lasted 10 days. One was convicted of rape and sentenced to 12 years in prison and 12 strokes of the cane. The other two were convicted of conspiring to recruit men to rape the girl. One was sentenced to 12 years and six strokes of the cane; the other received a 13-year sentence, 12 strokes of the cane and a \$5,700 (S\$10,000) fine.

The three major laws that governed trafficking and prostitution are the Women's Charter, the Children and Young Person's Act, and the Penal Code. Trafficking in women and children, whether or not it is related to prostitution, is punishable by up to 5-years imprisonment, a \$5,700 (S\$10,000) fine and caning. Traffickers could be prosecuted under the Penal Code's "wrongful constraint" provision, which carries maximum punishments of 10 years imprisonment and a fine. Convicted traffickers could be found guilty of violating more than one law. There was no specific campaign to combat or prevent the use of fraud or coercion to recruit foreign women as prostitutes, although some persons were prosecuted and punished for crimes involving such acts.

In practice, successful investigation and prosecution of trafficking in persons required that victims remain in or returned to the country to testify. Victims were urged by police to remain in the country until the case was prosecuted and generally they did; however, some abused domestics left and were brought back to testify. Victims did not receive government assistance during this period or at other times, and indicated they sometimes were not granted permission for alternative employment and were dependent on support from their embassy. NGOs did not provide assistance to trafficking victims. Laws prohibiting the harboring, aiding, or abetting of illegal immigrants could hamper assistance to trafficking victims by putting NGOs in the position of harboring a victim who has no legal status; however, no such cases are known to have occurred. The authorities notified embassies of the arrest of nationals, including for prostitution-related offenses, and allowed consular access. Prostitutes rarely contacted embassies voluntarily, unless detained for solicitation

or immigration offenses during police sweeps. However, victims of crimes, including domestics alleging abuse, sometimes requested and received assistance from their embassies.

SOLOMON ISLANDS

The Solomon Islands has a modified parliamentary system of government consisting of a single-chamber Legislative Assembly of 50 members. Executive authority is vested in the Prime Minister, who is elected by a majority vote of Parliament, and his Cabinet. A new Parliament was elected in 2001 with Sir Allan Kemakeza as Prime Minister; elections were considered generally free and fair. Since 1998, conflict between two of the main ethnic groups in the country—the Malaitans and the Guadalcanalese—has forced thousands of Malaitans residing on Guadalcanal from their homes, and in June 2000, armed Malaitan militants took over Honiara, the capital. The Malaitan militants forced the then-Prime Minister to resign. Although a peace agreement formally ending the conflict was signed in October 2000, subsequent governments had limited success in their efforts to restore peace, due to political and institutional weaknesses and the public's perception that their leaders were beholden to one or the other of the conflicting parties. In late July, the Regional Assistance Mission for Solomon Islands (RAMSI), a multinational police-centered force organized by Australia, arrived in the country at the invitation of the Government and began to assist the Government in restoring law and order and rebuilding the country's institutions. The Constitution provides for an independent judiciary; however, prior to RAMSI's arrival, the judiciary was hampered by police ineffectiveness, lack of resources, and threats against judges and prosecutors.

A police force under a civilian police commissioner is responsible for law enforcement, internal security, and border security. Following the 2000 takeover of Honiara by Malaitan militants, the police force became factionalized and did not function effectively. The civilian authorities did not maintain effective control over all elements of the security forces before the arrival of RAMSI in July. Some members of the security forces, in particular the paramilitary police unit and untrained former militants who had been taken into the police force in 2001 as "special constables," committed numerous serious human rights abuses prior to RAMSI's arrival.

The economy is market based. Approximately 75 percent of the population of 480,000 engaged to some extent in subsistence farming and fishing and had little involvement in the cash economy. With the breakdown of law and order, the formal sector of the economy was on the brink of collapse at the time of RAMSI's intervention. The Government was insolvent, and most nonsubsistence economic activities had ceased, including plantation production of copra, cocoa, and palm oil, a fish canner, a gold mine on Guadalcanal, and small resort and diving enterprises. Only the logging industry continued to operate, albeit at a reduced level. Electricity and telecommunications services faced severe difficulties, and there were frequent power blackouts in Honiara. Health and education services faltered as medical workers and teachers went on strike over the Government's failure to pay salaries. The international airport occasionally closed due to strikes over similar issues.

The Government generally respected the human rights of its citizens; however, there were serious problems in some areas. Basic individual rights are provided for in the Constitution, but the armed conflict between Malaitan and Guadalcanalese militants led to a serious deterioration in the human rights situation, with numerous abuses committed by the police and by militant groups on both sides since 1998. All weapons were supposed to be surrendered during an amnesty period that ended in May 2002; however, hundreds of weapons were not surrendered, and a stable peace was not secured. During the first half of the year, the security situation worsened. In the capital, former militants, many of whom had been made "special constables," were responsible for a crime wave directed at both citizens and the Government. A militant leader operated with impunity in the countryside, and he and his supporters' violent acts included killings, rape, abduction, and looting and destruction of rural communities. The Government did not encourage any judicial or independent investigation of human rights abuses that occurred during the conflict, which contributed to a climate of impunity. The judicial system functioned poorly during the first half of the year due to the ongoing violence and a lack of resources.

In response to the deteriorating situation and at the Government's invitation, Australia initiated and organized RAMSI. Consisting of approximately 250 police from Australia, New Zealand, Fiji, and other countries in the region, RAMSI was backed by a strong military component of approximately 4,000 troops initially, later reduced to approximately 2,000. However, the security situation stabilized so quick-

ly that the military element was substantially withdrawn by year's end. At that point, the force largely had restored law and order in the capital and elsewhere in the country.

Violence and discrimination against women continued to be problems. At year's end, many victims of the ethnic conflict still remained displaced from their homes, although some had returned.

RESPECT FOR HUMAN RIGHTS

Section 1. Respect for the Integrity of the Person, Including Freedom From:

a. Arbitrary or Unlawful Deprivation of Life.—In January, a masked gunman fatally shot retired Police Commissioner Sir Frederick Soaki in Auki, Malaita, where he was helping to prepare workshops organized by the U.N. Development Program (UNDP) concerning demobilization of the special constables. In March, police arrested a police sergeant for the murder; however, he later escaped from custody. At year's end, he was still at large and sought by the police, and the case remained under investigation.

During the first half of the year, rising violent crime rates and ethnic clashes between Malaitans and Guadalcanalese, encouraged by the absence of an effective police force, resulted in a substantial number of killings. Guadalcanal Liberation Front leader Harold Ke'ke and his followers on the Weathercoast were responsible for many killings, including seven members of an Anglican order, the Melanesian Brotherhood, who were killed after being abducted. In June, Ke'ke and his followers reportedly tortured and killed three men in Marasa and razed the village. In August, Ke'ke surrendered to RAMSI forces; he and a number of his followers were charged with murder and other crimes. Their cases were pending at year's end.

In May, an Australian Seventh Day Adventist missionary was attacked and beheaded near Atoifi Hospital in Malaita; police apprehended and arrested one of two suspects in the murder.

Following the arrival of the RAMSI force in July, the level of violence declined; by year's end, law and order largely had been restored throughout the country. At year's end, it remained unclear how many of those responsible for the many killings and other human rights abuses committed by both security forces and civilians during the half-decade of conflict and breakdown in law and order would be investigated or prosecuted; however, during the year, RAMSI investigated and arrested a number of police officers and militants who allegedly had committed murder and other criminal acts, and brought them to trial (see Sections 1.c. and 1.d.). At year's end, the trials were ongoing.

b. Disappearance.—There were no reports of politically motivated disappearances due to the actions of government officials. Militant leader Harold Ke'ke and his followers abducted and killed seven members of an Anglican religious order (see Section 1.a.) during the year; several novices of the order who also were abducted by Ke'ke's group later were released. Since the violence began in 1998, more than 100 persons have been abducted and possibly killed by militants.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The law prohibits such practices; however, since 1998, there have been numerous reports of acts of torture and mistreatment attributed both to members of the police and to Malaitan and Guadalcanalese militants, although there were fewer reported instances during the year than in the previous 2 years. In 2000, the police office dealing with complaints about official police behavior, including excessive use of force, ceased to function as the national police force generally disintegrated.

In March, Amnesty International (AI) reported that special constables and their civilian supporters committed human rights abuses against civilians on Guadalcanal while assisting regular police officers in an operation begun in 2002 to capture militant leader Ke'ke. The abuses cited included beatings of villagers, rape, torture of the wives of suspected militants with heated wire, and razing of houses. The Government stated that the special constables involved acted without government authorization.

Ke'ke and his followers reportedly burned down Marasa village on the Weathercoast after killing three residents (see Section 1.a.); following Ke'ke's arrest in August, his followers reportedly burned down the villages of Chima and Poisuvu.

Following its arrival in July, RAMSI took action to apprehend and charge persons allegedly responsible for human rights abuses and other criminal acts. By year's end, more than 340 persons, including approximately 40 police officers and Ke'ke and other militants, were arrested. A total of more than 600 charges were lodged against them.

During the first part of the year, prison conditions were poor; after RAMSI made improvements later in the year, conditions generally met international standards.

In February, following a visit to the Rove national prison complex in Honiara, the national Ombudsman strongly criticized the facility as “unfit” for human habitation, citing problems with inadequate diet, substandard bathing and toilet facilities, and overcrowding. In March, AI reported that nine prisoners were diagnosed with a serious vitamin deficiency, believed to be scurvy. Escapes were common. Following its arrival in July, RAMSI completed work on new prison accommodations at Rove that had been halted a decade earlier due to lack of funds. In addition, RAMSI added exercise yards, a visitor center, and a new security fence. The new facility can accommodate 300 prisoners, somewhat more than the number incarcerated at year’s end.

In 2002, the national Ombudsman visited the small provincial jail at the regional capital of Gizo and announced that conditions there were in breach of human rights standards. Overcrowding and lack of resources to provide adequate meals for prisoners remained problems during the year; as many as 46 inmates were held in the jail, which was built to hold 14. However, RAMSI undertook some renovations during the year at both Gizo and the country’s other provincial prison at Aiki.

Men and women were held separately. Although the national prison in Honiara had separate facilities for juveniles, prior to RAMSI’s expansion of the facility, the national Ombudsman reported that some juveniles were housed together with adult prisoners. Pretrial detainees were not separated from convicted prisoners.

The Government permitted prison visits by human rights observers, including the International Committee of the Red Cross (ICRC).

d. Arbitrary Arrest, Detention, or Exile.—The Constitution prohibits arbitrary arrest, detention, and exile, and the Government generally observed these prohibitions.

A commissioner, who reports to the Minister of Police, heads the police force of approximately 1100 members. During the year, a British police official served as Commissioner on a contract funded by the British government.

Prior to RAMSI’s arrival, the police were largely ineffectual and the law and order situation had deteriorated to the point that gunmen regularly extorted funds from the Finance Ministry and the Prime Minister worked from his home because his office was not safe. Police corruption was a problem, and there was a lack of accountability for police officers involved in abuses. The situation improved after RAMSI’s arrival. By early December, nearly 40 police officers, including some of senior rank, had been arrested on more than 90 charges, including murder, assault, intimidation, robbery, and inappropriate use of firearms. RAMSI also re-established 16 police stations throughout the country.

Early in the year, the Government abolished the paramilitary Police Field Force (PFF), whose members allegedly committed numerous human rights abuses, and replaced it with a new special operations group, the STAR division; former PFF members who wished to transfer to the STAR division were required to undergo a new examination process. However, in December, citing continuing human rights concerns, the Government disbanded the STAR division.

In February, the Government began to demobilize the special constables, who also had been cited for numerous human rights abuses and other criminal acts. Under a UNDP assistance program, demobilized special constables were offered 6 months of business and vocational training and \$450 (3,000 Solomon Islands dollars) in small business start-up costs to help reintegrate them into civilian society. By year’s end, the special constables had been removed from the police rolls and over 800 had participated in the UNDP training program.

The law provides for a judicial determination of the legality of arrests. Officials found to have violated civil liberties are subject to fines and jail sentences. There was a functioning system of bail. However, in the first half of the year, the work of the judiciary was slowed considerably by the conflict. During the year, delays in adjudication of the large number of cases before the courts resulted in lengthy pre-trial detention for some prisoners.

The Constitution prohibits forced exile, and the Government did not use it.

e. Denial of Fair Public Trial.—The Constitution provides for an independent judiciary, and the Government generally respected this provision in practice; however, the courts were hampered by a lack of resources and by threats against the lives of judges and prosecutors.

The judicial system consists of a High Court, a Court of Appeals, and magistrates’ courts. Accused persons are entitled to counsel. In 1999, the Public Solicitor, who is charged with providing counsel to persons who cannot afford a private attorney, reported that due to limited resources, his office could accept only those cases in which persons faced serious charges or those involving the protection of children; this situation has continued.

Judicial trial procedures normally operated in accordance with British law, with a presumption of innocence, right of appeal, access to attorneys, and right to confront witnesses.

In the first half of the year, the judicial system barely functioned. The Government did little to investigate or prosecute persons responsible for killings and other abuses, contributing to a pervasive climate of impunity. In the last half of the year, RAMSI made the rehabilitation of the courts and judicial system a priority and increased the capacity of the courts to adjudicate cases, although backlogs in the investigation and prosecution of cases remained at year's end.

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home or Correspondence.—The law prohibits such actions, and the Government generally respected these prohibitions in practice. However, with the breakdown of law and order in 2000, there was widespread looting and burning of homes in rural Guadalcanal, including by police (see Section 1.c.).

From 1999 to 2001, militants from all sides forced inhabitants from their homes. Many of those forced out were not affiliated with the militant movements, and some were not even members of the combating ethnic groups. The forced expulsions ended during 2001, following the departure of virtually all non-Guadalcanalese from the areas of Guadalcanal Province adjacent to Honiara; none have returned.

g. Use of Excessive Force and Violations of Humanitarian Law in Internal and External Conflicts.—Since ethnic conflict began in 1998, both police and militants have committed serious human rights abuses, including killings and abductions of civilians (see Sections 1.a, 1.b., and 1.c.). Militants have blocked the free and safe passage of relief supplies, food, and fuel, as well as access by humanitarian organizations to Guadalcanal. Red Cross volunteers and relief workers reported being threatened, harassed, and even fired upon by both Guadalcanalese and Malaitan militants, although the incidence of such attacks declined during the year. Red Cross and other volunteers were able to provide appropriate assistance in rural areas.

During the year, Guadalcanal militants allegedly burned down several villages (see Section 1.c.). Since the violent phase of the conflict on Guadalcanal began, some 30,000 Malaitans, Guadalcanalese, Western Province persons, and others living on Guadalcanal have been displaced from their homes (see Section 2.d.). The arrival of RAMSI has seen the return of the majority of internally displaced Guadalcanalese to their former villages; however, many Malaitans and other ethnic group members remained displaced (see Section 5). U.N. human rights officials confirmed the use of child soldiers by both Guadalcanalese and Malaitan militants during the ethnic conflict (see Sections 5 and 6.c.).

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution provides for freedom of speech and of the press, and the Government generally respected these rights in practice. During the year, print and broadcast media continued to operate on a regular basis.

There was a privately owned daily and a privately owned weekly newspaper. The Solomon Islands Broadcasting Corporation (SIBC), a statutory body directly under the Prime Minister's office, broadcast to most of the country; however, due to technical problems, SIBC reception on the outer islands was limited to early morning and evening hours. There also were two privately owned FM radio stations. Two television channels broadcast Australia's Asia-Pacific service and BBC International to Honiara and its environs.

Given the high rate of illiteracy, radio broadcasting was more influential than the print media. At least two nongovernmental organizations (NGOs) published periodic news journals; their environmental reporting was frequently critical of the Government's logging policy and foreign logging companies' practices.

In September, the mayor of Honiara allegedly went to the office of the Solomon Star newspaper and demanded that the paper stop coverage of matters relating to the City Council; the Council had criticized the paper's coverage of its affairs.

In 2002, Minister for Communications Daniel Fa'funua and several armed supporters allegedly coerced the Solomon Star newspaper into paying him \$1,000 for publishing an article that he claimed had insulted him. In November, police arrested Fa'funua after an unrelated incident; among other offenses, he was charged with "demanding money with menaces" in the Solomon Star case. The case remained pending at year's end.

According to local news reports, in July, a New Zealand television crew covering the export of dolphins from the country reported that members of a local militia chased them and assaulted their local driver as they were filming captive dolphins on a Honiara beach.

Internet use was expanding, and privately operated Internet cafés were available in Honiara and Gizo; the Government did not limit or control Internet access.

The Government did not restrict academic freedom. Foreign assistance enabled the country's College of Higher Education to operate pending its restructuring.

b. Freedom of Peaceful Assembly and Association.—The Constitution provides for freedom of assembly, and the Government generally respected this right in practice. Demonstrators must obtain permits, which generally were granted.

The Constitution provides for freedom of association, but at times the Government restricted this right. The Government has outlawed the principal militant groups. Other groups associated freely, and a good governance oversight group, the Civil Society Network, which emerged in 2001, continued to raise issues of concern with the Government (see Section 4).

c. Freedom of Religion.—The Constitution provides for freedom of religion, and the Government generally respected this right in practice.

The public school curriculum included 30 minutes daily of religious instruction, the content of which was agreed upon by the Christian churches; students whose parents did not wish them to attend the class were excused. However, the Government did not subsidize church schools that did not align their curriculums with governmental criteria. Although theoretically non-Christian religions can be taught in the schools, there was no such instruction in practice.

During the year, Guadalcanal militants abducted a number of members of an Anglican religious order, and killed seven of them. In May, an Australian Seventh Day Adventist missionary was killed in Malaita; police arrested one of two suspects in the case (see Section 1.a.). However, there was no evidence that these killings were related to the victims' religious affiliation.

For a more detailed discussion, see the 2003 International Religious Freedom Report.

d. Freedom of Movement within the Country, Foreign Travel, Emigration, and Repatriation.—The Government placed no restrictions on the movement of citizens within or out of the country. However, the militants demanded that the people indigenous to each island be given authority to determine who might or might not enter their island. Native-born citizens may not be deprived of citizenship on any grounds.

During the year, non-Guadalcanalese, especially Malaitans, were effectively barred from entering Guadalcanal Province for fear of being attacked, while many non-Malaitans, especially Guadalcanalese, were afraid to enter Honiara.

Since the violent phase of the conflict on Guadalcanal began, an estimated 30,000 Malaitans, Guadalcanalese, Western Province persons, and others living on Guadalcanal have been displaced from their homes as a result of armed conflict and intimidation. In December, over 200 displaced Guadalcanalese returned to their villages on Guadalcanal's Weathercoast from Honiara; RAMSI deployed troops to the area to maintain security. The Government provided very limited help to internally displaced persons, who generally relied on their extended families and subsistence farming for survival. The national Red Cross Society, funded by the European Union, provided some assistance.

Although a party to the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol, the Government has not enacted domestic legislation or procedures for making formal refugee determinations. The Government cooperated with the office of the U.N. High Commissioner for Refugees (UNHCR) and the Red Cross in assisting refugees and has not returned persons to a country where they feared persecution.

Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government

The Constitution provides citizens with the right to change their government peacefully, and citizens exercise this right in practice through periodic, free, and fair elections held on the basis of universal suffrage for persons 18 years of age and over. The Government is a modified parliamentary system consisting of a single-chamber Legislative Assembly of 50 members. Executive authority is vested in the Prime Minister and his Cabinet. Since independence in 1978, there have been six parliamentary elections, the latest in December 2001, and several elections for provincial and local councils. The 2001 national parliamentary elections were regarded as generally free and fair, although there was evidence of vote buying and coercion with weapons in a number of constituencies. On several occasions since independence, changes of government resulted from either parliamentary votes of no confidence or the resignation of the Prime Minister.

Successive governments were unable effectively to address the ongoing violence that began in 1998 between the Malaitan and Guadalcanalese ethnic groups (see Section 5), despite the October 2000 peace agreement that formally ended the conflict and mandated the surrender of weapons. In August, RAMSI instituted a new weapons amnesty; as of year's end, approximately 3,700 firearms, believed to be a majority of those illegally in circulation, had been removed from circulation and destroyed. RAMSI also implemented reform of the police force (see Section 1.d.) and provided assistance to the Finance Ministry for budget stabilization and to the justice sector for improving the effectiveness of the legal system. The aid included both funding of improvements and provision of civilian expertise, with approximately 50 personnel placed in key government agencies.

Traditional male dominance has limited the role of women in government. There were no women in the Parliament. During the year, two women were appointed as permanent secretaries in the Government.

Section 4. Governmental Attitudes Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

There are no restrictions on the formation of local organizations to monitor and report on human rights. The Solomon Islands Development Trust has both development and human rights objectives. The ICRC periodically visited the country from its regional office in Suva, Fiji; after RAMSI's arrival, the ICRC re-established a permanent presence in Honiara. The Government generally cooperated with human rights organizations and requested assistance from the U.N. High Commissioner for Human Rights in formulating policies to restore peace and justice.

Numerous domestic NGOs operated freely; most were engaged in developmental or religious activity. In 2001, a number of NGOs and individual citizens established an umbrella organization, the Civil Society Network, to provide oversight of government activity. It regularly criticized practices such as remission of taxes and custom duties for associates of high-ranking government officials. The Government did not interfere in its operations.

The Constitution provides for an ombudsman, with the power to subpoena and to investigate complaints of official abuse, mistreatment, or unfair treatment. While the Ombudsman's Office has potentially far-ranging powers, it was limited by a shortage of resources. It organized occasional workshops and undertook a few tours during the year.

Section 5. Discrimination Based on Race, Sex, Disability, Language, or Social Status

The Constitution provides that no person—regardless of race, place of origin, political opinion, color, creed, or disability—shall be treated in a discriminatory manner with respect to access to public places. The Constitution further prohibits any laws that would have discriminatory effects and provides that no person should be treated in a discriminatory manner by anyone acting in an official capacity. Despite constitutional and legal protections, women remained the victims of discrimination in this tradition-based society. Unemployment was high, and there were limited job opportunities for persons with disabilities.

Women.—Statistics were unavailable, but incidents of domestic violence appeared to be common. The law does not address domestic violence; however, there are provisions against common assault and rape. The Government took no action during the year to address domestic abuse. In the rare cases that were reported, charges often were dropped by the victims before the court appearance or the case was settled out of court. The magistrates' courts dealt with physical abuse of women as with any other assault, although prosecutions were rare. In part due to the breakdown in law and order and the lack of an effectively functioning police force after June 2000, women and teenage girls in particular were vulnerable to abuse, including rape, and many rapes have been reported since the ethnic conflict began in 1998. Following RAMSI's arrival, rape charges were brought against a number of persons and additional persons were under investigation at year's end.

The law accords women equal legal rights. However, in this traditional society, men are dominant and women are limited to customary family roles. This situation has prevented women from taking more active roles in economic and political life. A shortage of jobs also inhibited the entry of women into the work force. The majority of women are illiterate; this was attributed in large part to cultural barriers. The National Council of Women and other NGOs attempted to make women more aware of their legal rights through seminars, workshops, and other activities. The Government's Women Development Division also addressed women's issues.

Prostitution is illegal, but the statutes were not enforced. Although there is no law against sex tourism, none has been reported. Sexual harassment is not prohibited by law and was a problem.

Children.—Within the limits of its resources, the Government was committed to the welfare and protection of children. There was no compulsory education, and, according to some estimates, less than 60 percent of school-age children had access to primary education; the percentages of those attending secondary and tertiary institutions were much smaller. Few children proceeded beyond primary school, and a higher percentage of boys than girls attended school. School fees required of all students were very high relative to local incomes. Since 1999, the already poor state of education has worsened. Infrastructure has deteriorated and financial resources have almost disappeared; the Government has not paid teachers regularly. Some schools have ceased to function, although RAMSI expressed a commitment to restore such basic government services.

The Constitution grants children the same general rights and protections as adults. Existing laws are designed to protect children from sexual abuse, child labor, and neglect. Children generally were respected and protected within the traditional extended family system, in accordance with a family's financial resources and access to services, although some cases of child abuse were reported. As a result, virtually no children were homeless or abandoned. All medical care for children was free; however, the lack of resources seriously reduced the quality and availability of medical care.

In 2000, AI reported that Guadalcanalese militants included a number of child soldiers. U.N. human rights officials confirmed the use of child soldiers by both Guadalcanalese and Malaitan militants. Several hundred children (generally boys) under the age of 18 were active combatants or assisted in militants' camps. With the decrease in fighting, dozens of these underage militants remained in quasi-criminal gangs affiliated with their former militant commanders.

Persons with Disabilities.—There is no law or national policy on persons with disabilities, and no legislation mandates access to buildings for such individuals. Their protection and care are left to the traditional extended family and nongovernmental organizations. With high unemployment countrywide and few jobs available in the formal sector, most persons with disabilities, particularly those in rural areas, did not find work outside of the family structure.

The country had one educational facility for disabled children, which was supported almost entirely by the Red Cross. Persons with mental disabilities were cared for within the family structure; there were no government facilities for such persons.

National/Racial/Ethnic Minorities.—The country is composed of over 27 islands with approximately 70 language groups. In the precolonial era, these groups existed in a state of continual warfare with one another, and even today many islanders see themselves first as members of a clan, next as inhabitants of their natal island, and only third as citizens of their nation. Over the past century, and particularly since World War II, many persons from the poor, heavily populated island of Malaita settled on Guadalcanal, the island on which the capital of Honiara is located. The tensions and resentment between the Guadalcanalese and the Malaitans on Guadalcanal culminated in violence beginning in 1998 (see Sections 1.a., 1.b., 1.c., 1.g., and 2.d.), when Guadalcanalese militants began a campaign of threats and intimidation against Malaitans on Guadalcanal. Scores of Malaitans have been killed or injured by Guadalcanalese militants. Since 1998, approximately 30,000 persons, mainly Malaitans, have fled their homes as a result of the conflict. Civilians were the victims of abuses by both sides; such abuses reportedly included abductions, torture, rape, forced resettlement, looting, and the burning of homes. Although a peace agreement was concluded in 2000, tension and violence between Malaitans and Guadalcanalese continued. Violence between rival militant groups also was a problem during the year.

The level of ethnic conflict declined after the arrival of the RAMSI force in July (see Sections 1.a. and 1.c.).

Section 6. Worker Rights

a. The Right of Association.—The Constitution implicitly recognizes the right of workers to form or join unions, to choose their own representatives, to determine and pursue their own views and policies, and to engage in political activities. The courts have confirmed these rights. Only about 10 to 15 percent of the population participated in the formal sector of the economy. Approximately 60 to 70 percent of wage earners were organized (approximately 90 percent of employees in the public sector and 50 percent of those in the private sector).

Unions are free to affiliate internationally, and the largest trade union, the Solomon Islands' National Union of Workers, is affiliated with the World Federation of Trade Unions, the South Pacific Oceanic Council of Trade Unions, and the Commonwealth Trade Union Congress.

b. The Right to Organize and Bargain Collectively.—The law provides for the rights to organize and to bargain collectively, and unions exercised these rights frequently. Wages and conditions of employment are determined by collective bargaining. If a dispute between labor and management cannot be settled between the two sides, it is referred to the Trade Disputes Panel (TDP) for arbitration. The three-member TDP, composed of a chairman appointed by the judiciary, a labor representative, and a business representative, is independent and neutral.

The law permits strikes. During the year, government employees conducted numerous strikes over the Government's failure to pay salaries on time and the payment of preferential "danger" allowances that excluded certain groups of government employees. Schools, medical facilities, and airports were among the institutions that suffered significant strikes. There were no significant private sector strikes. Private sector disputes usually were referred quickly to the TDP for arbitration, either before or during a strike. In practice, the small percentage of the work force in formal employment meant that employers had ample replacement workers if disputes were not resolved quickly. However, employees are protected from arbitrary dismissal or lockout while the TDP is deliberating.

The law protects workers against anti-union activity, and there were no areas where union activity was officially discouraged.

There are no export processing zones.

c. Prohibition of Forced or Bonded Labor.—The Constitution prohibits forced or bonded labor, including by children, and, normally, except as part of a court sentence or order, there were no reports that such practices occurred.

However, there were reports of child soldiers with militant groups (see Section 5).

d. Status of Child Labor Practices and Minimum Age for Employment.—The law forbids labor by children under the age of 12, except light agricultural or domestic work performed in the company of parents. Children under age 15 are barred from work in industry or on ships; those under age 18 may not work underground or in mines. The Labor Division of the Ministry of Commerce, Trade, and Industry is responsible for enforcing child labor laws. Given low wages and high unemployment, there was little incentive to employ child labor.

The Government has not ratified International Labor Organization Convention 182 on the worst forms of child labor. It does not have a comprehensive policy for the elimination of such abuses; there are no regulations defining the worst forms of child labor.

e. Acceptable Conditions of Work.—The minimum wage rate is \$0.30 per hour (1.50 Solomon Islands dollars) for all workers except those in the fishing and agricultural sectors, who receive \$0.25 (1.25 Solomon Islands dollars). The legal minimum wage did not provide a decent standard of living for an urban family living entirely on the cash economy. However, most families were not dependent solely on wages for their livelihoods.

The law regulates premium pay, sick leave, the right to paid vacations, and other conditions of service. The standard workweek is 45 hours and is limited to 6 days per week. There are provisions for premium pay for overtime and holiday work and for maternity leave.

Both an active labor movement and an independent judiciary provided enforcement of labor laws in major state and private enterprises. The Commissioner of Labor, the Public Prosecutor, and the police are responsible for enforcing labor laws; however, they usually reacted to complaints rather than routinely monitoring adherence to the law. Their efforts were severely restricted by the conflict and ensuing political instability. The extent to which the law was enforced in smaller establishments and in the subsistence sector was unclear. Safety and health laws appeared to be adequate. The Safety at Work Act requires employers to provide a safe working environment and forbids retribution against an employee who seeks protection under labor regulations or removes himself from a hazardous job site.

f. Trafficking in Persons.—The law does not prohibit trafficking in persons; however, there were no reports that persons were trafficked to, from, or within the country.

THAILAND

Thailand is a democratically governed constitutional monarchy. Since 1992, there have been five national multiparty elections, which transferred power to successive governments through peaceful, democratic processes. The King exerts strong informal influence but never has used his constitutionally mandated power to veto legis-

lation or to dissolve the elected bicameral Parliament. In 2001, a coalition Government, led by Prime Minister Thaksin Shinawatra's Thai Rak Thai Party, was formed following the January general elections. The election process was viewed as generally free and fair; however, it was marred by widespread vote buying, and the killing of some political canvassers during the campaign. The judiciary was independent, but was subject to corruption.

The civilian authorities maintained effective control of the security forces. The national police were under the direct authority of the Police Commissioner, who reports to the Prime Minister. The military forces were under the jurisdiction of the Ministry of Defense. With the exception of specific, limited military authority along the country's borders, the police have responsibility for internal security. Elements of both the armed forces and the police had a reputation for corruption. Some members of the security forces committed serious human rights abuses.

The economy was market-oriented with a strong tradition of private enterprise, although state enterprises played a significant role in some sectors. The country has a population of approximately 63 million. Gross domestic product (GDP) growth was estimated to be approximately 6 percent for the year. Annual per capita income was approximately \$2,005. According to the National Statistical Office, approximately 41 percent of all employed workers were employed in the agricultural sector, although agriculture only accounted for approximately 9 percent of the GDP. Although government regulation generally provided protection for individual economic interests, including property rights, there was a lack of transparency in bureaucratic decision-making and some areas of Government remained vulnerable to corruption.

The Government's human rights record worsened with regard to extrajudicial killings and arbitrary arrests. There was a significant increase in killings of criminal suspects. According to press reports, more than 2,000 alleged drug suspects were killed during confrontations with police during a 3-month "War on Drugs" from February to April, while the Government reported that out of a total of 2,598 homicide cases during this three-month period, there were 1,386 narcotics-related deaths. Police occasionally beat suspects to coerce confessions. The Government failed to investigate and prosecute vigorously those who committed such abuses, contributing to a climate of impunity. Although the Government emphasized anti-corruption policies, a culture of corruption persisted in many parts of the civilian bureaucracy and in some units of the security forces. Routine demands for bribes undermined the rule of law and permitted the continuation of various illegal activities including trafficking in persons, sexual exploitation, and prostitution. Conditions in prisons and some provincial immigration detention facilities remained poor. Prolonged pretrial detention, including of aliens, remained a problem. The judiciary suffered from frequent instances of corruption and at times security forces infringed on citizens' privacy rights. The media practiced some self-censorship. There were some restrictions on freedom of movement. The Government hindered the activity of some human rights groups. The 1997 Constitution increased legal protections for women and persons with disabilities; however, some inequities in the law remained, and some protections were not enforced. Violence and societal discrimination against women were problems. Societal discrimination against hill tribes and religious and ethnic minorities continued. There were reports of forced labor and child labor. Trafficking in women and children, coerced prostitution and labor were serious problems.

RESPECT FOR HUMAN RIGHTS

Section 1. Respect for the Integrity of the Person, Including Freedom From:

a. Arbitrary or Unlawful Deprivation of Life.—There were no confirmed reports of politically motivated killings by the Government or its agents; however, elements of the Royal Thai Police continued to use excessive, lethal force against criminal suspects and committed or were connected to numerous extrajudicial, arbitrary and unlawful killings. For example, according to the Interior Ministry, as of February 27, 993 persons had been killed during confrontations with police in the first 2 months of the year. However, NGOs alleged that these government figures underestimated the true number of persons killed while being apprehended by police.

On February 1, the Prime Minister initiated a 3-month "War on drugs" campaign intended to eliminate narcotics from the country. The Minister of Interior instructed local authorities to update "blacklists" of individuals suspected of being involved in illegal drug trafficking, sale, or use and the Prime Minister told the governors and provincial police that those who failed to eliminate a prescribed percentage of the names from their "blacklists," would be fired. The Government threatened retaliation against local officials who did not produce results. There were reports that local officials used the blacklists as a means to settle political differences. According to official figures, there were 1,386 narcotics-related deaths between February 1 and

April 30. No arrests were made in 1,195 of these cases, which led many observers to believe police were responsible for most of these deaths. According to press reports, more than 2,200 alleged drug criminals were killed during the year, while more than 90,000 suspects were arrested.

Human rights activists accused the Government of unleashing a “shoot to kill” policy and condoning the killings of suspected drug dealers. The Government in turn claimed that many of the killings resulted from dealers fighting each other. Many of those killed were civilians. For example, in February, police shot and killed a 9-year-old boy in the back seat of a car driven by his mother following the arrest of his father on drug trafficking charges. The three police involved in the shooting were arrested for intentional murder; however, the court ruled that the killing was accidental and justified. In response to criticism from national and international NGOs and other foreign governments, the Government created several official committees to investigate the killings; by year’s end, security force involvement had been acknowledged in 55 deaths during the February to April period. Of these, 39 were forwarded to prosecutors for submission to the courts, and the other 16 remained under investigation. The U.N. High Commissioner for Human Rights (UNHCR) requested that a special envoy visit the country; however, the Government refused the visit.

In August, several separatists were reportedly killed by police in the country’s southern provinces. In the past, when the Government investigated extrajudicial killings, it prosecuted few of the accused police or military officers. Senior prosecutors and NGO legal associations claimed that most cases against police or military officers accused of extrajudicial killings eventually were dismissed because regulations outlined in the Criminal Code requires public prosecutors to rely exclusively upon the recommendations of the police when determining whether to bring a case for criminal prosecution. The resulting routine exoneration of police officers contributed to a climate of impunity that persisted in preventing any major change in police behavior. It also discouraged relatives of victims from pressing for prosecution. Procedures for investigating suspicious deaths, including deaths occurring in police custody, required among other things, that the prosecutor, a forensic pathologist, and a local administrator participate in the investigation and that family members have legal representation at the inquests. However, these procedures often were not followed. Families rarely took advantage of a provision in the law that allows them to bring personal lawsuits against police officers for criminal action during arrest. There was no information available to determine how many cases were settled out of court. However, in cases in which suits were filed, the official charged often compensated the family of the deceased, and the lawsuit was waived. Compensation varied widely, from as low as \$3,490 (150,000 baht) to \$69,770 (3 million baht).

There were no developments in the 2002 killings in Chiang Rai, where police officers killed several civilians who were suspected of drug trafficking.

According to the Ministry of Interior’s Investigation and Legal Affairs Bureau, during the first 6 months of the year, 1,197 persons died in police custody (see Section 1.c.). Most of these deaths were attributed by the authorities to natural illness. During the year, detainees at the Muang Suratthani Police Station died in custody. The National Human Rights Commission investigated these cases and concluded that the detainees died as a result of injuries sustained when police beat them. However, according to the Law Society of Thailand, no action was taken against police officers in these cases. Instead, the victim’s cellmates were pending trial for the murder at year’s end. In January, an official from Muang Kanchanaburi Police Station was suspended from duty pending investigation for beating a detainee to death. At year’s end, an investigation into the case continued.

Investigations of 25 killings of political canvassers during the election campaigns leading up to the 2001 general election and the 2000 Senate elections remained open and unresolved at year’s end.

In 2002, at least 36 persons were killed by landmines in border areas. During the year, a civilian demining unit continued to survey and remove landmines from border areas.

b. Disappearance.—There were no reports of politically motivated disappearances.

The Government made little progress in its investigation of the 1991 disappearance of Labor Congress of Thailand President Thanong Po-an, and his whereabouts remained unknown at year’s end.

There were no developments in the disappearances of numerous persons following the February 2000 border clashes or in the disappearances of 38 missing protesters in May 2000.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The Constitution and the Criminal Code prohibit such practices; however, NGOs

and legal organizations continued to report that some members of the police occasionally beat suspects to coerce confessions. During the year, there were newspaper reports of numerous cases in which citizens accused police of brutality, threatening false charges, and extorting bribes. Investigations were undertaken in most of the cases, including several in which the accused police officers were suspended pending the result of the internal investigation.

On May 14, local officials allegedly beat and killed six Burmese laborers in Mae Sot. Following a police investigation, six local officials were arrested. They were released on bail during court proceedings. Their trial was ongoing at year's end (see Section 6.c.).

In September 2002, a female detainee at a Bangkok police station accused a police officer of raping her in custody. The officer was suspended from duty and detained without bail; the incident was investigated and forwarded to the public prosecutor where it remained under review. Reportedly, the victim and offender were negotiating an out-of-court settlement. In August 2002, the May 2001 case that accused a police officer of rape was decided. The Provincial Court sentenced the offender to 12 years imprisonment. The offender subsequently filed an appeal, but remained in prison at year's end.

There were no developments in the trial of three soldiers responsible for the 2002 alleged rape of two female refugees from Burma.

Corruption remained widespread among police officers. Police officials complained that low pay for members of the police force made them susceptible to bribes.

There were no reports of action taken against persons responsible for a train bombing committed in July 2002. At year's end, a court trial continued for the 36-year old Karen man accused in the June 2002 bus attack in Ratchaburi Province.

Prison conditions were poor and severely overcrowded but in general did not pose a serious threat to the life or health of inmates. The total prison population of approximately 212,620 inmates was housed in 182 prisons and detention centers, with a total design capacity of 100,000 prisoners. Sleeping accommodations and access to medical care remained areas of concern. Medical care in prisons was inadequate. The Corrections Department employed 7 full-time doctors and 7 full-time dentists. There were 6 part-time doctors and 107 full-time nurses supplemented the permanent medical staff. Prison authorities sometimes used solitary confinement to punish difficult prisoners. They also used heavy leg irons as a means of controlling and punishing prisoners. Unlike in previous years, there were no reports that prisoners captured in escape attempts were beaten severely.

Male and female prisoners in official detention centers and prisons were segregated. Juveniles were held separately in 34 of the 76 provinces, but they were tried in the same courts as adults (see Section 5). Men, women, and children often were held together in police station holding cells pending indictment.

Conditions in Bangkok's Suan Phlu Immigration Detention Center (IDC) improved during the year; however, conditions in nine provincial detention centers remained poor. Immigration detention facilities were administered by the Immigration Police Bureau, reporting to the Prime Minister's Office, and were not subject to many of the regulations that governed the regular prison system. There were credible reports of physical abuse of detainees by guards in some detention centers. Overcrowding remained a serious problem.

Access to prisons was not restricted, and the Government permitted visits by independent human rights observers and the International Committee of the Red Cross (ICRC).

d. Arbitrary Arrest, Detention, or Exile.—The Constitution prohibits arbitrary arrest and detention; however, government forces occasionally arrested and detained persons arbitrarily. Under the Constitution, persons must be informed of likely charges against them immediately after arrest and must be allowed to inform someone of their arrest. Detainees have a right to have a lawyer present during questioning, and the police generally respected this right in practice. Foreign prisoners sometimes were pressured to sign confessions without the benefit of a competent translator.

Corruption was a serious problem. Although the Government emphasized anti-corruption policies during the year, a culture of corruption persisted in many parts of the civilian bureaucracy and in some units of the security forces. There were reports that police tortured, beat, and otherwise abused detainees and prisoners, generally with impunity. However, the Government prosecuted a few offenders. During the year, the Royal Police reported an investigation of several hundred public complaints of various types leading in a significant number of cases to disciplinary action ranging from reprimands to dismissal but few resulted in arrests.

Some police officers were involved in prostitution and trafficking in women and children (see Sections 5 and 6.f.). In July, more than 50 police officers from Bangkok

Metropolitan police station were removed from active duty after allegations surfaced that police were accepting bribes and free prostitution services.

During the year, the Government enacted anti-terrorist legislation. Punishments for terrorist crimes ranged from fines to the death penalty; however, the Supreme Court's decision on whether the legislation was constitutional was pending at year's end.

Police are required to submit criminal cases to prosecutors for the filing of court charges within 48 hours of arrest; however, the law also allows an extension period of up to 3 days. Police also may seek court permission to hold suspects for additional periods (up to a maximum of 82 days for the most serious offenses) to conduct investigations. In addition, laws and regulations place any offense for which the maximum penalty is less than 3 years under the jurisdiction of the district courts, which have different procedures. In these cases, police are required to submit cases to public prosecutors within 72 hours of arrest. Lawyers reported that the police rarely brought their cases to court within the 48-hour period. There is a functioning bail system. On June 27, police raided a garment factory in Bangkok and detained 11 Burmese activists. The Burmese activists remained in a detention center on charges of immigration violation. By year's end, these activists received UNHCR persons of concern status and have been submitted to third countries for possible refugee resettlement (see Section 2.d.). As in previous years, several Burmese activists were arrested and generally held on immigration violation charges.

Approximately 12 percent of the total prison population were pretrial detainees. Pretrial detainees usually were not segregated from the general prison population. Pretrial detention of criminal suspects for up to 60 days was common. Some foreigners from countries without diplomatic representatives in the country faced trial delays of many months (see Section 1.c.).

Some corrupt police and soldiers were involved in prostitution and trafficking in women and children (see Sections 5 and 6.f.).

The Constitution prohibits forced exile and the Government did not use forced exile.

e. Denial of Fair Public Trial.—The Constitution provides for an independent judiciary; however, while the judiciary generally was regarded as independent, it was subject to corruption and influence.

The civilian judicial system has three levels of courts, as well as an independent Constitutional Court: Courts of first instance; courts of appeal; and the Supreme Court. A separate military court hears criminal and civil cases pertaining to military personnel as well as those brought during periods of martial law (last imposed in 1992). The Constitutional Court, charged with interpreting the Constitution, began operating in 1998. In August 2000, the courts became fully independent of the Ministry of Justice and responsible for their own administration and budget. Islamic (Shari'a) courts hear only civil cases concerning members of the Muslim minority. Access to courts or administrative bodies to seek redress is provided for and respected.

There is no trial by jury. A single judge decides trials for misdemeanors, and two or more judges are required for more serious cases. Trials often required years to complete because they ran sporadically, typically convening for a single day every few months. While most trials were public, the court may order a closed trial, particularly in cases involving national security, the Royal Family, children, or sexual abuse. Justices nominated to both the Constitutional Court and the Supreme Administrative Court must be confirmed by the Senate; judges at all other levels are career civil servants whose appointments are not subject to parliamentary review.

The Constitution provides for the presumption of innocence. Defendants tried in ordinary criminal courts enjoy a broad range of legal rights, including access to a lawyer of their choosing. A government program provided free legal advice to the poor, but indigent defendants were not provided with counsel at public expense automatically. The court was required to appoint an attorney in cases where the defendant was a minor and in cases where possible punishment was imprisonment. Most free legal aid came from private groups, including the Law Society of Thailand and the Thai Women Lawyers Association.

On September 25, the Civil Court ruled that the Royal Thai Police and homicide investigator pay a combined total of US \$450,000 (18 million baht) to two persons wrongfully convicted for the 1986 murder of a Thai-American woman. The Court found that the police and investigator had colluded to frame innocent persons.

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home or Correspondence.—With limited exceptions, the Constitution prohibits such actions, and the Government generally respected these prohibitions in practice. With a few exceptions, including

crimes in progress, the Constitution requires police to obtain a warrant from a court prior to conducting a search. In 2002, the Criminal Procedure Code was amended to standardize procedures for issuing warrants.

NGOs concerned with the welfare of ethnic highlander tribes reported that police and military units carried out several warrantless searches of villages for narcotics in northern provinces during the year. Such operations are permitted under both the Constitution and the Narcotics Prevention and Suppression Act of 1976 in cases in which there is reasonable suspicion and an urgent search is deemed necessary. However, some academic groups claimed that the searches were arbitrary and violated the villagers' civil rights.

No known action was taken against those responsible for the July 2002 harassment of an activist working to promote citizenship for hill tribe people.

Security services monitored persons, including foreign visitors, who espoused extremist or highly controversial views.

Section 2. Respect For Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution provides for freedom of speech and of the press, and the Government generally respected these rights in practice; however, incidents of harassment and intimidation of journalists continued to occur. Unlike in the previous year, there were no reports that government authorities expelled foreign journalists. The Government may restrict freedom of speech and freedom of the press to preserve national security, to maintain public order, to preserve the rights of others, to protect public morals, to prohibit criticism of the royal family, or to prevent insults to Buddhism.

The Constitution makes it unlawful for the Government to censor, ban, license, or restrict print or broadcast media, except by specific legislation in times of crisis. While newspapers and periodicals practiced some self-censorship, especially with regard to the monarchy and issues involving national security, media criticism of political parties, public figures, and the Government was common and vigorous.

Journalists generally were free to comment on governmental activities without fear of official reprisal, although there were attempts by the Government to curb journalists or publications perceived to be critical of government officials or their families.

During the year, there was one reported case of violence against a member of the press. In February, Surapong Ritthi, a reporter for the national newspaper Thai Rath, was killed by an unidentified gunman, allegedly in retribution for his reporting on illicit activities at a nightclub. No known official action had been taken in the case by year's end. The trial of four noncommissioned army officers arrested in connection with the April 2000 nonfatal shooting of the Editor in Chief of the Chiang Mai daily newspaper was ongoing at year's end.

Unlike in previous years, there were no reports that government agents revoked the visas of foreign journalists or confiscated newspapers or magazines.

During the year, the Police Special Branch did not issue any official warnings to publications for violations of the 1941 Printing and Advertisement Act such as disturbing the peace, interfering with public safety, and offending public morals. However, the Police Special Branch sent approximately 10 "letters of cooperation," asking the media to be cautious when reporting sensitive political or social issues. Although these "letters of cooperation" had no legal enforcement capacity, they may have inspired self-censorship.

The Printing and Advertisement Act permits police closure of newspapers or printing presses in times of war or national emergency, but only with a court order. No such closures occurred during the year. The Juridical Council approved the revocation of the act, but final revocation awaits approval by the Council of State.

The law allows police to restrict or to confiscate printed publications and other materials deemed obscene; the interpretation generally was limited to hardcore pornographic material.

Domestic publications continued to present a wide range of political and social commentary. Unless critical of the Royal Family or the Monarchy, foreign and domestic books normally were not censored and circulated freely. Police had the authority to ban the importation of publications but generally did not exercise it.

Radio and television stations enjoy the same constitutional protections of freedom of expression and freedom of speech as the print media. The Government licenses all radio and television stations, and most are operated under the direct or indirect oversight of the Government or the armed forces. Radio and television station profits are retained by organizations that control frequencies, such as government ministries, universities, and the military services.

Ownership of media outlets by governmental and quasi-governmental entities undermined freedom of press provisions several times during the year. In March, the

Independent News Network (INN) radio broadcast was temporarily canceled after the network aired the Deputy Prime Minister's criticisms of the administration. In response to public protests, the Government restored the broadcast and claimed that INN's failure to renew their broadcast license was the reason for the temporary closure.

For example, one cable television channel that was owned by the Nation Multimedia Group and operated exclusively on cable television network and was marginalized. Opposition parties were unable to gain access to state-owned television; however, some opposition party statements and positions were reported on the news programs of state-owned television, particularly when voiced by members of Parliament.

The 1997 Constitution contains reform provisions calling for fewer restrictions on broadcast media and the establishment of an independent National Broadcasting Commission (NBC) to oversee frequency management. The seven Commission members were expected to be selected from four broad categories: the Government, broadcasting, NGOs, and universities. However, the actual selection did not meet these goals, and a lawsuit was filed in the Administrative Court. In March, the Supreme Court ruled in favor of the plaintiff and ordered the rejection of all National Broadcast Commission (NBC)-proposed candidates. On appeal in March the Supreme Court nullified the NBC candidates. No other candidates had been chosen by year's end. The NBC was to be authorized to redistribute frequencies previously controlled by the Government to eligible organizations or individuals in the country. The media criticized the proposed implementation regulations, arguing that they contained broad censorship powers and allowed the Government to retain a large number of its frequencies.

Repeated delays in the implementation of broadcast media reforms contained in the 1997 Constitution resulted in attempts by some community radio broadcasters to establish their own small studios and transmitters. Because current broadcast regulations restrict radio frequencies to government entities, these independent community radio stations technically were illegal. At year's end, 140 independent community radio broadcast stations remained in operation. A state community radio policy was created during the year to resolve conflicts and frequency disputes. The community radio policy also allowed for the stations to continue "illegal" operations until the present laws and regulations were amended. Pending the establishment of the NBC, the Thai Broadcast Journalists and the Thai Media Association created the Thai Broadcast Federation. The Federation was not granted the authority to assign frequencies reserved for the National Broadcast Commission.

The military services retained 265 radio and television frequencies ostensibly for national security purposes, despite assurances by the civil authorities that the military services may use all broadcasting frequencies in the event of a national emergency without the need to own them.

Radio stations must renew their licenses every year, and their signals were broadcast via government transmitters. They are required by law to broadcast government-produced newscasts twice daily, 30 minutes each in the morning and evening.

There was one independent, noncable television station, Independent Television (ITV); its managing shareholder was Shin Corporation, which was owned by the Prime Minister's family. ITV's Programmers generally were free to determine the nature and content of broadcasts. Stations occasionally censored or "blacked out" portions of programming that they deemed politically sensitive or pornographic. Such self-censorship was more common at state-controlled stations.

A censorship board existed as part of the office of the Prime Minister; however, it rarely formally restricted television or radio broadcasts. It advised broadcasters either verbally or by letter of specific programs deemed inappropriate or offensive, and advised the programmer to be more careful in the future. In February, the international wire service, Agence France-Press, reported receiving a letter from the Government after publishing an article critical of the Prime Minister.

Under the 1930 Film Act, theater owners and broadcasters must submit films that they plan to show to the film censorship board for review. The board is composed of officials representing the Ministry of Education, the Ministry of University Affairs, the military, the Department of Religious Affairs, and the Ministry of Foreign Affairs. The board may ban films if its requirements that portions of the film be removed are not met. Reasons for censoring films include violating moral and cultural norms and disturbing the public order and national security. Theater owners and broadcasters frequently censor films themselves before submitting them to the board. According to the office of the Film Censorship Board, of the 230 films submitted for review in 2002, 1 was banned.

Activity on the Internet remained unregulated. There have been no reports of the Government censoring or blocking Internet websites that it deemed undesirable. As

of the end of the year, according to the National Electronics and Computer Technology Center, an estimated 6 million persons used the Internet.

The Government did not restrict academic freedom.

b. Freedom of Peaceful Assembly and Association.—The Constitution provides for the right of peaceful assembly, and the Government generally respected this right in practice. Permits are not required for private meetings or gatherings unless held on public property or organized by foreign nationals; these are granted routinely.

There were no reports that security forces forcibly disrupted demonstrations during the year. However, prior to the October APEC meetings in Bangkok, the Government threatened to withhold future government funding from NGOs and other groups that protested during the meetings. The Government denied entry visas to some members of Falun Gong as well as non-Thai individuals and organizations known for anti-globalization views. However, during the APEC meetings, a number of peaceful demonstrations took place in Bangkok at a distance from the meeting sites. Police forcibly dispersed several demonstrations during 2002. For example, in December 2002, dozens of protesters and police officers were injured during a protest in Hat Yai against building the Thai-Malaysia pipeline. The National Human Rights Commission opened an inquiry panel and released a report that found the Government had used excessive force to disperse the demonstrators. No further action reportedly was taken against members of the security forces who forcibly dispersed demonstrations in 2002 and 2001.

The Constitution provides for freedom of association, and the Government generally respected this right in practice. Private associations must register with the Government; such registration was approved routinely.

c. Freedom of Religion.—The law provides for freedom of religion, and the Government generally respected this right in practice; however, it restricted the activities of some groups. The Constitution requires that the monarch be a Buddhist. The state religion is in effect Theravada Buddhism; however, it is not designated as such.

The Government played an active role in religious affairs. The Religious Affairs Department (RAD), which is located in the Ministry of Education, registered religious organizations. To register a religious organization first was required to be accepted into an officially recognized ecclesiastical group. There were seven such groups, including one each for Buddhists, Muslims, and Catholics, and four for Protestant denominations. Government registration conferred some benefits, including access to state subsidies, tax-exempt status, and preferential allocation of resident visas for organization officials. Although some activities of groups that were not accepted into one of the existing recognized groups were restricted, in general, unregistered religious organizations operated freely. There were no reports of the extortion of unregistered groups by local officials during the year.

Under the provisions of the Religious Organizations Act, a new religion was recognized if a national census shows that it has at least 5,000 adherents, a uniquely recognizable theology, and is not active politically. However, since 1984, the Government has maintained a policy of not recognizing any new religious faiths. This restricted the activities of some groups that were not accepted into one of the existing religious governing bodies on doctrinal or other grounds.

The Constitution requires the Government “to patronize and protect Buddhism and other religions.” The Government subsidized the activities of the two largest religious communities (Buddhist and Islamic). The total state budget for Buddhism education, ethics, and morality courses was \$21.2 million (850 million baht); the budget for Islamic ethics and morality courses was \$300,000 (12.9 million baht). These funds supported Buddhist and Muslim institutes of higher education, religious education programs in public and private schools, daily allowances for monks and Muslim clerics who held administrative and senior ecclesiastical posts, and subsidized travel and healthcare for monks and Muslim clerics. This figure also included an annual budget for the renovation and repair of Buddhist temples and Muslim mosques, the maintenance of historic Buddhist sites, and the daily upkeep of the Central Mosque in Pattani.

The Government provided funding to Christian organizations to support social welfare projects. Catholic and Protestant churches may request government support for renovation and repair work but did not receive a regular budget to maintain church buildings nor did they receive government assistance to support their clergy. The Government considered donations made to maintain Buddhist, Muslim, or Christian buildings to be tax-free income; contributions for these purposes were also tax-deductible for private donors.

Religious instruction was required in public schools at both the primary (grades 1 through 6) and secondary (grades 7 through 12) education levels. Instruction was limited to Buddhism and Islam.

The Government permitted foreign missionary groups to work freely throughout the country, although it also maintained policies that favored proselytizing by citizens. The number of foreign missionaries officially registered with the Government was limited to a quota that originally was established by the RAD in 1982. The quota was divided along both religious and denominational lines, but religious organizations reported that unregistered missionaries were able to proselytize during the year. Activities of Muslim professors and clerics were subjected disproportionately to scrutiny on national security grounds because of continued government concern about the resurgence of Muslim separatist activities in the south.

Muslims, who represented between 5 and 10 percent of the country's population nationwide and constituted the majority in four of the five southernmost provinces that border Malaysia, also experienced some economic discrimination. The Government continued to address the problem by maintaining longstanding policies designed to integrate Muslim communities into society through developmental efforts and expanded educational opportunities.

Muslim female civil servants were not permitted to wear headscarves when dressed in civil servant uniforms. Muslim female civil servants who were not required to wear uniforms were allowed to wear headscarves. In practice, most female civil servants were permitted by their supervisors to wear headscarves if they wished to do so, particularly in the country's southernmost provinces.

Women were not permitted to be ordained as monks. In addition, many religious schools only accepted males (see Section 5).

Laws prohibiting speech likely to insult Buddhism remained in place. The police have authority under the law to issue written warnings or orders suspending the publication or distribution of printed materials considered offensive to public morals; however, they did not use it to restrict the publication or distribution of religious literature during the year.

For a more detailed discussion, see the 2003 International Religious Freedom Report.

d. Freedom of Movement within the Country, Foreign Travel, Emigration, and Repatriation.—The Constitution provides for the right of citizens to change their residence or workplace, and authorities generally respected this right in practice; however, there were some exceptions. Longstanding written restrictions on the travel and domicile of certain Vietnamese resident aliens who immigrated to the country in 1945 and 1946, and Chinese who immigrated between 1953 and 1961, remained in place. In addition, other longtime noncitizen residents, including hundreds of thousands of ethnic Shan and tens of thousands of other tribal members, officially are required to seek permission from local authorities or the army for foreign and domestic travel. Registered resident aliens moved freely within the country.

According to an unconfirmed international press report, the Government continued to monitor the movements of Tibetan and democracy activists, as well as members of the Falun Gong.

In August, the Government limited the sectors and provinces in which migrant workers may hold jobs. The Government deported hundreds of thousands of illegal migrant workers and families during the year. However, NGOs and the International Organization for Migration (IOM) reported that a large number of those deported later returned to the country (see Section 6.e.).

The Government did not extend displaced person status to the large number of members of the Shan ethnic minority who crossed the border fleeing the effects of forced relocation, other human rights violations, and sporadic fighting in Shan State, Burma. However, in May 2002, the Government granted temporary shelter to approximately 450 Shan who fled fighting in Burma across the border from Chiang Mai Province. In 2002, the Government announced plans to repatriate the group. The Government later delayed the repatriation following an appeal by NGOs. No effort was made by the Government to repatriate the group, and local civilian and military authorities said they would be allowed to stay as long as their home districts in Burma were unsafe to return to.

The law does not provide for the granting of asylum or refugee status to persons who meet the definition of the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol; however, the Government cooperated with the U.N. High Commissioner for Refugees (UNHCR) and other humanitarian organizations in assisting refugees. During the year, the Government continued to provide temporary protection to a small number of Lao asylum seekers and many Burmese. The Government continued to allow the U.N. High Commissioner for Refugees (UNHCR) to monitor and provide protection to 140,000 Burmese refugees designated by the Gov-

ernment and the UNHCR as “persons of concern” living in nine camps along the frontier with Burma. However, the Government prohibited the UNHCR from maintaining a permanent presence in the border camps and officially registering new refugees.

Along the border with Burma, the Government generally followed its policy of providing temporary protection to new displaced arrivals. In 1999, provincial screening committees were established to determine eligibility to enter the refugee border camps based upon very narrow criteria, limited to those who flee actual fighting rather than on broader grounds of persecution on the basis of race, religion, ethnic group, social class, or political opinion. However, Ministry of Interior officials in the border provinces opted not to convene new boards during the year or in 2002, causing the unregistered population in the refugee camps to increase substantially.

In October, the Government informed the staff of a renowned health clinic on the Thai-Burma border that its staff did not qualify for work permits due to changes in available visa categories. Dr. Cynthia Maung and her 100-person staff had tended to the medical needs of Burmese refugees living in the country. At year’s end, the Government allowed the clinic to remain open without harassment or impediment. In 2002, the Maneeloy Burmese Center located in Ratchaburi Province and which housed Burmese “student” refugees, was closed and the residual population was transferred to the Tham Hin refugee camp located near the border with Burma. Tham Hin housed more than 9,300 persons from Burma, mostly Karen. Another section was created to receive the Maneeloy residual population.

The Government continued to allow NGOs to provide food, medical services, housing, and other services to Burmese refugees near the border. However, the Government did not allow NGOs to aid ethnic Shan refugees. Government officials periodically arrested Burmese outside designated camps as illegal aliens, including some recognized as “persons of concern” by the UNHCR. Those arrested generally were taken to the border and released, without being turned over to Burmese authorities.

The Government maintained a watchlist of persons who were not permitted entry into the country.

Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government

The Constitution provides for the right of citizens to choose or change their government peacefully through free and fair elections based on universal suffrage. The country is a democratically governed constitutional monarchy.

Since 1992 there have been five national multiparty elections, which transferred power to successive governments through peaceful, democratic processes. The King exerts strong informal influence but never has used his constitutionally mandated power to veto legislation or dissolve the elected bicameral Parliament. Voting is compulsory. Eligible voters who fail to exercise their voting responsibilities, except for those excused, are subject to the loss of certain rights, including the right to be a candidate in future elections. However, the Constitution prohibits Buddhist monks and nuns from seeking public office. Parliamentary elections were held in January 2001. The election process generally was viewed as free and fair; however, it was marred by widespread vote buying, a recurrent problem. Exercising its constitutional mandate to prevent election fraud, the Election Commission dismissed polling results and held a total of 5 rounds of revotes in 72 constituencies due to “election irregularities.” There also were 25 killings of political canvassers during the campaign leading up to the 2001 elections, at least some of which were motivated politically (see Section 1.a.). In February 2001, the coalition Government of Prime Minister Thaksin Shinawatra’s Thai Rak Thai Party was formed.

In 2000, the first directly elected Senate took office. The Senate election required multiple rounds of voting for some districts because the Election Commission voided some results due to irregularities such as evidence of vote buying. The Constitutional Court ruled that the Election Commission could disqualify a candidate who the Commission found guilty of electoral irregularities.

There are no laws limiting the participation of women or minorities in political life. There were 45 women among the 499 members of the House of Representatives, and 20 women in the 200 member Senate. There were 3 women in the 35 member Cabinet. Although half of civil service employees were women, only 15 percent held senior civil service positions. Few ethnic minorities hold positions of authority in national politics. Muslims from the south hold significant elected positions, although they continued to be underrepresented in appointed local and provincial government positions. There were 8 Muslim and 2 Christian Senators; 22 Muslim and 2 Christian Members of House of Representatives. Two Members of Parliament were hill tribesmen.

Noncitizen members of hill tribes were barred from participating in the political process (see Section 5).

Section 4. Governmental Attitudes Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A wide variety of domestic and international human rights organizations generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials often were cooperative and responsive to their views. Several international organizations have a permanent presence in the country, including the ICRC and the U.N. However, NGOs that dealt with sensitive political issues, such as the Burmese democracy movement, faced increased harassment.

Very few NGOs were accorded tax-exempt status, and this sometimes hampered the ability of domestic human rights organizations to secure adequate funding.

Unlike in the previous year, there were no reports that security forces raided the offices of NGOs working to promote democracy in Burma.

The National Human Rights Commission (NHRC) was active during the year. It operated as a separate government entity to prepare an annual evaluation of the human rights situation for the National Assembly, to propose policies and recommendations for amending laws to the National Assembly, to promote measures to educate citizens on human rights, and to investigate human rights abuses. Although the NHRC received over 300 petitions during its first year in existence, modest staffing and resources, as well as the lack of power to prosecute or to punish violators, hampered its ability to carry out its mandate. The Prime Minister severely criticized one NHRC member for drawing international attention to apparent human rights violations stemming from his anti-narcotics campaign.

Section 5. Discrimination Based on Race, Sex, Disability, Language, or Social Status

The spread of HIV/AIDS was estimated to have infected approximately 1.8 percent of the population. The Government took measures during the year to improve its support of persons living with HIV/AIDS. For example, the Government has provided funds to HIV/AIDS support groups, continued public debate at the highest levels of political leadership, sustained public education and media campaign to alter unsafe behavior; started effective pilot projects to help lead policy, and included of all segments of society in the fight against the transmission of the disease.

The Constitution provides for equal treatment under the law without respect to race, sex, religion, disability, language, or social status; however, in practice, some discrimination existed, and government enforcement of equal protection statutes was uneven.

Women.—Domestic violence against women was a significant problem; reliable reports indicated that domestic abuse occurred across all social classes. Specific laws concerning domestic violence have not been enacted. Police did not enforce laws against such violence vigorously, and domestic violence often went unreported, and the police often were reluctant to pursue reports of domestic violence. NGO-supported programs designed to aid victims included emergency hotlines, temporary shelters, counseling services, and a television program designed to increase awareness of domestic violence, HIV/AIDS, and other issues involving women. The Government's "one-stop" crisis centers, located in state-run hospitals, continued to care for abused women and children, but faced budget difficulties.

Rape is illegal. However, a husband may not be prosecuted for spousal rape. According to academics and women's rights activists, rapes and domestic assaults were underreported, in part because law enforcement agencies widely were perceived to be incapable of bringing perpetrators to justice. Police sought to change this perception and encouraged women to report sexual crimes through the use of teams of female police officers that operate in metropolitan Bangkok police stations and in three other provinces.

Prostitution is illegal but it flourished. Prostitution often was protected by local officials with a commercial interest in it (see Sections 1.c. and 6.f.). Trafficking in women and children for prostitution was a serious problem (see Section 6.f.). Government and NGO estimates of the number of women and children engaged in prostitution varied widely. Many NGOs and government departments reported a figure of 200,000 persons, which was considered conservative. The Commission on Women's Affairs estimated that in 2000, approximately 20 percent of prostitutes were children. There were reports that women were forced into prostitution in border areas, but the number of such cases was difficult to determine. The majority of prostitutes were not kept under physical constraint, but a large number worked under debt bondage (see Sections 6.f.). The Prostitution Prevention and Suppression Act makes child prostitution illegal and states that customers who patronize child pros-

titutes are subject to criminal sanctions. Parents who allow a child to enter the trade also are subject to criminal sanctions. There were three arrests and no prosecutions during the year for parents who allowed a child to enter the trade. NGOs and government agencies provided shelter, rehabilitation, and reintegration programs for children and women involved in the sex industry.

Sex tourism was a problem (see Section 6.f.).

The Labor Protection Act makes sexual harassment illegal, but covered only persons working in the formal private sector. NGOs claimed that the legal definition of harassment in the 1998 Labor Protection Act was vague and that such ambiguity made the prosecution of harassment claims difficult. No sexual harassment cases were prosecuted under the law during the year. However, in 2002, a female journalist accused a senior political figure of sexual harassment. The politician in turn filed a libel lawsuit against her newspaper. The case was pending at year's end. Extensive media coverage of the case suggested that public awareness of the issue was increasing.

The Constitution provides for the equality of all citizens; however, some inequalities in the law remained. For example, marriage and family laws discriminate against women. A man may sue for divorce on the grounds that his wife committed adultery, but a woman faces the additional legal burden of proving that her husband has acknowledged publicly another woman as his wife.

Women had equal access to higher education, and more than half of the year's university graduates were women. However, police and military academies (except for the nursing academy) did not accept female students, although a significant number of instructors at the military academies were women. Women constituted 48 percent of the labor force and held an increasing share of professional positions. Women also were able to own and manage businesses freely. Government regulations require employers to pay equal wages and benefits for equal work, regardless of gender. Nonetheless, discrimination in hiring was common, and there was a significant gap between the average salaries earned by men and women because women were concentrated in lower paying jobs. In practice, women also received lower pay for equal work in virtually all sectors of the economy. A 2001 Ministry of Labor survey revealed that on average, men earned 17 percent more than women.

The National Human Rights Commission Act specifies that at least one-third of the members of the NHRC be women; during the year, 5 of the 11 commissioners were women. The Women and Constitution Network, a league of 52 women's organizations, advocated legal reforms to address inequities in the treatment of women. It continued to play an important role in securing the inclusion of gender-equality clauses in legislation that created new government organizations mandated by the 1997 Constitution.

Children.—The Constitution provides children equal protection under the law. Education was compulsory and free through grade 9. In general, girls and boys attended primary and secondary schools in equal numbers. However, an estimated 96 percent of children completed grade 6, and 48 percent completed grade 12. The National Budget for Protection of Right of Individuals, Families, Groups, and Communities budget allocated \$3.7 billion (148 billion baht) for education during the year. Young girls were barred from religious schools, which were often the only form of education for impoverished children.

Although there were 52 Juvenile Observation and Protection Centers nationwide, children were tried in the same courts as adults and detained with adults in some regions of the country (see Section 1.e.).

The Criminal Code provides for the protection of children from abuse, and laws on rape and abandonment provide for harsher penalties if the victim is a child. During the year, police were reluctant to investigate abuse cases, and rules of evidence made prosecution of child abuse cases difficult. Legislation designed to protect witnesses, victims, and offenders under the age of 18 was in effect. The procedures allow children to testify on videotape in private surroundings in the presence of a psychologist, a psychiatrist, or another social worker with a judge's consent. Persons charged with pedophilia are charged under appropriate age of consent and prostitution laws. Victims' testimony is handled under the provisions of the Child Friendly Procedure Act.

Trafficking in children, including for commercial sexual exploitation, remained a serious problem (see Section 6.f.). Pedophilia, both by citizens and by foreign sex tourists, continued. The Government, university researchers, and NGOs estimated that there were as many as 30,000 to 40,000 prostitutes under 18 years of age not including foreign migrants. The Prostitution Prevention and Suppression Act of 1996 made child prostitution illegal and provided for criminal punishment for those who use child prostitutes. Parents who allow a child to enter the trade also are punishable. However, custom and tradition made it rare that children accused their par-

ents in court proceedings. Despite press reports detailing a number of such cases, only three arrests occurred. These cases were still under police investigation at year's end.

Child labor remained a problem (see Section 6.d.).

There were approximately 20,000 street children in major urban centers of the country; however, the figures were difficult to estimate. Many were thought to come from neighboring countries, including Cambodia and Burma. Although Bangkok authorities attempted to provide shelters, resources were inadequate and many of the children reportedly avoided the shelters for fear of being detained and expelled from the country.

There were many local NGOs that worked to promote children's rights in the country. Employers' organizations, such as the Employer's Confederation of Thailand, also were involved in child labor issues. These organizations received good working support from the Government.

Persons with Disabilities.—The Constitution provides for access to public facilities and prohibits employment and education discrimination against persons with disabilities; however, the Government did not enforce these laws effectively.

In 2002, the Constitutional Court upheld a judicial personnel law blocking persons with physical disabilities from becoming judges. The case was brought to the highest court after two persons with physical disabilities were denied the right to sit for the examination to become judicial officials. The Constitutional Court ruled that the personnel law does not contravene the Constitution, which proscribes unjust discrimination against a person on the grounds of physical or health conditions. At year's end, activists were appealing to Parliament to amend laws that allowed employment discrimination against persons with disabilities. One judge and approximately five state prosecutors in office at year's end were persons with disabilities.

The Government did provide 5-year interest-free small business loans for persons with disabilities. At year's end, 28,000 persons with disabilities had been granted these loans totaling \$13.6 million (545 million baht).

During the year, an estimated 222,522 children with disabilities attended school. The Government reported that 12,571 students were enrolled in one of the 43 special schools for students with disabilities; the remaining were enrolled in regular public schools. Nationwide, there were 9 government-operated and 16 NGO-operated training centers for persons with disabilities. However, with little education, very few adults with disabilities were able to find employment. Many of those who did find employment were subjected to wage discrimination. The law requires that private firms hire 1 person with a disability for every 200 other workers or contribute to a fund that benefits persons with disabilities, but this provision has not been enforced since it came into effect in 1991. Government officials estimated that between 20 and 30 percent of firms disregarded the law. Some state enterprises had discriminatory hiring policies.

The Constitution mandates access to public buildings for persons with disabilities, but laws implementing the provisions have not yet been enacted. The 1999 regulation that makes compliance mandatory was not enforced during the year. Persons with disabilities who register with the Government are entitled to free medical examinations, wheelchairs, and crutches.

Indigenous People.—Members of hill tribes without proper documentation, who accounted for approximately half of the estimated 1 million members of hill tribes, still faced restrictions on their movement, may not own land, and were not protected by labor laws, including minimum wage requirements. The law provides that citizenship is not automatically granted to children born to persons living illegally or without status in the country. However, citizenship legislation passed after the 1997 Constitution provided for expedited naturalization for persons whose families had been in the country for several generations, arrived before 1982 and could meet certain citizenship tests, including literacy in the country's language. After an initial wave of successful citizenship applications in the late 1990s, the process slowed. Approximately half of the potentially eligible candidates for naturalization have received citizenship since the law was enacted. The lack of citizenship can make hill tribe persons vulnerable to other abuses and exploitation such as trafficking (see Section 6.f.). They sometimes were denied adequate education and health care. Those residing in national parks or wildlife sanctuaries were subject to eviction. As noncitizen residents, they also were barred from participating in the political process (see Section 3).

In 2000, the Ministry Of Interior (MOI) redefined the category of hill tribe residents eligible for citizenship to include previously undocumented tribal persons, now collectively called "highlanders." The definition includes persons who formerly were

defined either as indigenous or migrants. The regulations were supposed to ease the requirements to establish citizenship by allowing a wider range of evidence, including testimony from references, and empowering local officials to decide cases. However, activists reported that widespread corruption and inefficiency at all levels, including among highland village headmen and government officials, caused the Government to miss the initial deadline for citizenship processing for certain groups of resident alien hill tribe members.

In 2002, the MOI revoked the citizenship of 1,243 persons in Mae Ai district, Chiang Mai Province. Government officials claimed that irregularities in the issuance of their identification documents invalidated their claim to citizenship. NGOs petitioned the Government to review each case on an individual basis to avoid penalizing persons entitled to citizenship. Several individuals had successfully regained their citizenship after proving their parents were Thai. DNA testing to prove Thai family relations was ongoing at year's end as more individuals tried to regain their citizenship.

Societal discrimination against hill tribe members, arising from widely held beliefs that they were involved in drug trafficking and environmental degradation, continued. Hill tribes occasionally were subjected to indiscriminate searches of villages for illegal drugs (see Sections 1.a. and 1.f.). There were credible reports that the Government seized the land in hill tribe areas. There were several allegations of mistreatment and abuse by the Third Army's Pha Muang Task Force, which jointly administers the hill tribe drug detoxification program with the Ministry of Public Health, the police, and the Ministry of the Interior. In Chiang Rai, provincial authorities required all drug addicts to register with village committees and to join the program. Those who registered were granted immunity from prosecution. The program was aimed at separating drug addicts from the traffickers. The army publicly acknowledged mistreatment occurred and promised to punish those found responsible for such abuses (see Section 1.a.).

National/Racial/Ethnic Minorities.—Unlike in previous years, there were no reports of persons in the Sino-Thai population that faced discrimination; however, Chinese Kuomintang and children of Vietnamese immigrants who resided in 5 northeastern provinces lived under a set of law and regulations that could have restricted their movement, residence, education, and occupation.

Section 6. Worker Rights

a. The Right of Association.—The law allows all private sector workers to form and join trade unions of their choosing without prior authorization; however, the law does not explicitly protect workers who participated in organizing unions that were not registered officially from discrimination. Union leaders reported that employers often discriminated against workers seeking to organize unions. During the year, employers used loopholes in the Labor Relations Act to fire union leaders prior to government certification of unions. Certified union executive committee leaders were also fired in contravention of Ministry of Labor regulations. Some alleged that this tactic was used in order to counter active workplace unions.

Less than 2 percent of the total work force, but nearly 11 percent of industrial workers and over 50 percent of state enterprise workers, were unionized. Cultural traditions, unfamiliarity with the concept of industrial relations, efforts by the Government to diminish union cohesiveness, and the majority share of total employment that is in the agricultural and informal sectors often were cited as reasons for low rates of labor organization.

State enterprise unions did not have the right to join private sector federations. However, unofficial contacts between public and private sector unions continued, and the Government did not interfere with these relationships.

Some corrupt private sector union leaders were exploited by politicians or employers, but public unions generally operated independently of the Government and other organizations. Internal conflicts, corruption, and a lack of influential leadership continued to weaken the labor movement.

Unions were free to associate internationally with other trade union organizations, and they maintained a wide variety of such affiliations.

b. The Right to Organize and Bargain Collectively.—The law provides for the right of private sector workers to organize and bargain collectively; however, the Government's response to violators of this law was weak. The Labor Relations Act defines the mechanisms for collective bargaining and for government assisted conciliation and arbitration in cases under dispute. In practice, genuine collective bargaining occurred only in a small fraction of workplaces and in most instances continued to be characterized by a lack of sophistication on the part of worker groups and autocratic attitudes on the part of employers. Wage increases for most workers came as a result of increases in the minimum wage, rather than as a result of collective bar-

gaining. The process of setting minimum wages locally through provincial tripartite committees may further limit union influence; many of these provincial committees excluded labor representatives and placed factory managers on the wage committees to represent worker interests. The Government sets wages for both civil servants and state-enterprise employees under the 2000 State Enterprise Labor Relations Act (SELRA) (see Section 6.e.).

The Government has the authority to restrict private sector strikes that would affect national security or cause severe negative repercussions for the population at large; however, it seldom invoked this provision and did not do so during the year. Labor law also forbids strikes in “essential services,” which is defined much more broadly than in the International Labor Organization criteria, and includes sectors such as telecommunications, electricity, water supply, and public transportation as essential services. The law also prohibits termination of employment of legal strikers; however, some employers used unfavorable work assignments and reductions in work hours and bonuses to punish strikers. SELRA provides public sector employees in state enterprises the same rights to organize as exist in the private sector. SELRA prohibits lockouts by employers and strikes by state-enterprise workers. No strikes were disapproved during the year, and four legal strikes were held. There were 17 illegal strikes involving 6,290 workers during the year.

The law prohibits antiunion actions by employers; however, it also requires that union committee members be full-time employees of the company, which makes them vulnerable to employers seeking to discipline workers who serve as union officials or who attempt to form unions.

A system of labor courts exercises judicial review over most aspects of labor law for the private sector. Workers also may seek redress for grievances through the Tripartite Labor Relations Committee. Redress of grievances for state-enterprise workers is handled by the State Enterprise Relations Committee. Labor leaders generally were satisfied with the treatment that their concerns received in these forums, although they complained that union leaders who were dismissed unjustly usually were awarded only back wages with no punitive sanctions against the employer.

No separate labor legislation applied in the nine export processing zones, in which wages and working conditions often were better than national norms because of the preponderance of foreign based multinational firms.

c. Prohibition of Forced or Bonded Labor.—The Constitution prohibits forced or bonded labor, including by children, except in the case of national emergency, war, or martial law; however, the Government was unable to enforce these provisions effectively in the informal sector. During the year, there were reports of sweatshops in which employers prevented workers (primarily foreign migrants) from leaving the premises. There were no estimates of the number of such sweatshops, but the growing number of illegal aliens from Burma, Cambodia, and Laos increased the opportunities for such abuse. NGOs and the ILO reported thousands of underage boys and girls were brought into the country for labor on farms, in sweatshops, and very young children were used to work in street begging gangs.

d. Status of Child Labor Practices and Minimum Age for Employment.—The legal minimum age for employment is 15 years. The law permits the employment of children between the ages of 15 and 18 only in “light work,” where the lifting of heavy loads and exposure to toxic materials or dangerous equipment or situations is restricted. The employment of children at night (from 10p.m. to 6a.m.), or in places in which alcohol is served, is prohibited by law. It was estimated that approximately 1 million children nationwide worked on family farms. NGOs reported that 2 to 4 percent of children between the ages of 6 and 14 years worked illegally in urban areas; such children were at risk of becoming victims of other abuses of labor laws. Most underage workers in urban areas worked in the service sector, primarily at gasoline stations and restaurants. Child labor was not evident in larger foreign-owned or domestic export-oriented factories. However, there was no comprehensive survey of child labor in smaller enterprises, since NGOs did not have access to shop house factories. A 2002 survey by the National Statistics Office reported 10,728 children were employed in domestic work. NGOs reported child domestic workers were predominantly foreign, migrating from Burma, Cambodia, and Laos. Most were in the country illegally, increasing their vulnerability to exploitation. Minimum wage and age provisions of the 1998 Labor Protection Act do not apply to domestic workers, some of whom were believed to be under 15 years of age.

There were no further developments in the case of the July 2002 beating and burning death of a child domestic worker from Burma.

During the year, the Ministry of Labor employed 659 full-time inspection officers. Enforcement of child labor laws was not rigorous, and inspectors usually responded only to specific public complaints, reports of absences by teachers, or reports in

newspapers. Their inclination when dealing with violators was to negotiate promises of better future behavior, rather than to seek prosecution and punishment. Inspection of private homes to monitor the welfare of child domestic workers was hampered by the legal requirement to obtain a warrant. In August 1999, the Government attempted to address the problem of child labor by promulgating the National Education Act. The act raised the compulsory educational requirement from 6 years to 9 years of age, and offers 12 years of free education. Enforcement of the new provisions began in August 2002 (see Section 5). Observers reported their belief that the problem of child labor in industry diminished due to enforcement of recent laws and increased public scrutiny, as well as demographic changes resulting in fewer Thai children in the population. However, according to local NGOs and the ILO, the problem of street children (often foreign) working as beggars for organized gangs appeared to be increasing (see Section 6.c.).

The Ministry of Education provided various scholarships to approximately 6 percent of the country's primary students to allow them to remain in school. Lunch programs, tuition assistance for poor rural students, and scholarships for girls at risk were included. Approximately 60,000 volunteers, comprised of community leaders, parents, and teachers were appointed in villages to address child labor problems at the grassroots level.

The Labor Protection Act codifies the worst forms of child labor. Although not all child domestic workers fell under the worst forms, many were at risk due to their age, gender (predominantly female), legal status, and working conditions.

The law specifically prohibits forced or bonded labor by children; however, forced child labor was a problem (see Section 6.c.). There were several incidents during the year when children from foreign countries were found in indentured servitude in sweatshop facilities, and the incidence of children begging or selling flowers on urban streets appeared to be increasing. NGOs reported Cambodian and Burmese boys were impressed onto commercial fishing boats under debt bondage arrangements; safety conditions on the vessels were poor. Child domestic workers, primarily young girls, were also found in indentured servitude.

e. Acceptable Conditions of Work.—The minimum wage ranged from \$3.32 to \$4.20 (133 baht to 168 baht) per day, depending on the cost of living in various provinces. Minimum wages were set by provincial committees that sometimes included only employer representatives. This wage was not adequate to provide a decent standard of living for a worker and family. With extended family members' financial contributions, the minimum wage provided the basis for a marginally adequate overall standard of living. The Ministry of Labor is responsible for ensuring that employers adhere to minimum wage requirements (applicable to the formal sector); however, nationwide, academics estimated one-third of formal sector workers received less than the minimum wage, especially those in rural provinces. Despite encouragement of employees to report violations to labor inspectors, the enforcement of minimum-wage laws was mixed. Many labor laws, including the minimum wage law, do not apply to undocumented workers, primarily hill tribe members and illegal aliens. Unskilled migrant workers often worked for wages that were significantly lower than the minimum wage. An attempt to provide minimum wage protection to 580,000 migrants who registered in 2001 largely failed due to weak enforcement.

The Government mandated a uniform maximum workweek of 48 hours, with a limit on overtime of 35 hours per week. Employees engaged in "dangerous" work, such as in the chemical, mining, or other industries involving heavy machinery, legally may work a maximum of 35 hours per week. The petrochemical industry is excluded from these regulations.

Working conditions varied widely. The rate of injury from industrial accidents remained relatively constant over the last 10 years at 4.5 percent of the total work force. The Ministry of Labor stated that the average annual rate of work-related deaths was 15 per 100,000 workers. These rates applied only to industrial sector workers, however, and the rate of incidents occurring in the larger informal and agricultural sectors was thought to be higher by labor and grassroots groups. Occupational diseases rarely were diagnosed or compensated, and few doctors or clinics specialized in them. In medium-sized and large factories, government health and safety standards often were applied, but enforcement of safety standards was lax. In the large informal sector, health and safety protections were substandard.

Provisions of the Labor Protection Act include expanded protection for pregnant workers with prohibitions on working night shifts, overtime, or holidays, as well as for those working with dangerous machinery or on boats.

The Ministry of Labor promulgates health and safety regulations regarding conditions of work; however, the inspection department enforced these standards ineffectively, due to a lack of human and financial resources. There is no law affording job protection to employees who remove themselves from dangerous work situations.

Redress for workers injured in industrial accidents was rarely timely or sufficient. Few court decisions were handed down against management or owners involved in workplace disasters. In May, a local court acquitted the 14 engineers and managers for their role in the 1993 Kader Toy Factory fire which killed 188 female workers and injured an additional 469. The only penalty imposed was a US \$12,400 fine (496,000 baht).

The 1997 Constitution stipulates that all persons are entitled to equal protection by law. However, migrant workers, particularly those from Burma, faced significant hardships and physical danger during the year. Burmese factory workers, both illegal and properly registered, faced poor wage, safety and health conditions and were subject to dismissal, arrest and deportation for demanding improvements. Community groups and NGOs alleged instances of physical intimidation and abuse by criminals employed by factory owners, and harassment and robbery by gangs of young men. There were several instances of sexual abuse of the primarily young and female Burmese migrants employed in textile production. Burmese labor activists alleged several incidents of Burmese commercial fishermen employed on Thai vessels who were killed at sea after disputes with their employers. Child domestic workers were at special risk of labor abuse (see Section 6.d.).

The Government reported deporting 205,944 illegal workers during the first 9 months of the year, most of them to Burma. NGOs reported that a large number of those deported returned soon thereafter. Collusion between factory owners and immigration officers in areas employing legally registered migrants frustrated workers attempts to attain minimum wage protection. For example, in February a group of Burmese women won a landmark labor court decision to award back wages; however, they were immediately fired and deported. In July, immigration officials deported 345 registered migrant workers who conducted a sit-down strike to protest wages half the legal minimum. In December, 260 mostly registered female workers were deported when they claimed the factory owed them a minimum wage. Some subsequently returned to the country illegally to pursue the case in labor court.

In September 2001, the Government undertook an open registration campaign directed at the estimated 1 million to 1.5 million illegal Burmese, Cambodian, and Lao workers already present in the country. The 580,000 migrants who registered were allowed to remain in the country with specified employers for 1 year, and were required to re-register annually for additional twelve-month extensions. Health care for the migrants (but not family dependents) was included in an imposed registration fee. Provisions of the Labor Protection Act technically were extended to this group, although lax enforcement meant that there was little real progress in improving migrant working conditions. In September the Government extended this program for a final year, but only for already registered migrants. Only 288,000 migrants re-registered; many were deterred by high registration costs and the rigidity of rules limiting employer changes.

f. Trafficking in Persons.—The law prohibits trafficking in persons; however, trafficking in persons was a serious problem. The country was a source, transit, and destination for trafficking in women and children for a variety of purposes, including indentured servitude, forced labor, and prostitution (see Section 5). Some local officials, immigration officers, and police reportedly either were involved in trafficking directly or took bribes to ignore it. The 1997 Prevention and Suppression of Trafficking in Women and Children Act increased the penalties for trafficking in women and children for the purposes of prostitution or slave labor, and provided for wide powers of search and for assistance to victims. There are also antitrafficking provisions in the 1996 Prostitution Prevention and Suppression Act. The authorities occasionally used these powers during the year, but the number of prosecutions remained small compared to the scope of the problem. A money-laundering law, which became effective in August 1999, included provisions to enable authorities to confiscate the assets of persons convicted of trafficking or engaging in the business of prostitution. On May 28, a 50-year-old Japanese man was arrested and charged with trafficking Chinese and Thai women to work as prostitutes and cheap laborers in Japan, the United States, Canada, and Britain.

Government and NGO estimates of the number of women and children engaged in prostitution in the country varied widely. Many NGOs and government departments reported a figure of 200,000 persons, which was considered a conservative estimate. This figure included children under the age of 18 years, but not foreign children whom the U.N. and NGOs believe make up an increasingly large proportion of trafficking victims. The number of victims of trafficking not involved in prostitution and including men, women, and children was unknown but believed to be substantial.

Within the country, women were trafficked from the impoverished Northeast and the North to Bangkok for sexual exploitation. Women also were trafficked inter-

nationally to Japan, Taiwan, Australia, Europe, and the United States, chiefly for sexual exploitation, but also for sweatshop labor. Men were trafficked into the country for commercial fisheries and farm, industrial, and construction labor.

Women and men were trafficked from Burma, Cambodia, the People's Republic of China (PRC), and Laos into the country for labor and sexual exploitation. Boys and girls were trafficked chiefly from Burma and Cambodia primarily for sexual exploitation and to work in begging gangs. Young children, either orphans or those sold by their families, were among them. For example, very young Cambodian children were employed by begging gangs in Bangkok. Occasionally entire families were trafficked for labor in sweatshops. Underage boys reportedly were brought into the country for specialized work in which small size was an advantage. Vietnamese citizens also reportedly were trafficked to the country in smaller numbers. According to domestic NGOs, girls between the ages of 12 and 18 years continued to be trafficked from Burma, southern PRC, and Laos to work in the commercial sex industry. Social workers noted that young girls were prized because their clients believe that they were free of sexually transmitted diseases. Persons trafficked from the PRC often were in transit to other countries, although women and girls from Yunnan Province generally were destined for brothels in the north. Generally victims from Yunnan Province were lured into the country with promises of restaurant or household work and then were pressured or physically forced into prostitution.

During the year, trafficking raids found 29 women and 6 minors in Chiang Mai. The victims were transferred to a government-run shelter, and many were repatriated to Burma. The owner of the brothel was in police custody. The case was pending at year's end. The manager of the brothel was arrested and remained in jail, and arrest warrants were issued for seven other partners of the sex venue.

The U.N. Economic and Social Council and NGOs believed that the lack of citizenship status for some hill tribe women and children was a strong risk factor for becoming victims of trafficking. Although this group was not a large percentage of trafficking victims, they were found in disproportionately large numbers in situations entailing the worst forms of trafficking.

Impoverished families sent or sold children to traffickers, often a neighbor, a local official, or some other respected local person. During the year, the mother who sold her 12-year-old girl into prostitution in 2002 was convicted and sentenced to seven years in prison; the police lieutenant to 18 years; the sergeant to 8 years; the madame to 240 years. The sentences have been appealed and the case remained in Appeals Court at year's end.

Sometimes villagers saw the local traffickers as friends offering a way out of poverty. Typically, local traffickers fed persons into larger networks, after which they exercised no further control and heard no more of them. Traffickers sometimes misrepresented the type of work and working conditions, and victims subsequently found themselves forced to remain and work in the border areas. Some women who contracted for other kinds of work found themselves coerced into the sex trade. Indentured work, both sex work and other labor, was also a problem.

Trafficking through the country to onward destinations tended to be conducted by citizens of the PRC and other international organized criminals. Trafficking into and within the country generally was conducted by domestic criminal elements.

There continued to be credible reports that some corrupt police, military, and government officials were involved directly in trafficking or taking bribes to ignore it (see Sections 1.c. and 5). Police personnel were paid poorly, and widely accustomed to taking bribes to supplement their income.

The majority of prostitutes were not kept under physical constraint, but a large number worked in debt bondage. Brothel procurers reportedly advanced parents a substantial sum against their daughter's future earnings, frequently without the consent of the young woman involved. The women were obligated to work in a brothel to repay the loan.

Many Thai women were trafficked to Japan for purposes of sexual exploitation. Traffickers promised victims lucrative legitimate employment, or made false promises regarding wages, working conditions, or the nature of the work. According to Human Rights Watch, upon their arrival in Japan, the traffickers confiscated the victims' passports, demanded repayment for their "purchase," and charged the victims for living expenses and care, and fined them for misbehavior. Traffickers often restricted the women's movements, threatened them and their families, isolated them, and used violence to punish them for disobedience.

Because foreign women frequently were unable to speak the language and were considered illegal immigrants, they particularly were vulnerable to physical abuse and exploitation. Some women were lured into the country with promises of jobs as waitresses or domestic helpers, but ended up working as prostitutes. Illegal immigrants had no rights to legal counsel or health care if arrested (see Section 2.d.).

The amnesty provisions available under the UNHCR auspices did not apply to such women. In May, a series of Memoranda of Understandings (MOU) between Government agencies and between the Government and domestic NGOs provided for some detailed police procedures to assist with the problem of trafficked persons being detained by the authorities. The agreement stated that the training of police officers would include instructions to treat such persons as victims of human trafficking rather than as illegal immigrant workers. Rather than being deported, they become the responsibility of the Public Welfare Department. However, implementation of the MOU continued to be erratic during the year, due to insufficient training of law enforcement officials and their unfamiliarity with the law.

In September, the Government deported approximately 200 Cambodian women and children, some who were victims of trafficking.

Illegal immigrants generally were repatriated as soon as possible; however, in order to implement the new policy of humane treatment for victims of trafficking, Department of Public Welfare (DOPW) officials tried to refer underage and foreign women arrested for prostitution to one of the government shelter houses. Repatriation was delayed, but not canceled. Victims were encouraged to seek legal action against the traffickers, and they were told by DOPW personnel at the shelters that this was an option. Trafficking victims who provided evidence were repatriated back to their home countries afterwards. However, in general, trafficking victims were reluctant to assist in prosecution. This was due to mistrust of the authorities and fear of the traffickers, as well as the victim's limitations in education and language, and a desire to return home rather than to participate in lengthy criminal proceedings.

Several NGOs, both local and international, and government agencies worked with trafficking victims. However, the Government faced severe budgetary limitations on its ability to fight trafficking and to aid its victims. Two national committees were directed and empowered to combat trafficking, and these committees coordinated and cooperated with NGOs as well. The National Committee on Trafficking in Women and Children (NCTWC) was concerned primarily with counter trafficking efforts within the country, while the National Project Committee on Trafficking in Women and Children in the Mekong Subregion focused on regional efforts. Local enforcement officers were sometimes ignorant of new laws and regulations designed to protect victims and ignorant of the special requirements of anti-trafficking work. Also, police officers did not view anti-trafficking as a path to advancement because their superiors did not emphasize it. Narcotics and serious crimes were the preferred career concentrations, while the attitude that trafficking also qualified as a serious crime was only slowly developing. Another barrier for stricter enforcement was the court system, which could be cumbersome and time consuming (see Section 1.e.).

TONGA

The Kingdom of Tonga is a constitutional monarchy in which political life is dominated by the King, the nobility, and a few prominent commoners. The unicameral Legislative Assembly consists of the Cabinet, made up of 9 ministers and 2 governors appointed by the King; 9 nobles elected by their 33 peers; and 9 representatives elected by the general population in periodic free and fair elections. The most recent parliamentary elections were held in March 2002. The judiciary is generally independent but is on occasion subject to royal influence.

The security apparatus consists of the Tonga Defense Services (TDS) and a police force. The civilian authorities maintained effective control of the security forces. The Minister of Defense controls a 430-man TDS force; the Minister of Police and Prisons directs the police force. Unlike in some previous years, there were no reports that members of the police committed human rights abuses.

The country had a population of approximately 105,000 and a per capita GDP of approximately \$2,200. The economy is based primarily on the cultivation of tropical and semitropical crops. The rate of economic growth was approximately 1.9 percent. Wages and benefits largely kept pace with inflation. The demand for imported goods and products led to a substantial trade deficit, which was offset largely by remittances from overseas citizens, foreign aid, and, to a lesser degree, tourism.

The Government's human rights record remained poor. Citizens do not have the right to change their government. At times, the authorities infringed on freedom of speech and of the press. Some women suffered from domestic violence; women also faced discrimination and limited employment and economic opportunities. In practice, the right to form labor unions was restricted by the lack of implementing regulations.

RESPECT FOR HUMAN RIGHTS

Section 1. Respect for the Integrity of the Person, Including Freedom From:

a. Arbitrary or Unlawful Deprivation of Life.—There were no reports of the arbitrary or unlawful deprivation of life committed by the Government or its agents.

b. Disappearance.—There were no reports of politically motivated disappearances.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The Constitution prohibits such practices, and there were no reports that government officials employed them.

Prison conditions were Spartan but reflected local living standards. There were separate facilities for pretrial detainees and convicted prisoners, men and women, and adults and juveniles. Church representatives and family members were permitted to visit prisoners. No nongovernmental organizations (NGOs) attempted to monitor prison conditions, and the permissibility of such visits has not arisen.

d. Arbitrary Arrest, Detention, or Exile.—The Constitution prohibits arbitrary arrest and detention, and the Government generally observed these prohibitions. The Constitution provides for the right to judicial determination of the legality of arrest, and this was observed in practice. There are no statutory limits on the length of time a suspect may be held prior to being charged. There were no reports of preventative detention or other lengthy pretrial detention. The law permitted unlimited access by counsel and family members to detained persons; however, there reportedly were instances in which detainees were denied legal counsel.

The police force is comprised of approximately 400 officers under the control of the Minister of Police. Incidents of bribe-taking and other forms of corruption occurred during the year. Allegations of corruption were made against the Minister of Police in the press, but no charges were brought against him by year's end. The Minister sued the newspaper *Taimi 'o Tonga* (Times of Tonga) for defamation; the case was pending at year's end (see Section 2.a.). The Government took no steps to reform the police during the year.

The Constitution and law do not prohibit forced exile, but the Government did not employ it in practice. The last case of forced exile was in 1886.

e. Denial of Fair Public Trial.—The Constitution provides for an independent judiciary, and the Government generally respected this provision in practice. The judiciary generally provided citizens with a fair and efficient judicial process. The judiciary, whose highest-ranking judges historically have been foreign nationals, was generally independent but was on occasion subject to royal influence. Judges held office "during good behavior" and otherwise could not be dismissed during their terms.

The court system consists of the Supreme Court (which has original jurisdiction over all major cases), the police magistrates' courts, a general court, a court martial for the TDS, a court tribunal for the police force, and a court of review for the Inland Revenue Department. The Court of Appeals is the highest court. The King's Privy Council presides over cases relating to disputes over titles of nobility and estate boundaries. The King has the right to commute death sentences in cases of murder or treason.

The Constitution provides for the right to a fair trial, and an independent judiciary generally enforced this right. A court may not summon anyone without providing a written indictment stating the charges. Defendants are presumed innocent, are entitled to counsel, have a right of appeal, and are entitled to bail; lawyers have free access to defendants.

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home or Correspondence.—The law prohibits such actions, and the Government generally respected these prohibitions in practice.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution provides for freedom of speech and of the press; however, at times the authorities infringed on these rights.

There were eight newspapers and newsmagazines in print: Three weeklies, one of which was government-owned; three monthlies; one bimonthly; and one quarterly. There were two privately owned television stations and one government-owned station. The government-owned radio station broadcasted on AM and FM frequencies. There were three privately owned radio stations. Government-controlled media outlets were criticized for exercising self-censorship.

In February, the Government banned the *Taimi 'o Tonga* on the grounds that the newspaper unfairly criticized the monarchy and abused its journalistic freedom. In June, the Chief Justice ruled the ban illegal. The Government responded by seizing copies of the paper, which is printed abroad, upon arrival. After further intervention

by the Chief Justice, the papers were released, and 4,000 copies sold out immediately.

In response, the Government submitted a Media Bill to Parliament which would amend the country's Constitution to limit freedom of the press, abolish judicial review of certain legislation, and end the right to claim damages for breach of constitutional rights. NGOs, foreign governments, and many citizens expressed strong opposition to the bill. In October, in the largest political demonstration in the country's history, thousands of citizens peacefully marched to present a petition to the Privy Council requesting that the bill not be made into law. Nonetheless, this highly contentious bill was passed by Parliament. In November, the bill was signed into law by the King, although this was not publicly acknowledged until late December. All but one of the nine elected representatives to the Legislature voted against the bill; the ninth was absent. However, a royalist political group, Kotoa ("Together"), supported the bill. Some observers further noted that given the automatic royal majority in Parliament, the views of citizens were of little consequence to the governance of the country.

In July, the Human Rights and Democracy Movement In Tonga (HRDMT) accused the Government of censoring a Radio Australia news bulletin about public antipathy to the Media Bill. The HRDMT alleged that such censorship of foreign broadcasts occurred regularly.

While there was little editorializing in the government-owned media, opposition opinion appeared regularly in the form of letters to the editor along with government statements and letters. The national media, from time to time, carried comments critical of government practices and policies, including some made by prominent citizens. The law allows government officials to bring defamation suits, as well as suits by officials and other individuals against media outlets that publish allegedly defamatory remarks. This may have had the practical effect of limiting freedom of speech. The Minister of Police sued the Taimi 'o Tonga for defamation; the case was pending at year's end.

During the year, sedition charges, previously filed against two members of HRDMT for their involvement in the publishing of a forged letter containing allegations against the King, were dropped.

The Government did not restrict academic freedom.

b. Freedom of Peaceful Assembly and Association.—The law provides for the freedoms of assembly and association, and the Government generally respected these rights in practice.

In October, thousands of Nuku'alofa residents participated in a peaceful march to protest a proposed amendment to the Constitution that would restrict media freedom. The demonstration was the largest in the country's history and coincided with smaller marches in the outlying islands of Vava'u, Ha'apai, and Ewa. The police closed off streets in Nuku'alofa to permit the marchers to pass (see Section 2.a.).

c. Freedom of Religion.—The Constitution provides for freedom of religion, and the Government generally respected this right in practice.

Tonga Broadcasting Commission (TBC) guidelines require that religious programming on Radio Tonga be confined "within the limits of the mainstream Christian tradition." The TBC did not allow members of the Baha'i Faith to discuss the tenets of their religion, or to refer to the founder, Baha'ullah, by name. Similarly, the TBC did not allow the Church of Jesus Christ of Latter-day Saints (Mormons) to discuss its founder, Joseph Smith, or the Book of Mormon by name.

Mormons and members of some other faiths used Radio Tonga for the announcement of church activities and functions. Members of the Baha'i Faith utilized a privately owned radio station for program activities and the announcement of functions. A government-owned newspaper occasionally carried news articles about Baha'i activities or events, as well as those of other faiths.

For a more detailed discussion, see the 2003 International Religious Freedom Report.

d. Freedom of Movement within the Country, Foreign Travel, Emigration, and Repatriation.—The law provides for these rights, and the Government generally respected them in practice. Citizens were free to travel at will within the country and abroad.

The Government was not a signatory to the 1951 Convention Relating to the Status of Refugees and its 1967 protocol. No person was known to have applied for refugee status, and the Government has not formulated a formal policy regarding refugees, asylees, or temporary protection. The issue of the provision of temporary protection has never arisen.

Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government

Citizens do not have the ability to change their leaders or the system of government. The King and 33 hereditary nobles dominated political life. They asserted authority largely through control of substantial landholdings and their dominant numbers in the Legislative Assembly (Parliament). While the Constitution allows the monarch broad powers, many of which do not require the legislative branch's endorsement, the King at times permitted the legislative system to operate without his guidance. The King appoints the Prime Minister and appoints and presides over the Privy Council (called the Cabinet when the King is not presiding), which makes major policy decisions. The Cabinet is made up of nine ministers and two governors; it included both nobles and commoners, who served at the King's pleasure.

The unicameral Legislative Assembly consists of the Cabinet, nine nobles elected by their peers, and nine representatives elected by the general population. The King appoints the Speaker from among the representatives of the nobles; however, Cabinet members and nobles usually voted as a bloc. In September 2002, a proposal for political reform was submitted by HRDMT to the Legislative Assembly. The proposal advocated the creation of a bicameral assembly, with the nine noble members moved to an upper house. The lower "House of Commoners" would consist of 21 popularly elected members. As of year's end, Parliament had not yet addressed the proposal.

The King's son, Prince 'Ulukalala Lavaka Ata, served as Prime Minister. As Prime Minister, the Prince also held five other ministerial portfolios, including those of defense and foreign affairs.

Parliamentary elections held in March 2002, deemed to be free and fair, resulted in a strong showing for prodemocracy candidates on the main island of Tongatapu. Before the elections, a royalist political group, Kotoa, was formed with the support of Princess Pilolevu as a counterweight to the pro-democracy movement; however, it lacked broad popular support. The next parliamentary elections are scheduled for March 2005.

In 2002, the Government publicly launched an economic and public sector reform program, led by a Cabinet Reform Committee and composed of five teams. The team concerned with private sector reform included members of the Chamber of Commerce; otherwise, there was no opportunity for participation in the reform program by the general population. By year's end, the Government had not yet issued a draft report on the program, nor had it issued any recommendations.

Very few citizens challenged the retention of the monarchy; the King was greatly respected. However, in recent years, a number of persons both inside and outside the establishment have called for democratic change, usually emphasizing the importance of more government accountability.

A prodemocracy movement continued during the year, although it lacked formal structure due to differences of views among its leaders. Seven of the nine parliamentary representatives of the general population advocated various degrees of democratic reform. Proposals for constitutional revision tended to center on the popular election of all parliamentarians, with the parliamentarians selecting their speaker.

No woman has ever served as a government minister. There are no female members of parliament, although there have been in the past.

Section 4. Governmental Attitudes Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

There are no legal barriers to the formation of domestic human rights NGOs. Some domestic NGOs dealt with human rights issues, but none undertook investigations of alleged violations. There were no restrictions on operations by international human rights groups, and no known requests for investigations during the year.

Section 5. Discrimination Based on Race, Sex, Disability, Language, or Social Status

Social, cultural, and economic facilities were available to all citizens regardless of race or religion, but members of the hereditary nobility had substantial advantages, including control over most land and a generally privileged status. It was possible for ordinary citizens to hold cabinet positions in government and to accumulate great wealth and status in the private sector.

Women.—Societal violence against women seldom was publicized, but it was a growing problem. Incidents of domestic violence generally were addressed in traditional ways within families or by village elders. Such abuse seldom was reported to the police. Domestic violence could be prosecuted under laws against physical assault. Abused wives sometimes returned to their families if mediation failed. There were shelters for abused and troubled women, most church affiliated, and the Free Wesleyan Church ran a hotline for women in trouble.

Rape is punishable by imprisonment for a term of up to 15 years. However, the law does not recognize spousal rape and specifically states that carnal intercourse by a man and his wife shall not under any circumstance be deemed rape.

Prostitution per se is not illegal, but activities such as soliciting in a public place, pimping, operating a brothel, and trading in women are criminal offenses. Sexual harassment, as such, is not a crime, but physical sexual assault could be prosecuted as indecent assault.

Women held several significant posts in government, including Secretary to Cabinet in the Prime Minister's Office and Secretary of Foreign Affairs. Women also headed the Office of Crown Law and the Government Central Planning Office. The majority of commissioned officers in the police force were women. For a woman to rise to a position of leadership, she usually needed the support of the nobility. The King's mother reigned for 46 years, and a royal princess was one of the country's most prominent businesspersons. Some female commoners held senior leadership positions in business.

Inheritance laws, especially those concerned with land, discriminated against women. Women could lease but not own land. Under the inheritance laws, the claim to a father's estate by a male child born out of wedlock took precedence over the claim of the deceased's widow or daughter.

The Women and Development Center (formerly the Women's Affairs Unit) in the Prime Minister's Office was established in 1993. Although some NGOs initially viewed this unit with suspicion, it appeared to be functioning cooperatively with them. Its objectives included the promotion of full and equal participation of men, women, and children in economic, social, and cultural development, and the enhancement of women's economic status and role in the national economy. However, many young, educated women still considered the unit ineffective. A government-sponsored National Council of Women conducted training workshops, mainly in rural areas, and contributed to women's social and economic needs.

The Center for Women and Children, an NGO under the auspices of the Catholic Church, focused on domestic abuse and improving the economic and social conditions of women and offered counseling to women in crisis. During the year, the Center worked to raise funds to establish the country's first safehouse for battered women.

Children.—The Government was committed to children's human rights and welfare and provided commensurate funding for children's welfare given available resources. Education was compulsory from ages 6 to 14. Although sometimes criticized as being of poor quality, education was available for all children through Form 6 (high school). Almost all children attended school.

The Government provided free basic medical care to children. Child abuse was rare, and the extended family generally participated in child rearing.

Persons with Disabilities.—There are no mandated provisions for accessibility to buildings and services for persons with disabilities. There were no reported complaints of discrimination in employment, education, or provision of other government services. The education of children with special needs has been a longstanding priority of the Queen.

National/Racial/Ethnic Minorities.—According to the Ministry of Labor, ownership and operation of food retail stores in the country has been legally restricted to citizens since the early 1980s. However, the retail sector in many towns has become increasingly dominated by foreigners, particularly Chinese nationals. During the year, the Immigration Department of the Ministry of Foreign Affairs attempted to enforce the restrictions in an effort to curb growing illegal immigration. Although some foreigners left as a result of the policy, others moved to nonrestricted sectors of the economy.

Section 6. Worker Rights

a. The Right of Association.—Workers gained the right to form unions under the 1963 Trade Union Act, but regulations on the formation of unions were never promulgated, and there were no unions. The Friendly Islands Teachers Association and the Tonga Nurses Association were incorporated under the Incorporated Societies Act. However, they had no formal bargaining rights under the Act.

The 1963 Act provides workers with the right to strike; however, implementing regulations never have been formulated. There were no strikes during the year.

b. The Right to Organize and Bargain Collectively.—Since there were no unions, collective bargaining was not practiced.

Labor laws and regulations were enforced in all sectors of the economy, including in the two small export-processing zones.

c. Prohibition of Forced or Bonded Labor.—The law prohibits forced or bonded labor, including by children, and there were no reports that such practices occurred.

d. Status of Child Labor Practices and Minimum Age for Employment.—Although there is no legislation prohibiting child labor, it did not exist in the wage economy.

The country was not a member of the International Labor Organization (ILO) and has not ratified ILO Convention 182 on the worst forms of child labor.

e. Acceptable Conditions of Work.—There is no minimum wage law, although there were government guidelines for wage levels. Labor laws and regulations, enforced by the Ministry of Labor, Commerce, and Industries, limited the workweek to 40 hours. The Ministry of Labor enforced laws and regulations reasonably well in the wage sector of the economy, particularly on the main island of Tongatapu. Enforcement in the agricultural sector and on the outer islands was limited.

Industrial accidents were rare, since few industries exist that would expose workers to significant danger; thus, the Government seldom addressed industrial safety standards, including the right of workers to remove themselves from dangerous work situations.

f. Trafficking in Persons.—While the law does not specifically address trafficking in persons, violators could be prosecuted under anti-slavery statutes. There were no reports that persons were trafficked to, from, or within the country.

TUVALU

Tuvalu is a parliamentary democracy. The Head of State is Queen Elizabeth II, represented by the Governor General, who must be a citizen of Tuvalu. In July 2002, citizens elected a 15-member unicameral Parliament in free and fair elections. A Prime Minister is selected by Parliament. The judiciary is independent.

A 70-member police constabulary, the only security force, is responsible to and effectively controlled by civilian authority.

The country has a population of approximately 10,000 persons on 9 atolls in the central South Pacific Ocean. The primarily subsistence economy relied mainly on coconuts, taro, and fishing. Remittances from citizens working abroad, the sale of postage stamps, and the sale of fishing licenses to foreign vessels provided additional foreign exchange. Tuvalu also relied on interest income generated by the Tuvalu Trust Fund and sales of the “.tv” internet country designation, which had earned a total of \$8 million as of 2002. The country’s isolation limited opportunities for economic development.

The Government generally respected the human rights of its citizens, and the law and judiciary provided effective means of addressing individual instances of abuse. However, traditional customs and social behaviors considered as important as the law led to some social discrimination. Women traditionally occupy a subordinate role, with limits on their job opportunities.

RESPECT FOR HUMAN RIGHTS

Section 1. Respect for the Integrity of the Person, Including Freedom From:

a. Arbitrary or Unlawful Deprivation of Life.—There were no reports of the arbitrary or unlawful deprivation of life committed by the Government or its agents.

b. Disappearance.—There were no reports of politically motivated disappearances.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The Constitution prohibits such practices, and there were no reports that government officials employed them. Local hereditary elders exercised considerable traditional authority, including the right to inflict corporal punishment for infringing customary rules, which can be at odds with the national law. However, such corporal punishment was seldom invoked.

The country has one minimum-security prison facility, located near the airport and segregated by sex. Adults are held at this facility, and children are remanded to their family’s custody. The men’s section can accommodate 35 inmates, the women’s section 20. During the year, the number of prisoners was far below the maximum capacity; there were no female prisoners at year’s end. There was also a single holding cell at the police station for detentions of less than 24 hours. Pretrial detainees were usually released on their own recognizance. Pretrial detainees charged with a serious crime, such as homicide, could be held in the prison; in practice, this has not occurred.

Detentions longer than a week were rare; more commonly, a person was jailed overnight on charges of inebriation. While prison conditions were somewhat Spar-

tan, complaints were minimal or nonexistent. Prison conditions generally met international standards.

The question of prison visits by human rights groups did not arise. Visits by church groups and family members were permitted.

d. Arbitrary Arrest, Detention, or Exile.—The Constitution prohibits arbitrary arrest, detention, or forced exile, and the Government generally observed these prohibitions.

e. Denial of Fair Public Trial.—The Constitution provides for an independent judiciary, and the Government generally respected this provision in practice.

There is a two-tier judicial system. Higher courts include the Privy Council, the Court of Appeal, and the High Court. Lower courts consist of senior and resident magistrates, the island courts, and the land courts. The Chief Justice, who is also Chief Justice of Tonga, sits on the High Court approximately once a year.

The Constitution provides for the right to a fair trial, and an independent judiciary generally enforced this right. The Constitution provides that the accused must be informed of the nature of the offense with which they are charged and provided the time and facilities required to prepare a defense. The People's Lawyer (public defender) expressed concern that bureaucratic delays sometimes resulted in several months passing before the accused were informed of the charges against them. The right to confront witnesses, present evidence, and appeal convictions is provided by law. Procedural safeguards are based on English common law. The services of the independent People's Lawyer are paid by the Government and available to all citizens without charge.

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home or Correspondence.—The Constitution prohibits such actions, and the Government generally respected these prohibitions in practice.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution provides for freedom of speech and of the media, and the Government generally respected these rights in practice. An effective judiciary and a functioning democratic political system combined to ensure freedom of speech and of the press, including academic freedom.

In 2001, the country's sole radio station, formerly controlled by the Government was converted by statute to the status of a public corporation, the Tuvalu Media Corporation (TMC). According to TMC's charter, the Secretary to Government serves as the Chairman of the Board and the Prime Minister's duties include oversight of the TMC. In practice, all copy to be aired by the TMC must be approved by the Secretary to Government, and he reportedly has blocked or delayed stories favorable to the opposition. Videotapes circulated freely and were widely available; however, pornography in all forms is illegal.

The Office of the Prime Minister and the Department of Telecommunications in the Ministry of Works manage Internet services. There were no government restrictions on Internet access.

b. Freedom of Peaceful Assembly and Association.—The Constitution provides for freedom of assembly and association, and the Government generally respected these rights in practice.

c. Freedom of Religion.—The Constitution provides for freedom of religion, and the Government generally respected this right in practice.

For a more detailed discussion, see the 2003 International Religious Freedom Report.

d. Freedom of Movement within the Country, Foreign Travel, Emigration, and Repatriation.—The Constitution provides for these rights, and the Government generally respected them in practice.

The Government cooperated with the U.N. High Commissioner for Refugees and other humanitarian organizations in assisting refugees. No person has applied for refugee status, and the issue of the provision of temporary protection has never arisen. The Government has not formulated a policy regarding refugees, asylees, or temporary protection. There were no reports of the forced return of persons to a country where they feared persecution.

Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government

The Constitution provides citizens with the right to change their government peacefully, and citizens exercised this right in practice through periodic, free, and fair elections held on the basis of universal suffrage. Citizens freely and directly elect a 15-member unicameral Parliament whose normal term is 4 years. Each of

the country's nine atolls is administered by a six-person council, also elected by universal suffrage to 4-year terms. The minimum voting age is 18 years.

The Cabinet consists of the Prime Minister, elected by secret ballot from among the Members of Parliament, and four other ministers, appointed and removed from office by the Governor General with the advice of the Prime Minister. The Prime Minister may appoint or dismiss the Governor General on behalf of the British monarch. The Prime Minister may be removed from office by a parliamentary vote of no confidence.

Elections held in July 2002 were free and fair. Of the 15 members elected to Parliament, 6 were serving their first term. In August 2002, the new Parliament elected Saufatu Sopoanga, a former civil servant, as Prime Minister. He replaced Koloa Talake, who had replaced Faimalaga Luka after the latter received a vote of no confidence in 2001.

In June, two by-elections were held, one to replace a parliamentarian who passed away and a second to replace a parliamentarian who was disqualified by the Chief Justice for having failed to register properly. A third by-election was held in October to replace Faimalaga Luka, who resigned as Speaker of Parliament to assume the position of Governor General.

There are no formal political parties; however, Parliament was informally divided between a faction that supported the Sopoanga Government and a faction that did not.

From November 2002 until October 2003, Prime Minister Sopoanga refused to convene Parliament in order to avoid a likely no-confidence vote that would have removed him from power. During most of that period, the "Opposition" held a majority in Parliament, as the June by-elections replaced "government" parliamentarians with members of the Opposition. During this stand-off, the Opposition appealed to the Chief Justice, who ruled that the Governor General has the constitutional authority to convene Parliament, but set no deadline in which to do so. The October by-election restored the government majority, and Parliament was subsequently convened.

Participation by women in government and politics was limited, largely due to cultural traditions. There were no female Members of Parliament or Cabinet Ministers.

Section 4. Governmental Attitudes Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

While no known barriers block their establishment, there are no local nongovernmental organizations (NGOs) concerned solely with human rights. Some political and human rights advocates operated under the aegis of the Tuvalu Association of Nongovernmental Organizations, which was composed primarily of religious organizations. The People's Lawyer, who served as a public defender, also monitored sentencing, equality before the law, and human rights issues in general. This institution was supported by the Government, which frequently sought its advice. At times, it has been critical of the Government; however, there have been no allegations of human rights violations by the Government and no known requests for investigations.

Section 5. Discrimination Based on Race, Sex, Disability, Language, or Social Status

The Constitution prohibits discrimination on the basis of race, creed, sex, or national origin, and the Government observed these prohibitions. However, a scarcity of wage-paying jobs and the traditional culture has limited women's job opportunities.

Women.—Violence against women was rare. Domestic violence was relatively infrequent and has not become a source of societal concern. Rape is a crime punishable by a minimum sentence of 5 years imprisonment; however, spousal rape is not included in the legal definition of this offense. The People's Lawyer sought to broaden public knowledge of women's rights, particularly in regard to spousal rape and domestic abuse.

Prostitution and sex tourism are illegal; legislation in 2000 abolished phone sex companies, which had used the country's international telephone dialing prefix. While there are no laws prohibiting sexual harassment, the Penal Code provides specific recourse against indecent behavior, which requires lewd touching.

Women increasingly held positions in the health and education sectors and also were more active politically. In an economy with few wage-paying jobs, women held the clear majority of clerical and retail positions. In 2000, the Government established a women's department in the Ministry of Internal Affairs; however, it took no significant action during the year.

Children.—The Government provided commensurate funding for children's welfare within the context of its total available resources. Education was compulsory

for children through age 13. Students competed for academic scholarships to attend universities overseas or participated in vocational training focusing on subsistence farming and maritime training for men and computer or other business training for women. During the year, an NGO human rights advocate convinced Vaiputu School's secondary students to end a protest against a teacher perceived as too strict. The teacher retained her job.

The Government provided free medical care for children through age 18. There were no reports of child abuse.

Persons with Disabilities.—There were no known reports of discrimination against persons with disabilities in employment, education, or in the provision of other state services. There are no mandated accessibility provisions for persons with disabilities.

Section 6. Worker Rights

a. The Right of Association.—The Constitution provides for the right of association. Workers were free to organize unions and choose their own labor representatives, but most of the population lacked permanent employment and was engaged in subsistence activity.

Public sector employees such as civil servants, teachers, and nurses, who total fewer than 1,000 employees, are members of professional associations that do not have union status. The only registered trade union, the Tuvalu Seamen's Union, has approximately 600 members who work on foreign merchant vessels. Unions may affiliate with international bodies, and the Seamen's Union is a member of the International Transportation Workers' Federation.

The country is not a member of the International Labor Organization.

b. The Right to Organize and Bargain Collectively.—The law provides for conciliation, arbitration, and settlement procedures in cases of labor disputes. Although there are provisions for collective bargaining, in practice private sector employers set wages. Both private and public sectors generally used nonconfrontational deliberations in a local multipurpose meeting hall to resolve labor disputes rather than legal procedures.

The law provides for the right to strike, but no strike has ever taken place.

There are no export processing zones.

c. Prohibition of Forced or Bonded Labor.—The law prohibits forced or bonded labor, including forced or bonded labor by children, and there were no reports that such practices occurred.

d. Status of Child Labor Practices and Minimum Age for Employment.—The law prohibits children under the age of 14 from working. The law also prohibits children under 15 years of age from industrial employment or work on any ship and stipulates that children under the age of 18 are not allowed to enter into formal contracts, including work contracts. Children were rarely employed outside the traditional economy of subsistence farming and fishing.

e. Acceptable Conditions of Work.—The minimum wage, set administratively by the Government, was sufficient to allow a worker and family in the wage economy to maintain a decent standard of living. The biweekly minimum wage in the public (government) sector was \$75.66 (\$A130), regardless of sex and age. In most cases, the private sector adopted the same minimum wage rate.

The Labor Office may specify the days and hours of work for workers in various industries. By law, the workday is set at 8 hours. The majority of workers are outside the wage economy. The law provides for rudimentary health and safety standards. It requires employers to provide an adequate potable water supply, basic sanitary facilities, and medical care. The Ministry of Labor, Works, and Communications is responsible for the enforcement of these regulations, but in practice, it provided only minimum enforcement.

Workers can remove themselves from work situations that endanger health or safety without jeopardy to their jobs; the law also protects legal foreign workers.

f. Trafficking in Persons.—The law prohibits procurement of persons within and across borders for purposes of prostitution, but it does not mention or prohibit trafficking specifically. However, there were no reports that persons were trafficked to, from, or within the country.

VANUATU

Vanuatu, a small South Pacific island nation that gained independence from Britain and France in 1980, has a parliamentary form of government. The Constitution

provides for parliamentary elections based on universal suffrage every 4 years, through which citizens may change their government freely. The 52-member Parliament elects the Prime Minister as the Head of the Government and the President as the Head of State. The latter's powers are largely ceremonial, except when appointing judges or acting on the advice of the Council of Ministers, who are appointed by the Prime Minister. Political legitimacy is based on majority rule. Parliamentary majorities have been unstable. The most recent elections, held in 2002, were considered generally free and fair; incumbent Prime Minister Edward Natapei formed a new government based on a coalition parliamentary majority. The judiciary is generally independent of executive interference.

The Police Commissioner commands the country's small police force, including its paramilitary wing, the Vanuatu Mobile Force (VMF). The country has no military force; the VMF has both domestic and external security responsibilities. The civilian authorities generally maintained effective control of the police; however, police officials on occasion have acted peremptorily or at the direction of senior politicians attempting to settle a score or intimidate opponents. There were reports that a few members of the police committed human rights abuses.

The economy is market based, with tourism the biggest source of foreign exchange. As of 2002, the population was approximately 200,000, more than 80 percent of whom were engaged in subsistence farming and fishing. The service sector represented the largest component of the country's formal economy and provided most formal employment, primarily in government, tourism, and an offshore financial sector. Real gross domestic product fell in both 2001 and 2002, by 1.8 and 3.4 percent respectively. A modest recovery was forecast during the year, and wages and benefits generally kept pace with inflation. Per capita income was estimated at \$1,050 in 2002, a decrease since independence.

The Government generally respected the human rights of its citizens; however, there were problems in some areas, including poor prison conditions, arrests without warrants, an extremely slow judicial process, and violence and discrimination against women.

RESPECT FOR HUMAN RIGHTS

Section 1. Respect for the Integrity of the Person, Including Freedom From:

a. Arbitrary or Unlawful Deprivation of Life.—There were no reports of the arbitrary or unlawful deprivation of life committed by the Government or its agents.

b. Disappearance.—There were no reports of politically motivated disappearances.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—Constitutional provisions prohibit such practices, and there were no reports that government officials employed torture. In September, the local press reported allegations by a 19-year-old woman that four police officers physically and verbally abused her during questioning at a police station.

Prison conditions were poor. Approximately 30 prisoners were held in the dilapidated central prison in Port Vila; security at this facility was poor. Inmates were treated humanely to the extent allowed, given the meager resources of the prison system. According to press reports, five prisoners who escaped from the Luganville prison in September and later were recaptured claimed that they had tried to escape because of ill treatment. They alleged that the prison authorities gave them insufficient food and denied them toilet privileges; the authorities denied the allegations.

The sole female prisoner was held at the barracks for female police officers. Pre-trial detainees usually were held in the police lockup rather than the prison.

During the year, the government Ombudsman released a report recommending disciplinary action in the case of a number of prison officers, stating that they had borrowed money from a prison fund set up to assist inmates with such needs as medical expenses and had failed to repay the funds.

The Government permitted prison visits by independent human rights observers.

d. Arbitrary Arrest, Detention, or Exile.—The Constitution prohibits arbitrary arrest and detention, and the Government generally observed these provisions.

The Commissioner of Police heads the police force of approximately 600 officers, including approximately 200 members of the VMF, a paramilitary unit with responsibility for responding to both internal and external security threats or other situations requiring the use of force. The police generally were considered effective. Corruption and impunity were not major problems; however, there were some instances of corruption, and there have been some instances in which police have acted without proper authorization at the behest of politicians. During the year, the Police Commissioner suspended some officers for misconduct.

The constitutional provision that suspects must be informed of the charges against them generally was observed in practice. A warrant issued by a court is required for an arrest; however, police made a small number of arrests without warrants during the year. A system of bail operated effectively; however, some persons not granted bail spent lengthy periods in pretrial detention due to judicial inefficiency (see Section 1.e.). Detainees were allowed prompt access to counsel.

The Constitution does not prohibit forced exile, but the Government did not employ the practice.

e. Denial of Fair Public Trial.—The Constitution provides for an independent judiciary, and the Government generally respected this provision in practice.

Magistrates' courts deal with most routine legal matters. There is a Supreme Court; however, an Appeals Court is the highest national court and hears appeals from the Supreme Court. The Appeals Court has three judges, two appointed by the President and one chosen from among the Supreme Court judges of other South Pacific nations. Judges cannot be removed without cause.

The Constitution provides for the right to a fair trial, and an independent judiciary generally enforced this right. However, the judiciary was relatively weak and inefficient, and some defendants spent extended periods in pretrial detention as a result. The judicial system is based on British law. The courts uphold constitutional provisions for a fair public trial, a presumption of innocence until guilt is proven, a prohibition against double jeopardy, a right of judicial determination of the validity of arrest or detention, and a right of appeal to a higher court.

Judges, prosecutors, and the police complained about large case backlogs due to a lack of resources and limited numbers of qualified judges and prosecutors. Years can pass before a case is brought to trial.

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home or Correspondence.—The Constitution or the law prohibits such actions, and the Government generally respected these prohibitions in practice.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution provides for freedom of speech and of the press, and the Government generally respected these rights in practice.

The Government controls much of the country's media, including a weekly newspaper, one AM and one FM radio station, and a limited-service television station that broadcast only to the capital of Port Vila. The television station provided English and French news service three times weekly. There was one independent daily newspaper, a privately owned semiweekly newspaper, and another weekly newspaper published by a political party. During the year, most international correspondents, government-owned media, and the independent press reported criticisms of political leaders freely and apparently without hindrance. However, at times, some individual politicians and their supporters have threatened the media, although with no apparent effect on press freedom. In 2002, a politician's supporters invaded the offices of the independent semiweekly newspaper after the newspaper published an article on political corruption and cronyism. During the year, supporters of the Vanuatu Maritime Authority (VMA) Chairman assaulted the publisher of the independent daily newspaper after the newspaper published articles critical of the VMA.

The Government did not limit access to the Internet; however, computers and Internet access were out of reach for most citizens in the subsistence economy.

The Government did not restrict academic freedom.

b. Freedom of Peaceful Assembly and Association.—The Constitution provides for freedom of assembly and association, and the Government generally respected these rights in practice.

c. Freedom of Religion.—The Constitution provides for freedom of religion, and the Government generally respected this right in practice. Missionaries of various Christian denominations worked without restriction. The Government provided some financial help for the construction of churches for Vanuatu Christian Council members, provided grants to church-operated schools, and paid teachers' salaries at church-operated schools in existence since the country's independence in 1980. These benefits were not available to non-Christian religious organizations. Government schools also scheduled time each week for religious education conducted by representatives of Council churches. Students whose parents did not wish them to attend the class were excused. However, non-Christian religions were not permitted to give religious instruction in the public schools.

In 1995, in response to concerns expressed by some established churches regarding the activities of new missionary groups, such as the Holiness Fellowship, Jeho-

vah's Witnesses, and the Church of Jesus Christ of Latter-Day Saints, Parliament passed a Religious Bodies Act that required religious organizations to register with the Government. However, the President never signed the act, and it never has been enforced. While there has been no effort to repeal the act, it was not regarded as inhibiting religious practice. A few churches registered with the Government voluntarily, and a few church representatives believed that the Religious Bodies Act had a chilling effect on new missionary activity.

For a more detailed discussion, see the 2003 International Religious Freedom Report.

d. Freedom of Movement within the Country, Foreign Travel, Emigration, and Repatriation.—The Constitution provides for these rights, and the Government generally respected them in practice. Although the law does not include provisions for the granting of refugee status or asylum to persons who meet the definition in the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol, there were no reports of the forced return of persons to a country where they feared persecution. The Government has not formulated a policy regarding refugees or asylum. There were no refugee or asylum cases reported during the year. The Government has no association with the office of the U.N. High Commissioner for Refugees.

Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government

The Constitution provides citizens with the right to change their government peacefully, and citizens exercised this right in practice through periodic, free, and fair elections held on the basis of universal suffrage. Parliamentary elections are held every 4 years. The 52-member Parliament elects the Prime Minister as the Head of Government and the President, who is the Head of State. The President's powers are largely ceremonial except when appointing judges and acting on the advice of the Council of Ministers. Parliamentary majorities have been unstable, with frequent motions for votes of no confidence in the government.

National elections held in April 2002 were considered generally free and fair. A total of 256 candidates contested the 52 parliamentary seats. Voter turnout was 63.5 percent. Incumbent Prime Minister Edward Natapei of the Vanua'aku Party assembled a coalition parliamentary majority and formed the Government.

Traditional attitudes regarding male dominance and customary familial roles hampered women's participation in economic and political life. There were no women in the previous Parliament; however, voters elected two women in the last general election. There were no women in the Cabinet.

Section 4. Governmental Attitudes Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

There are no restrictions on the formation of local human rights organizations. Some nongovernmental organizations (NGOs), such as the National Council of Women and the Family Health Association, included human rights education as part of their programs. A number of domestic and international human rights groups, such as Transparency International, operated without government restriction, investigating and publishing their findings on human rights cases. Government officials tolerated their views.

There is a government Ombudsman, who is appointed to a 5-year term by the President in consultation with other political leaders. In 1998, Parliament passed an Ombudsman's Act in the wake of parliamentary anger over the previous Ombudsman's vigorous investigations of official corruption. Among other provisions, the 1998 act requires that the Public Service Commission, not the Ombudsman, appoint members of the Ombudsman's staff and authorizes the presence of legal counsel during interviews with the Ombudsman.

Section 5. Discrimination Based on Race, Sex, Disability, Language, or Social Status

The Constitution prohibits discrimination on the basis of race, place of origin, religious or traditional beliefs, political opinions, language, or sex; however, women remained victims of discrimination in the tradition-based society.

Women.—Violence against women, particularly wife beating, was common, although no accurate statistics exist. There are no specific laws against domestic violence; courts occasionally prosecuted offenders using common law assault as a basis for prosecution. However, most cases of violence against women, including rape, went unreported because women, particularly in rural areas, were ignorant of their rights or feared further abuse. Spousal rape is not a crime, and police frequently were reluctant to intervene in what were considered domestic matters. There were no government programs to address domestic violence, and media attention to the abuse was limited.

Prostitution is illegal and was not regarded as a serious problem. Although there is no law against sex tourism, none has been reported. Sexual harassment is not illegal and was a problem. However, it was not a priority for the police and judiciary.

While women have equal rights under the law, they are only slowly emerging from a traditional culture characterized by male dominance, a general reluctance to educate women, and a widespread belief that women should devote themselves primarily to childbearing. In 2000, a disproportionate number of women's positions were abolished during downsizing of the public service sector. In 2000, as part of the Government's reform program, policies were drafted to guide the Department of Home Affairs in protecting and furthering the rights of women; however, these have not been implemented. The majority of women entered into marriage through "bride-price payment," a practice that has encouraged men to view women as property. Women also were barred by tradition from land ownership. Many female leaders viewed village chiefs as major obstacles to social, political, and economic rights for women. Women interested in running for public office received encouragement and help from the nongovernmental organization (NGO) Vanuatu Women in Politics.

Children.—Access to education was limited, and school attendance was not compulsory. Few children advanced beyond elementary school. Boys tended to receive more education than girls. Although attendance rates were similar in the early primary grades (approximately 79 percent for boys and 78 percent for girls), fewer girls advanced to the higher grades. A significant portion of the population, perhaps as high as 50 percent, was functionally illiterate. Medical services were free, and there was a program of immunization; however, the Government had few resources for medical care, particularly in outlying provinces where there were no hospitals. Child abuse was not extensive; however, the Government did little to combat the problem. NGOs and law enforcement agencies reported increased complaints of incest and rape of children in recent years but no statistics were available. Children generally were protected within the traditional extended family system. Members of the extended family, particularly paternal uncles, played an active role in a child's development. As a result, virtually no children were homeless or abandoned.

Persons with Disabilities.—There was no governmental or national policy on persons with disabilities and no legislation mandating access to buildings for them. Their protection and care is left to the traditional extended family and to voluntary NGOs. Due to high rates of unemployment, there were few jobs available for persons with disabilities. Persons with mental illness generally did not receive specialized care; they usually were attended by members of their extended families.

National/Racial/Ethnic Minorities.—Most of the population is made up of Melanesians. Small minorities of Chinese, Fijians, Vietnamese, Tongans, and Europeans generally were concentrated in two towns and on a few plantations. Most of the land belongs to indigenous tribes and cannot be sold, although it is sometimes leased to others. However, within the limits of this system of land tenure, there were no reports of discrimination against noncitizens. There was no evidence of ethnic discrimination in the provision of the limited basic services that the Government provided.

Section 6. Worker Rights

a. The Right of Association.—The law provides workers with the right to organize and join unions, and workers exercised this right in practice. Approximately 25,000 persons participated in the formal economy as wage earners. Combined union membership in the private and public sectors was approximately 1,000. All five existing trade unions are independent of the Government. They are grouped under an umbrella organization, the Vanuatu Council of Trade Unions (VCTU). There are no categories of workers who are not permitted to join unions. The high percentage of the population still engaged in subsistence agriculture and fishing precluded extensive union activity. Unions may not affiliate with international labor federations without government permission. The VCTU is a member of the International Confederation of Free Trade Unions.

b. The Right to Organize and Bargain Collectively.—Unions exercise the right to organize and bargain collectively. They negotiate wages and conditions directly with management. If the two sides cannot agree, the matter is referred to a three-member arbitration board appointed by the Minister of Home Affairs. The board consists of one representative from organized labor, one from management, and the senior magistrate of the Magistrate's Court. While a dispute is before the board, labor may not strike and management may not dismiss union employees. However, unions and management generally reached agreement on wages without referring the matter to

arbitration. Complaints of anti-union discrimination are referred to the Commissioner of Labor; however, none were reported during the year. While the law does not require union recognition, it prohibits anti-union discrimination once a union is recognized. The law prohibits retaliation if a strike is legal. In the case of private-sector employees, violations would be referred to the Labor Department for conciliation and arbitration. In the public sector, the Public Service Commission would handle violations. Unions are required by law to give 30 days' notice of intent to strike and to provide a list of the names of potential strikers. There was no significant strike activity during the year.

There are no export processing zones.

c. Prohibition of Forced or Bonded Labor.—The law prohibits forced or bonded labor, including by children, and there were no reports that such practices occurred.

d. Status of Child Labor Practices and Minimum Age for Employment.—The law prohibits children under 12 years of age from working outside of family-owned agricultural production, where many children assisted their parents. The employment of children from 12 to 18 years of age was restricted by occupational category and conditions of labor, including employment in the shipping industry and nighttime employment. The Labor Department effectively enforced these laws. The country has not ratified International Labor Organization Convention 182 on the worst forms of child labor.

e. Acceptable Conditions of Work.—A legislated minimum wage was enforced effectively by the Labor Department. Since 1995, it has been a flat rate of approximately \$143 (16,000 vatu) per month for both urban and rural workers. The minimum wage did not provide a decent standard of living for an urban worker and family. However, most families were not dependent solely on wages for their livelihood, supplementing incomes through subsistence farming. Various laws regulated benefits such as sick leave, annual vacations, and other conditions of employment, such as a 44-hour maximum workweek that included at least one 24-hour rest period. The Employment Act, enforced by the Labor Department, includes provisions for safety standards. However, the safety and health law was inadequate to protect workers engaged in logging, agriculture, construction, and manufacturing, and the single inspector attached to the Labor Department could not enforce the law fully. Workers have the right to remove themselves from dangerous work situations without jeopardy to their continued employment.

There were few foreign workers. Those present in the country were primarily managers, professionals, and entrepreneurs.

f. Trafficking in Persons.—The Constitution and the law do not prohibit specifically trafficking in persons; however, there were no reports that persons were trafficked to, from, or within the country.

VIETNAM

Vietnam is a one-party state, ruled and controlled by the Communist Party of Vietnam (CPV). The CPV's constitutionally mandated leading role and the occupancy of all senior government positions by party members ensured the primacy of Politburo guidelines and enabled the party to set the broad parameters of national policy. In recent years, the CPV gradually reduced its formal involvement in government operations and allowed the Government to exercise significant discretion in implementing policy. The National Assembly remained subject to CPV direction; however, the Government continued to strengthen the capacity of the 498-member National Assembly and to reform the bureaucracy. The National Assembly members were chosen in May 2002 elections in which candidates were vetted by the CPV's Vietnam Fatherland Front (VFF), an umbrella group for the country's mass organizations. Approximately 90 percent of elected delegates were CPV members. However, the National Assembly continued to play an increasingly independent role as a forum for local and provincial concerns and as a critic of local and national corruption and inefficiency and made progress in improving transparency in the legal and regulatory systems. The judiciary was subject to the influence of the CPV and the Government.

Internal security is primarily the responsibility of the Ministry of Public Security (MPS); however, in some remote areas, the military forces are still the primary government agency, providing infrastructure and all public safety functions, including maintaining public order in the event of civil unrest. Since 2001, the military has played a large role in the Central Highlands by enforcing restrictions on gatherings, detaining individuals, and enforcing travel restrictions. The MPS controls the police,

a special national security investigative agency, and other units that maintain internal security. The MPS enforces laws and regulations that often significantly restrict individual liberties and violate other human rights. It also maintained a system of household registration and block wardens to monitor the population, concentrating on those suspected of engaging, or being likely to engage in, unauthorized political activities; however, this system has become less obvious and pervasive in its intrusion into most citizens' daily lives. While the civilian authorities generally maintained effective control of the security forces, there were reports that elements of the security forces acted independent of government authority. Members of the public security forces committed numerous human rights abuses.

The country of approximately 80 million persons is undergoing transition from a wholly central planned economy to a "socialist-oriented market economy." During the year, the Gross Domestic Product growth rate was approximately 7 percent and the inflation rate approximately 2.2 percent at year's end. The agriculture, forestry, and fishery sectors employed 62.5 percent of the labor force and accounted for 23 percent of total economic output. Industry and construction contributed 38.5 percent of total economic output, while services accounted for 38.5 percent. During the year, official development assistance disbursements exceeded \$1.4 billion. In the last 10 years, overall poverty levels decreased significantly; as of 2002, approximately 30 percent of the population lived below the poverty line. Particularly in Ho Chi Minh City and Hanoi, economic reforms have raised the standard of living and reduced CPV and government control over, and intrusion into, citizens' daily lives; however, many citizens in isolated rural areas, particularly members of ethnic minorities in the Northwest Highlands, Central Highlands, and the central coastal regions continued to live in extreme poverty. There was a growing income and development gap between urban and rural areas and within urban areas. Unemployment and underemployment remained significant problems. The Government made significant steps in improving legal transparency for businesses. In December 2002, the National Assembly amended the Law on the Promulgation of Legal Normative Documents, which required most legal documents be published in the Official Gazette. On July 1, to meet this requirement, the Official Gazette became a daily publication, from six issues per month previously.

The Government's human rights record remained poor, and it continued to commit serious abuses. The Government continued to deny the right of citizens to change their government. Police sometimes beat suspects during arrests, detention, and interrogation. Several sources also reported that security forces detained, beat, and were responsible for the disappearances of persons during the year. Incidents of arbitrary detention of citizens, including detention for peaceful expression of political and religious views, continued. With some exceptions, prison conditions remained harsh, particularly in some isolated provinces, and some persons reportedly died as a result of abuse in custody. Prisons usually required inmates to work for little compensation and no wages. The judiciary was not independent, and the Government denied some citizens the right to fair and expeditious trials. The Government continued to hold a number of political prisoners. The Government restricted citizens' privacy rights, although the trend toward reduced government interference in the daily lives of most citizens continued. The Government significantly restricted freedom of speech, freedom of the press, freedom of assembly, and freedom of association. The Government continued its longstanding policy of not tolerating most types of public dissent and stepped up efforts to control dissent on the Internet. Security forces continued to enforce restrictions on public gatherings and travel in some parts of the country, primarily in the Central Highlands and the Northwest Highlands. The Government allowed elected officials and ordinary citizens in approved forums somewhat greater freedom of expression and freedom of assembly to express grievances. The Government prohibited independent political, labor, and social organizations; such organizations existed only under the control of the VFF. The Government restricted freedom of religion and operation of religious organizations other than those approved by the State. In particular, Buddhists, Hoa Hao, and Protestants active in unregistered organizations faced harassment as well as possible detention by authorities. The Government imposed some limits on freedom of movement of particular individuals whom it deemed threatening to its rule. Access to the Central Highlands by foreign observers improved from 2002, but visitors to the area were generally monitored and often accompanied by security officials. The Government continued to restrict significantly civil liberties on grounds of national security and societal stability. The CPV continued its efforts to strengthen the mechanism for citizens to petition the Government and for victims of injustice to obtain compensation. The Government did not permit human rights organizations to form or operate. Violence and societal discrimination against women remained problems. Child prostitution was a problem. Government and societal discrimination

against some ethnic minorities continued to be problems. The Government restricted some core worker rights, such as freedom of association, although the Government cooperated with the International Labor Organization (ILO) and international donors to improve implementation of the Labor Law. There were reports that children worked in exploitative situations. The Government recognized child labor as a problem and attempted to address it. Trafficking in women and children for the purpose of prostitution within the country and abroad continued to be a serious problem, and there were reports of the trafficking of women to China and Taiwan for arranged and forced marriages.

RESPECT FOR HUMAN RIGHTS

Section 1. Respect for the Integrity of the Person, Including Freedom From:

a. Arbitrary or Unlawful Deprivation of Life.—There were no political killings during the year; however, there were reports of killings by security forces. In July, police in Xin Man District, Ha Giang Province, reportedly beat to death then threw into a stream Vang Seo Giao, a former CPV member who had converted to Christianity, for refusing to renounce his Protestant faith. Police also reportedly beat to death another Protestant, Mua Say So, for criticizing the Government over the alleged killing of his brother, Mua Bua Seng. In September, police in Nam Dinh Province beat to death Tran Minh Duc who had been detained following a domestic dispute. There were no reports of action taken against officials involved in any of these killings. During the year, police in Quang Nam Province reportedly tortured Nguyen Ngoc Chau to death while questioning him on murder charges. The Supreme People's Procuracy requested prosecution for the three police officers implicated in the killing; the case was pending at year's end.

Two police officers in Vinh Phuc Province charged in the January 2002 torture death of Khong Van Thoi still were awaiting trial at year's end. Two prison guards charged in the September 2002 killing of a prison inmate in Hai Duong Province, Pham Van Dung, also were awaiting trial for manslaughter at year's end.

b. Disappearance.—There were credible reports that some members of ethnic minorities in the Central Highlands and Northwest Highlands who were either arrested or detained did not return to their families.

In August, the People's Court of Ho Chi Minh City notified the family of Pham Van Tuong, a former Unified Buddhist Church of Vietnam (UBCV) monk known as Thich Tri Luc until he secularized in 1997, that he was imprisoned in Ho Chi Minh City awaiting trial on unspecified charges. In July 2002, Tuong reportedly was forced to return to the country from Cambodia, where he had been granted UNHCR refugee status. The court postponed his trial, originally scheduled for August 1; his family was not allowed to visit him, nor had a new trial date been set by year's end.

In August 2002, in M'Drak district, Dak Lak Province, police confronted 120 villagers attempting to prevent the detention of an ethnic minority Protestant pastor, Y Su Nie, and his two adult sons. After a confused altercation, the police arrested all 120 persons. Most of those arrested were released after a few days, but 20 to 30 of the villagers did not return to their villages. Police reportedly did not acknowledge detaining them. In October 2002, police reported that they had detained Y Su Nie and one other person.

Also in August 2002, in Dak Lak, police detained 240 persons at a house church meeting. Most of the detained were released within a few days, but 47 persons allegedly did not return to their families. Police did not admit to having detained them.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The law prohibits physical abuse; however, police sometimes beat suspects while in the process of arresting them or while they were in custody. Police reportedly beat to death at least two suspects in detention in 2002 (see Section 1.a.).

There was no known action taken against two guards who reportedly beat and seriously injured an inmate at a prison in Hai Duong Province in August 2002.

Prison conditions reportedly were often harsh but generally did not threaten the lives of prisoners. During the year, as in 2002, visits by select diplomatic observers revealed Spartan but generally acceptable conditions in at least two prisons.

Men and women were housed separately in prisons. Juveniles were housed separately from adult populations. Overcrowding, insufficient diet, and poor sanitation remained serious problems in many prisons.

Prisoners, including those held for political reasons, were reportedly moved arbitrarily to solitary confinement, including deprivation of reading and writing materials, for periods of up to several months. Unlike in the previous year, there were no reports that some inmates were punished with harsh solitary confinement conditions during the year.

Pretrial detainees were generally held separately from convicted prisoners and were denied visitation rights. Consular officers were granted access to their citizen detainees but usually after a 4 to 8 week delay. Unlike in the previous year, there were no reports that conditions for pretrial detainees were harsher than conditions for those who were convicted and sentenced; however, pretrial detainees were sometimes not permitted access by lawyers and family members. Most prisoners had access to basic health care. Some political and other prisoners were denied visitation rights. Prisoners generally were required to work but received no wages (see Section 6.c.). Prisoners sentenced to hard labor complained that their diet and medical care were insufficient to sustain good health, especially in remote, disease-ridden areas. Although political and religious prisoners often were held under harsh conditions and with limited medical care in remote prisons, such as Z30a at Xuan Loc in an isolated part of Dong Nai Province, there was no evidence to suggest their conditions were significantly different than those for the regular prison population.

During the year, as in 2002, the Government permitted selected diplomatic observers to visit prisons; however, the Government did not allow the International Committee of the Red Cross (ICRC) to visit prisoners.

d. Arbitrary Arrest, Detention, or Exile.—The law prohibits arbitrary arrest and detention; however, the Government continued to arrest and detain citizens arbitrarily. Some persons were arrested and detained for the peaceful expression of their political and religious views. In addition, several persons who were arrested or detained in 2002 reportedly did not return to their families (see Section 1.b.). The Criminal Code provides for various rights of detainees, including the right of the accused to have a lawyer present during interrogation; however, in practice the authorities sometimes ignored these legal safeguards. Moreover, a long-standing directive on administrative probation gives security officials broad powers to subject individuals to a form of house arrest, if they believe that a suspect is a threat to “national security” or even on less serious grounds, without trial.

The Criminal Code places a 12-month time limit on investigative detention; however, the Government sometimes detained persons for more than 1 year in that status. There is no legal limit on the time that a judge’s panel (a body consisting of at least one judge and two lay assessors) has to rule on a case (see Section 1.e.); however, there is a 3-month limit for trying, dismissing, or returning a case for re-investigation once the 12-month investigative period is ended. Prior to being formally charged, a detainee has a statutory right to notify family members, and, in most cases, police informed the family of the detainee’s whereabouts. A detainee may contact a lawyer, prior to being charged, if permitted by the head of the investigating office. Following a formal charge, the detainee has a statutory right to contact an attorney; however, it was not clear that this right generally was respected in practice.

The Supreme People’s Procuracy (the office which investigates cases and initiates public prosecutions) issues arrest warrants, generally at the request of police; however, police may make an arrest without a warrant on the basis of a complaint filed by any party alleging the commission of a crime. In such cases, the Procuracy must issue retroactive arrest warrants. Unless specifically authorized by an investigator, the MPS usually prohibited contact between a detainee and his lawyer as long as the procurator’s office was investigating a case, which may last up to 1 year and may not entail any formal charges. Likewise, family members may visit a detainee only with the permission of the investigator. Time spent in pretrial detention usually counts toward time served upon conviction and sentencing.

Courts may sentence persons to administrative detention for a period of up to 5 years after release from prison. These provisions were enforced unevenly. Government officials used administrative probation to place persons under house arrest without trial for up to 2 years (see Section 2.d.). For example, at least three UBCV monks were sentenced to 2 years’ house arrest in October and remained under house arrest at year’s end.

Persons arrested for the peaceful expression of views were subject to charge under several provisions in the Criminal Code that outlaw acts against the State. On March 17, police detained democracy activist Dr. Nguyen Dan Que for providing information critical of the country to foreign journalists (see Section 2.a.). On June 18, a court in Hanoi sentenced Dr. Pham Hong Son to 13 years’ imprisonment and 3 years’ house arrest (see Section 2.a.). His sentence was reduced on appeal to 5 years’ imprisonment. On December 31, Nguyen Vu Binh, a journalist who had been arrested in September 2002, was convicted of espionage by a court in Hanoi after he had criticized the country’s border agreement with China and sent testimony on human rights issues in the country to a foreign government. Binh was sentenced to 7 years’ imprisonment and 3 years’ house arrest. Diplomats and foreign journalists were refused permission to attend either of the two trials.

Police picked up street children in Hanoi and Ho Chi Minh City and held them in juvenile detention facilities in advance of the December Southeast Asia Games.

In 2002, activist Nguyen Khac Toan was sentenced to 12 years' imprisonment for disseminating articles critical of the Government on the Internet.

In December 2002, police detained democracy activists Pham Que Duong and Tran Van Khue (see Section 2.a.); at year's end, they had not yet been tried. In addition, up to 19 Hmong Protestant leaders, including Mua A Ho, Cu Van Long, and Sua Song Vu, may still be detained. It was unknown whether several persons reportedly detained in previous years have been tried, including: Vo Tan Sau, Phan Thi Tiem, and Tran Thi Duyen, Le Huu Hoa, Ma Van Chinh, and Lu Seo Dieu.

The Constitution does not provide for forced exile, and the Government did not use it.

e. Denial of Fair Public Trial.—The Constitution provides for the independence of judges and lay assessors; however, in practice, the CPV controls the courts closely at all levels, selecting judges, at least in part, for their political reliability. Constitutional safeguards were significantly lacking. The CPV had strong influence over high profile cases and cases in which a person was charged with challenging or harming the CPV or the State. During the year, CPV and government officials likely exerted influence over court decisions by making clear their wishes to both the lay assessors and the judges who sat on a panel together to decide cases. The National Assembly votes for judicial nominees presented by the President for the Supreme People's Court (SPC) President and Supreme People's Procuracy. The National Assembly also controls the judiciary's budget, including judges' salaries, just as it controls the budgets and salaries of all other parts of the Government. Provincial and district governments disburse judges' salaries at their respective levels, just as they disburse the salaries of other local officials. The State President appoints all other judges, not the President of the SPC. This power is granted in the Constitution. In September 2002, the Government transferred local courts from the Ministry of Justice to the SPC, in an effort to increase judicial independence. There was no evidence that this change had any effect on the independence of the courts.

The system of appointing judges and lay assessors also reflected the lack of judicial independence. Court of First Instance Panels at district and provincial levels include judges and lay assessors, but provincial appeals courts and the Supreme People's Court are composed of judges only. People's Councils appoint lay assessors at the district and provincial levels. Lay assessors are required to have "high moral standards," but legal training is not necessary. District and provincial People's Councils appoint the lay assessors at the lower levels. The VFF must approve candidates for SPC lay assessors. The SPC President appoints the District People's Court and Provincial People's Court judges to 5-year terms. The SPC President also appoints SPC judges from candidates approved by a judicial selection panel under the influence of the CPV. The CPV's influence over the courts was amplified both because the People's Councils appointed the lay assessors, and because the judges served limited terms and were subject to review.

The judiciary consists of the Supreme People's Court; the district and provincial People's Courts; military tribunals; administrative, economic, and labor courts; and other tribunals established by law. Each district throughout the country has a district People's Court, which serves as the court of first instance for most domestic, civil, and criminal cases. Each province has a provincial People's Court, which serves as the appellate forum for district court cases, as well as courts of first instance for other cases. The SPC is the highest court of appeal and review. The SPC reports to the National Assembly. Administrative courts deal with complaints by citizens about official abuse and corruption.

Military tribunals operate under the same rules as other courts, but the Ministry of Defense (MOD) provides their funding. Tribunal judges and assessors are military personnel, chosen jointly by the SPC and the MOD but supervised by the SPC. The MOD is represented on the judicial selection panels, and the head of the military tribunal system is the deputy head of the SPC. A 2002 law gives military courts jurisdiction over all criminal cases involving military entities, including military-owned enterprises. The military has the option of using the administrative, economic, or labor courts for civil cases.

The VFF does not have any legal standing to settle legal issues itself. In addition, the CPV and the Government set up special committees to help resolve local disputes.

The Supreme People's Procuracy brings charges against the accused and serves as prosecutor during trials. A judging council, made up of a judge and one or more lay assessors, determines guilt or innocence and also passes sentence. Although the Constitution provides that citizens are innocent until proven guilty, a foreign legal expert who analyzed the court system during 2000 found that more than 95 percent

of the persons who were charged with a crime were convicted. Some lawyers complained that judges generally presumed guilt.

There was a shortage of trained lawyers and judges and no independent bar association. At the Supreme Court level, there was a 20 percent shortage of qualified judges in 2002. According to a U.N. official, 30 to 40 percent more judges were needed at the provincial level. Low salaries hindered the development of a trained judiciary. The few judges who had formal legal training often studied abroad in countries with socialist legal traditions. Young educated judges usually had little influence within the system.

The Government conducted training programs to address the problem of inadequately trained judges and other court officials. A number of foreign governments and the U.N. Development Program (UNDP) provided assistance to strengthen the rule of law and to develop a more effective judiciary; however, the lack of openness in the criminal judicial process and the continuing lack of independence of the judiciary undermined these efforts.

Although the Constitution provides for legal counsel for persons accused of criminal offenses, the scarcity of lawyers made this provision impossible to implement. With few qualified attorneys, the procurator often handled both the prosecution and the defense, resulting in legal counsel that frequently provided little help to the defendant. Consistent with its Marxist-Leninist political system, the Government required that the Bar Association be a member of the VFF. At the provincial level, the Bar Association was subordinate to representatives of the central Government, the VFF, the provincial People's Council, and the People's Committee.

Trials generally were open to the public; however, judicial authorities closed trials or strictly limited attendance in sensitive cases. Defendants have the right to be present at their trial and to have a lawyer. The defendant or the defense lawyer have the right to cross-examine witnesses; however, there were credible reports that defendants were not allowed access to government evidence in advance of the trial, to cross-examine witnesses, or to challenge statements. Lawyers reported that they often had little time before trials to examine evidence to be presented against their clients. Those who were convicted had the right to appeal. The courts did not publish their proceedings.

The Government continued to imprison persons for the peaceful expression of dissenting religious and political views. There were no reliable estimates of the number of political prisoners, because the Government usually did not publicize such arrests, rejected the concept of political and religious prisoners, and sometimes conducted closed trials and sentencing sessions. There were 14 prisoners known to be held for political reasons and 21 prisoners held for religious reasons. Other sources estimated that numbers could be much higher. Among those believed to be detained or imprisoned were political activists Dr. Nguyen Dan Que, Col. Pham Que Duong, Tran Van Khue, Tran Dung Tien, Pham Hong Son, Nguyen Vu Binh, Nguyen Dinh Huy (who reportedly was suffering from Parkinson's disease), Le Chi Quang, Nguyen Khac Toan, journalist Pham Thai, and religious persons Father Nguyen Van Ly, Ngo Van Thong, Pham Minh Tri, Le Minh Triet, Nguyen Chau Lang, Truong Van Duc, Bui Van Hue, Dinh Troi, Pham Van Tuong, Ho Van Trong, Ha Hai, Thich Thien Minh, Nguyen Thien Phung, Hoang Trong Dung, Nguyen Van Lia, Ly A Hu, and Ly A Cho.

The Government amnestied at least 750 prisoners during the year, but no political or religious prisoners were known to be among them; however, the Government reduced the sentences of at least 4 political prisoners during the year.

The Government claimed that it did not hold any political or religious prisoners and that persons described as political or religious prisoners were convicted of violating national security laws or general criminal laws. In February, local authorities released or commuted the sentences of 246 prisoners from Ho Chi Minh City's Chi Hoa and Bo La prisons for good behavior in advance of the Lunar New Year holiday. On the occasion of the September 2 National Day, local authorities amnestied an additional 544 prisoners in Hanoi, Haiphong, and Ho Chi Minh City, releasing 120 before the end of their prison terms and reducing the sentences of the remainder by 2 to 20 months. The Ministry of Foreign Affairs reported that none of the persons amnestied were listed as persons of concern by foreign governments or nongovernmental organizations (NGOs).

The Government did not allow access by humanitarian organizations to political prisoners.

f. Arbitrary Interference with Privacy, Family, Home or Correspondence.—The Constitution provides for the right to privacy of home and correspondence; however, the Government restricted this right significantly. Household registration and block warden systems existed for the surveillance of all citizens but were used with less vigor and thoroughness than in the past and usually did not intrude on most citi-

zens. The authorities largely focused on persons whom they regarded as having views critical of the Government or whom they suspected of involvement in unauthorized political or religious activities. Citizens formally are required to register with police when they leave home, remain in another location overnight, or when they change their residence, although this usually was honored in the breach; however, the Government appeared to have enforced these requirements in some districts of the Central Highlands and northwestern provinces. On August 18, police used that requirement to enter an illegal Protestant house church in Ho Chi Minh City, leading to an altercation that resulted in the brief detention of two church leaders. Most citizens who wished to move around the country to seek work or to visit family and friends were able to do so without being monitored, and most families who sought employment moved to other locations without prior government permission (see Section 2.d.). There continued to be reports that some "spontaneous migrant" families were unable to obtain household registration or residence permits in their new locations, which created legal and administrative problems. In urban areas, most citizens were free to maintain contact and to work with foreigners. In theory, the Government required that citizens who work for foreign organizations be screened and hired through a government service bureau. Laws governing foreign business enterprises are more lenient. In practice, many foreign organizations, including diplomatic missions, and enterprises hired their own personnel and only "registered" them with the service bureau or employment bureau.

Forced entry into homes is not permitted without orders from the Procuracy; however, in practice, security forces seldom followed this requirement but rather asked for permission to enter, with an implied threat to cooperate. In some cases, individuals refused to cooperate with such "requests." In urban areas, police generally left when faced with non-compliance. In one case in early October, security officers entered without permission a house in Gia Lai Province where a foreign diplomat was conducting a consular interview. The security officers harassed the occupants of the residence and later blocked the consular officer from entering residences in Dak Lak Province.

The Government opened and censored targeted persons' mail, confiscated packages and letters, and monitored telephone conversations, electronic mail, and facsimile transmissions. The Government cut the telephone lines of some targeted individuals and also repeatedly interrupted their cellular phone service. This practice appeared to be sporadic and was not applied consistently. The Government monitored e-mail, searched for sensitive key words, and regulated Internet content (see Section 2.a.).

The Government did not exercise forced resettlement; however, there were credible reports that the Government forced ethnic minority Protestants in the northwestern and Central Highlands provinces to leave their homes without providing them with alternative places to live. The Government also resettled some citizens to make way for infrastructure projects. By law, citizens were to be compensated in such cases, but there were widespread complaints, including from the National Assembly, that compensation was not fair or was delayed. The Government has acknowledged problems in past resettlement programs.

The Government enforced universal male conscription. Medical waivers were available, and students generally received deferments, as did others in special cases. Individuals who received deferments rarely were drafted. It was unknown whether there were differences in conscription rates between ethnic groups.

Citizens' membership in mass organizations remained voluntary but often was important for career advancement. Membership in the CPV remained an aid to advancement in the Government and in state companies and was vital for promotion to senior levels of the Government. At the same time, diversification of the economy made membership in CPV-controlled mass organizations and the CPV less essential to financial and social advancement. Opposition political parties were not permitted.

The Government continued to implement a family planning policy that urges all families to have no more than two children; this policy emphasized exhortation rather than coercion. The Government can deny promotions and salary increases to government employees with more than two children. Fines were not permitted under revised family planning regulations adopted during the year; officials claimed that fines were never a formal part of the family planning process.

In 2001, relatives of some individuals holding political viewpoints at variance with the Government lost their jobs with state-owned enterprises; however, most, if not all, found equivalent or better positions with private sector employers. No similar cases were known to have taken place in 2002 or during the year.

The Government interfered with distribution of foreign periodicals and access to satellite television (see Section 2.a.).

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution provides for freedom of speech and freedom of the press; however, the Government significantly restricted these freedoms in practice, particularly with respect to political and religious speech. Both the Constitution and the Criminal Code include broad national security and anti-defamation provisions that the Government used to restrict severely such freedoms. The CPV, the Government, and the party-controlled mass organizations controlled all print and electronic media. The Government exercised oversight through the Ministry of Culture and Information, supplemented by pervasive party guidance and national security legislation sufficiently broad to ensure effective self-censorship in the domestic media. During the year, the international NGO Reporters Without Borders claimed that Vietnam was among the 10 most repressive countries in the world regarding freedom of the press.

A press law required journalists to pay monetary damages to individuals or organizations harmed as a result of their reporting, even if the reports were true. Observers noted that this law limited the scope of investigative reporting. Several media outlets continued to test the limits of government press restriction by publishing articles that criticized actions by party and government officials; however, the freedom to criticize the CPV and its senior leadership remained restricted. Nonetheless, during the year, there were press reports about topics that generally were considered sensitive, such as the prosecution of high-ranking CPV officials in the trial of organized crime boss Nam Cam. The Government required officials to obtain approval from their ministry before providing any information to foreign journalists. Journalists must receive approval from their editorial offices before providing information.

The CPV and the Government tolerated public discussion on some subjects and permitted somewhat more criticism than in the past. The law allows citizens to complain openly about inefficient government, administrative procedures, corruption, and economic policy. Senior government and party leaders traveled to many provinces to try to resolve citizen complaints. However, on January 29, the Hanoi People's Court sentenced four persons to jail terms ranging from 24 to 42 months after they disseminated to all 61 provinces and the National Assembly letters denouncing local land clearance policies. On August 22, a court in Dong Nai Province sentenced four persons to prison terms of 30 to 42 months for inciting fellow farmers to voice complaints over provincial land use policies.

The Government continued to prohibit free speech that questioned the role of the CPV, criticized individual government leaders, promoted pluralism or multiparty democracy, or questioned the Government's policies on sensitive matters such as human rights or the border agreement with China. There continued to be an arbitrary line between what constituted private speech about sensitive matters, which the authorities would tolerate, and public speech in those areas that they would not tolerate. On March 17, police detained democracy activist Dr. Nguyen Dan Que on espionage charges for providing information to foreign journalists. At year's end, he remained in detention in Ho Chi Minh City, and his family was prohibited from visiting him. On June 18, a court in Hanoi sentenced Dr. Pham Hong Son to 13 years' imprisonment and 3 years' house arrest in a closed trial on espionage charges after he translated a number of English-language articles about democracy and posted them on the Internet. On August 26, an appeals court reduced the sentence to 5 years. In 2002, police repeatedly summoned democracy activist Nguyen Vu Binh, a former journalist, for questioning. He was under close police surveillance for several weeks thereafter before being summoned for questioning again and detained in 2002. On December 31, he was tried, convicted of "espionage," and sentenced to 7 years in prison and 3 years' administrative detention (see Section 1.d.). In 2001, biologist Ha Sy Phu, who was cleared on earlier charges of treason, was placed under administrative probation for writing articles calling for democracy. His administrative probation expired in March.

Since 2001, several democracy activists have had their telephone service disconnected. In 2002, before his December 2002 detention, retired Colonel Pham Que Duong was called in for questioning for several consecutive days and had his cell telephone service cut at least three times in 2002. In December 2002, police detained Duong in Ho Chi Minh City just after he concluded a visit to fellow activist Tran Van Khue. A day later, police came to Khue's house, detained him, and took away his computer and other materials. Khue and Duong had identified themselves as spokespersons for a number of other activists. Both Khue and Duong were in pre-trial detention at year's end. Before his arrest on March 18, Nguyen Dan Que continued to call for democracy and respect for human rights, but authorities interfered with his ability to communicate by cutting off his cellular telephone service intermittently, shutting off his land line, and restricting his access to the Internet and

e-mail for more than 2 years. Police monitored him closely and questioned him periodically until his March arrest. Que was in pretrial detention at year's end.

On July 17, the Government reduced by 5 years the cumulative 15-year sentences imposed on Catholic priest Thaddeus Nguyen Van Ly in 2001 for "damaging national unity." In 2001, Father Ly had submitted written testimony critical of the Government to the U.S. Commission on International Religious Freedom and frequently spoke out for political pluralism and complete religious freedom. On September 10, the Ho Chi Minh City People's Court sentenced Father Ly's niece, Nguyen Thi Hoa, and two nephews, Nguyen Truc Cuong and Nguyen Vu Viet, to sentences ranging from 3 to 5 years' imprisonment for communicating information on his activities to foreign journalists. On November 28, the Ho Chi Minh Court of Appeals reduced the sentences of the three siblings, resulting in their release for time served.

The Government restricted persons who belonged to unofficial religious groups from speaking publicly about their beliefs (see Section 2.c.).

Some persons who expressed alternative opinions on religious or political issues were not allowed to travel abroad (see Section 2.d.).

Published reports on high-level government corruption and mismanagement became more common in recent years. Local newspapers devoted extensive coverage to the trial of the Nam Cam organized crime gang, with links to three high-level government officials, two of whom were members of the CPV Central Committee before their expulsions in 2002. The Government restricted coverage when it deemed that the scandal was receiving too much publicity and revealing too many sensitive points. Many newspapers ignored the CPV's instructions not to report on the case, resulting in strong rebukes. During the year, the editor-in-chief of Tuoi Tre, who presided over the newspaper during reporting on the Nam Cam trial, was transferred to the newspaper's real estate management group.

In 2002, the Government criticized reporters for what it considered sensationalized reporting on a major fire in Ho Chi Minh City. In December 2002, the Ministry of Culture and Information revoked the press identity cards of four reporters. Three of the reporters, Tran Ngoc Tuan of Tien Phong magazine, Dang Thanh Hai of Thanh Nien newspaper, and Nguyen Minh Son of Nguoi Lao Dong newspaper, filed what the Government claimed were inaccurate reports about Danang police beating citizens to the point of severe injury. A fourth reporter, Bui Ngoc Cai of Gia Dinh Va Xa Hoi newspaper, reported that a police major general had said that the Government might punish ministerial level officials for corruption. All four journalists had their press cards returned to their employers in October.

In 2002, the Government unexpectedly blocked press access to the foreign-funded, scientific Conference on Environmental and Human Health Effects of Agent Orange in Hanoi. The Government did not allow foreign journalists to attend sessions and restricted domestic journalists to the opening and closing sessions. At year's end, nearly 1½ years later, the conference papers had not been translated or distributed.

The Government generally required religious publishing to be done through one government-owned religious publishing house; however, some religious groups were able to print their own materials or import materials, subject to government approval (see Section 2.c.).

Foreign language periodicals were widely available in cities; however, the Government occasionally censored articles about the country. The Government sometimes delayed availability of a foreign periodical, apparently because of articles on sensitive topics. The Government generally did not limit access to international radio, except to Radio Free Asia and the Far East Broadcasting Corporation, which it continued to jam.

Foreign journalists must be approved by the Foreign Ministry's Press Center and must be based in Hanoi. The number of foreign staff allowed to each foreign media organization was limited, and most local staff who worked for foreign media were provided by the Foreign Ministry. The Press Center monitored journalists' activities and decided on a case-by-case basis whether to approve their interview, photograph, film, or travel requests, all of which in principle must be submitted 5 days in advance. The Press Center refused several travel requests, particularly for travel to the Central Highlands, although it did allow two journalist groups to visit the Central Highlands during the year. By law, foreign journalists are required to address all of their questions to other government agencies through the Foreign Ministry, although it appeared that this often was not followed in practice. Foreign journalists generally received visas valid for 6 months. One journalist was unable to renew his visa during 2002, and two journalists received visas for shorter than usual terms in 2001. There were no such reports during the year.

In past years, the Government censored television footage and sometimes delayed export of footage by several days. During 2002 and this year, such censorship was

not known to have occurred, although regulations continued to allow the Government to screen such footage. The law limits access to satellite television to top officials, foreigners, luxury hotels, and the press; however, the law was not enforced uniformly, and an increasing number of persons in urban and some rural areas had access to censored television footage via home satellite equipment or cable. In 2002, following a visible increase in individual satellite dishes set up in conjunction with the World Cup soccer competition, the Government issued a new decree in an attempt to enforce this requirement more stringently; however, that decree appeared to go largely unenforced.

The Government censored art exhibits, music, and other cultural activities. However, the Government generally allowed artists broader latitude than in past years in choosing the themes for their works, although artists were not allowed to exhibit works of art that censors regarded as criticizing or ridiculing the Government or the CPV. Many artists received permission to exhibit their works abroad, receiving exit permits to attend the exhibits and export permits to send their works out of the country.

Foreign language editions of some banned books, such as Duong Thu Huong's *Memories of a Pure Spring*, were sold openly by street peddlers, and Bao Ninh's previously banned book, *Sorrow of War*, was available in bookstores in Vietnamese language editions. In one notable exception, the press launched a campaign to denounce well-known actor Don Duong for his roles in the films "Green Dragon" and "We Were Soldiers Once." The articles described the actor as a traitor and called for his arrest and detention. The Government also prevented actor Don Duong from traveling abroad for periods of time during the year (see Section 2.d.); however, it did eventually allow him and his family to emigrate to the United States.

The Government allowed access to the Internet through 6 Internet Access Providers (IXPs) and 13 Internet Service Providers (ISPs); however, all IXPs were required to be State-owned, or are joint-stock companies with the State as controlling shareholder. All IXPs leased Internet access through the country's largest access provider, Vietnam Data Communications (VDC). The Ministry of Post and Telematics reported that the country had 650,000 Internet subscribers and roughly 2,660,000 Internet users. The price of computers relative to the country's income level limited home use, but universities and approximately 4,000 cyber cafes allowed students and many other persons wider access to the Internet.

VDC was authorized by the Government to monitor the sites that subscribers access. The Government used firewalls to block sites it deemed politically or culturally inappropriate, including sites operated by exile groups abroad. The Government restricted access to the Radio Free Asia and Voice of America websites during the year. In 2002, the Government instructed cyber cafe owners to monitor their customers to discourage citizens from accessing sites containing anti-government material as well as pornography; however, such monitoring appeared uncommon.

In August 2002, the Government inspected a large number of Internet cafes to determine whether persons were accessing blacklisted sites. Also in August 2002, the Government closed a company that provided an online news service because it carried articles not allowed under the Press Law. In 2002, the Government required all owners of domestic web sites, including those operated by foreign entities, to register their sites with the Government and to submit their web site content to the Government for approval.

The Government restricted academic freedom, and foreign field researchers often were questioned and monitored. However, the Government permitted a more open flow of information within the country and into the country from abroad, including in the university system, than in previous years. Local librarians increasingly were being trained in professional skills and international standards such as the Dewey Decimal System that supported wider international library and information exchanges and research. Foreign academic professionals temporarily working in universities were allowed to discuss nonpolitical issues widely and freely in classes; however, government observers regularly attended classes taught by both foreigners and citizens. Foreign government informational materials of a non-political nature distributed to participants at a library conference in Hue were confiscated from participants by security officials. Some research institutions insisted that their faculty members receive permission to attend official professional programs on diplomatic premises or use diplomatic research facilities. Security officials frequently questioned those who regularly used diplomatic facilities concerning their relationship to foreign governments. Nevertheless, requests for materials from foreign research facilities increased. Academic publications usually reflected the views of the CPV and the Government.

b. Freedom of Peaceful Assembly and Association.—The right of assembly is restricted in law, and the Government restricted and monitored all forms of public

protest. Persons who wish to gather in a group are required to apply for a permit, which local authorities can issue or deny arbitrarily. In general, the Government did not permit demonstrations that could be seen as having a political purpose. Persons routinely gathered in informal groups without government interference; however, the Government restricted the right of some religious groups to gather in worship. The Government tried and sentenced some persons for protests over land use policies and expropriations (see Section 2.a.).

In February and March, there were numerous peaceful protests, mostly by students, organized across from a foreign embassy in Hanoi. Police maintained order but did not otherwise interfere or insist on permits.

On April 23, two men were sentenced to prison in Ho Chi Minh City for “creating social disorder” and destroying government property for inciting a dozen persons to attack a local site-clearance office in a dispute over land expropriation.

In October, a court in the Central Highlands Province of Dac Lak sentenced four ethnic minority persons arrested in connection to the 2001 unrest in the Central Highlands—Y Kuo Bya, Y He E Ban, Y Jon Enuol, and Y Bri Enuol—to prison terms of 13, 12, 11, and 10 years respectively.

In 2002 and during the year, there were a number of peaceful protests of up to 50 persons, mostly older rural women, over land use issues. The protests took place outside government and CPV office buildings, the Prime Minister’s residence, and the National Assembly hall in Hanoi. On one occasion, police firmly, but non-violently and respectfully, moved the protesters away from the Prime Minister’s residence.

In December 2002, the Nam Dinh Provincial People’s Court sentenced 10 people to prison for sentences of 18 months to 5 years for their role in protests in 2000 related to corruption and agricultural land use taxes. Also in December 2002, the Ha Tay provincial court sentenced 22 individuals to terms of 6 months to 9 years related to their participation in April 2002 protests concerning land disputes and official corruption.

In December 2002, there were reports that police forcibly dispersed one or more religious gatherings of Hmong Christians (see Section 2.c.).

In November 2002, hundreds of farmers clashed with local authorities in Ha Tay Province over land seizures, allegedly injuring six or seven policemen. No trials were known to have taken place linked to this incident.

The Government restricted freedom of association. The Government prohibited the legal establishment of private, independent organizations, insisting that persons work within established, party-controlled mass organizations, usually under the aegis of the VFF. Citizens were prohibited from establishing independent political parties, labor unions, and religious or veterans’ organizations; however, some entities, particularly unregistered religious groups, were able to operate outside of this framework with little or no government interference (see Section 2.c.).

In September 2001, Tran Van Khue and Colonel Pham Que Duong sent a letter to the party and government leadership seeking permission to form a “People’s Association to support the Party and State to fight corruption.” Police sent Khue and Nguyen Thi Thanh Xuan from Hanoi back to their residences in Ho Chi Minh City. The People’s Association later set up a web site, which the Government did not block, that included contact information, the petition, other documents written by various democracy activists, and a bulletin board where several individuals recorded their reactions to the proposal. In October 2002, the Government placed Khue under a 2-year administrative detention order—a form of house arrest. In December 2002, Khue was arrested, and he was still awaiting trial at year’s end.

c. Freedom of Religion.—The Constitution and government decrees provide for freedom of worship; however, the Government continued to restrict significantly those organized activities of religious groups that it declared to be at variance with state laws and policies.

According to credible reports, the police arbitrarily detained persons based upon their religious beliefs and practice, particularly in the mountainous, ethnic minority areas. There were credible reports that Hmong Protestants in several northwestern villages and various ethnic minority Protestants in the Central Highlands were pressured to renounce their faith. There were also reports that a few Protestants in those areas were beaten and killed (see Section 1.a.).

The Government required religious groups to be registered and used this process to control and monitor church organizations. The Government officially recognizes Buddhist, Roman Catholic, Protestant, Hoa Hao, Cao Dai, and Muslim religious organizations. To obtain official recognition, a group must obtain government approval of its leadership and the overall scope of its activities. The Government’s approval process was slow and non-transparent. Officially recognized religious organizations were able to operate with varying degrees of freedom throughout the country, and

followers of these religious bodies were usually able to worship without government harassment, except in some isolated provinces. Officially recognized organizations had to consult with the Government about their religious operations and appointments, although not generally about their tenets of faith. Some leaders of the pre-1975 Buddhist and Hoa Hao religious bodies unsuccessfully requested official recognition of their organizations. Their activities, and those of the unregistered Protestant house churches, were considered illegal by the authorities, and they sometimes experienced harassment as a result. The Government actively discouraged contacts between the illegal UBCV and its foreign supporters, and between unofficial Protestant organizations, such as the underground house churches, and their foreign supporters, although such contacts continued.

The Government generally allowed persons to practice individual worship in the religion of their choice, and participation in religious activities throughout the country continued to grow significantly. In some areas, including Ho Chi Minh City, local officials generally allowed unregistered religious organizations to hold services with little or no interference.

In some cases, particularly involving Hmong Protestants, when authorities charged persons with practicing religion illegally, they used provisions of the Criminal Code that allow for jail terms of up to 3 years for "abusing freedom of speech, press, or religion." The Criminal Code establishes penalties for "attempting to undermine national unity" by promoting "division between religious believers and non-believers." There were reports that officials fabricated evidence. Government officials denied allegations that Protestant house churches were destroyed or disbanded during the year on the basis that the churches were unregistered and therefore illegal. On September 23, police reportedly destroyed a small Protestant house church in Ho Chi Minh City.

In the Northwest Highlands and the Central Highlands, local officials allowed believers little discretion in the practice of their faith. The Government sometimes prevented Protestants in the northwest provinces and the Central Highlands from gathering to worship in unregistered house churches, forcing them to worship secretly in small family groups.

The Government continued to harass members of the banned UBCV and prevent them from conducting independent religious activities, particularly outside of their pagodas. In early March, the Government allowed 83-year-old UBCV Patriarch Thich Huyen Quang to travel to Hanoi for surgery. Government officials, including Prime Minister Phan Van Khai and foreign diplomats, met with him during his stay. After his recovery, the Government permitted the Patriarch to reside at his former pagoda in Quy Nhon, Binh Dinh Province, rather than return to the pagoda in Quang Ngai Province where he had resided since 1982 under conditions resembling house arrest. On June 27, the Government released UBCV Deputy Thich Quang Do from 2 years of administrative detention several months ahead of schedule. Most of the UBCV leadership subsequently was able to meet with one another, diplomatic representatives, and government officials in Hanoi, Ho Chi Minh City, and Quy Nhon, despite some government interference. In September, UBCV leaders met in Binh Dinh in what church members characterized as a de facto re-establishment of the UBCV's right to existence. Security authorities intercepted several UBCV leaders leaving the meetings and returned them to their respective pagodas. At year's end, several UBCV leaders, including Thich Huyen Quang and Thich Quang Do, were residing in their pagodas and appeared able to travel only with permission of security authorities. Three Ho Chi Minh City-based UBCV monks, Thich Tue Sy, Thich Nguyen Ly, and Thich Thanh Huyen, were formally sentenced to 2 years' administrative detention and "compulsory surveillance."

The Vietnamese Roman Catholic Church hierarchy remained frustrated by the Government's restrictions but continued to accommodate itself to them. A number of clergy reported a modest easing of government control over church activities in certain dioceses during the year. In many locales, local government officials allowed Catholic Church officials to conduct religious education classes (outside regular school hours) and limited charitable activities; however, in other areas, officials strictly prohibited these activities.

Restrictions on the hierarchies and clergy of religious groups remained in place, and the Government maintained supervisory control of the recognized religions. Religious organizations were required to obtain government permission to hold training seminars, conventions, and celebrations outside of the regular religious calendar, to build or remodel places of worship, to engage in charitable activities, operate religious schools, and to train, ordain, promote, or transfer clergy. Religious organizations also were required to submit their "annual plans" and "schedules" for approval by local authorities. Many of these restrictions principally were exercised by provin-

cial or city People's Committees, and treatment of religious persons varied widely by locality.

In general, religious groups faced difficulty in obtaining teaching materials, expanding training facilities, and expanding the clergy in training in response to the increased demand from congregations; the Government regulated the number of clergy that the Buddhist, Catholic, Protestant, Hoa Hao, and Cao Dai churches officially could train. On February 15, the Government allowed the Southern Evangelical Church of Vietnam (SECV), which was formally recognized in 2001, to open a seminary in Ho Chi Minh City. The Government restricted the number of seminarians to 50 and retained the right to approve candidates for admission.

The Roman Catholic Church faced significant restrictions on the training and ordination of priests and bishops. The Government effectively maintained veto power over Vatican appointments of bishops; however, in practice it showed a willingness to discuss appointments with the Vatican. In August, two new Catholic bishops were appointed with government approval. One was appointed to the diocese of Hung Hoa, a position that had been vacant for over 11 years. With these appointments, only one bishopric remained unfilled, due to the incumbent's death in June. In October, the Government also tacitly recognized the elevation of Archbishop Jean-Baptiste Pham Minh Man to Cardinal. In recent years, the Government eased its efforts to control the Roman Catholic hierarchy by relaxing the requirements that all clergy belong to the government-controlled Catholic Patriotic Association. The Catholic Church operated 6 seminaries; however, due to objections to the proposed location by local authorities, an additional centrally approved seminary had not opened by year's end. The Catholic Church also received permission to accept new seminarians but only every other year. Over 800 students were enrolled nationwide at year's end. The local People's Committee must approve all students, both upon entering the seminary and prior to their ordination as priests. Some seminary graduates remained unordained as long as 10 years. Most observers believed that the number of ordained priests was insufficient to support the growing Catholic population.

The authorities strictly controlled Hoa Hao "dissidents" and kept several church followers in jail. On March 27, Nguyen Van Lia was arrested, and, on July 1, he was sentenced to 3 years' imprisonment for holding a commemoration of the disappearance of Hoa Hao prophet Huynh Phu So. Other Hoa Hao believers were allowed more freedom to practice their faith. Between 100 and 200 visitors worshipped at the central Hoa Hao Pagoda in An Giang Province on a daily basis. Police authorities routinely questioned some persons who held alternative religious or political views, such as UBCV monks.

Since 1975 the Government had prohibited ordination into the Cao Dai priesthood; however, in 2002, at least 18 new priests were ordained and 924 apprentices entered the process leading to priesthood. Some other priests were promoted to higher ranks.

Muslim Association members were able to practice their faith, including daily prayer and fasting during the month of Ramadan.

The Government restricted and monitored all forms of public assembly, including assembly for religious activities. Large regularly scheduled religious gatherings were allowed, such as the Catholic celebrations at La Vang and the Cao Dai celebrations in Tay Ninh Province. The Hoa Hao also was allowed to hold large public gatherings to commemorate some traditional anniversaries but not others. Some specially scheduled religious gatherings also were allowed; however, in December 2002, there were reports that police in Lai Chau Province attempted to disperse one or more gatherings of Hmong Christians. Police reportedly used a gas—possibly pepper spray—during at least one of these actions, leading to the hospitalization of four or more persons.

Open adherence to a religious faith generally did not disadvantage persons in civil, economic, and secular life, although it likely would prevent advancement to the highest government and military ranks. Avowed religious practice was no longer even a bar to membership in the CPV. Some government and CPV officials increasingly admitted that they followed traditional and Buddhist religious practices.

Foreign missionaries may not operate as religious workers in the country, although many undertake humanitarian or development activities with the approval of the Government.

A government publishing house oversees the publishing of all religious materials. Many Buddhist sacred scriptures, Bibles, and other religious texts and publications, including some in ethnic minority languages, were also printed by government-approved organizations to be sold or distributed at religious institutions.

The Government allowed religious travel for some, but not all, religious persons; Muslims were able to take the Hajj (although apparently none did during the year

due to lack of foreign financial support), and more Buddhist, Catholic, and Protestant officials were able to travel and study abroad. The Government allowed many bishops and priests to travel freely within their dioceses and allowed greater, but still restricted, freedom for travel outside these areas, particularly in many ethnic areas. Many Protestant house church leaders traveled overseas during the year. Government officials discouraged officially recognized clergy from entering Son La, Lai Chau, and some other border provinces, where officials have claimed that there were no religious adherents of any kind. In March, several hundred Hao Hoa believers traveled to the Hoa Hao Pagoda in An Giang Province to commemorate a traditional anniversary that the Government refused to recognize officially. In July 2002, as many as 300,000 persons traveled there to celebrate another traditional anniversary, which the Government does recognize.

Persons who were religious practitioners in a non-State recognized group sometimes were not approved for foreign travel. In 2002, UBCV monk Thich Thai Hoa in Hue was refused permission to travel outside the country on several occasions. Protestant pastors Nguyen Lap Ma and Nguyen Nhat Thong were restricted from traveling or had to request permission from authorities to travel (see Section 2.d.).

Ethnic minority, unregistered Protestant congregations in the Central Highlands and in the northwest provinces continued to suffer severe abuses. Certain northwest provinces reportedly did not have any officially recognized churches or pagodas. Authorities in those areas also reportedly detained and imprisoned ethnic minority worshippers for practicing their faith, citing their lack of officially recognized status.

Several reports described a systematic campaign on the part of local officials in Dak Lak and Gia Lai Provinces in the Central Highlands in particular to force ethnic minority Protestants to renounce their faith. Similar campaigns continued to be reported during the year in Lai Chau, Lao Cai, and other mountainous northern provinces. Under threat of physical abuse or confiscation of property, some ethnic minority Protestants allegedly were made to sign a formal, written renunciation or to undergo a symbolic ritual, which included reportedly drinking rice whiskey mixed with animal blood. Others refused, often with no known negative repercussions. Officials reportedly ordered many non-recognized Protestant gatherings to cease, forbade some pastors from traveling, withheld government food distributions from Protestant believers, and prohibited children of Protestant families from attending school beyond the third grade. Soldiers and young party cadre reportedly moved into the homes of some ethnic minority persons in the Central Highlands, interfering with their ability to worship.

For a more detailed discussion, see the 2003 International Religious Freedom Report.

d. Freedom of Movement within the Country, Foreign Travel, Emigration, and Repatriation.—The Constitution provides that citizens “shall enjoy freedom of movement and of residence within the country . . . (and) freely travel abroad and return home . . . in accordance with the provisions of the law”; however, the Government imposed some limits on freedom of movement. Most citizens enjoyed freedom of movement within the country, but some local authorities required some members of ethnic minority groups to obtain permission to travel outside certain highland areas, including in some cases any travel outside their own villages.

Reportedly local officials informally discouraged clergy from traveling, even within their own provinces. Officially, citizens had to obtain permission to change their residence (see Section 1.f.). In practice, many persons continued to move without approval, especially migrant or itinerant laborers moving from rural areas to cities in search of work; however, moving without permission restricted their ability to obtain legal residence permits. Holders of foreign passports by law must register to stay in private homes. In practice, most visitors from overseas were allowed to stay with family and friends without registering. Citizens are also required to register with local police when they stay overnight in any location outside of their own homes (see Section 1.f.).

The Government employed internal isolation under the decree on administrative detention to restrict the movement of political and religious dissidents. Until June, authorities confined UBCV Deputy Thich Quang Do to his living quarters under an administrative detention order. His telephone lines were cut, and he was unable to receive visitors (see Section 2.c.).

Some persons were held under conditions resembling house arrest without known legal documentation. After a meeting in Binh Dinh Province in October, many leaders of the banned UBCV, including Patriarch Thich Huyen Quang and Deputy Head Thich Quang Do, were returned to their respective pagodas in the central and southern parts of the country and informed that they would not be able to travel without government approval (see Section 2.c.). Until April, Thich Huyen Quang had been confined to a pagoda in Quang Ngai Province, but was able to receive a

limited number of visitors. He was permitted to seek medical treatment in Hanoi, meet with government officials and foreign diplomats, travel to various UBCV-related temples, and meet with numerous followers. Protestant pastor Nguyen Lap Ma has been forced to reside in an isolated village in Can Tho Province since 1982, but authorities have allowed him to travel to Ho Chi Minh City for monthly medical check-ups since he suffered a stroke in 1998. Another Protestant pastor, Nguyen Nhat Thong, has been forced to reside in a remote village in Binh Thuan Province since 1979. He has been allowed to travel outside the village since 1986 but must ask for the permission of local authorities each time.

Foreigners generally were free to travel throughout the country, except in areas restricted on grounds of national security. The Government retained the right to approve travel to border areas and to some islands, but in practice foreigners could travel to most non-sensitive border areas without prior approval. On several occasions, local police detained and fined foreigners who police found had ventured too close to international borders and other sensitive military areas. Some of these areas were unmarked.

Although the Government no longer required citizens traveling abroad to obtain exit or reentry visas, the Government sometimes prevented persons from traveling by refusing to issue passports. In July 2002, the Government stopped issuing passports stamped Dinh Cu (immigration) to persons intending to emigrate. The Government did not allow some persons who publicly or privately expressed critical opinions on religious or political issues to travel abroad. The Government also prevented actor Don Duong from traveling abroad for periods of time during the year. In 2002, authorities confiscated his passport; however, on April 9, he was allowed to emigrate to the U.S.

Citizens' access to passports sometimes was constrained by factors outside the law, such as bribery and corruption. Refugee and immigrant visa applicants sometimes encountered local officials who arbitrarily delayed or denied passports based on personal animosities, on the officials' perception that an applicant did not meet program criteria, or to extort a bribe. Some Protestant pastors who had served time in reeducation camps were denied passports on the grounds that they had no residence permits or national identification cards. Some family members of ethnic minorities granted refugee status abroad have been reissued household registration papers with the missing member removed. Other family members of refugees have been unable to obtain passports to reunite abroad.

The United States continued to process immigrants and refugee applicants for admission and resettlement, including Amerasians, former reeducation camp detainees, former U.S. government employees, family reunification cases, and returnees from camps of first asylum elsewhere in the region (under the Resettlement Opportunity for Vietnamese Returnees program). Most of these programs were closed to new applicants nearly a decade ago, with the number of cases in some categories now in the low double digits. (An exception was the Amerasian program, which remained opened to new applicants). The Government had constructive discussions with the United States on the future of these programs. There were concerns that some members of minority ethnic groups, such as those in the Central Highlands, may not have had ready access to these programs because the Government denied them passports. This was not the case for the program for the majority of former U.S. government employees and re-education camp detainees; however, delays in passport issuance to some Montagnards and some others who applied under the different refugee sub-programs continued. These passport applicants also included relatives of ethnic minority persons who fled the country in recent years and were admitted to the United States as refugees from Cambodia.

The Government generally permitted citizens, who had emigrated abroad, to return to visit. Officially, the Government considers anyone born in the country to be a citizen, even if they have acquired another country's citizenship, unless a formal renunciation of citizenship has been approved by the President. However, in practice, the Government usually treated overseas Vietnamese as citizens of their adopted country. Emigrants were not permitted to use Vietnamese passports after they acquired other citizenship; however, because citizens who lived overseas were considered both a valuable potential source of foreign exchange and expertise for the country but also a potential security threat, the Government generally encouraged them to visit but sometimes monitored them carefully.

In early 2001, over 1,000 Montagnards from the Central Highlands fled to Cambodia following a crackdown by security forces. The crackdown followed demonstrations complaining of expropriation of traditional lands, influx of lowland ethnic majority Kinh into the Central Highlands, and religious discrimination. A tripartite agreement on the Montagnards' repatriation among the Governments of Vietnam and Cambodia and the U.N. High Commissioner for Refugees (UNHCR) was aban-

done by UNHCR after the Government restricted access and attempted to intimidate and pressure Montagnards in the UNHCR camps to return. In June 2002, an official acknowledged that the country's leadership had made mistakes and was in part responsible for the turmoil in the Central Highlands. Subsequently, the Government declared it would award each minority family in the Central Highlands at least one hectare of land for farming and 400 square meters for housing; however, the Government has administered the program unevenly, and ethnic minority persons complained that local officials allotted them mostly undesirable lands. Dozens more fled the country during the year, also seeking refugee status.

During the year, there were credible reports that ethnic minority persons fleeing the country were arrested or turned back at the Cambodian border, sometimes violently. A small number were reported to be in hiding on both sides of the border.

Foreign diplomats and journalists visited 15 UNHCR-sponsored returnees in September. While the returnees complained about poor economic conditions and the failure of the UNHCR to implement certain promises, they did not claim to have been singled out for any special harassment due to their status. In 2002, there were credible reports that non-uniformed security forces crossed the border to try to capture and return many of those who had fled after the 2001 unrest. These reports indicated that security forces succeeded in forcibly returning approximately 50 persons to Dak Lak Province. They reportedly returned another eight persons to Gia Lai Province. Gia Lai authorities reportedly placed two of the returnees in jail and the other six under administrative probation. Family members reported the disappearances of at least 42 ethnic minority persons from Gia Lai Province. Most of those who fled and were placed under the protection of the UNHCR were subsequently resettled from Cambodia to a third country.

The country is not a signatory to the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. The Government generally provided protection against refoulement but did not routinely grant refugee or asylum status. Several embassies in the country reported that individuals claiming to be North Korean, who requested asylum in the country, have been returned to China on the basis of illegal immigration status and their own claims to have entered the country overland from China.

Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government

The Constitution does not provide the right for citizens peacefully to change their government, and citizens could not freely choose and change the laws and officials that govern them. CPV control over the selection of candidates in elections for the National Assembly, the presidency, the prime ministership, and local government undermines this right. All authority and political power is vested in the CPV, and the Constitution delineates the leadership of the CPV. Political opposition movements and other political parties are illegal. The CPV Politburo is the supreme decision-making body in the nation, although it technically reports to the CPV Central Committee. During the first session of the Ninth Congress of the CPV in April 2001, the CPV replaced the standing board, consisting of the 5 most senior members of the Politburo, with a Secretariat, originally consisting of the General Secretary, 4 lower ranking Politburo members, and 4 non-Politburo Central Committee members but now with a total of at least 11 members, to oversee day-to-day implementation of leadership directives.

The Government continued to restrict public debate and criticism to certain aspects of individual, state, or party performance determined by the CPV itself; however, legislators continued to question and criticize ministers in bi-annual National Assembly sessions that were broadcast live on television. No public challenge to the legitimacy of the one-party State is permitted; however, there were instances of unsanctioned letters critical of the Government from private citizens, including some former party members, which circulated publicly.

The Government strongly encouraged eligible citizens to vote in elections. Although voting is not compulsory, election officials applied many means to persuade citizens to vote, including using public address systems to ask late voting citizens by name to come to the polls. The Government claimed a 99.73 percent voter turnout for the May 2002 National Assembly election. Proxy voting, while illegal, appeared widespread. In addition, most voting was over by 10:00 a.m., although polls were required to be open until 7:00 p.m. The party-controlled VFF approved all candidates for the 498-member assembly.

The National Assembly, although subject to the control of the CPV (all of its senior leaders and 90 percent of its members were party members), increasingly served as a forum for the expression of local and provincial concerns and as a critic of corruption and inefficiency. However, it does not initiate legislation and never has

passed legislation that the CPV opposed. CPV officials occupied most senior government and National Assembly positions and continued to have the final say on key issues. In 2002, the National Assembly debated the government's cabinet nominations; although it approved all of the nominations, more than 30 percent of the delegates voted against some nominees. During the year, the National Assembly continued to engage in public debate on economic, legal, and social issues. It also continued to exert its increasing power to revise or reject draft laws and actively pursued enhancing its capability to draft laws.

The law provides the opportunity for equal participation in politics by women and minority groups. Women held a number of important government positions, including the Vice Presidency. There were 136 women in the 498-seat National Assembly; there were 3 women at the Ministerial level; and there were no women in the Politburo. There were only a few women in provincial level leadership positions.

There were 87 ethnic minority members in the 498-seat National Assembly and 2 ethnic minority members serving in cabinet-level positions. The CPV General Secretary is a member of the Tay ethnic minority group; however, the number of minorities in Government or national-level politics does not accurately reflect their percentage of the population.

Section 4. Governmental Attitudes Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

The Government does not permit private, local human rights organizations to form or operate. The Government generally did not tolerate attempts by organizations or individuals to comment publicly on government human rights practices and used a wide variety of means to suppress domestic criticism of its human rights policies, including surveillance, limits on freedom of assembly, interference with personal communications, and detention. However, the SECV and Catholic Church did not suffer any apparent adverse consequences from widely publicized letters to the Government criticizing alleged acts of religious oppression toward ethnic minorities in the Central Highlands. UBCV Deputy Thich Quang Do also sent a widely publicized letter to the Government condemning the detention of former UBCV monk Thich Tri Luc (see Section 1.b.).

The Government generally prohibited private citizens from contacting international human rights organizations, although some activists were able to do so. The Government did not allow any visits by international NGO human rights monitors; however, it did allow a representative from the UNDP to visit the Central Highlands in August and a UNHCR local official to visit in September. The Government criticized almost all public statements on human rights issues by international NGOs and foreign governments.

The Government generally was willing to discuss human rights problems bilaterally with some governments if such discussions took place under the rubric of "exchanges of ideas" rather than as "investigations." During the year, several foreign governments held official talks concerning human rights. A delegation of representatives from European Union member countries visited Dak Lak Province in June and reported that there were limits on citizens' religious freedom.

Section 5. Discrimination Based on Race, Sex, Disability, Language, or Social Status

The Constitution prohibits discrimination based on gender, ethnicity, religion, or social class; however, enforcement of these prohibitions was uneven. Some persons formerly interned in reeducation camps on the basis of association with the pre-1975 government continued to report varying levels of discrimination as they and their families sought access to housing, education, and employment. Some military veterans of the pre-1975 government still faced economic hardship as a result of past employment restrictions and discrimination, but none were known still to be incarcerated for their activities before 1975. These veterans and their families generally were unable to obtain employment with the Government. This prohibition was less restrictive than in previous years because of the growth of job opportunities in the private sector. There was no official discrimination against HIV/AIDS positive citizens; however, there was some societal discrimination.

Women.—The law addresses the problem of domestic violence; however, authorities did not enforce the law effectively. Officials increasingly acknowledged domestic violence, which also was discussed more openly in the media. International NGO workers and local contacts reported that domestic violence against women was common. Approximately two-thirds of divorces reportedly were due in part to domestic violence. The divorce rate has risen in the past few years, but many women remained in abusive marriages rather than confront the social and family stigma and economic uncertainty of divorce.

Under the Criminal Code, it is a crime to use violence, threaten violence, take advantage of a victim who is unable to act in self-defense, or resort to trickery to have sexual intercourse with a victim against that person's will. This is believed to criminalize rape, spousal rape, and, in some instances, sexual harassment; however, there were no known instances of prosecution for spousal rape. NGOs and party-controlled mass organizations took some limited steps to establish shelters and train police to deal with domestic violence.

Prostitution is officially illegal but appeared to be tolerated widely. Some women were coerced to work as prostitutes, and some were victimized by false promises of lucrative work (see Section 6.f.). Many more women felt compelled to work as prostitutes because of poverty and a lack of other employment opportunities. NGOs estimated that there were 300,000 prostitutes in the country, including those who engaged in prostitution part-time or seasonally. There were reports that some persons in Ho Chi Minh City addicted young women to heroin and forced them to work as prostitutes to earn money for drugs. Parents often expected an eldest daughter to assume responsibility for a significant part of a family's finances. There were reports that some parents coerced daughters into prostitution or made such extreme financial demands on them that they felt compelled to engage in prostitution. The Women's Union, a mass organization under the VFF, as well as international NGOs engaged actively in education and rehabilitation programs to combat these abuses.

Trafficking in women for the purpose of sexual exploitation, both domestically and internationally, was a serious problem (see Section 6.f.).

While there is no legal discrimination, women faced deeply ingrained societal discrimination. Despite provisions in the Constitution, in legislation, and in regulations that mandate equal treatment, and although some women occupied high government posts, few women competed successfully for higher status positions. The Constitution provides that women and men must receive equal pay for equal work; however, the Government did not adequately enforce this provision. Very poor women, particularly in rural areas but also in cities, performed menial work in construction, waste removal, and other jobs for extremely low wages. Despite the large body of legislation and regulations devoted to the protection of women's rights in marriage as well as in the workplace, and Labor Code provisions that call for preferential treatment of women, women did not always receive equal treatment. Nevertheless, women played an important role in the economy and were engaged widely in business and in social and educational institutions. Opportunities for young professional women have increased markedly in the past few years, with greater numbers of women entering and staying in the civil service, universities, and the private sector.

The VFF-controlled Women's Union has a broad agenda to promote women's rights, including political, economic, and legal equality, and protection from spousal abuse. The Women's Union operated micro-credit consumer finance programs and other programs to promote the advancement of women. International NGOs and other international organizations regarded the Union as effective, but they and Women's Union representatives believed that more time is required to overcome societal attitudes that relegated women to lower status than men. The Government also has a committee for the advancement of women, which coordinated inter-ministerial programs that affected women.

Children.—International organizations and government agencies reported that, despite the Government's promotion of child protection and welfare, children continued to be at risk of economic exploitation. While education is compulsory through the age of 14, the authorities did not enforce the requirement, especially in rural areas where government and family budgets for education were strained and where children were needed for agricultural labor. The culture's strong emphasis on education led parents who could send children to school to do so, rather than to allow them to work. Due to lack of classroom space, most schools operated two sessions, and children attended either morning or afternoon sessions. Some street children both in Ho Chi Minh City and Hanoi participated in night education courses. The public school system includes 12 grades. Over 90 percent of children attended elementary grades, but the percentage that attended junior and senior high school dropped sharply. These percentages were even lower in remote mountainous areas, although the Government ran a system of subsidized boarding schools through the high school level for ethnic minority students. Religious groups operated some orphanages, despite the Government's prohibition on such activities, and sent the children to public schools during the day.

The Government continued a nationwide immunization campaign, and the government-controlled press regularly stressed the importance of health and education for all children. While reports from domestic sources indicated that responsible officials generally took these goals seriously, concrete actions were constrained by severely limited budgets. According to UNICEF, despite growth in incomes over the past dec-

ade, severe malnutrition remained a problem; approximately 39 percent of children under 5 years of age were underweight during the 1995–2000 timeframe.

Widespread poverty contributed to continued child prostitution, particularly of girls but also of some boys, in major cities. Many prostitutes in Ho Chi Minh City were under 18 years of age. Some child prostitutes, such as those from abusive homes, were forced into prostitution for economic reasons, having few other choices available to them.

Some children were trafficked domestically and others were trafficked to foreign destinations for the purpose of sexual exploitation. Press reports documented the conviction and imprisonment of a number of traffickers (see Section 6.f.). Individuals also were convicted in cases in which parents received payments in exchange for releasing their babies for adoption. Mass organizations and NGOs established limited programs to assist trafficked children to reintegrate into society.

According to a 2001 government report on child labor, there were 20,000 street children in the country. Street children were vulnerable to abuse and sometimes were abused or harassed by police. International NGOs documented numerous cases of Cambodian children trafficked to Ho Chi Minh City for short-term work in begging rings. Police picked up street children in Hanoi and Ho Chi Minh City and held them in juvenile detention facilities in advance of the December Southeast Asia Games.

Persons with Disabilities.—The law requires the State to protect the rights and encourage the employment of persons with disabilities. However, provision of services to assist persons with disabilities was limited. Government agencies responsible for services to persons with disabilities worked with domestic and foreign organizations to provide protection, support, physical access, education, and employment; however, implementation was hampered by limited budgets. The Government operated a small network of rehabilitation centers to provide long-term in-patient physical therapy.

Educational opportunities for children with disabilities were poor, but improving. Just over 10 percent of children with disabilities were enrolled in school. During the year, the Government worked with the World Bank and foreign NGOs to train additional teachers for students with disabilities.

The law provides for preferential treatment of firms that recruit persons with disabilities for training or apprenticeship and levies a special tax on firms that do not employ workers with disabilities; however, the Government enforced these provisions unevenly. In 2002, the Ministry of Construction enacted the “Barrier-Free Design and Construction Code” and “Standards for Access for People with Disabilities,” which requires that the construction or major renovation of new government and large public buildings include access for people with disabilities. The Ministry of Construction trained architects and engineers in the new requirements. At year’s end, the Government was developing an enforcement and compliant process to support these new codes.

International groups also assisted the Government in implementing programs to increase access by persons with disabilities to education and employment.

National/Racial/Ethnic Minorities.—Although the Government officially is opposed to discrimination against ethnic minorities, longstanding societal discrimination against ethnic minorities was widespread. In addition, there continued to be credible reports that local officials sometimes restricted ethnic minority access to some types of employment and educational opportunities. The Government continued to implement policies designed to narrow the gap in the standard of living between ethnic groups living in the highlands and richer, lowland ethnic majority Kinh by granting preferential treatment to domestic and foreign companies that invested in highland areas. The Government ran special schools for ethnic minorities in many provinces, including subsidized boarding schools at the high school and middle school levels, and offered special admission and preparatory programs as well as scholarships at the university level.

The Government resettled some ethnic minorities from inaccessible villages in mountainous provinces to locations where basic services were easier to provide; however, the effect of the policy sometimes diluted the political and social solidarity of these groups. The Government acknowledged that one of the goals of resettlement was to impel the minorities to change from traditional “slash and burn” agricultural methods to sedentary agriculture. This also had the effect of making more land available to ethnic majority Kinh migrants to the mountainous areas. Large-scale, government-encouraged as well as spontaneous migration of ethnic Kinh to the Central Highlands diluted the indigenous culture there. It also led to numerous land disputes between ethnic minority households and ethnic Kinh migrants. The loss of

traditional ethnic minority lands to Kinh migrants was an important factor behind the ethnic unrest in 2001.

There were numerous credible reports that groups of Montagnards continued to flee to Cambodia to escape ethnic and religious repression in the Central Highlands. Government officials continued to harass some highland minorities, particularly the Hmong in the northwest provinces and several ethnic groups in the Central Highlands, for practicing their Protestant religion without official approval (see Section 2.c.).

Government officials stated that there were many instances in which local government officials in the Central Highlands acted contrary to stated national policies or failed to uphold national laws. During the year, the CPV reiterated clearly the party's policies on ethnic minorities, religion, and land.

The Government continued to impose extra security measures in the Central Highlands. There were unconfirmed reports of continued pushbacks of Montagnards seeking to cross into Cambodia, sometimes accompanied by beatings and detentions; however, the Government continued to implement measures to address the causes of the unrest and initiate new measures as well. The Government allocated land to ethnic minorities in the Central Highlands through a special program; however, there were complaints that some of the allocated land was poor (see Section 2.d.).

Previously, the law required all classroom instruction law to be conducted in the Vietnamese language; however, the Government continued a program to conduct classes in some local ethnic minority languages up to grade five. The Government worked with local officials to develop a local language curriculum. The Government appeared to be implementing this program more comprehensively in the Central Highlands than in the mountainous northern provinces. The Government broadcast radio and television programming in ethnic minority languages in some areas. The Government also instructed ethnic Kinh officials to learn the language of the locality in which they worked; however, implementation was not widespread by year's end. Provincial governments implemented initiatives designed to increase employment, reduce the income gap between ethnic minorities and ethnic Kinh, and be sensitive and receptive to ethnic minority culture and traditions. Officials in Lam Dong Province reportedly hired ethnic minority persons to teach minority languages to ethnic Kinh police. Officials in Dak Lak Province reportedly experimented with a land policy that would allocate certain forestlands to ethnic minority villages for communal use.

Section 6. Worker Rights

a. The Right of Association.—Workers are not free to join or form unions of their choosing. Trade unions are controlled by the Party and have only nominal independence. All unions must be approved by and must affiliate with the party-controlled Vietnam General Confederation of Labor (VGCL). The VGCL claimed that it represented 95 percent of public sector workers and 90 percent of workers in state-owned enterprises. However, the overall level of unionization of the workforce was 10 percent. Approximately 500,000 union members worked in the private sector, including enterprises with foreign investment. The vast majority of the work force lived in rural areas, engaged in small-scale farming, and was not unionized.

The VGCL asserted that authorities did not prosecute some violations of the Labor Law. Union leaders influenced key decisions, such as the amendment of labor legislation, development of social safety nets, and the setting of health, safety, and minimum wage standards.

While the Labor Law states that all enterprise-level and professional trade unions are affiliated with the VGCL, in practice hundreds of unaffiliated "labor associations" were organized at many individual enterprises and in occupations such as those of taxi, motorcycle and cyclo drivers, cooks, and market porters. The ILO and the UNDP cooperated on a large multiyear technical assistance program to strengthen labor law implementation.

The Labor Law prohibits anti-union discrimination on the part of employers against employees who seek to organize.

Individual unions legally are not free to affiliate with, join, or participate in, international labor bodies, and they did not do so in practice. However, the VGCL had relations with 95 labor organizations in 70 countries.

b. The Right to Organize and Bargain Collectively.—Under the law, the provincial or metropolitan branch of the VGCL was responsible for organizing a union within 6 months of establishment of any new enterprise. Management is required by law to accept and to cooperate with those unions. The Labor Law provides VGCL-affiliated unions the right to bargain collectively on behalf of workers. Many contracts have been negotiated that ended the practice of annual renewal, and multi-year contracts have become more common. Under 2002 amendments to the Labor Code, a

definite term labor contract can only be renewed once; thereafter, an indefinite term labor contract must be entered into if employment is to continue. Labor leaders have increased the number of workplace issues in collective bargaining agreements, such as Sunday work. Since the country began moving away from central planning, market forces have played an increasingly important role in determining wages.

The Labor Law provides for the right to strike if workers follow the stipulated process of conciliation and arbitration. The law requires that management and labor first attempt to resolve labor disputes through the enterprise's own labor conciliation council. However, many enterprises did not have labor conciliation councils. In the absence of such a council or if a council fails to resolve a labor dispute, the dispute is referred to labor arbitration successively at the district and provincial level. Individual workers may take cases directly to the peoples' court system, but in most cases, only after conciliation has been attempted and failed. Unions have the right to appeal decisions of provincial labor arbitration councils to provincial people's courts or to strike. Because this process was lengthy and the necessary dispute resolution bodies in many provinces and localities have never been established, nearly every strike was considered illegal.

According to the Ministry of Labor, 72 strikes took place in the first 6 months of the year. Of these, 51 were against foreign-invested enterprises, 18 involved domestic private enterprises, and 3 affected state-owned firms. Other sources reported 14 strikes against state-owned firms. For example, from September 27 to 29, nearly 400 workers at a company in Ho Chi Minh City blocked the entrance to the factory over unpaid salaries. On September 28, 300 workers demonstrated at another Ho Chi Minh City factory to protest harsh working conditions. Although strikes typically did not follow the authorized conciliation and arbitration process, and thus were of questionable legality, the Government tolerated them and took no action against the strikers. Although the VGCL or its affiliate unions did not sanction these strikes officially, the local and provincial levels of the VGCL unofficially supported many of them. The Labor Law prohibits retribution against strikers, and there were no reports of retribution. In some cases, the Government disciplined employers for illegal practices that led to strikes.

The Labor Law prohibits strikes in 54 occupational sectors and businesses that serve the public or are considered by the Government to be important to the national economy and defense. A subsequent decree defined these enterprises to be those involved in: Electricity production; post and telecommunications; railway, maritime, and air transportation; banking; public works; and the oil and gas industry. The law also grants the Prime Minister the right to suspend a strike considered detrimental to the national economy or public safety.

The same labor laws as in the rest of the country govern the growing number of export processing zones and industrial zones. There is anecdotal evidence that the Government enforced labor laws more actively in the zones than outside them.

c. Prohibition of Forced or Bonded Labor.—The Labor Law prohibits all forms of forced and bonded labor, including by children; however, there were reports that thousands of children worked in exploitative situations (see Section 6.d.). Some women were coerced into prostitution (see Sections 5 and 6.f.).

The Government denied the use of prison labor without compensation; however, prisoners routinely were required to work for little or no pay. They produced food and other goods used directly in prisons or sold on local markets reportedly to purchase items for prisoners.

A government ordinance requires all male citizens between 18 and 45 years of age and women between 18 and 35 years of age to perform 10 days of annual public labor; however, this ordinance was rarely enforced. The ordinance also allows citizens to find a substitute or pay a marginal fee instead of working.

d. Status of Child Labor Practices and Minimum Age for Employment.—Child labor was a problem. The Labor Law prohibits most child labor but allows exceptions for certain types of work. The law sets the minimum age for employment at 18 years of age, but enterprises may hire children between the ages of 15 and 18 if the firm obtains special permission from their parents and the Ministry of Labor, Invalids, and Social Affairs (MOLISA). In June, the Government ratified the ILO Minimum Age Convention 138. However, a widely publicized 2001 MOLISA survey found that about 40,000 children between the ages of 8 and 14 years worked part-time or full-time in violation of the Labor law. That estimate may be low, since many more children worked in the informal sector, usually on family farms or family businesses not within the scope of the Labor Law.

By law, an employer must ensure that workers under 18 years of age do not undertake hazardous work or work that would harm their physical or mental development. Prohibited occupations are specified in the Labor Law. The Labor Law per-

mits children to register at trade training centers, a form of vocational training, from 13 years of age. Children may work a maximum of 7 hours per day and 42 hours per week and must receive special health care.

There were reports that enterprises, including companies with foreign investment, have discovered underage workers in their employ. According to reliable sources, this usually occurred when the child workers presented false identity documents, frequently borrowed from older family members. Once discovered, the children lost their jobs, but in many cases the companies paid for their schooling and promised to reemploy them once they were of age.

In rural areas, children worked primarily on family farms and in other agricultural activities. In some cases, they began work as young as 6 years of age and were expected to work as adults by the time they were 15 years of age. In urban areas, children also may work in family-owned small businesses. Migration from rural to urban settings has exacerbated the child labor problem. Officials said that juveniles in Education and Nourishment Centers, which functioned much as reform schools or juvenile detention centers do elsewhere, were assigned work for "educational purposes" that presumably generated income for the school.

A study of child labor in Ho Chi Minh City found cases in which parents in poor families entered into "verbal agreements" with employers, who put their children to work; the children's salaries were sent directly to the parents.

Government officials have the power to fine and, in cases of Criminal Code violations, prosecute employers who violate child Labor Laws. While the Government committed insufficient resources to effectively enforce laws providing for children's labor safety, especially for children working in mines and as domestic servants, it detected some cases of child exploitation, removed the children from the exploitative situations, and fined the employers. International donor assistance targeted the problem of child labor. In addition, a child labor unit was established within MOLISA.

The law prohibits forced and bonded labor by children; however, thousands of children worked in exploitative situations and were trafficked both domestically and internationally for the purpose of sexual exploitation (see Section 6.f.).

e. Acceptable Conditions of Work.—The Labor Law requires the Government to set a minimum wage, which is adjusted for inflation and other economic changes. The official monthly minimum wage for foreign-investment joint ventures was \$40 (626,000 dong) in urban districts of Hanoi and Ho Chi Minh City; \$35.90 (556,000 dong) in rural districts of Hanoi, Ho Chi Minh City, and districts of Hai Phong, Bien Hoa City, and Vung Tau City; and \$31.40 (487,000 dong) elsewhere. The Government may temporarily exempt certain joint ventures from paying the minimum wage during the first months of an enterprise's operations or if the enterprise is located in a very remote area, but the minimum wage in these cases can be no lower than \$29.90 (417,000 dong). On January 1, the official monthly minimum wage of the State sector was increased to \$18.80 (290,000 dong) from \$13.60 (210,000 dong). This amount remained inadequate to provide a worker and his family a decent standard of living. The new salary policy benefited over 6 million persons, including 300,000 public servants working in administration, CPV organizations, unions, and leagues. However, state-owned enterprises consistently paid more than that minimum wage. The number of workers who received government-subsidized housing decreased. Many workers received bonuses and supplemented their incomes by engaging in entrepreneurial activities. Households frequently included more than one wage earner. A 2001 ILO study found that minimum wage requirements were applied well in all sectors, with the exception of smaller private sector enterprises. Unlike in previous years, there were no reports that companies with foreign investment violated minimum wage requirements.

The Government set the workweek for government employees and employees of companies in the state sector at 40 hours and encouraged the private business sector and foreign and international organizations that employed local workers to reduce the number of hours in the workweek to 40 hours but did not make compliance mandatory.

The Labor Law sets normal working hours at a maximum of 8 hours per day, with a mandatory 24-hour break each week. Additional hours require overtime pay at 1½ times the regular wage, 2 times the regular wage on weekly days off, and 3 times the regular wage on holidays and paid leave days. The law limits compulsory overtime to 4 hours per week and 200 hours per year. Amendments to the Labor Law in 2002 provide for an exception in special cases where this maximum can be up to 300 additional hours worked annually, subject to stipulation by the Government after consulting with the VGCL and employer representatives. The law also prescribes annual leave with full pay for various types of work. It was unknown how well the Government enforced these provisions.

According to the law, a female employee who is engaged, pregnant, on maternity leave, or is raising a child under 1 year of age cannot be dismissed unless the enterprise is closed. Female employees who are at least 7 months pregnant or are raising a child under 1 year of age cannot work overtime, at night, or in distant locations.

The Labor Law requires the Government to promulgate rules and regulations that ensure worker safety. The MOLISA, in coordination with local people's committees and labor unions, is charged with enforcing the regulations. In practice enforcement was inadequate because of MOLISA's low funding and a shortage of trained enforcement personnel. The VGCL reported that there were 300 labor inspectors in the country but that at least 600 were needed. On-the-job injuries due to poor health and safety conditions in the workplace were a problem. According to statistics from MOLISA, there were 4,521 injuries and 514 fatalities resulting from accidents in 2002; however, there was evidence that workers, through labor unions, were effective in improving working conditions. Some foreign companies with operations in the country have established independent monitoring of problems at their factories. Companies reported that MOLISA or provincial labor agencies performed labor and occupation safety and health inspections at enterprises when they learned of serious accidents or when there were reports of hazardous conditions.

The Labor Code provides that workers may remove themselves from hazardous conditions without risking loss of employment.

f. Trafficking in Persons.—The Penal Code prohibits trafficking in women and children; however, trafficking in women and children for the purpose of sexual exploitation and for labor, both domestically and internationally, was a serious problem. While no law specifically prohibits trafficking in men, existing laws could be used to prosecute traffickers who recruit or send men abroad to work for “illegitimate profits” or illegal purposes. While reliable statistics on the numbers of citizens trafficked were not available, there was evidence that the numbers have grown in recent years. The Social Evils Department of MOLISA and the Criminal Police Department of the MPS were the main government agencies involved in efforts to combat trafficking, in cooperation with the Ministry of Justice, the Women's Union, and the Border Guards. The police took an increasingly active role in investigating trafficking during the year.

During the year, the Government increased its efforts to prosecute traffickers. The law provides for prison sentences of 2 to 20 years for each offense for persons found guilty of trafficking women, and for between 3 years and life in prison for each offense for persons found guilty of trafficking children. In July 2002, a government decree forbade the use of marriage and adoption for trafficking related purposes. Hundreds of traffickers have been convicted and imprisoned, most notably in one high-profile case in 2002 in which over 150 persons were indicted for prostitution and migrant smuggling. That particular case involved ex-ministerial and law enforcement agents. The Government worked with international NGOs to supplement law enforcement measures and cooperated with other national governments to prevent trafficking. It also cooperated closely with other countries within the framework of INTERPOL and its Asian counterpart.

The country was a source country for trafficking in persons. Women were trafficked primarily to Cambodia and China for sexual exploitation and arranged marriages. According to one report, between 1990 and 2000, approximately 20,000 young women and girls were sent to China to become brides, domestic workers, or prostitutes; however, it was not clear how many were victims of trafficking. Between 1995 and 2000, approximately 5,000 women and children were trafficked to and escaped from Cambodia. Some Vietnamese women also were trafficked to Singapore, Hong Kong, Macau, Thailand, Taiwan, the United Kingdom, and the United States. There also were reports that some Vietnamese women going to Taiwan, Hong Kong, Macau, and China through arranged marriages were victims of trafficking. The Government estimated that approximately 10 percent of Vietnamese women in arranged marriages with Chinese men had been recruited under false pretenses or may have become trafficking victims. Women and children also were trafficked within the country, usually from rural to urban areas. Incidents of trafficking of adult males domestically or abroad were rare. In the past, organized crime groups used Vietnam as a transit point for persons trafficked from China and the Middle East to Australia, Canada, and Europe. Unlike in previous years, there were no reports that Vietnam was a transit country for trafficking in persons during the year.

Some children were trafficked domestically and others were trafficked to foreign destinations for the purpose of prostitution. An NGO advocate estimated that the average age of trafficked girls was between 15 and 17 years of age. Some reports indicated that the ages of girls trafficked to Cambodia typically was even lower. Although statistics were not reliable, women and girls were trafficked from southern

delta and highland provinces to Cambodia and from northern provinces into China generally for the purposes of prostitution, domestic work, or marriage.

Provincial and national-level authorities made combating trafficking in women and children a priority. In January, in an effort to deal with problems of trafficking of infants for adoption and corruption in adoption practices, authorities suspended foreign adoptions pending the negotiation of new bi-lateral adoption protocols.

There were reports that some women from Ho Chi Minh City and the Mekong Delta who married men from Taiwan were forced into prostitution after their arrival in Taiwan. There was reported trafficking in women to the Macau Special Administrative Region of China with the assistance of organizations in China that were ostensibly marriage service bureaus, international labor organizations, and travel agencies. After arrival, women were forced into conditions similar to indentured servitude; some were forced into prostitution. In August 2002, the Government suspended the licenses of marriage mediation services and transferred their function to the Women's Union. The services helped arrange marriages between women and foreigners, primarily Taiwanese men. Diplomatic sources estimated that between 15,000 and 18,000 Vietnamese women married Taiwanese men each year, although government and NGO observers believed that most were not trafficked.

Poor women and teenage girls, especially those from rural areas, were most at risk for being trafficked. It appeared that most trafficking victims came from some Mekong Delta provinces, such as Can Tho and An Giang and some northern provinces, such as Quang Ninh. Some were sold by their families as domestic workers or for sexual exploitation. In some cases, traffickers paid families several hundred dollars (a large sum for many families) in exchange for allowing their daughter to go to Cambodia for an "employment offer." Many victims faced strong pressure to make significant contributions to the family income. Others were offered lucrative jobs by acquaintances. False advertising, debt bondage, confiscation of documents, and threats of deportation were other methods commonly used by the traffickers, spouses, and employers.

Individual opportunists and informal networks, as well as some organized groups, lured poor, often rural, women with promises of jobs or marriage and forced them to work as prostitutes (see Section 5). The Government stated that organized criminal groups were involved in recruitment, transit, and other trafficking-related activities.

Corruption was a serious problem at all levels, and some officials were involved in the flow of overseas workers into exploitative conditions or into trafficking. While it was likely that some individual officials assisted traffickers, there was no evidence of official, institutional, or government involvement in trafficking in persons. Unlike in previous years, there were no reports that government officials and associated private individuals were convicted of and sentenced for trafficking related crimes during the year.

Official institutions, including MOLISA, the Women's Union, the Youth Union and the Committee for Population, Family and Children, had active programs in place aimed at prevention and victims' protection. These programs included publicity to warn women and girls of these dangers, repatriation programs to help female returnees, and vocational training for teenage girls in communities considered vulnerable to trafficking in persons. Government agencies worked closely with the International Organization for Migration and a number of other international NGOs to provide temporary shelter, some medical services, education, credit, counseling, and rehabilitation to returned trafficking victims. In March 2002, government officials held a series of meetings with their Chinese counterparts to improve victim protection and repatriation processes. During the year, Government officials held similar meetings with the Cambodian Government. The country also participated in an ILO project on child trafficking in the Mekong region.

Although trafficking victims in general were not treated as criminals, some women trafficked into prostitution were prosecuted for prostitution or placed in rehabilitation centers.

Security agencies with border control responsibility have also received training in investigative techniques that can be used to prevent trafficking.

EUROPE AND EURASIA

ALBANIA

Albania is a republic with a multiparty parliament, and a prime Minister and a president both elected by Parliament. The Prime Minister heads the Government; the presidency is a largely ceremonial position with limited executive power. In October, local elections were held throughout the country, which were judged to be an improvement over previous elections, with only a few isolated incidents of irregularities and violence. The Constitution provides for an independent judiciary; however, corruption and political pressure limited its ability to function independently and efficiently.

Local police units that report to the Ministry of Public Order are responsible principally for internal security. The military have a special 152-man "commando" unit, which operates in an anti-terrorist role under the Minister of Defense. During times of domestic crisis, the law allows the Minister of Public Order to request authority over this unit. The State Intelligence Service (SHISH) is responsible for both internal and external intelligence gathering and counterintelligence. Civilian authorities generally maintained effective control over the security forces. Some members of the security forces committed human rights abuses.

The country had a mixed—agricultural, industrial, and service—economy that was in transition from central economic planning to a free market system. The country continued to experience slow but steady economic progress; according to the Ministry of Finance, the economy grew by 6 percent. However, approximately 30 percent of the population of approximately 3.1 million lived below the poverty line. According to the Government, the unemployment rate was 15.2 percent; however, some unofficial reports put it as high as 22 percent.

The Government's human rights record remained poor in some areas; although there were some improvements, serious problems remained. Police beat and otherwise abused suspects, detainees, and prisoners. Prison conditions remained poor. The police occasionally arbitrarily arrested and detained persons, and prolonged pretrial detention was a problem. The Government occasionally infringed on citizens' privacy rights. Political interference in the media remained a problem. Police reportedly used excessive force against protestors. Individual vigilante action, mostly related to traditional blood feuds, resulted in some killings and an atmosphere of fear. Societal violence and discrimination against women and children were serious problems. Societal discrimination against religious and ethnic minorities, particularly against Roma and the Egyptian community, persisted. Child labor was a problem. Trafficking in persons remained a problem, which the Government took steps to address.

RESPECT FOR HUMAN RIGHTS

Section 1. Respect for the Integrity of the Person, Including Freedom From:

a. Arbitrary or Unlawful Deprivation of Life.—There were no political killings; however, security forces killed one person during the year.

In January, police in Korca arrested and beat Gazmend Tahirllari, who later died at a local hospital shortly after being released from police custody. An official cover-up followed, with alcohol poisoning reported as the cause of death; however, under pressure from the People's Advocate (the Government's ombudsman), the case was reopened and it was determined that Tahirllari died of a cerebral hemorrhage resulting from blows to the head. The Minister of Public Order fired the Director of Police and the Chief of Commissariat and the six officers directly involved in the beating were prosecuted. In March, they were convicted (one in absentia), receiving sentences ranging from 4 months to 16 years in prison.

Landmine explosions killed two and injured five persons during the year. Since 1999, 27 people have been killed and 119 have been injured by landmines.

The country continued to experience high levels of violent crime. Many killings continued to occur throughout the country as the result of individual or clan vigilante actions connected to traditional "blood feuds" or criminal gang conflicts. According to the Ministry of Public Order, more than 14 individuals were killed in blood feuds, which are based on the medieval Code of Lek Dukagjini (the *kanun*), which was practiced by individuals particularly in the northern part of the country. Under the *kanun*, only adult males are acceptable targets for blood feuds; however, women and children often were killed or injured in the attacks. The nongovernmental organization (NGO) National Reconciliation Committee estimated that 1,370 families were self-imprisoned at home and that 711 children were prevented from attending school due to fear of revenge. Some organizations and religious leaders contended that these figures were inflated but agreed that blood feuds were a significant problem. Religious leaders in the region believed that blood feuds prompted many rural families to migrate to Shkodra, an urban center in the northern part of the country.

Blood feud cases were adjudicated in the Special Crimes Court. Blood killings are distinguished from homicide cases and carry a sentence of no less than 25 years' imprisonment; in comparison, homicide carries a sentence of 15–25 years. Although blood feud prosecution rates were not available, estimates indicated that 60–65 percent of all cases were brought to court and nearly all of them ended up at the appellate level.

b. Disappearance.—There were no reports of politically motivated disappearances.

In May, three former officials of the SHISH were arrested in connection with the kidnapping of Ziso Kristopulli and Remzi Hoxha in 1995. Although Kristopulli was eventually released, the whereabouts of Hoxha remained unknown. According to the prosecutor, the three former SHISH officials—although not formally charged—were suspected of kidnapping and torturing Kristopulli and Hoxha. Two of the officials were arrested—one remained in jail while the other was released on bail—and the third suspect was no longer under suspicion. At year's end, the case remained under investigation.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The Constitution prohibits such actions, and the Penal Code makes the use of torture a crime punishable by up to 20 years' imprisonment; however, the police at times beat and tortured suspects. In July, Albania ratified the optional protocol of the Convention Against Torture and Cruel, Inhumane and Humiliating Treatment or Punishment. Two human rights groups—the Albanian Helsinki Committee (AHC) and the Albanian Human Rights Group (AHRG)—continued to report that police forces nationwide used torture and inhumane or excessive treatment; however, both noted that the number of cases decreased during the year. According to the AHRG, most mistreatment took place at the time of arrest or initial detention. Roma were particularly vulnerable to police abuse (see Section 5).

At times police abused and tortured juvenile detainees. According to a CRCA report from 2000, police sometimes used threats, violence, and torture to extract confessions. For example, in one reported case, police officers tried to get a 15-year-old boy to confess to robbery by beating his legs and feet for hours. In another reported case, police officers held a 17-year-old boy's head underwater to get a confession.

The AHRG claimed that police targeted the country's small homosexual community. According to the General Secretary of Gay Albania, the police often arbitrarily arrested homosexuals and then physically and verbally abused them while they were in detention. However, the police denied these charges and stated that when homosexuals were arrested, it was for violating the law—such as disturbing the peace—not for their sexual preference.

There were reports that police beat protesters during the year (see Section 2.b.).

In March, a police officer in Fier beat three Roma women, one of whom was pregnant; they were subsequently sent to a local hospital. According to police reports, the women were violating the municipality's order which prohibits Roma merchants from selling their goods near the city center. No charges were filed against the officer.

In September, police entered the home of Behar Dedolli, a resident of Mat who was under house arrest, and beat him in front of his family. Dedolli reported that, although he was sent to the hospital after the beating, he did not receive adequate treatment and was subsequently released back into the custody of the police commissariat. Dedolli further stated that police also abused his brothers, Ali and Mirian. The People's Advocate forwarded the case to the regional prosecutor for investigation and, at year's end, the prosecutors were in the process of trying the case.

In November, Romeno Nexhipi alleged that Fier police beat him after they asked him to accompany them to the police station. Nexhipi reported that after he asked

why he was being detained, the police officers forced him into their van and beat him. He was sent to the hospital for treatment, then taken to the police station where he was held overnight. Nexhipi was subsequently charged with disturbing the peace and assaulting a police officer; the prosecutor in Vlora was investigating the case at year's end.

Col. Edmond Koseni, the Director of Police of Elbasan District, was dismissed and arrested in 2001 for human rights abuses, and subsequently prosecuted and convicted in the District Court of Elbasan. The Durres Court of Appeals upheld his conviction.

There were no developments in the 2002 case against Alnor Hasa, Chief of Criminal Police in Vlora, accused of beating a detainee.

There were no developments in the April 2002 Pergjini assault case which alleged that three brothers were arrested and beat by police in reprisal for a dispute with the officers or the 2002 Azgan Haklaj assault case in which charges were filed against four officers accused of assaulting Haklaj during his 2001 arrest.

Conditions inside the prisons and detention centers remained poor, despite Government efforts to address problems such as poor facilities and overcrowding. According to the European Union's Judicial Reform, Asylum and Migration Operations Section, detainees had limited access to bathroom and showering facilities, insufficient food, and, in some cases, space limitations kept them from engaging in religious practices. The prison staff was poorly trained. Prisoners and detainees rioted in Shkodra and Peshkopia, and held hunger strikes in Vlora, Berat, and Permet to protest the poor living conditions.

Overcrowding remained a serious problem and, according to the Ministry of Justice, over one-third of convicted felons remained in pretrial detention centers. This caused substandard conditions for prisoners and significant security problems for the police forces. However, with international assistance, the Government financed improvements, including the June opening of an 800-inmate prison in Peqin. The Government also opened prisons in Rrogozhina, Kruja, and Lezha; although construction at Lezha was not completed by year's end, the Ministry of Justice expected it to be finished in early 2004.

Police separated men from women in pretrial detention centers and prisons which, as of July, were under the jurisdiction of the Ministry of Justice. Pretrial detainees were not separated from convicted prisoners due to overcrowding.

The country has no juvenile justice system, and children's cases frequently were presented to judges who had not received any education in juvenile justice. In cooperation with international donors, Albania's Magistrate's School attempted to address this problem by offering continuing legal education courses in the area of juvenile justice for judges. The Ministry of Justice reported that a total of 17 minors were serving prison sentences: 6 in pretrial detention centers and 11 in Vaqarr—the only prison in the country that has a special wing for juveniles. The Children's Human Rights Center (CRCA) noted that, while juveniles at Vaqarr were held in a separate wing of the prison, they mixed with adult prisoners for showers and leisure activities. As a result, there were several reports of sexual abuse of juveniles during the year. In addition, two 17 year-old girls were serving sentences at Prison 325 for women in Tirana. Approximately 18–25 juveniles were held in pretrial detention centers. Several NGOs noted that in various police pretrial detention facilities minors often were kept in the same cells as adults and sanitary conditions generally were poor.

In April, two prisoners from Borje village escaped from Kukes prison. The police, in an attempt to catch the prisoners, intimidated people living in the village.

In September, a convicted felon committed suicide because, according to unconfirmed newspaper reports, the conditions in the overcrowded, violence-prone detention center were unbearable.

The Government permitted international human rights observers to visit both pretrial detention centers and prisons; there were no reports of refusals to permit access for inspections by domestic independent human rights monitors. The Government cooperated with the International Committee of the Red Cross (ICRC) and with other NGOs.

d. Arbitrary Arrest, Detention, or Exile.—The Constitution prohibits arbitrary arrest and detention; however, the police occasionally arbitrarily arrested and detained persons.

According to the Ministry of Public Order, there were 12,454 police officers; the majority remained largely untrained, despite assistance received from foreign governments. The overall performance of law enforcement remained weak. Unprofessional behavior and corruption remained major impediments to the development of an effective, civilian police force. Foreign governments continued police training programs aimed at improving technical expertise, operational procedures, and re-

spect for human rights, and 1,100 police officers received such training during the year. In addition, judicial police, prosecutors, and police academy professors as well as 21 canine teams received training. The State Police's Office of Internal Control has the authority to review all police appointments and, during the year, pursued investigations leading to the conviction of 5 sworn police officials and the dismissal of 63 for various degrees of misconduct. According to the Ministry of Public Order, in October, 50 candidates (40 male, 10 female) started training at the Police Academy.

In its 2002 annual report, the People's Advocate—a government ombudsman charged with investigating citizen complaints of public officials' wrongdoing—reported that, in 2002, it handled 3,363 complaints, requests, and notifications related to all forms of public corruption and misconduct. Of those, 22 percent were determined to be legitimate and were forwarded to the appropriate authorities for further investigation. Among these 3,363 cases, the People's Advocate received 70 complaints against police officers for excessive force or maltreatment. By the end of 2002, the office had reviewed 50 and determined that 15 were valid, 11 were outside their jurisdiction, and 24 were groundless. As a result, 12 police officers received verbal warnings and the prosecutor's office started investigations on 24 police employees. The remaining 20 were investigated during the year; however, no information on their status was available.

Corruption remained a problem among police forces and low salaries and rampant corruption throughout society made the problem difficult to combat. The Office of Internal Control (OIC) within the State Police was focused on combating in-house corruption and other forms of official misconduct. OIC efforts resulted in several high profile arrests, including the June arrest of the Police Chief of Rinas Airport and three other officers for their roles in smuggling undocumented migrants, as well as the arrest and conviction of the former Police Chief of the Vlora Regional Commissariat for cocaine trafficking.

The 1995 Penal Procedures Code sets out the rights of detained and arrested persons. By law, a police officer or prosecutor may order a suspect into custody. Detained persons must be informed immediately of the charges against them and of their rights and a prosecutor must be notified immediately after the police detain a suspect. Within 48 hours of the arrest or detention, a suspect must appear before a judge in the presence of the prosecutor and the suspect's lawyer. The judge has an additional 48 hours to determine whether the suspect may continue to be detained.

Legal counsel must be provided free of charge if the defendant cannot afford a private attorney; however, this right was not widely known and police often failed to inform suspects of it. Access to legal information remained difficult for citizens, including legal professionals and, at times, judges. There were numerous cases in which persons were illegally detained and were unable to contact their private attorneys. In some cases, the detainees had been interrogated without their defense attorneys being present.

Bail may be required if the judge believes that the accused otherwise may not appear for trial. Alternatively, a suspect may be placed under house arrest. The court may order pretrial confinement in cases where there is reason to believe that the accused may flee the country or pose a danger to society.

In its 2002 annual report, the People's Advocate cited 87 complaints of arbitrary arrests and illegal detention by the police, and specified that many of the complaints had merit and were forwarded to the prosecutor's office.

In 2001, the AHC learned that three individuals—Sali Lushaj, Dem Dollapi, and Vlash Ndoi—had been detained in a Tirana prison past the legal limit. Lushaj and Dollapi, who claimed to be detained for political reasons, were charged with participation in an armed uprising to overthrow the constitutional order. They were released; however, their case remained pending in court at year's end.

The Penal Procedures Code requires completion of pretrial investigations within 3 months; however, the prosecutor may extend this period by 3-month intervals in particularly difficult cases. Lengthy pretrial detention as a result of delayed investigations remained a serious problem. The accused and the injured party have the right to appeal these extensions to the district court.

There were no confirmed cases of detainees being held strictly for political reasons. Ekrem Spahia, Chairman of the Legality Party, and 12 of his supporters had faced criminal charges in connection with the events of 1998 during which a Democratic Party (DP) parliamentarian was killed. The charges against Spahia were subsequently dropped because he had parliamentary immunity; however, the trials of his supporters remained pending at year's end.

The Constitution prohibits forced exile, and the Government did not employ it.

e. Denial of Fair Public Trial.—The Constitution provides for an independent judiciary; however, because of political pressure, intimidation, endemic corruption, bribery, and limited resources, much of the judiciary was unable to function independently and efficiently.

Tension continued between the police and the judiciary, despite some improvement in relations between police and prosecutors, particularly outside Tirana. Each side cited the failures of the other as the reason criminals avoided imprisonment; the courts accused the police of failing to provide the solid investigation and evidence necessary to prosecute successfully, and the police alleged that corruption and bribery tainted the courts. The Judicial Police were responsible, under the direction of prosecutors, for developing investigations initially conducted by the police. In June, in an effort to improve cooperation and anti-crime efforts, police and prosecutors established the Organized Crime Task Force to handle high profile and sensitive organized crime and trafficking cases in which police and prosecutors work together to gather evidence, solve cases, and convict criminals. In addition, the implementation of a judicial code of conduct and a code of disciplinary procedures against judges led to the dismissal of several judges on corruption charges.

The judicial system is composed of district courts of the first instance, six courts of appeal, military courts of first instance and of appeal, and the Supreme Court. There is also a separate and independent Constitutional Court. The Supreme Court hears appeals from both the district courts and the courts of appeal, while the Constitutional Court primarily reviews those cases involving constitutional interpretation and conflicts between branches of government. Constitutional Court justices serve 9-year terms, with three justices rotating every 3 years. Justices of the Supreme Court serve for 9 years. By year's end, the President had appointed judges and prosecutors to work in the newly-formed Serious Crimes Court, which was expected to focus on organized crime and trafficking cases.

The President heads the High Council of Justice, which has authority to appoint, discipline, and dismiss judges of the courts of first instance and of the courts of appeal. Judges who are dismissed have the right to appeal to the Supreme Court. In addition to the President, the Council consists of the Minister of Justice, the head of the Supreme Court, nine judges of all levels selected by the National Judicial Conference, and three members selected by Parliament.

The President of the Republic appoints the 17 members of the Supreme Court and the 9 members of the Constitutional Court with the consent of Parliament. Parliament has the authority to approve and dismiss the judges of the Constitutional Court while the High Council of Justice has the authority to approve and dismiss the judges of the Supreme Court. According to the law, dismissal may be ordered based on violation of the constitution, conviction of a crime, mental or physical incapacity, or commission of an act that seriously discredits judicial integrity and reputation.

The President appoints the Prosecutor General with the consent of Parliament, and appoints and dismisses other prosecutors on the recommendation of the Prosecutor General. The President may dismiss the Prosecutor General on the recommendation of the Parliament. Despite the Council of Europe's Venice Commission ruling advising that the implementation of the 2002 Constitutional Court decision stating that Prosecutor General Arben Rakipi, who was dismissed without the opportunity to present a defense, should be reinstated, the Government took no action to reinstate Rakipi during the year.

Parliament approves the courts' budgets and allocates funds. The Judicial Budget Office, a separate, independent body, administers court budgets, although each court may decide how to spend the money allocated to it. A board chaired by the Chief Justice of the Supreme Court runs the Judicial Budget Office; all other board members are judges. The Ministry of Justice appoints court chancellors and financial managers. The Ministry of Justice also supervises the Bailiffs' Office, the body that ensures that civil judgments are enforced. However, during the year, the performance of the Bailiffs' Office was poor and, as a result, many civil judgments were not implemented.

The Constitution provides that all citizens enjoy the right to a fair, speedy, and public trial; however, limited material resources in many instances prevented the court system from processing cases in a timely fashion. Many court buildings were destroyed in the 1997 civil unrest; although all have reopened, important records and legal materials were lost permanently. Long case backlogs were typical, and resulted in suspects being detained for longer than legal limits (see Section 1.d.). Defendants, witnesses, and others who do not speak Albanian are entitled to the services of a translator. Defendants are entitled to a lawyer, and, under the law, the Government provides lawyers for indigent defendants. If convicted, the accused has

the right to appeal the decision within 10 days to the Court of Appeals. During the year, a few trials were held in absentia.

There were no reports of political prisoners.

The Government has not resolved many long-standing property rights issues and continued to occupy or rent out buildings to which private individuals have ownership claims recognized by the courts. Individuals reported to the People's Advocate that they were not adequately compensated for private land taken for public use during the Communist regime. The Organization for Cooperation and Security in Europe (OSCE) facilitated a bipartisan Parliamentary effort to finalize property restitution legislation. At year's end, the legislation was approved by the Council of Ministers; however, it was still awaiting Parliament's approval.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The Constitution prohibits such actions; however, at times, the Government infringed on these rights.

In April, the Court of Appeals determined that the Municipality of Pogradec could evict, with force if necessary, 15 Roma families from a government-owned building; however, in August, the Supreme Court suspended that decision and returned the case to the District Court. At year's end, the Roma families remained in the government-owned building while the Municipality of Pogradec looked for new housing for them.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Law on Fundamental Human Rights and Freedoms provides for freedom of speech and of the press, and the media was active and largely unrestrained; however, there were serious, fundamental problems with the use of the media for political purposes. Political interference in the media remained a problem. Publishers and newspaper owners often edited news stories to serve their own political and economic interests.

Daily circulation of all newspapers was estimated at 76,500. Political parties, trade unions, and various societies and groups published their own newspapers or magazines. The opposition media was active, but was constrained by limited professionalism and lack of finances. An estimated 200 publications were available, including daily and weekly newspapers, magazines, newsletters, and pamphlets. Three newspapers were published in Greek in the southern part of the country, and 15 Greek papers and magazines were distributed throughout the south; these dailies and weeklies had very small circulation figures.

The Government's Albanian Radio and Television (RTSh) was the sole public broadcaster. RTSh consisted of a national television station and a national radio station. National television broadcast 17 hours a day and reached 94 percent of the population. National television also broadcast a 2-hour, Albanian-language regional satellite program that was viewed widely throughout Europe. National radio broadcast on two channels—one for 19 hours and the other for 5 hours per day. National radio operated a foreign language service that broadcasted in seven languages, including Greek.

Television was highly influential; it was estimated that up to 80 percent of the public obtain their news and information from television. Television programming included some responsible journalism; however, political affiliation was pervasive in programming. The majority of stations were one-sided in their political coverage.

Occasionally physical violence was used against journalists; politicians dissatisfied with media coverage sometimes assaulted or threatened members of the media.

In March, AHRG reported that Tomorr Skreli, Chief Justice of the Appeals Court in Gjirokastra, made violent threats against Engjell Seriani, the director of Dita Jug, a regional newspaper. According to the AHRG press release, Skreli was unhappy with Seriani's report on a court case.

In October, television reporter Ilir Babaramo accused the Minister of Public Order, Luan Rama, of physically attacking him in a public restaurant. According to reports, Rama was angered by Babaramo's unflattering report about the number of unsolved, high-profile crimes committed under Rama's tenure. Press reports indicated that Rama's bodyguards also kicked and punched Babaramo until bystanders intervened. Several journalists' groups and human rights organizations called for Rama to be removed from office; Rama, a former journalist, resigned 2 days later.

The National Council of Radio and Television (NCRT)—a seven-member bipartisan body elected by the Parliament, with one appointment by the President—governs broadcasting issues. Two national television stations, 57 local television stations, 42 local radio stations, and 2 national radio stations had broadcasting licenses during the year. Several broadcasters failed to pay for their licenses or abide by the regulations governing the licenses; however, these regulations were enforced weakly.

In July, the NCRT lifted the license of Alba TV, leading to the interruption of normal broadcasts of ALSAT TV satellite channel. Alba TV and ALSAT had an agreement that allowed ALSAT to broadcast on Alba TV's frequency. Alba TV and ALSAT claimed that the license was revoked for political reasons; the Government claimed the license was revoked for failure to pay taxes; however, several other television stations had similar outstanding violations and had not been shut down. At year's end, while ALSAT was broadcasting locally a few hours a day, Alba TV was not broadcasting at all.

In May, a group of journalists and editors issued a press release in which they raised concerns about the Government's efforts to restrict press freedoms. They argued that the Government's use of financial audits and judicial prosecutions against journalists restricted the freedom of the press; however, the Government's position was that the complaints were generated by ire at more effective tax collection.

Journalists also raised complaints about direct or indirect censorship by their publishers or editors because of political or commercial pressure or interests. In June, the AHC raised similar concerns, citing a case in Gjirokastra in which Human Rights Union Party (HRUP) chairman Vangjel Dule sued a journalist after an unflattering article about him appeared in a minority newspaper.

In September, five NGOs—including the AHRG—filed suit against Prime Minister Nano in Constitutional Court. The suit charged that his 2002 gag order prohibiting senior civil servants from speaking to the media about their duties violates the Law on Fundamental Human Rights and Freedoms. On November 12, 5 days prior to the presentation of the case before the Constitutional Court, the Prime Minister revoked the gag order.

Libel carries criminal sentences, from a fine to 2 years' imprisonment. There were a number of high-profile libel suits during the year involving politicians and well-known journalists. For example, then-Minister of Youth, Culture, and Sport, Arta Dade, and Minister of Local Government, Ben Blushi, sued Democratic Party Chairman, Sali Berisha, for libel; Chairman of the New Democrat Party, Genc Pollo, sued Farudin Arapi, Chairman of the Pyramid Schemes Assets Commission for libel; and the newspaper *Spekter* sued op-ed columnist Fatos Lubonja. All of these cases were pending in Tirana District Court at year's end. In addition, Deputy Speaker of Parliament, Makbule Ceco, won a libel case against the newspaper *Tema*.

The AHC, along with other human rights organizations and journalists' associations, expressed concern about the increased level of pressure exerted by politicians on the media, particularly in the form of lawsuits. In May, the AHC noted that while all citizens are entitled to seek redress in the court system, politicians—as public figures—should expect scrutiny and attacks from the media and should refrain from misusing libel suits.

The Government did not restrict access to the Internet; however, less than 1 percent of the population had access to the Internet because it was too expensive.

The Government did not restrict academic freedom.

b. Freedom of Peaceful Assembly and Association.—The Constitution provides for freedom of assembly, and the Government generally respected this right in practice.

The law requires organizers to notify police about gatherings in public places, and the police may refuse to permit them for reasons such as security and traffic; however, there were no reports that such denials were made arbitrarily.

On May 15 and 26, former political prisoners and victims of political persecution staged a formal protest on Tirana's main boulevard, seeking compensation for their unpaid labor during their imprisonment or persecution. Protesters claimed that police used excessive force during the protests and that police injured National Front Party Member of Parliament, Uran Metko. The People's Advocate, the AHC, and the two largest political parties, as well as several other human rights organizations denounced the police's use of violence. Subsequently, Prime Minister Nano met with the People's Advocate and agreed to draft a bill to resolve the issue of compensation; however, at year's end, the Government was still in the process of the drafting legislation that was expected to compensate people for their unpaid labor while imprisoned.

The Constitution provides for the right of association, and the Government generally respected this right; however, the Constitution prohibits the formation of any political party or organization that is totalitarian; incites and supports racial, religious, or ethnic hatred; uses violence to take power or influence state policies; or is nontransparent or secretive in character. There were no reports that this provision was used against any group during the year. A political party must apply to the Tirana District Court for registration and declare an aim or purpose that is not anti-constitutional or otherwise contrary to law, describe its organizational structure, and account for all public and private funds it receives. Registration was granted routinely.

c. Freedom of Religion.—The Constitution provides for freedom of religion and the Government generally respected this right in practice. According to the Constitution, there is no official religion, and all religions are equal; however, the predominant religious communities (Sunni Muslim, Bektashi Muslim, Orthodox, and Roman Catholic) enjoyed de facto recognition that gives them the legal right to hold bank accounts, own property and buildings, and to function as legal entities based on their historical presence in the country. Religious movements—with the exception of the four de facto recognized religions—may acquire the official status of a legal entity by registering with the Tirana District Court under the Law on Associations, which recognizes the status of a nonprofit association regardless of whether the organization has a cultural, recreational, religious, or humanitarian character.

While the Government does not require registration or licensing of religious groups, the State Committee on Cults keeps records and statistics on foreign religious organizations that contact it for assistance.

The Albanian Evangelical Alliance, an association of approximately 87 Protestant Churches, complained that it had encountered administrative obstacles to accessing the media. However, Evangelical Alliance representatives stated that it was not clear whether the limited access was due to the organization's small size or its religious affiliations.

The Government was secular, and religion was not taught in public schools. There is no law restricting the demonstration of religious affiliations in public schools; however, some students were not allowed to do so in practice. According to the Ministry of Education, there were 14 religious schools in the country, with approximately 2,600 students. In July, a female Muslim student graduating from university was prohibited from wearing her headscarf for her graduation picture. Following the intervention of the People's Advocate, the student was allowed to take the photograph with the headscarf, and the case was resolved.

The Government failed to return to the various religious communities all of the properties and religious objects that were confiscated under the Communist regime in 1967. In cases where religious buildings were returned, the Government often did not return the land surrounding the buildings or provide comparable compensation. In addition, the Government was unable to compensate churches adequately for the extensive damage that many religious properties suffered.

The Orthodox Autocephalous Church of Albania complained that, in addition to problems in recovering property, it also had difficulty in retrieving some religious icons from the Government for restoration and safekeeping and reported some isolated incidents of vandalism. Some Bektashi communities outside of Tirana experienced intimidation, vandalism, and threats of violence from members of other religious groups.

In October, police arrested Kastriot Myftaraj, author of the book "Albanian National Islamism," on charges of inciting religious hatred. The book contained the author's opinions on Islam and how the religion has impacted Albanian life. According to the prosecutor's office, several statements in the book demeaned Islam. At year's end, the trial was ongoing.

Relations among the various religious groups were generally amicable. However, representatives of the country's Orthodox Church noted that some churches and other buildings were the targets of vandalism, although these incidents were isolated and believed to be the result of the country's weak public order rather than due to religious intolerance. In January, the General Secretary of the Islamic Community of Albania, Sali Tivari, was shot and killed at the Community's headquarters. In December, the prosecutor's office, unable to uncover enough evidence, returned the case to the police for further investigation.

Some Bektashi communities outside of Tirana experienced intimidation, vandalism, and threats of violence. There were reports that, in some instances, members of other religious groups attempted to prevent Bektashis from attending their teqes (holy shrines) and otherwise harassed Bektashi community members.

For a more detailed discussion, see the 2003 International Religious Freedom Report.

d. Freedom of Movement within the Country, Foreign Travel, Emigration, and Repatriation.—The Constitution provides for these rights, and the Government generally respected them in practice.

As a result of significant internal migration, many citizens no longer had local registration and status, which led to a loss of access to basic services such as education and medical care. In many educational institutions, students must have, among other documents, an official document from the district authorities that acknowledges that they are inhabitants of the district. The lack of these documents prevented many students from attending school. During 2002, the Ministry of Local Government began a nationwide project on citizen registration, financed in part by

Italy in the framework of the Stability Pact. Although there were three laws on civil status intended to improve local registration practices and create a standardized national identification document, in practice nothing was done.

The Constitution and a 1998 asylum law provide for the granting of refugee status and asylum to persons who meet the definition in the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. In practice, the Government provided protection against refoulement and granted refugee status or asylum; it also provided temporary protection to certain individuals who did not qualify as refugees or asylees. There is an appeals procedure, but it was not functioning during the year.

The Government cooperated with the office of the U.N. High Commissioner for Refugees (UNHCR) and other humanitarian organizations in assisting refugees and in efforts to strengthen the asylum system. There were no mass refugee situations during the year. The UNHCR provided social service support for the refugee community and coordinated further assistance through a network of NGOs that provided health care coverage, insurance, and limited training. In July, the Government's Office for Refugees came under the jurisdiction of the Ministry of Public Order and played a key role in facilitating and coordinating the work of these groups.

Organized criminal gangs made the smuggling of illegal immigrants—Albanians, Kurds, Pakistanis, Chinese, Turks, and others from the Middle East and Asia—a lucrative business. Because ongoing speedboat interception and destruction efforts effectively closed the route to Italy, smugglers began using overland routes, crossing into Macedonia or Montenegro, or using false documents to depart the country by plane or ferry. Individuals who became stranded inside the country while trying to use these illegal methods went through a pre-screening process jointly run by the Government, the UNHCR, the International Organization for Migration (IOM), the International Catholic Migration Commission, and the OSCE to determine their status. Of the 27 third country nationals pre-screened since January, all were referred by police, and 11 sought services voluntarily; 16 of these individuals requested asylum; and 5 voluntarily returned to their home countries with the assistance of the IOM. The international partners in the pre-screening process recommended that the Government extend the program to illegal immigrants stopped at the border; however, the Government took no action by year's end.

Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government

The Constitution provides citizens with the right to change their government peacefully, and citizens exercised this right in practice through periodic elections held on the basis of universal suffrage.

Local elections were held in October and were completed in only one round of voting. In its preliminary report, the OSCE's Office of Democratic Institutions and Human Rights (ODIHR)—which observed the elections—noted the country's further progress towards compliance with the OSCE and other international organizations, and standards for democratic elections. The elections were conducted under a new electoral code, which addressed many of the concerns that arose from the 2001 parliamentary elections. The election campaigns were generally calm and conducted without the heated rhetoric that characterized past campaigns. In addition, the country's major broadcasters—including state-owned TVSH—generally complied with the legal provisions for balanced reporting, contributing to a significant improvement in coverage of the campaign. However, the ODIHR preliminary report stressed that problems continued to exist. For example, many citizens were unable to vote because their names were not on the voter registration lists. Members of the local government elections commissions and the voting center commissions were generally poorly trained and unacquainted with the new electoral code and key instructions from the Central Election Commission (CEC). In the post-election period, there were numerous legal challenges to election results by parties that lost in various districts, including in two major cities, Tirana and Durrës.

In November, election reruns were held in Himara—a district with a large population claiming Greek origin—after serious voting violations were reported. Although nationalistic members of the local Socialist Party attempted to manipulate the outcome of the election by falsifying the results, the CEC overturned those results and certified that the HRUP candidate—representing the interests of the country's minorities, including the Greek minority—won the election. In December, revotes were also held in 118 Tirana districts; turnout was low, and few significant irregularities were reported. The trend of decreasing representation continued: Women were poorly represented as members of election commissions and as can-

didates, and family voting was observed in over 30 percent of voting centers visited by observers.

Overall, the municipal elections were a major step forward, with good performances by the police, many local election officials, and electoral institutions. However, the elections were marred by the repeated refusals of the political leadership in the two main parties to accept results not to their liking.

During a parliamentary by-election in a single electoral zone in Elbasan in December 2002, the opposition DP raised concerns regarding voter list manipulation, voter intimidation, and other electoral code violations. The General Prosecutor opened an investigation of electoral code violations; however, the case was closed due to lack of evidence.

Several political parties participated in the political system; the Socialist Party (SP) and the DP were the two largest and they held most of the seats in Parliament. The SP, formed from the old Communist Party in 1991, was the governing party during the year. Its year-end coalition included the HRUP and the Social Democratic Party. SP Party Chairman, Fatos Nano, also served as Prime Minister. The DP, led by former President Sali Berisha, was the primary opposition party in the Government.

There were 9 women in the 140-seat Parliament. During the year, the Deputy Prime Minister and Minister of State for Integration, the Minister of Culture, Youth, and Sports and the Minister of Labor and Social Affairs were women; however, at year's end, after the change in Cabinet following the SP Congress, only one woman remained in the Cabinet. The major political parties had women's organizations, and women served on their central committees; however, overall women were very poorly represented in the central and local governments, and few were elected to public office at any level. During the year's local elections, less than 3 percent of all candidates were women.

There were 5 ethnic Greeks in the 140-seat Parliament; however, only three of them were members of the HRUP, which represented the interests of minorities in the country. Ethnic Greeks were the largest minority group, participated actively in various political parties, particularly the HRUP, and held two ministerial positions. No other minorities were represented in Parliament.

Section 4. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A number of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials were increasingly cooperative and responsive to their views; however, in some areas—such as domestic violence and children's issues—little progress was made. There were several domestic NGOs active in addressing human rights problems. Despite the assistance of international donors, the work of these organizations was hampered by a shortage of funds and equipment.

There were no reports of government restriction on the activities of domestic human rights NGOs. The AHC monitored human rights issues as they related to minorities, security forces, the judiciary, and elections. In the past, the AHC conducted training to police and prison personnel. Rather than limiting its operations to one or two specific human rights issues, the AHRG tried to monitor all aspects of human rights in the country. The AHRG, in addition to offering legal assistance, ran a complaint center and conducted police training. Both organizations operated independently from the Government and often issued press releases and reports calling for government action.

The Citizen's Advocacy Office (CAO) was created with international donor funds and assistance to serve as a corruption watchdog and investigative unit; citizens could call the CAO hotline to report corruption in Government. The Government often responded to CAO investigations with concrete action, such as conducting formal investigations and/or dismissals.

The Government cooperated with international organizations, such as the UNHCR, the IOM, and the ICRC, and did not restrict their access to the country.

Various groups worked to promote women's rights; some of these groups received mixed levels of cooperation with the Government (see Section 5).

The People's Advocate investigated inappropriate, inadequate, or illegal actions on the part of the Government. Although it lacked the power to enforce decisions, the People's Advocate acted as a watchdog for human rights violations. Its most common cases included citizen complaints of police and military abuse of power, lack of enforcement of court judgments in civil cases, wrongful dismissal, and land disputes (see Sections 1.c. and 1.e.). In many cases, the Government took concrete steps to correct problems in response to the findings of the People's Advocate. The caseload

of the People's Advocate continued to increase as the public became more aware of the services provided. The People's Advocate enjoyed the political support of the highest-ranking members of the Government and was authorized to receive information from all public agencies; however, disputes between the People's Advocate and the Prosecutor General hampered cooperation.

Section 5. Discrimination Based on Race, Sex, Disability, Language, or Social Status

The law prohibits discrimination based on sex, race, ethnicity, or language; however, discrimination against women and some minority groups persisted.

Women.—Violence against women and spousal abuse remained serious problems. In the country's traditionally male-dominated society, cultural acceptance, and lax police response resulted in most abuse going unreported. Rape is punishable by law, as was spousal rape; however, in practice, spousal rape is not reported or prosecuted. The concepts of spousal rape and sexual harassment were not well established, and, consequently, such acts often were not considered crimes by authorities or the public. For this reason, it was difficult to quantify the number of women who have experienced rape, domestic violence, or sexual harassment; however, the Counseling Center for Women and Girls noted that, in 2002, its Tirana hotline received 80–100 calls per month from women reporting some form of violence. A 1999 poll conducted by the NGO Advice Center for Women and Girls showed that 64 percent of women surveyed had experienced some form of physical, emotional, or sexual abuse; later statistics were not available. The State Committee on Equal Opportunity, formerly known as the State Committee for Women and Family, was the primary government agency that addressed the status of women; however, it was underfunded and lacked political influence. There was no legislation specifically addressing violence against women or domestic violence.

Many men, particularly those from the northeastern part of the country, still followed the traditional code—the *kanun*—in which women are considered to be, and were treated as, chattel. Under the *kanun*, a woman's duty is to serve her husband and to be subordinate to him in all matters.

An NGO maintained a shelter in Tirana for abused women, although the facility had the capacity to house only a few victims at a time. The same NGO also operated a hotline that provided advice and counseling to women and girls.

The law prohibits prostitution; however, it was a problem. Trafficking in women and children remained a problem (see Section 6.f.).

Women were not excluded, by law or in practice, from any occupation; however, they were not well represented at the highest levels of their fields. The Labor Code mandates equal pay for equal work; however, this provision was not fully implemented, although women continued gradually to gain economic power. Women enjoyed equal access to higher education, but they were not accorded full and equal opportunity in their careers, and well-educated women were often underemployed or worked outside their field of training. An increasing number of women continued to open shops and small businesses. Although many women emigrated from the country to seek employment men far outnumbered them, leaving women as the majority in the population. Women were afforded some employment rights, such as a 1-year maximum maternity leave; however, because approximately 40 percent of employees worked informally (i.e., their employers do not contribute to social security insurance on their behalf), they did not qualify for these rights. Of those women who did qualify, the majority could not afford to take more than 2 months of leave.

Various groups such as the Women's Center, the Family Planning Association, Useful to Albanian Women, the Independent Women's Forum, Women in Development, the Millennium Coalition, the Women's Advocacy Center, the Association of Women's Lawyers, Refleksione, the Albanian Human Rights Center, AHC, and AHRG worked to promote women's rights. Some of these groups successfully promoted public awareness regarding domestic violence and implementing programs to empower women; however, their ability to lobby the Government and other prominent individuals to institute actual change in government policies and practices regarding women's issues remained limited.

Children.—The Government's commitment to children's rights and welfare is codified in domestic law; however, in practice, there was limited commitment.

The law provides for the right to 8 years of free education and also authorizes private schools. School attendance was mandatory through the eighth grade (or until age 18, whichever came first); however, in practice, many children left school earlier than allowed by law in order to work with their families, especially in rural areas (see Section 6.d.). For example, according to a study conducted by the CRCA in 2000, approximately 38 percent of adolescents dropped out of school to gain employment; however, the Government placed this figure at 3 percent. The lack of proper documents—many of which have been lost due to internal migration—pre-

vented many students from attending school (see Section 2.d.). The State Committee on Equal Opportunity was responsible for children's issues; however, it was underfunded and lacked political influence.

In October, Bexhet Arbana, principal of Tirana elementary school "1 Maji," was dismissed from his position, demoted, and transferred to another school after he wrote an article that opposed the government's educational policies. According to the Ministry of Education, in opposing government policy, Arbana violated the institutional code, thereby justifying his demotion; however, the AHRG called for Arbana's reinstatement.

According to statistics for the year issued by the National Reconciliation Committee, as many as 711 children remained endangered by blood feuds involving their families (see Section 1.a.). While other organizations in the north and northeast regions questioned the accuracy of these figures, all agreed that blood feuds were a significant problem.

Child abuse, including sexual abuse, was rarely reported; however, authorities and NGOs believed that it was prevalent. According to the Ministry of Public Order, 33 cases of sex crimes against children were reported during the year. Trafficking in children, although not widespread, was problematic (see Section 6.f.). In a few cases, criminals kidnapped children from families or orphanages to be sold to prostitution or pedophilia rings abroad and there were reports that some families sold their children to traffickers (see Section 6.f.).

Various NGOs worked on children's issues, including Useful to Albanian Women, the CRCA, and the Albanian Children's Alliance, which is made up of 150 organizations across the country. International organizations active in this area included UNICEF, Save the Children, Caritas, and Catholic Relief Services. All of these organizations worked on issues related to trafficking of children. In addition, Save the Children created an early childhood development program, Catholic Relief Services sponsored after-school programs and promoted greater community involvement in the education system, and UNICEF worked to develop a juvenile justice system.

Persons with Disabilities.—There was some discrimination against persons with disabilities in employment, education, and the provision of other state services. Widespread poverty, unregulated working conditions, and poor medical care posed significant problems for many persons with disabilities. They were eligible for various forms of public assistance; however, budgetary constraints greatly limited the amounts that they actually received. No law mandates accessibility to public buildings for persons with disabilities, and little was done in this regard.

National/Racial/Ethnic Minorities.—The Constitution provides for national minorities' "pluralism, national identity and inheritance, and religious coexistence." The Constitution also provides minorities the right to "freely express, without prohibition or compulsion, their ethnic, cultural, religious and linguistic belonging" and the right "to study and be taught in their mother tongue, and to unite in organizations and associations for the protection of their interests and identity." The Minority Affairs Office within the Ministry of Foreign Affairs was the highest authority on minority issues and monitored the country's compliance with international obligations and commitments as they relate to minority issues. The Office maintained contact with all organizations representing minority groups, and served as a coordinating body for other relevant ministries within the Government.

According to the Minority Affairs Office, to qualify for minority status, a group of individuals must share the same language (different from Albanian), have documentation to prove their distinct ethnic origin, have a separate culture and traditions, and have a link to a kinship state outside of the country. For example, the group known as Egyptians were not given minority status because they speak Albanian and share the country's culture and traditions. Instead, they were referred to as a community.

The Greeks are the largest ethnic minority, followed by small groups of Macedonians, Montenegrins, Vlachs, Aromanians, Roma, and an Egyptian community. However, according to the Minority Affairs Office, no recent official statistics existed regarding the size of the various ethnic communities. The Government census of 2001 did not ask respondents to identify themselves by ethnicity, so any official figures date back to the previous census conducted in 1989. The Government conducted a survey during the year to determine the sizes of various ethnic minorities. The survey, which relied upon sampling based on U.N. standards, provided criteria for claims of affiliation with a particular ethnic group; however, the results of the survey were not published by year's end.

The ethnic Greek minority, led by their cultural association Omonia, collectively pursued grievances with the Government regarding electoral zones, Greek-language education, property rights, and government documents. Minority leaders complained

of the Government's unwillingness to recognize the existence of ethnic Greek towns, such as Himara, that were not considered part of communist-era "minority zones"; to utilize Greek on official documents and on public signs in ethnic Greek areas; to address effectively crimes committed against ethnic Greeks, particularly allegations that communal property was taken illegally by means of fraudulent documents and, in some cases, with complicity of the courts; to ascertain the size of the ethnic Greek population; and to include a higher number of ethnic Greeks in public administration.

Greek-language public elementary schools were common in much of the southern part of the country, where most ethnic Greeks lived. Every village in this zone had its own elementary-middle (8-year) school in the Greek language, regardless of the number of students, and Gjirokaster had two Greek language high schools. However, Omonia said that the ethnic Greeks needed more classes both within and outside the minority zones. The Government's Minority Affairs Office noted that Greeks, as well as other ethnic groups throughout the country, are entitled to schooling in their native language provided that there are at least 24 students per class—all of whom belong to the same ethnic minority. Omonia claimed that this qualification was applied unevenly, citing cases where ethnic Albanian students—numbering less than 24 and living in majority ethnic Greek communities—received a public education in the Albanian language. The Minority Affairs Office stressed that the Government has never closed a minority school or class even when the number of students dwindled as a result of graduation, migration or other factors. In March, Parliament passed an amendment that reauthorized the inclusion of nationality/ethnicity in the Civil Registry which should alleviate the difficulty in proving ethnicity for future requests for minority language schools.

Ethnic Greeks enjoyed access to Albanian Greek language media (see Section 2.a.). Residents in the southern part of the country were able to receive television and radio broadcasts in the Greek language from stations located in Greece; however, there were no Greek language radio or television stations in the country.

Ethnic Macedonians lived primarily in Pogradec, Devoll, and the Lake Prespa area bordering Macedonia; a small group of ethnic Montenegrins and Serbs lived north of Shkoder; Vlachs and Aromanians lived in the southern region.

The Roma and the Egyptian communities were among the most neglected groups in the country. There were reports that police beat Roma during the year (see Section 1.c.). Members of the Egyptian community tended to settle in urban areas and generally were more integrated into the economy than the Roma. In addition to widespread societal discrimination, these groups generally suffered from high illiteracy, poor health conditions, lack of education, and marked economic disadvantages. The Government officially recognized the Roma as a linguistic rather than a national minority, thus preventing Roma children from qualifying for education in their native language and perpetuating illiteracy within the community. The Government prepared a National Strategy for the Improvement of Roma, focusing on the areas of education, art, employment, housing, social issues, public order, and health; however, the Government had taken no action to implement the strategy by year's end. In spite of repeated denials, the Egyptian community continued to try to obtain minority status from the Government.

Blood feuds, practiced primarily in the north and northeastern regions, were a significant problem (see Section 1.a.).

Section 6. Worker Rights

a. The Right of Association.—Workers had the right to form independent trade unions, and workers exercised this right in practice. Two major federations acted as umbrella organizations for most of the country's unions: The Independent Confederation of Trade Unions of Albania (membership approximately 85,000) and the Albanian Confederation of Trade Unions (membership approximately 100,000). Both organizations experienced a continued drop in membership during the year due to increasing unemployment. Some unions chose not to join either of the federations. No union had an official political affiliation, and the Government did not provide any financial support for unions.

The law does not prohibit anti-union discrimination; however, there was no such discrimination in practice.

Unions were free to join and maintain ties with international organizations. Twelve federations, which were part of the Albanian Confederation of Trade Unions, were members of the International Confederation of Free Trade Unions.

b. The Right to Organize and Bargain Collectively.—Citizens in all fields of employment, except uniformed members of the armed forces, police officers, and some court employees, had the constitutional right to organize and bargain collectively, and the Labor Code established procedures for the protection of workers' rights

through collective bargaining agreements; however, labor unions operated from a weak position, given the country's high level of unemployment. In practice, unions representing public sector employees negotiated directly with the Government. Effective collective bargaining remained difficult, and agreements were difficult to enforce.

The Constitution and other legislation provide that all workers, except the uniformed military, the police, and some court officials, have the right to strike. The law prohibits strikes that are declared openly to be political or that are judged by the courts to be political.

In February, employees of the Fabiona Brick Factory went on a hunger strike to protest the fact that the owners had not paid salaries or social insurance for 3 months; after approximately 10 days, the owners promised to resume payment and the hunger strike ended. The owners started paying their employees' salaries, but not their social insurance. In the summer, shipyard employees at the Durres Port went on strike complaining that the shipyard owners had not paid their social insurance for years; the strike remained ongoing at year's end. In September, teachers went on strike and asked for higher salaries; although they did not receive a salary increase, they went back to work shortly thereafter. In December, railway employees began striking for better working conditions and higher salaries; their strike remained ongoing at year's end.

There are no export processing zones.

c. Prohibition of Forced or Bonded Labor.—The Constitution and the Labor Code prohibit forced or bonded labor, including by children; however, such practices occurred (see Sections 6.d. and 6.f.).

d. Status of Child Labor Practices and Minimum Age for Employment.—The Labor Code sets the minimum age of employment at 16 years and limits the amount and type of labor that can be performed by children under the age of 18. Children between the ages of 14 and 16 legally may work in part time jobs during summer vacation. The Ministry of Labor may enforce minimum age requirements through the courts; however, there were no reports that enforcement took place. The CRCA estimated that roughly 50,000 children under the age of 18 worked either full or part time. The law forbids forced or bonded labor by children; however, there were reports that such practices occurred. NGOs reported that labor inspectors, who were charged with investigating child labor complaints, did not give out fines, penalties, or convictions to those who violated child labor laws.

There were young children working, some as many as 16 hours a day. According to the CRCA, the majority of child laborers worked as street or shop vendors, farmers or shepherds, drug runners, textile factory workers, shoeshine boys, or prostitutes; however, in Tirana and other cities, children—mostly Roma—worked as beggars or sold cigarettes and other items on the street; the police generally ignored this practice. The CRCA also noted that there were approximately 800 street children in Tirana. There were reports that children were trafficked for forced labor (see Section 6.f.).

e. Acceptable Conditions of Work.—The legal minimum wage for all workers over the age of 16 was approximately \$85 (9,354 lek) per month, which was not sufficient to provide a decent standard of living for a worker and family. Many workers looked for second jobs, which were difficult to find. Remittances from those working abroad were very important for many families. The law provides for social assistance (income support) and unemployment compensation; however, these were very limited, both in terms of the amounts received and the number of persons actually covered. The average wage for workers in the public sector was approximately \$160 (17,608 lek) per month. Persons who worked and lived in urban areas earned almost 50 percent more than counterparts in rural areas, as a result poverty was greater in rural areas. Approximately 30 percent of the population lived under the official poverty line.

No data was available for private sector wages, but they were considerably higher than in the public sector.

During the year, the Labor Code was amended to lower the legal maximum workweek from 48 hours to 40; however, in practice, hours typically were set by individual or collective agreements. Many persons worked 6 days a week. By law overtime pay must be provided and there were mandated rest periods; however, these provisions were not always observed in practice.

The Government set occupational health and safety standards; however, it had limited funds to make improvements in the remaining state-owned enterprises and a limited ability to enforce standards in the private sector. Actual conditions in the workplace generally were very poor and often dangerous. A number of job-related deaths were reported in the press during the year, particularly in the construction

industry. In such cases, the victims' families did not receive any financial support from the state social security administration because the workers often were not insured. The Labor Code lists the safety obligations of employers and employees but does not provide workers with the right to leave a hazardous workplace without jeopardy to their continued employment.

f. Trafficking in Persons.—The law criminalizes trafficking in persons and provides penalties for traffickers; however, trafficking in persons, particularly women and children, remained a problem. Police corruption and involvement in trafficking was a problem.

A 2001 Criminal Code amendment introduced specific articles on trafficking that set the following penalties: Trafficking in persons (5 to 15 years in prison); trafficking of women for prostitution (7 to 15 years in prison); and trafficking in minors (15 to 20 years in prison). The lack of prosecution of traffickers remained a problem; however, police and prosecutors claimed to have dismantled 28 trafficking groups during the year. Traffickers who were arrested often were released because of insufficient evidence, and, if prosecuted, they often were charged for lesser crimes or were given less than the minimum sentence for trafficking.

In April, Albanian and Italian authorities arrested several members of a child-trafficking ring operating out of the Adriatic port city of Durres, including a customs officer at the Durres port and the head of the local SHISH office. During the investigation, which was ongoing for 2 years and operated on both sides of the Adriatic, police rescued 30 Albanian children and arrested 40 people. The cases against the Customs and SHISH officials had not gone to trial by year's end.

In September, a regional anti-trafficking sweep called Mirage II, resulted in 125 arrests for various forms of trafficking, prostitution, and smuggling.

The absence of a witness protection program impeded the Government's ability to build strong cases against traffickers, although cooperation from the international community led to the relocation and protection of five witnesses outside of the country during the year. Victims often did not identify themselves as trafficked persons and were unwilling to testify due to fear of retribution from traffickers and distrust of the police. Cooperation between the police and prosecutors remained weak. During the year, the Government established an Organized Crime Task Force to handle high profile and sensitive organized crime and trafficking cases. Through the Task Force training and international technical assistance, police and prosecutors received training for better coordination to gather evidence, solve cases, and convict criminals.

The country was both a source and a transit country primarily for women and children trafficked for the purposes of sexual exploitation and begging; however, the number of Albanians and third-country nationals subjected to trafficking to other countries decreased. The country was a transit route for trafficked women and girls, due to weak border controls, corruption, and proximity to Italy and Greece. Most trafficked women and girls were transported to Italy, Greece, and—to a lesser extent—other European countries, such as Belgium, the United Kingdom, and the Netherlands. However, illegal transit through the country diminished significantly since 2002, primarily due to the successful interruption of illegal speedboat traffic across the Adriatic. Traffickers used overland routes such as Albania-Macedonia-Greece or falsified documents to transport their victims via plane or ferry.

According to the Ministry of Public Order, there were 4,000 children trafficked from the country between 1992 and 2000. Children were generally trafficked for begging or sexual exploitation. Trafficked Albanians increasingly fell into the 12 to 18-year-old age group. Roma and Egyptian communities were particularly vulnerable due to poverty and illiteracy. Children, including boys, also were trafficked for begging. Such children often were bought from families, and in a few cases kidnapped reportedly for the purpose of prostitution or pedophilia rings abroad.

For example, in November, five people (two in Korca and three in Pogradec) received prison sentences ranging from 15–20 years for trafficking newborn babies to Greece. At year's end, the case had been appealed and authorities were waiting for additional evidence from their Greek counterparts before presenting at the Court of Appeals. Also in November, there were press reports that an Albanian family sold their 3-year-old son to an Italian man; Italian authorities subsequently arrested two persons involved in the sale.

The majority of trafficked children ended up in Italy or Greece. According to the Ministry of Justice, 3,300 unaccompanied Albanian children lived in Italy, although not all were victims of trafficking. A 2002 study conducted by the NGO International Social Service reported that 1,800 unaccompanied Albanian children—many of whom were trafficking victims—lived in Greece; however, according to Terre des hommes, a Swiss child-welfare NGO operating in the country, the number of children trafficked to Greece has declined in recent years.

Foreign women and girls in transit mostly originated from Moldova, Romania, and—to a lesser extent—Ukraine, Russia, Serbia and Montenegro (Kosovo), and Bulgaria. Traffickers typically confiscated victims' documents, physically and sexually abused them, and sometimes forced them to work as prostitutes before they left the country. Both Albanian and foreign women trafficked by Albanian organized crime networks were abused, tortured, and raped. Traffickers also threatened many of the victims' family members.

Due to the poor economic situation, men and women from organized criminal groups lured many women and young girls from all over the country by promising them jobs in Italy and Greece. Some men, primarily in the north of the country, also married women and girls under false pretenses and took them abroad as prostitutes. Other forms of recruitment included promises of marriage, and, to a lesser extent, the selling of victims to traffickers by family members or neighbors or kidnapping, including from orphanages.

The police often were involved directly or indirectly in trafficking. Few police officers, and no other government officials, were prosecuted for trafficking during the year. Lawyers and judges were also manipulated and bribed, permitting traffickers to buy their way out of punishment if arrested. During the year, the Ministry of Public Order's Anti-Trafficking Unit within the Organized Crime Sub-Directorate and the Office of Internal Control paid particular attention to police involvement in human trafficking; the Office of Internal Control investigated 266 cases of police involvement in all forms of trafficking. Many of these cases resulted in suspensions or dismissals, and a growing number of police officials implicated in trafficking cases faced arrest and prosecution.

In December, police arrested several servicemen on suspicion of raping and trafficking a 16-year-old girl. Reports surfaced in December that a 16-year-old girl was smuggled onto the Bishti i Palles naval base to have sex with seven conscripted sailors over the course of a 3-day weekend. Military officials responded quickly by admitting the main facts of the story, issuing a public apology, and stepping aside so that the civilian investigation could take place. A total of 11 officers and non-commissioned officers—including the seven participants—were suspended and new policies were put in place to safeguard against such incidents in the future. Although media reports stated that the sailors were also involved in the girl's eventual trafficking into Kosovo, officials at the Ministry of Defense denied the conscripts' involvement; an investigation was ongoing at year's end.

Police treatment of trafficked women continued to improve during the year. Most police stopped treating trafficked women as criminals rather than victims and routinely referred them to local and international NGOs for assistance. Foreign women who were detained at times lacked translation services or were not given a choice of lawyers.

In response to concerns about child trafficking, in October, the Government formed the Child Trafficking Working Group (CTWG). The core-working group includes representatives from the Prosecutor General's office, as well as the Ministries of State, Public Order, Labor and Social Affairs, and Education. The goal of the CTWG was to develop strategies to respond to the specific issues that arise when dealing with child-victims of trafficking. The group produced a working paper on strategies for prosecution, protection, and prevention that focused specifically on child trafficking; the document was submitted to the NGO community for their comments at year's end.

Victims of trafficking often faced significant stigmatization from their families and society. Several NGOs were active in addressing victims' needs. The IOM operated a reintegration center in Tirana that provided counseling and medical services, job training, and some legal assistance. The IOM also cooperated with the OSCE to relocate outside of the country those victims whose safety was at risk. In July, the Government opened a shelter outside Tirana for trafficking victims, offering assistance ranging from psychological counseling to medical treatment. With the assistance of the IOM, the Government processed 15 repatriation cases during the year and 13 of these women were returned to their home countries by year's end. Government services available to trafficking victims remained limited.

The Vlora Anti-Trafficking Center, which opened in 2001, had not become fully operational, although, in September, it was used as a command post for Mirage II. In December, the Government signed a memorandum of understanding with Greece, Germany, and Italy to turn the Vlora Anti-Trafficking Center into a fully operational tool in the fight against all forms of illegal trafficking from and through the country. National and international NGOs carried out most of the country's trafficking awareness campaigns.

ANDORRA

The Principality of Andorra is a constitutional parliamentary democracy. Two Princes—the President of France and the Catholic Bishop of Seu d'Urgell Spain—serve with joint authority as heads of state, and each is represented in Andorra by a delegate. Elections in 2001 chose 28 members of the Parliament (Consell General), which selects the head of government. The judiciary is independent.

The country has no defense force and depends on Spain and France for external defense. Civilian authorities maintained effective control of the national police, who have sole responsibility for internal security. There were no reports that security forces committed human rights abuses.

France and Spain influenced the country's market-based economy significantly. The country had a population of approximately 68,300. Commerce and tourism were the main sources of income.

The Government generally respected the human rights of its citizens, and the law and the judiciary provided effective means of dealing with individual instances of abuse. Violence against women increased. Some immigrant workers complained that they did not have the same labor rights and security as citizens in practice, despite legal protections.

RESPECT FOR HUMAN RIGHTS

Section 1. Respect for the Integrity of the Person, Including Freedom From:

a. Arbitrary or Unlawful Deprivation of Life.—There were no reports of the arbitrary or unlawful deprivation of life by the Government or its agents.

b. Disappearance.—There were no reports of politically motivated disappearances.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The Constitution prohibits such practices, and there were no reports that government officials employed them.

Prison conditions generally met international standards. Men were held separately from women, as were juveniles from adults. Pretrial detainees also were held separately from convicted criminals. The Government permits visits by independent human rights observers; however, no such visits occurred during the year.

d. Arbitrary Arrest, Detention, or Exile.—The Constitution prohibits arbitrary arrest and detention, and the Government generally observed these prohibitions.

Police legally may detain persons for 48 hours without charging them with a crime. Warrants are required for arrest. The Government declined to modify the law to provide individuals under arrest immediate access to an attorney. Legislation provides for legal assistance beginning 25 hours after the time of arrest. There was a system of bail.

The country is party to a network of 47 States with prisoner transfer agreements, and qualifying prisoners were permitted to serve their sentences in their own country.

The Constitution prohibits forced exile, and the Government did not employ it.

e. Denial of Fair Public Trial.—The Constitution provides for an independent judiciary, and the Government generally respected this provision in practice. The highest judicial body is the five-member Superior Council of Justice. One member each is appointed by the two Princes; the head of government; the President of the Parliament; and collectively, members of the lower courts. Members of the judiciary are appointed for 6-year terms.

The Constitution provides for the right to a fair trial, and an independent judiciary generally enforced this right.

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The Constitution provides citizens with safeguards against arbitrary interference with their "privacy, honor, and reputation," and authorities generally respected these prohibitions in practice. No searches of private premises may be conducted without a judicially issued warrant, and violations were subject to effective legal sanction. The law also protects private communications.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution provides for freedom of speech and of the press, and the Government generally respected these rights in practice. An independent press, an effective judiciary, and a functioning democratic political system combined to ensure freedom of speech and of the press, including academic freedom.

The independent media were active and expressed a wide variety of views without Government restriction.

Internet access was unrestricted, and the Government did not monitor Internet activity.

b. Freedom of Peaceful Assembly and Association.—The Constitution provides for the freedoms of assembly and association, and the Government generally respected these rights in practice.

c. Freedom of Religion.—The Constitution provides for freedom of religion, and the Government generally respected this right in practice. The Constitution acknowledges a special relationship between the Roman Catholic Church and the State, “in accordance with Andorran tradition.” The Catholic Church received no direct subsidies from the Government.

The Government paid the salaries of teachers who taught optional Catholic religious classes to students in public schools; the Catholic Church provided the teachers for these classes.

For a more detailed discussion, see the 2003 International Religious Freedom Report.

d. Freedom of Movement within the Country, Foreign Travel, Emigration, and Repatriation.—The Constitution provides for these rights, and the Government generally respected them in practice.

The law does not provide for the granting of refugee or asylee status to persons who meet the definition of in the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. However, in practice, the Government provided protection against refoulement, and cooperated with the U.N. High Commissioner for Refugees (UNHCR) and other humanitarian organizations in assisting refugees.

Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government

The Constitution provides citizens with the right to change their government peacefully, and citizens exercised this right in practice through periodic, free, and fair elections held on the basis of universal suffrage. There were three political parties: The Andorran Liberal Party (ALP), the Andorran Democrat Center Party (ADCP), and the Social Democratic Party (SDP).

Parliamentary elections in 2001, considered free and fair, allowed the ALP, (the head of Government’s Party) to retain its absolute majority, winning 15 of the 28 seats in Parliament. The ADCP and the SDP won five and six seats respectively. A local group won two seats.

There were no formal barriers for women in government and politics, but relatively few women ran for office. There were 4 women in the 28-member Parliament, and 3 women held Cabinet-level positions.

Section 4. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

Approximately ten human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials were very cooperative and responsive to their views. The Association of Immigrants in Andorra (AIA) defends the rights of foreign residents, and the Association of Andorran Women (AAW) actively supports women’s rights (see Section 5). The Red Cross had a presence within the country.

An Ombudsman received and addressed complaints, some of which were against the Government’s policies.

Section 5. Discrimination Based on Race, Sex, Disability, Language, or Social Status

The Constitution declares that all persons are equal before the law and prohibits discrimination on grounds of birth, race, sex, origin, opinions, or any other personal or social condition, although the law grants many rights and privileges exclusively to citizens.

Women.—There were reports that violence against women increased from the previous year. The AIA and the AAW received approximately 40 cases of physical abuse against women. Women suffering from domestic violence requested help from the AIA and the AAW, but very rarely filed a complaint with the police for fear of reprisal. There is no specific legislation regarding violence against women, although other laws may be applied in such cases. Some complaints were reportedly filed with the police during the year, but no figures were available, as the police refused to make figures public.

The law prohibits rape and forcible sexual assault, which are punishable by up to 15 years imprisonment.

The law prohibits discrimination against women privately or professionally; however, the AAW reported that, in practice, there were many cases of women dismissed from employment due to pregnancy. Women did not earn equal pay for equal work; observers such as the Andorran Chamber of Commerce, and NGOs such as the Andorran Women's Associations estimated that women earned 25 percent less than men for comparable work, although this gap continued to decrease slowly.

The AAW actively promoted women's issues and collaborated with the Department of Public Health and Social Welfare to help battered women, single parent families, and others in need. Despite demands from both the AAW and the AIA, the Government declined to create a department specifically for women's issues or create shelters for abused women.

Children.—The Government was committed to children's welfare and provided a universal system of health care and education. The Secretariat of State for the Family was responsible for promoting children's welfare. Free, universal public education began at age 4 and was compulsory until age 16. The Government provided free nursery schools, although their number continued to fall short of what was needed.

There were isolated reports of violence against children, but there was no societal pattern of abuse.

Persons with Disabilities.—The law prohibits discrimination against persons with disabilities in employment, in education, and in the provision of other government services, and there were no reports that such discrimination occurred. Societal discrimination against persons with disabilities did exist on a small scale, in the form of social and cultural barriers.

The law mandates access to new buildings for persons with disabilities, and the Government generally enforced these provisions in practice.

National/Racial/Ethnic Minorities.—Some immigrant workers complained that they did not have the same labor rights as citizens (see Section 6.e.). The law gives legal status to the approximately 7,000 immigrants working in the country with no work permits or residence permits. This law also makes allowances for annual quotas of legal immigrants.

Section 6. Worker Rights

a. The Right of Association.—The Constitution recognizes the right of all persons to form and maintain managerial, professional, and trade union associations. A registry of associations included the Andorran Trade Unions' Association, a group that represented more than 10 unions of workers in government and the private sector.

Negotiations on laws to protect workers and to develop social security systems and improve labor relations have not occurred; while union interest remained high, the unions claimed the Government has not pursued the matter with any vigor or real interest.

Antiunion discrimination is not prohibited under the law, although there were no reports of such discrimination during the year.

b. The Right to Organize and Bargain Collectively.—The Constitution states that both "workers and employers have the right to defend their own economic and social interests;" however, there was no law that specifically provides for collective bargaining. Parliament was charged with adopting legislation to regulate this right in order to guarantee the provision of essential services; however, it had not done so by year's end.

Neither the Constitution nor the law states explicitly that strikes are permitted, and there were no strikes.

There are no export processing zones.

c. Prohibition of Forced or Bonded Labor.—The law does not prohibit forced and bonded labor, including by children, but there were no such reports that such practices occurred.

d. Status of Child Labor Practices and Minimum Age for Employment.—Children under the age of 18 generally were prohibited from working, although in exceptional circumstances (such as during the Christmas holidays when they are allowed to work as shop helpers) children aged 16 and 17 may be allowed to work. The Labor Inspection Office in the Ministry of Social Welfare, Public Health, and Labor is responsible for enforcing child labor regulations.

The Government has not ratified ILO Convention 182 on the worst forms of child labor.

e. Acceptable Conditions of Work.—The workweek is limited to 40 hours, although employers may require overtime from workers. The legal maximum for overtime hours is 66 hours per month, and 426 hours per year. An official minimum wage

was set by government regulations, although higher wages may be established by contract. The minimum wage is \$6.13 (4.90 euros) per hour, and \$982 (785.7 euros) per month. The minimum wage only provided a bare subsistence standard of living for a worker and family. The Labor Inspection Office enforced the payment of the minimum wage.

Workers may be dismissed with 15 days' to 6 months' notice, depending on how long they have worked for a company. A minimal indemnification of 1 months' salary per year worked was paid if a worker was fired without cause. A dismissed worker received unemployment and health benefits for only 25 days. The Social Security Office controlled retirement benefits. The Labor Inspection Service heard labor complaints.

The Labor Inspection Service set occupational health and safety standards and took the necessary steps to see that they were enforced. During the year, the Labor Inspection Service filed approximately 200 complaints against companies for violating labor regulations, and it had the authority to levy sanctions and fines against such companies. Although the law authorizes employees to refuse certain tasks if their employers do not provide the necessary level of protection, no legislation grants workers the right to remove themselves from dangerous work situations without jeopardizing their continued employment.

Although the Constitution provides that legal foreign residents are to enjoy the same rights and freedoms as citizens, some immigrant workers believed that they did not have the same rights and security. Many immigrant workers held only "temporary work authorizations." When job contracts expired, they had to leave the country. The Government prohibited the issuance of work permits unless workers could demonstrate that they had a fixed address and at least minimally satisfactory living conditions.

f. Trafficking in Persons.—The law does not prohibit trafficking in persons, although it does provide up to 3 years imprisonment for traffickers of illegal workers. There were no reports that persons were trafficked to, from, or within the country.

ARMENIA

Armenia is a constitutional parliamentary democracy; however, the directly elected President has extensive powers of decree and appointment, including of the Prime Minister, that are not balanced by the legislature or an independent judiciary. Robert Kocharian was re-elected President in March. There were flaws and substantial irregularities in both the February and March rounds of the presidential elections and in the May parliamentary elections. A constitutional referendum on executive powers failed in a national vote in May. The Constitution provides for an independent judiciary; however, in practice, judges were subject to pressure from the executive and executive branches, and corruption was a problem.

The National Police and the National Security Service are responsible for domestic security, intelligence activities, border controls, and the police force. The civilian authorities maintained effective control of the security forces. Some members of the security forces committed human rights abuses.

The transition from a centralized command economy to a market economy continued. The country's population was approximately three million. Almost all small and medium-sized enterprises were privatized, as was all agricultural land. Foreign assistance and remittances from abroad played a major role in sustaining the economy. During the year, the gross domestic product grew an estimated 13.9 percent, and the inflation rate was 8.6 percent. Estimates of unemployment ranged from 9 to 20 percent; there was a high degree of income inequality; and an estimated 50 percent of the population lived below the official poverty rate. Foreign assistance and remittances from abroad (estimated by the Central Bank at approximately \$500 million) played a major role in sustaining the economy.

The Government's human rights record remained poor; although there were some improvements in a few areas, serious problems remained. International observers found both the presidential and parliamentary elections during the year to be well below international standards, with serious irregularities, and opposition supporters were detained between the two rounds of the presidential elections under provisions of the Soviet-era Administrative Code. Security forces beat pretrial detainees. Impunity remained a problem. There were reports of arbitrary arrest and detention. Lengthy pretrial detention remained a problem. There were some limits on press freedom, due in part to self-censorship and denial of two television broadcast licenses. There were some limits on the rights of assembly and association. In February and March, authorities denied permission for several opposition rallies and

subsequently detained approximately 200 people for participating in unauthorized demonstrations. The law places some restrictions on religious freedom. The Government continued to deny registration to and detain Jehovah's Witnesses. Societal violence against women was a problem. Trafficking of women and children was a problem, which the Government took some steps to address.

RESPECT FOR HUMAN RIGHTS

Section 1. Respect for the Integrity of the Person.

a. Arbitrary or Unlawful Deprivation of Life.—There were no confirmed reports of political killings; however, there were deaths in the military as a result of mistreatment.

On July 29, the trial began of 13 suspects in the 2002 killing of Tigran Naghdalian (see Section 1.c.).

The Military Prosecutor's Office reported that 35 soldiers died in the army during the year; 9 of these deaths resulted from hazing.

Minor cease-fire violations continued along the border with Azerbaijan. In July, crossborder fire and shelling in the Tavush region resulted in an unconfirmed number of casualties on both sides.

During the year, there were a few deaths due to landmines, although reliable statistics were difficult to obtain. All sides throughout the Nagorno-Karabakh conflict used landmines, which have been laid on the 540-mile border and territories along the contact line.

b. Disappearance.—There were no reports of politically motivated disappearances.

c. Torture and Cruel, Inhuman, or Degrading Treatment or Punishment.—The Constitution and laws prohibit such practices; however, security personnel beat pretrial detainees during arrest and interrogation. Most cases of police brutality went unreported because of fear of police retribution.

In December 2002, Murad Bojolian, head of the Turkish desk at the Foreign Ministry during the administration of President Levon Ter-Petrosian, was sentenced to 10 years in prison after being convicted for spying for Turkey. The defense counsel and some human rights watchdogs observed that Bojolian was forced to sign his pretrial testimony under threat of torture and to ensure the safety of his family. In April, the Court of Appeal upheld the verdict.

The Government abolished an article of the criminal code making it illegal to commit homosexual acts; however, the Helsinki Association reported continued unofficial harassment of homosexuals by police forces. In several instances, individual policemen reportedly sought to blackmail homosexuals with potential exposure to their families. In one case, the Helsinki Association reported a blackmail attempt to a Yerevan police precinct chief. According to the Helsinki Association, after they reported the blackmail attempt, the harassment ended. It was unknown if any disciplinary action was taken against the police officers involved.

Although there was no reliable reporting on the full extent of the problem, human rights nongovernmental organizations (NGOs) contended that soldiers complained of frequent hazing. The army did not take any significant measures to limit or end the practice. A local NGO estimated that there were 30 incidents during the year. Homosexuals and Jehovah's Witnesses reported that they were singled out for hazing or abuse by officers and other conscripts.

Prison conditions were poor. Holding and detention cells were crowded with multiple prisoners and usually did not contain toilets. Legal minimum food consumption levels for prisoners were rarely realized. Prisoners complained to Helsinki Association representatives that they received meat in their meals only during the observation visits by NGOs. Prison authorities did not provide most inmates with toothbrushes, soap, and other hygienic supplies. The Helsinki Association reported that the prison population remained at a high risk for the development of new tuberculosis infections and that children held in juvenile facilities were rarely provided with the schooling required by law. The Helsinki Association also reported that in certain prisons, prisoners were able to use their own financial resources to move into single occupancy cells with additional comforts.

Men, women, and juveniles were held in separate prison facilities. Pretrial detainees were held separately from convicted prisoners.

The Government permits domestic human rights NGOs to visit prisons and pretrial detention facilities. The 2002 transfer of administrative control of the prison system to the Ministry of Justice resulted in a policy more accommodating to NGOs seeking to visit prisoners in detention facilities. During the year, the Helsinki Association received permission from the Justice Ministry to conduct monitoring of the penitentiary system, including prison conditions and prisoners' rights. In some cases, domestic NGOs complained of complicated and time-consuming procedures in

order to obtain permits for visits; however, international observers, such as those from the Council of Europe, more easily obtained permission for visits. During the year, several domestic NGOs monitored prison conditions. The ICRC had free access to detention facilities and was able to visit any prisoner in whom it had an interest, whether held in prisons or in local police stations. The ICRC and several NGOs were able to visit prisons without monitoring by prison authorities. The Helsinki Association found that on such visits, prisoners spoke freely and openly about their treatment and prison conditions.

d. Arbitrary Arrest, Detention, or Exile.—The Constitution and laws prohibit arbitrary arrest and detention; however, there were reports that these practices occurred. Authorities continued to arrest and detain criminal suspects without legal warrants, often on the pretext that they were material witnesses.

The National Police and the National Security Service are jointly responsible for domestic security, intelligence activities, border patrols, and the police force. Both organizations are independent government organs unattached to another ministry. Police lacked training in modern investigative techniques and modern investigative tools and equipment. The majority of investigations and interview techniques were based on traditional Soviet methods. Corruption remained a large problem in the police force. During the year, the National Police dismissed several low-ranking police officials over allegations of corruption.

The Organization for Security and Cooperation in Europe (OSCE) estimated that the Yerevan police detained over 200 opposition supporters between the two rounds of the presidential election for participating in unsanctioned campaign rallies (see Section 3). Although the Constitution contains no explicit limitation on rallies and political demonstrations, the Government asserted that the detentions were permissible under the Soviet-era Administrative Violations Code. The COE had pressed the Government to remove provisions of the Code that provided for administrative detentions. The OSCE reported that over 80 individuals were subjected to administrative detention of up to 15 days for participation in “petty hooliganism,” “violation of the procedure established for organizing and conducting meetings, rallies, street marches, and demonstrations,” and “non-compliance with the legitimate orders of a police officer.” Most of the individuals charged for their participation in opposition demonstrations were subjected to closed administrative hearings with no counsel present that determined the level of punishment: Fines or up to 15 days’ detention. The OSCE also reported that the courts levied fines against other opposition supporters without any judicial or administrative hearing.

A local court sentenced Arthur Sakunts, president of the Vanadzor office of the Helsinki Citizen’s Assembly, to 10 days of administrative detention on March 15 for organizing public demonstrations without a permit. Sakunts led rallies denouncing the results of the presidential elections.

Prisoners generally were allowed access to attorneys; however, their access to family members was sometimes a problem. Those detained between the two presidential election rounds were denied access to attorneys. A bail system does not exist; however, a prisoner may be released to a form of house arrest if the court is convinced that he will not flee.

A suspect may be detained for no more than 12 months pending trial, after which the suspect must be released or tried; however, this provision was not always enforced in practice, and lengthy pretrial detention remained a problem.

The Constitution does not address forced exile, but there were no reports that the Government employed it.

e. Denial of Fair Public Trial.—The Constitution provides for an independent judiciary; however, the Constitution’s provisions do not insulate the courts fully from political pressure. In practice, courts were subject to pressure from the executive and legislative branches, and corruption was a problem. Lengthy public trials sometimes were a problem.

The Constitution mandates a three-level court system. The highest court is the Court of Cassation, and there are two lower-level courts: The Court of Appeals and courts of the first instance. First instance courts try most cases, with a right of appeal to the Court of Appeals, and then to the Court of Cassation. The Constitutional Court rules on the conformity of legislation with the Constitution, approves international agreements, and decides election-related legal questions. It can accept only cases proposed by the President, by two-thirds of all parliamentary deputies, or election-related cases brought by candidates for Parliament or the Presidency. Because of these limitations and the judiciary’s lack of independence, the Constitutional Court did not ensure effective compliance with constitutional human rights safeguards.

The selection of judges is based on scores on a multiple-choice test to determine potential judges' fitness under the system, and on their interviews with the Minister of Justice. The list of nominations is then approved by the Council of Justice and, finally, by the President. Judges are subject to review by the President, through the Council of Justice, after 3 years; unless they are found guilty of malfeasance, they are tenured until the age of 65.

Procurators continued to overshadow defense lawyers and judges during trials. Under the Constitution, the Council of Justice, which is co-chaired by the President, the Procurator General, and the Justice Minister, appoints and disciplines judges for the courts of first instance, Court of Appeals, and the Court of Cassation. The President appoints the other 14 members of the Justice Council and 4 of the 9 Constitutional Court judges. This authority gives the President dominant influence in appointing and dismissing judges at all levels. A national referendum in May rejected constitutional revisions proposed by a special commission and approved by the President, which would have reduced some and enhanced some of the powers of the President and the judiciary.

There is no military court system; trials involving military personnel take place in the civilian court system and are handled by military procurators. Military procurators performed the same functions as their civilian counterparts and operated in accordance with the newly adopted Criminal Code. The Military Procurator, who was also named Deputy Procurator General, was in charge of the investigation into the 1999 shootings in Parliament. In December, a Yerevan district court handed down six life sentences to those convicted of murder and terrorism for their roles in the attacks. A seventh defendant received a 14-year sentence. Some of those convicted, not including confessed mastermind Nairi Hunanian, appealed the sentences, and the case was pending at year's end. Relatives of the victims and opposition political parties criticized the Military Procurator for reported defects in his investigation of the crime.

The Criminal Procedure Code does not allow detainees to file a complaint in court prior to trial to redress abuses committed by the Procurator's Office, the police, or other security forces during criminal investigations. Witnesses have no right to legal counsel during questioning while in police custody (a period that can last up to 3 days before official charges are filed). Failure to testify is a criminal offense, and detainees must obtain permission from the police or the Procurator's Office to obtain a forensic medical examination to substantiate a report of torture. Defense lawyers may present evidence of torture in an effort to overturn improperly obtained confessions and the law requires that all such charges must be investigated; however, judges and prosecutors routinely ignored such complaints even when the perpetrator could be identified.

All trials are public except when government secrets are at issue. Defendants are required to attend their trials unless they have been accused of a minor crime not punishable by imprisonment. Defendants have access to a lawyer of their own choosing. The court appoints an attorney for any indigent defendants who need one. A 2001 survey of the courts conducted by the Helsinki Association and other NGOs reported that 38 percent of 50 respondents stated that they were not provided with defense attorneys during the preliminary investigation. Some individuals chose to defend themselves in court because they had little respect for a defense attorney's professional skills and ethics.

Defendants may confront witnesses and present evidence. The Constitution provides that those accused of crimes shall be informed of charges against them. The constitutionally mandated presumption of innocence was not always observed in practice, and acquittals were rare once a case went to trial. Defendants and prosecutors have the right to appeal.

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home or Correspondence.—The Constitution prohibits unauthorized searches and provides for citizens' rights to privacy and confidentiality of correspondence, conversations, and other messages; however, the Government did not always respect these rights in practice. The security ministries must petition a judge for permission to wiretap a telephone or intercept correspondence. The judge acting alone must find a compelling need for a wiretap before granting the agency permission to proceed.

The law requires that security forces obtain a search warrant from a judge before conducting a search. Security forces were refused warrants because of lack of evidence in several cases. The Constitution provides that the judiciary must exclude evidence obtained without a warrant, and the judiciary did so in practice.

There were credible reports of improper, forced conscription of ethnic Armenian refugees from Azerbaijan, who by law are exempt from military service. The parents of such refugees were reluctant to complain because they feared reprisals against

their sons. Sweep operations for draft-age men no longer occurred, although police at times maintained surveillance of draft age men to prevent them from fleeing the country.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution provides for freedom of speech and the press; however, while the Government generally respected freedom of speech, there were some limits on freedom of the press, including one incident of violence, the denial of broadcast licenses, and self-censorship.

Newspapers were privately owned with the exception of “Hayastani Hanrapetutyun” and its Russian-language version Respublika Armenia (a joint venture between Parliament and the newspapers’ staffs). The state printing house and distribution agency functioned as commercial enterprises, with no visible government intervention. Some newspapers utilized a new private printing house. Newspapers operated with extremely limited resources, and none was completely independent of patronage from economic or political interest groups or individuals. Because of prevailing economic conditions, total newspaper circulation was small (40,000 copies, by the Yerevan Press Club’s estimates, or approximately 1 copy per 85 persons). The few international newspapers and imported magazines were not censored.

State institutions that previously exerted control over the media have lost most of their functions. A Department of Information in the Ministry of Culture had no clear purpose beyond allocating small government subsidies to newspapers and occasionally interceding with the state-owned newspaper distribution agency to forward a share of its receipts to the newspapers. Newspaper readership was low because many people could not afford newspapers.

Television was the most widely accessible medium. The President’s office continued to influence state television news coverage significantly. The widely available state-owned television channel, Public TV of Armenia, took policy guidance from the Government. It presented mostly factual reporting but generally avoided editorial commentary on or criticism of official actions. In Yerevan and major regional media markets, private television stations offered generally independent news coverage of good technical quality. Most of the more than 20 radio stations were private and independent. The quality of reporting on private radio and television stations varied, and self-censorship inhibited the stations from expressing editorial opinions to avoid retribution.

On April 29, two men brutally attacked Mher Galechian, a journalist with the opposition newspaper Chorrord Ishkhanutyun (“The Fourth Estate”) for publishing an article critical of the head of the National Security Service (NSS). Even though Galechian did not write the article, the men demanded a retraction. The newspaper printed an article reporting that two unidentified men had visited their office to dispute the allegations against the head of the NSS. The next day, the two men returned and assaulted Galechian who sustained head injuries and was hospitalized. Law enforcement authorities did not investigate the attack.

There was no official censorship, publications presented a variety of views, and the opposition press regularly criticized government policies and leaders, including the President, on sensitive issues such as the Nagorno-Karabakh peace process and privatization. There were reports of intimidation of journalists. To avoid repetition of the past experience of retribution from powerful officials and other individuals, most journalists continued to practice self-censorship, particularly when reporting on major cases of corruption or national security issues.

In December, the National Assembly passed the law on Mass Media which requires journalists periodically to report their expenses and incomes. The law protects a journalist in performance of professional activities. In any case instituted against a journalist demanding that information sources be revealed, the information is to be provided in a closed court. The law stipulates that the practice of mass media registration will be abolished and removes the provisions on the responsibility for publication and dissemination of information without a preliminary registration from the Code on Administrative Violations. The dissemination of information may be restricted only in wartime, in the presence of a national security threat, in emergency situations, or if a court determines that the information is secret or incites to illegal acts.

The independent television station A-One Plus, the only major broadcaster that was frequently critical of the Government and widely watched in Yerevan, lost its operating frequency in a contested 2002 tendering process. During the year, the station continued its appeals process, both in local courts and at the European Court of Human Rights, which was reviewing the case at year’s end. A-One Plus initiated five new applications in three rounds of tenders for frequencies used by pro-govern-

ment and other broadcasters. However, the National Commission rejected the A-One Plus applications (making a total of seven rejections since the loss of their original frequency) as well as those of independent broadcaster Noyan Tapan, which was taken off the air in 2001. Now that all officially available frequencies have gone through the tender process, the next possible round will be in 5 years (broadcast licenses last for 7 years before coming up for retendering), effectively excluding A-One Plus for at least that period. Both A-One Plus TV and Noyan Tapan remained unable to broadcast at year's end.

Most media monitoring groups and international observers contended that the Public TV, the major state-funded newspaper, as well as most major private television stations, which are generally pro-government, provided heavily biased reporting in favor of incumbent President Kocharian during the presidential election campaign; however, the country's first television debate between the two main candidates took place during the second round of the presidential election.

The Government did not restrict access to the Internet and did not restrict academic freedom.

b. Freedom of Peaceful Assembly and Association.—The Constitution provides for freedom of assembly, and the Government generally respected this right in practice. Permits are required for demonstrations and marches; however, they were granted routinely.

In February, security forces in Yerevan administratively detained over 200 opposition supporters for participation in unsanctioned demonstrations (see Section 1.d.).

The Constitution provides for freedom of association; however, there were some limits on this right. There are cumbersome registration requirements for all political parties, associations, and organizations. The process of registering an organization is time-consuming, and the Government has compelled some human rights and political organizations to revise their bylaws several times in order to have their registrations accepted; however, none had been denied registration for legal reasons during the year. A new law required political parties to re-register in November to take account of the merging of many parties in the past several years. A few parties were denied re-registration, some on legal and technical grounds, and others, like a pro-monarchy party, because they did not meet the constitutional requirement that all parties honor the democratic system. No other human rights or political organizations reported problems with registration during the year.

c. Freedom of Religion.—The Constitution provides for freedom of religion; however, the law specifies some restrictions on the religious freedom of adherents of faiths other than the Armenian Apostolic Church. The law establishes the separation of church and state but grants the Armenian Apostolic Church special status as the national church.

The law requires all religious denominations and organizations to register with the State Registry Office based on recommendations from the Cabinet. The Prime Minister appoints a Religious Affairs Advisor who plays a largely consultative role in the government. The Office of the State Registrar has responsibility for registering religious groups, with the Advisor on Religious Affairs holding a consultative role in the process.

A religious organization that has been refused registration may not publish newspapers or magazines, rent meeting places on government property, broadcast programs on television or radio, or officially sponsor the visas of visitors. No registered religious group has been denied reregistration under the law, and all existing registered denominations have been reregistered annually except the Hare Krishnas, whose membership fell below the membership threshold of 200, and the Jehovah's Witnesses. Members of Jehovah's Witnesses were denied registration in previous years because of their "illegal proselytism." The Jehovah's Witnesses did not seek registration during the year. The State Council also alleged that its public preaching created dissatisfaction and tension in some communities. During the introduction of the Prime Minister's new advisory committee on religion in 2002, several members made statements critical of "foreign sects" in general and of Jehovah's Witnesses in particular. In October 2002, the Advisor on Religious Affairs sent a compromise proposal to the Jehovah's Witnesses, suggesting changes in their administrative bylaws that would allow for the group's registration. The Jehovah's Witnesses were considering the proposals, pending the decision of the Assembly of Jehovah's Witnesses.

The law prohibits "proselytizing" (undefined in the law), except by the Armenian Apostolic Church, and bans foreign funding for churches whose centers are outside the country. This ban on proselytizing was not enforced, and all denominations, including Jehovah's Witnesses, could advocate their point of view. The ban on foreign funding also was not enforced, and the previous State Council on Religious Affairs

considered it unenforceable. In the past, there were reports of the seizure at the border of bulk shipments of Jehovah's Witness publications; however, there were no such incidents reported during the year. Although members of Jehovah's Witnesses supposedly were allowed to bring in small quantities of printed materials for their own use, Jehovah's Witnesses officials reported that customs officials continued to confiscate "spiritual letters" from one congregation to another, which Jehovah's Witnesses officials said were meant for internal rather than proselytizing purposes.

Members of unregistered minority religious organizations are allowed to bring in small quantities of religious literature for their own use; however, large shipments by unregistered groups are prohibited. The law also mandates that religious organizations, except the Armenian Apostolic Church, need prior permission to engage in religious activities in public places, travel abroad, or invite foreign guests to the country; however, in practice, there was no restriction on travel by the religious personnel of any denomination, including those that were unregistered.

Some groups maintained that "nontraditional" religious groups were viewed with suspicion. Some observers reported unfavorable attitudes towards Jehovah's Witnesses among the general population, both because they were viewed as "unpatriotic" for refusing military service and because of misperceptions regarding their proselytizing practices.

Jehovah's Witnesses continued to be the targets of hostile sermons by some Armenian Apostolic Church clerics and occasional societal discrimination. In May, the country's highest court reinstated Zemfira Voskanyan to her position as financial controller for a regional police division after she was dismissed for her membership in the Jehovah's Witnesses. Voskanyan returned to work but appealed the original decision, challenging the constitutionality of an internal law enforcement regulation requiring all officers to be members of the Armenian Apostolic Church. The appeal was dismissed on technical grounds.

As a result of the Nagorno-Karabakh conflict with Azerbaijan, most of the country's Muslim population was forced to leave the country by 1991, and the few remaining Muslims in the country kept a low profile. There was no formally operating mosque, although Yerevan's one surviving 18th century mosque was in practice open for regular Friday prayers on a tenuous legal basis. Although the mosque was not registered as a religious facility, the Government did not create any obstacles for Muslims who wished to pray there.

At year's end, 15 members of Jehovah's Witnesses remained in prison for draft evasion based upon their conscientious objection, and 11 members were in pretrial detention charged with draft evasion or, if forcibly drafted, with desertion due to refusal to serve. Another seven Jehovah's Witnesses were placed on probation for their conscientious objection to military service. Eight members who had been serving terms were released to house arrest after serving one-third of their sentences. Representatives of Jehovah's Witnesses said that those imprisoned were members of their community who had been called for military service who went directly to the police to turn themselves in rather than waiting until induction to declare conscientious objection. Amnesty International reported that at least 16 conscientious objectors were released from detention after serving only part of their sentences, although they were required to report regularly to the police. Others were released under the terms of an amnesty. Military conscripts who were members of Jehovah's Witnesses reported even harsher treatment than other conscripts by military and civilian security officials, because their refusal to serve in the military was seen as a threat to national security.

In December, the National Assembly passed the Law on Alternative Military Service that is scheduled to go into effect in July 2004. Under the provisions of the law, conscientious objectors will be allowed to participate in either non-combat military service or a still undefined civil/labor service. Human rights NGOs and the Council of Europe criticized the law for requiring additional lengths of service time for those participating in either form of alternative service. The Government has not made a formal announcement regarding how the law will affect conscientious objectors in prison or awaiting trial.

In September, teenagers in the town of Aparan injured four Jehovah's Witnesses in an attack. According to the Helsinki Committee and witnesses, a local priest in the Armenian Apostolic Church organized the attack.

For a more detailed discussion, see the 2003 International Religious Freedom Report.

d. Freedom of Movement, Travel, Emigration, and Repatriation.—The Constitution provides for these rights; however, there were some restrictions on these rights. Since approximately 25 percent of the population has emigrated in the past 12 years, the restrictions have had an extremely limited impact.

The Government does not restrict internal movement, and citizens have the right to change their residence or workplace freely; however, citizens must negotiate with a sometimes corrupt and inefficient bureaucracy to register these changes. In addition, registration of a residence is difficult, because in order to be registered at a particular residence, a person must be either the property owner or an immediate family member of the owner. Special written permission from the owner of the property, signed by a lawyer, is required to make a temporary or permanent registration of a non-immediate family member.

The Constitution and laws require that passports be issued to all citizens except convicted felons; however, in cases of permanent residents who wish to relocate abroad permanently, an exit stamp may be denied to persons who possess state secrets, are subject to military service, are involved in pending court cases, and against whom relatives have lodged financial claims. An exit stamp is valid for up to 5 years and may be used as many times as an individual chooses to travel. Men of military age must overcome substantial bureaucratic obstacles to travel abroad.

As a result of the Nagorno-Karabakh conflict, particularly in the period from 1988 to 1994, ethnic minorities on both sides frequently were subject to societal and governmental discrimination and intimidation, often accompanied by violence intended to drive them from the country. Almost all fled, and many gained refugee status in neighboring countries. As of July, officials stated that the number of ethnic-Armenian refugees in the country was 241,685. No official information based on the 2001 Census results has been published yet. The Government, OSCE, and the United Nations High Commissioner on Refugees (UNHCR) did not provide numbers or any other information on refugees in Nagorno-Karabakh.

A 1995 citizenship law provides the right for refugees of Armenian ethnicity to gain citizenship, provided that they are stateless and have resided in the country for the preceding 3 years. The UNHCR local office reported that 56,000 ethnic Armenian refugees had been naturalized between 1999 and November.

The Refugee Law provides for the granting of refugee status or asylum to persons who meet the definition in the 1951 U.N. Convention Relating to the Status of Refugees or its 1967 Protocol. In practice, the Government provided protection against refoulement and granted refugee status or asylum. In February, the Refugee Law was amended by the creation of temporary protection, which gives a more determined status to approximately 12,000 ethnic Armenian refugees from Chechnya and Abkhazia. The Government cooperated with the UNHCR and other humanitarian organizations in assisting ethnic Armenian refugees. Border officials had little training on asylum issues. There was an established procedure for the formal recognition of asylum. In some cases, rejected asylum seekers, denied permission for legal residence, were subjected to fines for illegal residence when they attempted to depart the country. However, there were few cases of applications for asylum or refugee status, since most persons used the country as a transit country.

According to the UNHCR, there were 12 open asylum cases and 28 persons who have been granted temporary asylum from such non-Commonwealth of Independent States countries as Sudan, Somalia, Iraq, and Iran.

A 2001 law states that only the President may grant political asylum status, but there have been no applications under the law. In December 2002, the National Assembly adopted the so-called "Cottage Law" (Law on Transfer of Ownership Rights of Apartments Constructed for Refugees Forcibly Displaced From Azerbaijan in 1988–1992), which gives refugees the right to privatize their houses and apartments. The UNHCR expects that at least 3,200 refugee families will become owners of the apartments they occupy.

Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government

The Constitution provides citizens with the right to change their government peacefully; however, there were serious flaws in the conduct of the year's presidential and parliamentary elections. As a result, neither election met international standards.

The presidential election was held in two rounds (February 28 and March 5), as none of the nine candidates won an outright majority in the first round of voting. According to the official tally, President Kocharian secured 49.5 percent of the vote in the first round and 67.5 percent in the runoff against Stepan Demirchian.

In both the presidential and parliamentary elections, OSCE observers witnessed substantial irregularities, including intimidation of territorial and local election commissioners supporting opposition candidates, serious procedural shortcomings in the failure to insure the integrity of the ballot papers and the vote counting, ballot box stuffing, and other fraudulent voting practices, as well as partisan election commissions. The OSCE noted in its final reports that the elections fell short of inter-

national standards and that confirmed instances of election day irregularities in the second round rose 13 percent from the first round. Authorities' harassment of opposition supporters, including arrests and punitive job dismissals, greatly increased before the second round of the presidential election. The OSCE estimated that Yerevan police detained more than 200 opposition supporters between the two rounds of the presidential elections for participating in unsanctioned campaign rallies (see Section 1.d.) The OSCE also noted the lack of accountability for election fraud.

Opposition candidates filed several formal legal complaints in the Constitutional Court challenging the results of the presidential election. The Court identified a number of irregularities and criticized the Government's handling of the electoral process; however, they found there was no constitutional basis to change the results of the elections.

The OSCE reported that the May 25 parliamentary elections "marked an improvement" over the presidential election, although it again recorded serious flaws. While acknowledging that the Government made clear efforts to prevent continued violations of election law, the OSCE criticized the political leadership for its failure to hold perpetrators accountable for fraudulent practices. As in the presidential election, observers recorded instances of ballot box stuffing and inaccurate voter lists. Authorities proved generally willing to provide redress to losing candidates who had viable claims of fraud in their individual races. The Central Election Commission overturned the results of three parliamentary races held in majoritarian districts, ordering another round of voting that was held on June 14–15. The Constitutional Court ordered re-run elections in another two districts due to conclusive evidence of fraud. A constitutional referendum on executive and other powers to address membership requirements in the COE received a majority of votes cast but not the supermajority required.

Of the 131 seats in the National Assembly (75 elected on a proportional basis and 56 on a district-by-district majoritarian basis), 96 went to pro-government parties or deputies (the governing coalition consisting of the Republican Party, Orinats Yerkir, and the Dashnaksutyun plus several unaffiliated deputies who voted with the government bloc), with opposition candidates and parties securing 26 seats. The nominal majority in Parliament was made up of a coalition headed by the Republican Party of Prime Minister Andranik Margaryan, with Orinats Yerkir and the Dashnaksutyun serving as lesser partners. The three parties also formed the coalition cabinet. The Speaker of the National Assembly, Artur Baghdasarian, is chairman of the Orinats Yerkir Party. The opposition comprises both the Justice Bloc organized by Stepan Demirchian and the rival National Accord Party organized by Artashes Geghamian.

The only female cabinet minister is the Minister of Culture; there were several female deputy ministers. There were 6 women in the 131-seat Parliament. The population of the country is at least 95 percent ethnic Armenian; there were no ethnic minority representatives in the Cabinet or in the Parliament, although they are not prohibited from running and have run for office.

Section 4. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A number of domestic and international human rights groups generally operated without government restrictions, investigating and publishing their findings on human rights cases. Government officials were somewhat cooperative and responsive to their views.

The Vanadzor branch of the Helsinki Citizen's Association burned in an apparent arson the night of March 14. Authorities have not arrested or charged any suspects in connection with the attack. The following day, the head of the organization, Arthur Sakunts, was administratively detained for leading unsanctioned demonstrations against the government.

During the year, several local NGOs received Government permission to visit detention facilities (see Section 1.c.).

Keeping with the commitments it made before joining the COE, the Government permitted monitoring of its human rights practices by the COE and reaffirmed this right for the ICRC, which retained full access to civilian detention facilities. The Ministry of Justice is responsible for communicating with international observers, was responsive to requests for information; however, information about criminal cases stemming from election fraud remained incomplete.

A human rights commission within the President's office exists essentially as a reference bureau and has no formal legal powers; however, it had a modest impact in persuading authorities to review official actions on problems ranging from apartment allocations to police behavior, in some cases winning official reconsideration.

The commission refers such cases to the appropriate agency, but it does not follow up on specific issues. The commission visited military units and prisons, those accused in the 1999 parliamentary killings, and the Gyumri jail to check its condition, and checked on military units to hear human rights complaints by soldiers.

On September 9, the National Assembly voted to create the position of Human Rights Ombudsman to oversee the human rights situation in the country. Numerous human rights NGOs and the Council of Europe questioned the independence of the ombudsman and urged the National Assembly to provide greater oversight of the position and further define the ombudsman's duties.

Section 5. Discrimination Based on Race, Sex, Disability, Language, or Social Status

The Constitution prohibits discrimination based on race, gender, disability, language, or social status; however, cultural and economic factors inhibited women, ethnic minorities, and persons with disabilities from participating fully in public life.

Women.—There is no specific law banning violence against women, and few cases of spousal abuse or other violence against women were reported during the year; however, such violence was believed to be more widespread than statistics indicated. In a 2001 poll conducted by the local NGO Women's Rights Center (WRC), 45 percent of the respondents acknowledged that they were subjected to psychological abuse, and 25 percent considered themselves victims of physical abuse. The problem of battered wives was also believed more widespread than generally reported. In rural areas, where most women were unemployed, economic dependence forced them to tolerate domestic violence. Free medical services were almost non-existent, and psychological and legal counseling for women did not exist in most of the regions. Many cases were not reported to police because victims were afraid of physical harm if they did so, fearful that police would refuse to take action and instead return them to their husbands, or were embarrassed to make "family matters" public. Embarrassment and concerns about family honor made the problem particularly sensitive and difficult to quantify; women's groups and health professionals also declined to offer specific figures. Several NGOs in the Yerevan and Gyumri areas, and in Martuni provided shelter and assistance to battered women.

By the end of the year, authorities registered 55 cases of rape and attempted rape, with deaths of 15 women; however, observers believed the actual number of rapes to be higher. The law cites specific punishments for rape. By the end of the year, 82 persons had been convicted for rape or attempted rape.

Prostitution is not illegal, but operating brothels is prohibited. According to anecdotal evidence, most prostitutes stopped by police simply were sent to a hospital or physician for a medical check-up. A 2000 investigation, which reported that the police had registered more than 1,500 prostitutes, was considered an accurate estimate; the study showed that some prostitutes in Yerevan operated by telephone but that the vast majority of prostitutes were streetwalkers, with their "class" and desirability defined by the area of the city in which they operated.

Trafficking in women was a problem (see Section 6.f.).

The law does not specifically prohibit sexual harassment, although articles in the criminal code address different aspects of sexual harassment; however, societal norms did not consider cases of sexual harassment worthy of legal action.

Men often played a dominant role in many societal institutions, although among younger persons it was more common for women to take an active role. Although women have been present in the work force for several generations, tolerance for broadening their roles or behavior was low, particularly among older people and in the rural regions. In the workplace, women received equal pay for equal work but generally were not afforded the same professional opportunities given to men and often were relegated to more menial or low-skill jobs. The law prohibits discrimination in employment and hiring because of pregnancy; however, the extremely high unemployment rate made it difficult to gauge how effectively the law was implemented. According to official statistics, women made up 68 percent of those officially registered as unemployed (approximately 90,000). In the past, labor unions protected women's rights in the workplace, at least nominally, but the weakness of unions made them less effective (see Section 6.a.). More women than men were enrolled in university and postgraduate programs. This may in part be accounted for by the Nagorno-Karabakh situation, which necessitated a high number of men being in military service, and in part by the economic situation, which caused men to emigrate in search of employment.

Children.—The Government is aware of the need to protect children, however, it did not have the economic means to provide fully for the welfare of children. Education is free, universal, and compulsory through age 14, then optional through age 16 (complete secondary education). Girls and boys received equal educational oppor-

tunities. However, many facilities were impoverished and in poor condition, and teachers were forced to tutor pupils privately to supplement salaries that were low and paid irregularly. Some teachers were known to demand bribes from parents in return for good or passing grades for their children. Free children's health care was available for all children through the age of eight for treatment of some diseases and for emergency care, but care often was of poor quality, and the practice of demanding overt or concealed payment of fees for medical service continued.

In the Yezidi community, a high percentage of children did not attend school, partly for family economic reasons and partly because schools lack Yezidi teachers and books in their native language.

Although the Procurator-General's office did not report any cases of child abuse, a recent UNICEF study found that "Armenians acknowledge that child abuse does occur."

The Government focused its efforts regarding children's rights and welfare on measures to insulate large families—those with four or more children—from the effects of the country's poor economic conditions. The Government directed foreign humanitarian aid programs toward the most socially vulnerable families and single-parent families. Despite social programs, the number of street children increased. Although the Government did not conduct a study into the number of homeless children during the year, the Ministry of Social Welfare estimated that 130 children in Yerevan were homeless. In 2002, a local NGO reported that there were approximately 900 homeless children during the year and that the number continued to grow. Abuse of street children did not appear to be a serious problem.

Trafficking in girls continued to be a problem (see Section 6.f.).

Persons with Disabilities.—The Constitution provides for the right to social security in the event of disability, and the law provides for the social, political, and individual rights of persons with disabilities; however, the Government's enforcement of the rights of persons with disabilities remained rudimentary. Legal safeguards for those with psychiatric problems are inadequate to protect patients' rights.

The law and a specially mandated government decree require accessibility in buildings for persons with disabilities; however, in practice very few buildings and other facilities were accessible to persons with disabilities.

Hospitals, residential care, and other facilities for serious disabilities were substandard. There was societal discrimination but no overt hostility against persons with disabilities.

National/Racial/Ethnic Minorities.—The population was approximately 95 percent ethnic Armenian. The Government did not discriminate against the small, officially recognized "national" communities, although the economic and social situation of such groups has deteriorated substantially since independence in 1991. The Government included Russians, Ukrainians, Belarusians, Jews, Kurds, Yezidis, Assyrians, Georgians, Greeks, and Germans in the category of "national" communities. Several hundred Azeris or persons of mixed Azeri heritage still living in the country maintained a low profile in the face of societal discrimination.

The Constitution grants national minorities the right to preserve their cultural traditions and language, and the law provides linguistic minorities with the right to publish and study in their native language. There were token publications in minority languages. By law, all citizen children must be educated in Armenian language schools. In practice, virtually all students, including members of the Yezidi and Greek communities, attended Armenian-language schools, with very limited classes available in their native tongues.

Yezidi leaders continued to complain that police and local authorities subjected their community to discrimination. The Yezidis, whose number had been estimated at 20,000 by their leaders (down from 60,000 registered in the 1988 population census, due to emigration) speak a Kurdish dialect and practice a traditional, non-Christian, non-Muslim religion with elements derived from Zoroastrianism, Islam, and animism. Yezidi leaders cited numerous incidents of unfair adjudication of land, water, and grazing disputes; nonreceipt of privatized agricultural land; a high number of beatings of Yezidi conscripts in the army; and lack of police response to serious crimes committed against Yezidis by other citizens (see Section 1.c.). On occasion, Yezidi children reported hazing by teachers and classmates. The complaints likely reflected societal discrimination as well as the more general problem of poorly functioning local and central government bodies, particularly regarding national minorities. Members of the Yezidi community had previously tried to address their grievances with the Presidential Advisor on National Minorities but claimed that all their attempts have been ignored. According to the leadership of the Yezidi community, appeals on their behalf with respect to alleged discrimination were raised at all levels of the Government; however, no government responses were forthcoming.

Section 6. Worker Rights

a. The Right of Association.—The Constitution provides employees with the right to form and join trade unions, although it stipulates that the right to form associations, including political parties and trade unions, may be limited for those persons serving in the armed services and law enforcement agencies. In practice, labor organization remained weak because of high unemployment and the weak economy. The absence of active unions and of accurate employment data precluded a reliable estimate of the percentage of the workforce that is unionized. Unions are free to affiliate with international organizations; however, none had done so at year's end.

b. The Right to Organize and Bargain Collectively.—Although the Law provides for the right to organize and bargain collectively, collective bargaining was not practiced. Factory directorates generally set the pay scales without consultation with employees. Labor disputes were arbitrated in regular or economic courts.

The Constitution provides for the right to strike; however, workers had neither the financial resources to maintain a strike nor enforceable legal protection against retaliation, and existing unions played a relatively passive role.

There are no export processing zones.

c. Prohibition of Forced or Bonded Labor.—The Constitution and the law prohibit forced and bonded labor, including by children; however, there reports of trafficking (see Section 6.f.).

d. Status of Child Labor Practices and Minimum Age for Employment.—According to the law, 16 years is the minimum age for employment. Children may work from the age of 14 with the permission of a medical commission and the relevant labor union board. The law was enforced by local community councils, unemployment offices, and, as a final board of appeal, the courts. Children under the age of 18 are not allowed to work in difficult or dangerous jobs, night labor, or jobs that require over 6 hours of work per day, although children 16 years of age or older may apply for waivers in the latter two cases.

According to the Ministry of Social Welfare, some children up to the age of 12 were involved in family businesses, as well as in some other business activities such as agriculture where such activity is not prohibited by law. Children are prohibited specifically from engaging in arduous, or dangerous employment, even if it is their family's business, without permission by the Ministry of Social Welfare. The Ministry granted such permission only on a case-by-case basis and only for children 12 years of age or older.

The Government has not ratified ILO Convention 182 on the worst forms of child labor.

e. Acceptable Conditions of Work.—The Government sets the minimum wage by decree. The monthly minimum wage was \$9 (5,000 drams) and was insufficient to provide a decent standard of living for a worker and family. The majority of the population (approximately 50.9 percent) lived below the poverty line of \$2 (1,160 drams) or less income per day, and approximately 15.9 percent of the population were considered extremely poor, with income of less than \$1 (580 drams). A significant amount of economic activity, as much as 40 percent overall and in some areas, such as retail, as high as 80 percent, took place without being recorded or taxed by the local authorities.

f. Trafficking in Persons.—The new Criminal Code, adopted in April and effective in August, criminalizes trafficking in persons; however, trafficking of women and children from and through the country was a problem. Trafficking in persons committed for "mercenary purposes" is punishable with a fine in the amount of 300 to 500 minimum salaries, correctional labor for up to 1 year, arrest for up to 2 months, or imprisonment for up to 4 years. The maximum sentence if the crime was committed under aggravated circumstances is 8 years imprisonment. Several investigations by the Office of the Procurator General, National Police, and National Security Service were ongoing at year's end. The National Police worked with law enforcement officials in both Georgia and the United Arab Emirates on trafficking investigations. The Office of the Procurator General was investigating an alleged trafficking-related corruption case involving police in Vanadzor. There have not been any convictions to date under Article 132.

A 2001 study by the International Organization of Migration (IOM) found that the country was an origin for trafficking women and adolescents, primarily for sexual exploitation, to the United Arab Emirates, Turkey, Russia, Greece, Germany, and other European countries. Of the 59 women interviewed in the study, 43 victims were trafficked from Yerevan, Gyumri, and Vanadzor. International organizations, including IOM and OSCE, which published a joint report with UNICEF on trafficking in 2001, believed that trafficking took place on a scale larger than generally

acknowledged and that there were more women and adolescents working as prostitutes in the United Arab Emirates than the 300 reported by the Government. The Government, NGOs, and international organizations were unable to estimate the numbers of women and girls who might have been trafficked to work as prostitutes in Turkey, Russia, and Europe. There were undocumented anecdotal reports of persons trafficked into the country for sexual exploitation from Russia and the Ukraine and anecdotal reports of trafficking within the country; however, there was no reliable information on such trafficking.

Officials stated that many women who claimed to have been trafficked were actually prostitutes who had departed the country voluntarily, perhaps without clear understanding of the abuses they would encounter.

Government and other reports indicated that traffickers primarily targeted young women and girls from socially vulnerable groups. Police officials believed that some of the approached victims were already engaged in prostitution. There were anecdotal cases of older children from orphanages and poor families sold to wealthy men in Dubai, but there was no documentation other than victim testimony to NGOs. An orphanage run by a religious group reported that older girls had been urged by relatives to "earn their share" for the family by engaging in prostitution. Most potential victims were approached by persons whom they personally knew, such as, neighbors or distant relatives, or by travel agencies. In some case, recruiters told victims that they would be working in such jobs as babysitters, waitresses, or cleaning ladies. According to international organizations and some NGOs, only a few of the victims knew before departure the exploitation to which they would be subject.

A broad-based Interagency Commission to Address Issues Related to Human Trafficking, chaired by the Ministry of Foreign Affairs and including representatives of relevant ministries and law enforcement agencies, coordinated activities of different government agencies and worked with donor organizations. During the summer, the Commission created a draft National Plan of Action (NPA) and Concept Paper on Combating Trafficking in Human Beings and provided the draft to various international organizations and diplomatic missions for comment; the NPA was pending final approval at year's end.

The International Organization for Migration (IOM) and a local NGO, Hope and Help, with international funding, operated a program of assistance, which has assisted eight victims to date: six Uzbek nationals that were trafficked to the country for the purpose of sexual exploitation and two returnee victims of trafficking. In addition, the IOM assisted two Uzbek nationals who were transiting the country after escaping from traffickers in Turkey and in the United Arab Emirates to repatriate.

NGOs and international organizations in the country have taken concrete steps. A foreign-funded program for journalists and government officials on awareness campaigns and investigative reporting resulted in a marked increase in media coverage and improved Government cooperation with journalists reporting on trafficking. A U.N.-organized group of interested NGOs and the Government collaborated on a series of public awareness events including screening of the film "Lilya 4ever" followed by a discussion of the local situation. The events took place at the "Moscow" Movie Theater, the American University and in the cities of Gyumri and Noyemberian. Internews produced a talk show on trafficking issues in the spring, which included participants from the government's trafficking commission, diplomatic missions, IOM, and the U.N. Development Program. In mid-January, the UNHCR launched a foreign-funded anti-trafficking public awareness program designed for refugee communities in the country. The NGO Hope and Help, with local government participation and organizational support, established a community public awareness program in the Tavush region. The Armenian Red Cross, with foreign funding, created a website on trafficking issues in the country and began production of public service announcements to inform the population of the trafficking phenomenon. The governmental Inter-agency Commission participated in these endeavors by providing speakers.

AUSTRIA

Austria is a multiparty parliamentary democracy in which constitutional power is shared between the popularly elected President and the 183-member Parliament. Citizens choose their President and representatives in periodic, free, and fair multiparty elections. In 1998, President Thomas Klestil of the Austrian People's Party (ÖVP) was elected to a 6-year term. In parliamentary elections in November 2002, the ÖVP received a plurality and renewed its right-center coalition with the Freedom Party (FPÖ). The judiciary is independent.

The national police maintain internal security, and the army is responsible for external security. The civilian authorities maintained effective control of the security forces. There were reports that the police committed some human rights abuses.

The country's highly developed, market-based economy, with its mix of technologically advanced industry, modern agriculture, and tourism, affords the approximately 8.0 million citizens a high standard of living. The per capita gross domestic product (GDP) was \$25,075 in 2002. Wages kept pace with inflation during the year. GDP grew by approximately 1 percent during the year; there were no serious inequalities in the distribution of income.

The Government generally respected the human rights of its citizens; however, there were problems in some areas. There were some reports of abuse by police, which involved occasional beatings but mainly involved verbal abuse, threats, and harassment. Foreign observers criticized the strict application of slander laws as detrimental to press reporting. There was some governmental and societal discrimination against members of some non-recognized religious groups, particularly those considered to be sects. There were neo-National Socialist, rightwing extremist, and xenophobic incidents during the year. Trafficking in women for prostitution remained a problem, which the Government took steps to combat.

RESPECT FOR HUMAN RIGHTS

Section 1. Respect for the Integrity of the Person, Including Freedom From:

a. Arbitrary or Unlawful Deprivation of Life.—There were no political killings. In July, a 33-year old Mauritanian man died in custody while being arrested by the Vienna police. The Interior Ministry's internal investigations led to charges filed against the emergency doctor who was present during his arrest. The Government's Human Rights Advisory Council also investigated the case and intended to issue recommendations for the future handling of arrests. Opposition parties and non-governmental organizations criticized the police and rescue workers for mishandling the situation.

b. Disappearance.—There were no reports of politically motivated disappearances.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The Constitution prohibits such practices; however, there were occasional reports that at times police beat and otherwise abused persons. Government statistics for 2002 showed 1,251 complaints against federal police officials; of those, 1,160 were dropped. Sixteen cases were brought before the courts, and 2 officers were convicted of using unjustified force; 74 cases were pending at year's end. Types of abuse ranged from slander to kicking and hitting, which resulted mainly in bruising. Some of the violence appeared to be racially motivated.

NGOs and other groups continued to criticize the police for targeting minorities. In August, a regional court in Linz ruled that a policeman who verbally assaulted a black African refugee in 2002 using an extremely derogatory term, insulted the man's honor but did not injure his human rights. In the ruling, the court stated that the policeman would have injured the victim's human rights if he had denied his right to existence, either directly or indirectly. At year's end, the Justice Ministry was examining whether it could challenge the verdict. During the year, the Interior Ministry's racial sensitivity training programs for police and other officials continued to be conducted with NGO assistance (see Section 5).

A Committee in the Interior Ministry seeks to ensure that the police and gendarmerie respect human rights while carrying out their duties. Since its founding, the committee has issued 230 recommendations regarding the improvement of human rights in the country, including: Greater transparency for nongovernmental organizations (NGOs) regarding police documentation, police handling of inmates on hunger strikes, and proper police techniques in dealing with unruly suspects (see Section 2.d.).

An Austrian U.N. peacekeeper was tried in absentia and sentenced to 3 years in prison in a court in Kosovo for crimes of torture. In 2002, he was accused of hitting an Albanian detainee and forcing him to dig a hole for his grave. The Government denied Kosovo's request for extradition; their investigation into the incident remained ongoing at year's end.

Prison conditions generally met international standards. Male and female prisoners were held separately, as were adults and juveniles. Pretrial detainees were held separately from convicted criminals. The Government permits prison visits by independent human rights observers.

d. Arbitrary Arrest, Detention, or Exile.—The Constitution prohibits arbitrary arrest and detention, and the Government generally respected these prohibitions.

There are two law enforcement bodies—the police and gendarmerie—both with central command in the Ministry of Interior. The Ministry of Interior initiated an organizational overhaul of the structure of law enforcement bodies with the goal to merge the police and gendarmerie units in July 2004. Statistics showed an increase of 10.6 percent in criminal offenses since 2002. Unofficial figures published in the fall reflected an unusual rise of 13 percent in conventional crimes during the year, such as petty theft, burglaries, car break-ins, and pick-pocketing, which have led to a national debate on the effectiveness of law enforcement. During the year, police solved less than 40 percent of cases. The police were well trained and disciplined, and there were no reports of corruption within the police.

In criminal cases, the law provides for investigative or pretrial detention for up to 48 hours; an investigative judge may decide within that period to grant a prosecution request for detention of up to 2 years pending completion of an investigation. The grounds required for such investigative detention are specified in the law, as are conditions for bail. The investigative judge is required to periodically evaluate an investigative detention. There is a system of bail.

The law prohibits forced exile, and the Government did not employ it.

e. Denial of Fair Public Trial.—The Constitution provides for an independent judiciary, and the Government generally respected this provision in practice.

The Constitution provides that judges are independent in the exercise of their judicial office. Judges cannot be removed from office or transferred against their will. There are local, regional, and higher regional courts, as well as the Supreme Court. While the Supreme Court was the court of highest instance for the judiciary, the Administrative Court acted as the supervisory body over administrative acts of the executive branch, and the Constitutional Court presided over constitutional issues.

The Constitution provides for the right to a fair trial, and an independent judiciary generally enforced this right. The system of judicial review provides for extensive possibilities for appeal. Trials must be public and must be conducted orally. Persons charged with criminal offenses were considered innocent until proven guilty.

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The Constitution prohibits such actions and the Government generally respected these prohibitions in practice.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution provides for freedom of speech and of the press, and the Government generally respected these rights in practice; however, the strict application of slander laws tends to discourage reports of police brutality. Foreign observers, including the European Court of Human Rights, criticized the use of libel procedures to protect politicians, which they argued hampered freedom of speech and the press. A conviction for libel by a criminal court cannot be appealed to the Supreme Court. Publications may be removed from circulation if they violate legal provisions concerning morality or public security, but such cases were extremely rare.

In March, the Vienna Appellate Court lifted the verdicts against former FPO trade unionist Joseph Kleindienst and former Vienna FPO Secretary Michael Kreissl for bribing police in 2000. The case was referred back to the court of first instance, which held its first session on the case in December.

The small print media consisted of 16 daily newspapers, 6 of which received special subsidies from the Government. After the merger of two major publishing groups, News and Mediaprint in 2001, one company controlled 60 percent of Austria's daily newspaper market and almost 100 percent of the magazine market. European Union (EU) authorities criticized the media monopoly. All newspapers were independent. There were 49 commercial and 12 noncommercial radio stations. By year's end, 75.3 percent of citizens listened to the Austrian Broadcasting Corporation, a public but independent radio station in which the Government owns shares but has no control over content; 21.5 percent listened to private stations.

The Private Television Act and the Austrian Broadcasting Corporation (ORF) Reform Act established a new media regulatory body known as KOMM Austria that permits private television stations. In June, the first private TV channel, ATVPlus, could be received nationwide through house antennas.

The Government did not restrict access to the Internet or academic freedom.

b. Freedom of Peaceful Assembly and Association.—The Constitution provides for freedom of assembly and association, and the Government generally respected these rights in practice. However, the Law on the Formation of Associations states that permission to form an organization may be denied if it is apparent that the organi-

zation would pursue the illegal activities of a prohibited organization, such as Nazi organizations. In August, Vienna police prohibited a demonstration planned by rightwing groups against the transfer of the body of Walter Nowotny, a World War II pilot, from an honorary grave to a regular grave. A leftwing counter-demonstration on the same day was not prohibited.

In May and June, there were two large-scale peaceful demonstrations protesting the Government's planned pension reform.

c. Freedom of Religion.—The Constitution provides for freedom of religion, and the Government generally respected this right in practice.

Religious organizations may be divided into three different legal categories, each possessing a different set of rights, privileges, and responsibilities (listed in descending order of status): Officially recognized religious societies, religious confessional communities, and associations. Government recognition as a religious society has wide-ranging implications, such as the authority to participate in the mandatory church contributions program, which can be legally enforced, to provide religious instruction in public schools, and to bring in religious workers to act as ministers, missionaries, or teachers. Religious societies have “public corporation” status. This status permits religious societies to engage in a number of public or quasi-public activities that are denied to confessional communities and associations.

In March, the Coptic Orthodox Church became a religious society through the Law on Oriental Churches. The law, which also created an Oriental-Orthodox Church Commission, made the status of the Coptic Church equal to that of the Syrian and Armenian Apostolic Churches, which were already recognized as religious societies. Non-recognized groups criticized the law as circumventing the requirements for recognition under the 1874 Law on the Recognition of Churches.

The law also allows non-recognized religious groups to seek official status as confessional communities without the fiscal and educational privileges available to recognized religions. Confessional communities have juridical standing, which permits them to engage in such activities as purchasing real estate in their own names and contracting for goods and services. A decision on the application of the Sahaja Yoga group to become a confessional group was pending before the Constitutional Court at year's end.

Ten religious groups have constituted themselves as confessional communities according to the law. Numerous religious groups not recognized by the State, as well as some religious law experts, dismiss the purported benefits of obtaining status under the law and have complained that the law's additional criteria for recognition obstruct claims to recognition and formalize a second-class status for non-recognized groups. Experts questioned the law's constitutionality.

In June, the European Court for Human Rights (ECHR) received an appeal by Jehovah's Witnesses, arguing that the 10-year period of existence required under the law to be recognized as a religious group is illegal on administrative grounds. In 1998 they also filed a complaint with the ECHR, arguing that the group had not been granted full status as a religious entity under the law, despite having made numerous attempts for more than two decades. The ECHR sent a list of questions to the Government, which responded in October. A final decision was pending at year's end.

Religious organizations that do not qualify for either religious society or confessional community status may apply to become associations. This status was granted relatively freely.

The OVP's position that party membership is incompatible with membership in a sect remained in force at year's end.

The Ministry for Social Security and Generations ceased issuing its controversial brochure on non-recognized religious groups. However, the Ministry and the City of Vienna were funding a counseling center run by a controversial NGO that actively worked against sects and cults (the Association against Sect and Cult Dangers). This NGO distributed information to schools and the general public and ran a counseling center for those who felt negatively affected by cults and sects.

The Federal Office of Sect Issues continued to function as a counseling center for those who had questions about sects and cults. Under the law, this office has independent status, but its head was appointed and supervised by the Minister for Social Security and Generations. Several states funded offices that provided information on sects and cults. The Family Office of the Government of Lower Austria provided a presentation on its website which negatively characterized many religious groups. The presentation included the Jehovah's Witnesses, despite its status as a confessional community.

The Austrian Branch of the International Coalition for Religious Freedom (ICRF) publicly attacked a CD-ROM entitled “The Search for Meaning: an Orientation Guide to Organizations that Offer the Solution.” The CD-ROM contained informa-

tion on a range of recognized and non-recognized religious groups, including criticism of the Church of Latter-day Saints and Jehovah's Witnesses. The CD-ROM had been issued by the Catholic Diocese of Linz and contained an endorsement by the Deputy Governor of Upper Austria. In response to the ICRF's allegations, the Deputy Governor noted that the CD-ROM was no longer being produced. He also agreed that non-recognized religious groups could submit a description of themselves for use on the Upper Austrian Education Intranet.

There was some societal mistrust and discrimination against members of some non-recognized religious groups, particularly those considered to be sects. A large portion of the public perceives such groups as exploiting vulnerable persons for monetary gain, recruiting and brainwashing youth, promoting antidemocratic ideologies, and denying the legitimacy of government authority. Societal discrimination against sects was, at least in part, fostered by the Government's policy of selective recognition.

Muslims complained about incidents of societal discrimination. They reported that a school in Vienna distributed a working paper that turned the five pillars of Islam into a preparation for battle. They also complained of incidents of verbal harassment. One Muslim cemetery in Upper Austria was desecrated during the year.

Sensitivity to and fears of Scientology in the country remains an issue. The Church of Scientology reported problems obtaining credit cards, and individual Scientologists experienced discrimination in hiring. However, Scientology leaders also noted that the Vienna Provincial Tax Authority granted them tax-exempt, non-profit status.

The Austrian Jewish Community (IKG) is facing severe financial problems and has requested additional subsidies from the Government. The IKG rejected offers by the Government for interest-free loans, stating the solutions offered were inadequate and did not address the community's long-term financial problems. During the year, there were incidents of desecration of Jewish cemeteries. In December, the World Jewish Congress published an EU report on anti-Semitism in Europe, which stated that the problem of anti-Semitism in the country manifested itself in societal and traditional stereotypes rather than acts of physical force.

For a more detailed discussion, see the 2003 International Religious Freedom Report.

d. Freedom of Movement within the Country, Foreign Travel, Emigration, and Repatriation.—The Constitution provides for these rights, and the Government generally respected them in practice.

In July 2002, Parliament adopted an immigration reform proposal, effective January 1, which harmonized residence and employment provisions and required permanent legal residents to take German language and civics courses for the purpose of integration. Immigrants who entered the country after January 1, 1998, need to show a basic knowledge of the German language and an understanding of the country's culture when applying for an immigrant visa. Those immigrants who fail to complete the courses by various deadlines would face financial penalties and deportation or expulsion. Annual immigration quotas remained static at approximately 8,000 per year, although there have been shifts in the distribution among the categories. In 2002, the number of illegal aliens intercepted at national borders was 48,436, a slight decrease from the previous year. The decrease was attributed to the Government's increased efforts at the international level to fight alien smuggling. The elimination of the entry visa requirement for Romanian nationals, which took effect in January 2002, was believed to be a factor.

The law includes provisions for the granting of asylum and refugee status to those persons who meet the definition in the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. In practice, the Government provided protection against refoulement and granted refugee status or asylum; however, the Government subscribes to the safe country of transit concept, which requires asylum seekers who transit countries deemed "safe" to depart and seek refugee status in the country they transited. In response to continuing criticism by the Office of the U.N. High Commissioner for Refugees (UNHCR) and other humanitarian organizations, in 1997, the Government passed an amendment to the 1991 asylum law designed to bring some improvements to the safe country of transit rule and the appellate procedure. The Government cooperated with the UNHCR and other humanitarian organizations in assisting refugees. The UNHCR and other humanitarian organizations generally approved of the 1997 asylum law, but there was still some dissatisfaction with its implementation. There was widespread opposition to the safe country of transit concept implemented by the Government based on the fear that it compromised the principle of individual investigation of claims.

In October, Parliament passed an amendment to the asylum law aimed at expediting the processing of asylum claims. The new law, which is scheduled to take ef-

fect on May 1, 2004, is expected to require a first determination within 48–72 hours of filing a claim, limit the right of appeal, and provide no guarantee that an asylum applicant will stay in the country during the appeals process. The new law also would stop the practice of taking asylum claims at land borders and introduce a list of “safe countries of transit.” Opposition groups and NGOs have criticized the law as unconstitutional because it curtails the authority of the independent Asylum Senate and compromises the principle of individual investigation of claims.

Persons found to be refugees were not returned to the countries from which they fled. Asylum seekers whose claims have been rejected by the Federal Asylum Office were allowed to appeal to the independent Federal Asylum Senate, then to the Administrative Court. Asylum seekers whose claims have been rejected also had recourse to the Constitutional Court in cases in which they allege a breach of the European Convention on Human Rights and Individual Freedoms. The Government also provided temporary protection to certain individuals who do not qualify as refugees or asylees.

During the first half of the year, there were 14,781 asylum applications, compared with 17,084 received in the same period in 2002. The official approval rate for 2002 was 22.2 percent (19.7 percent, including non-refoulement decisions), compared with 20.2 percent in 2001. In 2002, the largest groups of applicants ranked by nationality were persons from Afghanistan, Serbia and Montenegro, Iraq, Turkey, and India.

Since 2002, the Government has contracted with a private German agency, European Homecare, to provide counseling to unsuccessful asylum applicants, encouraging them to return to their country of origin. As of July, this private agency was under contract to provide care and maintenance at residential facilities for asylum seekers. The Government was criticized for this privatization following a confrontation in one of the main centers for asylum seekers in August, which led to the death of a Chechen man.

In the past, the Government effectively granted assistance to only one-third of all asylum applicants who faced financial hardship. However, in a controversial decree that took effect in October 2002, the Interior Ministry prohibited members of certain nationalities from state shelters while their asylum claims were being adjudicated. Human rights groups, such as Caritas and Protestant Relief organizations, have been accommodating refugees turned away by the Government and have been involved in legal proceedings to recover costs. Following an August ruling by the Supreme Court, in connection with a family from Georgia expelled from state housing, the Government ceased implementing the directive.

The new asylum amendments also define government care as a form of voluntary support to be provided in cooperation with other entities, and narrowed down the criteria for needy applicants. The maximum number of individuals qualifying for government care, primarily those who meet the definition of an asylee who qualifies for temporary protection or who fears persecution if returned, was estimated to be about 19,000. The costs of government care were estimated at approximately \$188 to 200 million (150 to 160 million euros). At year’s end, negotiations were under way among the Government, the states, and relief organizations to determine the number of affected applicants (approximately one-third of the 21,000 open cases were believed to have abandoned their applications and left the country to apply for asylum in another country) and to find necessary financial means. Until the new law takes effect in 2004, the Government, the states, and selected relief organizations have temporarily agreed to share the costs. At year’s end, negotiations were ongoing.

The influx of Afghan refugees resulted in a considerable burden on the government’s care and maintenance system. By November, approximately 1,300 Afghan asylum seekers out of a total of some 9,700 applicants were receiving government care until a final determination of their claims could be made.

The Human Rights Advisory Council, composed of representatives from the Justice and Interior Ministries, as well as NGOs, operated to ensure that the police and gendarmerie respect human rights while carrying out their duties. A policy requires that all potentially violent individuals be deported on chartered aircraft, rather than on commercial flights.

Civil charges filed on behalf of the daughter of Marcus Omofuma, an unsuccessful Nigerian asylum applicant who died after being physically restrained for violent behavior while being deported to Lagos, Nigeria, remained pending before an Administrative Board at year’s end.

Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government

The Constitution provides citizens with the right to change their government peacefully, and citizens exercised this right in practice through periodic, free, and fair elections held on the basis of universal suffrage. National elections were held

in November 2002 in which the OVP won 79 seats in Parliament, the Social Democrats (SPO) 69, the FPÖ 18, and the Green Party 17. There were 63 women in the 183-seat National Assembly and 20 in the 62-member Federal Assembly. There were four women in the Federal Cabinet.

Section 4. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A number of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. In some cases, they were dissatisfied with the information that the authorities supplied in response to specific complaints. There were no reports of discrimination against organizations that report on human rights. In 1999, the Interior Ministry created the Human Rights Advisory Council, composed of representatives from the Justice and Interior Ministries, as well as NGOs, to ensure that the police and gendarmerie respect human rights while carrying out their duties.

While implementing the EU Anti-Discrimination and Anti-Racism Guidelines, the Government drafted a revised Equal Treatment Bill and opened it to review in July. After the review deadline passed on September 8, opposition parties and NGOs criticized the Government for having integrated the EU guidelines into the existing legislation, but not formulating a specific anti-discrimination law.

The anti-racism NGO ZARA experienced financial difficulties due to cuts in subsidies from the Interior Ministry. The City of Vienna offered a special subsidy to the NGO, which does research and counseling on racism.

Section 5. Discrimination Based on Race, Sex, Disability, Language, or Social Status

The law provides for protection against any of these types of discrimination in employment, provision of welfare benefits, and other matters, and the Government generally enforced these provisions effectively.

Women.—Although there are no accurate statistics available on the number of women abused annually, violence against women was believed to be a problem. Police and judges enforced laws against violence; however, there were estimates that less than 10 percent of abused women filed complaints. The Association of Houses for Battered Women estimated that one-fifth of the country's 1.5 million adult women had suffered from violence in a relationship. An amendment to the 1997 Law on the Protection Against Violence in the Family extends the period during which police can expel abusive family members from family homes. In 2002, an injunction to prevent abusive family members from returning home was applied in 3,944 cases. The Government also sponsored shelters and help lines for women.

Trafficking in women was a problem (see Section 6.f.). While prostitution is legal, trafficking for the purposes of prostitution is illegal.

Of the 1,616 new cases brought to the Ombudsmen for Equal Opportunity in 2002, 313 were complaints of sexual harassment. The Federal Equality Commission, as well as the Labor Court, may order employers to compensate victims of sexual harassment. The law prohibits sexual harassment, and the Government effectively enforced those laws.

There are no legal restrictions on women's rights. A Federal Equality Commission and a Federal Commissioner for Equal Treatment oversee laws prescribing equal treatment of men and women. The new coalition Government reestablished a ministry for Health and Women's Affairs, headed by Maria Rauch-Kallat.

An estimated 57 percent of women between the ages of 15 and 60 were employed; on average, women earned only 79 percent of what men earn for the same work. Women were more likely than men to hold temporary positions and also were disproportionately represented among those unemployed for extended periods of time.

Although labor laws provide for equal treatment for women in the civil service, women remain underrepresented. To remedy this circumstance, the law requires hiring women of equivalent qualifications ahead of men in all civil service areas in which less than 40 percent of the employees are women, including police; however, there are no penalties for failing to attain the 40-percent target.

Female employees in the private sector may invoke equality laws prohibiting discrimination of women. The Federal Equality Commission may award compensation of up to 4 months' salary if women are discriminated against in promotions because of their sex. The Commission also may order legal recompense for women who are denied a post despite having equal qualifications. In October, Parliament passed a law stating that parents in companies with more than 20 employees, who have children under the age of seven, have the right to work part-time.

Women are allowed to serve in the military forces voluntarily. At year's end, there were 226 women—of a standing force of approximately 35,000—serving in the mili-

tary forces, including 4 commissioned officers. There were no restrictions on the type or location of assignments of women.

Women's rights organizations were partly politically affiliated, and partly autonomous groups. They usually received wide public attention when voicing their concerns. The Government continued to provide government subsidies to these groups.

Children.—The law provides for the protection of children's rights. Each provincial government and the federal Ministry for Youth and Family Affairs has an "Ombudsperson for Children and Adolescents" whose main function was to resolve complaints about violations of children's rights.

While 9 years of education were mandatory for all children beginning at age 6, the Government also provided free education through secondary school and subsidized technical, vocational, or university education. The majority of school age children attended school. Educational opportunity was equal for girls and boys. Comprehensive, government-financed medical care was available for all children without regard to gender.

The growing number of reported incidences of child abuse was considered a result of increased public awareness of the problem. Although there was no societal pattern of abuse against children, heightened awareness of child abuse has led the Government to continue its efforts to monitor the issue and prosecute offenders. Doctors were required to report to the police suspected cases of child abuse and molestation. An exception may be made if the suspected abuser is a close relative of the victim, where doctors may refrain from reporting to the police for the sake of the well-being of the minor. However, in such cases, the victim's representative must establish contact with a youth care officer or a hospital's child protection unit.

According to the Penal Code, sexual intercourse between an adult and a child (under 14 years of age) is punishable with a prison sentence of up to 10 years; in case of pregnancy of the victim, the sentence can be extended to up to 15 years. The respective penal code provisions on sexual intercourse between adults and children were amended in 2002. The different provisions for homosexual relationships between minors and adults were dropped and replaced by a version that does not distinguish between hetero- and homosexual relations.

In 2002, the Ministry of Justice reported 697 cases of child abuse, most involving intercourse with a minor. Of these cases, 255 resulted in convictions. Under the law, any citizen engaging in child pornography in a foreign country becomes punishable under Austrian law even if the actions are not punishable in the country where this violation was committed. The law also entails severe provisions for the possession, trading, and private viewing of child pornography. For example, exchanging pornographic videos of children is illegal even if done privately rather than as a business transaction.

The Federal Crime Authority has a special department for cyber crime, which set up an anonymous e-mail point of contact for the public to report on child pornography on the Internet.

Trafficking of children from Romania and Bulgaria for the purpose of begging and stealing in Viennese shopping centers increased during the year (see Section 6.f.).

Persons with Disabilities.—The law protects persons with disabilities from discrimination in housing, education, and employment. A 1997 amendment to the law explicitly requires the State to provide for equal rights for the disabled "in all areas of everyday life." The law requires all private enterprises and state and federal government offices to employ one person with disabilities for every 25 to 40 employees, depending on the type of work. Employers who do not meet this requirement must pay a fee to the Government, and the proceeds help finance services for the disabled such as training programs, wage subsidies, and workplace adaptations. However, the law has received some criticism because many observers believed that penalties were too low to discourage companies from bypassing the requirement. There were no reports of societal discrimination against persons with disabilities. The Government budgeted \$86 million (69 million euros) for the year to fund projects that employed persons with disabilities.

The Government estimated that there were approximately 72,000 persons having a degree of disability of 50 percent or more. Federal law mandates access for persons with physical disabilities. However, low fines and insufficient enforcement resulted in the inaccessibility of many public buildings to persons with disabilities.

The law prohibits the sterilization of minors. Persons with mental disabilities 18 years of age and older may be sterilized only in life-threatening instances.

National/Racial/Ethnic Minorities.—The law recognizes six national minority groups: Croats, Czechs, Hungarians, Roma, Slovaks, and Slovenes. In the past, any community where at least 25 percent of the population belonged to one of these groups was entitled to bilingual town signs, education, media, and access to federal

funds earmarked for national minorities. At year's end, there was no decision on implementation of the 2001 Constitutional Court ruling ordering the lowering of the standard. The next consensus conference is scheduled to take place after the Carinthian provincial elections in March 2004. Bilingual town signs existed in other states as well.

The Slovenian minority in Carinthia complained that the Government withdrew funding of a private, Slovene-language radio station. The Government stated it intended to redirect that funding to other Slovene-language programming. In December, ORF and Slovene minority representatives reached a compromise. ORF agreed to provide 8 hours of radio programming per day while the two Slovene-language stations will receive \$308,000 (246,000 euros) annually to cover the remaining sixteen hours. In December, the local government in the state of Styria agreed to allocate a seat on its advisory council on minority issues to a representative of the Styrian Slovenes.

The largest problem facing these national minority groups is the preservation of their culture and language. During the year, the Hungarian minority in Burgenland complained that they were not receiving enough federal subsidies in order to preserve their language and culture. In addition, most human rights groups claimed that Roma faced particular discrimination in employment and housing. Members of other minority groups, such as Turks and Indians, were not considered national indigenous minorities and do not have access to the same type of assistance. Turkish citizens also benefited from a wide range of language and job promotion courses. NGOs complained that Africans living in the country were verbally harassed in public.

Statistics for 2002 showed a slight decrease in the number of neo-Nazi, rightwing extremist, and xenophobic incidents as the previous year. During 2002, the Interior Ministry recorded 326 incidents; in 2001, there were 335 incidents. During the year, the Government continued to express concern over the activities of extreme-right skinhead and neo-Nazi groups, many with links to organizations in other countries.

In March, the domestic NGO ZARA, in conjunction with other groups, released a report entitled "Racism 2002," which found that persons from diverse ethnic and racial backgrounds faced increasing discrimination from government officials, particularly the police, as well as in the workplace and in housing. The report cited 170 examples of discrimination faced by immigrants on a daily basis and called for the strengthening of public education and legal protections for immigrants.

The Government continued its training program designed to combat racism and educate the police in cultural sensitivity. A comprehensive pro-minority rights bill provides for expanded constitutional protections for the country's six officially recognized minorities.

In September, the Parliament in the state of Styria passed a law that fined restaurants for demonstrating racist behavior against black Africans.

Section 6. Worker Rights

a. The Right of Association.—Workers have the right to form and join unions without prior authorization, under general constitutional provisions regarding freedom of association. In practice, trade unions had an important and independent voice in the political, social, and economic life of the country. An estimated 47 percent of the work force was organized into 13 national unions belonging to the Austrian Trade Union Federation (OGB), which had a highly centralized leadership structure. Association of national unions with the OGB was voluntary. Individual unions and the OGB were independent of government or political party control, although formal factions within these organizations were allied closely with political parties. The law does not prevent any group of workers from joining unions.

In cases of disputed terminations, the law obliges employers of enterprises with more than five employees to prove to a labor court that job dismissals are not motivated by antiunion discrimination. Employers found guilty of this offense are required to reinstate workers. Labor and business representatives remained in a long-standing disagreement over how to provide legal protection to employees against arbitrary dismissals in firms with five employees or fewer.

b. The Right to Organize and Bargain Collectively.—Unions have the right to organize and bargain collectively. Almost all large companies, private or state-owned, were organized. Worker councils operated at the enterprise level, and by law workers are entitled to elect one-third of the members of the supervisory boards of major companies. Collective agreements covering wages, benefits, and working conditions were negotiated for each industry by the OGB with the National Chamber of Commerce and its associations, which represented the employers.

The right to strike is not provided explicitly in the Constitution or in national legislation; however, it was recognized universally in practice. Historically, strikes have

been comparatively few and usually of short duration. A major reason for the record of labor peace is the unofficial system of “social partnership” among labor, management, and government. At the center of the system is the Joint Parity Commission for Wages and Prices, which has an important voice on major economic questions.

The law prohibits retaliation against strikers, and the Government effectively enforced the law. In general, a special arbitration court for social affairs, which is part of the judicial system, handles legal disputes between employers and employees regarding job-related matters. Unions have access to the arbitration court.

In May and June, over one million workers went on three 1-day strikes protesting the Government’s planned reform of the pension system and its failure to consult the labor union federation before sending the proposed legislation to Parliament. In November, the main rail union called a complete strike—the first all-out rail strike since the end of World War II—to protest a draft law to reform the rail service and cut costs drastically. The union and the Government eventually settled on a compromise solution and agreed to work on mutually acceptable reform steps by April 2004.

The OGB is exclusively responsible for collective bargaining. The leaderships of the Chamber of Labor, the Chamber of Commerce, and the OGB are elected democratically.

There are no export processing zones.

c. Prohibition of Forced or Bonded Labor.—The law prohibits forced or bonded labor, including by children, and there were no reports that such practices occurred.

In 2000, an agreement was signed between the Government, attorneys representing former forced and slave laborers, and representatives of foreign governments, providing compensation for former forced and slave laborers used by the Nazi government in the 1930s and 1940s. By December, approximately \$375 million (300 million euros) had been provided as compensation to 113,877 former forced and slave laborers. The Government extended the fund’s application deadline to December 31, and the fund’s period of existence was prolonged until December 31, 2004. It is expected that the fund will use less than \$406 million (325 million euros) out of the fund’s \$545 million (436 million euros). The remaining funds are to be used for special projects to benefit victims of the Nazi era.

d. Status of Child Labor Practices and Minimum Age for Employment.—The minimum legal working age is 15 years. The Labor Inspectorate of the Ministry of Social Affairs effectively enforced this law. The Government has adopted laws and policies to protect children from exploitation in the work place.

e. Acceptable Conditions of Work.—There is no legislated national minimum wage. Instead, nationwide collective bargaining agreements set minimum wages by job classification for each industry. The accepted unofficial minimum wage is \$12,718 (10,174 euros) a year, and it provided a decent standard of living for a worker and family. Every worker was entitled to a variety of generous social benefits.

Although the legal workweek was 40 hours, more than 50 percent of the labor force was covered by collective bargaining agreements that set the workweek at 38 or 38½ hours.

Laws regularly enforced by the Labor Inspectorate of the Ministry of Social Affairs provide for mandatory occupational health and safety standards. Workers may file complaints anonymously with the Labor Inspectorate, which may bring suit against the employer on behalf of the employee. However, this option rarely was exercised; workers normally relied instead on the Chambers of Labor, which filed suits on their behalf. The Labor Code provides that workers have the right to remove themselves from a job if they fear “serious, immediate danger to life and health” without incurring any prejudice to their job or career, and the Government effectively enforces this law.

f. Trafficking in Persons.—There is no single law covering all forms of trafficking in persons; however, Article 217 of the Criminal Code, which describes trafficking for prostitution, is the key provision for the prosecution of traffickers. Trafficking in women for prostitution and domestic service was a problem.

Article 217 refers to recruiting aliens for prostitution and covers trafficking for prostitution through deception regarding the purpose of the journey to the country or through coercion or use of force. Article 104 of the Criminal Code also deals with trafficking for the purposes of slavery. Article 104 of the Aliens Act contains criminal law provisions on alien smuggling. Article 105 of the Aliens Act prohibits the exploitation of aliens without specifically requiring demonstration of prostitution as a goal and without requiring demonstration of assistance in the illegal entry of aliens. Some NGOs have called for an expansion of the legal definition of trafficking to include exploitation for domestic labor and coerced marriages. On November 4, the Minister of Justice presented legislation to the Cabinet that would expand the

definition of trafficking to include trafficking of persons for the exploitation of labor and trafficking of organs; Parliament is expected to vote on the legislation in early 2004.

Although prostitution is legal, trafficking for the purpose of prostitution is illegal, and can result in jail sentences of up to 10 years for convicted traffickers. Trafficking for purposes of slavery can lead to a prison sentence of from 10 to 20 years. The maximum penalty for alien smuggling is 10 years' imprisonment.

In 2002, the Interior Ministry, which is the primary government agency involved in anti-trafficking efforts, reported that there were 70 complaints filed under Article 217, of which 27 resulted in convictions. There were 58 cases filed under Article 105, resulting in 15 convictions. Cases filed for alien smuggling under the Aliens Act were much higher, affirming that many traffickers were prosecuted under this section of law. In 2002, there were 1,988 cases filed, leading to 281 convictions.

The Interior Ministry worked at the national and international level to raise awareness of human trafficking. In 2002, the Ministry created a new body, the Federal Crime Authority, which has a division solely dedicated to combating human trafficking and alien smuggling. Federal police units addressing organized crime and sex crimes also focused on this problem.

In 2001, in response to a marked increase of illegal border crossings at the eastern borders in the first half of that year, the Government set up a special task force to coordinate the Government's efforts to fight trafficking. However, many victims of trafficking continued to migrate legally. Local and national level governments cooperated with authorities from other countries to investigate and prosecute trafficking cases. The Government cooperated with Eastern European countries in particular to dismantle a number of trafficking rings.

The country was a transit point and final destination for women trafficked from Bulgaria, Romania, Ukraine, Moldova, the Balkans and, to a lesser extent, the Czech Republic, Slovakia, and Hungary. The women were trafficked into Austria and other western European countries, primarily for the purpose of sexual exploitation. Women also were trafficked from Asia and Latin America to Austria for domestic labor. Police noted increased trafficking of Romanian and Bulgarian boys to engage in begging, stealing, and possible sexual exploitation.

There are no accurate statistics on trafficked persons specifically. However, the number of intercepted illegal immigrants, of whom some were trafficking victims, continued to increase. In 2002 the NGO LEFOE reported that it assisted 208 victims of trafficking, up from 183 victims in 2001. The country is particularly attractive to traffickers because of its geographic location and the fact that citizens of the Czech Republic, Slovakia, Hungary, Romania, and Bulgaria do not require visas to enter the country. Most trafficked women were brought to Austria with promises of unskilled jobs such as nannies or waitresses. Upon arrival they were coerced or forced into prostitution. There also were cases of women who knowingly went to Austria explicitly to work as prostitutes but who then, according to police, were forced into states of dependency akin to slavery. Most victims were in the country illegally and feared being turned into authorities and deported. Traffickers usually retained victims' official documents, including passports, to maintain control over the victims. Victims of trafficking reported being subjected to threats and physical violence. A major deterrent to victim cooperation was widespread fear of retribution, both in Austria and in the victims' countries of origin.

The majority of traffickers arrested by police were citizens; however, the number of foreigners engaged in trafficking has increased over the years. Police estimated that a large portion of trafficking was controlled by organized crime, primarily from Eastern Europe.

The Government provided temporary residence to victims of trafficking who were prepared to testify or intend to raise civil law claims. However, victims still rarely agreed to testify, due to fear of retribution. Temporary residency status allowed victims to stay in the country only during a trial. No provisions were made for them to stay in the country following their testimony; virtually all victims of trafficking were repatriated.

LEFOE provided secure housing and other support for victims of trafficking. The International Organization for Migration (IOM) sought to put victims in contact with NGOs in their countries of origin upon their return. With financial assistance from the Interior Ministry, LEFOE also continued to operate the Intervention Center for Victims of the Trade in Women (IBF) in Vienna, which provides services to trafficked women, including: psychological, legal, and health-related counseling and assistance, emergency housing, and German language courses. There also were similar centers located in other cities in the country that were financed by federal and local governments.

The Government worked actively with international and regional organizations to carry out preventive programs throughout the region. Government-funded research on the problem of trafficking and NGO prevention work included anti-trafficking brochures, law enforcement workshops, and international conferences on the issue, funded by private and public sources. The Government also provided funding for intervention centers that provided emergency housing and psychological, legal, and health-related assistance to victims. The Government also was active in U.N. and Organization of Security and Cooperation in Europe international efforts to combat trafficking. During the year, Austrian experts often were involved in regional training and capacity building programs sponsored by the Stability Pact Anti-trafficking Task Force.

AZERBAIJAN

Azerbaijan is a republic with a presidential form of government. The Constitution provides for a division of powers between a strong presidency and parliament (Milli Majlis) with the power to approve the budget and impeach the President. The President dominated the executive and legislative branches of Government. Ilham Aliyev was elected President in October in an election marred by numerous, serious irregularities. Parliamentary elections in 2000, 2001, and during the year featured similar irregularities, resulting in some domestic groups regarding the parliament as illegitimate. Opposition members made up only a small minority of the Milli Majlis' 125 deputies. The Constitution provides for an independent judiciary; however, the judiciary did not function independently of the executive branch and was corrupt and inefficient.

The Ministries of Internal Affairs (MIA) and National Security are responsible for internal security and report directly to the President. Civilian authorities maintained effective control of the security forces. Members of the security forces committed numerous human rights abuses.

The Government continued to affirm its commitment to develop a market economy, but economic reform continued to be slow. According to official figures, the population was approximately 8 million, of which an estimated 2 million lived and worked abroad. Widespread corruption and patronage reduced competition, and the slow pace of reform limited development outside the oil and gas sector, which accounted for more than 90 percent of export revenues. Despite the privatization of 98 percent of farmland, commercial agriculture remained weak and subsistence farming dominated the rural economy. The GDP growth rate was 11.2 percent. Poverty nationwide has decreased, but 49 percent of the population still lived below the poverty level. Estimates of unemployment ranged from 15 to 20 percent.

The Government's human rights record remained poor, and it continued to commit numerous serious abuses. The Government continued to restrict citizens' ability to change their government peacefully. Law enforcement officers killed one person at a post-election demonstration on October 16 that turned violent. Police tortured and beat persons in custody, including several opposition members, and used excessive force to extract confessions. In most cases, the Government took no action to punish abusers, although the Government reportedly took disciplinary action against more than 200 police officers. Prison conditions remained harsh and life threatening, and some prisoners died as a result of these conditions. Arbitrary arrest and detention and lengthy pretrial detention continued to be problems. After the election, authorities conducted a wave of politically motivated detentions and arrests of more than 700 election officials, opposition members, and journalists; more than 100 remained in custody at year's end. The Government continued to hold many political prisoners and infringe on citizens' privacy rights.

The Government continued to restrict some freedom of speech and of the press, and police used excessive force and continued to harass journalists during the year. Government officials sued journalists for defamation. The Government restricted freedom of assembly and forcibly dispersed several demonstrations held without a permit, and law enforcement officers beat protestors at several demonstrations during the year. The Government continued to restrict freedom of association by refusing to register some political parties and harassing domestic human rights activists and nongovernmental organizations (NGOs). There were some restrictions and abuses of religious freedom, and lower-level and local government officials continued to harass some "nontraditional" religious groups. Violence against women, societal discrimination against women and certain ethnic minorities, and limitations of some worker rights remained problems. Trafficking in persons was a problem.

Despite a cease-fire in effect since 1994, minor outbreaks of fighting with Armenia over Nagorno-Karabakh occurred during the year, resulting in the deaths of civilians and combatants. Armenian forces continued to occupy an estimated 16 percent of Azerbaijan's territory (including Nagorno-Karabakh); this fact continued to dominate national politics and undermine democratic and economic development. The Government did not exercise any control over developments in the territories occupied by Armenian forces, and little verifiable information was available on the human rights situation there. Approximately 800,000 Azerbaijani refugees and internally displaced persons (IDPs) left or were forced from their homes in the occupied territories and Armenia.

RESPECT FOR HUMAN RIGHTS

Section 1. Respect for the Integrity of the Person, including Freedom from:

a. Arbitrary or Unlawful Deprivation of Life.—There were no reports of political killings by the Government or its agents; however, law enforcement officers beat one person to death at a post-election demonstration on October 16 that turned violent (see Section 2.b.). Some detainees and prison inmates died, in part as a result of mistreatment by law enforcement personnel and harsh prison conditions. Authorities did not prosecute suspects in these cases (see Section 1.d.).

There was no investigation into the 2002 death of Beylar Kuliyeu, who jumped to his death from a window in the General Prosecutor's office following 10 days' imprisonment and interrogation. The Government reported that it closed the criminal case in June 2002, since a forensic examination indicated all bodily injuries resulted from a fall.

The police officer accused of killing Ilgar Javadov in 2001 was convicted in March 2002 and sentenced to 5 years in prison.

During the year, a number of deaths occurred among army conscripts, in which hazing of the victims was suspected. According to press reports, 15 army conscripts died in 2002.

Occasional cease-fire violations by both sides in the conflict with Armenia over Nagorno-Karabakh resulted in 13 deaths and some injuries to both civilians and soldiers during the year.

According to the National Agency for Mine Actions, landmines killed 15 persons and injured 14 during the year.

During the year, the Government suspended the investigation into the 2001 killing of a senior Chechen military commander, having determined that two Chechen nationals killed him and were fugitives.

b. Disappearance.—There were no reports of politically motivated disappearances.

The International Committee of the Red Cross (ICRC) repeatedly urged the Azerbaijani and Armenian Governments to provide information on the fate of those missing in action since the fighting over Nagorno-Karabakh began. Since the early 1990s, the ICRC has collected from concerned family members the names of approximately 2,300 missing Azerbaijani citizens allegedly held by Armenia. The Government estimated the number to be closer to 4,922.

Since June 2002, ICRC assisted in the repatriation of six Azerbaijani citizens and three Armenian citizens, at the request of both governments.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The Criminal Code prohibits such practices and provides for up to 10 years' imprisonment for violators; however, there were credible reports that security forces continued to torture inmates and used excessive force to extract confessions. Police beat prisoners during arrest, interrogation, and pre-trial detention.

Security officers forcibly disrupted some demonstrations and in some cases harassed, beat, and detained some opposition party members, demonstrators, and journalists, causing injuries, and arrested several persons, whom they sometimes beat in detention (see Sections 2.a. and 2.b.). Following violent disturbances in Baku on October 16, Interior Ministry personnel detained and tortured several opposition leaders. There were credible reports that security personnel beat and tortured Hope Party Chairman Iqbal Agazade, Azerbaijan Democratic Party Secretary General Sardar Jalaloglu, and Azerbaijan Party election secretary Natiq Jabiyev (see Section 3). Human Rights Watch (HRW) documented numerous cases in which members of the MIA's organized crime unit used electric shock, severe beatings, and threats of rape to torture detainees. According to HRW, police used severe beatings and torture to extract confessions, and to pressure detainees to sign false statements denouncing the opposition and implicating opposition leaders in the post-election violence.

Police at times beat and harassed members of certain religious groups (see Section 2.c.).

After clashes in Nardaran in June 2002 between protesters and police, authorities detained and, his lawyer alleged, beat Haji Jubrail Alizade (see Sections 1.e. and 2.b.).

Conditions in prisons, which the Ministry of Justice (MOJ) managed, remained harsh and sometimes life threatening. Overcrowding and poor medical care combined to make the spread of infectious diseases a serious problem. Tuberculosis (TB) continued to be the primary cause of death in prisons. By year's end, approximately 800 detainees were undergoing treatment for TB, according to the Government. Due to the absence of systematic screening in prisons, patients often started treatment when already seriously ill. There were widespread and credible reports that authorities withheld medical treatment from selected inmates, particularly political prisoners.

Prisoners had to rely on their families to provide food and medicine, and bribes generally were required for families to gain access to imprisoned relatives. Authorities severely limited lawyer and family visits and exercise in maximum security prisons. Some pretrial detainees were kept in "separation cells" often located in basements, in which food and sleep reportedly were denied to elicit confessions with no physical evidence of abuse. There were separate facilities for men and women, juveniles and adults, and pretrial detainees and convicts. Deaths of inmates occurred, in part due to harsh conditions and in some cases due to mistreatment by law enforcement personnel.

During the year, the Government undertook a program to improve conditions in prisons; they remodeled some and built five new prisons.

The ICRC has had access to all prisons since June 2000; and in 2002 the Government extended its agreement on access to all places and to all detainees, both sentenced and unsentenced. The ICRC has had access to prisoners of war (POWs) and civilians held in relation to the conflict over Nagorno-Karabakh. Foreign observers regularly received permission to enter maximum security prisons to meet with alleged political prisoners. During the year, one domestic human rights organization reported that authorities restricted their access to police stations and detention centers, though not prisons.

d. Arbitrary Arrest, Detention or Exile.—The Constitution prohibits arbitrary arrest and detention; however, arbitrary arrest and detention were problems.

The MIA and Ministry of National Security are responsible for internal security and report directly to the President. The MIA oversees the local police forces in Baku and in the regions; it also maintains internal troops trained in civil defense. The Ministry of National Security has a separate security force.

In most cases, the Government took no action to punish abusers, although the Government reported that it took disciplinary action, including dismissals, against more than 200 police officers for the violation of human rights and civil liberties during the year. By year's end, the Government did not arrest any police officers or announce the results of an investigation of police in connection with a clash with journalists and opposition activists on September 8. The Government also did not arrest or announce the findings of an investigation of police in connection with violent disturbances in Baku on October 15 and 16, during which several police officers and demonstrators were injured and one demonstrator was killed. The Government did not undertake investigations or punitive action against those named in the HRW report that documented numerous cases of torture and abuse of post-election opposition detainees by the MIA's Organized Crime Department, which reports directly to the Minister. Low wages throughout the police and law-enforcement community contributed to the general problem of police corruption, which mainly consisted of informal "fines" for traffic and other violations and the payment of protection fees to neighborhood police.

Authorities often arbitrarily arrested and detained persons without legal warrants. Police may detain and question persons for 3 hours without a warrant. The Constitution states that persons detained, arrested, or accused of a crime should be advised immediately about their rights, reasons for arrest, and the institution of criminal proceedings against them; however, authorities often did not inform detainees of the charges against them. The Constitution provides for access to a lawyer from the time of detention; however, access to lawyers was poor, particularly outside of Baku. Authorities often restricted family visitations and withheld information from detainees' family members; frequently, days passed before relatives were able to obtain information. Bail commonly was denied, and lengthy pretrial detention was a serious problem.

Members of opposition parties and their families were more likely to experience arbitrary arrest and detention than other citizens. Police forcibly disrupted

unsanctioned protests and detained participants, opposition party activists, and journalists after several demonstrations throughout the year (see Sections 1.c. and 2.b.). Following violent demonstrations in Baku after the October election, police detained more than 700 persons across the country. Most of those detained were members of opposition parties, primarily the Musavat Party. Approximately 120 members of opposition parties remained in detention at year's end, during a court ordered 3-month investigation. During the year, Musavat Party reported that close to 800 of its members were detained for short periods (3 to 15 days), and the Azerbaijan Democratic Party (ADP) claimed more than 700 members had been briefly detained. On October 27, police arrested Rauf Arifoglu, Deputy Chairman of the Musavat Party and Chief Editor of the New Musavat newspaper, for his alleged involvement in post-election demonstrations; he remained in detention at year's end pending investigation of his activities in the party. The Popular Front and Azerbaijan National Independence (AMIP) parties each reported that approximately 100 members had been detained for 1 to 15 days on administrative charges. At year's end, 4 to 6 members of the Popular Front party remained in jail. Popular Front Party chairman Ali Karimli's cousin, Ingilab Karimov, was arrested in July for hooliganism and given 3 years' conditional release in September.

Five relatives of former parliamentary speaker and ADP leader Rasul Guliyev, who were convicted for various alleged crimes related to corruption allegations against Guliyev during his parliamentary membership, remained in jail at year's end. Police also continued to harass several other Guliyev associates and ADP figures. On September 5, authorities detained ADP Secretary Taliyat Aliyev and held him for 7 days in the counter-terrorism and organized crime unit of the MIA on charges of stockpiling weapons with intent to overthrow the Government. Authorities in the same division detained Eldar Guliyev, a member of the AMAL movement, from September 3 to 6 on charges of verbally insulting the police, and Deputy Chairman of the Umid ("Hope") Party Habil Rzayev from September 6 to 11, during which time he said police physically and emotionally tortured him without due process, notification of his family, or access to a lawyer. Rzayev was outspoken on human rights issues as the leader of the People's Defense Committee.

On December 1, authorities arrested Ilgar Ibrahimoglu, the Imam of the independent Juma Mosque and a human rights activist with the Center for Protection of Conscience and Religious Persuasion Freedom (DEVAMM), allegedly in connection with the violent demonstration on October 16; he remained in custody at year's end (see Sections 2.c. and 4).

Chechens residing in the country reported some arbitrary detentions during the year (see Sections 2.d.).

After a court convicted and sentenced 15 residents of Nardaran arrested in connection with the 2002 protests over living conditions, all were released from custody by year's end (see Sections 1.e. and 2.b.).

During the year, a total of three POWs were released, one from Azerbaijan and two from Armenia.

The law prohibits forced exile, and the Government did not employ it.

e. Denial of Fair Public Trial.—The Constitution provides for an independent judiciary; however, in practice, judges did not function independently of the executive branch, and the judiciary was widely believed to be corrupt and inefficient.

Judges preside over and direct trials. The President appoints Supreme and Constitutional Court judges, whom Parliament confirms. The President appoints lower-level judges without confirmation. Qualifying exams for judges were administered periodically as part of a judicial reform effort; however, credible allegations persisted that judgeships were bought and sold. Low salaries for judges and lawyers increased the incentives for bribe taking and undermined the rule of law. The Government organizes prosecutors into offices at the district, municipal, and republic level. They are responsible to the Minister of Justice, appointed by the President, and confirmed by Parliament.

Courts of general jurisdiction may hear criminal, civil, and juvenile cases. District and municipal courts try the overwhelming majority of cases. The Supreme Court may not act as the court of first instance. A panel consisting of one judge and two lay assessors hears cases at the district court level. A 2002 referendum amended the Constitution to provide all citizens the right to appeal to the Constitutional Court. Citizens also have the right to appeal to the European Court of Human Rights.

The Constitution provides for public trials except in cases involving state, commercial, or professional secrets, or matters involving confidential personal or family matters. The Constitution provides for the presumption of innocence in criminal cases and defendants' rights to confront witnesses and present evidence at trial, a court-approved attorney for indigent defendants, and appeal (for both defendants

and prosecutors). Foreign and domestic observers generally were allowed to attend trials. Although the Constitution prescribes equal status for prosecutors and defense attorneys, in practice, prosecutors' prerogatives outweighed those of the defense. By year's end, the 2001 Law on Advocates and Advocate Activity, which was expected to reform the legal profession, had not been implemented and no independent bar association had been created. The law limits representation in criminal cases to members of state-controlled Collegium and therefore restricts the public's access to legal representation.

The Constitution prohibits the use of illegally obtained evidence; however, investigations often focused on obtaining confessions rather than gathering evidence against suspects. No judge has dismissed a case based on a prisoner's claim of abuse, and there was no independent forensic investigator to determine the occurrence of abuse (see Section 1.c.). Judges frequently sent cases unlikely to end in convictions back to the prosecutor for "additional investigation." Authorities sometimes dropped or closed such cases, occasionally without informing either the court or defendant.

The Government continued to hold a number of political prisoners. Some local NGOs reported that the Government held approximately 180 political prisoners, although others claimed the number was much higher. Estimates of the number of prisoners varied and were inconsistent as to the definition of a political prisoner. The Council of Europe (COE) created a list of 8 citizens it considered to be political prisoners according to a definition it adapted for Azerbaijan and Armenia; it also has another list of approximately 180 prisoners considered by local NGOs to be political prisoners, whom COE experts have been unable to verify. Estimates of the number of prisoners varied due to inconsistent definitions of the term. A number of these individuals were convicted of alleged participation in armed efforts to overthrow the Government. In June, the Parliamentary Assembly of the Council of Europe criticized the Government's non-cooperation on the release of political prisoners. During the year, then President Heydar Aliyev issued 3 pardons that resulted in the release of 283 prisoners and reduced sentences for 25 others. President Ilham Aliyev issued a decree that resulted in the release of 160 prisoners and reduced the sentences of 5 others. Many of those released were on lists of political prisoners developed by NGOs and the COE, including Isgender Hamidov, a former Minister of Internal Affairs convicted for appropriating state property. The Government permitted international humanitarian NGOs access to alleged political prisoners.

Faina Kunqurova and Jan Mirza-Mirzoyev continued to serve 3- and 8-year terms, respectively, after allegedly politically motivated trials in 2001.

The trial of the 15 defendants arrested in Nardaran in September 2002 took place between December 2002 and April 2003; all 15 defendants were found guilty (see Sections 1.c. and 2.b.). On April 1, the Court of Serious Crimes handed down sentences to the 15 defendants. Four were sentenced to prison, while the remaining 11 were given 2- to 3-year suspended sentences and released from custody. During the year, the four imprisoned defendants were pardoned and released. On November 14, Jabrail Alizade, the village elder arrested in Nardaran in 2002, was released from prison; he had been sentenced to 8 years in prison.

The Government completed three retrials requested by the COE for political prisoners accused of plotting against the Government in the early 1990s; two of three prisoners remained in prison or detention at year's end. After his retrial in July, the sentence of Isgender Hamidov was reduced from 14 to 11 years before he was pardoned by presidential decree in December. The courts maintained a life sentence for Alikram Humbatov and reduced from life imprisonment to 15 years in prison the sentence of former Defense Minister Rahim Gaziyeve—who was convicted and sentenced to death in 1995 for abuse of power in war conditions, large-scale embezzlement of state properties, and illegal storage and possession of weapons. Authorities rejected repeated appeals in 2002 by the defendants, foreign embassies, and international organizations to move these retrials to Baku from Gobustan prison, where observer access was difficult, but foreign and domestic observers were not otherwise hindered in attending these trials.

f. Arbitrary Interference with Privacy, Family, Home or Correspondence.—The Constitution prohibits arbitrary invasions of privacy; however, the Government restricted privacy rights in practice. The Constitution provides for secrecy of correspondence and telephone conversations, subject to limits provided by law in criminal investigations or in the prevention of a crime; however, it was believed widely that the Ministry of National Security and other security entities monitored telephones and Internet traffic, particularly those of foreigners and prominent political and business figures. The Constitution allows searches of residences only with a court order or in cases provided by law; however, authorities often conducted searches without warrants, particularly after the October election. Police continued

to intimidate and harass family members of suspects, particularly those belonging to opposition parties (see Section 3).

Some local officials continued to prevent Muslims from wearing headscarves (see Section 2.a.).

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution provides for freedom of speech and of the press and specifically outlaws press censorship; however, the Government restricted these rights in practice. The Government harassed and attacked the media, particularly in the run-up to and aftermath of the October presidential election. Nonetheless, except for state television, there was lively public debate and criticism of government policies in a variety of areas, and direct criticism of the President was common.

Most newspapers were printed in government publishing houses, and government associates owned many of the private publishing houses. There were more than 40 independent newspapers and magazines. The finances of most independent and opposition newspapers were precarious, and they had continued problems meeting their wage and tax payment obligations. Private advertisers were intimidated and harassed into removing their advertisements from some independent and opposition publications, forcing them to subsist on newsstand sales alone and adding to the financial pressures on newspapers that do not benefit from government financial support. In January, a presidential decree suspended newspaper debts owed to the state-owned printing house—reportedly a cumulative \$300,000 (1.47 billion manat)—until 2005. These unpaid debts continued to put pressure on the opposition newspapers. In November, private printing houses reported a newsprint shortage that left them unable to publish the major opposition newspapers for 3 days.

Government-run and independent kiosks distributed government, opposition, and independent publications during the year. However, independent and opposition newspapers only sporadically were available in regions outside of Baku; according to some Baku-based journalists, authorities in the exclave of Naxchivan actively prevented distribution of opposition newspapers. The editor of independent newspaper Bizim Naxchivan was harassed and temporarily forced to cease publication. A number of editors continued to report that government-run kiosks refused to carry their newspapers, or claimed to have sold all received copies while actually retaining many unsold copies in stock, leading some newspapers to depend on independent distributors. Gaya, the country's largest independent distributor, reported continued government harassment. In 2002, the company's manager complained that some of its most profitable newsstands had been torn down arbitrarily in Baku and in regional cities in an effort to run the company out of business. Gaya was unable to reopen these newsstands during the year, and authorities closed an additional two kiosks, one each in Baku and Naxchivan. Authorities confiscated the kiosk it closed in Naxchivan and took it to a military unit. By the end of the year, Gaya reported that it retained only 39 newsstands throughout the country, of the 55 that it had previously. As a result, there were no independent newsstands in Naxchivan and other parts of the country. Opposition newspapers continued to face economic pressure from the Government, which did not allow state businesses to buy advertising in opposition newspapers and pressured private businesses not to buy advertising. Unable to make a profit solely from newsstand sales, many opposition newspapers were vulnerable to printing lapses when the state printing house periodically refused to print opposition newspapers that had unpaid debts.

A large number of opposition and independent media outlets functioned during the year. Government-controlled radio and television were the main sources of information for much of the population. The Government periodically used state television to conduct campaigns of denunciation and harassment against political parties and leaders critical of the Government. Most international observers agreed that television coverage on both state and independent networks was overwhelmingly biased in favor of Ilham Aliyev and against opposition presidential candidates, although Azerbaijan State Television provided each candidate 10 minutes of free air time per week for their campaigns. Privately run television channels broadcast views of both government and opposition officials, but their programs were not available in all parts of the country. A new local television station in Ganja (Alternative TV) continued to broadcast during the year. Radio was oriented largely to entertainment, but one independent station broadcast programs on political topics. Radio Free Europe/Radio Liberty and the Voice of America operated without restriction, and there were no restrictions on reception of foreign stations via satellite.

Violence against journalists continued during the year. The Azerbaijan Committee for the Protection of Journalists (RUH) reported more than 170 incidents of physical attacks or harassment against journalists during the year. After journalists alleged

harassment in 2002 and during the year, government investigations determined that police wrongfully detained journalists and that appropriate disciplinary action was taken against the responsible members of police (see Section 1.d.).

Police used excessive force against journalists at several pre- and post-election events. On September 8, police harassed or struck journalists from seven news services in front of the Baku police station as they gathered to witness the arrival of the Deputy Chairman of the Popular Front party, whom authorities had summoned for questioning after a televised altercation during an election debate. On September 21, police physically harassed and arrested a journalist from Millat, the Azerbaijan National Independence Party (AMIP) newspaper, and struck or detained four other journalists at a meeting of AMIP and Popular Front voters in Lenkoran. On election day, police and unidentified civilians detained and harassed several journalists.

Journalists were also injured during violent demonstrations in Baku after the election, in some cases as a result of police beating them. The Azerbaijan Journalists Confederation and RUH reported that police beat 54 journalists, detained or arrested 18, and broke the equipment of 6. Rauf Arifoglu, Chief Editor of the New Musavat newspaper and Deputy Chairman of the Musavat Party, was arrested in connection to his position in the party (see Sections 1.d. and 3). At year's end, no journalists were in detention, other than Rauf Arifoglu, who was in detention in connection with his party position, not his status as a member of the press.

The Organization for Security and Cooperation in Europe's Office for Democratic Institutions and Human Rights (OSCE/ODIHR) reported that the Government restricted freedom of the media prior to the presidential election. Coverage of candidate Ilham Aliyev in his official capacity as Prime Minister dominated broadcast media, although media coverage of the election was lively. Some opposition newspapers faced lawsuits as a result of their criticism of government officials, which observers viewed as an effort by authorities to silence criticism. The Prosecutor General and Ministry of Justice issued a public statement calling for the opposition press to stop printing "libelous materials" about then President Heydar Aliyev. ODIHR reported that other restrictions of the opposition press included systematic harassment and intimidation of journalists, including physical and verbal attacks, detentions, life-threatening phone calls, and editorial interference that amounted to censorship.

According to Internews, there were no new television stations licensed during the year; at least three license requests for entertainment-oriented television stations were pending at year's end. In Tovuz one local television station was reopened after being closed for 3 years. The Law on Television and Radio failed to ensure transparency in licensing or independence from state organs, and it established content requirements for programs and advertisements. According to the law, the President appoints all members to the regulatory body, thus limiting its independence. Television and radio stations continued to require a license to operate, and the Government used this requirement in the past to prevent several independent stations from broadcasting; however, this was not a problem during the year.

Libel laws allow for fines and up to 3 years' imprisonment. According to the RUH, a total of 40 lawsuits were brought against 18 journalists or media outlets during the year, resulting in fines of approximately \$325,000 (1,592.5 million manat). Journalists and media outlets were fined an additional \$149,000 (730.1 million manat) as a result of decisions made during the year on lawsuits brought in 2002. Authorities postponed 11 of the 38 libel suits made in 2002, primarily against Yeni Musavat, while several others resulted in monetary fines and the freezing of a Yeni Musavat bank account. In 2002, 38 libel suits were brought against 16 journalists or media outlets, of which 8 were later dropped. Authorities brought 11 new lawsuits against Yeni Musavat during the year, and 3 criminal charges brought in 2002 against Yeni Musavat's editor-in-chief Rauf Arifoglu were still pending at year's end. Three libel suits were brought against Mukhalifat newspaper in during the year, of which one remained pending at year's end. In the two cases tried by year's end, the newspaper was fined \$10,000 (50 million manat), and an editor was sentenced to 5 months in prison but later pardoned.

In November 2002, Monitor magazine lost an appeal of the lower court's decision to fine the publication approximately \$7,000 (35 million manats) after two high-ranking Ministry of Defense officers brought a successful suit against it in 2002 for printing an article about poor conditions and hazing in the military. Monitor appealed to the Supreme Court, which had not reached a decision by year's end. During the year, Monitor was published and available for purchase, although no distribution companies could sell it openly, and it twice stopped publication for short periods. During the year, the chief editor of Monitor was fined approximately \$26,000 (127.4 million manat), of which \$6,000 (27.4 million manat) was forgiven.

All Internet providers in the country were required to have formal links with the Ministry of Communications. A number of Internet service providers and vendors existed, and Internet access cost less than \$1 (4,800 manats) per hour. Internet usage grew, particularly in Baku, which had numerous Internet cafes, but it was less common in other parts of the country. Many observers believed that the Government monitored Internet traffic, particularly that of foreign businesses, opposition leaders, and intellectuals (see Section 1.f.).

The Government did not restrict academic freedom. Several professors with tenure were active in opposition parties, although some faculty and students experienced political pressure. In the aftermath of the October election, a number of professors and teachers alleged that they were dismissed due to their membership in opposition political parties. In October, officials at Lenkoran State University allegedly dismissed Yadigar Sadigov for his membership in the Musavat Party, although they reinstated him in November after pressure from international observers. According to Physicians for Human Rights, Ilqar Altay, a forensic specialist who investigated the June 2002 confrontation between police and residents in Nardaran, was dismissed from his job in October 2002 at Azerbaijan International University for "activities against the state." During the year, police threatened, intimidated, and detained for short periods Elnur Sadikhov, a correspondent of the Popular Front's Azadliq newspaper in Ganja, and Ganja State University suspended his enrollment.

b. Freedom of Peaceful Assembly and Association.—The Constitution provides for freedom of assembly; however, the Government restricted this right on occasion. Laws permit citizens to assemble, associate with others, and organize demonstrations, processions, and pickets (demonstrations with less than 50 participants), "provided that they notify respective governmental bodies in advance." A permit was required in advance from local government authorities (such as the mayor's office in Baku or the local executive authority in other cities) to stage a demonstration or picket. However, while both sanctioned and unsanctioned protests took place throughout the year, the Government denied permission for some assemblies and, in some cases, forcibly disrupted unsanctioned protests.

Several large-scale demonstrations and political meetings took place in Baku and other cities during the year, including leading up to, during, and after the October election. At these rallies, demonstrators numbering up to an estimated 25,000 gathered to support opposition presidential candidates, demand free and fair elections, and call for action in Nagorno-Karabakh. The majority of these rallies proceeded peacefully; however, police and MIA officers harassed, beat, and detained several opposition party members, demonstrators and journalists, causing injuries, and arrested several persons, whom they often beat in detention (see Sections 1.c., 1.d., and 2.a.).

In November, the nongovernmental National Press Council created a joint monitoring group together with representatives from the MIA to examine relations between the police and journalists during mass actions. The monitoring group was working on the development of an identification card and special clothes for journalists to distinguish them from demonstrators.

At a joint Popular Front and AMIP rally in Lenkoran on September 21, local authorities blocked roads and set up police lines to prevent the opposition candidates and their supporters from gathering at an approved location. Police then beat opposition supporters with sticks, injuring many, and detained at least 20. On October 15, Musavat Party supporters gathered outside the party's headquarters to protest the presidential election results, and security forces harassed and beat many protesters.

On October 16, a large crowd gathered for an unsanctioned demonstration in downtown Baku that turned violent. Protestors marched from Musavat headquarters to Azadliq Square and along the way beat dozens of security officers, destroyed security forces' vehicles, and damaged government buildings. As several thousand security forces surrounded the square, a group of protestors attacked the security forces, who stormed the demonstrators with tear gas and truncheons, while unknown demonstrators drove a stolen military truck into police lines. Security forces responded with excessive force, beating many demonstrators, sometimes to the point of unconsciousness and even after they were trying to leave the area or were detained, killing one and reportedly injuring at least 300 persons.

On February 5, a special task force of the MIA entered the Baku area village of Nardaran and assaulted a tent on the main square where approximately 60 villagers were holding a vigil to protest the continued imprisonment of 15 Nardaran residents since a June 2002 demonstration. Human rights organizations reported that the task force fired guns in the air, used gas and smoke grenades, and beat villagers in the tent, causing injuries such as severe head trauma and broken ribs in several persons. The task force arrested and later released eight persons. During

the year, authorities released all of the 15 prisoners arrested in June 2002, after the Chairman of the Caucasus Muslim Board, Sheikh Allahshakur Pashazade, worked as an intermediary to resolve the dispute (see Sections 1.c. and 1.e.).

Authorities occasionally prevented political parties critical of the Government from conducting indoor meetings as well as outdoor gatherings. Local authorities in the regions frequently prevented opposition parties from holding rallies in central locations, occasionally using roadblocks or police lines to discourage local opposition supporters from attending. Authorities cited security considerations in banning larger demonstrations by opposition parties in central Baku during the year, although authorities increasingly granted permits to hold demonstrations outside the city center in the run-up to the presidential election. Pro-government provocateurs sometimes disrupted opposition rallies.

The Constitution provides for freedom of association; however, the Government continued to restrict this right. A number of provisions enabled the Government to regulate the activities of political parties, religious groups, businesses, and NGOs, including a requirement that all organizations register to function normally. Registration was necessary for an organization to rent property, open a bank account, and generally act as a legal entity. Vague, cumbersome, and nontransparent registration regulations resulted in long delays and inaction that, in effect, limited citizens' right to association. There were more than 40 registered political parties (see Section 3.).

c. Freedom of Religion.—The Constitution provides for freedom of religion; however, there were some abuses and restrictions. The Law on Religion expressly prohibits the Government from interfering in the religious activities of any individual or group; however, there are exceptions, including cases where the activity of a religious group “threatens public order and stability.” Some officials at times discriminated against members of minority religions, although there were improvements.

Police reportedly arrested and beat some Muslim worshippers in the northern city of Khachmaz on suspicion of links to terrorism and beat other Muslim worshippers, who denied any wrongdoing and complained to authorities. Police also called in some family members of the accused for questioning.

A number of legal provisions enable the Government to regulate religious groups, including a requirement in the Law on Religion that religious organizations be registered by the State Committee for Work with Religious Associations (SCWRA). Government authorities gave SCWRA and its chairman, Rafiq Aliyev, sweeping powers for registration; control over the publication, import, and distribution of religious literature; and the ability to suspend the activities of religious groups violating the law. Registration enables a religious organization to maintain a bank account, rent property, and generally act as a legal entity. Lack of registration exposed groups to charges that they were illegal and made it more difficult, but not impossible, for a religious group to function. The process was burdensome, and there were frequent, lengthy delays in obtaining registration. Religious groups may appeal registration denials to the courts. The Government registered 73 groups during the year. The SCWRA registered the Baku International Fellowship Church in April after a multi-year battle and an Adventist church in Naxchivan after the MOJ revoked its earlier registration.

By year's end, several religious groups continued to report that they had not been registered; however, this did not prevent them from functioning. Other churches, including Greater Grace Baptist Church, the Baptist community in Neftchala, and Protestant churches in Sumgayit, remained unregistered after months of applying. Unregistered groups were more vulnerable to attacks and closures by local authorities.

On December 1, police detained Ilgar Ibrahimoglu, a human rights activist with DEVAMM, head of the Baku Chapter of the International Religious Liberty Association, and Imam at the independent Juma Mosque in connection with the election disturbances on October 15 and 16. Ibrahimoglu says that police also questioned him about his activities at the mosque and his advocacy on behalf of Baptists and other Christians. He was charged with organizing violence and resisting or using violence against representatives of the authorities and remained in prison at year's end. On December 16, authorities gave the Juma Mosque congregation 15 days to vacate the premises, based on allegations of the Imam's political activities, and declared that the mosque would be either returned to the Soviet-era status of a carpet museum or given to the official Muftiate. Although the mosque belongs to the city of Baku and the congregation pays no rent for its use, the mosque was renovated at its members' expense and registered in the early 1990s; however, it has experienced problems reregistering.

Authorities continued to require members of the Jehovah's Witnesses to serve in the military, although this contradicted their religious beliefs. Parliament began

consideration of a draft Law on Alternative Military Service to correct this problem. Members also reported that authorities interfered with their ability to rent public halls for religious assemblies.

Some officials at times discriminated against members of minority religions and harassed nontraditional religious groups. In many instances, abuses by officials reflected the popular prejudice against conversion to Christianity and other nontraditional religions (see Section 5).

In October 2002, the Supreme Court supported the 2001 SCWRA decision to liquidate the ethnic Azeri "Love" Baptist Church, which followed accusations that Pastor Sari Mirzoyev insulted Muslim fasting traditions in a sermon during the holy month of Ramadan. The Church continued to hold services despite the revocation of its registration.

There was official concern regarding "foreign" (mostly Iranian and "Wahhabist") Muslim missionary activity. In May, authorities sentenced several members of the religious extremist group Hizb-ut-Tahrir to 6 to 7 years' imprisonment for allegedly planning terrorist attacks against targets that included a foreign embassy. There were reports that the Government closed down Muslim groups and organizations with alleged ties to terrorists. In December, the military Court for Grave Crimes ordered the Abu-Bekr Mosque closed for its involvement in illegal activities, after 13 persons who reportedly attended the mosque were convicted of training to fight for Chechens in Chechnya. In April and September, the Court for Grave Crimes sentenced six Muslim clerics in Ganja to between 3 and 7½ years' imprisonment for allegedly preparing a forcible seizure of power. In November 2002, security forces detained Imam Kazim Aliyev of Juma Mosque in Ganja on charges of preparing a coup d'etat. According to Forum 18, the Chairman of the SCWRA closed 22 of the country's 26 Islamic schools in 2002.

The law prohibits foreigners from proselytizing, and the Government enforced this provision. Authorities deported several Iranian and other foreign clerics operating independently of the organized Muslim community for alleged violations of the law.

Although there were no legal restrictions on large religious gatherings, local authorities discouraged them. Both the Jehovah's Witnesses and the Pentecostal "Cathedral of Praise" reported that authorities interfered with their ability to rent public halls for religious assemblies.

Some local officials continued to prevent Muslim women from wearing headscarves; and the International Religious Liberty Association reported that women were still prohibited from wearing them in identification and passport photos, which complicated voter registration.

The Government at times restricted or delayed importation of religious materials. In March, a bookstore that had previously been denied permission to import 400 religious books received permission to import the books with the assistance of a local church, as well as on two other occasions during the year.

During the year, several newspapers and television broadcasts depicted nontraditional religious groups as a threat to the identity of the nation. Some of these attacks extended to humanitarian organizations operating in the country that were linked to foreign religious organizations.

Hostility also existed toward foreign (mostly Iranian and "Wahhabist") Muslim missionary activity, which partly was viewed as seeking to spread political Islam and thus a threat to stability and peace. Pro-government media targeted some Muslim communities that the Government claimed were involved in illegal activities.

Ethnic Azerbaijanis have fled areas of the country controlled by ethnic Armenians, and mosques in this area not already destroyed did not function. Animosity toward the Armenian population elsewhere in the country forced most Armenians to depart, and all Armenian churches, many of which were damaged in ethnic riots that took place more than a decade ago, remained closed. As a consequence, the estimated 10,000 to 30,000 Armenians who remained in the country were unable to attend their traditional places of worship.

For a more detailed discussion, see the 2003 International Religious Freedom Report.

d. Freedom of Movement within the Country, Foreign Travel, Emigration, and Repatriation.—The Constitution provides for these rights; however, at times, the Government limited freedom of movement. The internal residence regime from the Soviet system ("propiska") still was imposed on IDPs—i.e., those forced from their homes following the Armenian occupation of western areas of the country—who were required to register with the authorities and could reside only in approved locations. The Government required IDPs to have a "propiska" registering their temporary residence in order to find them to provide the assistance and subsidies to which the IDPs are entitled. A passport was required for travel abroad. There were no exit visa requirements.

Residents of border areas in both Azerbaijan and Iran traveled across the border without visas. Law required draft-age men to obtain documents from military officials before they could travel abroad, and some restrictions were placed on military personnel with access to national security information. Citizens with pending criminal charges could also not travel abroad.

The number of refugees and IDPs from the Nagorno-Karabakh conflict was approximately 800,000; more than 200,000 of these were refugees, and, according to the State Statistics Committee, 572,000 were IDPs. There were credible reports that Armenians, including ethnic Armenian immigrants from the Middle East and elsewhere, had settled in parts of Nagorno-Karabakh and possibly other Azerbaijani territories occupied by Armenian forces. Approximately 20,700 Armenians, almost exclusively persons of mixed descent or mixed marriages, remained in the country (in addition to Armenians residing in occupied territories). While official government policy allowed ethnic Armenians to travel, low-level officials seeking bribes have harassed citizens of Armenian ethnicity who sought to obtain passports. According to the International Organization for Migration (IOM), more than 20 Armenians of mixed descent reported to an Azeri NGO problems with officials in the passport and registration department when seeking identification cards; applicants who applied with Azeri surnames encountered no problems aside from regular bribe-taking. The Armenian Government continued to prevent the hundreds of thousands of Azerbaijanis who were forced out of their homes in occupied territories from returning; the Armenian government did permit the return of some ethnic Armenians.

The Government's care for refugees and IDPs, which continued to decline, depended on international assistance. During the year, the Government budgeted for the transfer of \$27.9 million (136.7 billion manats) from the country's oil fund to the IDP and Refugees Committee to improve the social and economic conditions of IDPs and refugees. Of that, the Government transferred and spent \$16.8 million (82.3 billion manats) during the year for housing, social infrastructure development, and financial grants to IDPs and refugees. At year's end, \$11 million (54 million manats) remained budgeted to be transferred from the Oil Fund to the IDP and Refugees Committee. According to IOM, approximately 60,000 IDPs continued to live in camps, 60,000 in underground dugout shelters, and 20,000 in railway cars at below-subsistence levels, without adequate food, housing, education, sanitation, or medical care; the Government made efforts to move IDPs from railway cars and camps into special settlements. At the same time, 40,000 IDPs lived in settlements provided by the European Union, 40,000 lived in houses provided by the U.N. High Commissioner for Refugees (UNHCR), and the rest were scattered among unfinished buildings, hostels, public health facilities, or at relatives' homes.

The law provides for the granting of asylum and refugee status to persons who meet the definition in the 1951 U.N. Convention relating to the Status of Refugees and its 1962 Protocol. In practice, the Government provided some protection against refoulement, but did not grant refugee status or asylum during the year. The Government cooperated with the UNHCR and other humanitarian organizations in assisting refugees. Such organizations reported full and unrestricted access to the refugee population. During the year, the State Committee on Refugees and IDPs received training from UNHCR and reviewed 48 applications for refugee status—all from Afghan nationals who have lived in Azerbaijan for many years—of which 10 were rejected and 38 were pending at year's end.

Approximately 8,000 Chechens who fled from Russia resided in the country. By year's end, the UNHCR had registered 8,975 asylum seekers/refugees, 84 percent of whom were from Chechnya. Approximately 1,100 Afghans who fled their country have registered with UNHCR and have lived in the country for many years. A small number of new Afghans, Iranians, Iraqis, and refugees of other nationalities also registered during the year.

The Laws on Place of Residence and Registration and the Legal Status of Refugees and IDPs did not apply to Chechens; the Government did not consider Chechens to be legal residents and required them to register with the police. Chechens may receive 3-month visas, but not residence permits. While arbitrary harassment, detention, and arrests of undocumented Chechens continued to be a problem, UNHCR personnel noted fewer cases during the year. A new governmental decree allowed Chechen children to attend public schools as of September 1, and more than 500 children out of an estimated population of 3,000 were attending public schools. Children also attended unofficial classes organized by the Chechen community. Some improvements were made regarding access to medical services by Chechen refugees. Chechens accused of criminal offenses were extradited to Russia; Chechens not registered with UNHCR were not provided with letters of concern.

According to the IOM, the Government continued to deport illegal Iranian immigrants during the year.

Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government

The Constitution and the law allow citizens to change their government by peaceful means; however, the Government continued to restrict citizens' ability to do so by interfering in local and national elections. The country is a republic with a strong presidency, and the Constitution provides for an independent legislature. However, in practice, Parliament's independence was minimal, and it exercised little legislative initiative independent of the executive.

The October 15 presidential election failed to meet international standards due to a number of serious irregularities. These included the lack of a level playing field in the pre-election campaign—including a flawed candidate registration process, unequal access to state media, and harassment of the opposition; police violence in the pre- and post-election periods; and partisan election commissions. While individual domestic observers were allowed, NGOs receiving foreign assistance were barred from observing, in contrast to the 1998 presidential election, and some observers reported harassment and impediments to observing the process. The Government did not accept all of the recommendations made by the COE's Venice Commission regarding composition of the Central Election Commission (CEC). On election day, observers witnessed serious irregularities, including the disenfranchisement of voters through inaccurate voter lists, intimidation of voters and election commission members, ballot box stuffing, and serious irregularities in vote counting and tabulation. In the days prior to the announcement of preliminary results, the CEC denied OSCE/ODIHR observers access to its documents and activities, resulting in a lack of transparency during the final stage of vote tabulation.

There were some improvements in the October election, including the new Unified Election Code (UEC), a multiparty choice for voters, and technical improvements that made fraud difficult to hide. The CEC cancelled election results in 694 polling stations due to reports of irregularities; however, it did not do so in many other precincts where serious violations occurred. In a positive development, the Government posted election results on the Internet; however, the observed irregularities and insufficient transparency in vote counting and tabulation led to serious doubts about the accuracy of the 77 percent of the vote officially recorded for Ilham Aliyev. The Government granted 30 long-term OSCE/ODIHR election observers from 18 OSCE member states access to political rallies, polling stations, and most of the proceedings related to the October presidential elections. Approximately 700 short-term observers under the OSCE umbrella also observed voting and vote counting during the October 15 election.

Fraud and ballot box stuffing also marred parliamentary by-elections held in March in Ismayili, Qaradag, and Khanlar-Dashkesan, although international observers noted improvement from previous elections.

Voter list irregularities, multiple voting, and observer intimidation marred the April 2002 by-elections in Baku, Ganja, and Ali Baramli.

Serious voting irregularities marred the August 2002 referendum on then President Heydar Aliyev's proposed amendments to the 1995 Constitution. International observers saw widespread irregularities, including voter list fraud, multiple voting, voter intimidation, ballot box stuffing, and restriction of domestic nonpartisan observers. The Government's claims of 95 to 96 percent approval of each of the eight clusters of constitutional amendments and 83.6 percent voter turnout were highly questionable.

Two amendments that passed in the 2002 referendum continued to be the subject of controversy. One of the amendments eliminated the proportional representation system required for 25 of the 125 seats in Parliament. Another controversial amendment replaced the Chairman of the Parliament with the Prime Minister in the line of succession to the presidency, which made it easier for the President to pass on power to his preferred successor. On August 4, then President Heydar Aliyev named his son, Ilham, Prime Minister. In this office, Ilham Aliyev unofficially assumed the responsibilities of president due to his father's ill health and was therefore acting as president during the October elections, which he won. Officially, he was on a leave of absence for much of the campaign period due to a legal requirement that presidential candidates other than incumbents take a leave of absence during the campaign.

The November 2000 parliamentary election showed some improvement over the 1998 presidential and 1999 municipal elections, according to OSCE/ODIHR; however, they did not meet international standards due to numerous serious irregularities. Only after international pressure did authorities allow all major parties, including some disqualified as a result of alleged falsifications in voter petitions, to run candidates for office. Some opposition candidates were harassed, and some were beaten or detained. The law prohibited domestic NGOs that received foreign funding

from monitoring the election. Individual parties and some NGOs were able to post their own monitors at the polls, but intimidation, harassment, and even arrests of the observers took place.

During the year, authorities harassed and evicted opposition political parties from their headquarters. HRW documented more than 100 cases of job dismissals of opposition members or their relatives throughout the country. Many of those dismissed reported that their employers had warned them before the election and explicitly told them the reason for their dismissal was their opposition activity or that of their relatives. There were also credible reports of dismissals of some election commission members who refused to sign falsified vote tallies.

At least 20 of the 42 registered political parties were considered opposition parties (see Section 2.b.). Unregistered political parties continued to function openly; however, authorities occasionally prevented political parties critical of the Government from conducting indoor meetings as well as outdoor gatherings (see Section 2.b.). Members of unregistered political parties may run for president but must be sponsored by a registered party or an independent "voters' initiative group." Members of unregistered parties may run for parliament; however, anti-government opposition members occupied only 5 of the Parliament's 125 seats.

In May, Parliament passed and the President signed into law the UEC, which was scheduled to take effect until the parliamentary election of 2005. The code combines four existing laws governing the conduct of elections and referenda in the country and was drafted partially in consultation with the international community, including the International Foundation for Election Systems, the COE, and OSCE/ODHIR. The law permitted the creation of election commissions structured in favor of the ruling party and did not change provisions in separate legislation on NGOs prohibiting domestic NGOs that receive foreign funding from observing elections.

There were no legal restrictions on women's participation in politics; however, traditional social norms limited women's roles in politics, and they were underrepresented in elective offices. The practice of "family voting," where men cast the votes of their wives and other female members of their families, persisted. There were 12 women in the 125-seat Parliament and several women in senior government positions, including Deputy Chairman of Parliament, Chairman of the Supreme Court, and Deputy Chairman of the CEC; Lala Shovket, the founder of the Liberal Party, placed third in the October presidential election.

There were no restrictions on the participation of minorities in politics. Several Lezghins, Talysh, and Avars continued to serve in Parliament and Government.

Section 4. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A wide variety of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Some NGOs wholly independent of the Government were objective and effective conduits of information to local officials, the diplomatic community, and such international institutions as the Council of Europe. The Government maintained ties to some of the human rights NGOs and responded to inquiries. However, the Government occasionally criticized and intimidated some human rights NGOs and activists, and the MOJ routinely denied or failed to register many groups, including human rights NGOs (see Section 2.b.).

On September 20, Baku police and legal officials confiscated office documents without a warrant from the Director of the Committee for the Prevention of Torture, Elchin Behbudov, and his wife. Police later called him to say that the incident was a mistake.

Several NGOs reported that the Government and police officers refused to provide protection from, and sometimes incited, "provocateurs" who harassed, attacked, and vandalized NGO activists and property. On February 24, Ilham Aliyev, then a Member of Parliament, publicly insulted Leyla Yunus as "pro-Armenian" for her work on Nagorno-Karabakh and called for "an end to the accomplices of our enemy." In February and March, government-run television stations aired open calls by private citizens and some local NGOs for violent action against the Chairman of the Human Rights Center of Azerbaijan (HRCA), Eldar Zeynalov, and the Director of the Institute of Peace and Democracy, Leila Yunus, for their work on Nagorno-Karabakh. In late April, police did not intervene on several occasions when approximately 30 picketers threw eggs and broke windows at the HRCA. In September, the Committee for the Protection of Women's Rights reported that government security officials at the Nakchivan airport were unwilling to assist a group of human rights activists whom a crowd of women struck several times, throwing eggs and tomatoes; the activists were visiting Nakchivan to conduct pre-election training sessions and attend the launch of an independent newspaper.

A law on NGOs makes registration a cumbersome process and was vague on the procedures for liquidation. During the year, new amendments to several laws on NGOs and grants further complicated requirements for registering grants and made them subject to a cumulative social security tax of 29 percent on employees' salaries. Grants from a few countries that had bilateral agreements were subject to only 2 percent tax on employees' salaries. NGOs continued to be exempt from the value added tax under the Tax Code.

In September, the MOJ revoked the registration of Islam-Ittihad, a Muslim NGO focused on alcoholism, narcotic abuse, orphans, and children with thalassemia, on charges of religious propaganda and aiming to establish a religious regime in the country. The directors of Islam-Ittihad, Azer Ramizoglu and Ilgar Ibrahimoglu, who were also active on religious freedom issues, appealed the decision and subsequently faced harassment by the MIA in October. On December 1, authorities arrested Ilgar Ibrahimoglu (see Section 1.d.).

The Government accused some human rights activists of working in the interests of foreign governments. The Government has alleged that some domestic activists provided inaccurate lists of political prisoners to visiting foreign government officials. Physicians for Human Rights reported that harassment and intimidation of Ilqar Altay, an NGO commission's forensic specialist, ceased during the year.

The local diplomatic community, the ICRC, and delegations from the COE enjoyed access to prisons and conducted meetings with inmates throughout the year (see Section 1.c.). During the year, the Government received more positively Andreas Gross, one of the Rapporteurs for Azerbaijan at the COE who visited the country to monitor pre-election conditions and met with Prime Minister and presidential candidate Ilham Aliyev, who had called Gross "pro-Armenian" in 2002. The Government allowed OSCE/ODIHR and other international observers to monitor the October election, but prevented domestic NGOs that receive foreign assistance from monitoring the election (see Section 3).

In October 2002, Parliament approved the first Ombudsman. Citizens of the country may appeal to the Ombudswoman for violations of their human rights committed by state bodies or individuals. The Ombudswoman may refuse to handle a case if it happened more than a year before it was submitted to the office. The Ombudswoman also does not handle anonymous complaints and may not become involved in complaints that are being addressed by the judiciary branch. The Ombudswoman traveled to many of the regions in the country to hear complaints and cooperated with the human rights activities of foreign embassies. The Ombudswoman presented her annual report on her activities to parliament at the end of December but did not make the report publicly available.

Both Parliament and the MOJ had human rights offices that heard complaints from citizens and followed up with investigations and recommendations to the relevant government bodies. The Ministry of Foreign Affairs has a human rights office under the direction of a Deputy Foreign Minister and conducted regular meetings with the diplomatic community.

Section 5. Discrimination Based on Race, Sex, Disability, Language or Social Status

The Constitution provides for equal rights without respect to gender, race, nationality or national origin, language, social status, or membership in political parties, trade unions, or other public organizations; however, in the wake of the Nagorno-Karabakh conflict, there was widespread anti-Armenian sentiment in society.

Women.—Violence against women, including domestic violence, continued to be a problem. In rural areas, women had no real recourse against assaults by their husbands or others; no laws exist regarding spousal abuse or spousal rape. The Criminal Code prohibits rape, which is punishable by up to 15 years in prison. According to the State Statistics Committee, there were 46 rapes and attempted rapes reported during the year. According to an NGO, most rape victims knew their assailants, but did not report incidents due to the associated stigma.

There were no government-sponsored or funded programs for victims of domestic violence or rape. A women's crisis center in Baku, opened by the Institute for Peace and Democracy, provided free medical, psychological, or legal assistance to more than 2,500 women. During the year, the Institute also produced, with Internews, a six-segment television series regarding women's rights.

Prostitution was a serious problem, particularly in Baku. The legal age of consent was 16. Prostitution is not a crime under the Criminal Code; however, pimps and brothel-owners may be convicted for up to 6 years in prison.

Trafficking in women was a problem (see Section 6.f.).

Women nominally enjoy the same legal rights as men; however, societal discrimination was a problem, and traditional social norms and poor economic conditions continued to restrict women's roles in the economy. Representation of women was

significantly lower in the higher levels of the work force, and there were few women in leading business positions. The Labor Code prohibits pregnant women and women with children under the age of three from working at night; pregnant women and women with children under 18 months of age from working more than 36 hours per week; and all women from working in tunnels, mines, or underground.

There were approximately 50 registered NGOs that addressed women's issues. The Society for the Defense of Women's Rights, one of the most active women's NGOs in the country, provided speech and communication training for women from all political parties and urged party leadership to appoint women in high-ranking positions.

Children.—The Constitution and laws commit the Government to protect the rights of children to education and health care; however, difficult economic circumstances limited the Government's ability to carry out these commitments. Public education was compulsory, free, and universal until the age of 17. According to the Ministry of Education, 100 percent of school-age children attended school during the year; however, according to UNICEF, 91 percent of children attended school. The Government provided minimum standards of health care for children, although the quality of medical care overall was very low.

The Criminal Code mandates severe penalties for crimes against children; although there were reports of abuse of children, children generally were treated with respect regardless of gender. An NGO reported that three children were used in the making of a pornographic film during the year.

Prostitution was a serious problem, particularly in Baku. The legal age of consent was 16. During the year, there were 18 reports of women under age 18 involved in sexual activity that may or may not have been prostitution. The Ministry of Foreign Affairs referred three court cases of "coercion of minors into prostitution or immoral activities" during the year. A clinic that assists women reported that there were 11 patients under the age of 18 who sought assistance for sexually transmitted diseases.

Trafficking of children continued to be a problem (see Section 6.f.).

A large number of refugee and IDP children lived in substandard conditions in refugee camps and public buildings (see Section 2.d.). In some cases, children were unable to attend school; in impoverished rural areas, large families sometimes prioritized their sons' education so that their daughters could work at home. Poverty at times compelled families to force their children to beg on the streets (see Section 6.d.).

A coalition of more than 20 local NGOs are working with the Government to protect children's rights by implementing a National Plan of Action for Children.

Persons with Disabilities.—The law gives priority to persons with disabilities in obtaining housing, as well as discounts for public transport and pension supplements; however, the Government did not have the means to fulfill these commitments. There are no special provisions in the law mandating accessibility to public or other buildings for persons with disabilities, and such access was not a government priority.

National/Racial/Ethnic Minorities.—Many indigenous ethnic groups live in the country. The Constitution provides for the right to maintain one's nationality and to speak, be educated, and carry out creative activity in one's mother tongue or any language, as desired. However, some groups have complained that authorities restricted their ability to teach or print materials in indigenous languages. Separatist activities undertaken by Farsi-speaking Talysh in the south and Caucasian Lezghins in the north in the early 1990s engendered some suspicions in other citizens and fostered occasional discrimination. Meskhetian Turks displaced from Central Asia, as well as Kurdish displaced persons from the Armenian-occupied Lachin region, also complained of discrimination. A senior government official was responsible for minority policy. Some members of other ethnic groups also complained credibly about discrimination; preventing this discrimination was not a government priority.

Some Armenians and persons of mixed Armenian-Azerbaijani descent complained about being unable to register their residences, find work, and get access to medical care and education due to their ethnicity. The approximately 30,000 citizens of Armenian descent complained of discrimination in employment, schooling, housing, and other areas. They also complained of workplace discrimination and harassment and of the refusal of local authorities to pay pensions. Most shielded their identity or tried to leave the country. Some changed their nationality, as reported in their passports. Authorities revoked some Armenian widows' permits to live in Baku. In September, the Government denied entry visas to three foreign citizens of Armenian ancestry on the grounds that the Government could not guarantee their safety in

Baku. Some persons of mixed Armenian-Azerbaijani descent continued to occupy government positions. Public figures whose parents reportedly were of mixed-Armenian and Azerbaijani marriages, or had such marriages, were attacked publicly by colleagues in the press.

In the area of the country controlled by ethnic Armenian forces, the Armenians forced approximately 600,000 ethnic Azerbaijanis to flee their homes (see Section 2.d.). The regime that controlled these areas effectively banned them from all spheres of civil, political, and economic life.

Section 6. Worker Rights

a. The Right of Association.—The Constitution and laws provide for freedom of association, including the right to form labor unions; however, there were some limits on this right in practice. Police, customs, and military personnel are prohibited from forming unions. The law also prohibits managerial staff from being members of a trade union; however, in practice, managers in state industries often had union dues automatically deducted from their paychecks. The law prohibits unions from engaging in political activity, but government-aligned unions were politically active. Individual members of trade unions were not restricted from political activity. The law allows trade unions to participate in drafting legislation regarding labor, social, and economic matters, but most trade unions did not participate in this.

The overwhelming majority of labor unions still operated as they did under the Soviet system and remained tightly linked to the Government; one exception were independent journalists' unions. Most major industries were state-owned, although the Government opened several industries to privatization. The Azerbaijan Trade Union Confederation (ATUC) had approximately 1.5 million members, including 26 Labor Federations in various industrial sectors, 30 percent of whose members were active. The ATUC was registered independently, but some workers considered it a "yellow trade union" because of its close alignment with the Government. The Union of Oil and Gas Industry Workers continued to operate without a vote by rank and file workers, and membership remained mandatory for the State Oil Company's (SOCAR) 60,000 workers, whose union dues (1 percent of each worker's salary) were automatically deducted from their paychecks. An independent group of oil workers, the Oil Workers Rights Defense Committee (ORDC), operated outside of established trade union structures and promoted the interests of workers in the petroleum sector; the ORDC had 5,000 anonymous members but sought to defend the rights of all oil workers and did not charge dues.

According to the International Confederation of Trade Unions' (ICFTU's) Annual Survey of Violations of Trade Unions Rights, one of the most serious problems facing unions in the country was that union dues rarely were transferred to them. As a consequence, the unions did not have the resources to carry out their activities effectively. According to a local NGO, various government entities seized ATUC property—financed through union funds—for government use.

The Law on Trade Unions and the Labor Code prohibit antiunion discrimination and requires employers to reinstate workers who are fired because of election to a trade union body. There were no reports of government antiunion discrimination, but there were unofficial reports of antiunion discrimination by foreign companies operating in Baku. Foreign oil companies did not allow union membership, and there was no effective recourse for oil workers. The Labor Code requires that individual labor disputes be handled in a court of law; under the law, employers and trade unions can also, through collective agreement, establish independent bodies (reconciliation commissions, arbitrators, or mediators) to consider collective labor disputes before taking them to court. Labor disputes were primarily handled by local courts, which were widely considered corrupt. The ATUC and representatives of local unions sometimes helped plaintiffs with lawyers and legal advice. The ORDC pressured oil companies through alternate means to respect labor rights and rehire dismissed workers, for example through media pressure.

Unions were free to form federations and to affiliate with international bodies. The ATUC was a member of the ICFTU, and the Government, ATUC, and the non-governmental Employers' Confederation represented the country in the International Labor Organization (ILO). The Government also cooperated with the Russian Federation of Independent Trade Unions. During the year, the EKO-IS Trade Union joined the Commonwealth of Independent States Forestry Workers Trade Union Federation and the Forestry and Construction Workers Trade Union Federation in Switzerland.

b. The Right to Organize and Bargain Collectively.—The Law on Trade Unions provides for trade unions to conduct their activities without interference and independent of state bodies, institutions, political parties and public associations; however, in practice, most trade unions were not independent. According to a local

NGO, during the year the Ministry of Labor and Social Welfare took over the ATUC's legal and technical inspection responsibilities. The NGO also reported that the ATUC voted as a block for the ruling party in the 2002 parliamentary elections and the year's presidential election, and the ATUC chairman is a deputy in parliament. According to the ORDC, the Azerbaijan Union of Oil and Gas Industry Workers required its members to join the ruling New Azerbaijan Party.

Laws provide for collective bargaining agreements to set wages in state enterprises, but they did not produce an effective system of collective bargaining between unions and enterprise management. Government-appointed boards ran the major state-owned firms and set wages in accordance with the Unified Tariff Schedule. Unions did not effectively participate in determining wage levels.

The Constitution and the Law on Trade Unions provide for the right to strike; however, according to the ICFTU and the ILO, the Criminal Code restricted that right by imposing penalties of up to 3 years' imprisonment on striking workers who aimed to disrupt public transportation. The Labor Code prohibits retribution, such as dismissal or replacement, against strikers. Some classes of workers—including high-ranking executive and legislative officials, law enforcement and court employees, and health, electric power, water supply, telephone, fire fighting, and railway and air traffic control workers—are prohibited from striking. During the year, there were two large peaceful strikes to demand payment of unpaid wages.

There are no export processing zones.

c. Prohibition of Forced or Bonded Labor.—The Constitution allows forced or bonded labor only under states of emergency or martial law or as the result of a court decision affecting a condemned person; a law permits compulsory work in connection with the military or extreme situations based on legislative authorization and under governmental supervision. Although there were no reports of slavery or prison labor imposed by administrative or legislative authority, there were reports of forced or bonded labor, including trafficking of persons (see Sections 6.d and 6.f.). Two departments in the General Prosecutor's Office (the Department of Implementation of the Labor Code and the Department for Enforcement of the Law on Minors) were responsible for enforcing the prohibition on forced or bonded labor.

HRW reported in 2002 that officers in some military units secretly used conscripts as unpaid laborers on construction projects. According to a local NGO, this situation worsened during the year; private companies bribed detachment commanders to force their soldiers to work on the construction of government buildings and homes of governmental officials.

d. Status of Child Labor Practices and Minimum Age for Employment.—Under the Labor Code, children at the age of 15 may be party to an employment contract. With the consent of their parents, children at the age of 14 can work in family businesses or after-school jobs that pose no hazard to their health; 14-year-olds may not perform heavy or dangerous work or work at night. Children under the age of 16 may not work more than 24 hours per week; children between 16 and 18 years of age may not work more than 36 hours per week. The law prohibits employment of persons younger than 18 years old in jobs with difficult and hazardous work conditions. The Ministry of Labor and Social Security had primary enforcement responsibility for child labor laws. With high adult unemployment, there were few, if any, complaints of abuses of child labor laws. The ILO requested during the year that the Government more specifically limit access to employment of children under the age of 16 in compliance with the 1973 Convention on Minimum Age.

At year's end, the Government had not ratified the ILO Convention 182 on the worst forms of child labor.

There were reports that some parents forced their children to beg.

e. Acceptable Conditions of Work.—According to a new presidential decree, as of September 1, the minimum wage of \$5.60 (27,500 manats) was raised to \$9.20 (45,000 manats) per month and would be raised again to \$12.25 (60,000 manats) on January 1, 2004. The minimum wage for calculating pensions was \$17.35 (85,000 manats) per month. Several presidential decrees during the year raised the minimum wage of most government employees between 50 and 100 percent. The minimum wage was not sufficient to provide a decent standard of living for a worker and family. The recommended monthly wage level to meet basic subsistence needs was estimated to be \$96 (470,400 manats) per person. Most workers earned more than the minimum wage, and the average actual salary was \$73.50 (360,000 manats). Many relied on the safety net of the extended family or on remittances from relatives working in Russia. Combinations of these and other strategies were the only way for broad sectors of the urban population to reach a subsistence income level.

The Labor Code limits the legal workweek to 40 hours, and the maximum daily work shift is 12 hours. The Labor Code prohibits laborers in physically, chemically, or biologically hazardous industries from working more than 36 hours per week. The Labor Code requires lunch and break periods, which were determined by labor contracts and collective agreements. The Government attempted to enforce this law in the formal sector, but not in the informal sector, where the majority of persons worked.

Health and safety standards existed but were widely ignored; the Government weakly and ineffectively inspected working conditions on a regular basis. The Law on Trade Unions provided for unions to monitor compliance with labor and trade regulations, including safety and health conditions and workers' standard of living; according to the ATUC, from 1997 to 2002, it inspected 2,000 enterprises and organizations and found 14,000 legal and technical violations. The outcome of these inspections was virtually invisible to most workers. No official complaints were registered during the year. Workers could not leave dangerous work conditions without fear of losing their jobs. According to the ORDC, two SOCAR workers at Gum Adasi ("Sand Island") were lost at sea on March 25, after falling from separate platforms in the absence of rescue equipment; the ORDC reported that eight oil workers died under similar circumstance in 2002.

The law provides foreign workers the same rights as citizens. During the year, the Government drafted a migration management policy, which included programs regarding forced migration and labor resources.

f. Trafficking in Persons.—There are no laws that specifically prohibit trafficking in persons, although traffickers may be prosecuted under articles prohibiting forced prostitution, forced labor, and forgery of travel documents; trafficking in persons remained a problem. There were unconfirmed reports that corruption by officials facilitated trafficking.

Under the Criminal Code, the act of forcing an individual into prostitution carries a 10- to 15-year jail term, which is a harsher sentence than in the previous code. The Criminal Code provides penalties for persons who enslave, rape, or coerce children into prostitution. The Criminal Code is not limited to citizens, but it has no extra-territorial effect. The October presidential election slowed the response of the presidential administration to begin modifying the Criminal Code to include anti-trafficking legislation in compliance with the Protocol.

During the year, there were 17 cases of "coercion into prostitution" and 3 cases of "coercion of minors into prostitution or immoral activities" referred to the courts. In 2002, four persons whom international organizations considered to be traffickers were prosecuted under forgery laws in the Criminal Code.

According to the IOM, the country was primarily a country of origin and a transit point for trafficked women, men, and children. In a 2002 report, the IOM documented approximately 32 cases of trafficking victims from the country. The IOM reported that Azeri, Russian, and Georgian women were most often trafficked from, or via, the country to the United Arab Emirates (UAE) and Turkey for work in the sex industry. There were also reports of internal trafficking from the rural regions to the capital of Baku. Primarily Iranians, Iraqis, Afghans, and migrants from south Asia were smuggled via the country to Europe—particularly Germany, Sweden, France, and the Netherlands—and possibly the United States, where they may have had their passports confiscated, been subjected to forced labor, and/or sought asylum. Traffickers generally targeted women; however, there also were cases in which men and children were victims of trafficking.

Traffickers identified by the IOM were either foreigners or ethnic Azerbaijanis who acted in loose international networks, probably without central coordination. Victims were approached directly and indirectly through friends and relatives. Traffickers also used newspaper advertisements offering false work abroad. According to the Society for the Defense of Women's Rights, draft-age men seeking to escape military service in 2000 were invited by local traffickers to work in the hotel industry in Turkey, but ended up in male brothels; however, the IOM was not aware of such reports. Another NGO reported that families of young women had been approached by individuals claiming that visiting Iranian businessmen had seen their daughters and wished to marry them. Following parental permission for such marriages, the women were transported to Iran to work as prostitutes. According to the IOM, families sometimes willingly married their daughters to wealthy men in Iran and turned a blind eye to their outcomes.

There was no evidence of government complicity in the facilitation of the trafficking of persons; however, NGOs suspected that lower-level civil servants accepted bribes from traffickers in exchange for overlooking to their activities.

The MIA, the Ministry of Labor and Social Protection, the Ministry of National Security, and the Border Guards were responsible for antitrafficking efforts. There

were no government antitrafficking campaigns. There was no mechanism to return trafficked women to Azerbaijan; according to the IOM, there were deportations of Azerbaijani and third country nationals back to the country for trafficking or prostitution, particularly by Turkey and UAE, but the Government had no program to assist trafficked victims who were returned to the country, pending implementation of the national plan of action.

Several NGOs and the State Committee for Women's Issues dealt with the problems of trafficking in women and prostitution. The IOM provided training to domestic NGOs to operate emergency hotlines and secure accommodations for trafficking victims and conducted awareness campaigns; in 2002, it completed a study of trafficking in the country.

BELARUS

According to its amended Constitution, the country is a republic with a directly elected President. President Alexander Lukashenko intensified his attack on democratic institutions. First elected in 1994, Lukashenko amended the 1994 Constitution in 1996 through a seriously flawed referendum and extended his term in office in 2001 through an election process that the Organization for Security and Cooperation in Europe (OSCE) described as neither free nor fair. In March and November, local elections were held that were neither free nor fair. The judiciary is not independent.

The Committee for State Security (KGB) and the Ministry of Internal Affairs (MVD), both of which report directly to the President, share law enforcement and internal security responsibilities. The Presidential Guard—created initially to protect senior officials—continued to act against the political enemies of the Lukashenko Government with no judicial or legislative oversight. Apart from the President, civilian authorities did not maintain effective control of the security forces. Members of the security forces committed numerous serious human rights abuses.

The economy was centrally planned with industry accounting for approximately half of economic output. The country had a population of just under 10 million, although this number was decreasing. The majority of workers were employed in the state industrial and state agricultural sectors. In the state sector, wages were lower than the national average and wage arrears were chronic though often of short duration and limited scope. The living standards for many segments of society remained low. The Government reported GDP growth of 6.3 percent, but wages remained flat (and decreased against the euro), averaging approximately \$130 per month. While unemployment remained low at 3.5 percent, underemployment was widespread.

The Government's human rights record remained very poor and worsened in some areas; although there were improvements in a few areas, it continued to commit numerous abuses. Authorities effectively continued to deny citizens the right to change their government. Authorities did not undertake serious efforts to account for the disappearances of well-known opposition political figures in previous years and continued to discount credible reports regarding the Government's role in those disappearances. Police abuse and occasional torture of prisoners and detainees continued. There were also reports of severe hazing in the military forces. Prison overcrowding remained a problem. Security forces arbitrarily arrested and detained citizens, and the number of politically motivated detentions remained high, although most of these detentions were for short periods. Security services continued to infringe on privacy rights and freedom of movement by closely monitoring the activities of opposition politicians, human rights organizations, and other segments of the population.

The Government continued to restrict freedom of speech and of the press, and did not respect freedom of assembly or association. The Government introduced several new decrees that further restricted these freedoms. It intensified an assault on the independent media that resulted in the closure of several newspapers and the jailing of journalists on libel charges. It severely restricted the activities of NGOs, closing many of them. Religious freedom was severely restricted, and the Belarusian Orthodox Church (BOC) was favored as the expense of nontraditional religions. The Government restricted freedom of movement. Opposition political parties and movements were subjected to increased pressure through both judicial and extrajudicial measures, including physical abuse of political opponents. Security agents closely monitored human rights organizations and hindered their efforts. Societal violence and discrimination against women remained significant problems. Authorities con-

tinued to restrict severely workers' rights to associate freely, organize, and bargain collectively. Trafficking in women and children remained a problem, which the Government took some steps to address.

RESPECT FOR HUMAN RIGHTS

Section 1. Respect for the Integrity of the Person, including Freedom From:

a. Arbitrary or Unlawful Deprivation of Life.—There were no reports of the arbitrary or unlawful deprivation of life committed by the Government or its agents.

There was no credible government effort to solve the disappearances and presumed killings of journalist Dmitry Zavadsky in 2000 and opposition figures Yury Zakharenko, Viktor Gonchar, and Anatoliy Krasovsky in 1999 (see Section 1.b.). Observers suspected that Zakharenko, Gonchar, and Zavadsky, who each worked for the Lukashenko Government prior to joining the opposition, were killed because of their involvement with the opposition. Zavadsky was officially declared deceased on November 28, although no body was found.

On December 31, the Minsk City Court convicted two police officers who had been charged with beating a homeless man to death in September 2002.

After an investigation by independent foreign experts, a court in Ukraine ruled that the 2002 death of Ukrainian journalist Mykhailo Kolomyets in the country was a suicide.

b. Disappearance.—There were no confirmed reports of politically motivated disappearances.

The disappearances and presumed killings of television cameraman Dmitry Zavadsky, former Minister of Internal Affairs Yury Zakharenko, 13th Supreme Soviet Deputy Chairman Viktor Gonchar, and opposition supporter Anatoly Krasovsky remained unresolved despite the 2002 conviction of four members of the SOBR (a special Ministry of the Interior SWAT team). There were credible reports of involvement of senior government officials in the disappearances. Such reports were reinforced when President Lukashenko acknowledged to the press that he had ordered the security services to kidnap a former Belarus Ambassador and return him to the country (an order that was not carried out). The U.N. Commission for Human Rights (UNCHR) approved a resolution on April 17 urging the Government to conduct an impartial investigation of the disappearances of Krasovsky, Gonchar, Zakharenko, and Zavadsky, and to begin by suspending those senior officials suspected of involvement (see Section 4); however, the Government made no credible effort to solve these cases during the year. The Parliamentary Assembly of the Council of Europe sent a Special Rapporteur to investigate the disappearances of Krasovsky, Gonchar, Zakharenko and Zavadsky; a report on this investigation was pending (see Section 4).

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—Both the 1994 and 1996 Constitutions prohibit such practices; however, police and prison guards regularly beat detainees and prisoners. By law, police and prison officials may use physical force only against detainees and prisoners who are violent, have refused to obey the instructions of the prison administration, or have violated "maliciously" the terms of their sentences. However, human rights monitors repeatedly reported that investigators coerced confessions through beatings and psychological pressure.

Police and plainclothesmen occasionally beat individuals while arresting them or holding them in detention. On July 23, police beat Dmitry Dashkevich, Artur Finkevich, and 16-year-old Oleg Gnedchik during their arrest for posting political fliers. Police did not respond to a complaint by Gnedchik's parents requesting criminal proceedings against the responsible police officers by year's end.

The Minsk Prosecutor's office did not institute proceedings against the police in response to Dmitry Dashkevich's complaint of brutality during his arrest and detention in February 2002.

During the year, a Brest court sentenced a policeman to 100 hours of public service after a judge convicted him of groundlessly beating Pyotr Savchuk and causing what was termed minor injuries. Savchuk suffered a cerebral injury, a concussion, and several contusions and spent 12 days in the hospital. According to Savchuk, the judge repeatedly suggested that Savchuk drop the trial and settle out of court (see Section 1.e.).

Police also beat participants in demonstrations and delayed medical care while they were in detention (see Section 2.b.). Retired police Lieutenant General Myacheslav Grib told journalists in 2002 that the police enjoyed "permissiveness and impunity for several years." He said that police violence against peaceful street demonstrators, which had become an ordinary occurrence and was almost encour-

aged by authorities, had made the process uncontrollable and that more individuals were victims of ill treatment.

On March 26, police pulled Anton Kishkurno out of a car and beat him during his arrest for failure to produce documents. Kishkurno was waiting outside of a courtroom where his father faced trial for organizing an unauthorized demonstration. He suffered a broken arm and facial injuries; after a short detention, Kishkurno was taken to a hospital. His trial was postponed on several occasions because of the failure of police officials to appear.

During the year, unknown persons attacked several political opponents of the Government. For example, three men attacked Vladimir Kolas on May 31, just 3 days after his controversial replacement as head of a prominent school that teaches in the Belarusian language. Unknown assailants attacked academicians Yevgeni Babossov on July 11 and Radim Goretski on January 17; some considered these attacks to be attempts to intimidate the Belarusian intelligentsia. On September 24, an unidentified man attacked Oleg Volchek, leader of the Association for Legal Assistance to the Population, hit him in the face, and then disappeared. The assault took place just 2 weeks after a Minsk court shut down the Association. No arrests were made nor were charges filed in these cases by year's end. There were no developments in the 2002 assaults on opposition figures and Hindu believers, including those on Aleksei Korol, Tatyana Zhilevich, and Viktor Polevnikov.

Dedovshchina—the practice of hazing new army recruits through beatings and other forms of physical and psychological abuse—reportedly continued. During 2002, the most recent date for which information is available, 15 criminal charges were brought against servicemen accused of beating their subordinates and disciplinary action was taken against 160 officials. The Government asserted that the overall crime rate in the armed forces had decreased by 35 percent, but no data on hazing incidents was available. The authorities blocked efforts by family members and human rights monitors to investigate these and other reports of Dedovshchina.

Prison conditions remained poor and were marked by severe overcrowding, shortages of food and medicine, and the spread of diseases such as tuberculosis, syphilis, and HIV/AIDS. On October 23, Interior Minister Naumov stated that the prison population exceeded its capacity by 21 percent. Credible reports indicated that prison guards regularly beat detainees and prisoners. According to Vladimir Kudinov, a member of the disbanded Parliament and vocal critic of the Lukashenko Government who spent 4 years in prison, torture was widespread in prisons. Several persons held in administrative detention complained about conditions and claimed that authorities ignored their complaints.

According to human rights monitors, conditions in prison hospitals were also poor. In prisons, the average amount of space provided for each inmate was 1.2 square yards. Interior Minister Vladimir Naumov stated that the prison population, 52,500, exceeded total capacity by 20 percent. In many cases, food provided in prisons did not meet minimum medical requirements or accommodate dietary restrictions. Unlike in previous years, the Belarusian Helsinki Committee reported that food was not denied to prisoners during the year. Valery Levonevsky, an opposition activist jailed for an unauthorized protest, stated that inmates were denied the opportunity to exercise and that food did not meet minimum sanitary standards. In December 2002, the Constitutional Court ruled that prisons must consider appeals against prison-imposed punishments; however, prisons refused to consider such appeals on the grounds that there were no laws outlining the procedures for handling such appeals.

Tatyana Yelovaya, an activist of the youth group Zubr serving a 10-day sentence for participation in an unauthorized protest, complained that guards ignored her requests for medical attention for several hours before calling for a doctor, who directed that she be taken to a hospital (see Section 2.b.).

According to prison policy, male and female prisoners were held separately. Juveniles were held separately from adults, and pretrial detainees normally were held separately from convicted prisoners; however, due to prison overcrowding, they occasionally were held together.

At times, authorities granted human rights monitors access to observe prison conditions; however, only family members and lawyers were permitted to visit individual prisoners during the year. On October 28, the Ministry of Interior denied the request of several international observers to visit a prison in Mozyr, Gomel Region.

d. Arbitrary Arrest, Detention, or Exile.—The law places limits on arbitrary detention; however, security forces continued to arrest and detain citizens arbitrarily. Such detentions most often were connected with demonstrations, many of which the authorities had refused to authorize (see Section 2.b.). Politically motivated arrests continued, although most of those arrested were released within a few hours or days.

Under the law, the President has the right to subordinate all security bodies to his personal command. The Presidential Guard—created initially to protect senior officials—continued to act against the political enemies of Lukashenko with no legislative or judicial oversight. Impunity remained a serious problem. The authorities often did not investigate abuses by the security forces or hold the perpetrators accountable. Credible reports indicated that petty corruption among police was widespread.

Both the Criminal Procedure and Administrative Codes specify that police may detain a person for up to 3 hours without providing any explanation for the detention, and the authorities frequently used this provision to detain opposition members and demonstrators. According to the Criminal Code, police may detain a person suspected of a crime for 24 hours without a warrant, within which time the procurator is notified. The procurator then has 48 hours to review the legality of the detention. If the procurator finds that the detention is legal, a suspect may be held for a maximum of 10 days without a formal charge. However, once the decision is made to hold a suspect, formal charges generally are filed. Once a suspect is charged, a trial must be initiated within 2 months, although in some cases the procurator general may extend pretrial detention to 18 months for further investigation. Alternatively a suspect who has been charged may be released on a written pledge not to flee, in which case there is no time limit on pretrial investigation. The law gives detainees (rather than the procurator) the right to petition the court to determine the legality of their detention. In practice, the appeals of suspects seeking court review of their detentions were frequently suppressed because detention officials were unwilling to forward the appeals. No provision for bail exists under the legal code.

There was credible evidence that prosecutors charged and courts convicted individuals on false charges. A Minsk city court sentenced Viacheslav Sivchik to 15 days of administrative detention for participating in a banned protest despite photographic evidence and testimony showing that Sivchik was giving an interview at the time of the protest.

Despite legal protections, investigators routinely failed to inform detainees of their rights and conducted preliminary interrogations without giving detainees an opportunity to consult counsel. In some cases, the information gained in interrogations conducted without counsel was used against the defendant in court. Access by family members to those detained was at the discretion of the investigators and they frequently were not notified when a family member, even a juvenile, was detained.

There were several reports that individuals and members of organizations involved in publishing opposition media were arrested and detained (see Section 2.a.). Unidentified plainclothes officials working for the security services also regularly apprehended and detained individuals engaged in anti-government demonstrations and in the distribution of opposition materials. Security officials also held some detainees incommunicado following demonstrations. In addition to the hundreds of anti-government protesters, many of whom authorities held for several hours or days, authorities also held several prominent political detainees for prolonged periods of time in pretrial detention.

Lengthy pretrial detention was common, although statistics on the number of persons in pretrial detention and the average length of such detention were not available. Mikhail Leonov, director general of the MTZ tractor factory, remained in pretrial detention from January 2002 until December 23, when he was convicted on embezzlement charges. On June 12, Leonid Kalugin, former director of the Atlant refrigerator factory, was released after 6 months in administrative detention and over 12 months of restricted freedom under the provisions of the 2002 Amnesty Law. On August 22, Viktor Rakhmanko, former chief of Belarusian railroads and member of the upper house of parliament, was convicted of abuse of power and forgery; he was released as his sentence matched the 21 months he had spent in pretrial detention and under house arrest.

While the Constitution does not address forced exile and the authorities did not generally use forced exile, there were credible reports that the security services threatened opposition political activists and trade union leaders with criminal prosecution or physical harm if they did not cease their activities and depart the country.

e. Denial of Fair Public Trial.—The 1994 Constitution provides for an independent judiciary; however, in practice the judiciary was not independent and was unable to act as a check on the executive branch and its agents. The 1996 Constitution further subordinated the judiciary to the executive branch by giving the President the power to appoint 6 of the 12 members of the Constitutional Court, including the chairman. The Council of the Republic, which itself is composed of individuals appointed by the President or those deferential to the President, appoints the

remaining 6 members. The President appoints the chairmen of the Supreme Court and the Supreme Economic Court. The President also has the constitutional authority to appoint and dismiss all district and military judges. There were reports that some judges attempted to influence defendants to alter their pleas (see Section 1.c.).

The criminal justice system has three tiers: District courts, regional courts, and the Supreme Court. The Constitutional Court was established to adjudicate serious constitutional issues; however, it was dependent on the executive branch. In practice, it did not challenge presidential initiatives, and had no means of enforcing its decisions.

Prosecutors, like the courts, are organized into offices at the district, regional, and republic levels. They ultimately were responsible to and serve at the pleasure of the Procurator General, who was appointed by the Council of the Republic. Prosecutors were not independent and did not have the authority to bring charges against the President or the Presidential Administration.

Both the 1994 and 1996 Constitutions provide for public trials, although there can be exceptions in cases established by law (for example, in cases of rape or on grounds of national security); however, the courts frequently held trials in judges' offices, which prevented some interested observers from monitoring certain trials. Judges adjudicated trials; juries determine innocence or guilt only in the case of capital offenses in which the defendant pleads not guilty and demands a jury trial. Since judges were dependent on the Ministry of Justice for sustaining court infrastructure and on local executive branch officials for providing their personal housing, there were widespread and credible reports that executive and local authorities dictated the outcome of trials to the courts.

Defendants have the legal right to attend proceedings, confront witnesses, and present evidence on their own behalf; however, in practice these rights were not always respected. The law provides for unlimited access to legal counsel for detainees and that the court appoint one for those who cannot afford a lawyer; however, at times these rights were not respected.

A presidential decree subordinates all lawyers to the Ministry of Justice, which controls the licensing of lawyers; therefore, the bar association also was to a considerable extent under Ministry of Justice (MOJ) control. According to international legal experts and human rights monitors, the decree seriously compromised the independence of lawyers from the authorities. Several lawyers claimed that they were told they would not receive licenses because of their activities in non-governmental organizations (NGOs) or political parties.

Article 62 of the Constitution provides for the right to freely choose legal representation; however, Presidential Decree number 13 prohibits members of NGOs from representing individuals other than members of their organizations in court. This decree was used on several occasions during the year to deny NGO members the right to defend individuals in court and was also used as a pretext to close certain NGOs (see Section 4). On April 28, a court in Mogilev refused to permit Barys Bukhel of the human rights NGO Vyasna to represent an individual in a civil trial, despite the fact that he was acting as a private citizen.

The Constitution establishes a presumption of innocence; however, in practice defendants frequently had to prove their innocence. According to 1998 statistics, the latest available, from the Belarusian Helsinki Committee, criminal charges were brought by prosecutors against 59,700 individuals. Of these, only 272, or fewer than 0.5 percent, were found to be not guilty. Both defendants and prosecutors have the right to appeal court decisions, and most criminal cases were appealed; however, appeals rarely resulted in reversals of verdicts. In an appeal, neither defendants nor witnesses appear before the court; the court merely reviews the protocol and other documents from the lower court's trial. Throughout the year, anti-government protestors arrested after demonstrations were subjected to assembly-line style trials, often without opportunity to exercise their right to counsel or the opportunity to present evidence or call witnesses (see Section 2.b.). On February 12, the Presidium of the Supreme Court and the board of the MOJ stated that in 2002 only 1.3 percent of verdicts by district courts were overturned and that only 17 persons were ruled to have been wrongfully convicted.

There were no reports of political prisoners; however, authorities continued to use administrative measures to detain political activists before, during, and after protests.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The Constitution prohibits such actions; however, these rights were not respected in practice. The interception of telephone and other communications without a court order is prohibited; however, in practice authorities continued to monitor residences, telephones, and computers. The KGB, MVD, and certain border guard detachments may use wiretaps, but under the law they must obtain a prosecutor's permission be-

fore installing them; however, the KGB entered homes, conducted unauthorized searches, and read mail without warrants.

The prosecutor's office exercised no independence from the Government, effectively rendering the due process protections regarding wiretaps meaningless. The Administrative Offenses Code provides penalties for those who obstruct KGB officers in the performance of their duties. Any effort to prevent KGB officers from entering the premises of a company, establishment, or organization is an administrative offense, as is any refusal by such entities to allow audits or to deny or restrict access to company information systems and databases. Contracts used by the Ministry of Communications for supplying telephone service prohibit subscribers from using telephone communications for purposes that run counter to state interests and public order. The Ministry has the authority to terminate telephone service to those who breach this provision; however, there were no reports during the year that the Ministry exercised this authority.

In most circumstances, night searches are prohibited; however, on the night of February 15, ten armed police officers searched the apartment of Valery Levonevsky after he returned from a meeting to plan a series of demonstrations. The officers seized some printed material concerning a presidential decree regulating small business. Mr. Levonevsky claimed the authorities refused to give him a copy of the search warrant.

Unknown intruders broke into the offices of several prominent opposition members and human rights NGO. Unknown intruders broke into the apartment of Vasily Golovatskikh, an opposition deputy in Novopolotsk. Papers were scattered and property was damaged but nothing was taken, according to Golovatskikh. Human rights groups widely believed that members of security services perpetrated these break-ins.

Nearly all opposition political figures reported that authorities monitored their activities and conversations; the Government did nothing to refute these reports. Representatives of certain NGOs also said that their conversations and correspondence were monitored routinely by the security services. The Procurator General declined to investigate charges of illegal wiretapping brought by members of the opposition.

The Presidential Guard or security service reportedly continued to conduct surveillance activities of the President's political opponents. There was no judicial or legislative oversight of the Presidential Guard's budget or activities, and the executive branch repeatedly thwarted attempts to exercise such oversight. Some officials were themselves monitored. Militia officers assigned to stand outside diplomatic missions were known to keep records of visits by political opposition leaders. On March 6, a panel of Minsk City Court judges threw out a complaint by United Civic Party leader Anatoly Lebedko over his 2002 detention; plainclothes officers who refused to identify themselves forcibly detained Lebedko near a foreign Embassy. The officers drove him to the KGB headquarters and issued him a formal warning that he would be charged with treason if he did not cease his contacts with foreigners. Some opposition figures expressed reluctance to visit foreign embassies due to fear of reprisals.

Harassment in the form of inspections by security officials and confiscation of political literature, often without warrants, was widespread. Targets included opposition candidates and their supporters. On September 30, customs officials searched the vehicle of Valery Frolov and Vladimir Parfenovich, members of the parliamentary opposition group Respublika, as it crossed the border from Lithuania. As Members of Parliament, both Frolov and Parfenovich claimed they enjoyed immunity from such searches, though such immunity is not outlined in the law. The director of the State Customs Committee stated that he ordered the search and claimed that at the state border there were no immune persons, and that he would search any vehicle he deemed necessary.

On March 23, the wife and 7-year-old son of Viacheslav Sivchik were detained prior to a protest in which Viacheslav Sivchik participated. This was considered a move to pressure Sivchik not to participate in the protest.

There were credible reports that the 2002 trials of Alexandr Chigir on charges of car theft and assisting in car hijacking were related to the political activity of his father, former Prime Minister Mikhail Chigir. Human rights observers widely believed that his 6-year sentence was disproportionate to the allegations of wrongdoing. On May 16, authorities brought new charges against Mikhail Chigir, claiming that there was new information on Chigir's illegal activity; the trial was suspended and no further action had been taken by year's end.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—Both the 1994 and 1996 Constitutions provide for freedom of speech as well as the freedom to receive, retain, and disseminate in-

formation; however, the Government restricted these rights in practice. Laws and decrees restrict freedom of expression by limiting citizens' use of symbols and words on posters and by overly broad interpretation of libel laws to restrict criticism of government officials and activities. During the year, the Government engaged in an apparently calculated campaign to restrict media freedom. The Government continued to make use of its monopoly on television broadcasting to present biased news coverage and to minimize the presentation of opposing points of view. On September 9, President Lukashenko called upon mass media to be used as an instrument for promoting a pro-government state ideology (see Section 3).

The executive branch continued its suppression of freedom of speech. A presidential decree prohibits a range of broadly defined activities and limits freedom of expression. The decree prohibits individuals from carrying placards or flags bearing emblems that are not officially registered with the State, as well as emblems, symbols, and posters that intend to harm the State and public order or rights and legal interests of the citizens. The decree also prohibits activities that demean state authorities. This decree was used to prosecute and fine those carrying symbols emphasizing the country's independence, such as the pre-Lukashenko red and white flag. Throughout the year, authorities fined, warned, or jailed members of the media, members of opposition and religious groups, and others who publicly criticized the Government. The defamation law makes no distinction between private and public persons in lawsuits concerning defamation of character. A public figure who was criticized for poor performance in office by a media outlet may ask the prosecutor to sue both the journalist and media outlet that printed the criticism.

The authorities undertook numerous actions during the year intended to hamper the opposition media. These included the continued use of: Libel laws, limitations on foreign funding, pressure on businesses not to advertise with independent media, limitations on access to newsprint and printing presses, censorship, restrictions on the import of media-related materials, temporary suspension of independent and opposition periodicals, and detention of those distributing such material.

The newspapers and other print media with the largest circulation were state-owned, although there also were a number of independent publications, some of which were critical of the Government. Independent newspapers were available widely in Minsk, but outside of the capital, variety was limited to the state-run national newspaper and local newspapers, only some of which were independent.

All nationally available radio and television broadcasts originating in the country were government-owned, although some broadcasts from other countries, including Russia, Poland, and Lithuania, could be received in many parts of the country. The two state-run television networks ONT and Belarusian Television were the only ones to broadcast nationwide. Both regularly featured reporting that was biased heavily in favor of the Government, sharply critical of opposition politicians and organizations, and failed to provide an outlet for opposing viewpoints. In October, a third state-owned television station, LAD, was established that broadcast to over half of the country, using a channel formerly used by the popular Russian television network Kultura and other Russian state television channels. Local, independent television stations operated in some areas and reported local news relatively unhindered by the authorities; however, most of these stations reported that they were under pressure not to report on national level issues or were subject to censorship.

All foreign media correspondents are required to register with the Ministry of Foreign Affairs. There were no known instances of journalists denied registration during the year.

Unlike in 2002, there were no incidents in which the independent journalists were beaten. There was no indication that the authorities would investigate or prosecute those responsible for the beatings in 2002 of Oleg Suprunyuk, Yuri Grimenyuk, or Stanislav Pochobut.

On November 29, police detained eight opposition activists for distributing a questionnaire for a street poll about a possible referendum to enable President Lukashenko to run for a third presidential term. The detained activists, including prominent opposition politician Lyudmila Gryaznova, were charged with distributing unregistered print materials. Gryaznova was later fined \$12 (25,000 rubles). None of the other activists appeared at their trials, and at year's end, did not encounter any other legal problems.

In September, the Government released the text of a draft media law that would require media outlets, including Internet outlets, to reregister with the Government, refute any information considered false and libelous, and stipulate that journalists may be stripped of their accreditation should they publish such information. The draft law also includes provisions that severely limit the provision of international financial assistance to media outlets, prevents media outlets from publishing mate-

rials from unregistered organizations, and requires journalists to “truthfully” report in their articles. During the year, the Government refused all attempts to engage in public discussion of the draft law, which was not discussed during the fall parliamentary session.

On January 9, Minsk authorities fined Oksana Novikova approximately \$6 (12,000 rubles) for criticizing President Lukashenko and the Government after she published an open letter calling for the President’s resignation. In April, Novikova received a 2-year suspended sentence for distributing leaflets critical of Lukashenko at a metro station. In August, Novikova was fined approximately \$1,333 (2.8 million rubles) for illegally protesting in front of the Presidential Administration. On September 8, Novikova was fined \$2,000 (4.2 million rubles) for displaying a sign in support of the Association for Legal Assistance to the Population during its liquidation trial; Novikova appealed the fine and on October 6, a Minsk court dismissed the charge. By year’s end, Novokiva faced additional charges after holding similar demonstrations on November 24 and December 11.

The Government’s use of presidential decrees was another obstacle for independent press. A presidential decree “On Improving the System of Receipt and Use of Humanitarian Assistance,” allegedly aimed at stopping foreign-supported seditious activity, specifically prohibits foreign-supported activities directed at alteration of the constitutional order, overthrow of state power, or encouragement of such activities; preparation, administration, and organization of elections, referenda, organization of meetings, rallies, demonstrations, pickets, strikes, publication, and distribution of promotional materials, organization of seminars, and other types of promotional activities involving the population. The decree was the basis for a nationwide crackdown during the electoral campaign on independent media outlets and independent NGOs, many, if not most, of which were supported by the international community.

The Government utilized tax inspections, safety inspections, and confiscation of printed matter and equipment to immobilize much of the pro-democratic opposition throughout the campaign, thus severely restricting freedoms of speech and expression (see Section 1.f.).

On May 28, local authorities in Borisov ordered state-owned stores to stop the sale of all publications that did not have a special license. Independent newspapers complained that the process of obtaining such licenses, which require the approval of 20 local agencies, was difficult and expensive.

Authorities continued to pressure independent newspapers. The law specifies that the Government may close down a publication after two warnings. Regulatory provisions grant authorities power to ban and censor critical reporting; for example, the State Committee on the Press was given authority to suspend the publication of periodicals or newspapers for 3 months without a court ruling. Amendments to the law prohibit the media from disseminating information on behalf of political parties, trade unions, and NGOs that are not registered with the MOJ.

On May 28, the Ministry of Information suspended the popular independent newspaper *Belaruskaya Delovaya Gazeta* (BDG) after giving the newspaper two warnings for articles critical of the Government. The articles reported on the use of President Lukashenko’s personal airplane by a Russian model who had visited Lukashenko and provided information about the trials of Mikhail Leonov, former director of the Minsk Tractor Factory, and Viktor Kazeko, former President of the Belarusian State Food Industry Concern. The Government allowed BDG to resume publishing and distribution activities in August; however, BDG was unable to find a printing press in the country willing to print the newspaper and was forced to use a printing press in Russia.

Following BDG’s suspension, the Government undertook what appeared to be a systematic campaign to punish any entity that printed or published BDG articles through suspensions, fines, personnel dismissals, and deprivation of access to printing presses. Actions included the June 4 suspensions of the independent trade union paper, *Solidarnasts*, the independent newspaper *Navinki*, and the newspaper *Echo*, all of which had provided space for BDG’s articles. Vladimir Telesh, the director of the printing press that printed *Solidarnasts*, *Navinki*, and *Ekho* was fired from his position for his “failure to meet the provisions of the contract in accordance with the existing law.” On June 19, the Ministry of Information suspended *Predprinimatelskaya Gazeta* for 3 months after the newspaper published a June 8 article regarding Telesh’s dismissal. On July 22, a state-run printing house in Slonim refused to continue printing the independent newspaper *Mestnaya Gazeta Shag* after it began printing BDG’s articles in its paper. After their suspensions ended, none of these newspapers were able to secure contracts with local printing presses.

On September 23, the Minsk Regional Economic Court upheld a 2002 decision by the Minsk Oblast Executive Committee to liquidate Mestnoye Vremya Press Ltd, the owner of the independent newspaper Mestnoye Vremya, allegedly for failing to provide notification of the company's change of address and charter. The decision was made despite the fact that in April, the Minsk City Economic Court had overruled the 2002 decision and ordered the restoration of the company's registration.

In February, the Grodno Regional Economic Court ruled that the publisher of the independent newspaper Novaya Gazeta Smorgoni, Romulad Ulan, had violated tax, safety, and labor regulations following a 2002 inspection by the State Control Committee (SCC) of the newspaper. Ulan was stripped of his status as an individual entrepreneur. On April 26, a court in Smorgon fined Nikolai Slizh, a farmer who began to publish the newspaper from his farm, approximately \$120 (240,000 rubles) for illegally printing the newspaper, and ordered the seizure of all profits generated through the sales of the newspaper. Following the court's ruling, the Lida branch of the Belarusian Language Society published the newspaper until July, when Ulan's wife took over as publisher of the newspaper. On October 2, the Ministry of Information suspended publication of the newspaper for up to 3 months alleging that Ulan's wife had no right to engage in publishing activities, despite existing legislation that allows individuals and legal entities to publish newspapers. The decision was made despite the fact that Ulan's wife also had successfully defeated attempts by local authorities to deny her registration as an individual entrepreneur, which granted her the right to engage in newspaper publication. In November, Ulan's wife filed a lawsuit in the Grodno regional economic court against the local authorities' decision against her. The case was then transferred to the Supreme Economic Court.

In November, Ulan began publishing Novaya Gazeta Smorgoni under another name, Mestnaya Gazeta. On December 24, police detained a minibus carrying 5,700 issues of the independent newspaper Mestnaya Gazeta. Romulad Ulan and the driver were forced to go to the police station but were released 2 hours later when police were unable to find any legal violations. On December 26, police sealed the newspaper's offices after fire safety officials determined that the fire safety code violations found on December 23 had not been rectified. However, fire safety officials in Grodno later determined that the local fire safety officials had exceeded their authority and the offices were unsealed on December 29.

On July 28, the Ministry of Information annulled the registration of the independent newspaper Den, because the newspaper had not published within 1 year of its last issue. On August 26, the Ministry of Information revoked its annulment after it became aware that the newspaper had published an issue of the paper within the past year. Despite being allowed to resume publication, Den was unable to secure an agreement with printing presses to publish the newspaper.

On November 27, the Presidential Administration successfully insisted that as a condition of President Lukashenko's appearance on a televised live debate on a Russian television show called Freedom of Speech, the station remove 21 representatives of independent media and civil society from the list of intended participants.

On December 16, two opposition activists were each fined \$80 (165,000 rubles) for distributing copies of a newspaper called Supratsiw (Against) that did not contain information about the publisher.

On December 27, BSTRC granted the state-owned news agency BelTa the exclusive right to distribute weekly television listings through media outlets starting January 1, 2004. The decision, made by the Presidential Administration, raised fears among independent newspapers that they will be denied access to these listings and may face a decline in readership of their newspapers.

The independent press is prohibited by presidential decree from using the country's name in its titles. The decree on "the Use by Legal Entities of the Name of the Republic" allows only legal entities specially authorized by the President to use the name of the country in their titles. Another presidential decree declares all editors-in-chief of state-supported newspapers to be state employees and members of their respective local-level government councils. Another decree grants the Ministry of Press the authority to assign graduates of state-supported journalism schools to work in state-owned media organizations as a way to repay their schooling.

Beginning on June 7, all radio stations were required to forward copies of the news stories and play lists they had broadcast to the Ministry of Information.

On January 2, the SCC seized audio and video recording equipment from the office of the Belarusian Union of Filmmakers that was donated by a Russian company on the grounds that the organization improperly prepared documents proving ownership and customs clearance of the equipment. After the Government issued a decree in 2002 transferring responsibility for registering electronic media from the Ministry of Communications to the Ministry of Information, all electronic media out-

lets were required to reregister with the Ministry of Information. According to the Belarusian Association of Journalists, the authorities did not reject any reregistration applications from electronic media outlets.

The law allows for punishment of public insults or libel against the President by up to 4 years in prison, 2 years of *khimya* (detention in internal exile), or by a large fine. The authorities also continued to make use of the articles in the Criminal Code that prohibit slandering and insulting the President or officials to stifle press freedom. The Criminal Code provides for a maximum penalty of 5 years' imprisonment for such offenses. According to the Belarusian Association of Journalists (BAJ) President Zhana Litvina, the laws penalizing slander of officials effectively imposed a ban on press criticism of the Government. On September 2, the Constitutional Court, in response to a BAJ petition in July, asked the National Assembly for clarification of these articles, and suggested adding a clause decriminalizing criticism of officials if it does not defame or dishonor them, or use offensive language. However, the National Assembly took no action by year's end.

In March, Nikolai Markevich, editor in chief of the opposition newspaper *Pahonia*, and *Pahonia* journalist Pavel Mozheiko were released from their respective detention facilities in Osipovichy and Zhlobin. They were sentenced to 2.5 and 2 years of *khimya* respectively for printing libelous information about President Lukashenko. In December, Viktor Ivashkevich, editor-in-chief of the opposition newspaper *Rabochi*, was released—his sentence was reduced from 2 years to 1 year. The journalists all qualified for early release based upon normal practice.

On February 24, the Ministry of Information ordered the opposition newspaper *Vcherny Stolin* to suspend its printing activities for 3 months for alleged "flagrant violations" of the law, inciting social intolerance, and publishing classified material about a police investigation into corruption in the local government without permission. The Ministry also cited the newspaper's failure to properly report that the newspaper was switching the focus of its reporting from economic issues to political issues. On March 8, following *Vcherny Stolin*'s suspension, Alexander Ignatyuk, editor-in-chief of *Vcherny Stolin*, launched another newspaper, *Provintsialka*, which continued to provide critical reporting of local officials. A local official successfully sued the newspaper over a report accusing the official of accepting a bribe and was awarded approximately \$990 (2 million rubles). On April 18, the Ministry of Information suspended *Provintsialka* for 3 months on the grounds that *Provintsialka* exceeded its advertising limit. The Ministry of Information gave *Vcherny Stolin* permission to resume publishing so that Ignatyuk could generate income to pay his fines. Publication was resumed in April. On December 26, Ignatyuk was fined approximately \$8 (17,500 rubles) after an article in *Vcherny Stolin* compared a local official to a gangster.

In addition to the March 8 fine, local officials who were accused of corruption and abuse of power sued Ignatyuk on three other occasions during the year. Local courts convicted Ignatyuk for libeling these officials, and levied fines of over \$2,500 (5 million rubles) against him.

On November 17, a Minsk City Appeals Court panel levied heavy libel fines against the country's largest daily independent newspaper *Narodnaya Volya* and two journalists for an article written 2 years ago. The appellate court increased the amount of damages three to five times over what a lower court previously levied against the newspaper and the journalists. It made this decision in spite of the regional prosecutor's legal opinion that the fine far exceeded the damages suffered by the complainant. The article alleged that Yegor Rybakov, head of the Belarusian State Television and Radio Company (BSTRC), was responsible for the company's decline and suggested that Rybakov was partly responsible for the death of a BSTRC employee.

In 2002, the Prosecutor General's Office initiated libel proceedings against BDG journalist Irina Khalip. In response to Khalip's articles about official investigations into the alleged corrupt business practices of Viktor Kozeko, the former head of a large state-owned food concern, *Belgospisheprom*, and his son. The Prosecutor's Office also issued a warning to *Delaya Sluzhebnogo Polzovania*, a monthly supplement featured in BDG. At year's end, no further developments had occurred.

On June 28, the Ministry of Interior expelled Pavel Selin, a journalist with the Russian television station NTV and banned him from returning to the country for 5 years. The expulsion order came following Selin's reporting on the June 25 funeral of the prominent Belarusian writer Vasili Bykov. Selin's report described police efforts to interrupt Bykov's funeral procession, the refusal of officials to participate in the funeral along with opposition figures, and Bykov's wife's problems in obtaining residential registration. On July 8, the Government announced the closure of NTV's Minsk office until NTV issued a formal apology for Selin's report. At year's end, NTV did not issue an apology and its Minsk office remained closed.

Prior to the March 2 local elections, on February 6, one radio station in Vitebsk denied a local opposition candidate the opportunity to address radio listeners on a radio program, although three other candidates were able to do so.

According to the BAJ, independent newspapers in the provinces engaged in self-censorship.

During a March visit to Orsha, Culture Minister Leonid Guliaka ordered the removal of several opposition and independent newspapers including *Narodnaya Volya* and BDG from a local library because “damaging opposition press has no business in a cultural center.”

A Council of Ministers decree specifically prohibits the import and export of printed, audio, and video materials, or other news media containing information “that could damage the economic and political interests of the country.” On June 11 and June 18, authorities seized shipments of the independent newspaper *Predprinimatelskaya Gazeta*, which printed articles from BDG.

On July 6, officials from the Ministry of Culture and the Minsk City Executive Committee ordered the removal of a painting by Alexei Marochkin at an art exhibit marking the 750th anniversary of the coronation of Grand Duke Minduah, the founder of the Grand Duchy of Lithuania. The painting depicted a critical comparison between Lukashenko and Duke Minduah.

Although there were several Internet service providers in the country, they were all state controlled. The Government’s monopoly on Internet service resulted in high prices, poor quality, limited service, and allowed the Government to monitor practically all e-mail. Unlike in previous years, there were no confirmed instances of authorities selectively cutting off Internet access. In June, hackers attacked a website that posted a copy of a book critical of President Lukashenko.

In addition to restrictions placed on the media, the Government continued to restrict academic freedom. University administrators targeted and strongly discouraged research into politically sensitive subjects, such as the country’s independence movement during the Soviet era, a theme that is seen to challenge the Government’s policy of integration with Russia (see Section 1.c.). All independent, non-state, academic institutions are required to obtain special permission from the authorities to hold educational seminars or lectures. There were also credible reports that independent universities engaged in self-censorship.

According to President Lukashenko, educational institutions are to serve as the centers of promoting the new state ideology, with teachers to become “active propagandists.” During his March 27 speech on establishing a state ideology, he called for the removal of all teachers who refuse to support government policies: “If you do not accept the ideas declared by the Government and the President, do not apply to a state university for a job.” He declared it to be intolerable “that officials or professors at educational institutions do not share the state ideology and sometimes even openly oppose the government and the course that they are supposed to promote, once integrated in this system of government.”

On May 15, then Education Minister Pytor Brigadin instructed university rectors to give priority to promoting a new state ideology within educational institutions, adding that school curricula and research should conform to the principles of the ideology.

The Government also continued to harass students engaged in anti-government activities, such as demonstrations (see Section 2.b.). The unregistered Belarusian Association of Students (ABS) reported that with the introduction of the new state ideology campaign in schools, students were pressured to join the Belarusian Republican Youth Movement (BRYM). In at least one instance, the university’s administration warned students at Belarusian State Technology University that they would be deprived of their benefits and stipends if they did not join the BRYM.

During the year, government efforts to close educational institutions that promoted Belarusian and Jewish studies led many in these respective groups to believe that the Government sought to prevent teaching in the Belarusian language and the teaching of Judaica (see Sections 2.c. and 5).

b. Freedom of Peaceful Assembly and Association.—The 1994 and 1996 Constitutions both provide for freedom of peaceful assembly; however, the Government severely restricted this right in practice. Following many unsanctioned demonstrations, police and other security officials beat, detained, and attempted to coerce confessions from some demonstrators.

Organizers must apply at least 15 days in advance to local officials for permission to conduct a demonstration, rally, or meeting. Under the law, the local government must respond with a decision no later than 5 days prior to the scheduled event. However, such permits were not routinely issued during the year. Beginning with the September 2001 elections, most permits either have not been granted or have been granted only for demonstrations in obscure, hard-to-reach locations.

On August 29, a law on demonstrations took effect that further restricts citizens' ability to assemble peacefully, and allows the Government to close any organization after a single violation of the law. These violations include: Failure of organizers to maintain law and order during a demonstration, demonstrations that result in damages of approximately \$67,000 (140.7 million rubles), and demonstrations that violate the rights and interests of the general public or the interests of the state. The new law was intended to codify a 2001 Presidential decree that banned demonstrations by unregistered organizations, limited participation to under 1,000 persons, and prohibited the wearing of masks and use of unregistered flags, symbols, and placards bearing messages deemed threatening to the state or public order (see Section 2.a.).

According to members of opposition parties, authorities frequently denied permission to opposition groups to meet in public buildings. Nevertheless, public demonstrations occurred frequently in Minsk, varying in size from a few participants to several thousand. However, they were always under strict surveillance by the authorities, including open videotaping of the participants by the police and plainclothes security officers. Demonstrations also occurred in other parts of the country although less frequently, particularly in eastern areas close to the border with Russia.

On February 14, police broke up an opposition march that was attended by 50 persons and organized by the unregistered youth movement Malady Front. On February 17, five members of Malady Front, including Malady Front leader Pavel Severinets, were sentenced to 5 to 15 days' imprisonment.

Following the March 12 "People's March for a Better Life" demonstration, authorities arrested and convicted several of its organizers. Dmitry Bondarenko, Andrei Sannikov, Ludmilla Gryaznova, Leonid Malakhov, Yuri Khadyko, and Valery Levonevsky, leader of the Market Vendors' Strike Committee, were sentenced to 15 days' imprisonment for their involvement in the demonstration.

During a March 23 demonstration marking the anniversary of the foundation of the Belarusian National Republic, police arrested approximately 50 persons including Belarusian Popular Front leaders Vintsuk Vyachorka and BPF activist Vladimir Kishkurnko, as well as members of other opposition parties. Many were released after a few hours, but 23 were convicted of participating in an unauthorized rally, and 10 of those convicted, including Vyachorka, Kishkurno, and Vyacheslav Sivchiuk, were sentenced to up to 15 days' imprisonment; 6 participants were heavily fined; and 7 received warnings. Valentin Baranov, an organizer of the March 23 demonstration, was sentenced to 14 days' imprisonment. Baranov had received a 14-day sentence on March 24, and again on April 25, for his involvement in the March 23 demonstration. After the trial, Baranov, complaining of ill health, was hospitalized and his sentence was cancelled. However, his case was subsequently returned to court, which reintroduced the charges against him.

On April 3, police detained approximately 15 members of the unregistered youth movement Zubr after they held an unsanctioned demonstration outside of a foreign embassy in Minsk in support of Operation Iraqi Freedom. One participant was sentenced to 10-days' imprisonment, while two received warnings. A fourth person, Tatyana Yelovaya, went into hiding and was sentenced in absentia to 10 days imprisonment. On June 18, Yelovaya was arrested at her university after she finished taking her final exams. On June 20, Yelovaya was rushed to a hospital and underwent medical treatment after developing an infection while in detention. After receiving treatment, Yelovaya was released from the hospital and went into hiding. At year's end, Yelovaya remained in hiding.

On October 1, Anatoly Shumchenko, leader of the Perspektiva business association, was arrested and sentenced to 5 days imprisonment for his involvement in organizing a September 3 demonstration in front of a Minsk district administration building to protest the city authority's pressure on kiosk owners.

On October 29, a Minsk court fined eight members of the human rights NGO Vyasna, including head Ales Beliatski, between approximately \$40 and \$80 (82,500 rubles and 165,000 rubles) after they held an impromptu protest in a Minsk court regarding the court's closure of Vyasna the day before (see Section 4).

On October 30, Alexander Bukhvostov, leader of the Belarusian Union of Automobile and Agricultural Implement Workers, was sentenced to 10 days' imprisonment for attempting to demonstrate against increased government violations of workers rights in downtown Minsk (see Section 6.a.).

On November 17, two members of the Conservative Christian Party were fined approximately \$2,299 (2.5 million rubles) for staging a November 2 march through downtown Vitebsk to mark Dzady, a holiday of remembrance.

On November 10, Artur Finkevich, a member of the unregistered youth organization Malady Front, was detained for distributing leaflets promoting a November 24

demonstration that ostensibly lacked required publication information. After being released on November 11, Finkevich was again arrested on November 12 for distributing similar leaflets and was sentenced to 15 days' imprisonment. Three other youths, who were detained with Finkevich for distributing leaflets, were fined \$8 (16,500 rubles). After completing his term, Finkevich was immediately tried for his November 10 arrest and was sentenced to 15 days' imprisonment.

On November 24, 17 persons were arrested in downtown Minsk for participating in an unauthorized demonstrating against possible plans to hold a referendum to allow President Lukashenko to run for president a third time. Two of those arrested were sentenced to 15 days imprisonment and another demonstrator was sentenced to 5 days imprisonment. Twelve minors who were detained during the demonstration were released. Most of those released ignored subpoenas to appear before court.

On December 2, Gomel oblast authorities prohibited the Belarusian Party of Communists from staging demonstrations throughout the oblast to protest a sharp rise in utility rates in the oblast.

On December 20, approximately 20 members of the unregistered youth organization Zubr held an unsanctioned outdoor vigil to mark the death of Andrei Zaitsev, a former member of Zubr, who committed suicide in 2002 after alleging that the KGB attempted to recruit him. On December 22, a Gomel court sentenced five members of Zubr to 5 days' imprisonment for participating in the event.

Unlike in previous years, there were no reports that police beating demonstrators during protests. However, there were reports that police violently pulled demonstrators to police vans as they were detaining demonstrators.

The Constitution provides for freedom of association; however, authorities severely restricted this right in practice. During the pre-election period in 2001, the authorities regularly harassed members and supporters of opposition parties and confiscated leaflets and publications (see Section 3). Authorities also continued to attempt to impose severe limitations on the activities of NGOs (see Section 4).

During the year, the unregistered Association of Belarusian Students reported that members of the organization, like other students, were pressured to join the government organized Belarusian Republican Youth Movement.

Employees at state-run enterprises were discouraged from joining independent trade unions (see Section 6.a.) and officials warned alumni of foreign-sponsored education programs against continued affiliation with their programs' sponsoring agencies.

According to the law, NGOs, political parties, and trade unions are required to register with authorities and it is illegal to work with an unregistered NGO. Presidential decree 24, issued on November 28, stipulates that international assistance can be granted to, or accepted by, an organization that is registered with the Ministry of Economy. Interim activities that had previously been legal while registration was pending are now prohibited. The new decree would essentially freeze the activities of foreign-sponsored NGOs for as long as the reregistration process was prolonged. Decree 24 also specifies that any local body that receives "illegal" foreign aid, including from an unregistered NGO, be closed after just one violation.

Private organizations are prohibited by regulation from using private residences as their legal addresses. In light of government control or ownership of many office buildings, the regulations had the effect of complicating the reregistration process by making nonresidential addresses difficult to establish.

After the reregistration process had begun, the authorities announced that in addition to registering, organizations would have to alter their charters to indicate recognition of the 1996 Constitution and to exclude the words "popular" or "national" from their titles. In 1999, an amendment to the Law on Public Associations codified this announcement by prohibiting political and social organizations from using the words "Belarus," "Republic of Belarus," "national," or "popular" in their titles. Although most of the major political parties and unions that applied were allowed to reregister, the Assembly of Belarusian Pro-democratic NGOs reported that only 1,268, or 57 percent, of the NGOs in existence when the reregistration law went into effect, were reregistered by the summer of 2000. The MOJ rejected a total of 202 NGOs for reregistration on various grounds, and 31 were in the process of reregistering at year's end.

According to statistics from the MOJ, during the year 913 regional branches of trade unions, 867 regional branches of social associations, and 115 regional branches of political parties were registered. The same statistics indicate that the MOJ liquidated 51 NGOs, many of which have been actively involved in promoting civil society and human rights. According to one human rights NGO, most of the organizations that were registered during the year dealt with sports and entrepreneurial interests and none of the registered organizations promoted civil society.

During the year, the MOJ challenged the registration of several opposition parties and NGOs over their legal addresses. These organizations were unable to obtain space in office buildings since many locations were either owned by the Government or were too expensive. Instead, they must operate out of private apartments that the Government did not consider legal addresses.

On December 24, the Supreme Court upheld an MOJ decision to deny registration to the Assembly of Democratic Non-Governmental Organizations. The Assembly, the country's largest NGO umbrella organization, complained that it had applied for registration in April 2002, but the MOJ decided the matter only on October 14 (the law requires that the MOJ render a decision in 1 month). The MOJ argued that the organization had provided an incorrect address in its founding documents and that several of its constituent associations were dissolved while the MOJ was considering the application. Ales Belyatsky, one of the organization's founders, said that the organization would continue functioning without registration, as it has been doing for the past 5 years.

On October 16, Justice Minister Viktor Golovanov said that recent closures of NGOs were part of his agency's "purposeful work" to enforce the law on the third sector. He denied that the NGOs were closed by the order from a higher authority. Golovanov said that the MOJ's "purposeful work" was also targeted at courts, notary publics, and political parties.

On October 28, the Vyasna Human Rights Center was liquidated after the MOJ accused the organization of forging signatures of its members as it was reregistering. In addition, Vyasna was charged with failure to collect dues from Vyasna members, and representing non-Vyasna members in court. Although Vyasna successfully refuted the Ministry of Justice's charges, the court nevertheless liquidated Vyasna based upon a warning Vyasna received during its observation of the 2001 presidential elections.

On October 21, the Ministry of Justice refused to register the Belarusian Democratic Party, founded by Valentina Polevikova, former Chairwoman of the Belarusian Women's Party, ostensibly on the grounds that the party would not be able to fulfill its party program of securing the interests of families and women. The Ministry of Justice noted that the presence of 237 men among the 1,070 members of the party prevented the party from being able to achieve its goals.

On October 23, the Lower House of Parliament announced that the parliamentary faction Respublika faction was formally liquidated. The faction, which was pro-democratic, had only 6 members rather than the required 10. They vowed to continue their activities despite the ban and death threats members have received.

On November 11, the Supreme Court liquidated the Association of Young Entrepreneurs for irregularities during its registration process in 1999. The NGO focused on education activities, published a bulletin, and provided legal counsel to young persons involved in small businesses.

On December 9, the Supreme Court upheld the MOJ's decision to deny the registration request of the Young Social Democrats. The organization filed its application on July 29. The MOJ replied on November 17, more than 3 months after the deadline stipulated by law, that the Young Social Democrats were denied registration because one of the purposes stated in their charter was to promote political, cultural, and universally recognized human values among youth. According to the Young Social Democrats, the MOJ objected to the reference to promoting political culture.

c. Freedom of Religion.—The 1994 and 1996 Constitutions provide for freedom of religion; however, the Government restricted this right in practice. Although both Constitutions affirm the equality of religions and denominations before the law, the 1996 Constitution stipulates that cooperation between the state and religious organizations "is regulated with regard for their influence on the formation of spiritual, cultural, and country traditions of the Belarusian people."

On June 12, the Prime Minister and Metropolitan Filaret signed a Concordat between the Government and the Belarusian Orthodox Church (BOC), which is subordinate to the Moscow Patriarch. The Concordat provides the BOC autonomy in its internal affairs and the ability to fulfill all religious rights, as well as the right to consider itself in a special relationship with the State. It recognizes the BOC's "influence on the formulation of spiritual, cultural, and national traditions of the Belarusian people." The Concordat calls for the Government and the BOC to cooperate in implementing policy in various fields, including education, development and protection of cultural legacies, and security. Although it states that the agreement will not limit the religious freedoms of other faiths, the Concordat calls for the Government and the BOC to combat unnamed "pseudo-religious structures that present a danger to individuals and society."

In 2002, the Parliament approved a new law on religion, despite protests from international and domestic human rights organizations, non-Orthodox faiths, as well as Orthodox religious groups not affiliated with the BOC. The law contains a number of very restrictive elements, which observers feared would be used to hinder and to prevent the activities of religious groups other than the BOC. Under the law, all religious organizations must undergo compulsory reregistration by November 2004, with specific requirements for membership size and years of activity for religious groups. Government officials stated publicly that no organization that was registered when the law was enacted would lose its registration status even if it failed to meet the new criteria, but the leaders of some minority religious groups were skeptical of this assurance. In addition, the law restricts the ability of registered religious organizations to conduct religious education, requires all religious groups to receive governmental approval to distribute literature, and prevents foreigners from leading religious organizations. The law effectively prohibits all religious activity by unregistered religious groups.

The Government increased its harassment of religious groups based not only upon the religion law, but also on directives that provide additional rules and requirements for religious groups that are not outlined in the law. According to the Committee of Religious and Nationalities Affairs of the Council of Ministers (CRNA), which regulates all religious matters in the country, 26 religious denominations were officially registered at year's end; however, authorities continued to refuse legal registration at the national level to faiths considered to be nontraditional. Religious groups that could not register often were forced to meet illegally or in the homes of individual members.

In May and June, police broke up three prayer gatherings of the unregistered Hindu religious group "Light of Kaylasa" that were taking place in private apartments. In one incident, police forced the group's members to lie on the floor as they conducted a search of the apartment, which resulted in heavy damage.

On January 30, the CRNA issued a document containing methodological recommendations on registering and reregistering religious groups. The recommendations required religious groups to fulfill additional requirements and submit additional information about their groups. Although the CRNA claimed that these recommendations, which had not been approved by the MOJ, were an internal document, local officials have used them to deny registration to a Church of Scientology religious community in Minsk.

In addition to the religion law, the Government used several other legislative acts to levy additional requirements on religious groups. In 2002, the CRNA issued an instruction to oblast authorities requiring them to assess public opinion before the construction or reconfiguration of religious buildings for religious purposes. According to the CRNA, authorities may deny permission for such work if it is opposed by the local population, although this requirement is not established in the law.

Although the Greek Catholic Church is officially registered, it experienced problems with the Government because of historical tensions between the BOC and the Greek Catholic Church's emphasis on the use of the Belarusian language.

On April 18, an article in the state-run newspaper Respublika alleged that a student at a Mogilev school had fallen under the dangerous influence of a Scientologist instructor at school, and that he was returned from his zombie state after 1-year of psychiatric treatment.

During the year, the government-run newspaper Narodnaya Gazeta continued to publish articles hostile towards Pentecostals in connection with the 2000 death of Igor Orlovsky, a Union of Evangelical Faith Christian deacon in the town of Starie Dorogi. The articles, which appeared in four issues, continued to allege that the pastor was sacrificed by Evangelical Christians.

On April 1, the Minsk City Court upheld a prior district court ruling that Yevgeny Novikov, the host of a television program on which these accusations had been propagated, had defamed Evangelical Christians and ordered Novikov to air an open apology. Novikov's apology was aired during the June 21 television program "Pa Sutnasti." Instead of offering an apology to Evangelical Christians, Novikov's presentation was filled with numerous anti-Protestant remarks, which included his apology to members of "the sects." The program was aired on the state-owned Belarusian Television Channel. The CRNA claimed that Belarusian Television refused its request to examine the program and advised Protestant groups to take action to pursue their cases in court. The CRNA further claimed that on June 23, Novikov appeared on television and issued a second apology, for comments made during his June 21 program; however, Protestant groups have stated that no such apology was aired.

Despite an October 8 statement by President Lukashenko that the Government should not inhibit activities of the Jewish community, officials continued to take a

number of actions indicating a lack of sensitivity toward the Jewish community. Throughout the year, the Government authorized construction and reburial activity in former Jewish cemeteries in Grodno and Mogilev, which upset local and international Jewish organizations. Since January, renovation work has been conducted at a sports stadium in Grodno that was originally built on a former Jewish cemetery. During the course of excavating the earth, workers at the site found human remains, which were removed from the site to be collected for future reburial. Photographs taken by the Jewish community showed human remains, not only mixed in earth filling dump trucks, but also mixed with earth from the site used to resurface a road. In August, the Governor of Grodno signed an agreement with a national Jewish organization that allowed for the continuation of construction work at the site, so long as such work did not damage underlying soil. Despite signing the agreement, construction work that could be construed as damaging the underlying soil continued. International and other national Jewish groups refused to recognize the agreement, claiming that it allows the Government to continue to desecrate the cemetery. In November, the Governor of Grodno Oblast signed a second agreement with another Jewish leader to excavate human remains that were mixed with earth and paved over at a nearby road.

In June, after intense pressure by the local Jewish community, which appealed to President Lukashenko to intervene, local authorities in Mogilev banned all non-Jewish burials in the city's Jewish cemetery.

Government officials continued to make anti-Semitic comments in the media. For example, in a September 13 Associated Press article about the Grodno cemetery and an unsubstantiated claim that local authorities in Mozyr had desecrated a Jewish cemetery and site of a yet to be confirmed self-immolation of local Jews during World War II, Sergei Kostyan, Deputy Chairman of the International Affairs Committee of the lower house of parliament, rejected criticism for the work being conducted near a former Jewish cemetery. Kostyan accused Jews of sowing "ethnic discord," adding "Must we [citizens of Mozyr] leave the city without gas because of Jews? I am not an anti-Semite, but Belarusians suffered no less than the Jews. And now everybody is trying to say that it was Jews that won the war." During an October press conference, Information Minister Vladimir Rusakevich made derogatory public remarks about Jews.

During a November 2002 interview with the newspaper *Belorusskaya Gazeta*, Sergei Kostyan said he opposed attempts to "turn Belarus into a springboard for Zionism." He added, "If a mosque or a synagogue stands in the way of the city development plan, I believe it is acceptable to bulldoze it."

According to the Government, the law permits residential property to be used for religious services only after it has been converted from residential use. This ruling effectively requires all religious organizations to reregister their properties as religious properties. Government figures from 2002 showed that 110 religious communities, including 34 Protestant denominations, registered their property through this process; however, authorities continued to deny permission to many Protestant churches, as well as other nontraditional faiths.

The Government issued a decree specifying measures to ensure public order and safety during public gatherings, and meeting hall officials cited this decree as a basis for canceling or refusing to extend agreements with religious groups for the use of their facilities. According to the Full Gospel Evangelical Christian Church, Minsk authorities rejected several applications from the Church during the year to rent space at a local meeting hall.

Many Protestant and nontraditional religious groups experienced problems obtaining property. There were anecdotal reports that local authorities denied land to Roman Catholic communities to construct churches in Brest Oblast. However, in April, the Minsk City Council lowered the land tax for religious groups and subsequently implemented the decision to the satisfaction of the Muslim Religious Association that was trying to construct a mosque in Minsk but had been prevented from doing so due to the high tax on land.

In 2002, despite an appeal by the Belarusian Autocephalous Orthodox Church (BAOC), local authorities in the town of Pogranichny demolished the church of the BAOB that they claimed was built illegally, since the building permit specified a private house. Local courts continued to refuse to hear appeals made by the BAOB to overturn the Government's decision not to register their churches.

Citizens were not prohibited from proselytizing; however, while individuals may speak freely about their religious beliefs, the authorities have intervened to prevent, interfere with, or punish individuals who proselytize on behalf of an unregistered religion. During the year, the Government heavily fined and detained members of unregistered religious groups that engaged in illegal religious activity. Police regularly detained, fined, and jailed numerous Hare Krishnas for illegally distributing

religious literature. Baptists, Pentecostals, and other Protestants were fined for illegally conducting and hosting religious services. According to the CRNA, convictions for such offenses were based on charges of either disturbing public order or illegally gathering without prior permission.

The law allows persons to gather to pray in private homes; however, it places restrictions on holding rituals, rites, or ceremonies in such locations and requires permission from local authorities for such events.

Foreign missionaries were not permitted to engage in religious activities outside of the institutions that invited them. The law requires 1-year, multiple-entry "spiritual activities" visas for foreign missionaries. According to the CRNA in 2002, all visa requests from registered religious organizations were approved. CRNA statistics showed that in 2002, over 1,250 foreigners went to the country to work with domestic religious groups. The CRNA reported that 956 foreigners came to the country during the year to engage in religious activity, education, and humanitarian assistance activity with registered religious groups; however, religious groups, even those with a long history in the country, continued to experience difficulties in obtaining visas. Members of the Hare Krishna and Protestant communities reported that they were unable to invite foreign clergy to participate in religious activity.

The Roman Catholic Church reported that local authorities in Grodno Oblast took steps to limit the number of foreign Roman Catholic workers, and in April, revoked the residence permits of three foreign Roman Catholic nuns who were subsequently deported. Bishops also had to receive permission from the CRNA before transferring a foreign priest to another parish. Since April, Grodno city authorities have repeatedly denied the registration of a foreign rabbi because he does not speak Belarusian or Russian.

Restitution of religious property remained limited. There was no legal basis for restitution of property seized during the Soviet and Nazi occupations, and legislation restricts the restitution of property that is being used for cultural or educational purposes.

Government officials and state media, including textbooks issued by the Ministry of Education, referred to nontraditional faiths as "sects," although it was not an official designation. In April and May, the Minsk Community of Krishna Conscience and the Union of Evangelical Faith Christians filed separate appeals to the Procurator General's office to remove a textbook that discusses the various characteristics of religious sects. On May 30, the Ministry of Education defended the use of the word "sect" as a scientific term and refused to remove the books from circulation or punish the writers of the book. However, the Ministry promised not only to instruct teachers to devote more time in their lessons to this issue, but also to consider the concerns expressed by Hare Krishna and Evangelical Christian groups, as well as to revise the controversial text when the book is reprinted. Fearing for their safety, some Baptist families in Brest Oblast and Minsk removed their children from classes because of the reference to "sects" in textbooks.

According to one Baptist leader, high school students in Brest Oblast were repeatedly questioned about their attendance at Sunday schools, the church they belonged to, and the names of their pastors and Sunday school teachers. These teachers were then requested to provide their curriculum to the high schools, which they refused to do.

Members of the Light of Kaylasa who were fined for their participation in unsanctioned demonstrations and protests reported that authorities have threatened them with confiscation of property and additional legal charges should their fines go unpaid. In March, authorities forced the parents of one member of the group to pay the outstanding fine of their son. On May 15, unknown assailants attacked a member of the group, while yelling anti-Hindu statements.

In September and October, unknown individuals harassed the family of BAOC priest Yan Spasyuk.

In two separate incidents in May and August 2002, skinheads attacked several foreign Jews in downtown Minsk. In one incident, police arrived at the scene but did not arrest the assailants. In September 2002, unknown assailants attacked a rabbi and his son near a foreign embassy in Minsk. Local guards at the embassy assisted the rabbi and notified the police, who opened an investigation into the incident that was pending at year's end.

In 2000, a court denied a request by the Jewish community to punish a company called The Orthodox Initiative that distributed an anti-Semitic book called "War According to Evil Means," since according to the judge, the book contained scientific information and was therefore not within the jurisdiction of the court. All subsequent appeals of the verdict were denied.

Anti-Semitic material, imported from Russia, could be found throughout Minsk. In April, several Jewish leaders appealed to the Government to stop the sale of

Russki Vestnik, an anti-Semitic newspaper printed in Russia. In May, the Government ordered the removal of Russki Vestnik from stores and kiosks. In spite of the order, Russki Vestnik continued to be sold and distributed in Minsk. On October 25, the newspaper was distributed to participants attending a meeting of the All-Belarusian Cossacks' Association.

While the Jewish community continued to call upon the Government to prevent the sale of anti-Semitic literature, sales of such literature continued throughout the year in government-owned buildings and in stores and at events affiliated with the BOC. Anti-Semitic and Russian ultra-nationalistic literature continued to be sold at Pravoslavnaya Kniga (Orthodox Bookstore), a store operated by Orthodox Initiative, that sells Orthodox literature and religious paraphernalia. Although the store claims to be the official bookstore of the BOC, Metropolitan Filaret stated that such literature does not reflect the BOC's attitude towards the Jewish community and pledged to pressure Pravoslavnaya Kniga to stop such sales. However, Pravoslavnaya Kniga continued to sell anti-Semitic literature at year's end. Anti-Semitic literature continued to be sold at kiosks selling Orthodox literature, including in one located in the National Academy of Sciences.

There were a number of acts of vandalism against religious groups during the year. In February, unknown vandals spray-painted anti-Muslim graffiti in downtown Minsk. In May and June, unknown assailants vandalized both Jewish and non-Jewish gravesites at three Gomel cemeteries. On August 25, unknown individuals broke into a private apartment and vandalized religious paraphernalia that belonged to the "Light of Kaylasa" which was using the apartment for religious services. On August 27, unknown vandals threw a Molotov cocktail on the front entrance of a Minsk synagogue. The attack resulted in minor damage to the entrance and no injuries. Throughout the year, unknown assailants also vandalized Holocaust memorials throughout the country, including the Yama Holocaust memorial in Minsk on May 26 and a new Holocaust memorial in Lida on October 13.

Unknown vandals destroyed crosses, both Orthodox and non-Orthodox, that were erected at Kuropaty, an area used by the NKVD to kill over 300,000 persons in the 1930s. The authorities made no attempts to find those responsible.

For a more detailed discussion, see the 2003 International Religious Freedom Report.

d. Freedom of Movement within the Country, Foreign Travel, Emigration, and Repatriation.—Both the 1994 and 1996 Constitutions provides that citizens are free to travel within the country and to live and work where they wish; however, the authorities restricted these rights in practice. Passports served as primary identity documents and were required for internal travel, permanent housing, and hotel registration.

In 1999 the Constitutional Court declared unconstitutional an article of the Administrative Code barring enterprises, establishments, and organizations from employing persons without a propiska (pass) or a registered address. Under that article, employers faced fines for giving jobs to persons who had no stamp in their passport indicating that their residence and their new place of employment were located in the same city or district. However, the extent to which this court decision actually affected the practice by local security officials was unknown. In practice, the right to choose one's residence remained restricted.

Official entry and exit regulations specify that citizens who wish to travel abroad must first obtain exit visas valid for 1 to 5 years. Once the traveler has this document, travel abroad was not restricted further by law; however, the authorities occasionally limited foreign travel. For example, they delayed issuing "global" exit visas and passports to some opposition activists in an effort to hinder their political activity abroad. In April, after a 17-month wait, local authorities issued passports to family members of BAOC priest Yan Spasyuk.

In July, authorities prevented a group of students of the Yakub Kolas Humanitarian University permission to travel to an international Academic Olympiad since the group leader's exit visa had expired. The institution believed that this was a deliberate attempt to interfere in the trip of the students.

Despite being released from his detention facility, Nikolai Markevich, editor-in-chief of the opposition newspaper Pahonia, was unable to travel abroad freely since he was technically serving out the remainder of his sentence, which is scheduled to expire in March 2004 (see Section 2.a.).

In July and August 2002, authorities began arbitrarily enforcing a law that requires those traveling to border zones to obtain an entrance pass (propusk). Observers believed that the decision to enforce the law was intended to prevent reporting on the August 2002 destruction of a BAOC church in the border town of Pogranichny.

The law restricts the emigration of individuals with access to sensitive state information, and any citizen involved in a criminal investigation was also ineligible to emigrate; however, authorities generally did not deny citizens permission to emigrate. Prospective emigrants who have been refused the right to emigrate may appeal to the courts.

The 1994 and 1996 Constitutions give aliens and stateless persons the same rights as citizens, except in cases established by law, international agreement, or the Constitution. The law provides for the granting of refugee status or asylum to persons who meet the definition in the 1951 U.N. Convention Relating to the Status of Refugees or its 1967 Protocol. Under the latest version of the refugee law, all persons who applied for or received asylum are protected against refoulement; however, the Government often deported individuals transiting the country back to Russia, despite the fact that the UNHCR did not consider Russia to be a safe country for such purposes. Those who were granted asylum during the year were from Afghanistan, Azerbaijan, Armenia, Palestine, and India.

Under both Constitutions, the State may grant refugee status to persons who were persecuted in other states for their political and religious convictions or because of their nationality. On January 4, President Lukashenko approved a new law on refugees, developed in consultation with the UNHCR, which eliminates the time limits within which aliens may apply for refugee status and on the duration of refugee status. It establishes specific responsibilities for relevant government agencies and establishes a procedure for unaccompanied minors filing for refugee status. The new law permits persons who had entered the country via Russia to remain and apply for asylum, something not permitted under the previous law. However, the UNHCR noted that the new law does not address such issues as the right of allowing for family reunification of a refugee, and the right of refugee applicants to be interviewed in a language they understand.

The authorities cooperated with the UNHCR and other humanitarian organizations in assisting refugees. Since 1997, 1,076 applications for refugee status were filed; of which 719 persons received refugee status. By year's end, there were 630 recognized refugees in the country, the majority of them from Afghanistan, Georgia, Armenia, Azerbaijan, Tajikistan, and Ethiopia. During the year, 138 applications for asylum were filed, of which 63 were approved. Five applications remained pending at year's end. In 2002, the UNHCR opened a center in Vitebsk providing temporary accommodations for 30 persons.

Section 3. Respect for Political Rights: The Right of Citizens to Change their Government

The Government effectively denied citizens the right to change their government. The President dominates all branches of government. Since his election in 1994 to a 5-year term as the country's first President, he has consolidated power steadily in the executive branch. He used a 1996 referendum to amend the 1994 Constitution to broaden his powers and extend his term in office and ignored the Constitutional Court's ruling that the Constitution could not be amended by referendum. As a result, the political system is based on the 1996 Constitution, which was adopted in an unconstitutional manner.

The 1996 Constitution limits the legislature to meeting twice a year for a total of no more than 170 days. Presidential decrees issued when the legislature is out of session have the force of law, except in a few cases specified in the 1996 Constitution. The 1996 Constitution also allows the President to issue decrees with powers equal to that of law in specific, urgent circumstances, a provision President Lukashenko has interpreted broadly.

On March 2, local elections were held that were neither free nor fair. A delegation from the OSCE Parliamentary Assembly Working Group determined in mid-February that the Government had not begun a genuine process of democratization, but instead that the deterioration of human rights, freedom of the press and political freedom had worsened since the previous elections. The Central Election Committee (CEC) was composed entirely of Lukashenko supporters. The Working Group noted that of the 13,446 local election commission representatives, who were selected by local executive committees and councils, only 61 were representatives of political parties, and only 30 represented opposition parties. CEC officials contended that previous election experience was required to serve on the commissions. This requirement facilitated government control over election commissioners.

The local elections were marked by early voting, ballot replacement, and falsified vote counts. Approximately 14 percent of eligible voters voted in the 4 days prior to the local elections. State enterprises bused employees to polling stations for early voting, and in some cases demanded proof the employees voted. Opposition groups

complained that these ballots were not secured between the early voting and the counting of votes.

The CEC did not invite international election observers to participate. There were 8,491 local observers who monitored the elections, but 5,294 of them were appointed from pro-government labor collectives. Opposition observers reported the mishandling of ballots and vote-count protocols, and the restriction of observer access to polling stations as the most common election violations. For example, armed police removed an election observer from a polling station in Brest after he requested permission to take a photograph, and opposition observers were barred from monitoring voting in hospitals in Brest and Grodno, both of which subsequently overwhelmingly voted for pro-government candidates. Observers also reported irregularities with vote tabulation. National Assembly members observing voting in Minsk reported that 600 votes for an opposition candidate in Minsk district were not counted. An opposition party member on a local election commission in Gomel claimed that he had been asked to sign blank ballot protocols prior to the election to "save time." After the elections, National Assembly members instigated a police investigation into voting fraud in the Minsk district of Malininsky. However, the lead investigator into the case was fired after he submitted his final case report, the contents of which were not made public.

Opposition parties had problems registering their candidates, and in the majority of districts, pro-government incumbents ran unopposed. Party candidates were often prevented from registering based on petty clerical errors on their registration forms and property declarations. Numerous opposition party candidates, who succeeded in registering, were arbitrarily deregistered just prior to elections. Most deregistrations occurred in Minsk. Sergei Chislov was deregistered just before the elections for showing anti-government films to his supporters. The day before the elections, opposition candidates Sergei Alfer, Yevgeny Lobanovich, Ivan Lobachev, Svetlana Korolyova, and Raisa Mikhailovskaya were deregistered for improper placement of leaflets and for giving interviews to independent newspapers.

Of the 25,805 candidates competing for 24,012 seats, only 693 represented opposition parties. Government efforts to falsify the elections were most pronounced in Minsk city and oblast. The pro-Lukashenko Belarusian Social and Sports Party was the only party to win any seats in Minsk city. Opposition parties fared better outside the capital, with 269 candidates winning elections.

There were signs of overt repression. For example, a candidate in Borisov was ordered by local security authorities to leave town for the duration of elections. In the 2 weeks prior to this warning, he reported that police had searched his home twice.

On November 23, bi-elections took place in Beloozyorsk to fill 12 remaining seats in the town council. Beloozyorsk was the only town where opposition candidates secured a majority during the March local elections, and the only town to hold bi-elections. Of the 10 opposition candidates who registered, 4 withdrew from the race under pressure from employers and local officials. Pro-government candidates won 9 seats on election day and one additional seat in runoff elections held on December 4. Independent observers voiced numerous complaints about violations of the electoral code and the use of a smear campaign in the local press against opposition candidates.

The September 2001 presidential election in which Lukashenko was reelected for a further term was described by the OSCE as fundamentally flawed. The OSCE reported that conditions in the months before the election precluded the possibility of a free, fair, transparent, and accountable election. The environment did not provide an equal opportunity for contestants or for the possibility that the public would be informed about the choices available. The voting and vote counting processes further restricted the rights of citizens to change their government. The OSCE/ODIHR report found that the voting procedures, including mobile ballot boxes, early voting procedures, and handling of voting lists provided several possible avenues for vote manipulation. The 2000 parliamentary elections also failed to meet international standards for similar reasons.

The Government used several tactics to intimidate and restrict the ability of opposition leaders and groups from organizing and publicizing their views. In a move widely perceived as preparation for the 2004 elections, the Government began to close independent newspapers and NGOs (see Sections 2.a. and 2.b.). In 2002, authorities added three articles to the Criminal Code that made libel of the President a criminal offense, which were used to punish not only opposition party members but independent media as well (see Section 2.a.). During the year, the Government used excessive force to disperse demonstrations by opposition parties (see Section 1.c.).

On March 27, President Lukashenko announced plans to establish a state ideology. While the exact details of what the ideology promotes remained unclear,

President Lukashenko and other government officials said that the ideology would be based upon and promote the ideals of independence, loyalty to the state, "all the positive experience the country gained when it was part of the USSR," and the BOC. The Government earmarked \$2.14 million (4.5 billion rubles) and has established "information and propaganda" groups to conduct ideological instruction at work places on the third Thursday of each month.

Despite the fact that the basic tenants of this ideology were not known, President Lukashenko tasked officials and scholars to establish a state ideology, and ordered the Government to establish mechanisms to promote the state ideology, along with state media outlets, educational institutions, and pro-government youth organizations such as the Belarusian Republican Youth Movement.

Of the 110 deputies in the lower house of parliament, 14 were women, while 19 of the 63 members of the Upper House of parliament were women. With the exception of the judiciary, social barriers to women were strong, and men held virtually all of the leadership positions. The Ministers of Social Security and Health were the only female members of the Council of Ministers. The head of the Government's Central Election Committee was a woman, as was the head of the influential Property Department of the Presidential Administration.

The country was ethnically homogeneous; most minorities have long been assimilated. There was little ethnic discord, and persons from minority groups were represented at high levels of government.

Section 4. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

Several domestic human rights groups were active in the country; however, members of domestic human rights groups reported that the authorities hindered their attempts to investigate alleged human rights violations. The authorities monitored NGO correspondence and telephone conversations (see Section 1.f.). They also harassed NGOs by bureaucratic means. The authorities generally ignored reports issued by human rights NGOs and did not meet with these groups during the year. Official state media did not report on human right NGOs and their actions; independent media that reported on human rights' issues were subjected to closure and harassment (see Section 2.a.).

The Government closed most major registered human rights NGOs and NGO resource centers during the year (see Section 2.b.). The law requires only two violations before the MOJ can initiate procedures against an NGO. The primary violations cited were failure to use the correct stamp for the organization, a mailing address at a residence rather than at an office, forgeries among registration signatures, and inaccuracies in organization letterhead. The Government's actions particularly focused on organizations that participated in observations of elections. On October 28, the Supreme Court closed Vyasna, one of the country's most prominent human rights NGOs. The Court refuted the prosecutor's charges that Vyasna falsified member signatures but closed the NGO for a 2001 violation during Vyasna's observation of the presidential elections.

On August 19, the MOJ issued a warning to the Belarusian Helsinki Committee, another prominent human rights NGO, for the absence of quotation marks in its letterhead and seal. The Belarusian Helsinki Committee would be closed after one more warning. On June 17, the Gomel Regional Court closed the Gomel-based NGO resource center, Civic Initiatives, claiming that the organization used foreign aid for illegal purposes. On July 9, the Brest Regional Court closed the Baranovich-based NGO resource center Varuta, claiming that Varuta abbreviated its name in internal documents and referred to itself as an organization, rather than an association as stated in its registration. On July 31, the Vitebsk Regional Court closed the Vitebsk-based NGO resource center, the Center of Youth Initiatives Kontur, for violations in tax regulations and for failing to reside at the registered address. On September 10, the Independent Society for Legal Studies received its third warning for contributing to a bulletin of an unregistered organization, and the MOJ can at any point initiate proceedings to close the Society.

On August 21, a Grodno City Court outlawed the Grodno-based NGO resource center Ratusha for keeping and using a Risograph digital printing machine without a publisher's license. The NGO tried on numerous occasions to donate the machine, worth several thousand dollars, but no NGO had a license to publish and Grodno State University refused to accept it. On September 2, the MOJ issued a warning against the Lev Sapegha Foundation after expelling Jan Busch, a member of Germany's Youth Socialists who had come to participate in a seminar sponsored by the organization.

Independent observers viewed the closing of the NGOs and resource centers as politically motivated. On October 16, a Supreme Court judge closed the Lutskevich

Brothers Foundation for using an incorrect seal and for having an office in a residence. The Foundation focused on historical research and social and cultural projects. The Government closed several other cultural and social NGOs, including Cassiopeia, Women's Response, and NGOs supporting women; several other such NGOs received warnings, including Karani, a Loyev-based historical NGO, the Gomel Children and Youth Organization, and Hand of Help, which provided assistance to prisoners.

In addition to punitive measures for NGOs introduced in earlier years, on December 17, President Lukashenko signed into law a bill introducing punishments for activity on behalf of organizations that are not registered by the MOJ. Those guilty of such offenses are liable to fines of \$80 to \$400 (175,000 to 875,000); a repeated offense would entail fines of \$400 to \$800 (875,000 to 1.75 million rubles) or up to 15 days in jail. The law also prohibits the media from disseminating information issued by nonregistered organizations. NGOs were already prohibited from receiving support from foreign sources.

Break-ins and questionable tax audits were less widely used than in the 2001 pre-election period; however, they remained problems during the year. The MOJ launched five inspections of the human rights NGO Vyasna between January 1 and July 16. Each inspection involved all of the organization's minutes, activities, and its general convention.

The country's poor human rights record continued to draw the attention of many international human rights organizations. In general, the authorities were willing to discuss human rights with international NGOs whose members were allowed to visit the country; however, members of some NGOs were refused permission to make such visits, and the authorities increased their harassment, often through taxes, of international NGOs working in the country.

The UNCHR criticized the Government in a resolution that urged the Government to conduct a transparent investigation of the disappearances of prominent opposition activists and to suspend or dismiss those suspected of involvement in such disappearances (see Section 1.b.). The resolution also stressed the need to establish an independent judiciary, release journalists imprisoned for political reasons, bring the actions of its police and security forces into compliance with the International Covenant on Civil and Political Rights, and to comply with the various mechanisms of the Commission on Human Rights.

The Parliamentary Assembly of the Council of Europe (PACE) sent Christos Pourgourides, a Cypriot deputy, a Special Rapporteur to investigate the disappearances of Krasovsky, Gonchar, Zakharenko, and Zavadsky. PACE chose Pourgourides after the Government refused entry to well-known Russian human rights activist Sergey Kovalev. During his December 4 visit, Pourgourides reported that several meetings were cancelled after officials managed to obtain a copy of his draft report, which they regarded as too critical. The report was not released by year's end.

In 2002, the Government denied visa extensions to OSCE Advisory and Monitoring Group to representatives in the country, which effectively forced the mission to close in October 2002. A successor mission officially opened in January based on an agreement signed between the Government and OSCE in December 2002; however, the new OSCE office only resumed activities in Minsk in March. No projects in the Civil Society working group were implemented during the year. According to the OSCE, its Representative on Media Freedom, Freimut Duve, and several aides applied for visas to enter the country for a series of meetings on September 1 and 2; however, the Government delayed acting on the application until after the proposed travel date had passed.

Section 5. Discrimination Based on Race, Sex, Disability, Language, or Social Status

Both the 1994 and 1996 Constitutions state that all citizens are equal before the law and have the right to equal protection of their rights and legitimate interests; however, they do not specifically prohibit discrimination based on factors such as race or sex. Racial and national groups, women, and persons with disabilities experienced discrimination.

According to the UNDP, there was no official discrimination against persons with HIV/AIDS. However, there was societal discrimination. HIV-infected individuals were afraid to disclose their status for fear of prejudice based primarily on a lack of understanding of the virus. Even among doctors there was even a strong fear of AIDS and lack of knowledge about the disease. The UNDP reports that there were very few medical personnel who dealt with HIV/AIDS patients and only one department at one hospital where HIV infected women could give birth. In prisons, HIV infected inmates faced strong discrimination and were segregated to minimize risk of injury or even death at the hands of other prisoners.

Women.—Although government statistics were not available, women's groups reported that domestic violence, including spousal abuse against women, was a significant problem. The U.N. Development Fund for Women (UNFEM) conducted research, coordinated by the Association of Young Christian Women, which indicated that three-fourths of the adult population was aware of the problem of domestic violence against women. The research also indicated that one in three women have been beaten by her spouse or sexual partner. In 2002, the Ministry of Labor and Social Welfare issued a regulation to establish crisis centers, which NGOs operated during the year primarily in Minsk.

Spousal abuse is punishable under the Criminal and Administrative Codes. Non-severe beating is punishable by a fine or up to 15 days' imprisonment, while more serious offenses are punishable by up to 15 years in jail. Women's groups have indicated that police generally enforced the laws against domestic violence, and that the courts generally imposed these sentences. The primary problem remained a widespread reluctance among women to report instances of domestic violence due to fear of reprisal and the social stigma. Rape was a problem. A law against rape exists; however, most women did not report rape due to shame or fear that the police will blame the victim.

Although the authorities and local human rights observers reported that prostitution was not yet a significant problem, considerable anecdotal evidence indicated that it was growing, particularly in the outlying regions. According to government statistics, from January to September 2002, 13 persons in Vitebsk Oblast were charged with operating brothels. Street prostitution appeared to be growing as the economy deteriorated, and prostitution rings operated in state-owned hotels. According to the most recent information available from the Interior Ministry, in 2002 about fifty Belarusian women were deported from foreign countries in 2002 for practicing prostitution. Trafficking in women was a serious and growing problem (see Section 6.f.).

Sexual harassment was reportedly widespread, but no specific laws other than those against physical assault deal with the problem.

The law requires equal wages for equal work; however, it was not always enforced in practice. Women had significantly fewer opportunities for advancement to the upper ranks of management. According to the Belarusian Union of Women, women held only 3 percent of executive positions in healthcare, 5 percent in science and education, and 6 percent in industry, even though women constituted 53 percent of the population. Women reported that managers frequently considered whether a woman had children when examining job candidates.

The level of women's education generally was higher than that of men. Women constituted approximately 58 percent of workers with a higher education and approximately 66 percent of workers with a specialized secondary education. However, between two-thirds and three-fourths of workers with a higher education (mostly women) lived beneath the official poverty level. Women were equal in law to men with regard to property ownership and inheritance.

Women's groups were active and focused primarily on such problems as child welfare, environmental concerns (especially the after-effects of Chernobyl), the preservation of the family, the promotion of women to decision making levels in the country, and the support of women entrepreneurs. During the local elections in March, 7,000 Belarusian Union of Women representatives worked in election committees and 12 women were elected to the Minsk City Council. In 2002, the Belarusian Women's Forum met in Polotsk to develop a strategy to improve the status of women. In May, the chair of the Christian Democratic Movement of Belarus, Lyudmila Petina, conducted a conference on gender equality in politics. Another international conference in December focused on the issues of women, education, and democracy. The UNDP project, "Support to Expanding Public Space for Women in Belarus," launched in 2002, was carried out during the year by the European Humanities University, with the participation of the Ministry of Labor and Social Welfare and was directed towards increasing the participation of women in decision-making positions in the socio-political, legislative, and professional spheres. There was also an active women's political party (see Section 3).

Children.—The authorities were committed to children's welfare and health, particularly to overcoming the consequences of the nuclear accident at Chernobyl. With the help of foreign donors, they tried to give children special attention. During the year, the Belarusian Children's Hospice operated three regional hospices in Vitebsk, Gomel, and Mogilev in addition to their Minsk hospice. These hospices gave medical care to dying children, held a summer camp for kids with psychological rehabilitation needs, and educated nurses, medical workers, and parents. By law all inhabitants, including children, were entitled to health care. There was no reported difference between the treatment of girls and boys in the provision of either health

care or education. Children begin school at the age of 6 and are required to complete 9 years, although the authorities made 11 years of education available at no cost and began to develop a 12-year education program. Higher education also was available at no cost on a competitive basis. Families with children continued to receive token government benefits, such as discounted transportation.

Although the Government did not keep statistics or report on cases of child abuse, there were instances of child abuse. However, there did not appear to be a societal pattern of abuse of children. The press reported that the authorities in Pinsk, Brest region, opened a shelter on December 31 for children who had been removed from abusive or negligent homes. Pinsk was the third city in the Brest region to open a social orphanage; the other two were located in Brest and Baranovichi. With the assistance of UNICEF, a network of 23 NGOs working for and with children has been established. UNICEF's counterpart NGO, the Belarusian Association of UNESCO Clubs, implemented a project entitled University of Child Rights, a peer-to-peer child rights education program, which involved a lawyer, a teacher, and a trainer holding training seminars for regional coordinators who each in turn trained teachers and high school students. These teams then conducted seminars in high schools. These seminars were adapted to cover child's rights issues important in each of these high school communities. The NGO Belarusian Assistance to Children and Young Persons with Disabilities, promoted the rights of children and young persons with disabilities.

Trafficking in girls was a problem (see Section 6.f.).

Persons with Disabilities.—Discrimination against persons with disabilities in the provision of employment, education, and other state services was a problem, as was social discrimination. The law mandates accessibility to transport, residences, businesses, and offices for persons with disabilities. However, facilities, including transport and office buildings, often were not accessible to persons with disabilities. A program of measures intended to provide employment and medical care for persons with disabilities, adopted in 2001, lacked funds. The Government promised to construct at least one or two wheelchair accessible facilities in regional and district centers by year's end; however, according to the Republican Association of the Disabled, not all regional and district centers had completed this construction by year's end. In many cases, facilities had ramps at the entrance but no wheel-chair facilities inside, which made the buildings inaccessible to persons with disabilities in practice. However, some private buildings were made accessible to persons with disabilities.

According to the Belarusian Society of the Disabled, the Government took steps that raised concerns among citizens with disabilities. The Government's decision to support only government-run rehabilitation facilities, which were costly for the national budget and less suitable for patients than rehabilitation facilities that were run by NGOs, had a negative effect on the quality of care. The Government also decreased tax privileges for employers specializing in laborers with disabilities, abolished some general employment guarantees for individuals with disabilities.

On May 12, the National Association of Wheelchair Users protested the Government's failure to observe the constitutional rights of persons with disabilities, and its failure to address their concerns. According to Sergei Drozdovsky, leader of the National Association of Wheelchair Users, the Government failed to implement their program to make public places in Minsk wheelchair accessible, despite promises that it would do so.

The central authorities continued to provide some minimal subsidies to persons with disabilities and foreign and domestic charities operated to care for children with disabilities. In 2002, the charity Alesya, which aimed to provide medical aid and educational support to orphaned children and children with disabilities, was registered with the MOJ.

National/Racial/Ethnic Minorities.—Legally the Russian and Belarusian languages share equal status; however, the Government at times harassed those that used the Belarusian language or promoted Belarusian nationalism. As part of the Government's efforts to promote a union with Russia and to reduce the influence of opposition movements, the authorities continued to discourage the promotion or teaching of the Belarusian language to students by limiting the availability of early childhood education in Belarusian. In Minsk, only 11 of the 242 middle schools taught in the Belarusian language. In other regional cities, the disparity was significantly greater. The authorities continued to claim that the only schools that have been closed that taught in the Belarusian language were those that experienced diminishing enrollment; however, observers doubted this claim.

During the year, youth belonging to Russian ultra-nationalist skinhead groups continued to be active. Foreigners, as well as citizens promoting Belarusian culture, continued to be targeted. On May 7, Alexander Milinkevich, Head of the Grodno

Ratusha resource center, received a threatening letter from the Grodno branch of the ultra-nationalist group Russian National Union (RNE). In 2002, members of the RNE attempted to break into an office of the Belarusian cultural organization *Belaruskaya Khata*. The organization reported that its phone lines were cut, and its office door was damaged and defaced with swastikas.

On November 27, a Lebanese student at a Minsk university was attacked near his university. Foreign students reported to local media that such attacks frequently occurred, and that police did not attempt to prevent them.

On August 3 and November 30, unknown individuals vandalized the office of the Union of Poles in Grodno. In April, unknown individuals vandalized a Polish cemetery in Volkovysk.

On August 20, the MOJ issued a warning to the Union of Poles, the main Polish minority organization for using Polish, not Belarusian or Russian in its official stamp and letterhead. The warning was issued, although the Union of Poles had used the same stamp and letterhead for over 15 years, without incident.

During the year, the Government selectively enforced legislation preventing the sale of hate literature. On November 1, state-media reported that the KGB had seized large amounts of neo-Nazi literature and videos from a store in downtown Minsk. Despite the seizure, such literature continued to be sold at events and stores affiliated with the BOC (see Section 2.c). Despite assurances from the CRNA that the Government took all necessary steps to address such manifestations of hate literature, no concrete steps were observed during the year.

On June 27, the Council of Ministers and the Ministry of Education closed the Yakub Kolas National Humanitarian Lyceum, the only Belarusian language institution offering university preparatory instruction, following a 1-month dispute over the appointment of a government director of the Lyceum. The appointment was made despite the protests of students, teachers and parents who believed that the government-appointed director was not interested in continuing the Lyceum's emphasis on Belarusian culture and language. Between late June and September, students, teachers, and parents of the Lyceum held several demonstrations around Minsk in protest of the decision to close the Lyceum. Although the Government offered students places in other educational institutions, all of which are Russian-speaking, the majority of the students continued to attend Lyceum classes held in various facilities throughout Minsk. However, students, parents, and leaders of the Lyceum, as well as organizations providing classroom space, faced intimidation as a result of their connection to the Lyceum. On May 31, unknown assailants attacked Yakub Kolas, who fought them off and was not injured. On September 29, the Writer's House in Minsk, where the Lyceum students planned to attend a writing course, found their locks changed and the electricity cut off.

In September, the Ministry of Education twice ordered Alexander Kazulin, Rector of the Belarusian State University, to liquidate the International Humanities Institute (IHI), an independent educational entity that was affiliated with Belarusian State University and that received funding from international Jewish organizations. The IHI offered instruction in several fields, and specialized in Judaica studies. The Ministry of Education did not cite any reasons for seeking IHI's liquidation. On September 23, the executive board of Belarusian State University decided to re-designate the IHI as the "Humanities Institute of Belarusian State University," which permitted the institution to continue its various educational programs. Some Jewish groups expressed concerns that the move to liquidate the Institute was motivated by government retaliation for the August closure of the Israeli Embassy in Minsk and by a request of the Metropolitan Filaret who reportedly objected to the Judaica program.

Section 6. Worker Rights

a. The Right of Association.—The Constitution upholds the right of workers, except state security and military personnel, to form and join independent unions on a voluntary basis and to carry out actions in defense of worker rights; however, these rights were not respected in practice. Measures to suppress independent unions included the arrest of members of independent trade unions for distributing union literature, confiscation of union materials, the denial to union members of access to work sites, excessive fines, and pressure on union members by managers and state authorities to join pro-government unions. Workers engaged in trade union activities not approved by the Government were pressured to quit their jobs.

During the year, the authorities took numerous measures to suppress independent trade unions and continued to interfere in the work of the Belarusian Federation of Trade Unions (BFTU), especially regarding activities of independent, affiliated unions. In June, the International Labor Organization's (ILO) Standards Committee included the country in its special paragraph on trade union violations

for a second consecutive year and urged the Government to address the ILO recommendations to eliminate government interference in unions. On November 19, the ILO approved the establishment of a Commission of Inquiry to investigate alleged serious violations of workers' rights in the country.

On November 11, the Ministry of the Economy informed the ILO that all activities related to its technical assistance project to labor unions must cease, because the registration of the project was denied. On October 22, the Presidential Administration issued order 460 concerning the provision of international technical assistance inside the country. Ostensibly issued to clarify the tax treatment of foreign assistance funds, the order complicates project registration procedures by establishing government approval of project activities as a prerequisite for registration. In November, the President issued decree 24, which establishes regulations governing the receipt of foreign assistance that has not been approved and registered by the Government (see Section 2 b.). In refusing to register ILO's technical assistance project, the Ministry cited the exclusion of the BFTU from project activities. The Ministry insisted that assistance should be channeled through an agreement with the BFTU and not through direct cooperation agreements with federation-affiliated unions. Although the Ministry expressed dissatisfaction over the exclusion of BFTU leadership in ILO project activities, local branch unions affiliated with the BFTU participated in project activities throughout the year.

In 2002, the authorities orchestrated a government takeover of the BFTU and several national unions, which lead to an official complaint to the ILO. They also orchestrated the removal of Franz Vitko as chairman of the BFTU and replaced him with Leonik Kozik, a senior official within the Presidential administration hand-picked by Lukashenko. Although the ILO challenged the election of Kozik, during the year, the ILO continued to assert that it was prepared to cooperate with any union organization in the country, including the BFTU, which endorsed the ILO's recommendations for Belarus concerning government interference in internal union activities.

A Presidential decree requires trade unions to enroll a minimum of 10 percent of the workers of an enterprise to form and register a local union. The decree specifies a minimum enrollment of 500 members for national unions. It also obliges existing registered unions to reregister and to meet the new requirements. Free trade union leaders reported that this decree had the effect of making registration, and therefore union activities, nearly impossible in many of the larger state-owned enterprises. Some local unions have been denied registration under this decree. In July, the authorities of the Oktyabrsky District of Mogilev denied registration to the local branch of the Automobile and Agricultural Machinery Workers Union at the Mogilev Auto Plant. According to the authorities, the union's application lacked certain documents required for registration; however, union activists reported that administrators could not name exactly which documents were missing. In August, the Supreme Court ordered the closure of the Belarusian Air Traffic Controllers' Union (BATCU), the first instance of a court-ordered union closure. The Court determined that the BATCU's membership enrollment did not meet the minimum threshold of 500 members, established by presidential decree. The BATCU claimed that the union has approximately 1,000 members stating that the Government neglected to count members employed in enterprises outside of the capital. BATCU Chairman Yury Migutsky asserted that the State Aviation Committee sought the BATCU's closure because aviation workers' refused to accept contract-based employment in lieu of their career appointment status.

The authorities continued to discourage employees at state-run enterprises from joining independent trade unions. The BFTU, formerly the Belarusian branch of the Soviet Union's All-Union Central Council of Trade Unions, consisted of approximately 4.5 million workers (including retirees) and was the largest trade union organization. The independent Belarusian Congress of Democratic Trade Unions consisted of 4 independent unions totaling 15,000 members. According to BFTU figures, 90 percent of the workforce was unionized. Although wary in the past of challenging the Government seriously, some BFTU leaders became increasingly vocal in their criticism of the policies of the Government during the year. In retaliation, the Government threatened and harassed some BFTU officials. In March, President Lukashenko ordered Minister of Industry Anatoly Kharlap to settle issues concerning opposition voices within the Federation. The President gave Kharlap 2 months to solve this issue and report to the Administration. In October, the Presidium (the highest decision making body) of the BFTU voted to remove Bukhvostov as presidium representative of the Agricultural Machinery Workers Union (ASM). ASM union committee leader at the Minsk Tractor Factory Aleksander Kartsev replaced the ASM Chairman as the organization's representative to the BFTU Presidium. During presidium meetings, Bukhvostov repeatedly called for an end to gov-

ernment interference in the internal affairs of trade unions. On December 23, the ASM union called an extraordinary congress during which delegates voted to remove Bukhvostov from his position as chairman. ASM's deputy chairman accused Bukhvostov of ignoring FTUB decisions and politicizing trade union activities. After the vote Bukhvostov commented that human and trade union rights in the country continued to be violated on a tremendous scale.

In 2002, Kozik began a purge of BFTU dissident union activists and replaced them with individuals widely believed to be KGB agents. He fired the editor of the Federation's *Belaruski Chas* newspaper and orchestrated the removal of Alexander Yaroshuk, the then-chairman of the Agricultural Branch union (the largest state union in the country, with approximately 1 million members). In January, BFTU leaders fired six *Belaruski Chas* journalists, who stated that they were dismissed for supporting the editorial views of the paper's previous editor. The authorities continued to coerce union activists and focused efforts to remove two reform-minded BFTU branch union heads. On May 28, the trade unions at nine state enterprises merged to form the Belarusian Union of Industry Workers (BUIW), which subsequently became a member of the BFTU. The authorities and directors of state enterprises placed significant pressure on workers to join the BUIW. Independent union activists called the BUIW a pro-government, "yellow union" established to quell resistance to BFTU's pro-government agenda and undermine reformist grassroots unions. BFTU Chairman Kozik pledged his full support for BUIW, stating that the country needed a powerful union as no one in the Government wants to deal with a union limited to one factory. The BUIW allocated 2.4 percent of its membership dues to the BFTU. The BUIW had approximately 100,000 members. Kozik's radical shift away from union activism to pro-government agitation and integration of the BFTU into the government structure, led the ILO to challenge the BFTU's representation in ILO and Kozik's election as chairman.

Independent trade unions faced continual government harassment. In April, an ASM union activist was fired from the Grodno Truck Factory after a factory security guard discovered \$0.20 (454 rubles) worth of nuts and screws when he was leaving work. The worker was a member of a trade union commission in 2002 that uncovered management's failure to index back wages. On September 18, Chairman of the Belarusian Congress of Democratic Trade Unions (BCDTU) Aleksander Yaroshuk received a 10-day prison sentence for contempt of court. The Prosecutor's Office filed charges against Yaroshuk for describing the Supreme Court's decision to close the Air Traffic Controllers Union as "a stage play with an end known in advance" in an article published by an independent newspaper. On October 17, a Minsk Administrative Court sentenced BCDTU lawyer Vladimir Adynets to 5 days in prison for failing to appear in court as a legal representative to a plaintiff involved in a labor dispute when his client was ill and unable to attend proceedings. Members of independent trade unions faced continual pressure at their places of work to join the BUIW or lose their jobs. Workers were repeatedly searched at factories to prevent the smuggling of information materials forbidden by plant directors. Directors of state enterprises restricted access to plant premises, limiting opportunities for unions to hold meetings with members. In November, the MOJ inquired into the membership lists of independent unions and the BCDTU.

By law, unions are free to affiliate with international bodies. In April, the International Union of Food, Agricultural, Hotel, Restaurant, Catering, Tobacco, and Allied Workers' Associations (IUF) suspended the membership of the BUAW and contacts with the BFTU. IUF General Secretary Ron Oswald stated that the BUAW and BFTU no longer met membership requirements as their leaders were appointed by the Government rather than elected. In December, the BCDTU became a member of the International Confederation of Free Trade Unions (ICFTU).

b. The Right to Organize and Bargain Collectively.—The law provides for the right to organize and bargain collectively; however, the authorities and state-owned enterprises hindered the ability of workers to bargain collectively and, in some instances, arbitrarily suspended collective bargaining agreements. On October 30, city authorities in Polotsk notified the management at the Polotsk Glass Fiber Factory and local branch of the BFTU that the registration of their collective bargaining agreement had been voided. Both independent and official union leaders continued to be sharply critical a presidential decree issued in 1999 intended to place all workers on individual rather than collective contracts. Union leaders believed the requirement was designed principally to enable the Presidential Administration to increase its control over the labor sector. Unions reported that some enterprises and state agencies pressured workers to accept individual contracts in lieu of collective contracts (see Section 6.a.).

The Constitution provides for the right to strike; however, tight control by the Government over public demonstrations made it difficult for unions to strike or to

hold public rallies furthering their objectives (see Sections 1.d. and 2.b.). During the year, small vendors and workers organized several small strikes in various regions of the country. However, there were many instances in which management and local authorities frustrated workers' attempts to organize strikes by declaring that such activities would be illegal.

There are six special economic zones, all of which are subject to all provisions of the labor code.

c. Prohibition of Forced or Bonded Labor.—The Constitution prohibits forced or bonded labor, including by children except in cases when the work or service to be performed is fixed by a court's decision or in accordance with the law on states of emergency or martial law; however, there were some reports that such practices occurred (see Section 6.f.). The Government approved several "subbotniks" by which workers "volunteer" to work on Saturday and donate the day's earnings to finance certain social projects. Participation in subbotniks was mandatory; workers who refused to participate were subject to fines and intimidation by employers and the authorities. Students also were forced to participate in potato harvesting activities.

d. Status of Child Labor Practices and Minimum Age for Employment.—The law establishes 16 as the minimum age for employment. With the written consent of one parent (or legal guardian), a 14-year-old child may conclude a labor contract. The Prosecutor General's office reportedly enforces this law effectively.

e. Acceptable Conditions of Work.—The minimum wage was \$22 (45,000 rubles) a month, which did not provide a decent standard of living for a worker and a family; however, average real wages improved during the year from approximately \$110 (200,000 rubles) to \$126 (264,000 rubles) a month. The country's continuing economic problems made it difficult for the average worker to earn a decent living, and major wage arrears continued to grow, especially in the agricultural sector.

The Constitution and Labor Code set a limit of 40 hours of work per week and provide for at least one 24-hour rest period per week. In reality, because of the country's difficult economic situation, an increasing number of workers found themselves working considerably less than 40 hours per week. Reportedly factories often required workers to take unpaid furloughs caused by shortages of raw materials and energy and a lack of demand for factory output.

The law establishes minimum conditions for workplace safety and worker health; however, these standards often were ignored. Workers at many heavy machinery plants did not wear even minimal safety gear, such as gloves, hard hats, or welding glasses. A State Labor Inspectorate existed but did not have the authority to enforce compliance, and violations often were ignored. In the first half of the year, 83 workers died and 318 were injured seriously in workplace accidents. The high accident rate was due to a lack of protective clothing, shoes, equipment, failure to observe temperature regulations, the use of outdated machinery, and inebriation on the job. There is no provision in the law that allows workers to remove themselves from dangerous work situations without risking loss of their jobs.

A 2002 Presidential decree lowered the level of disability allowances paid by the State or state enterprises for result of workplace injuries. Under the decree, industrial injury suits also are to be covered by the Civil Code, rather than the Labor Code. Independent union leaders believed workplace injuries should be reviewed under the Labor Code, which provides for more generous compensation.

The Labor Code accords foreign workers the same protections as citizens.

f. Trafficking in Persons.—The law prohibits trafficking in persons; however, trafficking in persons was a significant problem. There were no reports of official involvement in trafficking; however, observers believed that given the extensive corruption that exists within the police and other agencies of the Government, such involvement was likely.

Provisions of the Criminal Code penalize trafficking in persons for the purpose of sexual or other kinds of exploitation. The Criminal Code also criminalizes the hiring of individuals in order to exploit them sexually or otherwise. The penalty for trafficking is between 5 and 7 years' imprisonment and severe forms of trafficking are punishable by up to 15 years' imprisonment.

According to government statistics, law enforcement agencies broke up 10 trafficking rings run by international organized criminal groups during 2002. During the year, law enforcement agencies initiated several investigations related to trafficking in persons. In November, the Ministry of Interior (MOI) reported that three cases were being investigated under the anti-trafficking law. For the same period, the MOI identified several returned Belarusian victims of trafficking, including 24 minors under the age of 18. Local NGOs and international organizations did not indicate that authorities mistreated victims. According to the MOI, courts opened 47 cases related to trafficking in persons. Of these cases, 24 perpetrators received pris-

on sentences, 3 received hard labor, 2 were fined, 1 received community service, 11 had pending sentences, and 6 accused awaited trial.

The country was both a country of origin and a country of transit for women and girls being trafficked to Central and Western Europe for purposes of prostitution and sexual exploitation. The open border with Russia made the country a likely transit route for victims from Russia and points eastward. Trafficking remained a significant problem. The MOI was investigating leads concerning the alleged trafficking of Belarusian women to Cyprus. MOI investigators estimated that approximately 500 Belarusians may have been trafficked to Cyprus during the past 3 years. Victims were forced to work as dancers and prostitutes in Cypriot clubs, bars, and restaurants. The authorities released limited statistics on the problem of trafficking. According to country NGOs, several thousand Belarusian women were victims of trafficking. The country was also a country of origin and transit for women being trafficked to Russia, Ukraine, Lithuania, Germany, Israel, Poland, Czech Republic, Turkey, Cyprus, Bahrain, Syria, Greece, Hungary, and Serbia and Montenegro.

The Ministry of Internal Affairs acknowledged that criminal organizations may try to lure and recruit women into serving as prostitutes in Western Europe and the Middle East. Traffickers, who were associated with organized crime and drug trafficking, enticed their victims through advertisements for lucrative jobs in newspapers, on the Internet, and in advertisements posted in the metro.

The authorities continued to address the problem of trafficking in persons. In 2001, the MOI prepared a 5-year, 33-point strategy to combat trafficking in persons that covered ways of improving legislation, international cooperation, combating trafficking, and rehabilitation of victims. The strategy included various governmental agencies, such as the Ministries of Foreign Affairs, Labor, Education, and the KGB. On June 25, the country ratified the U.N. Convention on Transnational Organized Crime and the U.N. Protocol to Prevent, Suppress, and Punish Trafficking in Persons, Especially Women and Children. The MOI and the Ministry of Social Welfare were involved in anti-trafficking efforts. The Ministry of Labor and the Department of Migration continued to monitor the activities of businesses licensed by the Ministry to offer employment in foreign countries. In some instances, the Ministry suspended or revoked such licenses for failure to comply with the regulations governing overseas employment agencies. The MOI signed law enforcement cooperation agreements on fighting organized crime with Poland, Lithuania, Estonia, and Moldova in 2002, which included cooperation on combating trafficking in persons. At year's end, the MOI was working to broaden its cooperation with international and foreign government law enforcement agencies.

Women seldom reported incidences of trafficking to police, probably because of the social stigma attached to trafficking crimes, a generally negative public opinion about law enforcement authorities, insufficient protection accorded victims and witnesses, and lack of reintegration services for victims. Most victims returned to the country as deportees and had not received special status as victims of trafficking in the countries to which they were trafficked. As a consequence, they were denied victims' access to return assistance and the likelihood that they would come forward once back in the country was reduced.

During the year, the UNDP launched a 2-year counter-trafficking program that focused on improving legislation, law enforcement efforts, and the provision of assistance available to victims. The International Organization for Migration (IOM) conducted a national awareness campaign and provided awareness training to NGOs in regional towns. The IOM made available resources to provide basic reintegration assistance to victims of trafficking. Crisis centers established by some NGOs provided psychological assistance to victims of violence; however, such centers did not include specialists in dealing with victims of trafficking.

NGOs operated two trafficking information hotlines; one in the capital of Minsk and a second in Brest, located near the Polish and Ukrainian borders. The hotline in Brest received 1,277 calls in its first year of operation; 66 percent of which were from women. Of the callers, 52 percent had questions regarding employment abroad, and 390 callers said they received proposals to work abroad from friends. The hotline in Minsk received an average of 100 calls per month.

BELGIUM

Belgium is a parliamentary democracy with a constitutional monarch who plays a mainly symbolic role. The Council of Ministers (Cabinet), led by the Prime Minister, holds office as long as it retains the confidence of the lower house of the bicameral Parliament. Parliamentary elections held on May 18 were free and fair and

resulted in a four-party coalition government. The country is a federal state with several levels of government, including national, regional (Flanders, Wallonia, and Brussels), and community (Flemish, Francophone, and German). The judiciary is independent.

The civilian authorities maintained effective control of all security forces. The Federal Police are responsible for internal security and nationwide law and order. Local Federal Police branches operated in all 196 police districts. There were no reports that security forces committed human rights abuses.

The country, which had a population of approximately 10.3 million, was highly industrialized, with a large private sector and limited government participation in industry. The primary exports were machinery and equipment. The economy grew an estimated 0.8 percent during the year and provided a high standard of living for most citizens; there was little economic disparity.

The Government generally respected the human rights of its citizens, and the law and the judiciary provided effective means of dealing with individual instances of abuse. Societal violence against religious minorities was a problem. Trafficking in women and children remained problems, which the Government took steps to address.

RESPECT FOR HUMAN RIGHTS

Section 1. Respect for the Integrity of the Person, Including Freedom From:

a. Arbitrary or Unlawful Deprivation of Life.—There were no reports of the arbitrary or unlawful deprivation of life committed by the Government or its agents.

The trial of five ex-gendarmes for their alleged roles in the 1998 death of Semira Adamu, a Nigerian refugee who died during her forced repatriation, concluded on December 14, with suspended 12-month sentences for three of the officers, a suspended 14-month sentence for the officer-in-charge, and an acquittal for the fifth officer. The Government was ordered to pay damages to the victim's family. The trial for the 1991 killing of Andre Cools began on October 17 and was pending at year's end.

b. Disappearance.—There were no reports of politically motivated disappearances.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The law prohibits such practices, and in general government officials did not employ them.

On July 2, the Government published its response to a report by the Council of Europe's Committee for the Prevention of Torture (CPT) based on a 2001 visit. The CPT report made recommendations concerning the use of force and means of restraint during involuntary movement of prisoners, but noted that the Government had already taken numerous measures to reduce risks to prisoners. The report's principal concerns were violence between prisoners at Andenne Prison, chronic overcrowding at Antwerp Prison, and the operation of the psychiatric care system in prisons. In response, the Government highlighted the adoption of specific articles in the Criminal Code prohibiting torture and inhumane treatment and reported its prohibition against the use of plastic handcuffs the use of immobilization techniques that could result in asphyxiation. The Government also established an interministerial working group on the implementation of CPT recommendations.

Other Government actions to implement the CPT recommendations included closure of a psychiatric ward at Lantin prison; new measures to combat prison violence; and a more liberal policy for allowing prisoners access to medical treatment.

Following the death on July 16 of a prisoner at Lantin penitentiary, a judicial inquiry began into the actions of two prison guards. The investigation continued at year's end.

Prison conditions varied: Newer prisons generally met international standards, while some older facilities nearly met international standards despite their Spartan physical conditions and limited resources. Overcrowding remained a problem: The prison system, which was designed to hold 7,870 prisoners, held on average 8,804 prisoners in 2002, according to government figures. Construction projects to expand the prison system capacity by 870 persons have not yet been completed. However, the Government undertook the following actions to reduce overcrowding: Alternative sentencing; electronic surveillance at home for about 300 prisoners nearing the end of their sentences (with plans to add another 450 by year's end); and agreements with several countries to return foreign prisoners to their home countries to complete their sentences.

Men and women were held separately. Juvenile prisoners were not permitted to be held in adult prisons. Juvenile prisoners were routinely released from detention whenever the maximum-security facility reached its limit. The Government did not hold convicted criminals and pretrial detainees in separate facilities.

The Government permitted visits by independent human rights observers, and such visits took place during the year.

d. Arbitrary Arrest, Detention, or Exile.—The law prohibits arbitrary arrest and detention, and the Government generally observed these prohibitions.

The operations of all police forces are integrated into a federal system and overseen by the Federal Police Council and an anticorruption unit. An independent oversight committee monitors police activities and compiles an annual report for Parliament. The Federal Police are responsible for internal security and nationwide law and order and operated local branches in all 196 police districts. Corruption was not a problem.

Arrested persons must be brought before a judge within 24 hours. Pretrial confinement was subject to monthly review by a panel of judges, which could extend pretrial detention based on established criteria, for example, if the court deemed the arrested person likely to commit further crimes or attempt to flee if released. At times, lengthy pretrial detention was a problem. Bail exists in principle under the law but was granted rarely. In September, 38 percent of the prison population consisted of pretrial detainees. Pretrial detainees received more privileges than did convicted criminals, such as the right to more frequent family visits. Arrested persons were allowed prompt access to a lawyer of their choosing or, if they could not afford one, to an attorney appointed by the State.

Fehriye Erdal, a Kurdish woman accused of involvement in a 1996 terrorist attack in Turkey, remained under house arrest pending trial at year's end. Following the Council of State's March 31 reversal of a 2000 expulsion order, Erdal renewed her application for political asylum.

The law prohibits forced exile, and the Government did not employ it.

e. Denial of Fair Public Trial.—The Constitution provides for an independent judiciary, and the Government generally respected this provision in practice.

The criminal judicial system consists of: Procedural courts that rule on the admissibility of evidence and matters pertaining to the conduct of an investigation; District courts that conduct trials for minor to moderate criminal offenses; the Assize Court and the Court of Appeal that conduct trials for the most serious criminal offenses committed within their geographic regions; and the Supreme Court of Appeals that hears appeals of Court of Appeal decisions. The Supreme Court of Appeal can uphold a verdict of the Court of Appeal, but it cannot actually overturn one. It may, however, return the case to be tried anew by a different Appeal Court if it finds fault with the first court's application of the law or procedures. The decisions of the Supreme Court of Appeals cannot be appealed.

A High Council on Justice supervised the appointment and promotion of magistrates. The Council served as a permanent monitoring board for the entire judicial system and was empowered to hear complaints against individual magistrates.

The federal prosecutor's office is authorized to prosecute crimes involving nuclear materials, human trafficking, arms trafficking, human rights violations, terrorism, crimes against the security of the State, as well as any case involving foreign perpetrators, victims, or territory.

The law provides for the right to a fair trial, and an independent judiciary generally enforced this right. Charges were stated clearly and formally, and there was a presumption of innocence. All defendants had the right to be present, to have counsel (at public expense if needed), to confront witnesses, to present evidence, and to appeal.

The Summary Trial Act, which covers crimes punishable by 1 to 10 years' imprisonment, allows a prosecutor to issue an arrest warrant for the immediate appearance in court of an offender caught in the act of committing a crime. The warrant expires after 7 days, and the court must render its verdict within 5 days of the initial hearing. No summary trials were conducted during the year, and the new Justice Minister stated that the procedure will no longer be used.

Military tribunals tried military personnel for common law as well as military crimes. All military tribunals consisted of four military officers and a civilian judge. At the appellate level, the civilian judge presided; a military officer presided at trial. The accused had the right of appeal to a higher military court. Peacetime use of military tribunals is scheduled to be abolished after December 31.

Each judicial district had a labor court, which dealt with litigation between employers and employees regarding wages, notice, competition clauses, and social security benefits (see Section 6.b.). There was also a magistrate in each district to monitor cases involving religious groups (see Section 2.c.).

Early in the year, private parties filed criminal complaints alleging war crimes and crimes against humanity against foreign civilian and military officials under the country's Law of Universal Competence. The law was amended in April, re-

pealed in August, and replaced by a law that authorizes jurisdiction over alleged war crimes and crimes against humanity committed outside the national territory only when the victim or perpetrator is a citizen or resident of Belgium. The new law also rendered moot all existing cases that lacked the required connection to the country.

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The law prohibits such actions, and the Government generally respected these prohibitions in practice.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The law provides for freedom of speech and of the press, and the Government generally respected these rights in practice. An independent press, an effective judiciary, and a functioning democratic political system combined to ensure freedom of speech and of the press, including academic freedom. There were restrictions on the press regarding libel, slander, and the advocacy of racial or ethnic discrimination, hate, or violence.

In July, the European Court of Human Rights awarded damages to four journalists for violations of their privacy and freedom of speech. The homes of the journalists had been searched in a 1995 attempt to determine whether magistrates had been disclosing confidential information about the investigation into the murder case of Andre Cools.

The independent media were active and expressed a wide variety of views without government restriction. Although the Government had no official editorial control over content, the potential for political influence existed, as each station's operations were overseen by a board of directors that consisted of representatives of all the main political parties as well as representatives of the linguistic communities.

There were no restrictions on access to the Internet.

b. Freedom of Peaceful Assembly and Association.—The law provides for freedom of assembly and association, and the Government generally respected these rights in practice.

Citizens were free to form organizations and establish ties to international bodies; however, the Antiracism Law prohibits membership in organizations that practice discrimination "overtly and repeatedly" (see Section 5).

c. Freedom of Religion.—The Constitution provides for freedom of religion, and the Government generally respected this right in practice.

The law accords "recognized" status to Roman Catholicism, Protestantism (including evangelicals), Judaism, Anglicanism, Islam, and Orthodox Christianity (Greek and Russian), and these religions received subsidies from government revenues. Nonconfessional philosophical organizations (laics) served as a seventh recognized "religious" group, and their organizing body, the Central Council of Non-Religious Philosophical Communities of Belgium, received funds and benefits similar to those of the six recognized religions.

By law, each recognized religion has the right to provide teachers at government expense for religious instruction in public and private schools. For recognized religions, the Government paid the salaries, lodging, and retirement expenses of ministers and also subsidized the construction and renovation of church buildings. The lack of recognized status generally did not prevent religious groups from freely practicing their religions, and citizens generally practiced their religion without official harassment or impediment.

In 1998, Parliament adopted recommendations from a 1997 commission's report on government policy toward sects, particularly sects deemed "harmful" under the law. The report divided sects into two broadly defined categories: It characterized a "sect" as any religious-based organization, and a "harmful sect" as a group that may pose a threat to society or individuals. Attached to the report was a list of 189 sectarian organizations that were mentioned during testimony before the commission. Although the introduction to the list clearly stated that there was no intent to characterize any of the groups as "dangerous," the list quickly became known in the press and to the public as the "dangerous sects" list. This list was not part of the report approved by Parliament.

Although the Government stated that it neither recognized nor utilized the list associated with its 1997 parliamentary inquiry, some groups continued to complain that their inclusion caused discriminatory action against them. They maintained that the effect of the list was perpetuated by the existence of the Center for Information and Advice on Harmful Sects, a government-sponsored organization charged with monitoring religious groups and providing information about them to the public and the authorities. Although the Center has maintained that the 1997 list has

no bearing on its work, the groups on which it focused were among those listed by the parliamentary inquiry. While the Center had no legal authority to declare any religious group harmful, some groups stated that the initial creation of the list, followed by the establishment of an organization that has monitored some groups from the list, caused negative assumptions and guilt by association.

Print and broadcast coverage of the September 17 opening of the Church of Scientology's European Office for Public Affairs and Human Rights in Brussels stated that the Government had declared the church "harmful" in 1997. The opening of this office, in spite of that determination, was cited by at least one leading publication as reason to provide the Center for Information and Advice on Harmful Sects with additional resources.

An independent judge completed his 5-year criminal investigation into allegations against Church of Scientology, clearing the way for a prosecutor to seek indictments and take the case to trial. Indictments had not yet been issued at year's end, and the specific charges against Church officials remained unknown.

Although there is no provision in immigration law for members of unrecognized religious groups to enter the country for the purpose of religious work or for them to obtain work permits for that purpose, the Government established temporary procedures in May 2002 by which at least one unrecognized religious group, the Church of Jesus Christ of Latter-day Saints, could bring in members from abroad temporarily to conduct missionary activities. Discussions to formalize this agreement were ongoing at year's end.

In June, there was a failed car bombing of the synagogue in Charleroi, and the Government continued to provide a police presence around some synagogues during worship services. Local police addressed the problem on a case-by-case basis with the various synagogues.

In addition, other religious groups complained of societal discrimination, particularly groups that have not been officially recognized by the Government or those associated primarily with immigrant communities.

For a more detailed discussion, see the 2003 International Religious Freedom Report.

d. Freedom of Movement within the Country, Foreign Travel, Emigration, and Repatriation.—The law provides for these rights, and the Government generally respected them in practice.

The law includes provisions for the granting of refugee status or asylum to persons who meet the definition in the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. In practice, the Government provided protection against refoulement and granted refugee status or asylum. The Government cooperated with the office of the U.N. High Commissioner for Refugees and other humanitarian organizations in assisting refugees. During the year, 16,470 asylum applications were submitted, 12 percent fewer than in 2002, continuing the downward trend begun in 2000. Authorities claimed that the application rate continued to decline largely because the Government had developed a system less attractive to illegitimate asylum-seekers. Applicants are required to go to open reception centers to receive room, board, and basic services. The Government claimed that approximately 75 percent of all asylum cases were resolved within 8 weeks. It reported that its 45 reception centers for applicants were about 75 percent full.

In response to complaints about slow processing and the large backlog of asylum applications, the Government in 2001 adopted a "last in, first out" policy in processing new applications. The asylum case backlog at year's end was approximately 8,000, a reduction of 32,000 since the end of 2001, and average asylum processing time has fallen sharply; however, the backlog for processing appeals of negative decisions grew to 32,000.

The Government, in partnership with the International Organization for Migration (IOM), provided relocation assistance to unsuccessful asylum applicants who agreed to repatriate voluntarily to their country of origin. Unsuccessful applicants who did not leave voluntarily were subject to deportation.

There are five closed detention centers for aliens who entered the country illegally. The detention of minors in these facilities remained controversial, and the Government indicated that it was exploring new means for handling underage asylum seekers.

The Government also provided protection to certain individuals who fall outside the definition of the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. Undocumented asylum seekers arriving by air, whose claims did not appear legitimate as determined by immigration officials, were not allowed to enter but were held in a closed detention center at the airport while awaiting deportation or voluntary repatriation. The children of such asylum seekers did not attend school. Those applicants whose claims appeared to be legitimate were released to

a system of 39 reception centers for shelter and assistance. These centers had a total capacity of 7,000 beds.

During the summer, approximately 300 Afghan asylum seekers took refuge in a church to protest the rejection of their applications. Many also went on a hunger strike. The Interior Minister allowed all of the protesters to remain in the country until at least March 2004 (those with children until July) and promised a review of their individual cases. Since the law permits a family of asylum seekers resident in the country for at least 3 years to apply for regularization (4 years for an individual), the practical result of the extension is that many of the 300 will ultimately be able to remain in the country permanently. Fourteen Iranian asylum-seekers also went on a hunger strike to protest the rejection of their applications, and were also granted a temporary stay while their cases were re-examined.

Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government

The law provides citizens with the right to change their government peacefully, and citizens ages 18 and older exercised this right in practice through periodic, free, and fair elections held on the basis of universal suffrage. Voting in all elections was compulsory, and failure to vote was subject to a nominal fine. Direct popular elections for parliamentary seats (excluding some Senators elected by community councils and others elected by Senate members) are held at least every 4 years. Opposition parties operated freely.

The Government was responsible for security, justice, social security, and fiscal and monetary policy. The regional governments were charged with matters that directly affect the geographical regions and the material well-being of their residents, such as commerce and trade, public works, and environmental policy. The linguistic community councils handle matters more directly affecting the mental and cultural well-being of the individual, such as education and the administration of certain social welfare programs.

The existence of communities speaking Dutch, French, and German created significant complexities for the Government. Most major institutions, including political parties, are divided along linguistic lines. National decisions often take into account the specific needs of each regional and linguistic group. With three official languages, the country had a complex linguistic regime, including language requirements, for various elective and appointive positions. The law prohibits the official financing of any racist or xenophobic party or any party that does not respect human rights.

The law prohibits federal funding for political parties that espouse discrimination. After two lower courts ruled that they were not competent to hear the case of charges brought against three nonprofit organizations linked to the Vlaams Blok party, the prosecutor and the Center for Equal Opportunity and the Fight Against Racism (CECLR), an autonomous governmental entity, appealed to the country's Supreme Court of Appeals. In November, the Supreme Court of Appeals ruled that the case should be heard by the Court of Appeals based in Ghent. At year's end, proceedings at the Ghent appellate court had not yet begun.

There were 53 women in the 150-seat Chamber of Representatives and 22 women in the 71-seat Senate; 5 of the 15 Cabinet ministers were women. In 2002, Parliament adopted legislation that requires an equal number of male and female candidates on party tickets for all future regional and federal elections. Data was not available on the number of members of minorities represented in Parliament or who have leading positions in the Government.

Section 4. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A number of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials were very cooperative and responsive to their views.

Section 5. Discrimination Based on Race, Sex, Disability, Language, or Social Status

The law prohibits discrimination based on these factors, and the Government generally enforced these laws. In February, a law broadening the scope of anti-discrimination legislation and stiffening penalties for violations came into force.

Women.—Societal violence against women was a problem. The law defines and criminalizes domestic violence with the aim of protecting married and unmarried partners. The law allows social organizations to represent victims of domestic violence in court with the victim's consent. The law allows police to enter a home without the consent of the head of household when investigating a domestic violence

complaint. According to the law's proponents, the police do not use it enough. By year's end, the Government had not implemented other provisions of the law that required it to establish and maintain a database of statistics on domestic violence. Spousal rape is illegal, but no data was available on the number of persons charged or convicted of spousal rape.

A number of government-supported shelters and telephone help lines were available across the country. In addition to providing shelter and advice, many offered assistance on legal matters, job placement, and psychological counseling to both partners. Approximately 80 percent of these organizations' budgets were provided by one of the three regional governments.

The law prohibits organizing prostitution or assisting immigration for the purpose of prostitution, but not prostitution itself. Trafficking in women remained a problem (see Section 6.f.).

Sexual harassment is illegal. The Government has implemented procedures to monitor sexual harassment claims. The Sexual Harassment Act provides that victims of sexual harassment have the right to sue their harassers and that sexual harassment can be a form of sexual discrimination. The Act also prohibits discrimination in hiring, working conditions, promotion, wages, and contract termination. Most cases of sexual harassment were resolved informally.

The Constitution and the law provide for the equal treatment of men and women. The Government actively promoted a comprehensive approach to the integration of women at all levels of decision-making. In June, the Ministry of Labor's Division of Equal Opportunity became a new agency, the Institute for the Equality of Men and Women. This Institute is authorized to initiate lawsuits if it finds that equality laws have been violated.

In 2002, the net average salary for a woman was 84 percent of the national net average salary.

Children.—The Government was strongly committed to children's rights and welfare; it amply funded a system of public education and health care and provided free compulsory education from ages 6 to 18. The Francophone and Flemish communities had agencies specifically dealing with children's needs.

The Constitution provides that every child has the right to respect for his or her moral, physical, mental, and sexual integrity. The Federal Police has a specialized unit dedicated to investigating child pornography complaints, and there are comprehensive child protection laws. The law combats child pornography by applying severe penalties for such crimes and against persons possessing pedophilic materials. The law permits the prosecution of the country's residents who commit such crimes abroad and provides that criminals convicted of the sexual abuse of children cannot receive parole without first receiving specialized assistance and must continue counseling and treatment upon their release from prison. The law provides for the protection of youth against sexual exploitation, abduction, and trafficking.

There were some reports of abuse of children, although there was no societal pattern of abuse directed against children.

Child prostitution was a problem but was not widespread. Trafficking in children was a problem (see Section 6.f.).

Government and private groups provided shelters for runaways and counseling for children who were physically or sexually abused. Child Focus, the government-sponsored center for missing and exploited children, reported that it handled 2,629 cases in 2002, a nearly 30 percent increase since 2000. Approximately 42 percent of the reported cases concerned runaways, 23 percent involved abduction by parents, 23 percent were reports of disappearance, and nearly 8 percent were pedophilia cases. The most marked increase was in the reports of disappearances. Child Focus also noted that 67 percent of the reported runaways were girls.

Persons with Disabilities.—The law provides for the protection of persons with disabilities from discrimination in employment, education, and the provision of other state services. There were no reports of societal discrimination against persons with disabilities. The Government mandated that public buildings erected after 1970 be accessible to such persons and offered subsidies to encourage the owners of other buildings to make necessary modifications. However, many older buildings were not accessible.

The Government provided financial assistance to persons with disabilities. It gave special aid to parents of children with disabilities and to parents with disabilities. Regional and community programs provided other assistance, such as job training. Persons with disabilities were eligible to receive services in any of the three regions (Flanders, Wallonia, or Brussels), not just in their region of residence.

National/Racial/Ethnic Minorities.—In the country's pluralistic society, individual differences generally were respected, and linguistic rights in particular gen-

erally were protected. Approximately 60 percent of citizens were native Dutch speakers, 40 percent French speakers, and less than 1 percent German speakers.

The Antiracism Law penalizes the incitement of discrimination, hate, or violence based on race, ethnicity, or nationality. It is illegal for providers of goods or services (including housing) to discriminate on the basis of any of these factors or for employers to consider these factors in their decisions to hire, train, or dismiss workers; however, immigrant communities complained of discrimination, particularly in the job market. The law also expanded the mandate of the CECLR, which is now authorized to represent plaintiffs in court; however, the agency's director resigned in August, complaining of increased government interference and efforts to curtail the Center's power to act independently.

Members of the Muslim community, estimated at 350,000, principally of Moroccan and Turkish origin, claimed that discrimination against their community, notably in education and employment and especially against young men, is greater than that experienced by other immigrant communities. Only 30 percent of working-age, non-EU immigrants were employed.

In 2002, the CECLR, which was tasked with investigating complaints of discrimination based on race, handled 1,316 complaints, only 17 of which led to court action by the Center. The total number of complaints handled by the Center was up slightly for the second year in a row, reversing 3 years' of gradual decline.

Section 6. Worker Rights

a. The Right of Association.—The Constitution provides that workers have the right to associate freely, including the freedom to organize and to join unions of their own choosing. The Government did not limit such activities, and workers fully and freely exercised their right of association. Approximately 60 percent of employed and unemployed workers were members of labor unions. Unions were independent of the Government but had important links with major political parties. The Government did not require unions to register.

Unions were free to form or join federations or confederations and were free to affiliate with international labor bodies.

b. The Right to Organize and Bargain Collectively.—The right to organize and bargain collectively was recognized, protected, and exercised freely. Every other year, the employers' federation and the unions negotiate a nationwide collective bargaining agreement, covering 2.4 million private sector workers, that establishes the framework for negotiations at the plant and branch levels. A 2002 nationwide collective bargaining agreement set the benchmark for wage increases at 5.4 percent. It included an agreement on providing early pensions to workers who lose their jobs before reaching the retirement age of 58.

Organized workers, including civil servants, have the right to strike; however, members of the merchant marine, the military, and magistrates do not. The federal and local police forces also have the right to strike; however, the Government could order necessary personnel back to work to maintain law and order. Following an October 2 announcement by Ford that it would cut 3,000 jobs at its plant in Genk, workers staged a variety of protest actions. These included production slow-downs, working reduced hours, and 24-hour strikes. Protest actions ceased in late October, following assurances from Ford that the plant would remain open and its agreement to negotiate severance packages.

The law prohibits discrimination against organizers and members of unions and protects against the termination of contracts of members of workers' councils, members of health or safety committees, and shop stewards. Trade union representatives enjoy special protections against layoffs. Employers found guilty of antiunion discrimination are required to reinstate workers fired for union activities or to pay an indemnity; however, payment of the indemnity reportedly was much more common than reinstatement. Effective mechanisms such as labor courts in each district existed for the adjudication of disputes between labor and management (see Section 1.e.).

There are no export processing zones.

c. Prohibition of Forced or Bonded Labor.—The law prohibits forced or bonded labor, including by children; however, there were reports that such practices occurred (see Sections 5 and 6.f.).

d. Status of Child Labor Practices and Minimum Age for Employment.—The minimum age of employment for children was 15. Youths between the ages of 15 and 18 could participate in part-time work/study programs and work full time during school vacations. The labor courts effectively monitored compliance with national laws and standards. There were no industries where any significant child labor existed.

e. Acceptable Conditions of Work.—The monthly national minimum wage for workers over 21 years of age was approximately \$1,540 (1,233 euros); 18-year-olds must be paid at least 82 percent of the minimum, 19-year-olds 88 percent, and 20-year-olds 94 percent of the minimum. The national minimum wage, coupled with extensive social benefits, provided a decent standard of living for a worker and family. Minimum wages in the private sector were set in a 2002 nationwide collective bargaining agreement signed in the National Labor Council and made mandatory by royal decree for the entire private sector. In the public sector, the minimum wage is determined in negotiations between the Government and the public service unions. The Ministry of Labor effectively enforces the law regarding minimum wages. As of January 1, the standard workweek cannot exceed 38 hours. Many collective bargaining agreements (negotiated by sector) set standard workweeks of fewer hours and prohibited work on Sundays. The law requires overtime pay for hours worked in excess of the standard. Work done from the 9th to the 11th hour per day or from the 39th to 50th hour per week are considered allowable overtime. Longer workdays are permitted only if agreed in a collective bargaining agreement. The Ministry of Labor and the labor courts effectively enforced these laws and regulations.

There are comprehensive provisions in the law for worker safety. In some cases, collective bargaining agreements supplemented these laws. Workers have the right to remove themselves from situations that endanger their safety or health without jeopardy to their continued employment, and the law protects workers who file complaints about such situations. The Labor Ministry implemented health and safety legislation through a team of inspectors and determined whether workers qualify for disability and medical benefits. The law mandates health and safety committees in companies with more than 50 employees. Labor courts effectively monitored compliance with national health and safety laws and standards.

f. Trafficking in Persons.—The law defines and criminalizes trafficking in persons; however, the country was both a transit point and destination for trafficking in women and children. Despite laws that offer protection and continued residence in the country to victims of trafficking who come forward, both governmental and non-governmental sources indicated a continuing rise in trafficking, particularly of women and minors for sexual exploitation.

The law provides that persons convicted of violating the anti-trafficking law are subject to 1 to 5 years of imprisonment and substantial fines. Members of trafficking “organizations” and persons committing offenses that include aggravated circumstances may be punished by 10 to 15 years of hard labor and higher fines. Penalties for trafficking of children are more severe: Up to life imprisonment if the victim is under 10.

Five persons suspected of involvement in a pedophile/child pornography and trafficking ring uncovered in 1996 remained under investigation, including the accused ringleader, Marc Dutroux, who was arrested and charged with murder. Dutroux was formally indicted on pedophile/child pornography and trafficking charges in December 2002; in June, the Government announced that the case would go to trial on March 1, 2004. The lengthy delay in bringing the pedophile and trafficking case against Dutroux to trial continued to fuel public criticism about the investigation of the case and the judicial system in general.

An interdepartmental committee provided coordination and communication between the various agencies and ministries involved in combating trafficking. This committee met several times annually under the auspices of the CECLR. A magistrate was designated in each judicial district to supervise cases involving trafficking. The newly created Federal Prosecutor’s Office is in charge of coordinating the various anti-trafficking initiatives. There are anti-trafficking units in the police forces. The Anti-racism Center identified 330 human trafficking-related cases in the courts in 2001 and 2002: 160 cases involved alien smuggling, 80 were prostitution-related, and 30 concerned labor exploitation. Sentences for persons convicted under the law ranged from approximately 2 to 6 years’ imprisonment and fines of approximately \$2,750 to \$13,750 (2,200 to 11,000 euros). However, at least some of the convictions were related only indirectly to trafficking.

Trafficking victims continued to come primarily from sub-Saharan Africa (particularly Nigeria), Central and Eastern Europe (particularly Albania), and Asia (particularly China). Nigerian and Albanian victims usually were women between the ages of 21 and 30 trafficked for prostitution. Overall, victims of sexual exploitation were increasingly women under age 18. The women were sometimes under the threat of violence by gangs that controlled the trade. Possible threats included retribution against the victims’ families in their home countries. Chinese victims often were young men trafficked for manual labor in restaurants and sweatshops.

Most cases of trafficking were believed to be the work of organized gangs from Central and Eastern Europe (particularly Albania). While a growing number of victims came forward, this rarely led to the identification or capture of the traffickers. Traffickers not only moved their victims frequently from city to city within the country, but also used the EU's open borders to move victims from country to country. Freedom of movement also made it easy for traffickers to evade arrest if one of their victims went to the authorities.

The law provides that victims of trafficking who provide evidence against the trafficker may be granted temporary residence and work permits and are eligible to receive significant financial assistance from government-funded reception centers managed by nongovernmental organizations (NGOs). In each of the country's three regions, the Government designated and subsidized a nonprofit organization to provide such assistance. At the conclusion of legal proceedings against their traffickers, victims generally were granted permanent residence status and unrestricted work permits. The rights of victims generally were respected in practice, and they were not treated as criminals. The CECLR did not maintain statistics on how many victims of sexual exploitation were sheltered and assisted.

Anti-trafficking liaison officers were assigned to the country's embassies in some countries of origin, including Albania, Cote d'Ivoire, the Democratic Republic of Congo, Guinea, Kazakhstan, and Ukraine. These officers gathered information about local conditions and trafficking trends and assisted in establishing anti-trafficking information campaigns for the local population.

The Government worked closely with the IOM to develop programs to combat trafficking and to assist its victims. For example, the Government provided funding for information campaigns in countries of origin to warn women of the dangers of trafficking. It also provided funding to the IOM to assist the voluntary return of victims to their home countries and to assist them in readjusting once they had returned home. The Government worked closely with and supported NGOs that combated trafficking.

BOSNIA AND HERZEGOVINA

The 1995 General Framework Agreement for Peace in Bosnia and Herzegovina (the Dayton Accords) created the independent state of Bosnia and Herzegovina (BiH), previously one of the constituent republics of Yugoslavia. The Agreement also created two multiethnic constituent entities within the state: The Federation of Bosnia and Herzegovina (the Federation) and the Republika Srpska (RS), along with the independent District of Brcko. The Federation has a postwar Bosnian Muslim (Bosniak) and Croat majority, while the RS has a postwar Bosnian Serb majority. The Constitution (Annex 4 of the Dayton Accords) established a federal democratic republic and assigned many governmental functions to the two entities, which have their own governments. The Accords also provided for the Office of the High Representative (OHR) to oversee implementation of civilian provisions. The OHR has the power to impose legislation and remove officials who obstruct the implementation of the Dayton Accords. Candidates of the three main nationalist parties, the Bosniak Party for Democratic Action (SDA), the Serb Democratic Party (SDS), and the Croatian Democratic Union (HDZ), won seats to the tripartite BiH Joint Presidency in elections in 2002 that were regarded as generally free and fair; Bosnian Croat Dragan Covic, Bosnian Serb Borislav Paravac, and Bosniak Sulejman Tihic make up the BiH Presidency. In the Federation, the President, Niko Lozancic, appointed the Prime Minister, Ahmet Hadzipasic, subject to parliamentary approval. In the RS, the President, Dragan Covic, and vice presidents were directly elected, while the Prime Minister, Dragan Mikerevic, was selected by Parliament heads of the Government. The law provides for an independent judiciary in BiH; however, it remained subject to influence by nationalist elements, political parties, and the executive branch.

The Constitution gives the Government of each entity responsibility for law enforcement. The Stabilization Force (SFOR), led by NATO, continued to implement the military aspects of the Dayton Accords and to provide a secure environment for implementation of the nonmilitary aspects of the settlement, such as civilian reconstruction, the return of refugees and displaced persons, and freedom of movement of the civilian population. The U.N. International Police Task Force (IPTF) mission was succeeded by the smaller European Union Police Mission (EUPM), whose stated objectives are to monitor, mentor, inspect, and raise standards of the local police. In addition to locally recruited police forces, the entities maintained separate armies. While the BiH-level Constitution states that the armies are under BiH-level

Presidential authority, in practice, they were controlled by the entities. However, defense reforms adopted by the BiH State and entity parliaments during the year will put entity armies under the operational control of a state-level defense ministry. Entity Governments generally maintained control of security forces. Members of the police and security forces in both entities committed some human rights abuses.

The economy remained in the early stages of transition to a market economy but retained its primarily overdeveloped industrial structure from the Communist era. The estimated population in the country was 3,950,000, compared to an estimated prewar population of 4,377,000. The estimated economic growth rate was 3.5 percent of gross domestic product, down from 3.8 percent in 2002, and unemployment remained, even taking into account the informal economy, approximately 18 percent.

The Government's human rights record remained poor; although there were some improvements in a few areas, serious problems remained. Police continued to abuse and physically mistreat detainees and other citizens. Police brutality continued; however, police accountability for individual abuses improved. Overcrowding and antiquated facilities continued to be a problem in prisons. Infringement of privacy rights occurred and was particularly targeted towards minority returnees. The judiciary in both entities remained subject to influence by dominant political parties and by the executive branch; the administration of justice was sporadic and vulnerable to manipulation. Even when independent decisions were rendered, local authorities often refused to carry them out.

Pressure and harassment of media by authorities and dominant political parties continued; incidents included bureaucratic harassment, intimidation, published insults, and character attacks, as well as threatening behavior and allegations of media racketeering. Academic freedom was constrained by ethnic favoritism and politicization of faculty appointments. Authorities continued to impose some limits on freedom of assembly and association. Both entity Governments and private groups continued to restrict religious practice by minorities in majority areas; religious discrimination remained a problem. Although there were some restrictions on freedom of movement, it continued to improve. While police sometimes failed to ensure security for refugees returning to areas in which they were an ethnic minority, incremental improvement and responsiveness were noted. Extremist individuals or groups in hard-line areas on several occasions attacked returnees' houses. The RS continued its de facto refusal to take action against any Serbs indicted by the U.N. International Criminal Tribunal for the former Yugoslavia (ICTY); the Federation generally cooperated with the ICTY, although it did not facilitate any new transfers.

Violence against women, in particular domestic violence, was a persistent yet underreported problem. Isolated instances of political, ethnic, or religious violence continued. Severe discrimination against ethnic minorities continued in areas dominated by Serb and Croat ethnic groups, with some discrimination in Bosniak-majority areas, particularly regarding the treatment of refugees and displaced persons. The political leadership at all levels, in varying degrees, but more frequently in the RS than in the Federation, continued to obstruct minority returns in certain localities. Trafficking in women and girls was a serious problem.

RESPECT FOR HUMAN RIGHTS

Section 1. Respect for the Integrity of the Person, Including Freedom From:

a. Arbitrary or Unlawful Deprivation of Life.—There were no reports of the arbitrary or unlawful deprivation of life committed by the Government or its agents.

The investigation into the 2002 killing of Zeljko Markovic, Police Chief of Serb Sarajevo, continued at year's end.

On January 30, the Sarajevo Cantonal Prosecutor appealed the acquittal of six defendants charged in the 1999 bombing that killed former Federation Deputy Interior Minister Jozo Leutar; however, the Federation Supreme Court had not yet reviewed the appeal by year's end.

Domestic Courts and the ICTY continued to adjudicate cases arising from crimes committed during the 1991–95 conflicts (see Sections 1.e. and 4).

By December, 13 persons were killed in landmine incidents. During the year, the Bosnia and Herzegovina Mine Action Center cleared 235 land mine sites. A total of 1,076 anti-personnel mines, 156 anti-tank mines, and 826 pieces of unexploded ordinance (UXO) were found and destroyed. As of September, approximately 10 percent of the total number of landmines and UXO in the country had been removed.

b. Disappearance.—There were no reports of politically motivated disappearances during the year.

An estimated 20,000 to 30,000 persons remained missing from the wars in 1991–95. Under the OHR, exhumations were carried out by the Bosniak, Bosnian Croat, and Bosnian Serb commissions for missing persons. The largest gravesite uncovered

during the year was found in Crni Vrh and contained approximately 629 sets of remains of victims from the Zvornik area who disappeared in June 1992.

The International Commission for Missing Persons (ICMP) reported that the remains of an estimated 1,536 persons had been recovered in the country by year's end. During the year, ICMP's regional DNA laboratory made 4,618 DNA matches that may lead to the identification of approximately 3,405 persons.

During the year, ICMP made significant progress in implementing the Missing Persons Institute (MPI), a state institution designed to serve as a working platform for entity-level commissions on missing persons under guidance from the ICMP; however, MPI was not fully functional by year's end.

The International Committee of the Red Cross (ICRC) reported that, since 1995, it had received requests from family members to trace 20,931 persons missing from the war years, including 17,369 Muslims, 744 Croats, 2,683 Serbs, and 135 others. A total of 4,076 of these persons had been accounted for (326 of whom were found alive) by year's end. The ICRC reconstituted the Working Group for Tracing Missing Persons, which had been suspended in 1999 due to lack of cooperation from local authorities, and it met twice during the year in Sarajevo. At its second meeting, in October, the RS Commission member discussed the results of the fate of 27 missing persons.

There were several developments during the year regarding the approximately 8,000 men and boys missing from Srebrenica: The Srebrenica-Potocari Memorial and Cemetery was built and officially opened on September 20, and the first 1,000 victims of the 1995 massacre were buried. The Human Rights Chamber issued a decision on March 7 that held that the RS Government violated the human rights of the families of victims killed in the Srebrenica massacre by failing to inform them of the fate of their loved ones. The Chamber ordered the RS Government to pay damages for this violation in the amount of \$1,229,000 (2 million KM) to the Foundation of the Srebrenica-Potocari Memorial and Cemetery by September 7 and to pay a further \$1,229,000 (2 million KM) over a 4-year period. The Chamber also ordered the RS Government to inform fully families of the fate of their missing and to investigate thoroughly the events giving rise to the massacre and report on the results of the investigation.

RS compliance with the Human Rights Chamber's decisions ordering full investigations into several wartime disappearance cases improved somewhat during the year (see Section 1.e.). For example, the RS complied with the Chamber's decision by paying \$1,229,000 (2 million KM) to the Foundation of the Srebrenica-Potocari Memorial and Cemetery in September. The RS Government also issued a report in September, proposing to establish an independent commission to investigate the crimes leading to the Srebrenica massacre in order to comply with the Chamber's earlier March decision; on December 25, seven members were appointed to the commission.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The Constitution prohibits such practices; however, in all areas of the country, police abused and physically mistreated persons at the time of arrest and during detention. According to the EUPM, the number of complaints against police officers declined during the year. Investigations and accountability into police misconduct improved during the year (see Section 1.d.).

There were continued reports of violence against minority communities in several areas, particularly in the eastern RS and Herzegovina. Police investigation of these incidents and police protection in general improved; however, the incidents continued (see Sections 2.d. and 5).

There continued to be numerous violent incidents directed at returning refugees (see Sections 2.d. and 5). Violence against journalists, including physical assaults, continued (see Section 2.a.).

Prison standards for hygiene and access to medical care met prisoners' basic needs; however, overcrowding and antiquated facilities remained chronic problems. Conditions were worse in police detention facilities, where overcrowding and inadequate food and hygiene were chronic problems. Corruption among prison officials continued to be a problem. In January, prisoners rioted in a prison in Zenica, destroying part of the roof of the prison and stealing from the kitchen; however, the situation quickly calmed down without any intervention from authorities. The Federation Minister of Justice subsequently went to the prison to hear prisoners' concerns and complaints, and a joint agreement was reached.

There were no separate prisons for female or juvenile inmates, but they were held in separate wings of facilities for adult males. Pretrial detainees were also held separately from convicted criminals.

The Government permitted visits by independent human rights observers; international community representatives were given widespread and generally unhindered access to detention facilities and prisoners in both entities as well.

d. Arbitrary Arrest, Detention, or Exile.—The Constitutions of both the entities and the country prohibit arbitrary arrest and detention, and the Government generally observed these prohibitions.

Both the Federation and the RS maintain their own police forces, as does the District of Brcko, and there were three primary levels of law enforcement in BiH: The newly formed state-level BiH Ministry of Security (MoS), which does not maintain a police force but is supported by a new State level investigative agency known as the State Information Protection Agency (SIPA), as well as the State Border Service; the Federation Ministry of Interior (FMUP); and the RS Ministry of Interior (RSMUP). The RSMUP has a centralized structure with five public safety centers (PSCs) throughout the RS that report directly to the RSMUP. The structure of the FMUP is not centralized; each of the 10 cantons has its own cantonal ministry of interior that functions autonomously from the FMUP. Neither the FMUP nor the RSMUP are required to report to the MoS. Although they share information, these structures function quasi-independently of one another because each structure has jurisdiction over different offenses. For example, the MoS has responsibility for state-level crimes, such as terrorism and trafficking in persons, where the RSMUP and FMUP have responsibility for local-level crimes like homicide.

In 2002, the BiH House of Representatives passed a law creating SIPA, whose mandate is to serve as a conduit for information and evidence among local, as well as some international law enforcement authorities, and in limited circumstances to act as a protection authority for diplomats and officials. At year's end, SIPA still lacked a budget and permanent facilities to carry out its mandate, although some staff had been hired.

Police in the RS generally did not meet target standards of ethnic representation, as mandated by various agreements; however, the number of minority police officers in each entity police force increased somewhat. Out of 8,353 police officers in the RS, 7,853 were Serbs, 426 Bosniaks, 64 Croats, and 20 of other nationalities, and out of 7,808 police officers in FBiH, 5,020 were Bosniaks, 1,935 Croats, 636 Serbs, and 217 of other nationalities. In general, while new officers were accepted into the police academies under strictly observed ethnic quotas, it was estimated that it will take years of concentrated effort to establish effective, professional multi-ethnic police forces throughout the country.

EUPM replaced the IPTF, whose mandate ended in 2002. The EUPM acted in an advisory capacity to BiH entity police forces, with a much more limited mandate than the IPTF had. This was the first year that BiH police forces were fully accredited under the U.N. accreditation program originally created by the IPTF. Professional Standards Units (PSUs), which function as internal affairs investigative units, were fully operational in each of the entity MUP and the District of Brcko. The presence of these units led to the processing of complaints of police misconduct and discipline of police in accordance with a standard procedure. From January through June, the RS PSU investigated 548 cases—373 citizen complaints, 171 supervisor complaints, and 4 cases treated as others. Of these cases, 488 investigations were completed, and 182 cases were determined to be well-founded and were forwarded to disciplinary prosecutors for further action. The Federation PSU investigated 12 alleged human rights abuses during the year. Four of these 12 were substantiated and categorized as cases involving excessive force incident to arrest; punishment in these cases ranged from reduction in rank and/or salary to redeployment to termination of employment.

There were continued reports of corruption at the highest levels. Investigations conducted by the PSU and the international community, including the EUPM and SFOR, resulted in several ministers, deputy ministers, and police chiefs being asked to resign, being fired or being prosecuted. At year's end, there were seven indictments pending against a member of the BiH Presidency.

The new Criminal Procedure Code (CPC), enacted in March, specifically delineates the manner in which warrants are to be issued. Judges, prosecutors, and police were in the process of receiving training on these new procedures. The police did not often take action without a warrant; however, problems arose when individuals could not be apprehended because a warrant had not been executed.

Under the newly enacted CPC, if reasonable grounds exist to believe an individual has committed a crime, police must take the individual before a prosecutor within 24 hours after detention. The prosecutor has an additional 24 hours to make a decision whether the individual should be released or undergo a pretrial custody hearing before a preliminary proceeding judge. If the judge determines that certain criteria have been met, the judge may order the individual to be held in pretrial cus-

tody. If the individual does not agree with the preliminary proceeding judge's determination, he or she may appeal the decision to a panel of judges, who must decide on the appeal within 48 hours. Police are also authorized to detain individuals for up to 6 hours at the scene of a crime for investigative purposes. The new CPC contains provisions that allow individuals who have been unlawfully detained to seek compensation. Entity criminal procedure codes have been harmonized with the BiH State level CPC. Detainees are allowed to request a lawyer of their own choosing (if they are indigent a lawyer will be provided for them) and to inform family members of their detention. There is a functioning bail system that was widely used.

Arbitrary arrest and detention declined after the introduction of accounting procedures to track the arrest and detention process. Police must now maintain written records documenting each step of the process.

An individual in pretrial detention has the right to be informed of all charges against him or her once an indictment has been handed down. Prior to the issuance of an indictment, the individual may have access to all favorable information unless it is shown that this would create an unnecessary risk to the investigation. Under the new CPC, a trial must be undertaken in a speedy manner and normally occurs within 3 months of the indictment being issued.

Prior to the enactment of the new CPC, there were problems with prolonged pretrial detention; however, the length of pretrial detention now is specifically defined. Pretrial detention can last no more than 1 month following the date an individual is taken into custody. When this 1-month period has expired, custody may be extended for an additional 2 months by decision of a judicial panel. If there is an ongoing investigation for a criminal offense that carries a prison sentence of 10 or more years, custody may be extended an additional 3 months following a substantiated motion of the prosecutor. Pretrial detention may not last longer than 6 months. The new CPC does not permit house arrest. There were no political detainees in BiH.

In two separate decisions, one on April 4 and one in October 2002, the BiH Human Rights Chamber determined that the BiH and Federation Governments violated human rights conventions in transferring six Algerian terrorism suspects to the custody of a foreign government in January 2002. The Chamber ordered both the BiH and the Federation Governments to pay monetary compensation to each applicant and to engage attorneys on behalf of each applicant; however, no compensation had been paid by year's end.

On January 30, SFOR handed over Sabahudin Fijuljanin to Federation authorities. SFOR had detained Fijuljanin from October 2002 to January 30 on suspicion of having conducted surveillance of SFOR's Eagle Base in Tuzla. In December 2002, Fijuljanin filed a claim with the Human Rights Chamber asking the Chamber to order the BiH and the Federation Governments to prevent his removal from the country. Per the Chamber's January 11 order, the BiH and Federation authorities formally requested that SFOR place Fijuljanin under the jurisdiction of Federation authorities. SFOR released Fijuljanin on January 30 after completing its investigation into his activities. The Chamber reasoned that the main issue raised in Fijuljanin's application, which was the prevention of Fijuljanin's removal from BiH, had been resolved and thus dismissed the case on March 4.

The Constitution prohibits forced exile, and the Government did not employ it.

e. Denial of Fair Public Trial.—Both the Federation and RS Constitutions provide for an independent judiciary; however, the executive and political parties exercised some influence over the judicial system. The legal system was unable to adequately protect the rights of either victims or criminal defendants because of its inefficient criminal procedure codes and ineffective trial procedures; however, in March, a new CPC was enacted which is expected to improve the judiciary's ability to protect the rights of victims and defendants. The judiciary remained subject to influence by political parties. Judges and prosecutors who showed independence were subject to intimidation, and local authorities at times refused to carry out their decisions. Both the Federation and RS Constitutions provide for open and public trials and give the accused the right to legal counsel.

The High Judicial Prosecutorial Councils (HJPC) and the Office of the Disciplinary Prosecutor have limited the influence of political parties on the judiciary. The HJPCs have the sole authority to appoint and discipline judges and prosecutors to all courts. This process of vetting candidates before nomination limited the influence of political parties and others on the judiciary. The new system has a mechanism to vet candidates with questionable records and attempts to ensure that judges and prosecutors who show independence were not subject to intimidation and that local authorities carry out their decisions. The Office of Disciplinary Counsel was established to manage complaints against judges and prosecutors and recommend punishment or removal as necessary.

In 2002, the OHR appointed the first members of three newly created BiH-level HJPCs. During the year, the Independent Judicial Commission (IJC) verified all 1,610 applications for appointments in all courts and prosecutor's offices at the Cantonal, District, Municipal and Basic levels, and the HPJC appointed 258 judges and prosecutors. The appointments were completed for the state and the entity levels; however, there were still more appointments that needed to be completed at the Cantonal and Municipal levels.

Some politicians and other powerful figures continued to exert influence on cases before the courts; however, during the year, judicial reform efforts began to minimize undue influence by organized crime and political leaders on the judiciary. Through implementation of the new CPC, law enforcement and judicial officials were given tools to investigate and prosecute serious crime or corruption cases. A court restructuring and administration project addressed a previous lack of resources through streamlining courts and prosecutor's offices; however, a large backlog of unresolved cases remained a problem.

Enforcement of civil judgments remained weak due to the lack of cooperation between courts and police generally; the low priority given to enforcement cases by the courts; and the many legal loopholes that allowed debtors to delay or avoid enforcement. However, there was improved cooperation from local officials and police in implementing court decisions. This was evidenced by the number of cases implemented on behalf of those who won decisions mandating the eviction of illegal occupants from their property, albeit under pressure from the international community, including the European Union (EU), the Organization for Security and Cooperation in Europe (OSCE), and the U.N. High Commissioner for Refugees (UNHCR).

The Law on Legal Assistance and Official Cooperation in Criminal Matters, imposed in 2002, was fully implemented, and regulating legislation was enacted by year's end; there was some cooperation between the separate structures of courts and prosecution agencies in the Federation and the RS. The IJC recommended an aggressive approach to the appointment of judges and prosecutors that was adopted by the Peace Implementation Council in 2002. With limited exceptions, after restructuring, which is scheduled to be completed by April 2004, all judicial and prosecutorial posts should be filled in an open competition.

The State-level Court, which opened on January 24, is the highest court in BiH. The court and prosecutor's office are responsible for investigating and prosecuting crimes enumerated under the new BiH Criminal Code in accordance with the new BiH CPC. Both entities have separate Supreme Courts and Prosecutor's offices, as well as cantonal courts in the Federation, district courts in the RS, and the municipal courts, which are the lowest courts in both entities.

Trials are public and the defendant has the right to present his own defense or to defend himself with the professional aid of a defense attorney of his choice. If the suspect or accused does not have a defense attorney, the BiH CPC stipulates that an attorney shall be provided if the accused is charged with a crime for which long-term imprisonment is prescribed. The new BiH CPC and Criminal Code provide the defendant with the right to confront or question the witnesses and to present witnesses and evidence on his or her behalf. All defendants have the right to appeal.

The mandate for the Human Rights Chamber and the BiH Human Rights Ombudsman ended this year. Their responsibilities were transferred to local institutions (see Section 4).

Implementation of Human Rights Chamber decisions by local authorities improved somewhat in the RS. The RS partially complied with one high profile case, the Chamber's March Srebrenica decision, by paying \$1,129,000 (2 million KM) to the Foundation for the Srebrenica-Potocari Memorial and Cemetery (see Section 1.b.). The RS also achieved full compliance with some decisions by reinstating claimants in their houses and apartments and paying them compensation. The Federation continued to implement most Chamber decisions, taking the remedial action ordered and paying compensation awards. Both the Federation and the RS failed to comply with a number of Chamber decisions.

In general, the BiH judicial system remained unprepared to prosecute war crimes cases domestically; however, in June, the Peace Implementation Council issued a decision to create a War Crimes Chamber within the newly formed BiH State Court. On October 30, international donors agreed to provide start-up funding for this project, and the BiH Government agreed to provide political support and potential funding from the 2004 fiscal budget.

The local prosecution of war crimes cases proceeded slowly due to political interference; however, authorities made some progress during the year with the arrest and trial of suspects in the domestic courts. The lack of a witness protection program hampered prosecutions.

On January 29, the Banja Luka District Court Prosecutor issued an indictment against 11 Prijedor police officers who had detained members of the Matanovic family. In 2001, police discovered the bodies of Father Matanovic and his parents, who disappeared from Prijedor in 1995, in the well of their family residence in Rizvanovici. The ICTY approved the transfer of this case to the domestic judicial system. The indictment against the Prijedor officers entered into force on March 19, and the first hearing was scheduled to take place on June 30. However, the defense filed objections to the Banja Luka District Court's jurisdiction and requested a transfer of the case to the ICTY, and the Banja Luka District Court sent the case to the RS Supreme Court, which overruled these objections. The hearing was rescheduled for September 22, when defendants again raised objections against the presiding judge, the Public Prosecutor, and the President of the District Court. The case again was sent to the RS Supreme Court for consideration of these objections, where it remained at year's end.

There were no reports of political prisoners.

The mandate of the Commission for Real Property Claims (CRPC), an institution created by Annex VII to process claims for property wrongfully taken during the 1992-95 war, ended during the year. As part of its transfer process, the CRPC was to transfer all of its claim files (approximately 240,000) and records to the BiH National Archives, and to transfer its computer database to the BiH Ministry of Human Rights and Refugees (MoHRR). CRPC was unable to resolve approximately 50,000 private property claims because they involved conflicting documentary evidence and required a hearing, which was beyond CRPC's mandate. A public information campaign was designed to inform claimants of their responsibility for pursuing these claims. In addition, 5,000 occupancy rights housing claims were transferred to municipal housing bodies for resolution because these claims faced statute of limitation issues. At year's end, several memoranda of understanding remained unsigned and laws needed to be enacted to accomplish the handover. Local authorities were slow to take the necessary actions to ensure a smooth transfer.

By year's end, the BiH Government had almost met its goal of completing implementation of property law by the end of the year, with all property that was wrongfully taken during the recent war returned to its rightful owners. By November, the overall property law implementation rate for BiH was 92 percent, and 72 municipalities had completed their caseload of claims. Both the Federation and the RS adjudicated 93 percent of property claims and returned 92 percent of the property. The municipalities that still remain critical for implementing return of property are the most populous, such as Banja Luka, Sarajevo, and Zvornik. The municipality with the worst property law implementation plan (PLIP) ratio was Donji Vakuf, with only 71.84 percent of claimed property returned.

During the year, the Human Rights Chamber issued only two decisions involving cases where local authorities failed to return apartments or homes to legal owners seeking to return to their prewar homes.

During 1998, the Federation army unlawfully took control of 4,000 former Yugoslav military (JNA) apartments that had been abandoned. Authorities encouraged postwar occupants of these apartments to begin purchasing them. In the meantime, the prewar owners of the apartments (former JNA officers) began filing claims to return to their property. After inadequate action by local authorities, several of these cases were brought before the Human Rights Chamber, which decided that apartments owned by JNA officers should be returned. The return of JNA apartments was scheduled to begin, based on a decision by the Human Rights Chamber, in 2002; however, the Federation did not enact the necessary legislation until July of this year. In the meantime, the Chamber issued an additional decision on March 31, addressing the rights of occupancy holders. While the new legislation attempts to address both the Chamber's decisions, the legislation was not fully implemented by year's end.

Roma displaced from their property during the war had difficulty repossessing their property because of discrimination and lack of adequate information on the necessary procedures (see Section 5).

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The Constitution provides for the right to “private and family life, home and correspondence” and the right to protection of property; however, authorities in some areas infringed on citizens' privacy rights.

In the RS, police routinely conducted searches of private homes without obtaining search warrants, citing emergency provisions in the law even in routine cases. While this problem was not as common in the Federation, it occasionally occurred.

There were a number of forced evictions during the year; however, according to the PLIP agencies, the number of forcible evictions that required police involvement decreased compared to previous years.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution provides a general statement supporting freedom of speech and of the press; however, the Government did not always respect these rights in practice. Laws regarding freedom of the press are delegated to the cantons in the Federation, and to the central authorities in the RS.

The primary restraints on freedom of the press were: Inappropriate pressure, including legislation requiring a public broadcaster to broadcast all parliamentary sessions; the dismissal of a public broadcaster's Board of Governors; censure of a public broadcaster and its employees from the floor of Parliament; influence on the principal media by governing political parties and institutions; and intimidation and libelous attacks on journalists. While there were some improvements in the development of a free and independent press, many media outlets maintained subjective political biases. Threats to journalists remained high, although the severity of harassment incidents declined. Government officials in both entities continued to pressure media outlets to change editorial policies through bureaucratic harassment.

The Media Helpline, established to monitor and report abuses against journalists and freedom of speech, was ineffective; calls appeared only to reach a recorded response, in English, instructing the caller to call later, with no ability to leave a message.

Independent media analysts usually considered press outlets expressing strong support for a specific political option as doing so by choice or for economic reasons. Nevertheless, government officials, particularly in the RS, sometimes continued to exert economic pressure by directing the advertising business of government-owned companies away from independent media outlets critical of the Government.

A number of independent newspapers operated in the Bosniak-majority areas of the Federation and in the RS, principally in Banja Luka. Dnevni Avaz, owner of the highest capacity private printing house in Sarajevo, remained the largest circulation daily in the country with strong ties to elements of SDA and other Bosnian Muslim interests. Dani and Slobodna Bosna, the most influential independent magazines in the federation, found alternative printing services to Dnevni Avaz Publishing. In the RS, the government-owned printing company, Glas Srpski, had a near monopoly; however, Nezavisne Novine, an independent newspaper distributed throughout the country, had limited but growing circulation.

The largest television broadcasters were FTV in the Federation and Radio Television of Republika Srpska (RTRS) in the RS, the two entity Public Broadcasting System (PBS) stations. In addition to a local commercial network of five stations in both entities (Mreza Plus), there were dozens of small independent television stations located throughout the country. Radio broadcasting in the Bosniak-majority areas of the Federation—particularly in Sarajevo, Zenica, and Tuzla—was diverse. Opposition viewpoints were reflected in the news programs of independent broadcasters. Independent or opposition radio stations broadcast in the RS, particularly in Banja Luka. One of these, Nes Radio, reported a wide variety of political opinions. Although there were notable exceptions, local radio stations broadcast in Croat-majority areas were usually nationalistic, and local Croat authorities did not tolerate opposition viewpoints.

Some members of the BiH print media continued to indulge in vicious personal attacks and character assassination throughout the year, continuing a pattern begun well before the 2002 elections. The BiH Press Council, working largely through the country's associations of journalists, continued to advocate adherence to a press code through self-regulating procedures; however, the Press Council encountered considerable resistance or indifference in its efforts to establish an effective self-regulatory body.

In 2002, the PBS Law established the PBS with both entity-level broadcasters as components and codified the regulatory responsibilities of the state-level Communications Regulatory Agency (CRA), and in March, the RS adopted the PBS Law; however, additional legislation was needed to support the CRA in its purpose as a strong and independent regulatory body.

The CRA's international leadership was replaced by a local Director, and the CRA began establishing itself as a fully functioning BiH-level regulatory agency. In general, the presence of the CRA, and the effective functioning of its complaints procedure and enforcement provisions, considerably reduced the level of inflammatory and hate language in the electronic media. Electronic media operated in a more transparent and properly regulated broadcast environment than it had previously.

Despite these improvements, CRA's independence continued to be hampered by government interference in its budget process that occurred under the previous BiH government. These budget alterations were not corrected by the Government and prevented CRA from meeting certain broadcast monitoring responsibilities.

In January, Radio Television of the Federation of Bosnia and Herzegovina (FTV) received threats to news journalists from various political groups and economic interests that required protection from Federation police on two occasions; this was the first time since the end of the war that the public broadcaster required special police protection. Many threats were related to 60 Minutes, a political (and, at times, partisan) news commentary program that openly and aggressively criticized current events and government officials. A nongovernmental organization (NGO) linked to nationalist Bosniak political elements specifically demanded that FTV management replace the "60 Minutes" producer/editor.

In October, the Federation Parliament passed an amendment to the PBS law requiring FTV to broadcast all sessions of the Federation Parliament in their entirety. In the RS, the legislative assembly voted to demand the resignations of the RS entity public broadcaster's Board of Governors, General Director and news directors. Both actions were heavily criticized as illegal attempts by the Government to influence the policies and content of public broadcasters.

In April, the same NGO filed a complaint with the Federation public prosecutor demanding that the influential news weekly Slobodna Bosna be sanctioned for "war-mongering" reporting and threatened to organize demonstrations in front of the Slobodna Bosna editorial offices.

Also in April, FTV appealed to the Federation Ombudsman when an SDA representative attacked the station and its journalists during a session of the Federation House of Representatives. The SDA representative accused the station's editorial board of financial misconduct, attacked FTV's editorial policy, and read a letter into the record calling for investigations by the Federation Parliamentary Commission and the Financial Police, labeling FTV a "media monster," and claiming that "Bosnian language is not used on either channel." Off the floor, another representative threatened an FTV journalist covering the session. The Ombudsman's special report concluded that the incident was a misuse of the representative's mandate, a misuse of the parliamentary platform, a serious violation of journalistic freedom, and an attempt to impose political pressure on a public service broadcaster.

In April, the owner of Dnevni Avaz requested that the Sarajevo Deputy Municipal Prosecutor file criminal charges against a smaller Sarajevo daily, Oslobodenje, for "complicity in a criminal offence of false accusation" because Oslobodenje had published a statement by a businessman frequently attacked in Dnevni Avaz. According to Oslobodenje's press release on the subject, the Avaz accusations also demanded an investigation into where and on whose order the interview took place. Within 9 days of Avaz's accusation, the Deputy Prosecutor directed local police to question the editor-in-chief and the director of Oslobodenje in an "informative interview."

The Federation Ombudsman found that government institutions overstepped their authority in this case and initiated proceedings against Oslobodenje based on "unreasonable criminal charges," representing a serious violation of established standards. The Ombudsman further noted that there was no basis for this action since libel had been decriminalized 3 years earlier.

In May, Radio Sana of Sanski Most complained to the Federation Ombudsman of political pressure from the local branch of the Party for Bosnia and Herzegovina on members of Radio Sana's steering board. Radio Sana also complained that the local branch of the party had published numerous political announcements attacking the station since mid-2002. The harassment culminated in June with a party demand that Sanski Most's mayor replace the director of Sana Radio. The Ombudsman concurred that this case constituted inappropriate political pressure.

In August, the Banja Luka daily Nezavisne Novine followed a story on irregularities in management of the RS telecommunications utility that associated the former RS Prime Minister in illegal sales transactions. The story provoked strong public reaction from the former Prime Minister's party, which threatened the daily with a lawsuit; however, Nezavisne was not notified of any suit by year's end.

Also in August, the spokesperson of the RS Prime Minister verbally attacked an RTRS journalist, shouting at him during a press conference. The RS Association of Journalists issued a statement strongly condemning this behavior, and, within a few days, the RS Bureau of Information apologized for the incident.

In September, Dnevni Avaz reported on an ongoing story against certain politicians it claimed were organizing a state coup and quoted an "unnamed source" to list several individual editors and journalists by name as actively participating in the coup preparations. A few days later Avaz listed the names again as a "reprint" of a partner periodical. Among those accused were Bakir Hagiomerovic of FTV, Senad Avdic of Slobodna Bosna, Senka Kurtovic of Oslobodenje, and Vildana Selimbegovic and Senad Pecanin of Dani. Pecanin and Selimbegovic also received death threats by phone while covering the story of an explosive planted at the house

of a Sarajevo businessman. Dani reported the incident to the police but was unaware of any investigation.

The court case opened in 2002 against an individual who threatened Vildana Selimbegovic of the print weekly Dani had not been resolved at year's end.

When the perpetrator apologized for forcing his way into the editorial offices of Dnevni List in Mostar and threatening violent behavior, Dnevni List did not pursue further charges.

In 2002, the OHR decriminalized defamation and slander, making them civil torts instead of criminal offenses. Prior to OHR's decriminalization, Federation journalists ran the risk of conviction for a criminal offense of libel.

Despite civil penalties for libel, print dailies and weeklies routinely published unsubstantiated rumors and personal attacks on political figures according to their political party affiliations. For example, on August 13, attacks of one daily newspaper against a private individual and criticism of that daily by an opposing weekly news magazine were so vehement that they resulted in a court action. The interim court ruling prohibited the daily from publishing anything further on the individual, and the weekly from publishing anything further about the daily, until the court could determine whether any crime had been committed.

During the year, 162 charges of libel were brought against journalists in the Sarajevo Cantonal Court with many plaintiffs demanding compensation of up to \$64,350 (100,000 KM). At year's end, none of these claims appeared to have been resolved.

The Guidelines for the implementation of the Freedom of Information Act, which establishes a general right of public access to government information, were adopted at the state and entity levels.

The Government did not restrict access to the Internet; however, for economic reasons, only approximately 4 percent of the population had Internet access.

The Government did not restrict academic freedom; however, academic freedom was constrained by ethnic favoritism and politicization of faculty appointments. In Sarajevo, Serbs and Croats complained that members of the Bosniak SDA party and Bosniaks generally received special treatment in appointments and promotions at the University of Sarajevo. The University of Banja Luka continued to limit faculty appointments almost exclusively to Serbs. The University of Mostar remained divided into eastern and western branches, reflecting the continued ethnic divide in the city.

b. Freedom of Peaceful Assembly and Association.—The Constitution provides for freedom of peaceful assembly, and the Government generally respected this right in practice.

The Constitution provides for freedom of association; however, authorities imposed some limits on this right, and indirect pressure constrained the activities of some groups. A wide range of social, cultural, and political organizations functioned without interference.

Although political party membership was not forced, many viewed membership in the leading party of any given area as the surest way for residents to obtain, regain, or keep housing and jobs in the government-owned sector of the economy.

The Law on Associations and Foundations allowed NGOs to register at the national level and therefore to operate throughout the country without administrative requirements.

c. Freedom of Religion.—The BiH Constitution and both entity Constitutions provide for freedom of religion; however, adherents of minority religions in non-ethnically mixed areas had their right to worship restricted, sometimes violently. The Bosnian Constitutional Court struck down a provision in the RS Constitution in 2000 directing the entity government to “materially support the Serbian Orthodox Church and cooperate with it in all fields.” The RS gave only nominal assistance to representatives of the Serbian Orthodox, Roman Catholic, and Islamic faiths.

The RS Government, local governments, and police forces frequently allowed or encouraged an atmosphere in which abuses of religious freedom could take place, although there was improvement from previous years. Notably, the Pope visited Banja Luka on June 20 with no security incidents, and three Islamic burial ceremonies took place at the Srebrenica-Potocari Memorial and Cemetery in March, July, and September, also without incident. However, on a daily basis, the absence of a police force willing to protect religious minorities and a judicial system willing to prosecute crimes against them were major obstacles to safeguarding the rights of religious minorities.

The case of 11 former police officers detained for their suspected involvement in the 1995 killing of Catholic priest Tomislav Matanovic and his parents remained ongoing at year's end. In September, the District Court judge scheduled to try the

Matanovic case resigned; by year's end, it was unclear if and when the trial would begin.

Ethnic symbols, clerics, and religious buildings were often targets of ethnically motivated religious violence. Local police did not conduct a serious investigation into several incidents.

In previous years, RS authorities frequently did not intervene to prevent the violent obstruction of efforts to rebuild some of the 618 mosques and 129 churches in the RS that were destroyed or significantly damaged during the 1992–95 war. However, there were some improvements during the year, such as the rebuilding of mosques in the cities of Mostar and Stolac. Administrative and financial obstacles to rebuilding religious structures continued to impede the ability of minorities to worship and constrain their return in many areas.

Despite the constitutional provisions for religious freedom, discrimination against minorities occurred in virtually all parts of the country. Discrimination was significantly worse in the RS, particularly in the eastern RS, and in Croat-dominated areas of the Federation; however, incidents of discrimination occurred in Bosniak-majority areas as well.

Parties dominated by a single ethnic group remained powerful in the country and tended to identify themselves closely with the religion associated with their predominant ethnic group; however, some political parties were multi-ethnic. Some clerics characterized hard-line nationalist political sympathies as part of "true" religious practice.

The Constitution provides for proportional representation for each of the three major ethnic groups in the BiH Government and military. Because of the close identification of ethnicity with religious background, this principle of ethnic parity in effect resulted in the reservation of certain positions in the BiH Government and military for adherents or sympathizers of certain faiths. The military in the RS was staffed overwhelmingly by ethnic Serbs and only had Serbian Orthodox chaplains. The Federation military was composed of both separate Bosniak (Muslim) and Croat (Roman Catholic) units, and integrated units; Muslim and Catholic chaplains were represented.

Foreign religious workers normally entered the country as visitors and obtained 3-month tourist visas; some apparently entered and reentered the country every 3 months, essentially extending their tourist status indefinitely. Missionaries officially were required to obtain a temporary residence permit from a Cantonal MUP before their 3-month tourist visa expired; however, there were no reports of cases in which missionaries' applications were refused.

Public schools offered religious education classes, which were mandatory for Serbs in the RS and, in theory, optional in other parts of the country; however, in practice, they were offered only for students of the majority religion in that area, amid pressure on parents to consent that their children needed to attend the religious instruction. In some cases, children who chose not to attend the religion classes were subject to pressure and discrimination from peers and teachers. Schools in Sarajevo offered only Islamic religion classes. In Croat-majority West Mostar, minority students theoretically had the right to study non-Catholic religions; however, this option did not exist in practice. Orthodox symbols were present in public schools throughout the RS.

On November 28, the BiH Parliament adopted the Law on Freedom of Religion and on Legal Status of Churches and Religious Communities, which was submitted by leaders of the Muslim, Roman Catholic, Serbian Orthodox, and Jewish communities; however, the text of the law had not been published by year's end. The law defines the legal status of religious organizations, including property rights. The law should grant a right to property restitution "in accordance with the law"; however, no such restitution law has yet been established.

In some communities, local religious figures contributed to intolerance and an increase in nationalist feeling through public statements and, on occasion, in sermons.

In August, gravestones were overturned in Orthodox and Catholic cemeteries in Sarajevo. The perpetrators were apprehended and were awaiting trial at year's end. In September, a stone was thrown through the window of the Catholic school in Sarajevo, and, in Sanski Most, Orthodox graves were desecrated. During August and September, there were tensions between the Serb and Bosniak communities in Boinja and allegations that Bosniaks had applied pressure towards Serb returnees to convert to Islam.

For a more detailed discussion, see the 2003 International Religious Freedom Report.

d. Freedom of Movement within the Country, Foreign Travel, Emigration, and Repatriation.—The Constitution provides for these rights; however, while freedom of

movement, including across the Inter-Entity Boundary Line, continued to improve, some limits remained in practice.

Accurate statistics on displaced persons and refugee returns remained difficult to obtain; various refugee organizations provided different estimates on the numbers of minority internally displaced persons (IDP) returns. In contrast to last year, as of August, the number of minority returns had significantly dropped. The UNHCR registered only 34,093 minority returns through August, when 69,549 returns had been registered during the same period in 2002. One reason for the drop in returns may have been the decrease in reconstruction assistance. Other reasons may have included land mine incidents and intermittent threats and violence against returnees, including the killing of a Bosniak returnee in Mostar by a booby-trapped hand-grenade.

According to the UNHCR, between the end of the war in 1995 and the end of August, 532,068 persons who left the country had returned. Of these, 423,431 were returnees to areas where they represent an ethnic minority.

The 2002 "Vital Interest" Decision of the OHR provided the framework for a clearer accounting of Refugee Ministry budgets used to support returns. The Federation Ministry for Refugees planned to use its budget to support the return of 1,500 families as well as to pay the debts of the former administration. Implementation of the projects to support return of families began in October, but immediately triggered intense criticism from Croat Associations, who claimed that the selection of beneficiaries was discriminatory. Out of 500 reconstruction packages for a particular type of assistance, more than 90 percent was designated to support Bosniak returns. In the RS, the Refugee Ministry's budget provided support to Bosniaks and Croats returning to the RS and to Bosnian Serbs returning to the Federation; the RS Ministry for Refugees was the only Ministry that actually delivered reconstruction assistance to returnees. Both entity ministries committed part of their budgets to be implemented through joint projects using the BiH State-level Commission for Refugees (SCR).

Serbs continued to return in greater numbers to the Federation. Croat returns to the RS increased during the second half of the year. More than 1,000 Bosniaks returned to Srebrenica, site of the July 1995 massacre of approximately 8,000 Bosniak men and boys. The first 100 Bosniaks began the return process to Visegrad, and Bosnian Serbs in Visegrad began to return to the Federation, particularly to Sarajevo and Konjic.

In January, the Peace Implementation Council unanimously adopted a joint plan drafted by OHR's Reconstruction and Return Task Force (RRTF) with the BiH MoHRR for the hand over of RRTF's responsibilities to the BiH Government. RRTF has been the main coordinating body of the international community for implementing Annex VII of the Dayton Accords (the Agreement on Refugees and Displaced Persons) since 1998. The elements of this Annex VII Exit Strategy Plan included: (1) amending the BiH State level law on refugees to clearly define new responsibilities taken over by the BiH MoHRR; (2) transferring CRPC's database on property claims to the BiH MoHRR; (3) making operational a Return Fund that would centralize and allow coordination of funding between international donors and the BiH and entity government levels; and (4) replacing RRTF field offices and entity field offices with BiH State regional refugee centers. There were numerous delays in the Annex VII Exit strategy, which were caused in part by the complex bureaucratic procedures and structures of BiH. The SCR's ability to make decisions on reconstruction and return priorities was hindered by nationalist parties, who were unable to reach agreement on many issues.

Many problems remained that prevented returns. The needs for housing continued to outweigh available resources. Municipal administration taxes on documents that are necessary for return, such as birth or land certificates, remained high. In addition, minority returnees often faced societal violence, employment discrimination, lack of access to health care in the place of return, and denial of utility services such as electricity, gas, and telephones by publicly owned utility companies. All of these problems decreased from previous years, yet continued to persist in hard-line areas.

Corruption of local government entities charged with supporting the return process also remained a problem. In March, the OHR announced the results of the 2002 special audit of the Federation Ministry for Refugees and Social Welfare that found approximately \$8,789,000 (14.3 million KM) was lost through overspending, manipulated tender processes, mismanagement, paying staff multiple salaries, and poor project controls. The following week, the High Representative announced his decision to remove the former Federation Refugee Minister, Mijat Tuka, from his position as envoy in the Federation Parliament because of his involvement in these fraudulent schemes; however, no criminal charges were filed against Tuka.

The continued influence of ethnic separatists in positions of authority hindered minority returns. Government leaders in both the RS and the Federation often used a variety of tactics, including public statements, to inhibit the return of IDPs. Many families chose to remain in places of displacement and obtained land plots to build homes in these places. For example, in Zvornik, RS, 2,777 land plots were allocated to Bosnian Serbs who intend to remain in their place of displacement. In the Federation, Capljina has 900 illegal land plot allocations, and Stolac has 1,200 allocations housing large Bosnian Croat settlements. In these municipalities alone, approximately 15,000 persons were building permanent homes instead of returning to their prewar homes. An OHR decision banning the allocation of land plots by municipalities was lifted in two new decisions issued on May 16 that allows both the RS and the Federation to dispose of socially owned property.

Much of Croat-controlled Herzegovina and towns in eastern RS remained resistant to minority returns, although efforts by hard-line Croats to resettle returning refugees in a manner that consolidated the results of ethnic cleansings ceased for the most part. IDPs living in those areas, even those who privately indicated interest in returning to their prewar homes, frequently had been pressured to remain displaced, while those who wished to return had been discouraged, often through the use of violence (see Section 1.c.). These trends of intimidation for displaced persons to stay in their place of displacement decreased, although they were still practiced in the staunchest hard-line areas of the RS and Herzegovina.

The continued depressed state of the economy throughout the country and the consequent lack of employment opportunities for returnees remained a serious obstacle to a significant number of returns. Attempts by returnees to receive compensation for jobs illegally lost during the conflict years were largely unsuccessful. As a result, most minority returnees were elderly, which placed a burden on receiving municipalities. Younger minority group members, who depended on adequate wages to support their families, generally remained displaced, particularly in cases in which they had managed to find work in their new place of residence.

On July 18, the Law on Movement and Stay of Foreigners was enacted and took effect on October 14. This law provides for the granting of asylum and refugee status to persons who meet the definition in the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol and supercedes the 1999 Law on Immigration and Asylum. The 1999 Law gave most of the responsibility to entities and was never implemented; thus in practice, UNHCR determined asylum status. The new law provides greater status to the State of BiH and centralizes immigration and asylum functions in the BiH MoS; however, the MoS must enact by-laws by April 14, 2004 to ensure implementation of this law. In practice, the Government provided protection against refoulement and granted refugee status or asylum.

The Government generally cooperated with the UNHCR and other humanitarian organizations in assisting refugees. As a result of the conflict in the former Federal Republic of Yugoslavia (FRY) in 1999, approximately 6,000 citizens fled FRY and came to Bosnia and Herzegovina; half came from Kosovo, while the other half came from other parts of the country. In March, the Council of Ministers decided that the temporary admission status of refugees from Kosovo should expire in June 2004, and the status of all other refugees expired on June 31. The BiH MohRR issued implementing instructions for this decision in April. According to the latest UNHCR statistics, as of December, 680 Kosovo refugees remained in 4 collective centers in BiH.

Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government

The Constitution provides citizens with the right to change their government peacefully; however, the use of coercive tactics by some nationalist parties precluded full citizen participation without intimidation. In October 2002, the country held general elections, which were the first since the Dayton Peace Agreement to be administered and conducted by BiH authorities. The OSCE judged them to be largely in line with international standards. Problems cited by observers included numerous voters unable to find their names on voter registers, group voting, and intimidation in a few cases. Voter apathy and low turnout were also problems.

In April, the Serb member of the state-level Presidency, Mirko Sarovic, resigned under pressure from the international community after it was determined that he bore political responsibility for arms trading to Iraq, in violation of U.N. sanctions, and for illegal spying by RS intelligence services on SFOR and members of the international community. In accordance with election rules, Borislav Paravac, former Deputy Speaker of the BiH Parliamentary House of Representatives, replaced Sarovic. Paravac is also a Serb and member of the SDS.

In the Federation, the President appoints the Prime Minister subject to approval from the bicameral parliament. Serious ethnic and political rivalries continued to divide Croats and Bosniaks. In the RS, the President and Vice Presidents are directly elected, while a Prime Minister selected by Parliament heads of the Government. The Parliament, called the RS National Assembly, is elected on a proportional basis, and the Council of Peoples has the power to review laws vital to national interest issues of any of the constituent peoples. The Constitution allows Bosniak, Croat, or Serb representatives in the RS Council of Peoples to block legislation they believe threatens their group's vital national interest. In the city of Brcko, which is a "self-governing neutral district," an internationally appointed supervisor with executive authority is empowered to address such issues as taxation, law enforcement, district management, and composition of the district assembly.

The SDA and HDZ remained powerful, particularly in Bosniak and Croat majority areas. The SDS remained ideologically committed to Serb cultural and religious authority in the territory of the RS, where it won a significant plurality in the 2002 elections.

A multi-ethnic local government administered the Brcko municipality as a district under the direct oversight of the Brcko supervisor. In the absence of new or adapted laws, the supervisor retained discretion regarding which laws, the Federation or the RS, were to apply in Brcko. Brcko District has harmonized 134 new laws reforming the system of local governance, property, taxation, citizen participation, economic development, and judicial reform. Brcko's school system was the first in the country to be fully integrated, and the police force was the first to achieve U.N. certification.

The Election Law requires that at least 30 percent of political party candidates be women. These provisions increased the number of female representatives from 2 percent at the BiH and entity level and 5 percent on the municipal level in 1996 to approximately 20 percent of all elected positions during 2002. In the BiH-level House of Representatives (lower house), 6 of 42 deputies were female. Of 15 delegates to the BiH-level House of Peoples (upper House), all of which were appointed by entity legislatures, none were female. In the Federation legislature, there were 23 women in the 98-seat House of Representatives. In the RS, there were 15 women in the 83-seat National Assembly.

Under the Dayton Agreement, only constituent persons—Serbs, Croats, and Bosniaks—are eligible to be selected for government positions. Therefore, there is no rule on participation of minority representatives in the BiH Government at any level. There was only one minority in a high government position, Jacob Finci, a Jewish man who is the Director of the Civil Service Agency.

Six months before the 2002 elections, the Constitutions of the country's two entities were amended to ensure equal status for the country's three main ethnic groups in entity governmental structures. The most significant changes to the RS Constitution created the RS Council of Peoples; established two RS vice presidents who would be from different ethnic groups than the RS president; specified a formula for ethnic representation in RS ministerial positions; and required that the RS civil service reflect the prewar ethnic composition of the RS. The Federation Constitution was amended to, among other things, add a Serb caucus to the Federation House of Peoples; specify a formula for ethnic representation in ministerial positions; and create a second vice presidential position.

Section 4. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A wide variety of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials were somewhat cooperative and responsive to their views.

While monitors enjoyed relative freedom to investigate human rights abuses, they rarely were successful in persuading the authorities in all regions to respond to their recommendations. Monitors' interventions were often met with delays or categorical refusal by government authorities. There were no major incidents of violence against international community representatives.

The Government cooperated fully with international organizations such as the OHR, which has special powers over the BiH Government. The BiH Government also cooperated with other international organizations such as the UNHRC, ICRC, OSCE, and CRPC.

Although the RS National Assembly passed a law on cooperation with the ICTY in 2001, the RS made no effort to arrest indictees. In the eastern RS, Foca and Pale remained under sanctions for their noncooperation with the ICTY. The two most wanted Bosnian war crimes suspects, wartime commander of the RS Army Ratko Mladic and wartime RS President Radovan Karadzic, remained at large.

Many, if not most, of the perpetrators of killings and other brutal acts committed in previous years remained unpunished, including war criminals indicted by the ICTY, persons responsible for the approximately 8,000 killed by the Bosnian Serb Army after the fall of Srebrenica, and those responsible for approximately 16,019 others still missing and presumed killed as a result of "ethnic cleansing" in the country (see Section 1.b.).

During the year, SFOR arrested Naser Oric, who was indicted by the ICTY on charges of detaining Bosnian Serbs in the Srebrenica and Bratunac areas and subjecting them to physical abuse, which in some instances resulted in death, and cooperated in his transfer to the ICTY. At year's end, 17 arrest warrants remained outstanding, while 92 indictees had been transferred to the ICTY.

On March 10, Serbian police arrested Jovica Stanisic and Franko Simatovic, who were indicted by the ICTY in connection with charges of abusing Bosnian Croats and Bosnian Muslims within the so-called Serbian Autonomous District and territories in BiH. On April 5, Croatian police arrested Ivica Rajic who was indicted on charges that units of the HVO under his command killed 16 members of the civilian population of the village of Stupni Do. In addition to the arrests, three persons, Vojislav Seselj, Zeljko Mejakic, and Mitar Rasevic, indicted by the ICTY for war crimes and/or crimes against humanity committed in BiH during the 1992-95 conflict, voluntarily surrendered.

The case in the ICTY against Slobodan Milosevic, the former President of Serbia and Montenegro (FRY) who is charged with 66 counts of crimes against humanity in Croatia and Kosovo and genocide in Bosnia and Herzegovina, remained ongoing at year's end.

On February 27, Biljana Plavsic was sentenced to 11 years in prison by the ICTY after pleading guilty to one count of persecution on racial, religious, and political grounds. The ICTY held 51 accused in custody, while 7 accused have been provisionally released.

The mandate for the Human Rights Commission for BiH, which consists of the Human Rights Chamber and the Human Rights Ombudsman, ended this year (see Section 1.e.). The Governments of both entities and the State of BiH signed an agreement to facilitate the transition of the Human Rights Chamber to a domestic institution, and the Human Rights Chamber ceased to exist on December 31. Under this agreement, the Constitutional Court of BiH will handle new human rights cases after January 1, 2004. The backlog of the Human Rights Chamber was transferred to the Constitutional Court, and a Human Rights Commission, consisting of five judges from the Human Rights Chamber, was appointed to address this backlog. Parties to the agreement also pledged to take necessary measures to ensure that all domestic courts can adequately address human rights by way of training for judges, prosecutors and lawyers.

The BiH Human Rights Ombudsman's mandate also ended on December 31. On November 7, the BiH Presidency selected three candidates, all active members of the three national parties (HDZ, SDA, SDS), to replace Frank Orton as BiH Ombudsperson. The BiH Parliamentary House of Peoples confirmed their appointment on November 28, and they were expected to assume their duties as BiH Ombudspersons in January 2004.

Section 5. Discrimination Based on Race, Sex, Disability, Language, or Social Status

The BiH Constitution and the entities' Constitutions broadly prohibit discrimination on such grounds as sex, race, color, language, religion, political or other opinion, national or social origin, or association with a national minority; nevertheless, there were many cases of discrimination.

Women.—Violence against women, including spousal abuse and rape, remained a widespread and underreported problem. While there were no updated figures available this year, the Helsinki Committee for Human Rights in BiH reported an increase in violence against women due to the deteriorating economic situation. A report by the International Helsinki Federation for Human Rights in 2001 estimated that approximately 30 percent of women in the country were victims of domestic violence; however, women's organizations such as Women for Women were concerned that abuse was more widespread than reported. Throughout the country, including in both Entities, rape and violent abuse are considered criminal offenses. Spousal rape and spousal abuse also are illegal in the Federation and the RS; however, domestic violence usually was not reported to the authorities. A sense of shame reportedly prevented some victims of rape from coming forward to complain to authorities. There was an increased police presence in the field, and NGOs working on women's issues were active and appealed to the Government and to the public numerous times to raise public awareness of the issue.

Police received specialized training to handle cases of domestic violence, and each police administration had its own domestic violence focal point. Nonetheless, there were reports of police inaction in cases of domestic violence and sexual assault. The S.O.S. Phone Service, a 24-hour hotline open to victims of domestic violence for assistance and counseling, did not appear to be operational this year. There were two shelters that provided assistance to women and children who were victims of domestic violence.

Trafficking in women for purposes of sexual exploitation was a serious problem (see Section 6.f.).

There were no laws prohibiting sexual harassment within any governmental units; however, some private and governmental organizations included rules against sexual harassment in their contracts or employee manuals. While there were no statistics on the extent of the problem, the media reported that sexual harassment was a very serious problem that was poorly understood by the general population.

Discrimination against women did not significantly increase; however, a male-dominated society continued to prevail throughout the country, particularly in rural areas. Women served as judges, doctors, and professors, although few women were in positions of real economic or political power. Women have been discriminated against in the workplace in favor of demobilized soldiers. A small but increasing number of gender-related discrimination cases were documented. Anecdotal accounts indicated that women and men generally receive equal pay for equal work at government-owned enterprises but not always at private businesses. While women were legally entitled to 12 months' maternity leave, may not be required to work more than 4 hours per day until a child is 3 years old, and may not be required to perform shift work if they had underage children, women in all parts of the country encountered problems with regard to the nonpayment of maternity leave allowances and the unwarranted dismissal of pregnant women and new mothers.

Women remained underrepresented in law enforcement agencies, although progress continued. According to guidelines for accreditation, police forces should allocate 10 percent of their positions for qualified female candidates. Most units had about 3 to 4 percent, although some had as many as 6 to 7 percent. Overall, the FMUP had 4.1 percent women police officers and the RSMUP had 17.3 percent women police officers. Several recent graduating classes from the country police academies contained up to 80 percent women.

Children.—The BiH Government was generally committed to the rights and welfare of children. The U.N. Convention on the Rights of the Child is incorporated by reference in the Dayton Accords and has the effect of law in both entities. Nevertheless, social services for children were in extremely short supply. Children with disabilities lacked sufficient medical care and educational opportunities.

Education was free and compulsory through the age of 15 in both the Federation and the RS; however, a lack of reliable statistics as to attendance and level of school completed hindered efforts to ensure that all school age children received an education.

The presence of Roma in schools was sporadic and Romani children were often absent from the later grades of primary and secondary schools. In Sarajevo's municipality Ilidza, for example, approximately 300 Romani children were unable to attend schools due to extremely poor living conditions, lack of proper clothing and the inability to purchase the necessary schoolbooks. These factors, often combined with verbal harassment from other students, language problems, and the costs and/or requirements of registration, were the most common reasons leading to the exclusion of Roma from schools, despite a willingness of many parents to enroll their children.

Medical care for children in the Federation was controlled solely at the Canton level. Therefore, whether or not children received any medical care from the Government depended on the budget of the Canton in which they lived. Medical care for children in the RS was controlled at the entity level (RS Ministry of Health). Children up to 15 years of age were entitled to medical care free of charge under the law; however, in practice, unless they had medical insurance paid for by their parents, children often did not receive medical care. There was no discrimination between boys and girls concerning medical care in the Federation or the RS.

Family violence against children was a problem, but there was no societal pattern of abuse against children. Police investigated and prosecuted individual cases of child abuse; however, no statistics on the prevalence of the problem were available. Children continued to suffer disproportionately from the societal stress of the post-war era.

Trafficking in girls for the purpose of sexual exploitation was a problem (see Section 6.f.).

According to statistics released in 2002 by the MoHRR, 118,785 of the 553,419 displaced persons from the country were children. In October, the MoHRR launched a re-registration process for displaced persons in BiH together with the UNHCR.

One child was injured in a landmine incident during the year.

Persons with Disabilities.—The Federation Government is required by law to assist persons with disabilities to find employment and to protect them against discrimination. In the RS, the law also prohibits discrimination against persons with disabilities. However, there was clear discrimination between different categories of people with disabilities and the vast majority of persons with disabilities were unemployed. For example, persons with disabilities resulting from the war were given a de facto privileged status that persons who were born with disabilities did not have.

Public institutions for persons with disabilities generally met minimum standards, although most lacked suitable funding. The legal status of institutions for persons with disabilities was not resolved following the breakup of the former FRY. As a result, local and entity Governments have no legal obligation to finance such institutions, and they operated only with BiH-level Government and international donations. A number of international and domestic NGOs assisted persons with disabilities in the country. For example, the International Human Rights Law Group formed a coalition of seven NGOs from Tuzla, Sarajevo and Doboj, and assisted these NGOs in coordinating activities and funding assistance programs.

In the Federation, the Law on Spatial Planning and Construction requires that all newly constructed buildings have access for persons with disabilities and that all old buildings have to be retrofitted to provide access within 5 years. Implementation of this law varied from Canton to Canton within the Federation, and was heavily dependent on the availability of funding; in practice, buildings rarely were accessible to persons with disabilities.

National/Racial/Ethnic Minorities.—“Ethnic differences” remained a powerful political force in the country; however, mixed communities existed peacefully in a growing number of areas. To a limited extent, nationalist Bosnian Serb and Croat politicians sought to increase the ethnic homogeneity of the population in areas they controlled by discouraging IDPs of their own ethnicity from returning to their pre-war homes if they would be in the minority there. There was some improvement in the RS Government’s attitude towards returns. The RS Government was increasingly supportive of Bosniak and Croat returns to the RS, and Bosniak returns to the Srebrenica area increased; however, the RS continued to support integration of displaced Bosnian Serbs within the RS using the war veterans’ budget.

There were several incidents where opponents of refugee returns used violence, including sporadic house burnings, and orchestrated demonstrations in an effort to intimidate returnees. While the incidents of violence decreased overall in the country, follow-up investigations in a number of cases were problematic. Police consistently failed to apprehend offenders, with the exception of the attack against returnees in Srebrenica. On January 27, assailants broke the windows on two Bosniak returnees’ houses in Potocari, Srebrenica, and tried to steal the van that was used by the workers of the company who were building the Potocari Memorial Center; the police promptly arrested initial suspects.

On January 3, an unknown perpetrator fired several shots from a machinegun at the house of a Bosniak returnee from Visici near Capljina. On January 23, unknown assailants stoned the Orthodox Church in Prijedor’s settlement Kozarac, where several thousands of Bosniaks had returned, and destroyed several windows. On February 28, a handbomb exploded in a house of a Bosniak returnee in the Croat part of Mostar, killing two construction workers who were working on the returnee’s apartment.

On March 6, a retired Serb returnee to western Mostar, Vasilija Skoro, was seriously injured in an explosion while he was preparing his house for reconstruction. On March 18, a Bosniak house was set on fire in the town of Stolac. On March 26, Vladimir Markanovic, a Bosnian Serb from Sarajevo currently displaced in Zvornik, attempted to kill Angelina Tomic, Chief of Department for Refugees in Zvornik. The Department had issued an eviction decision to Mr. Markanovic ordering him to vacate the property he was unlawfully occupying. Tomic sustained severe injuries, and Markanovic was arrested and had charges pressed against him.

In the beginning of April, there were several attacks targeting minority returnees, including firing shells on Bosniak returnees to the Sepak settlement near Zvornik. On April 16, an explosive device was thrown at the house of Bosniak returnee, Said Jakupovic, from Kozarac, Prijedor Municipality. On April 28, Serb returnees were attacked in Sizje village, near Lukavac. This was just one of a number of attacks

on these returnees in a short period of time. The police reportedly apprehended three persons suspected of attacking the returnees.

On November 8, an unknown man attacked Nihada Behadzic, a Bosniak returnee to Derventa municipality. Nihada, who had been living as an IDP in Orasje since 1992, sustained severe stomach and neck injuries. On November 25, there were several incidents in Stolac with possible ethnic motivation, linked to the Bayram celebration. Some young Bosniaks insulted and provoked Croat citizens, including a Catholic nun.

Harassment and discrimination against minorities continued throughout the country, often centering on property disputes, despite improvements in some areas. These problems included desecration of graves, arson, damage to houses of worship, throwing explosive devices into residential areas, harassment, dismissal from work, threats, and assaults.

Discrimination in employment and education remained key obstacles to sustainable returns. Widespread firing of ethnic minorities during and after the war has not been reversed in most cases, and members of the ethnic majority in a region often were hired over minorities in places where they had been employees. Favoritism was also shown to veterans and families of those killed during the war.

Roma, estimated to be 40,000 to 60,000, faced serious difficulties in exercising the full range of fundamental human rights guaranteed to them under the BiH Constitution. Of particular concern were issues regarding property rights and access to personal documents. Roma displaced from their property during the war had difficulty repossessing their property because of discrimination and lack of adequate information on the necessary procedures. Individuals who were allocated social housing before the war often remained without housing. Those living in informal settlements were left in a precarious situation as the land on which they resided could be reallocated by local authorities, at any time. Lack of ownership documents also hampered repossession of property and the provision of reconstruction assistance in cases where housing was destroyed during the war. Lack of personal documents caused many Roma to be excluded from public life because they lacked birth certificates, identification cards or a registered residence. Many Roma also could not access health care or register to vote. Only a small number of Romani adults were in full time employment and Roma were often denied social support; many relied on begging to subsist, particularly Romani children.

Roma continued to lack access to education. Students in minority areas frequently faced a hostile environment in schools that did not provide an ethnically neutral setting. Obstruction by nationalist politicians and government officials slowed international efforts to remove discriminatory material from textbooks, abolish school segregation, and enact other needed reforms. At the elementary and secondary school level, canton governments in the Federation and the central Ministry in the RS politically pressured school directors. Several schools were directed by hard-line political figures. A lack of financial resources led to teacher strikes in the RS and in individual cantons in the Federation.

In many instances, compromises fell far short of integrating minority students into some schools. Administration and legal unification of the 52 cases of "two schools under one roof," with separate classes for Bosnian Croats and Bosniaks, did not lead to integrated classrooms, although shared extra-curricular activities, school entrances and recreation facilities often resulted. Segregation and discrimination were entrenched in many schools, particularly in the teaching of national history and religious education. In the RS, non-Serb teaching staff at elementary and secondary school levels remained below 5 percent of all teaching staff. In the Federation, minority teachers comprised between 5 and 8 percent of all teachers, depending on the Canton. While Romani children were permitted to attend schools in all areas of the country, their attendance was often low due to both pressure from within their own community and from local non-Roma communities discouraging Romani children from attending their schools.

Officials took steps during the year towards actual integration. The Interim Agreement on Accommodation of Specific Needs and Rights of Returnee Children, signed in 2001, was partially implemented through working groups in both entities, with moderate progress made in eliminating educational obstacles for returnee children.

The full integration of elementary and high school classrooms in the Brcko District continued to be successful. So-called national subjects (language, history, and music) were offered separately as afternoon "elective" classes, but materials that could be hateful or offensive to others were eliminated. Language questions were resolved by using both Latin and Cyrillic script, and by requirements that teachers not penalize students for lexicon or grammar usage identified more with one language variant than another.

In March, an Inter-Entity Textbook Review Commission was re-established, with a mandate to review textbooks from the so-called national group of subjects that were in use in all primary and secondary schools in the country. The process was completed prior to the 2003–04 school year, and although some textbooks were not granted approval, no significant violations were reported. However, there were textbooks in use outside the so-called national group of subjects that were not subject to the review process but contained material that was inappropriate. For example, the textbooks on politics and economics used in schools following the curriculum in Bosnian Croat majority cantons were produced in Croatia and contained material considered slanderous and hurtful to Serbs. Other cases were less explicit but were recognized as inappropriate or controversial.

In the area of civic education, the course on “Democracy and Human Rights” continued to be taught in high schools in all areas of the country, using the first truly joint curriculum. The course was developed by donors and international organizations working closely with Bosnian educators and was officially accepted by the Canton and entity-level Education Ministries and the Brcko District Department of Education.

During the year, the MoHRR created an “Advisory Board for Roma,” comprised of nine Romani representatives and nine members of different state level and entity ministries, to work on Romani issues. The Board met several times, but the Ministry ceased to convene the meetings due to lack of finances to cover the expenses of meetings.

Section 6. Worker Rights

a. The Right of Association.—There are no legal restrictions on the forming of unions or on who may join unions; both entities’ Constitutions and labor laws provide this right. Additionally, the country has four labor laws (one for the state level, one for each entity, and one for the Brcko district), which provide for the right of workers to form and join unions.

The right of minority workers to join unions is protected in both entities; however, in practice, union membership in the RS was overwhelmingly Bosnian Serb and in the Federation overwhelmingly Bosniak. Bosnian Croats had informal labor organizations in areas where they were the dominant ethnic group, but generally they were represented by the Federation union. A joint-entity multi-ethnic union continued to operate in the district of Brcko. Although the 2001 BiH-level Law on Associations removed legal obstacles to the creation of unions at the BiH level, no such unions existed.

Union membership was mandatory for all officially employed workers in the RS but optional in the Federation. Consequently, approximately 70 percent of officially employed workers in the Federation were union members.

Even though unions are legally independent of the Government and political parties, they were highly politicized. In practice, in each entity, one union confederation represented all workers in that entity.

The Law on Labor in both entities prohibits discrimination by employers against union members and organizers, in accordance with International Labor Organization (ILO) standards; however, this kind of discrimination continued. Employers often mistreated workers employed in private companies; however, employees usually did not strike out of fear of being immediately fired in retaliation.

Unions are free to form or join federations or confederations and affiliate with international bodies; however, no unions have done so in practice.

b. The Right to Organize and Bargain Collectively.—Collective bargaining is provided for in the Law on Working Relations in the RS and in a comprehensive collective bargaining agreement in the Federation; however, collective bargaining was rarely used. In addition, the collective bargaining agreements appeared to apply only to public sector and government-owned enterprises, leaving private businesses uncertain about their status under the general collective bargaining agreements. The BiH Association of Employers was created to address this problem; however, no progress had been made by year’s end. In September, the Socio-Economic Council, made up of representatives from trade unions, the Federation Government, and the Association of Employers, was established in the Federation to improve existing labor legislation and encourage job creation; however, it faced problems financing its activities.

The Government remained highly influential, particularly in the RS, in determining the overall level of wages for government employees in each entity. The Federation Government reduced all expenditures by 10 percent including wages of all budget users, which created problems in some independent agencies.

Unions have the right to strike, and they used this right to press for payment of overdue salaries or wages; protest or demand changes in management; and voice

their opinion on economic reform and government policy. Protests rather than court cases often induced faster government action on paying salaries and wages and removal of management. Most strikes were legal; however, in an attempt to avoid negotiations, the Government claimed that some were illegal on the grounds that they were not announced the required 48 hours in advance. A Law on Strikes governs strike activity in both entities, and retaliation against strikers is prohibited.

On September 20, approximately 13,000 pensioners from the Federation gathered in front of the Federation government building to protest the Government's failure to pay pensions and to demand that pensions be raised. When government officials did not talk with them, they tried to enter the government building and were prevented from doing so by the police. After the Federation pensioners protested, large numbers of pensioners in the RS followed suit and likewise protested in front of the RS government building in Banja Luka.

There were several major strikes during the year, including those by factory workers and teachers, to demand payment of arrears in salaries of several months or more or to protest the unsuccessful privatization of large factories. At the beginning of the year, coal miners in Zenica conducted a hunger strike to protest wage arrears; these workers stopped their strike after a meeting with the Federation Prime Minister, where some of their requests were met. The workers of recently privatized company Zitoprerada Bihac went on a hunger strike, which resulted in the arrest of the new owner and cancellation of the privatization contract. Courts continued to hear labor disputes.

The FBiH Trade Union Confederation advocated a revision of the entire privatization process. Consequently, FBiH Trade Union Confederation leader Edhem Biber received death threats for pushing this initiative.

The strike of chemical workers at the Calcine factory ended during the year after Federation and Cantonal Governments in Tuzla complied with some of the strikers' requests.

Unions in the country were fragmented into sectors and divided along ethnic lines, weakening their potential impact. Unions had little experience in conducting effective strikes or bargaining negotiations. Workers often were left to organize themselves at the level of the company. Workers were afraid to strike for fear of losing what few social benefits they received from the companies.

There are 11 special economic areas called Free Zones in the country, for the purpose of manufacturing and related services, where customs duties do not have to be paid. There are no special laws or exemptions from regular labor laws in these zones, and workers' rights were not restricted.

c. Prohibition of Forced or Bonded Labor.—The Constitution prohibits forced or bonded labor, including by children; however, there were reports that such practices occurred (see Sections 6.d. and 6.f.).

d. Status of Child Labor Practices and Minimum Age for Employment.—The minimum age for employment of children in the Federation and in the RS is 15 years. The Law on Labor prohibits children from performing hazardous work, such as night work. While it was unclear how strictly these laws were enforced, strong cultural norms against non-farm child labor effectively discouraged the practice in the country. Although child labor was not known to be a problem, children sometimes assisted their families with farm work and odd jobs. Romani children often begged on the streets, particularly in Sarajevo.

The country ratified the ILO Convention 182 concerning the worst forms of child labor in 1991; however, the Government had not signed it by year's end. There were no social programs to prevent the engagement of children in exploitative child labor.

e. Acceptable Conditions of Work.—The minimum monthly wage in the Federation was \$186.60 (290 KM) and in the RS it was \$43.75 (68 KM); neither minimum wage provided a decent standard of living for a worker and family. Many workers have outstanding claims for payment of salaries and pensions. Employees are required by law in both entities to make mandatory contributions to social funds; in total, the contribution paid on each monthly salary was 68 percent in the Federation and 50 percent in the RS. Employers often did not officially register their employees in order to avoid paying high social welfare benefits.

The legal workweek is 40 hours under both the Federation and the RS entity law; however, seasonal workers may work up to 60 hours per week. The laws of both entities require that employers pay overtime to employees. Overtime is limited to 20 hours (10 mandatory and 10 voluntary) in the Federation. In the RS, overtime is limited to 10 hours, although an employee may volunteer for an additional 10 hours in exceptional circumstances. Rules regarding rest and vacation varied, although typically no vacation was granted during the first 6 months of employment, and 18 days per year were granted after that period.

Occupational safety and health regulations generally were ignored. At year's end, neither entity had completed passage of new laws to enforce international worker rights standards. Workers could not remove themselves from hazardous working conditions without endangering their continued employment.

f. Trafficking in Persons.—The law prohibits trafficking in persons; however, trafficking in persons remained a serious problem. There were reports that police and other officials were involved in trafficking.

The BiH Government implemented a new Criminal Code and CPC in March, making trafficking in persons a State-level crime with a sentence of up to 10 years. The Federation and the RS implemented harmonizing criminal codes in August and July, respectively. In January, BiH also created a BiH State-level MoS that is responsible for coordinating law enforcement activities at all levels of Government. Implementation of these new laws, centralization of the government agencies that fight trafficking, and increased coordination between NGOs and law enforcement enhanced BiH's ability to combat trafficking.

BiH authorities intensified their efforts to combat trafficking during the year. In addition to passing the CPC and establishing the MoS, the BiH State Prosecutor's Office was established in June. The State Prosecutor has exclusive jurisdiction over all trafficking cases and can decide which cases to prosecute at the BiH State level, and which cases to send to the entity levels. In July, the BiH Government appointed a National Coordinator for Anti-Trafficking, whose mandate includes coordination of victim protection efforts among NGOs, police, and government institutions, as well as coordination of law enforcement initiatives. Also as part of these restructuring efforts, the former BiH level anti-trafficking commission that reported to the BiH MoHRR now reports directly to the newly formed MoS. In October, the National Coordinator for Anti-Trafficking rolled out a new National Action Plan.

In 2002, the BiH Council of Ministers, both entities, and the Brcko District agreed to form the country's first nationwide interagency investigative task force (the strikeforce) to combat organized crime. The strikeforce is chaired by the new BiH Prosecutor and includes prosecutors, police, and financial investigators. It specifically targets trafficking and illegal migration. The strikeforce's investigations also resulted in the prosecution and conviction of one trafficking kingpin, sentenced in 2002 to 1 year and 6 months in prison by the Brcko District Court for promoting prostitution.

The anti-trafficking actions of local authorities were coordinated within this newly established centralized State-level framework for fighting trafficking. For example, the IPTF-initiated Special Trafficking Operations Program was replaced by an initiative led by local authorities in coordination with the EUPM, the FIGHT initiative. In August, the owner of Club Edo in Kiseljak was arrested for trafficking, and 13 of the women working in his bar were taken to the Forum of Solidarity, a local NGO that provides shelter to trafficking victims. However, none of the 13 women were identified as trafficking victims by the BiH Government and were deported from the country 2 months later. The club owner paid bail and was released from prison; the investigation continued at year's end.

Local police involvement was primary, with EUPM involvement in actual operational and organizational issues limited to an advisory capacity. Under the FIGHT team initiative, each local government unit has one dedicated trafficking officer, and these officers are coordinated through their respective entity MUP. Each entity MUP is represented on the BiH State level Anti-Trafficking Strikeforce, allowing state-level Strikeforce investigations to regularly benefit from local-level, on-the-ground investigation and intelligence work. BiH also participated again in the Southeast Europe Cooperative Initiative (SECI) regional anti-trafficking effort in September, which focused on a series of police raids and border inspections coordinated with other SECI member states. During September, in Operation Mirage II, BiH police conducted raids on 114 locations with suspected involvement in human trafficking. Six individuals were arrested for trafficking, and charges against three of the six were subsequently filed. An EUPM report noted that, during the period from January to May, FIGHT teams made a significant number of arrests that led to prosecutions. Specifically, there were 128 night-bar raids throughout the country, resulting in 21 indictments for human trafficking and sex crimes.

In September, in Brcko District, criminal charges were lodged against four people for intermediation in performing prostitution. Two of the four were indicted and the others remained at large. One of the indictees is Marijan Jurkovic, an alleged trafficking kingpin in BiH. In November, Milorad Milakovic and 17 fellow alleged traffickers were indicted on charges of organized crime and trafficking in persons, for which they could face up to 20 years in prison.

The country was a destination and transit point, and to a lesser extent a country of origin, for women and girls trafficked for sexual exploitation. The country was

vulnerable to trafficking in persons because effective strategies to combat trafficking were previously hindered by an outdated criminal code and a confusing set of legal institutions that left police and prosecutors unable to take effective measures against trafficking. In addition, there were allegations of corruption and official involvement in trafficking. There were no current estimates on the number of trafficked women and previous estimates varied considerably. From data collected by the U.N. Mission in Bosnia and Herzegovina and the International Organization for Migration (IOM), it was estimated that in previous years there were 3,000 women who engaged in prostitution in the country, of which approximately 25 to 30 percent were thought to be victimized through coercion or deception; approximately 13 percent of victims were under 18. Since 1999, the IOM has assisted 717 women, 553 of whom sought repatriation.

Over 90 percent of trafficked women in the country came from Moldova, Romania, and Ukraine. A significant number may have transited on to Western Europe, but no reliable estimates were available. According to the IOM, most victims reported being lured by false job offers, such as advertisements offering work in Italy or Germany as dancers, waitresses, and domestic servants. Most trafficked women entered the country through Serbia-Montenegro. Those who transited the country continued via Croatia. The IOM reported Bosnian victims in other parts of Europe and local NGOs observed some Bosnian victims within the country.

The perpetrators of trafficking came from a variety of backgrounds, including freelance operators, local crime gangs, and large international organized crime syndicates. Some employment, travel, and tourist agencies also fronted for traffickers.

Because of prior raids conducted on nightclubs, bars, and restaurants, traffickers moved their operations to private residences or began moving them around to evade arrest. Victims reported working in conditions akin to slavery, with little or no financial support, coerced by intimidation, seizure of passports, withholding of food and medical care, and even physical and sexual assaults.

While there continued to be reports of police and other official involvement in trafficking, particularly at the local level, the Government addressed this issue by establishing PSUs within each MUP. The PSUs have authority to investigate and dismiss police officers for corruption and have the ability to recommend both administrative and criminal action against police engaging in illegal activities. However, there was only one trafficking related PSU investigation in the District of Brcko; past trafficking in persons-related corruption investigations led to dismissal and prosecution of officers. Although the presence of international civilian and military personnel has contributed to the trafficking problem, the local population actively sustained it.

Local officials in some areas allowed foreign women to work in bars and nightclubs with questionable work and residence permits. Law enforcement officials in both entities asserted that they reduced the number of foreign citizens working in bars. An RS Interior Ministry official stated in 2002 that the number of foreign female bar employees with valid work permits was down to 51, compared with 470 a year previously. Nonetheless, there were reports that visas were issued improperly at the country's embassies in the region. The Ministry of Civil Affairs initiated a plan to link all BiH Embassies around the world to a centralized database, located in the National Network Operations Center to allow for greater control of the approval process for visas; however, the centralized database had not begun by year's end.

The National Action Plan included initiatives to strengthen victims' assistance programs, including a plan to establish a state-run women's shelter; at year's end, the local NGO Forum of Solidarity, based in Tuzla, was selected as the NGO partner for the shelter. There were three primary trafficking NGOs in the country: Lara in Bijelina, La Strada in Mostar, and Forum Solidarnosti in Tuzla. During the year, NGOs assisted 90 victims of trafficking. These women were provided basic shelter, medical, psychological, and legal assistance.

In July, the BiH Government adopted a new Law on the Movement and Stay of Aliens and Asylum. This law includes specific provisions directed towards trafficking victims that provide for temporary asylum to allow rehabilitation and protective services to be provided to victims. During the year, the IOM managed two long-term shelters where victims received medical attention, counseling, and assistance in repatriation. It also had 6 safe houses in various parts of the country, augmented by 2 additional safe houses run by local NGOs. Police protection was provided for the shelters. Despite these programs, the IOM and other sources reported that fewer victims sought assistance during the year, and that shelters were not fully utilized. NGO employees reported that women told them that they did not trust local police and feared traffickers would not hesitate to pursue them if they left. With inter-

national assistance, local authorities and NGOs cooperated more to assist and protect victims.

The IOM initiated a preventative information campaign against human trafficking geared toward at-risk youth and victims of trafficking. The campaign defined trafficking as well as provided information about services available to trafficking victims. Other NGOs continued to be actively engaged in similar campaigns.

The media focused attention on the human costs of trafficking, as well as the responsibility of the authorities to combat the problem. Newspapers reported frequently on law enforcement actions against traffickers, as well as on allegations of involvement by police.

BULGARIA

Bulgaria is a parliamentary democracy ruled by a coalition government headed by Prime Minister Simeon Saxe-Coburg Gotha. The Government took office in 2001 following the victory of his National Movement Simeon II (NMS) party in parliamentary elections that were deemed generally free and fair despite some media irregularities. Following presidential elections in 2001, Georgi Purvanov, former leader of the Bulgarian Socialist Party (BSP), began his 5-year term in 2002. The Constitution provides for an independent judiciary; however, the judiciary suffered from corruption and wide-ranging systemic problems.

The Ministry of the Interior (MOI) is responsible for internal law enforcement. The National Investigative Service (NIS), which provides investigative support to prosecutors on serious criminal cases, is a judicial branch agency and therefore not under direct executive branch control. While civilian authorities generally maintained effective control of law enforcement officers, there were some instances in which law enforcement officers acted independently of government authority. Some law enforcement officers committed serious human rights abuses.

The country, with a population of approximately 7.9 million, had a market-based economy that was primarily service based. At year's end, gross domestic product growth was estimated at 5 percent, and cumulative inflation was 5.6 percent. While official unemployment in December was 13.5 percent, down 3.96 percentage points from the beginning of the year, persistent unemployment continued to be a problem.

The Government generally respected the human rights of its citizens; however, there were problems in several areas. Law enforcement officers commonly beat suspects and inmates, and beat and mistreated minorities. Arbitrary arrest and detention were problems. Law enforcement officers harassed, physically abused, and arbitrarily arrested and detained Romani street children. Problems of accountability persisted and inhibited government attempts to address police abuses. Conditions in some prisons and detention facilities were harsh, and there were some instances of prolonged pretrial detention. The judiciary continued to struggle with wide-ranging systematic problems and suffered from serious corruption.

The Government restricted freedom of the press and limited freedom of association. The Government restricted freedom of religion for some non-Orthodox religious groups and societal discrimination and harassment of non-traditional religious minorities persisted, but were much less frequent than in previous years. Societal violence and discrimination against women was a problem. Conditions for children in state institutions were poor, and because of a lack of funds, the social service system did not assist homeless and other vulnerable children adequately, notably Roma and children with mental disabilities. There was some discrimination against persons with disabilities and a serious problem of discrimination against Roma. Child labor was a problem. Trafficking in persons was a serious problem, which the Government took some steps to address.

RESPECT FOR HUMAN RIGHTS

Section 1. Respect for the Integrity of the Person, Including Freedom From:

a. Arbitrary or Unlawful Deprivation of Life.—There were no reports of the arbitrary or unlawful deprivation of life committed by the Government or its agents. However, forest guards killed two individuals during the year.

On March 26, a forest guard shot 28-year old Angel Simeonov while he was illegally cutting wood in a forest just outside of Samokov. Simeonov was taken to a hospital, but died after a couple of hours due to blood loss. The regional prosecutor investigated the incident and concluded that it was a justified use of force.

On August 7, an off duty forest guard shot and killed 25-year old Stoyan Lazarov near Kyustendil. The forest guard reportedly started shooting his gun indiscrimi-

nately for no apparent reason, and one of the bullets shot through the head of Lazarov, who had stopped in his truck nearby. The guard was charged with murder; the case remained pending at year's end.

The Ministry of Interior Act permits law enforcement officers to use firearms to apprehend persons committing crimes or who have committed crimes, even if the crimes were minor.

The five defendants (three Bulgarians and two Ukrainians) in the trial of the 1996 murder of former Prime Minister Andrey Lukanov were sentenced to life imprisonment by the Sofia City Court on November 28; however, all of the defendants appealed the ruling to the Sofia Appellate Court. On March 7, Iliya Pavlov, reportedly head of Bulgaria's largest organized crime organization, was shot and killed in Sofia a day after he testified about his professional relationship with Lukanov in the murder case. However, all indications from official and independent sources were that his death was linked to his reported organized criminal activities and not to his testimony.

There were no reported developments during the year in the investigation into the 2002 killing of Orthodox priest Stefan Kamberov.

b. Disappearance.—There were no reports of politically motivated disappearances.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The Constitution prohibits such practices; however, police commonly beat criminal suspects, particularly during initial interrogations. Law enforcement officers also physically abused street children, the majority of whom were Roma (see Section 5).

Criminal suspects in police custody run a significant risk of being mistreated, most often during the initial interrogation. In February the Council of Europe reported that the Bulgarian Helsinki Committee (BHC) 2001 survey of incarcerated persons arrested after January 2000 found that 49 percent (compared with 51 percent in 1999) of interviewed prisoners reported that police officers used physical force against them during arrest; 44 percent (compared with 53 percent in 1999) reported one or more beatings at police stations. Romani prisoners reported being abused more frequently than did other prisoners. Very seldom were allegations of police abuse properly investigated, nor were the offending officers consistently punished. The Military Prosecutor's Office in particular had not investigated incidents of alleged police abuse thoroughly or expeditiously.

Although some government officials stated that, under the country's criminal code, any complaints about police beatings are required to be heard by judges, at times this law was not respected in practice. Human rights monitors reported that they received many complaints from persons who were too intimidated to lodge an official complaint with the authorities. Human rights observers charged that police often handled minor offenses by arresting suspects, beating them, and releasing them within a 24-hour period, so that no judicial involvement was required (see Section 1.d.).

Conditions in some prisons remained harsh and included overcrowding, inadequate lavatory facilities, and insufficient heating and ventilation. However, according to the BHC, prison overcrowding improved during the year with the opening of several new prison facilities. Nongovernmental organization (NGO) prison monitors reported that brutality committed by prison guards against inmates continued to be a problem, despite the MOI issuing instructions in August on detention procedures to reduce abuses. There were also reports of brutality among inmates. The process through which prisoners could complain of substandard conditions or of mistreatment did not function effectively. The Ministry of Justice (MOJ) reported that, at the end of the year, there were 788 charged persons in the country's 65 detention centers and a total of 10,066 persons (of whom 325 were arraigned, 1536 were in trial phase, 8,205 were convicted) in the country's 12 prisons.

Men and women were not held in the same prisons: 1 of the 12 prisons was reserved for women. In all prisons, convicted prisoners were held separately from pretrial detainees. The MOJ also reported that there were 79 minors in the country's 2 labor correction hostels, which were used to hold persons under age 18 and were less restrictive than prisons.

The Government generally permitted requests by independent observers to monitor conditions in most prisons and detention facilities.

d. Arbitrary Arrest, Detention, or Exile.—The Constitution prohibits arbitrary arrest and detention; however, there were some restrictions on these rights. Police often arbitrarily arrested and detained street children, the majority of whom were Roma (see Section 5).

The MOI is responsible for internal law enforcement including the National Police, the National Service for Combating Organized Crime (NSBOP), the National Security Service (civilian domestic intelligence), the National Gendarmerie Service

(paramilitary police), and the Border Police. The media reported that the public order services, such as the National Intelligence Service and National Bodyguard Service, were not subject to adequate judicial, executive, or legislative oversight of their activities or budgets. Impunity remained a problem; problems of accountability inhibited government attempts to address police abuses.

According to data released by the Alpha Research Agency in October, corruption continued to be considered by many citizens to be one of the most significant social problems facing the country. The MOI reported that 107 complaints of corruption by police officers were filed with the Military Prosecutor's Office during the year. According to the Prosecutor's Office, during the year, there were 399 investigations into crimes reportedly committed by police officers; 71 were for bodily harm, 19 were for robbery, 7 were for burglary, 11 were bribery. The investigations resulted in indictments against three police officers on charges of rape, one police officer on charges of forced prostitution, and two police officers on charges of trafficking in persons. Customs officials were seen as being the most corrupt government officials, followed by magistrates (prosecutors, investigators, and judges) and police officers. However, the survey reported a decrease in corruption from customs officials and police officers and an increase in corruption from tax officials. One-quarter of those interviewed reported not approaching the judiciary, even when they had reason to do so, due to their widespread belief of magistrates' corruption.

The MOI reported that the curricula at the Police Academy and the Officers' Schools were expanded to include human rights-related training in their mandatory courses. Training in combating human trafficking and assisting trafficking victims was also offered in September and December to active-duty police officers (see Section 6.f.).

Although warrants are not always required for arrest, police normally obtained a warrant from a prosecutor prior to apprehending an individual. If the person was released without being charged before the 24-hour period elapsed, there was no judicial involvement in the case. Human rights observers charged that police often handled minor offenses by arresting suspects, beating them, and releasing them within the 24-hour period (see Section 1.c.). Persons could be detained for no more than 24 hours at the request of an investigating magistrate or police officer; however, detention could last for up to 72 hours if ordered by a prosecuting magistrate.

The Constitution provides for access to legal counsel from the time of detention; however, in 2002 the BHC released the results of a survey of incarcerated persons arrested after January 2000, which found that more than 70 percent reported that they had had no legal representation during preliminary investigation of their cases. In April 2002, the MOI instituted a standard declaration process for detainees to indicate their need for access to legal counsel, medical attention, and family members; however, the BHC reported that there were no improvements in pretrial detention conditions.

The Constitution provides for bail, although it was not widely used.

While there were some continuing violations, NGOs reported that the Government generally observed the statutory limit of 1-year for pretrial detention or 2 years in the case of the most serious crimes. In the event of a conviction, the time spent in pretrial detention was credited toward the sentence.

Human rights observers reported that in many localities, children could be held for months in educational boarding schools on the basis of police referral before a local commission convened to make a decision on the case (see Sections 1.e. and 5).

The Constitution prohibits forced exile, and the Government did not employ it.

e. Denial of Fair Public Trial.—The Constitution provides for an independent judiciary; however, problems in the judiciary remained, including a lack of transparent and neutral standards for assigning cases, poor coordination between magistrates (prosecutors, investigators, and judges), corruption, low salaries and understaffing, antiquated procedures, and a heavy backlog of cases. Human rights groups complained that magistrates sometimes failed to pursue most crimes committed against minorities.

Crime and corruption remained primary concerns of the Government. The inter-ministerial anti-corruption commission, established in 2002, coordinated the efforts of each government agency's internal inspectorate in fighting public corruption and engaged in public awareness campaigns. In addition, constitutional amendments passed in September, narrowed the scope of immunity, irremovability, and life tenure for magistrates. Politicians and NGOs continued to criticize the Chief Prosecutor's office for its failure to prosecute vigorously large numbers of serious criminal cases, leaving the impression that it lacked the will to crack down on organized crime and corruption. Local observers contended that organized crime influenced the prosecutor's office. Few organized crime figures have been prosecuted to date and

none have been convicted. According to the NSBOP, approximately 110 organized crime groups operated in the country.

Many observers believed that reforms were essential to establish a fair and impartial, as well as efficient, judicial system. As a result, in September the National Assembly passed amendments to the Constitution designed to limit magistrates' immunity and increase their accountability. The amendments were expected to take effect in the beginning of 2004, and will require the adoption of supporting legislation.

Observers noted modest improvement in the efficiency of moving cases through the criminal system, although many serious systemic flaws remained. Long delays in trials were common and the police continued to struggle with a large backlog of outstanding investigations.

The court system consists of regional courts, district courts, military courts (on the regional and district levels), appellate courts, the Supreme Court of Cassation, and the Supreme Administrative Court. The Constitutional Court, which is separate from the rest of the court system, is empowered to rescind legislation that it considers unconstitutional, settle disputes over the conduct of general elections, and resolve conflicts over the division of powers between the various branches of government. Military courts handle cases involving military personnel (including police personnel) and some cases involving national security matters. As a part of the judiciary, military courts are independent from the military.

Judges are appointed by the 25-member Supreme Judicial Council (SJC) and, after serving for 3 years, cannot be removed except under limited, specified circumstances. The constitutional amendments provide for this probationary period to be extended to 5 years beginning in 2004. The difficulty and rarity of replacing judges, virtually regardless of performance, was often cited as a hindrance to effective law enforcement. The 12 justices on the Constitutional Court were chosen for 9-year terms as follows: One-third were selected by the National Assembly, one-third appointed by the President, and one-third selected by judicial authorities. The internal mechanisms that inhibit corruption in the judicial system were weak. Due to its composition and inadequate support staff, the SJC, which is responsible for the proper administration of justice and drafting the judiciary's budget, was not able to effectively set the judiciary's budget, ensure the effectiveness of judges, or protect the judiciary's independence.

The Constitution stipulates that all courts shall conduct hearings in public unless the proceedings involve state security or national secrets, and authorities generally respected this provision. Defendants have the right to know the charges against them and are given ample time to prepare a defense. Defendants have the right to visits by family members, to examine evidence, and to know the charges against them. Charges may not be made public without the permission of the Chief Prosecutor. To enable a speedy trial, the law requires that investigations last no more than 2 months under normal circumstances, although the head regional prosecutor may extend this to 6 months, and the Chief Prosecutor may extend this to 9 months. Defendants in criminal proceedings have the right to confront witnesses and to have an attorney in serious cases, which could be provided and paid for by the Government in any instance where the defendant could not afford an attorney. In certain instances—when punishment of 10 years' imprisonment or more could be imposed or when the defendant was a juvenile, a foreigner, mentally or physically disabled, or not present—participation of a defense attorney is mandatory, even when the defendant did not want an attorney, and could be provided and paid for by the Government. The right of appeal is provided for and was used widely.

The MOJ reported that there was a decrease in the number of civil cases filed in the second half of the year due to substantial increases in fees levied on claimants. The judiciary continued to suffer from a heavy backlog of cases, which resulted in long delays for trials. The practice of plea-bargaining, had not yet effectively lightened the caseload for prosecutors. In addition, plea-bargaining reportedly was perceived by many citizens as a way for the wealthy to buy their way out of charges.

Human rights observers considered educational boarding schools (formerly known as Labor Education Schools), to which problem children could be sent, as little different from penal institutions (see Section 5). Since the schools were not considered prisons under the law, the procedures by which children were confined in these schools were not subject to minimal due process requirements. Children sometimes appeared alone despite the requirement that parents must attend hearings; the law expressly prohibits the right to an attorney at the hearing. Decisions in these cases were not subject to judicial review, and children typically stayed in the educational boarding schools for 3 years or until they reached 18 years of age, whichever occurred first. The law provides for court review of sentencing to such schools, sets a limit of a 3-year stay, and addresses some other problems in these institutions;

however, human rights activists dismissed this court review provision as a formality, since the child was not present to speak on his or her own behalf (nor was the defense lawyer or the child's parents).

There were no reports of political prisoners.

f. Arbitrary Interference With Privacy, Family, Home, or Correspondence.—The Constitution prohibits such actions, and the Government generally respected these provisions in practice; however, there were reports of mail, particularly foreign mail, being delayed and/or opened.

Seven members of the National Security Service were dismissed in January following a public scandal in December 2002 surrounding reports that the MOI had illegally wiretapped lawmakers, magistrates, and prominent journalists.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution provides for freedom of speech and of the press; however, the Government exerted undue influence over the media. Although a variety of media outlets presented a broad spectrum of opinion, NGOs reported that significant numbers of journalists continued to feel constrained in their reporting because of media outlet management, government influence, and outside pressure. Prosecutors also were widely regarded as wielding an intimidating influence over journalists who were critical of the judicial process.

Several domestic and international organizations openly criticized the Government for its handling of media issues during the year. The Parliamentary Assembly of the Council of Europe issued a statement that was highly critical of the Government's undue influence over public media outlets. The politically motivated dismissal of journalists was cited as one of the major problems, along with the draft of a new media law, which would give the majority party a significant amount of control over major media outlets.

A variety of newspapers were published freely by political parties and other organizations representing the full spectrum of public opinion.

There were no formal restrictions on programming and both television and radio provided a variety of news and public interest programming. Television and radio news programs on the state-owned media presented opposition views; however, media observers believed that the inadequacy of existing legislation left it vulnerable to government pressure.

The Bulgarian National Television (BNT) broadcast Turkish-language newscasts, and local affiliates of Bulgarian National Radio broadcast limited Turkish-language programming in regions with ethnic-Turkish populations. Foreign government radio programs had good access to commercial radio frequencies. A Romani-language radio and cable TV operation began broadcasting in Vidin but had difficulty in obtaining a broader broadcast license for the region.

There were two reported cases of violence against journalists. In February, unknown assailants severely beat a radio journalist from Vidin. In May, unidentified assailants severely beat the editor-in-chief of the Varna daily newspaper *Chernomorie* and owner of the DNES+ news website, Anton Lukov, in front of his city center home. Both of these cases were widely believed to have been connected to organized crime figures in their respective regions since there were a number of reports detailing the influence of local organized crime groups on investigative journalists and their publications.

Amendments passed in 2001 to the Radio and Television Act (RTA) authorized the Council for Electronic Media (CEM) to issue licenses for radio and television programming, a power previously held by the State Telecommunications Commission. The 2001 amendments require the CEM to consult with the Communications Regulation Commission (CRC), which allocates broadcast frequencies, before making decisions regarding programming licenses. However, amendments passed in 2002 to the RTA require the CEM to issue radio and television programming licenses only in accordance with the Strategy for Developing Radio and Television Activities, which was developed by the CEM and CRC jointly and submitted to the National Assembly; however, the National Assembly still had not approved the Strategy by year's end. As a result, the CEM could not promulgate new licensing procedures, and it was not clear when the Government would resume licensing electronic media.

In July, the CRC issued a license for nation-wide broadcasting to New Television, making it the third nation-wide television broadcaster. The Supreme Administrative Court ruled that New Television could commence broadcasting without a license from the CEM as New Television won a tender to be the third national television broadcaster in 2001 before the amendments to the RTA establishing the CEM. While the CEM could not initiate new tenders for television and radio programming licenses, it was still able to transfer, amend, revoke, and terminate such licenses and regulate programming.

During the year, the CEM imposed 77 fines against television operators and 13 fines against radio operators for violations of the RTA. On November 6, the CEM revoked the license of Union Television, owner of the satellite channel Den, citing grave violations of the RTA and broadcasting a television show that impaired morals. Union Television appealed the decision to the Supreme Administrative Court; the case remained pending at year's end.

Libel is punishable under the criminal code, but in most cases the courts defined libel and interpreted the law in a manner that favored journalistic expression. Fines for libel and defamation were approximately \$9,375 (15,000 leva); these fines remained a heavy penalty in the context of the country's economy. The provisions eliminated imprisonment as a penalty for libel. Journalists charged with libel or defamation also have reduced rights of appeal for libel sentences under the law. Under the law, libel remains a criminal offense and losing defendants are considered to be criminals. The number of criminal libel suits brought by the Government against journalists increased significantly over the past 2 years and an international NGO expressed concern that libel suits were essentially a tool that the ruling party used to silence its critics.

The Government did not restrict access to the Internet or academic freedom.

Freedom of Peaceful Assembly and Association.—The Constitution provides for freedom of assembly, and the Government generally respected this right in practice. Authorities required permits for rallies and assemblies held outdoors, but most legally registered organizations routinely were granted permission to assemble. Political rallies and demonstrations were a common occurrence and generally took place without government interference.

The BHC reported that ethnic Macedonians were denied freedom of assembly; local authorities reportedly would only allow ethnic Macedonians to hold rallies or other meetings in private and outside of cities and other populated areas.

The Constitution provides for freedom of association; however, the Government prohibited groups that endanger national unity or promote and incite racial, national, ethnic or religious hatred, violate the rights of citizens, or seek to achieve their objectives through violent means. The Government undertook to respect the rights of individuals and groups to establish freely their own political parties or other political organizations; however, the Constitution prohibits the formation of political parties along religious, ethnic, or racial lines and prohibits citizens' associations from engaging in political activity. Nonetheless, ethnic minority political parties operated during the year and won positions in government in the October local elections (see section 3).

c. Freedom of Religion.—The Constitution provides for freedom of religion; however, the Government restricted this right in practice for some non-Orthodox religious groups. The Constitution designates Bulgarian Orthodox Christianity (BOC) as the "traditional" religion and the Government provided financial support to it, as well as to several other religious communities perceived as holding historic places in society, such as the Muslim, Roman Catholic, and Jewish faiths.

The Law on Religious Confessions took effect in 2002 to replace the universally unpopular Communist-created law of 1949. Religious and human rights groups have strongly criticized the law for the preferential treatment given to the BOC and for provisions that appear to take sides in what many see as an internal Church conflict. Under the new law, all religious groups, with the exception of the BOC, must register with the Sofia Municipal Court before they can practice their beliefs in public. The BHC also expressed concern at the requirement for groups to submit a statement of beliefs when applying for registration or re-registration, stating that this constituted an infringement on their freedom of religion. Even when they were registered nationally, some religious groups experienced problems with registering local branches, particularly Jehovah's Witnesses in Burgas.

In some cases, local authorities used the lack of registration as a pretext for interference with some groups and harassed others. Some church groups circumvented the administrative obstacles created by a lack of registration by registering as NGOs. There were periodic reports of police using lack of local or national registration as a pretext to confiscate signboards and materials, detain or expel religious workers, and deny visas or residence permits to foreign-national missionaries.

In May, police reportedly prevented the International Baptist Church in Sofia from using a rented apartment for religious meetings.

A number of religious groups complained that foreign-national missionaries and religious leaders experienced difficulties in obtaining and renewing residence visas in the country due to an amendment to the Law on Foreign Persons. The law has no visa category explicitly applying to missionaries or religious workers, and rules for other categories of temporary residence visa (such as self-employed or business-

owner) were tightened in ways that reportedly make it more difficult for religious workers to qualify.

The Muslim community, the Catholic Church, and some Protestant denominations claimed that a number of their properties confiscated under the Communist government were not returned. A central problem facing all claimants was the need to demonstrate that the organization seeking restitution was the same organization—or the legitimate successor of the organization—that owned the property prior to 1944. This was difficult because Communist hostility to religion led some groups to hide assets or ownership and because documents had been destroyed or lost over the years.

Relations between the major religious communities generally were amicable; however, discrimination, harassment, and general public intolerance of non-traditional religious groups remained an intermittent problem. Human rights groups reported that societal discrimination against non-traditional religious groups gradually lessened over the last few years.

For a more detailed discussion, see the 2003 International Religious Freedom Report.

d. Freedom of Movement within the Country, Foreign Travel, Emigration, and Repatriation.—The Constitution provides for these rights, and the Government generally respected them in practice. Every citizen has the right to return to the country, may not be forcibly expatriated, and may not be deprived of citizenship acquired by birth; there are no limits to these rights under the Constitution.

The Law on Refugees and Asylum provides for the granting of refugee status or asylum to persons who meet the definition in the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. In practice, the Government provided some protection against refoulement and granted refugee status and asylum (“humanitarian status”). However, NGOs, including the BHC, expressed concern over the Government’s handling of claims for refugee and humanitarian status and reported that there may have been cases in which bona fide refugees were turned away at the border. In September, police detained a group of Christian asylum-seekers from Iran. The Agency for Refugees did not get involved and the police turned them over to the Iranian Embassy in Sofia, which subsequently arranged for their return to Iran. The Government cooperated with the U.N. High Commission for Refugees (UNHCR) and other humanitarian organizations in assisting refugees and asylum seekers. The Government also provides temporary protection to persons who do not qualify as refugees or asylees.

Persons entering the country legally are required to immediately request and file applications for asylum or refugee status within 72 hours of entering the country, except in extraordinary situations. The law allows applicants for asylum or refugee status to be interviewed immediately and, within 3 days of the interview, applications are reviewed by a competent authority, who determines whether they merit further processing. The law also provides for the detention of foreigners who are deemed by the MOI to pose a threat to national security, or who have committed serious crimes.

The Agency for Refugees reported that it had received 12,803 applications for asylum since its inception in 1993. Of these, 4,454 persons were listed as having been granted refugee or humanitarian status. Domestic and international human rights organizations complained that the adjudication process was slow, but the UNHCR noted that the Agency for Refugees began a major restructuring project to reduce the adjudication time to a period of 3 months; the project was expected to take 4 years. The UNHCR, in cooperation with the International Organization for Migration (IOM), operated three transit centers near the Greek, Turkish, and Romanian borders and assisted the Government with a small reception center in Banya.

During the year, the Agency for Refugees received requests for refugee status from 1,549 persons. Refugee status was granted to 19 persons and humanitarian status given to 423, while 1,036 applications were denied. The leading countries from which applicants originated were Afghanistan, Iraq, Armenia, Algeria, Iran, and Nigeria.

Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government

The Constitution provides citizens the right to change their government peacefully, and citizens exercised this right in practice through periodic, free, and fair elections held on the basis of universal suffrage; however, the constitution prohibits ethnically, racially, or religiously based parties.

In October, local elections were held nation-wide and the opposition Bulgarian Socialist Party (BSP) and Union of Democratic Forces (UDF) gained more electoral positions than the ruling NMS. Ethnic minority candidates, as well as the primarily

ethnic-Turkish Movement for Rights and Freedom (MRF), also fared better than in previous local elections. The elections were deemed generally free and fair.

General elections held in 2001, were considered by international observers to be generally free and fair, and voting took place in a calm and orderly atmosphere; however, the Organization for Security and Cooperation in Europe (OSCE) reported that provisions in the election law regulating campaign coverage in the public media were overly restrictive.

There were no legal restrictions on the participation of women in government and politics. There were 63 women in the 240-seat National Assembly. A number of women held elective and appointive office at high levels in the Government, including one Deputy Prime Minister (who also was Minister of Economy) and four other ministers. Women also held key positions in the National Assembly, including one Deputy Speaker and the chairs of four committees. The largest opposition party in the National Assembly, the UDF, was led by a woman.

The primarily ethnic-Turkish MRF was represented in the National Assembly and in the Cabinet since 2001 and other major political parties generally accepted the MRF's right to participate in the political process. In addition, a number of predominantly ethnic-Romani political parties achieved some success in the October local elections (see Section 2.b.).

There were no legal restrictions on the participation of minorities in politics; however, the Constitution prohibits ethnically, racially, or religiously based parties (see Section 2.b.). Despite the Constitutional ban, the primarily ethnic-Turkish MRF was part of the ruling coalition and represented the ethnic-Turkish minority, both at the national and local levels. There were 24 minority members of parliament (M.P.s) in the 240-seat National Assembly and 1 MRF minister in the Cabinet. The ethnic-Turkish community's popularly elected representation of 20 ethnic-Turks in the National Assembly roughly corresponded to its size. There were also two Romani M.P.s and two ethnic-Armenian M.P.s in the National Assembly; however, minority groups were underrepresented in appointed government positions, particularly leadership positions.

In the October local elections, 3 percent of municipal councilors elected were Roma, and, according to Romani groups, a considerable number of Romani mayors also were elected. The National Association of Municipalities reported that Muslim candidates accounted for 12.5 percent of municipal mayors and 15.2 percent of municipal councilors elected in October.

Section 4. Governmental Attitude Regarding International and Nongovernmental Investigations of Alleged Violations of Human Rights

A number of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Human rights observers reported uneven levels of cooperation from various national and local government officials during the year. According to the NGO Access to Information Program, NGOs were denied access to information by the Government in approximately 90 cases throughout the year.

In general, human rights observers reported continued receptivity and dialogue on the part of the Government and law enforcement officers toward human rights concerns; however, law enforcement practices at the working level had not changed noticeably.

Section 5. Discrimination Based on Race, Sex, Disability, Language, or Social Status

The Constitution provides for individual rights, equality, and protection against discrimination; however, in practice, discrimination existed, particularly against women and Roma.

In September, the National Assembly passed the Protection Against Discrimination Act; the act is scheduled to take effect on January 1, 2004 and aims to prohibit discrimination on the grounds of race, sex, religion, disability, age, and sexual orientation. It shifts the burden of proof and provides for the establishment of a nine-member anti-discrimination commission with powers to receive and investigate complaints, issue rulings, and impose sanctions.

Women.—Domestic violence against women was a serious problem. Although there were no official statistics on its occurrence, it was estimated by the NGO Animus Association Foundation (AAF) that one in five women suffered from spousal abuse. The law exempts from state prosecution certain types of assault if committed by a family member, and the Government generally did not assist in prosecuting domestic assault cases unless the woman was killed or injured permanently. Courts and prosecutors tended to view domestic abuse as a family matter rather than a criminal problem; as a result, police often were reluctant to intervene in cases of domestic abuse, even if a woman called them seeking protection or assistance.

The Government did not take steps to combat violence against women, and did not provide shelter or counseling for women. In Sofia, the NGO Nadya Center provided shelter to battered women, and the AAF operated a crisis center that provided short-term emergency shelter for female victims of violence. There were also 15 crisis centers around the country operated by local NGOs that provided assistance to female victims of violence. The AAF reported that it periodically received client referrals from the police. During the year, the IOM reported sheltering 90 women and girls and AAF sheltered 50 women.

The AAF operated a 24-hour hotline for women in crisis, including victims of trafficking, with trained volunteers as well as professional therapists to counsel victims. The hotline also provided volunteers to assist victims in obtaining other necessary services including medical exams and treatment, reissued identity documents, and information on housing and employment opportunities.

Spousal rape is a crime, but it rarely was prosecuted. The courts prosecuted rape, although it remained an under-reported crime because of the stigma which society attached to the victim. The maximum sentence for rape is 8 years; convicted offenders often received a lesser sentence or early parole. According to the Prosecutor's Office, during the year, 168 persons were convicted on charges of rape and 298 persons (including 1 woman, 33 minors, 1 foreigner, and 3 police officers) were indicted on rape charges.

Prostitution is not prohibited by law; however, a variety of activities often associated with prostitution, such as pimping, are illegal (see Section 6.f.). Forced prostitution is illegal, but remained a serious problem. According to the Prosecutor's Office, during the year, a total of 12 persons were convicted on charges of forced prostitution and 50 persons (including 9 women, 1 minor, 1 foreigner, and 1 police officer) were indicted on forced prostitution charges. Poor socio-economic conditions contributed to a disproportionate number of Romani women drawn into organized prostitution.

Trafficking in women was a serious problem (see Section 6.f.).

The law does not prohibit sexual harassment, and it was a widespread problem, particularly in the clothing assembly industry. A survey conducted by the Agency for Social Research (ASR) in 2002 found that approximately 40 percent of women had suffered sexual harassment in the workplace.

The Constitution prohibits privileges or restrictions of rights on the basis of gender, and women were not impeded from owning or managing businesses, land, or other real property and do not suffer from discrimination under inheritance laws; however, women faced discrimination both in terms of job recruitment and the likelihood of layoffs. The new anti-discrimination law, expected to take effect in 2004, aims to prohibit and punish gender-based discrimination.

The Government did not have programs to address economic discrimination or integrate women into the mainstream of society and the economy, although much NGO activity was focused on these areas. Of the women's organizations that existed mainly to defend women's interests, the two largest were the Women's Democratic Union in Bulgaria and the Bulgarian Women's Association.

Children.—The Government generally was committed to protecting children's welfare; however, government efforts in education and health were constrained by serious budgetary limitations and by outmoded social care structures. The Constitution provides for mandatory school attendance until the age of 16. Public education was free, but children were required to pay for books, which was a problem for poor families. Fewer girls than boys attended school, particularly among minority groups.

Romani children and ethnic-Bulgarian children generally attended separate schools, although several localities instituted integration programs. Credible allegations were made that Romani children received an inferior quality of education. Additionally, the Government was largely unsuccessful in attracting and keeping many Romani children in school; less than 8 percent of Romani children have completed secondary education, and less than 1 percent have graduated from higher education. Many Romani children arrived relatively unprepared for schooling; many were not proficient in the Bulgarian language.

The Government and NGOs undertook initiatives to address these problems. They included providing free lunches, subsidizing textbooks and tuition costs, using teacher's assistants in schools with Roma and ethnic-Turkish students, and busing programs. Since 2002, a project in the Silistra region provided weekend classes for Romani children under the age of 15 who were not in school. Since 2000, the Government provided buses for Romani children to attend non-segregated schools in some cities.

Conditions for children in state institutions were poor. Social attitudes towards children with disabilities led families to institutionalize their children if they had disabilities. Another 2,900 children were considered at risk and were forced to seek

care in institutions because their families could or would not support them. In 2002, there were 19,908 children in institutions; however, in September the Council of Ministers adopted a National Action Plan for Reducing the Number of Children in Institutions. Human rights monitors were sharply critical of the serious deficiencies in government-run institutions for children, including orphanages, educational boarding schools (reform schools), facilities for children with mental disabilities, and shelters for homeless children. These facilities were plagued by inadequate budgets, poorly trained and unqualified staff, and inadequate oversight. Access to medical care and proper hygiene was poor.

Violence against children was a problem.

There were few provisions for due process of law for Roma and other juveniles when they were detained in educational boarding schools run by the Ministry of Education (MOE)(see Section 1.e.). According to press reports and NGOs, living conditions at these reform schools were poor, offering few medical, educational, or social services. Generally, staff members at many such institutions lacked the proper qualifications and training to care for the children adequately. Degrading and severe punishment, such as the shaving of a child's head, reduction in diet, severe beatings, and long periods of solitary confinement, were common at the schools. Children in these institutions also did not have adequate access to medical care.

As prostitution is not illegal, children involved in prostitution were not officially registered with the MOI's unit for juvenile crime. However, they were viewed by the MOI as children at risk. In 2002, there were 585 child prostitutes on file with the MOI; during the year, the number decreased to 543. Child prostitution reportedly was particularly common among Romani youth.

Trafficking in children and child labor were problems (see Sections 6.d. and 6.f.).

Some Romani children were targets of arbitrary police detention; the homeless or abandoned were particularly vulnerable. Widespread poverty led many Romani children to turn to begging, prostitution, and petty crime on the streets.

The Council of Ministers adopted the National Strategy for the Children of the Street; however, the action plan for implementing the Strategy had not been approved by year's end.

Persons with Disabilities.—The law provides for a range of financial assistance for persons with disabilities, including free public transportation, reduced prices on modified automobiles, and free equipment such as wheelchairs; however, budgetary constraints limited the availability of assistance. A survey in 2002 by the Center for Independent Living (CIL) found that approximately 82 percent of public buildings were inaccessible to persons with disabilities. Societal discrimination against persons with disabilities persisted. Persons with disabilities had access to university training (students with disabilities were required to pay the university's initial application fee but were exempt from tuition fees if accepted), to housing, and to employment; however, architectural barriers were a great hindrance in many older buildings, including schools and universities.

Conditions in institutions for persons with disabilities were poor. In May, the Deputy Minister of Labor and Social Policy announced that 29 social institutions were to be closed down by the end of the year due to their extremely poor physical condition. One social institution for children in the village of Fakia was completely closed and its 30 residents moved to other places. Another six social institutions were closed, renovated, and then reopened by year's end. In March, there was a press report that a patient at the Bastoshevo social institution for adults with mental disabilities, near the city of Savlievo, was beaten to death. The MOI reported in early April that a patient at the Podgumer social institution for adults with disabilities, near Sofia, was strangled to death by another patient. The case was sent to the district prosecutor's office.

Labor laws intended to protect the interests of persons with disabilities and create employment opportunities had a mixed effect. On the one hand, the law provides incentives for small firms to hire persons with disabilities and requires larger businesses to hire a set quota of persons with disabilities; however, enforcement of the law was low and other laws, such as shorter working hours for workers with disabilities, often led to discrimination against them in the hiring process. General unemployment and a poor economy also undermined initiatives aimed at advancing equal opportunity for persons with disabilities; the great majority of persons with disabilities were unemployed.

Persons with mental and physical disabilities, including very young children, were often separated from the rest of society. Some complained that the effective segregation of children with disabilities into special schools lowered the quality of their education. According to the Ministry of Labor and Social Policy (MLSP), over 2,500 children with disabilities did not attend school; however, according to the CIL, the number may have been twice as high, despite new by-laws adopted by the MOE to pro-

vide for the integrated education of children with disabilities in schools. Many children with disabilities were institutionalized.

The law requires improved structural access for persons with disabilities, and public works have taken this into account; however, enforcement of this law lagged in existing, unrenovated buildings.

National/Racial/Ethnic Minorities.—According to a 2001 census, ethnic Bulgarians made up 86 percent and ethnic Turks 9 percent of the population. Ethnic-Roma were estimated officially to comprise 4.6 percent of the population; however, their actual share was likely between 6 and 7 percent. A Council of Europe report issued in 2002 estimated that there were 600,000 to 800,000 Roma in the country; official statistics estimated the number of Roma at 371,000. Ethnic-Bulgarian Muslims, often termed Pomaks, are a distinct group of Slavic descent whose ancestors converted from Orthodox Christianity to Islam; they constituted 2 to 3 percent of the population.

There were no reports of lethal police assaults on Roma; however, police harassed, physically abused, and arbitrarily arrested some Romani street children. Little progress was made in resolving cases of police violence against Roma.

Romani activists and NGOs continued to criticize the Government's lack of progress in implementing the Program for Social Integration of Roma, which was unveiled in 1999; however, there were projects that sought to improve economic and educational opportunities for Roma, as well as to address the problem of ineffectual political leadership among the Roma. One program was the Ethnic Integration and Conflict Resolution project in Vidin, Kyustendil, and Lom, which provided limited funds to small enterprises that employed Roma, undertook activities to reduce Romani drop-out rates, provided tutoring for university enrollment exams, and created an Institute for Roma Leaders where young Roma could develop leadership and conciliation skills. The Government and the European Bank for Reconstruction and Development continued to fund the construction of new apartments in Sofia for Roma who were displaced in 2001, and additional construction was carried out in Plovdiv.

Severe unemployment and poverty among the Roma, combined with generally unfavorable attitudes toward Roma among ethnic Bulgarians and Turks, contributed to strained relations between the Roma and the rest of society.

As individuals and as an ethnic group, Roma continued to face high levels of discrimination. NGOs reported that Roma encountered difficulties applying for social benefits, and local officials discouraged rural Roma from claiming land to which they were entitled under the law disbanding agricultural collectives. Many Roma and other observers made credible allegations that the quality of education offered to Romani children was inferior to that afforded most other students. Workplace discrimination against minorities continued to be a problem, especially for Roma. Employers justified such discrimination on the basis that most Roma only had elementary training and little education. Roma continued to suffer from inadequate access to health care.

There were no places reserved for minority candidates at the Police Academy; however, there was a special Office for Romani Training Programs, and bilingual training manuals were published. Ethnic Turks and Roma held no senior law enforcement positions (see Section 1.d.).

There were no restrictions on speaking Turkish in public and the Government continued to fund voluntary Turkish-language classes in public schools in areas with significant Turkish-speaking populations.

Pomaks remained in an ambiguous position. In the town of Yakoruda local officials refused to recognize Pomak identity, and those calling themselves Pomaks or Bulgarian Muslims alleged discrimination by government officials.

There were no restrictions on the use of non-Slavic names; however, both ethnic Turks and Pomaks complained that the procedures for restoring their original names (after they had been forced to adopt Slavic names during the 1970s and 1980s) were excessively burdensome and difficult to accomplish.

Several thousand persons, mainly in the southwest, identified themselves as ethnic Macedonians, most for historical and geographic reasons. The Government did not recognize Macedonians as a distinct ethnic group, and the group was not enumerated in official government census statistics.

Section 6. Worker Rights

a. The Right of Association.—The Constitution provides for the right of all workers to form or join trade unions of their choice, and workers exercised this right.

It was estimated that the unionized share of the workforce was approximately 18.2 percent; according to individual trade unions and the Democratic Trade Unions Association, the percentage of the workforce that was unionized continued to de-

crease. Trade unions were required to demonstrate their membership strength through a periodic census of their members; however, employer representative organizations were not similarly required to disclose whom they represented in the tri-lateral process.

Doctors and dentists were required by law to participate in government-imposed professional organizations, which many medical professionals viewed solely as government-mandated fee collection agencies that did not adequately represent their interests.

The Labor Code's prohibits anti-union discrimination and includes a 6-month period for redress against dismissal as a form of retribution; however, there was no mechanism other than the courts for resolving complaints, and the burden of proof in such a case rested entirely on the employee. The backlog of cases in the legal system delayed further action, effectively postponing, perhaps indefinitely, redress of workers' grievances.

The labor movement remained concerned about the widespread use of temporary contracts to evade provisions for worker protections for permanent staff. There were no restrictions limiting affiliation or contact with international labor organizations, and unions actively exercised this right.

b. The Right to Organize and Bargain Collectively.—The Labor Code provides an adequate legal structure for collective bargaining, which was practiced nationally, regionally, and on the local level; however, labor unions alleged that many employers failed to bargain in good faith or to adhere to agreements that were concluded. Labor observers also viewed the Government's enforcement of labor contracts as inadequate. The legal prohibition against striking for key public sector employees weakened their bargaining position; however, in the past, these groups were able to influence negotiations by staging protests and work slowdowns, and engaging in other pressure tactics without going on strike.

The Labor Code provides for the right to strike when other means of conflict resolution have been exhausted; however, political strikes were prohibited, and key public sector employees (primarily the military and the police) were subject to a blanket prohibition against striking. Such workers on occasion held effective strikes in which they stopped or slowed their activities for 1 or 2 hours. The Confederation of International Trade Unions in Bulgaria argued that the number of workers classified as essential, and thus ineligible to strike, was excessive and unfairly restricted the rights of many civil servants.

The obligation to bargain collectively and adhere to labor standards applies to the country's six export processing zones, and unions can organize workers in these areas.

c. Prohibition of Forced or Bonded Labor.—The Constitution prohibits forced and bonded labor, including by children; however, there were reports that such practices occurred (see Section 6.f.). Children were sometimes forced to work due to economic conditions, family members, or criminal organizations (see Section 6.d.).

d. Status of Child Labor Practices and Minimum Age for Employment.—The Labor Code sets the minimum age for employment at 16 years and the minimum age for dangerous work at 18 years; employers and the MLSP were responsible for enforcing these provisions. Child labor laws generally were enforced well in the formal sector, but NGOs reported that children were exploited in certain industries (especially small family-owned shops, textile factories, restaurants, family farms, construction, and periodical sales) and by organized crime (notably for prostitution and distribution of narcotics). The National Assembly passed amendments to the Labor Code on February 12 and amendments to the Child Protection Act on April 4; nonetheless, the increasingly widespread practice of using child labor in family businesses and to support family budgets continued unabated, as a result of the poor economic conditions.

There were no official statistics on child labor. According to the International Labor Organization (ILO), children's workdays often exceeded the 8-hour maximum set by the Labor Code, and sometimes children did not receive overtime pay for hours worked. Local NGOs reported that children worked on non-family-owned farms for meager monetary or in-kind wages (e.g., food), and that institutionalized children often hired themselves out for agricultural labor for a modest income during periods when they were allowed out of residential facilities.

"Worst forms" of child labor were infrequent, but continued to include hired heavy physical labor and health hazards on family tobacco farms, particularly among the Turkish minority.

e. Acceptable Conditions of Work.—The national monthly minimum wage of approximately \$68.75 (110 leva) did not provide a decent standard of living for workers and their family. The Constitution stipulates the right to social security and welfare

aid assistance for the temporarily unemployed, although in practice such assistance often was late.

The Labor Code provides for a standard workweek of 40 hours with at least one 24-hour rest period per week. The MLSP was responsible for enforcing both the minimum wage and the standard workweek. Premium pay for hours worked over 40 per week were supposed to be negotiated between employers and employees. The Labor Code stipulates that premium pay for overtime could not be less than 150 percent during workdays, 175 percent during weekends, and 200 percent during official holidays. Enforcement generally was effective in the state sector (aside from dealing with wage arrears) but was weaker in the private sector.

There was a national labor safety program, with standards established by the Labor Code. The Constitution states that employees are entitled to healthy and non-hazardous working conditions, and the MLSP was responsible for enforcing these provisions. However, conditions in many cases continued to worsen due to budget constraints and the growth of a private sector that labor inspectors did not supervise effectively. Protective clothing often was absent from hazardous areas. The law requires joint employer and labor health and safety committees to monitor workplace conditions; however, implementation was slow and these committees remained in developmental stages at year's end.

Under the Labor Code, employees have the right to remove themselves from work situations that present a serious or immediate danger to life or health without jeopardy to their continued employment. However, in practice, refusal to work in situations with relatively high accident rates or associated chronic health problems could result in the loss of employment for workers.

f. Trafficking in Persons.—The law prohibits trafficking in persons; however, trafficking in persons was a serious problem, and the country remained a source, transit, and increasingly a destination country for trafficked persons. There was no evidence of a pattern of official complicity in trafficking, although a number of individual law enforcement officers and other government authorities were involved in trafficking.

In May, the National Assembly passed a Law on Combating Trafficking in Human Beings, which supplements the 2002 amendment to the penal code that made trafficking in persons a criminal offense; however, implementation was not expected to begin until 2004. The law aims to provide protection and assistance to trafficking victims, as well as to promote cooperation between the central government, municipal authorities, and NGOs for the development of programs to combat trafficking. The law requires the establishment of a National Commission, made up of a deputy prime minister, deputy ministers, representatives from the judiciary, and NGOs, to act as a coordination and policy-making body.

The punishment for trafficking in persons may include 1 to 8 years in prison and fines up to approximately \$5,000 (8,000 leva). If aggravated circumstances exist—e.g., a minor or kidnapping was involved—penalties increase to 2 to 10 years in prison and fines of up to approximately \$6,250 (10,000 leva). Penalties for trafficking persons across borders increase to 3 to 10 years' imprisonment and fines of up to approximately \$9,375 (15,000 leva). If the act of trafficking in persons was carried out in connection with organized crime or constituted a serious repeat offense, penalties increase to 5 to 15 years' imprisonment and fines of up to approximately \$12,500 (20,000 leva), and the court could confiscate the traffickers' assets. A variety of additional laws could be used to prosecute persons for activities often associated with trafficking. Inducement to prostitution is punishable by up to 3 years' imprisonment, and the penalty rises to 10 to 20 years if the crime was performed by or through an organized crime group, if the victim was a minor under age 18 or legally incompetent, if two or more persons were induced into prostitution, or if the offense was repeated. Law enforcement officers complained that because the minimum penalty was less than 5 years' imprisonment, they were not permitted to use special investigative techniques, such as wiretapping, to deal with traffickers.

The Government investigated cases of trafficking, and one suspected trafficker, the Bulgarian rapper known as Vanko 1, and two of his accomplices were brought to trial and convicted in November. However, no other suspected traffickers were brought to trial during the year. Some judges and prosecutors reported that they feared reprisals from organized crime figures. There were two police units, one within the National Border Police and the other within the NSBOP, that specifically addressed the problem of trafficking in persons.

Victims overwhelmingly were women and girls trafficked for the purposes of forced prostitution. Government authorities and NGO observers reported that there were approximately 275 confirmed victims of trafficking in 2002 that involved either internal trafficking or domestic victims trafficked internationally; however, the actual number of cases may be much higher. Government authorities also estimated

that the number of prostitutes, both domestically and abroad, was between 2,500 and 5,000. Women working in the sex industry formed a high-risk group for trafficking, and it was not possible to determine the amount of prostitutes who were actually victims of trafficking. According to the IOM and AAF, there were also cases of male trafficking victims, specifically male children.

Girls and young women often were approached by persons who gained their trust, frequently other young women and acquaintances or persons introduced by mutual friends, who described glamorous work opportunities abroad. Some were sold into bondage to traffickers by relatives. Victims of trafficking ranged from those who were deceived into believing that they would have good and respectable employment to those who expected to work as prostitutes but were unprepared for the degree of violence and exploitation to which they would be subjected. Unaccompanied young women trying to cross the border into Macedonia, Romania, or Turkey reportedly could be at some risk of being abducted into trafficking. There were reports of women or girls who were denied access into Turkey for lack of a visa or means to pay for one being befriended by traffickers or abducted by taxi drivers at the border and sold to traffickers. Organized crime groups were responsible for human trafficking, although they could use various front companies to pose as employment agencies or tour operators.

According to AAF, the process of transforming girls into prostitutes generally took place before they left the country. The women typically were taken to a large town, isolated, beaten, and subjected to severe physical and psychological torture. Some trafficking victims from countries to the east were kept in the country for several weeks where they were subjected to psychological and physical abuse to make them more submissive before they were transported to their destination points. Once the women left the country, their identity documents were taken away, and they found themselves forced to work as prostitutes in cities across Europe. Victims routinely reported that traffickers took away their passports and visas and forced them to stay illegally in countries. The women were required to pay back heavy financial debts to the agency that helped them depart the country, leaving them in virtual indentured servitude. Traffickers punished women severely for acts of disobedience and threatened the women's families and family reputations to ensure obedience.

It was widely believed that some law enforcement officers or other government authorities were complicit in human trafficking, including local authorities, border police officers, and customs officials. During the year, two police officers were indicted on charged of trafficking in persons. The bulk of involvement appeared to consist of accepting bribes to look the other way, although some officers could have been more involved. Those involved in facilitating trafficking overwhelmingly were low-level, low-paid officials in the provinces and border regions. While observers saw the enactment of the new law on trafficking as a positive step toward seriously combating trafficking and providing support for trafficking victims, in practice the Government used ineffective methods and had a weak record in investigating and prosecuting corruption and misconduct by police.

The Government does not have a witness protection program and witnesses often feared retaliation if they testified; however, the Government established an inter-ministerial working group to draft legislation for a witness protection program. The Government had a provision for victims to provide an anonymous sworn deposition to be used in court, but an anonymous deposition was required to be corroborated to obtain a conviction. Victims generally were not jailed, although they could be detained for brief periods for questioning until referred to an NGO for assistance and, if necessary, repatriation. The new law provides victims, not in legal immigration status, with the possibility of special residency status if they are willing to cooperate with law enforcement personnel.

The AAF operated a 24-hour hotline for women in crisis, including victims of trafficking which received 116 calls regarding trafficking of women and children during the year (see Section 5).

The Government did not operate any trafficking prevention programs; however, the National Police Academy offered 5-day training seminars for active-duty police officers on the legal provisions relating to trafficking in persons as well as the operational and psychological treatment for trafficking victims. These courses were developed and taught by the anti-trafficking unit of the NSBOP in cooperation with the Nadya Center and the AAF. The IOM continued its trafficking awareness campaign that began in 2000.

CROATIA

The Republic of Croatia is a constitutional parliamentary democracy with an independent presidency. The President, Stjepan Mesic (formerly of the Croatian People's Party, but now independent), serves as head of state and commander of the armed forces, and nominates the Prime Minister who leads the Government. The Organization for Security and Cooperation in Europe (OSCE) determined that the November 23 parliamentary elections generally met international standards; however, some issues of concern remained. The Constitution provides for an independent judiciary; however, the judiciary continued to suffer from political influence at the local level.

The Ministry of Interior (MUP) oversees the civilian national police, and the Ministry of Defense oversees the military and military police. The national police has primary responsibility for internal security; but, in times of disorder, the Government and President may call upon the army to provide security. Civilian authorities generally maintained effective control of the security forces. Some members of the security forces committed isolated human rights abuses.

The Government worked towards creating a market-based economy that was primarily industrial. The population of the country was approximately 4,437,000 and real gross domestic product increased by 4.6 percent. According to the International Labor Organization (ILO), the average unemployment rate for the first 6 months of the year was 14.1 percent.

The Government generally respected the human rights of its citizens; however, there were problems in some areas. The Government continued to arrest, charge, and adjudicate persons for war crimes committed during the 1991–95 conflicts in Bosnia and Croatia; the State Prosecutor initiated investigations into several allegations involving Croatian forces and took steps to depoliticize cases against ethnic Serbs. Ethnic Serbs remained incarcerated after being convicted in nontransparent politicized trials in past years. The courts were subject to political influence and suffered from bureaucratic inefficiency, insufficient funding, and a severe backlog of cases. The Government made efforts to address changing of testimony by witnesses sometimes due to intimidation, an often-hostile local public, inadequate training of judges, prosecutors, and police, and shortcomings in the Criminal Procedure Code which had called into question the criminal justice systems ability to conduct fair and transparent war crimes trials; however, the slow pace of reform in the courts and prosecutor's offices resulted in few improvements in the functioning of the judiciary. Courts decreased the practice of convicting persons in mass and in absentia trials. At times, the Government infringed on privacy rights; restitution of occupied property to refugees (mostly ethnic Serb) returning to the country remained slow and problematic.

The Government did not interfere in the editorial decisions of the print media; however, electronic media was susceptible to political pressure. Governmental interference in the formation and operation of associations and nongovernmental organizations (NGOs) was limited; however, the creation and internal governance of foundations remained susceptible to government influence. Restitution of nationalized property remained a significant unresolved problem for religious communities. Lack of progress on private property restitution and resolution of the right to previously socially owned property, along with severe economic difficulties in the war-affected areas, continued to impede returns of refugees. There were concerns over the level of cooperation with the International Tribunal for the former Yugoslavia (ICTY). Questions remained regarding the Government's ability to apprehend and deliver prominent Croatians indicted for war crimes.

Violence and discrimination against women persisted. There were some incidents of violence and harassment of religious minorities. Occasional violence toward ethnic minorities, particularly Serbs and Roma, continued; some faced serious discrimination. While some progress was made, ethnic tensions in the war-affected areas remained high, and abuses, including ethnically motivated harassment and assaults, continued to occur. Trafficking in women was a problem.

RESPECT FOR HUMAN RIGHTS

Section 1. Respect for the Integrity of the Person, Including Freedom from:

a. Arbitrary or Unlawful Deprivation of Life.—There were no reports of the arbitrary or unlawful deprivation of life committed by the Government or its agents.

Domestic courts continued to adjudicate cases arising from the 1991–95 conflict in Croatia and Bosnia (see Section 1.e.).

Two persons were killed, one in Lika-Senj and one in Sibenik, in landmine incidents during the year.

b. Disappearance.—There were no reports of politically motivated disappearances. Government figures through June showed that 1,235 ethnic Croats and 607 ethnic Serbs remained missing in unresolved cases from the 1991–95 military conflict. The Government's Office of Missing Persons had information on 500 sites where missing Croatian Serbs might be located. Of the 3,924 victims that have been exhumed from mass and individual graves since the war 3,054 have been positively identified.

During the year, the bodies of 55 victims missing from the 1991–95 war were exhumed from mass and individual graves; the Government explained the relatively low number of exhumations by the fact that frequently partial remains were unearthed at one site only to discover that the actual bodies were moved to another yet undiscovered site. With the ICTY and international experts serving primarily as monitors, the Government handled all exhumations and identifications itself.

The International Commission on Missing Persons worked in the country on recovery, identification of remains, and assisting the families of missing persons. The Government Office for Missing initiated cooperation with counterpart agencies in Bosnia and Herzegovina (BiH) and Serbia and Montenegro, in collaboration with the International Red Cross and local Red Cross offices, for the purpose of data collection and information sharing designed to establish more precise figures on the missing.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The Constitution prohibits such practices, and there were no reports that government officials employed them.

NGOs and individuals reported sporadically about police abuse of or discriminatory treatment demonstrated toward minorities in and outside of the Danube Region. Senior police officials acknowledged poor police performance as an issue to be addressed when reviewing the police role during eviction proceedings and court-ordered actions (see Section 5).

Prison conditions generally met international standards, and the Government permitted visits by independent human rights observers. Men and women were held separately, juveniles were held separately from adults, and pretrial detainees were held separately from convicted prisoners.

d. Arbitrary Arrest, Detention, or Exile.—The Constitution prohibits arbitrary arrest and detention; however, the Government did not always observe these prohibitions in practice.

The 2000 Law on Police governs the structure and organization of police work. This law effectively de-militarized police structures which had remained from the country's war experiences following the break up of the former Yugoslavia. Following the adoption of this law, the Government completed a significant downsizing of the police force. The Government also separated intelligence services from the Ministry of Internal Affairs and created an independent oversight board to monitor the performance of the services.

Widespread ethnic tension between ethnic Serb and Croat police officers existed, particularly in the Danubian region, where some Croat officers were laid off in 2001 to maintain proportionality in the ethnic mix of the police force as required by the 1995 Erdut Agreement. The Government appeared to fulfill its obligation under the Agreement to maintain proportionality in the numbers of ethnic Serb and Croat police officers in Eastern Slavonia; however, minority representation in the police outside Eastern Slavonia remained negligible, and the Government had not fully implemented provisions in Constitutional Law on National Minorities that require the hiring of minorities. In October, the Government hired 278 new police recruits. Of these, 209 were male and 69 were female, 22 were minorities, including 16 ethnic Serbs.

International observers and human rights organizations generally praised the police for their integrity; however, corruption was believed to be a problem, particularly among border police and customs officers. The Ministry of Internal Affairs began to update and codify rules of ethical police conduct and improve the capabilities of the police internal control section. Reforms were needed in the Ministry of Finance to which the Customs Service reports, to improve ethical standards and internal control capabilities. NGOs working on anti-corruption programs reported that public officials, even when exposed through media coverage, were rarely investigated or prosecuted for corrupt practices.

Problems in the police force included poor investigative techniques, insensitivity to ethnic issues, indecisive middle management, and pressure from hard-line local politicians. These factors impeded development of local police capability. In April, the Ministry of Internal Affairs launched a comprehensive program of police reforms, in part, to extend community policing pilot programs to all regions of the country; initial assessments by the international community were positive, although

considerable work remained. In October, the Police Academy accepted its first training class under a completely redesigned basic police school developed with international assistance. During the year, the Police Directorate of the Ministry of Internal Affairs launched the first programs in a regular series to provide in-service training for all active police officers; the goal of these programs was to ensure that every individual police officer received some form of advanced or refresher training at least once a year.

Police normally obtain arrest warrants by presenting evidence of probable cause to an investigative magistrate; however, it was not uncommon for police to make arrests without a warrant if they believed a suspect might flee, destroy evidence, or commit other crimes. The police then have 24 hours to justify the arrest to a magistrate.

Detainees must be given access to an attorney of their choice within 24 hours of their arrest; if they have none and are charged with a crime for which the sentence is over 10 years' imprisonment, the magistrate appoints counsel. Detainees were also allowed visits by family members. The magistrate must, within 48 hours of the arrest, decide whether to extend the detention for further investigation. Investigative detention generally lasts up to 30 days, but the trial court may extend the period in exceptional cases (for a total of not more than 6 months, or 12 months in serious corruption/organized crime cases). Detainees may be released on their own recognizance pending further proceedings; however, most criminal suspects were held in custody pending trial. Detention was perceived to be necessary where the accused was considered a public danger, may influence witnesses, or a flight risk. There were several cases of suspects held in pretrial detention for several months on weak evidence.

The option of posting bail after an indictment is available but was not commonly exercised.

The inability of trial judges to issue written verdicts delayed the appeals process and was the major cause of extended detention. For example, in the Norac case (see Section 1.e.), the county court issued a verdict in March; however, because no written verdict had been issued, the appeal process had not begun by year's end.

Arrests of ethnic Serbs for war crimes continued but decreased throughout the year. In some cases of arrest on war crimes charges, the subject was released a few days after charges were dropped; however, in other cases, persons were detained for long periods. In September, although an initial investigation produced no evidence of his direct involvement, Ilija Vorkapic, a resident of Lovas, was arrested and detained for 2 weeks for the attack and occupation of Lovas in 1991.

Over the last few years, several ethnic Serb defendants convicted in absentia or at nontransparent trials continued to be held in detention for extended periods while their appeals progressed slowly through the overburdened judicial system (see Section 1.e.).

The Constitution prohibits forced exile of citizens, and the Government did not employ it.

e. Denial of Fair Public Trial.—The Constitution provides for an independent judiciary; however, the judiciary continued to suffer from political influence, a backlog of nearly 1.4 million cases, and funding and training shortfalls.

A significant part of the backlog was attributable to outdated procedural codes and court rules; inexperienced judges and staff; and, primarily in civil cases, to verdicts that had not been executed. Although the Constitution provides for the right to a fair trial and a variety of due process rights in the courts, at times, citizens were denied these rights. Excessive delays remained a problem, as evidenced by an increasing number of decisions by the Constitutional Court to award damages to persons whose trial had continued for numerous years without a decision. Additionally, the Government at times ignored Constitutional Court decisions, particularly with regard to the privatization of property.

The judicial system consists of municipal and county courts, commercial and misdemeanor courts, an administrative court, and the Supreme Court as the highest court. The independent Constitutional Court determines the constitutionality of laws, governmental acts, and elections. Justices of the Constitutional Court are elected for 8-year terms by Parliament, while all other judges are appointed for life. A parallel commercial court system adjudicates commercial and contractual disputes. The State Judicial Council (which consists of 11 members, including 7 judges, who serve 8-year terms), which is independent of both the judiciary and the Ministry of Justice, is charged with the appointment and discipline, including removal, of judges. The Chief State Prosecutor is appointed by Parliament and he then appoints the Chief State Attorneys at the county and municipal level; Deputy Prosecutors were appointed and disciplined by the High Prosecutorial Council. The process of re-appointing court presidents was completed by year's end.

Judges are constitutionally prohibited from being members of political parties. Over the past 3 years, the judiciary was subject to far less political influence than previously, although there continued to be reports of political influence at the local level.

Judges appointed under the government of former President Franjo Tudjman, who at times made decisions in a nontransparent manner seemingly at odds with the evidence or the law, were a problem. For example, in September, Split County Court judge Slavko Lozina, sentenced a former special police commander to 4 years and 11 months for the 1996 murder of a young Croatian of Serbian ethnicity. The Judge failed to give a formal explanation of what all observers considered a lenient sentence. Media reports alleged that the sentence was structured in a way so that the defendant could avoid custody during the appeal process. No disciplinary action was taken against the Judge in the case, although the Ministry of Justice and Supreme Court both launched inquiries into his behavior during the trial.

The inexperience of newly appointed judges and areas without permanent judges, particularly in the war-affected regions, continued to be problems. In March, the Ministry of Justice opened a new Center for the Professional Development of Judges and Other Justice Officials. In July, the Government formally adopted an implementation plan for judicial reform. The plan addressed technical issues and was designed to improve the quality of judicial decision-making and reduce court processing times, but left many implementation issues unaddressed; implementation of these judicial reforms was not completed by year's end.

In an election year, all election commissions from the national to the local level are constituted on an ad hoc basis and staffed primarily by professional judges. The chair of 1 district commission, of which there were 10 total, reported that the November parliamentary election consumed 1 month for more than 30 judges. The OSCE recommended that a permanent electoral commission be established, at least in part to free judges from the additional task of conducting elections.

Domestic courts continued to adjudicate cases arising from the 1991–95 war. Despite the increased number of open war crime cases involving Croatian forces, questions remained about the criminal justice system's ability to conduct fair and transparent trials in these complex and emotionally charged cases. Observers blamed inadequate training, shortcomings in the legal code, chronic witness intimidation, and an often hostile local public as hampering the war crimes process.

International observers continued to express concern about the justice system's ability to treat defendants equally without regard to ethnic identity. The OSCE reported that the outcomes of war crimes prosecutions appeared to be largely determined by the ethnic identity of both the defendant and the victim. For example, in 2002, there was a significantly different rate of conviction and acquittal depending on the ethnic identity of the defendant; 82 percent of all ethnic Serbs were found guilty, whereas only 18 percent of Croats were found guilty. Similar rates were found for the first part of the year. At all stages of proceedings, except for acquittals, ethnic Serbs constituted the large majority of defendants. In absentia proceedings, despite some efforts to curtail the practice, were applied almost exclusively to ethnic Serb defendants. The conclusion of the OSCE was that war crimes prosecutions continued to be motivated more by ethnic considerations than by the impartial administration of justice.

In October, the Parliament passed the Law on Application of the Statute of the International Criminal Court and the Prosecution of Criminal Acts Against International Military and Humanitarian Law. This new war crimes law allows the Chief State Prosecutor, with the approval of the President of the Supreme Court, to obtain a change of venue for any war crimes case to one of four country-level courts, requires trials to be conducted before a three-judge panel of experienced judges who are appointed to 4 year terms, and creates the office of a special prosecutor, under the Chief State Prosecutor, to prosecute war crimes.

During the year, the domestic prosecution of war crimes cases continued, primarily against ethnic Serbs, but increasingly against ethnic Croats. For example, during the year, the Chief State Prosecutor requested that investigations be opened into the killings of ethnic Serbs in Sisak, Osijek, and Pozega that took place over 10 years ago; however, due to problems with witness intimidation, many of the investigations have not led to indictments.

In August, the Gospić County Court convicted Svetozar Karan, a former member of the Serbian military police for the severe beating of prisoners of war in Korenica and Frkasic between 1991 and 1995. The written verdict contained inflammatory and derogatory remarks about ethnic Serbs, such as "the defendant and his (Serb) predecessors have been sitting on Croatia's back for the past 80 years," that called into question the court's ability to conduct a fair trial.

In February, the County Prosecutor in Split appealed the acquittal to the Supreme Court in the high-profile Lora war crimes case (eight Croatian soldiers were accused of torturing ethnic Serb prisoners) on grounds of wrongly and incompletely established facts and failure to admit crucial evidence. The appeal remained pending before the Supreme Court at year's end.

In March, the war crimes trial against five persons held at the County Court in Rijeka ended with convictions of Tihomir Oreskovic, former Croatian Army General Mirko Norac, and Stjepan Grandic, who were sentenced, respectively, to 15, 12 and 10 years in prison. This marked the first time that senior Croatian military officials have been convicted in a Croatian court for war crimes and, in contrast to the "Lora" trial, monitors considered the so-called Gospic trial fair and well conducted. The three defendants were found guilty of abduction and execution of at least 50 Serb and Croat civilians in the area of Gospic in 1991. Ivica Rozic was acquitted for lack of evidence, and charges were dropped against the fifth defendant, Milan Canic.

In June, trial proceedings began in the so-called Paulin Dvor case in Osijek County Court against Nikola Ivankovic and Enes Viteskic, 2 lower-ranking army officers suspected of participation in the December 1991 killing of 19 ethnic Serb civilians. The victims were killed in Paulin Dvor in Eastern Slavonia and buried at a military warehouse, then in 1997 their remains were secretly transferred across Croatia to a mass grave near Gospic, where they were discovered by the ICTY and Government investigators. The case gained added prominence when testimony by a former Osijek-Baranja county prefect implicated the wartime defense leader of Osijek and current Member of Parliament (M.P.) for the area, Branimir Glavas, in a series of murders of ethnic Serbs and Croatian Army soldiers in Osijek between 1991-95. Revelations at trial prompted a local NGO to forward information on wartime criminal activities in Osijek to the prosecution (see Section 4).

The retrial of Mihajlo Hrastov, a former Croatian member of the Karlovac Police Special Forces, for the murder of 13 unarmed Yugoslav National Army prisoners of war near Karlovac in 1991, ended at the Karlovac County Court in an acquittal. The prosecution appealed the case to the Supreme Court in late 2002 but the Court had taken no action by year's end.

The appeal of the acquittal of four retired Croatian soldiers, charged with killing two elderly Serb civilians near Sibenik in 1995, remained pending at year's end.

The appeal of Bosnian Fikret Abdic's 20-year prison sentence for the deaths of 121 civilian detainees and 3 military prisoners between 1993 and 1995 remained pending at year's end.

In 2001, the Constitutional Court ordered a retrial in the case of former Croatian policeman Antun Gudelj, who was convicted and then improperly amnestied in 1997 for the 1991 murder of Osijek police chief Josip Reihl-Kir. At year's end, bilateral legal discussions on the arrest and extradition from Australia continued.

Activities that should have qualified for amnesty under the 1996 Law on General Amnesty were classified mistakenly and prosecuted as common crimes or war crimes, although this practice declined and was under review by the Public Prosecutor.

Some courts continued the practice of convicting persons in mass and in absentia trials; however, in July 2002, the chief State Prosecutor initiated a case-by-case review of war crimes cases and sought to limit the use of in absentia proceedings. While 293 cases were dropped as a result of this review by the end of August, local prosecutors and courts continued to conduct in absentia proceedings, which were used almost exclusively against ethnic Serb defendants. In cases monitored by the OSCE during the year, 85 percent of all ethnic Serbs convicted for war crimes were convicted in absentia proceedings. No ethnic Croat has been a part of a group in absentia proceeding, nor has any ethnic Croat been convicted in such a proceeding. The practice of in absentia proceedings placed an added burden on the courts, since defendants convicted in absentia regularly made use of their guaranteed right for a re-trial.

In February, an in absentia trial held at the Zadar County Court, 2 Serbs were sentenced to 9 and 10 years in prison respectively for the 1991 shooting of an ethnic Serb in Perusic, whom they suspected of collaborating with Croatian authorities. In August, the Osijek County Court convicted eight Serbs in absentia for crimes against civilians in the village of Luc in Eastern Slavonia in 1990. In September, the Vukovar County Court began trial proceedings against 18 former members of a Serb paramilitary unit who were charged with genocide and war crimes in the 1991 attack and subsequent occupation of the town of Lovas in Eastern Slavonia. Only one of the accused was present during the trial.

At year's end, approximately 21 individuals remained incarcerated on war crimes or related charges based on politicized or nontransparent trials held under the pre-

vious regime. For those who had exhausted their appeal procedures, there was no mechanism to review their cases other than seeking pardons. There were no other reports of political prisoners.

In cases regarding property claims, the laws implicitly favor ethnic Croats over ethnic Serbs. Despite a 1998 Constitutional Court ruling that declared several elements of the Law on the Temporary Takeover of Specified Property unconstitutional, many thousands of ethnic Serb property owners, who fled homes that were later occupied by ethnic Croats, remained unable to access their property.

The Government completed a review in 2001 of housing units that were distributed for temporary occupancy by the previous regime; the data provided was intended to facilitate eventual returns and property restitution. However, at year's end, 3,509 of the 19,271 housing units remained occupied. Many of the occupants of these units were subject to immediate eviction; however, in practice, evictions have not occurred. Backlogs in the judicial system were a further impediment to timely resolution of housing disputes.

During the year, the Government did not implement its plan to facilitate the return of largely ethnic Serb refugees by making available state housing to those who previously enjoyed occupancy and tenancy rights outside war-affected areas in the former Socialist Republic of Croatia.

In 2000, the Constitutional Court struck down provisions of the Law on the Status of Displaced Persons and Refugees that prohibited evictions unless alternative accommodation is provided for the evictee. This practice reinforced the precedence of temporary occupants over that of property owners. The July 2002 amendments to the Laws on Areas of Special State Concern (LASSC) introduced measures designed to facilitate property repossession, but the law continues to subordinate the rights of private property owners to those of temporary users. The Government has not evicted occupiers of private property, even in the case of illegal or double occupants; physical repossession of a property by its rightful owner occurred, almost exclusively, only when the occupier decided that he or she no longer needed the property.

The State Attorney is responsible for conducting the eviction process against those who are illegally occupying houses; however, out of 718 existing cases of illegal/double occupancy, less than half have been referred to the State Prosecutor's office, and most repossessions took place only through extra judicial settlements. Despite orders from the national Government, prosecutors often did not initiate lawsuits against individuals who refused to vacate occupied premises.

The amended LASSC has not accelerated the process of legally resolving property restitution cases; it provides no guarantee to claimants that they can physically repossess their property, and there were no mechanisms to implement the new legal provisions. Additionally, the LASSC subordinates the rights of private property owners to those of temporary occupants by making property repossession conditional on provision of alternative accommodation for the temporary occupant and thus, violates the right to ownership as provided for in the Constitution.

The July 2002 amendments to the LASSC stipulated a timeframe for recipients of alternative housing assistance to complete construction or reconstruction and to vacate occupied properties. Under the amendments, illegal or double occupants were given up to 60 days after receipt of an administrative order to vacate or face eviction; however, in practice, the Government has not effectively enforced the law, and most cases remain self-solved.

The LASSC obligated the Office of Displaced Persons and Refugees to make administrative decisions on repossession. The amended law further obligates the Government to pay compensation to the legitimate owners if it fails to physically return their properties by December 31; however, only 657 owners out of 3,819 eligible owners received a compensation payment by year's end.

During the year, the Government significantly accelerated processing of claims by ethnic Serbs for reconstruction assistance.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The Constitution prohibits such actions, and the Government generally respected these prohibitions in practice.

Police were often unwilling to intervene in housing disputes, which involved attack against property, looting, and arson, and were a frequent occurrence in war-affected areas (see Section 5). There were frequent allegations that the police did not always remain impartial and uphold the law when it came to housing disputes between ethnic Croats and ethnic Serbs.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution provides for freedom of speech and the press, and the Government generally respected these rights in practice. The

constitutional provisions specifically include freedom of the press and other media, speech and public expression, and the free establishment of institutions of public communication.

The Government did not interfere in the editorial decisions of the print media; however, electronic media was susceptible to political pressure since most outlets were at least partially owned by local government.

In October, Parliament passed a new Media Law that creates preconditions for freedom of the media and journalism. Among the most important of these are regulations on the transparency of ownership, the operational activities of the media, and on measures to protect journalists from in-house and external pressures. Under the law, media outlets must make their ownership structure public, and publishers must send annual business reports to the Ministry of Culture. The new law also prevents monopolies by limiting media ownership to 40 percent of any given market.

The privately owned Tisak distributed approximately 75 percent of the print media. Foreign newspapers and journals were available in urban areas throughout the country; however, due to their high cost, they remained largely inaccessible to many persons.

In February, a new law on Croatian Radio and Television (HRT) was passed, that should provide for HRT's financial stability, political independence, and the presentation of objective information to the public. According to the OSCE, with the exception of provisions relating to the appointment of the HRT Broadcasting Council, the law represents a considerable improvement over the one previously in force. After a long delay, on October 17 Parliament approved 11 members of the HRT Broadcasting Council; the Council held its first meeting on November 14.

In April, the Croatian Helsinki Committee (HHO) reported that Croatian Television (HTV) was no longer under government influence, but its programming remained biased in its objectivity and quality of coverage. According to HHO, HTV paid insufficient attention to important post-war issues such as refugee return, war crimes, minority issues, and human rights.

In September, the Council for Radio and Television privatized HRT's third national television channel in an open and transparent process. HRT was no longer the sole beneficiary of revenue from government taxes on television users. The new Electronic Media Law allocated 3 percent of HRT's revenue from government taxes to local, private radio and television stations. In the past, being the sole recipient of government funding created advantages for HRT over independent radio and television stations.

Although HINA became a public institution in 2001, by year's end the Government still provided most of HINA's funding and a truly independent nationwide television news and entertainment station did not exist.

Over 60 percent of the population continued to rely on government-run HRT's evening Dnevnik program for television news. While privately owned Nova TV reached more than 75 percent of the population during the year, it was primarily an entertainment station with limited news programming. A network of independent local television stations produced a competing nightly news program Vjesti that reached 65 percent of the country's territory.

In early March, a bomb explosion destroyed a car that belonged to the Europa Press Holding publishing company while it was parked in front of the house of the founder and co-owner Ninoslav Pavic. There were no arrests in the case by year's end. In December, Ivan Caleta, one of the co-owners of Nova TV, was shot and injured in Zagreb. The OSCE issued a statement that "such threats . . . have a chilling effect on the media."

A 2001 Penal Code amendment decriminalized the offense of libel, resulting in a lower filing rate of such cases; however, an estimated 1,200 libel cases from previous years remained unresolved due to the slow and inefficient judicial system. In recent years, there have been no reports of biased verdicts in libel cases. Sections of the Penal Code that authorize prosecution of journalists who publish "state secrets" remained in force; however, there were no reports of these laws being used during the year.

The Government did not restrict access to the Internet or academic freedom.

b. Freedom of Peaceful Assembly and Association.—The Constitution provides for freedom of assembly, and the Government generally respected this right in practice.

The law permits assembly for registered demonstrations at approved locations; while the process for approving or denying the registration of an assembly is not transparent, there were no reports that it was used discriminatorily. During the year, there were several peaceful demonstrations and marches throughout the country organized by labor groups, farmers, and war veterans' groups opposed to government policies (see Section 6.b.).

The Constitution provides for the right of association, and the Government generally respected this right in practice.

Although the Law on Associations provides for these rights, the Law on Funds and Foundations, enacted in 1995, grants discretionary power to the Ministry of Justice over the establishment and internal governance of foundations. While the law was applied equally to all, the law itself is restrictive and controlling. According to the Ministry, registration of a foundation, takes up to 6 months provided that all submitted documents were in order. Only approximately 70 foundations have been registered (compared with 20,000 registered associations under the Law on Associations).

c. Freedom of Religion.—The Constitution provides for freedom of religion, and the Government generally respected this right in practice. No formal restrictions were imposed on religious groups, and all religious communities were free to conduct public services and to open and run social and charitable institutions.

There is no official state religion; however, the Roman Catholic Church enjoyed a historic relationship with the State that was not shared by other religious groups. Other religious groups also have agreements with the State, which grant benefits similar to those enjoyed by the Catholic Church. State financing of salaries of religious workers; provision of spiritual counseling in state institutions such as the army, police, and prisons; and the recognition of religious marriages were among the main points of the agreements. The Government adopted a similar agreement with the Jewish community; however, its signing fell through over the key issue of return of nationalized property.

In January, the Government approved a regulation on the registration of religious communities, which required all religious communities to submit registration applications within 6 months in order to receive status as a legal person. Approximately 27 religious communities were registered during the year. In October, agreements were signed with the Croatian Old Catholic Church, the Bulgarian Orthodox Church, and the Macedonian Orthodox Church in Croatia.

The Government required that religious training be provided in schools, although attendance was optional. Given that 85 percent of the population was Roman Catholic, the Catholic catechism was the one predominantly offered. Under the 2002 Law on Religious Communities, Catholic religious education was introduced in kindergartens across the country; this prompted criticism from representatives of some other religious communities, particularly the Orthodox Church, and political parties. The Islamic community began training staff for the purpose of conducting religious education in kindergartens in 2004. As stipulated in all agreements signed with religious communities, schools that met the necessary quota of seven students of a minority faith per class offered separate religion classes for the students. In cases where there were not sufficient numbers of students of a minority faith to warrant separate classes, students could exercise the option to receive religious instruction through their religious community.

Restitution of nationalized property remained a problem for most major religious communities. Restitution to the Catholic Church is regulated by a 1998 concordat with the Vatican and the December 2002 agreements with the Islamic community and Serbian Orthodox Church established joint commissions with the Government to resolve property, legal, educational, and cultural issues. The joint commissions met during the year, and religious communities reported that there were frequent and constructive discussions with the Government; however, the joint commissions lack authority to return property, which was the overarching issue of concern to religious communities. The Serbian Orthodox Church—the second largest claimant of property after the Catholic Church—has repossessed a significant amount of business property in Zagreb, as well as some property in Rijeka and Osijek; however, several buildings in Zagreb, Karlovac, and other towns had not been returned, nor had properties that belonged to monasteries, including forests and arable land. Similarly, the Jewish community has had only partial success in recovering its properties; long standing negotiations with the Government's Office for Property Repossession on three buildings in Zagreb, Ravna Gora, and Crikvenica were unsuccessful, and no property was returned during the year. At year's end, according to the Catholic Church, the Government made a proposal, but never initiated formal negotiations, to give the Catholic Church a 25 percent interest in the country's major insurance company, Croatia Osiguranje, as compensation for a part of its nationalized property.

The Islamic community reported delays with obtaining permits to build an Islamic Center on land owned by the community in the coastal city of Rijeka. In March, approximately 5,000 citizens signed a petition opposing construction in their neighborhood, but the city authorities accepted the plan; however, actual construction had not begun by year's end.

In January, the driver for the Metropolitan of the Serbian Orthodox Church was verbally abused in front of the main church in Zagreb. In September, an incident occurred involving verbal abuse against the Metropolitan and another member of the Serbian Orthodox clergy.

In March and again in May, fascist graffiti appeared on the church door, and obituaries were regularly torn off the billboard by the church entrance. Sometime between March and April, the Serbian Orthodox Church of St. Archangel Michael and Gabriel in Kostajnica was broken into. Windows were smashed and religious items, including four icons, were burned or badly damaged. In April, windows were broken at the Serbian Orthodox Church in Plaski, and similar incidents were reported in Ogulin in August and September. No arrests were made in any of the cases. According to the OSCE and other reporting, Serbian Orthodox churches and property in war-affected areas were attacked during the year. In April, tombstones in a cemetery in Vukovar were damaged—marking the eighth such incident at the cemetery. Serbian Orthodox Church leaders reported that in Knin the Church of St. Pokrov was frequently desecrated with fascist Ustasha symbols. Serbian Orthodox clergy reported good cooperation with the police, who promptly reacted to reported incidents, but complained about a lack of information on the results of investigations.

In June, insulting graffiti appeared on the walls and minaret of the Zagreb mosque. Police investigated, but no arrests were made.

For a more detailed discussion, see the 2003 International Religious Freedom Report.

d. Freedom of Movement within the Country, Foreign Travel, Emigration, and Repatriation.—The Constitution provides for these rights, and the Government generally respected them in practice. All persons must register their residence with the local authorities and, under exceptional circumstances, the Government legally may restrict the right to enter or leave the country if necessary to protect the “legal order, health, rights, or freedoms of others.” Freedom of movement continued to be constrained for returning refugees and internally displaced persons (IDPs), particularly in Eastern Slavonia, where those who lost tenancy rights experienced difficulties in regularizing their status because they had no permanent residence (domicile), which is a precondition for acquisition of a civilian ID.

International observers remained concerned that arrests of ethnic Serbs for war crimes, often based on weak evidence, dissuaded some refugees from returning.

The Government’s procedures to verify and document the citizenship of hundreds of thousands of ethnic Serbs who fled the country after the military operations in 1995 improved during the year; however, there were regular reports of obstruction by some local officials. Many cases existed in which Serb returnees experienced difficulties in obtaining identity cards and other forms of documentation that would allow them to verify their citizenship status. The municipal government in Gracac obstructed returns to Donji Srb and other municipalities under its jurisdiction while at the same time providing immediate assistance to ethnic Croat settlers from BiH.

During the year, the MUP conducted a review of 441 permanent residency documents of Croatian Serb returnees who were habitual residents of Croatia prior to 1991. Many were able to regularize their status, obtain identity documents, and apply for citizenship through naturalization; however, international monitors reported that the MUP followed different procedures and varied its interpretation of its own internal guidelines from case to case.

The new Law on Foreigners was scheduled to enter into force on January 1, 2004. The Law’s transitional provisions are designed to enable former habitual residents to return and regularize their status. The law states that if they return within 12 months, they would be reinstated into their pre-war status of former habitual residents without any further requirements, such as meeting housing and financial criteria, and could subsequently apply for citizenship.

A significant number of IDPs remained in the country, although not all were under the Government’s direct care (approximately 1,715 ethnic Serb IDPs in the Croatian Danube Region did not hold official IDP status). In December, U.N. High Commissioner for Refugees (UNHCR) reported that there were 12,566 IDPs in the country (75 percent of whom were ethnic Croats originating from the Danube region) and 4,195 refugees (mostly from BiH). These numbers did not fully reflect an additional 140,000 former refugees (nearly all ethnic Croats from BiH) who have become citizens and residents of Croatia.

President Mesic and the Prime Minister continued to make public statements encouraging the return and reintegration of all Croatian citizens to their prewar homes. However, despite an ongoing government program to reconstruct thousands of homes damaged in the 1991–95 war, government officials, NGOs, and international observers assessed that the returns process was nearing its completion with significant changes in the ethnic composition of most communities. The return

of ethnic Croats to their prewar domiciles was virtually complete; however, the Serbian minority still faced significant obstacles to return. While ethnic tensions continued in the Danube region and parts of Dalmatia, the overall security situation was stable (see Section 5). The largest disincentive to returns in the Danube region was the poor state of the regional economy, the absence of a concrete solution that provides housing to former tenancy rights holders, and the very slow pace of repossession of private property.

The restitution of occupied private property to (mostly ethnic Serb) refugees returning to the country remained a problem (see Section 1.e.). The Government continued to give preference to the rights of temporary occupiers (mostly ethnic Croats) over those of the legal owners. In Kostajnica, for example, the Mayor obstructed the return of an ethnic Serb family to their home, which was currently occupied by a Bosnian Croat family that is related to the Mayor's wife. In June, a group of Bosnian Croats, allegedly organized by the Mayor, physically threatened the ethnic Serb owners when they attempted to visit their home. As a result of the incident, the Government suspended economic and infrastructure assistance to the municipality. Few property owners were able to recover their prewar dwellings and the issue of former-tenancy rights holders of socially-owned property remained largely unaddressed, preventing these persons (mostly ethnic Serbs) from returning to their prewar apartments.

The Government allowed free access to all displaced persons by domestic and international humanitarian organizations and permitted them to provide assistance.

The Government cooperated with the UNHCR and other humanitarian and international organizations in assisting refugees and returnees. By the end of December, in returns organized by the UNHCR and the Government, 9,280 persons who were refugees in the former Yugoslavia were repatriated to Croatia. According to the UNHCR, approximately 123,162 refugees (mostly ethnic Serbs) have returned to Croatia since 1995.

A new Law on Asylum, enacted in June, but not scheduled to enter into force until July 2004, provides for the granting of refugee status to persons who meet the definition of a refugee in the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. The MUP processed asylum seekers separately under the Law on Movement and Stay of Aliens and applied the same procedures to all newly arrived asylum seekers, regardless of country of origin, including citizens of countries of the former Yugoslavia. During the year, the Government did not grant asylum status to any of approximately 63 asylum seekers, despite positive recommendations from the UNHCR in 2 cases. There were no reports of the forced return of persons to a country where they feared persecution.

Asylum seekers, who were rejected in the first instance and lodged appeals before the Administrative Court, were deported since the appeal had no power to suspend the deportation. However, in practice, the stay of rejected asylum seekers whose claims were dealt with by UNHCR in its mandate procedure were tolerated by the MUP until the procedure was completed. The UNHCR closely followed up on individual cases that were deported/returned by Croatian authorities to BiH and Serbia and Montenegro.

Section 3. Respect for Political Rights: the Right of Citizens to Change Their Government

The Constitution provides citizens with the right to change their government peacefully, and citizens exercised this right in practice through periodic, free, and fair elections on the basis of universal suffrage; however, the OSCE expressed a few concerns regarding the November parliamentary elections, including the legislative framework for elections, the short timeframe available for election administration, the accessibility of out-of-country voting (particularly for refugees in Serbia and Montenegro and BiH), and the lack of transparency in campaign financing.

In May 2001, nationwide elections were held for local offices (town, municipal, and county level). OSCE monitors reported that the elections were generally free and fair although there were shortcomings, including hurried last-minute drafting of the election law, provisions on minority representation that did not clearly spell out procedures for achieving minority balance in local bodies, lack of a permanent state electoral commission, lack of transparency in parties' campaign expenditures, and lack of regulations for campaign financing.

In February 2000, President Stjepan Mesic was elected to a 5-year term. OSCE monitors characterized the elections as "calm and orderly," noting that "voters were able to express their political will freely"; however, there were problems. The Citizenship Law and electoral legislation grant citizenship, and thereby the right to vote, on purely ethnic grounds to ethnic Croats abroad with no genuine link to the country; however, in 2000, the Government failed to ensure that many Croatian

Serbs, who fled in 1995 and who wished to assume the responsibilities of Croatian citizenship, could document their Croatian citizenship in order to vote and ultimately to return. At year's end, the law still had not been amended to rectify this problem and create equal citizenship conditions regardless of ethnicity.

There were no legal restrictions on participation in government or politics by women. There were 27 women elected to the 152-seat Parliament in the November elections. There were 4 women in the 15-seat cabinet, including the position of Minister of Justice. There were 4 women out of 13 Constitutional Court Justices and 19 women out of 39 Supreme Court Justices.

In April, the election law was amended to bring it in compliance with the Law on National Minorities adopted by the Parliament in 2002, which stipulates that ethnic minorities must be represented in local government bodies, provided the census shows that the minority group constitute at least a specified percentage of the local population; however, minority groups will remain under-represented in 79 municipalities and 9 counties until the next local-level elections are held in 2005.

There were no legal restrictions on participation in government or politics by minorities and the electoral law reserves up to eight parliamentary seats for ethnic minorities. There were 11 members of minorities in the 152-seat Parliament, of which 8 were elected as minority representatives.

In November's parliamentary elections, ethnic minorities elected a total of eight M.P.s, an increase from five in the previous parliament. Minority participation in the elections was mixed, but generally stronger than in 2000, as voters elected three M.P.s to represent the country's Serb minority, and one each for the Italian and Hungarian communities. Czechs and Slovaks will share a representative, as will the Albanian, Bosniak, Montenegrin, Macedonian, and Slovene minorities; 12 other smaller minorities will also share a representative. The OSCE and NGOs argued in advance of the election that the number of polling stations in Serbia and Montenegro was insufficient for the number of potential voters among ethnic Serb refugees who still had not returned, but the Government did not open more polling stations.

In December, the three ethnic Serb members elected to parliament as representatives of the Independent Serb Democratic Party (SDSS) and Prime Minister-designate Ivo Sanader signed an agreement in which the SDSS pledged to support Sanader as Prime Minister in exchange for a commitment from the new Government on the full return of refugees, the restitution of illegally used Serb property within 6 months, and compensation for destroyed property outside of areas covered by the existing Reconstruction Act. The agreement also committed the Government to fulfill, within 3 months, provisions within the Constitutional Law on National Minorities that guarantee minority representation in local and regional government units.

In 2002, after extensive discussion with minority groups and political parties, Parliament passed a Constitutional Law on National Minorities with broad political support. However, implementation has been slow and in some aspects non-existent. The law assures minority representation in local government bodies, creates minority councils to advise elected officials on minority rights, promotes use of minority languages and symbols, and provides for the election of up to eight minority representatives in the parliament. Ethnic minority groups welcomed most of the law's provisions, but objected to the loss of generous affirmative action rights to elect representatives to parliament. In May, elections were held for the new local minority councils, but turnout was so low the elections were broadly judged to be a total failure. Reasons cited for the less than 10 percent turnout included short deadlines, an insufficient number of polling stations, and inadequate voter education.

Section 4. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A variety of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials were often cooperative and responsive to their views.

The Law on Associations enhances the ability of NGOs to register and operate without undue government interference (see Section 2.b.). There were no reports of government harassment of NGOs. The Government's Office for Cooperation with NGOs and other Government ministries and offices were active in coordinating and promoting NGO and governmental efforts on human rights and civil society. In many municipalities, there was generally good cooperation between NGOs and local government officials.

Early in the year, the Center for Peace in Osijek, HHO, and other human rights NGOs provided information to the State Prosecutor on the killings of at least nine civilians in the town of Osijek in 1991.

International organizations, including the European Union Monitoring Mission, the OSCE, and the UNHCR operated freely.

The Government in general cooperated with the ICTY; however, in one high profile case the Government refused to fulfill its international obligations as the ICTY's agent in the arrest and transfer of indicted retired General Janko Bobetko. In April, Bobetko died in Zagreb. Also in April, the Government arrested Ivica Rajic, a former regional commander of Croatian Defense forces, who was indicted by the ICTY in 1995 for the murder of at least 16 Bosnian Muslim civilians in Stupni Do in 1993, and transferred him to The Hague in June. Questions continued about the Government's diligence in tracking down 2001 indictee former General Ante Gotovina. The lack of progress in locating Gotovina called into question the seriousness of the Government's efforts to fulfill its legal and political commitments to the ICTY.

The parliamentary Ombudsman for human rights received and acted on individual citizens' complaints; however, its authority to order compliance from government ministries was limited.

Aside from the Ombudsman's office, Parliament maintained an independent human rights committee tasked with human and minority rights and a separate gender equality committee. They met periodically throughout the year to discuss topics and legislation within their purview (see Section 5). The two committees, in cooperation with ministry and other experts, were effective in drafting and recommending laws, in establishing relevant committees at the local level, and in raising awareness of their issues.

The Government's Office for Human Rights is the primary office responsible for developing, coordinating, and implementing the Government's human rights policies. The Office was generally effective in cooperating with NGOs and the international community. The Government's Coordinating Body to address refugee returns and housing reconstruction in war-affected areas and representatives of the international community met several times during the year in working groups; however, in March, the international community suspended its participation due to a lack of Government commitment to resolve issues raised by the group.

Section 5. Discrimination Based on Race, Sex, Disability, Language, or Social Status

The Constitution specifies that individuals shall enjoy all rights and freedoms, regardless of race, color, sex, language, political or other opinion, national or social origin, property, birth, education, social status, or other attributes and that members of all national groups and minorities shall have equal rights. While most of these rights generally were observed in practice, discrimination against women, ethnic Serbs, and Roma continued.

In September, the parents of primary school children in Kutina, east of Zagreb, protested at the prospect that their children might attend classes with an HIV-infected orphan named Ela. The case drew national media attention beginning in 2002 when Ela encountered similar problems in another town. Prime Minister Racan and other senior Government officials made public statements in support of Ela, and the Government launched a media campaign with the message that HIV is not transmitted through social contact. The Ministry of Health and a Zagreb clinic for infectious diseases organized a lecture on HIV for approximately 100 residents of Kutina; however, only 3 other children enrolled in classes with Ela; the parents of the other students in Ela's grade sent their children to schools elsewhere.

In July, Law on Same Sex Relationships was adopted to prevent discrimination in inheritance, property rights and access to social benefits.

Women.—Although the Government collected only limited statistics on domestic violence, credible NGO observers reported that domestic violence remained a widespread and underreported problem. Alcohol abuse, the psychological consequences of war, and poor economic circumstances were cited as contributing factors. During the last 5 years, there generally has been a greater awareness of the problem, improved cooperation and collaboration between NGOs and the Government, and better police handling of domestic violence cases. The police received training as part of the community policing program, and the MUP issued guidelines to police on how to handle domestic violence cases. The OSCE reported that they had not received any complaints regarding the police performance in handling domestic violence cases. There were four shelters for victims of domestic violence (one in Karlovac, and Caritas operated shelters in Rijeka, Osijek, and Sibenik). Additionally, there were hotlines, counseling, and legal assistance programs targeting victims of domestic violence.

The law provides that a domestic violence case may be initiated by persons other than the victim; for example, cases can be initiated by the police. The Law on Pro-

tection Against Family Violence, enacted in July, requires that witnesses or those with knowledge of domestic violence or child abuse—such as teachers, counselors, or health workers—report their suspicions to relevant authorities. The law also provides for measures to protect potential victims.

Rape and spousal rape are illegal under the Penal Code; however, NGOs reported that many women did not report rape or spousal rape.

Trafficking in women for the purposes of sexual exploitation remained a problem (see Sections 6.f.).

The Penal Code's section on abuse of power prohibits sexual harassment in the workplace and, in July, the labor law was amended to specifically prohibit sexual harassment. NGOs reported that, in practice, women who were sexually harassed often did not resort to legal remedies for fear of losing their jobs.

The labor law prohibits gender discrimination; however, in practice, women generally held lower paying positions in the work force. Government statistics from previous years and reports from union officials in 2002 showed that, while women constituted an estimated 46 percent of the formally employed work force and up to 66 percent of the total workforce, they occupied few jobs at senior levels, even in areas such as education and administration where they were a clear majority of the work force.

In March, the Croatian State Institute for the Protection of the Family, Maternity, and Youth released a study that showed half the companies surveyed did not have a single woman in a senior managerial position, and less than 3 percent of companies had more than four women in such positions. Anecdotal evidence gathered by NGOs suggested that women held the preponderance of low-level clerical, labor, and shopkeeping positions. Women constituted a larger proportion of unemployed—54 percent—and pension statistics indicated that women's salaries averaged 26 percent less than those of their male counterparts. Women often were among the first to be laid off in times of corporate restructuring. The Labor Code authorizes 1 year of paid maternity leave and up to an additional 2 years of unpaid leave.

Government efforts to promote gender equality continued; in July, Parliament passed the Law on Gender Equality. The law creates, among other things, the position of a Gender Ombudsman, who is appointed by and reports to the Parliament. While NGOs have expressed some reservations about the new law, most observers expect the law to further empower women politically. In 2002, the Government Committee for Gender Equality initiated and secured financial support for regional gender equality bodies, which were established in several counties. The Labor Ministry office was responsible for implementing the 2001–05 National Action Plan on gender equality and coordination of tasks among ministries, parliamentary offices, unions, and the NGO community to promote gender equality. Parliament's Gender Equality Committee initiated changes to the Defense Law and to the Law on Armed Forces, which introduced a gender equality committee at the Ministry of Defense's Personnel Council and listed sexual harassment as a disciplinary violation.

The Croatian Women's NGO Network supports the activities of 50 NGOs from across the country. There were several NGOs that had an impact nationally on women's issues.

Children.—The Government was generally committed to the rights and welfare of children. Education was free and mandatory through grade eight (generally age 14). The majority of students continue their education to the age of 18, with Roma being the only notable exception. Romani children faced serious obstacles in continuing their education, including discrimination in schools and a lack of family support. Schools provided free meals for children and subsidized daycare facilities were available in most communities even for infants. Medical care for children was free.

NGOs operating hotlines for sexual abuse victims reported numerous cases of child abuse, although there was no societal pattern of child abuse. A new clinic opened in Zagreb specifically for the treatment of abused children. In July, Parliament appointed the first Ombudsman for Children's Rights. According to the Ministry of Interior, from 2000 through 2002 there were 76 cases of criminal acts against children: 70 related to child abuse and pornography, 4 to slavery, and 2 to international prostitution.

Persons with Disabilities.—The Constitution ensures “special care for the protection of disabled persons and their inclusion in social life”; however, while persons with disabilities face no openly discriminatory measures, job opportunities generally were limited and special education, particularly for young adults, was limited and poorly funded.

The Law on Social Welfare and the official regulations regarding architectural barriers specify access to public services and buildings for persons with disabilities;

however, the regulations were not always enforced and did not mandate that facilities be retrofitted. As a result, access to public facilities was limited.

National/Racial/Ethnic Minorities.—While the Constitution specifically lists 10 “indigenous” ethnic minorities, the constitutional protections it contains are extended to all citizens, including minorities not listed (for example, Bosniaks, Roma, and Slovenes); however, in practice, a pattern of open and sometimes severe discrimination continued against ethnic Serbs and Roma. In 2002, a Constitutional Law on National Minorities was adopted that provides further legal protections for the rights of national minorities and, in November, eight ethnic minority representatives were elected to parliament. There was some discrimination against minorities in schools. For example, textbooks used derogatory adjectives in reference to minorities.

The OSCE reported on several ethnically related incidents where the perpetrators were charged with misdemeanor offenses, such as disturbing public order, rather than criminal offenses; in a majority of the cases, police and prosecutors were reluctant to identify the cases as ethnic discrimination.

Zagreb police pressed charges against seven minors and one adult suspected of involvement in three separate attacks in July and August against foreigners. The incidents involved an attack on an Egyptian student, an 11-year-old Egyptian boy, and an Austrian family of Pakistani origin. Government officials publicly condemned the allegedly racially motivated incidents.

Frequent reports of interethnic violence early in the year in schools in Vukovar culminated in March when approximately 30 Serbian and Croat students clashed in front of the Vukovar High School. The media reported that three injured students were hospitalized. Both ethnic Serb and Croat leaders cite the 50–80 percent unemployment in the region as significantly contributing to interethnic tensions.

In several areas, including in administration of justice, employment, housing, and freedom of movement ethnic Serbs were discriminated against. Ethnic Serbs in war-affected regions continued to be subject to harassment, intimidation, and occasional violence. Weapons left over from the war, including firearms and explosives, were readily available and were used in incidents of harassment during the year, particularly in the areas of return in central Dalmatia. Property destruction and other forms of harassment often arose from disputes between home occupiers of one ethnicity and returning homeowners of another. Verbal and legal harassment, forcible evictions, and assaults continued to occur regularly.

In May, an ethnic Serb woman was verbally abused and attacked with a whip by her neighbor in the village of Kljucar in Vojnic municipality. Police took the attacker into custody, and the woman sought medical treatment for head and back injuries. In June, a group of young men smashed the windows of a home owned by a Serbian woman in Daruvar. Police intervened and caught the perpetrators; however, the owner of the home complained that police treated her inappropriately during questioning. In Benkovac, in July, police intervened on behalf of an ethnic Serb returnee whose neighbor has verbally harassed and threatened him since his return in 1999; however, despite the fact of repeated instances of extremely provocative hate speech and an attempt to break into the returnee’s home, the police said they would cite the offense only as a public disorder. In August, an ethnic Serb returnee was physically attacked by his neighbor in Pakrac and suffered injuries when he tried to reconnect his house to the local water supply. Although police investigated, the returnee expressed dissatisfaction with the security in the area and stated his intention to leave the country. Also in August, a Bosnian Croat settler who occupies a Serb house in Donji Lapac was alleged to have shouted abuse and attacked an ethnic Serb youth with an axe. The incident was reported to police, but no criminal charges were filed.

In September, the third war documentary in a series—“Neighbors”—was screened in Western Slavonia. As with the prior installments, the film appears to accurately depict historical events and facts surrounding activities of the Yugoslav People’s Army and ethnic Serb paramilitary units during the 1991–95 war; however, the international community remained concerned that the overall promotion of the film by right-wing nationalist politicians and the film’s use of derogatory language to describe ethnic Serbs stimulated ethnic tensions and complicated the process of return for ethnic Serb refugees.

An ongoing impediment to the return and reintegration of ethnic Serb refugees is the failure of the Government to recognize or “convalidate” their legal and administrative documents from the period of the 1991–95 conflict. Implementation of the 1997 convalidation law to allow the recognition of documents issued by the rebel Serb para-state was undermined by Ministry of Labor and Social Welfare instructions that seriously limited eligibility. While the law itself does not include a deadline for filing applications, a decree issued by the previous regime established a

1999 filing deadline. Since more than half of the 108,000 Serbs who have returned to Croatia returned after 1999, the filing deadline effectively excludes most of those who otherwise would be beneficiaries. Even persons who filed before this deadline experienced arbitrary delays and obstructions. Without the recognition conferred by the law, citizens (almost exclusively ethnic Serbs) remained unable to resolve a wide range of problems including pensions, disability insurance, and ability to establish work experience. Additionally, the state pension fund improperly denied some applications for recognition of working experience from ethnic Serbs.

In July, an association of Croat war veterans successfully banned a 14 year-old ethnic Serb from playing in a soccer tournament in Vukovar. The case drew national media coverage, and both President Mesic and Prime Minister Racan condemned the incident and spoke publicly in support of the need for tolerance and reconciliation.

Serbian leaders continued to express concern about discrimination in appointment of municipal judges and report that the Croatian State Judicial Council has either refused candidates or left positions vacant rather than appoint ethnic Serbs as judges. The Constitutional Law on National Minorities, adopted in December 2002, specifically guarantees minority representation in the state administration and judiciary. However, in the year since the law was passed, of the 66 new judges hired, 65 were ethnic Croats (the one minority hired was not an ethnic Serb); additionally, in the same period, all 23 state attorneys hired were ethnic Croats.

The Citizenship Law distinguishes between those who have a claim to Croatian ethnicity and those who do not. Ethnic Croats are eligible to become citizens, even if they were not citizens of the former Socialist Republic of Croatia, so long as they submit a written statement that they consider themselves Croatian citizens. Non-Croats must satisfy more stringent requirements to obtain citizenship through naturalization after 5 years of registered residence. Even those who previously were lawful residents of the former Socialist Republic of Croatia were compelled to provide proof of previous residence and citizenship not demanded of ethnic Croats. Obstacles to ethnic Serbs' documenting their citizenship led to discrimination in other areas, including the right to vote (see Section 3). While a citizenship application is pending, the applicant is denied social benefits including medical care, pensions, free education, and employment in the civil service. Denials frequently were based on Article 26 of the Citizenship Law (which stipulates that citizenship can be denied to persons otherwise qualified for reasons of national interest) and on Article 8 (which requires that a person's actions demonstrate that they are "attached to the legal system and customs of Croatia" and that they have maintained a registered residence on the territory of Croatia for the 5 years preceding the application for citizenship). The Interior Ministry recognizes the period that mostly ethnic Serbs spent outside the country as refugees as applicable to the 5-year residency requirement.

Inter-ethnic incidents were also directed against ethnic Croats. In August, a series of incidents occurred in Eastern Slavonia, Karlovac, and Lika. Ethnic Croat returnee associations and local authorities accused some ethnic Serb leaders of encouraging ethnic hatred, but senior government officials downplayed the incidents. Serb nationalist graffiti appeared on traffic signs in Beli Manastir and in the village of Jagodnjak near Osijek. An investigation by the police led to the arrest of an underage ethnic Serb from Jagodnjak. In October, prosecutors at the Municipal Court in Vukovar issued an indictment against a person who allegedly poured paint over the bust of an ethnic Croat military commander. Police also investigated the desecration of a cross in Vukovar dedicated to ethnic Croat victims of the 1991-95 war in the center of this ethnically divided town. In the village of Donji Srb, a flag with Serb nationalist symbol was placed on the hilltop and Croatian children near by were harassed. In September, ethnic Serb members of the local government in Karlovac and in Vojnic publicly spoke out against Serb nationalist graffiti written on the World War II monument in the Petrova Gora memorial and the toppling of the Croatian flag in the nearby town of Turanj in August. In both cases, there were strong indications that these acts were the work of visiting refugees who are now living in Serbia and Montenegro.

Violence, harassment, and discrimination against Roma continued. The 2001 census counted only 9,463 Roma in the country, but government officials and NGOs agreed that the true number may be between 30,000 and 40,000. In February, two masked assailants broke into a house just outside Zagreb and beat an entire Roma family, including a 9-year-old girl and her disabled father. In the same month, a group of young men physically attacked a Roma man in Zagreb and burned his automobile. Also in February, a home owned by Roma in the settlement of Trokut in Zagreb was burned to the ground after repeated threats by neighbors. Romani

associations blamed skinheads and similar groups for most of the attacks and complained to authorities about insufficient police intervention.

Roma faced many obstacles, including language (many, particularly women, had only limited Croatian language skills), lack of education, lack of citizenship and identity documents, high unemployment, and widespread societal discrimination. Romani NGOs estimated that 25 percent of Roma do not have citizenship documents and thus cannot obtain papers necessary to acquire social benefits, employment, voting rights, and property resolution. In October, the Government adopted a National Program for Roma that was developed during the year with significant input from both international and local NGOs. The program identifies educational, health, social, and employment measures that if taken would help the Roma to integrate better into the social and political life; however, at year's end, the program had not been implemented and questions remained about the Government's willingness to address Romani issues.

Romani children faced serious obstacles in continuing their education, including discrimination in schools and a lack of family support. An estimated 10 percent of Croatian Romani children begin primary school, and of these only approximately 10 percent go on to secondary school.

International and local NGOs remained concerned about the practice of holding separate classes (allegedly of lower quality) for Romani students in northern Croatia. In May, the European Center for Roma Rights (ECRR) lodged a pre-application letter against Croatia with the European Court of Human Rights in Strasbourg related to the case of segregated classes in Medjimurje. In 2002, the Cakovec County Court confirmed a municipal court's verdict, which rejected a complaint by 15 parents of Romani students who charged the Ministry of Education, Medjimurje County, and four primary schools for operating segregated classes. ECRR filed the pre-application to bring the matter before the European Court should the Croatian Constitutional Court rule against their appeal.

In March, more than 100 residents of the village of Drzimurec-Strelec protested against the building of a new wing of a primary school for Romani children, who constitute a majority in the first four grades. County authorities said they would not give up the project and that construction, delayed for technical reasons, was scheduled to begin in 2004. A school in Medjimurje held both mixed and integrated classes; however, it fell short of the constitutionally guaranteed right of all citizens to equal education regardless of ethnicity.

Section 6. Worker Rights

a. The Right of Association.—Workers are entitled by law to form or join unions of their own choosing, and workers exercised this right in practice. Approximately 64 percent of workers were members of unions. In general, unions were independent of the Government and political parties.

The Labor Code prohibits anti-union discrimination and expressly allows unions to challenge firings in court; however, in general, citizens' attempts to seek redress through the legal system were seriously hampered by the inefficiency of the court system, where cases often languished for months or years before reaching a final resolution (see Section 1.e.).

Unions may affiliate freely internationally and did so.

b. The Right to Organize and Bargain Collectively.—Collective bargaining is protected by law. The Labor Code governs collective bargaining contracts, protection for striking workers, and legal limitations on the ability of employers to conduct "lockouts" during labor disputes.

The Constitution provides for the right to strike with some limitations. Members of the armed forces, police, government administration, and public services are not permitted to strike. Workers may only strike at the end of a contract or in specific circumstances mentioned in the contract.

When negotiating a new contract, workers are required to go through mediation before they can strike over the new contract. Labor and management must jointly agree on a mediator if a dispute goes to mediation. The Labor Law provides for the Economic and Social Council (GSV) which typically met at least once a month on policies, procedures, and legislation relating to social protections, workers' and employers' interests, and the collective bargaining process. Local GSVs have been formed in most counties of the country.

The Government's Office for Social Partnership (OSP) provides administrative and expert support to the GSV and facilitates dialogue between the Government, employers, and trade unions. The OSP mediated approximately 97 labor disputes during the year. Only after submitting to mediation and formally declaring that negotiations are at an impasse is a strike legal. If a strike is found to be illegal, any participant may be dismissed and the union held liable for damages. During the

year, the Ministry of Justice registered 34,697 new labor disputes, of which over 90 percent were financial claims, approximately 5 percent were dismissal claims, and less than 4 percent were classified as "other."

In March, approximately 200 laid off workers from the Borovo footwear company protested in front of Parliament. Representatives of the workers, the Minister of Economy, and the head of the OSP subsequently agreed to an amount and schedule for severance pay and further protests were cancelled. In June, mediation by the OSP helped settle a strike by workers at the Agro-Kombinate "Belje" who demanded payment of wage arrears. In August, workers at the troubled Viktor Linac shipyard went on a 7-day strike over non-payment of over 2 months' wages.

During the year, members of the national police force continued to protest layoffs that occurred in 2001 in which the criterion for dismissal was never released; however, on November 22, the day prior to national elections, the police put their 613 day-long protest on hold, and announced their intention to engage the new Government on a solution before resuming the protest.

The Government is obliged to consult with labor unions before announcing economic reforms that would result in changes in worker benefits and layoffs; however, unions complained that the Government did not always follow this agreement in practice. In June, four out of the five major unions conducted a referendum among members and the overwhelming majority of respondents voted in opposition to labor law amendments. Nonetheless, in July, the Government amended the labor law to reduce severance pay and advance notice of dismissal, and broaden the definition of a small employer.

There are no export processing zones.

c. Prohibition of Forced or Bonded Labor.—The Constitution prohibits forced or bonded labor, including by children; however, trafficking in women was a problem (see Section 6.f.).

d. Status of Child Labor Practices and Minimum Age for Employment.—The Government has a National Action Program to address and prevent child labor and created a national ombudsman for children to ensure effective implementation of the program (see Section 5).

The minimum age for employment of children is 15 years, and it was enforced by the Ministry of Labor and Social Welfare. Workers under the age of 18 are prohibited from working overtime, at night, or under dangerous conditions.

In the period January 2002–April 2003, labor inspectors found four minors in bakeries and one transporting timber working under unlawful conditions (which includes heavy manual labor or night work). Employers were fined respectively \$1,500 (10,000 Kuna) and \$150 (1,000 Kuna) and ordered to dismiss the minors. In the same period, labor inspectors cited 117 violations affecting 99 minors (65 female, 34 male) employed in hospitality businesses (restaurants and catering), trade, industry, and construction.

e. Acceptable Conditions of Work.—The national minimum monthly net wage of \$276 (1,850 Kuna), which applies to all workers, did not provide a decent standard of living for a worker and family. For example, the average cost of living for a family of four was estimated, by various labor union calculations, to be \$770 to 1,040 (5,160 to 6,983 Kuna) per month. The average monthly wage as of September was about \$582 (3,899 Kuna).

Nonpayment and late payment of wages continued to be a serious problem. According to the Croatian Federation of Independent Trade Unions, in 2002, out of a workforce of 1.793 million, 48,400 employees did not get paid for their work, down from 165,000 in 1999.

The labor law provides for a standard workweek of 40 hours and workers are entitled to receive time-and-a-half pay for any hours worked beyond that. Workers are entitled to a 30-minute daily break, a 24-hour rest period during the week, and a minimum of 18 days of paid vacation leave annually. The Labor Code stipulates conditions for overtime work, and limits overtime to 10 hours per week. The Government's Labor Inspectorate must be notified if overtime work for an individual employee continues for more than 4 consecutive weeks, or more than 12 weeks during 1 calendar year, or if the overtime work of all employees of a certain employer exceeds 10 percent of the total working hours in 1 particular month. Overtime by minors is prohibited. Pregnant women, a mother of a child under 3 years of age, and a single parent of a child under 6 years old, may work overtime only if he or she freely gives his or her consent in writing to perform such work.

Health and safety standards are set by the Government and were enforced by the Ministry of Health; however, in practice industries often do not meet the standards for worker protection. For example, it was common to find workers without hard-hats on construction sites and safety devices removed from dangerous equipment.

The State Inspectorate (an independent governmental inspection and compliance agency) has jurisdiction over enforcement of health and safety laws at the workplace and annually compiles data on injuries and health and safety code violations. As of October, the Inspectorate received 162 reports of employers violating work safety regulations. According to 2002 statistics, an average of 25,500 persons annually suffered injuries at work, of which 40 resulted in death. Under the law, workers may remove themselves from hazardous conditions at work and have recourse through the courts if they believe that they have been dismissed wrongfully for doing so; however, according to the State Inspectorate, workers did not exercise this right in practice and normally only reported employers after they had left their job.

The July amendments to the labor law extended existing constitutional and labor law provisions barring discrimination; however, in practice, discrimination persisted against women and minorities. The labor law also specifically bars discrimination on the basis of sexual orientation.

f. Trafficking in Persons.—The law does not specifically prohibit trafficking in persons, although existing laws may be used to prosecute traffickers; trafficking in women was a problem. Little statistical information on trafficking exists, although most observers and research indicated that the country was primarily a transit country for women trafficked to other parts of Europe for prostitution, as well as a lesser source and destination country for trafficked women.

Trafficking is prosecuted under the Penal Code's articles prohibiting slavery, the illegal transfer of persons across state borders, international prostitution, and procurement or pimping. According to the Office of the State Prosecutor, from 1998 through 2002, 8 criminal charges were filed under the law prohibiting slavery, 21 criminal charges were filed under the law prohibiting international prostitution, and 1,425 criminal charges were filed under the law prohibiting illegal crossing of the state border. Resulting convictions, through 2002, were 16 for international prostitution and 644 for illegal crossing of the state border. In December, the County Court in Split convicted Anđelko Zec to 3 years in prison for establishing slavery and international prostitution, which was the first time a defendant was convicted of establishing slavery; the victim assisted the prosecution by testifying on two different occasions during the trial.

Police awareness of the problem was low; however, awareness raising activities have begun: Police, social welfare, and justice officials were trained, and a shelter and hotline was established. In October, a witness protection law was passed; however, it did not enter into force during the year. According to government officials, victims were encouraged to assist in the criminal investigation and prosecution of their traffickers.

Failure to identify trafficked women among illegal aliens smuggled into the country and shortcomings in the readmission agreement with BiH put police under pressure to process and repatriate illegal migrants within 72 hours after their initial arrest and resulted in a significant underestimation of the trafficking problem in the country. Women from Hungary, Ukraine, Romania, Bulgaria, Slovakia, and other countries reportedly were trafficked through BiH and Serbia and Montenegro to the country, where some remained to work as prostitutes or were trafficked to other destinations. Women were transported through the country by truck or boat. In addition, women from Albania, BiH, Bulgaria, Hungary, Macedonia, Moldova, Romania, Slovenia, and Serbia and Montenegro were detained in incidents of illegal entry into the country; some of these women were believed to be victims of trafficking. Anecdotal information indicates that international organized crime groups, local groups, and travel/marriage agencies were responsible for trafficking.

Government officials, international missions, and NGOs collaborated to develop an anti-trafficking strategy. In 2002, the Government appointed a National Committee for Combating Trafficking in Persons consisting of 22 members, including representatives from the Government (including a representative from the State Prosecutor's Office), two NGO members, one member of the Croatian Office of the International Organization for Migration (IOM), and a journalist. The National Committee created a National Action Plan; however, a combination of limited resources, a weak organizational structure, and a lack of authority to enforce decisions, resulted in very slow implementation of the National Action Plan.

There were limited support services available for trafficking victims. Trafficking victims typically were detained for illegal entry or immigration violations in Zagreb for up to several weeks and then deported. In July, the Government in cooperation with the Ministry of Labor and Social Welfare established a second shelter for trafficked victims. Local NGOs and the IOM, in cooperation with the Ministry, provided services in the shelter. In addition, three reception centers were established, in cooperation with the Croatian Red Cross—in Western, Central, and Southern Cro-

atia—to accommodate victims temporarily. The Government also assisted an NGO to operate a hotline.

CYPRUS

Since 1974, the southern part of Cyprus has been under the control of the Government of the Republic of Cyprus while the northern part is ruled by a Turkish Cypriot administration which has proclaimed itself the “Turkish Republic of Northern Cyprus” (“TRNC”) and is not recognized by the United States or any other country except Turkey. A substantial number of Turkish troops remain on the island. A buffer zone patrolled by the U.N. Peacekeeping Force in Cyprus (UNFICYP) separated the two parts. In February, Tassos Papadopoulos was elected President. Rauf Denktaş is “President” of the “TRNC.” On December 14, Turkish Cypriot “parliamentary” elections resulted in an even split of seats between parties favoring a solution to the division of the island and parties favoring the status quo. The judiciary is generally independent in both communities.

Police in the government-controlled area and the Turkish Cypriot community are responsible for law enforcement. Police in the government-controlled area were under civilian control, while the Turkish Cypriot police were under military authority. Some members of the police on both sides committed abuses.

Both Cypriot economies operated on free market principles, although there were significant administrative controls in each community. Approximately 802,500 persons lived on the island. The government-controlled area had a robust, service-oriented economy (including tourism) with a declining manufacturing base and a small agricultural sector. For the year, inflation was estimated at 4.3 percent and economic growth at 2.0 percent. The Turkish Cypriot economy was handicapped by restrictions imposed by the Government and by international institutions and relied heavily on subsidies from Turkey. It was basically service-oriented, with a smaller tourism and trade base but a larger agricultural sector than the government-controlled area. For the year, inflation was estimated at 12.6 percent and economic growth at 5.4 percent.

The Government generally respected the human rights of its citizens; however, there were problems in some areas. Police brutality against detainees continued to be a problem. The Government placed some restrictions on persons traveling to the north. Violence against women persisted. Trafficking in women for prostitution remained a problem.

Turkish Cypriot authorities generally respected the human rights of citizens living under its control; however, there were problems in some areas. Police reportedly abused some suspects and detainees. Civilians continued to be tried in military courts. The authorities reportedly subjected members of the Greek Cypriot community living in the north to surveillance. The authorities filed criminal charges against journalists for their reporting. The police interfered with some demonstrations. For part of the year, Turkish Cypriot authorities restricted freedom of movement to government-controlled areas and prohibited most contacts between Turkish Cypriots and Greek Cypriots. On April 23, Turkish Cypriot authorities relaxed many restrictions on movement between the two communities, including abolishing all crossing fees; the new procedures led to relatively unimpeded contact between the communities. Cooperation between Turkish Cypriot authorities and the U.N. High Commissioner for Refugees (UNHCR) was uneven. Turkish Cypriot authorities took some steps to improve the conditions of Greek Cypriots and Maronites living in the territory under their control, but these groups remained subject to discriminatory treatment. Violence against women and trafficking in women for prostitution were problems.

RESPECT FOR HUMAN RIGHTS

Section 1. Respect for the Integrity of the Person, Including Freedom From:

a. Arbitrary or Unlawful Deprivation of Life.—There were no reports of the arbitrary or unlawful deprivation of life committed by the Government or its agents.

In August, the European Court for Human Rights (ECHR) sent a delegation to the Turkish Cypriot community to take depositions for an investigation into the 1996 murder of Kutlu Adali, a prominent leftist Turkish Cypriot journalist who wrote articles critical of Turkey’s role in the north. Turkish Cypriot authorities had not conducted a credible investigation of the case.

b. Disappearance.—There were no reports of politically motivated disappearances during the year.

The U.N., through the autonomous tripartite (U.N., Greek Cypriot, Turkish Cypriot) Committee on Missing Persons in Cyprus (CMP), continued its attempts to resolve the problem of missing persons who remained unaccounted for after the intercommunal violence beginning in 1963–64 and the events beginning in July 1974. The CMP made little progress, due primarily to Turkish Cypriot reluctance to proceed without first fully accounting for those who may have been killed in internal Greek Cypriot fighting in 1974, prior to the landing of Turkish forces on the island.

The Government continued to exhume sites in the south thought to contain the remains of persons missing since 1974. In December 2002, the Government conducted exploratory digging at a mass grave site in Alaminos village (Larnaca district) containing 14 Turkish Cypriots whose names are on the list of Turkish Cypriot missing. During the year, no remains of Greek Cypriots were identified through DNA testing. As of the previous year, a total of 127 remains had been identified. According to the Government, 1,493 Greek Cypriots remained missing. Turkish Cypriot authorities did not cooperate in the DNA identification effort. On June 5, the Government released to relatives information concerning the fate of Turkish Cypriots who were reported missing between 1963 and 1974. In June, the Government placed announcements in the Turkish Cypriot press informing Turkish Cypriots of this move. The announcements called on Turkish Cypriots to give blood samples to aid in identifying remains.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The Constitution of the Republic of Cyprus and law of the government-controlled area and the basic law governing the area under Turkish Cypriot administration prohibit torture, and the Government and Turkish Cypriot authorities generally respected these provisions in practice; however, there were reports that police in both areas abused detainees.

On January 15, the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) released a report on its 2000 visit to the government-controlled area of Cyprus that noted that the level of treatment of persons detained by police there had not been maintained since its 1996 visit. The report stated that the CPT received many allegations of physical ill-treatment of detainees by police officers, including kicks and punches to the body and head, banging heads against a wall, blows with truncheons or wood bats, placing a pistol to the head and issuing death threats, and applying electric shocks to the body. The CPT noted that the severity of the alleged treatment was such that it could be qualified as torture. The report concluded that the physical ill-treatment by police remained a serious problem.

There continued to be reports that police in the government-controlled area engaged in heavy-handed tactics and degrading treatment of suspects. In November, the office of the Ombudsman released its 2002 annual report that included citizens' complaints of ill-treatment by police. During the year, two new cases of police brutality were brought before the courts and hearings were scheduled for the beginning of 2004. The press carried additional reports of police brutality.

In August, a 39-year-old man and his 17-year-old son filed charges against 11 policemen in Limassol for allegedly chasing and beating the 17-year-old, who was driving without a driver's license, outside his house. Police also allegedly beat his father. A hospital treated the boy for injuries, including bruises and abrasions, and put his wrist in a cast due to injuries he allegedly sustained when police handcuffed him. The case remained pending at year's end.

Also in August, four youths claimed that police beat them late one night in Nicosia. According to a press report, one youth was taken to a hospital with a serious head injury. The police claimed that, when they responded to a reported fight, the subjects tried to run away, and one fell and hit his head. The State pathologist confirmed the police claim, but an independent pathologist maintained that the head injury was not consistent with damage from a fall. That pathologist also disputed the official findings regarding the extent of the injuries of the other subjects and claimed that one nearly died from exposure to tear gas.

Turkish Cypriot police prevented demonstrations during the year (see Section 2.b.).

There were credible reports of police abuse of power and harsh treatment of some detainees in the Turkish Cypriot community. There were reports that police used physical abuse and the threat of physical abuse to pressure some suspects into signing written testimonies or confessions before they consulted legal counsel.

Prison conditions in both areas of the country generally met international standards, although there were some problems. In its January 15 report, the CPT reported that prison overcrowding continued to be a problem in the government-controlled area. In its annual report, the government Ombudsman noted that there had been improvements in prison conditions, but cited overcrowding as an ongoing prob-

lem. During the year, the Ombudsman reported some improvements in the medical care of prisoners with psychiatric problems, including daily visits by a social worker, psychiatrist, psychologist, doctor, and two nurses. However, the Ombudsman received additional complaints and reopened her investigation. Women prisoners were held separately from men, juveniles were held separately from adults, and pretrial detainees were held separately from convicted criminals.

In the area under Turkish Cypriot administration, women were held separately from men; however, there were no separate cells for juveniles in prison. Pretrial detainees were held separately from convicted criminals.

During the year, the Government permitted prison visits by independent human rights observers. During his June 26–28 visit to the country, the Council of Europe’s (COE) Commissioner for Human Rights visited prisons in the government-controlled area. The Commissioner said that prison conditions were good with the exception of overcrowding. The Commissioner also expressed concern over the practice of criminalizing illegal entry or residence in the country and the jailing of debtors. Turkish Cypriot authorities permitted prison visits by independent human rights observers, although no such visits occurred during the year.

d. Arbitrary Arrest, Detention, or Exile.—Laws in both communities prohibit arbitrary arrest and detention; however, Turkish Cypriot police at times did not observe legal protections.

In the government-controlled area, the police are the responsibility of the Ministry of Justice and Public Order. The President appointed the Chief of the Police. The police force is divided into headquarters (with six departments), six district divisions (including one inactive district located in the area under the Turkish Cypriot administration), and seven police units that provided specialized services. Although there were individual cases of misconduct reported during the year within the police force, there were no serious cases of police corruption or bribery. The Assistant Chief of Police for Administration typically handled investigations into such cases and recommended appropriate disciplinary measures to the Chief of Police.

In the Turkish Cypriot community, the Chief of Police reports to the Turkish Cypriot general holding the “security portfolio,” and the general is under the supervision of the “prime ministry.” The police are divided into eight functional divisions and five geographic divisions. While there were no serious corruption or bribery cases within the police, there were individual cases of appropriation, and officers were punished and discharged from the force. The office of the “Attorney General” worked in conjunction with an officer from the Inspection Division (or occasionally the Criminal Investigative Division) to conduct investigations into allegations of police misconduct. During the year, no investigations resulted in the prosecution of officers for the abuse of detainees.

Throughout Cyprus, judicially issued arrest warrants were required. No person may be detained for more than 1 day without referral of the case to the courts for extension of the period of detention. Most periods of investigative detention did not exceed 8 to 10 days before formal charges were filed. Attorneys generally had access to detainees; bail was permitted. The Government claimed the right to deport foreign nationals for reasons of public interest whether or not they had been charged with or convicted of a crime.

On November 3 and 4, Turkish Cypriot authorities filed criminal charges against five journalists for “insulting the army” in reporting on the March 25 demonstration in Doganci (see Section 2.a.)

On March 25, Turkish Cypriot police arrested five persons in the village of Doganci on charges of organizing an illegal demonstration that threatened the Turkish Cypriot Administration (see Section 2.b.).

Turkish Cypriot police at times did not observe legal protections, particularly at the time of arrest. In some instances, suspects were not permitted to have their lawyers present when testimony was taken, in contravention of Turkish Cypriot basic law. Suspects who demanded the presence of a lawyer might be threatened with stiffer charges or physically intimidated. A high percentage of cases in the Turkish Cypriot community were closed based on confessions or written testimonies taken during initial police interrogation under these conditions. Such cases generally did not reach the courts.

There were no developments in the 2001 ECHR case brought by Greek Cypriot Panicos Tziakourmas.

The Constitution and the basic law governing the Turkish Cypriot community prohibit forced exile, and neither the Government nor the Turkish Cypriot authorities employed it.

e. Denial of Fair Public Trial.—The Constitution and the basic law governing the Turkish Cypriot community provide for an independent judiciary, and both the Gov-

ernment and the Turkish Cypriot authorities generally respected these provisions in practice.

In both the government-controlled and the Turkish Cypriot areas, most criminal and civil cases begin in district courts, from which appeals are made to Supreme Courts. There were no special courts for security or political offenses, although civilians in the Turkish Cypriot community may be tried in military courts.

The law in both communities provides for the presumption of innocence, the right to due process, and the right of appeal.

The law in both communities provides for the right to a fair public trial, and an independent judiciary generally enforced this right in both. Defendants have the right to be present at their trials, to be represented by counsel (at public expense for those who cannot afford one), to confront witnesses, and to present evidence in their defense.

In the area under Turkish Cypriot administration, civilians charged with violating military zones or military regulations or defaming the military were subject to trial in a military court. These courts consisted of three civilian judges and a civilian prosecutor.

There were no reports of political prisoners in either community.

On December 1, Turkey agreed to compensate Titina Loizidou approximately \$1.4 million (1.12 million euros) for her loss of use of her property seized after the 1974 Turkish intervention. In 1998, the ECHR reaffirmed the validity of property deeds issued prior to 1974 and ordered Turkey to provide restitution and compensation to Loizidou for the loss of use of her property in the area under Turkish Cypriot administration. In December, the COE issued a resolution postponing further action on the case to an unspecified date.

In July, the ECHR ruled against Turkey on two additional, comparable cases. The Government estimated that Cypriots had filed approximately 500 cases against Turkey at the ECHR. By year's end, the ECHR had not reached a decision on any of the approximately 46 similar cases in which the Government had exercised its right to intervene.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—Both the Constitution and the basic law governing the Turkish Cypriot community prohibit such actions. There were reports that Turkish Cypriot police subjected Greek Cypriots and Maronites living in the north to surveillance (see Section 5).

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—Laws in both communities provide for freedom of speech and of the press, and the Government and Turkish Cypriot authorities generally respected these rights in practice; however, Turkish Cypriot authorities filed criminal charges against a number of journalists for their reporting.

Opposition newspapers frequently criticized the authorities. Independent newspapers and periodicals proliferated in both communities. In the government-controlled area, there were seven major daily newspapers, one weekly, and six major magazines. Several private television and radio stations in the Greek Cypriot community competed effectively with government-controlled stations.

In the Turkish Cypriot community, there were 12 newspapers. There were two television channels operated by Turkish Cypriot authorities and four private television channels. In addition to three small, university-run radio stations, eight private radio stations operated in the Turkish Cypriot community, along with three radio stations run by the authorities, and a radio station run by the Turkish Cypriot security forces.

International broadcasts were available without interference throughout the island, including telecasts from Turkey and Greece.

In September and November, the extreme nationalist newspaper *Volkan* published two articles that included threatening language against journalists at the opposition newspaper *Afrika*. One article contained a death threat against *Afrika* editor Sener Levent. The author of one article belonged to the National People's Movement, the other to the ultra-nationalist Grey Wolves Association. At year's end, none of the threats had been carried out.

On October 17, Murat Kanatli, a journalist from the Turkish Cypriot opposition newspaper *Yenicag*, covered a demonstration by the Grey Wolves Association. Kanatli claimed that up to 30 members of the Grey Wolves attacked him, beat him, and stole his camera when he went to the Association's headquarters to take a photo of the group's leader. Opposition newspaper *Kibris* reported that Kanatli entered the Association's headquarters without permission. There was no independent corroboration of a physical attack on Kanatli. Turkish Cypriot police later recovered his camera from the Grey Wolves. No arrests had been made related to this incident by year's end.

On November 3 and 4, Turkish Cypriot authorities filed criminal charges against five journalists with the daily newspapers Kibris and Ortam for “insulting the army” in their reports about police actions against demonstrators in the village of Doganci on March 25. The journalists faced possible prison sentences of 10 to 44 years. Authorities had not scheduled a trial by year’s end.

At year’s end, the October 2002 charges of libel and defamation filed against several journalists from the opposition newspaper Afrika remained pending in Turkish Cypriot district and military courts.

Government and Turkish Cypriot authorities at times imposed restrictions on the ability of journalists to cross the buffer zone to cover news events. The Government denied entry to all visitors, including Turkish journalists who arrived on the island through ports of entry in the area under Turkish Cypriot administration. Prior to April 23, Turkish Cypriot authorities, at times, required Greek Cypriot journalists to purchase a “visa” for entry. However, after April 23, Turkish Cypriot authorities dropped the requirement but still required Greek Cypriot journalists covering certain events to wear identification bearing the flag of the self-proclaimed “TRNC.” Greek Cypriot journalists chose not to travel north to cover these events. The Turkish Cypriot “Press Information Office’s” (“PIO”) policy was to provide “PIO” escorts for Greek Cypriot journalists covering events in the north during business hours and to provide escorts for groups of Greek Cypriot journalists and for journalists covering important meetings regardless of the time of day. This policy was not strictly enforced, and Greek Cypriot journalists reported that they were permitted to cover some events in the north without a “PIO” escort.

At year’s end, criminal charges remained pending against a Turkish Cypriot teacher, who was suspended for publishing an article critical of Turkey and its military in an opposition newspaper in 2001, and against a trade union that protested on her behalf. The charges were for defamation and trespassing, respectively.

Neither the Government nor Turkish Cypriot authorities restricted access to the Internet, although some users reported difficulties in sending e-mail between service providers in the two communities.

Neither the Government nor Turkish Cypriot authorities restricted academic freedom.

b. Freedom of Peaceful Assembly and Association.—The Constitution provides for freedom of assembly and association, and the Government generally respected these rights in practice.

The basic law governing the Turkish Cypriot community provides for freedom of assembly and association; however, police blocked or dispersed demonstrations on several occasions.

On March 25, an estimated 150–200 Turkish Cypriot police with truncheons disbanded a demonstration in the village of Doganci and arrested the organizers when they produced a ballot box for a symbolic referendum on the proposed “Annan Plan” to end the island’s division. They were charged with organizing an illegal demonstration that threatened the Turkish Cypriot administration. The charges against demonstration organizers remained pending at year’s end.

On April 5, Turkish Cypriot police reportedly prevented the group YBH Youth from holding a small demonstration at the Turkish Embassy in Nicosia, although the group claimed it had obtained a permit for the gathering. Demonstration organizers claimed that police beat several demonstrators and sexually harassed female demonstrators.

On February 20, the ECHR found that Turkey had violated one Turkish Cypriot’s right to freedom of peaceful assembly by denying him permission to attend bicomunal events in the government-controlled areas and in the buffer zone and ruled that Turkey should pay approximately \$18,800 (15,000 euros) in mental damages and approximately \$5,900 (4,715 euros) for expenses incurred.

For part of the year, Turkish Cypriot authorities sometimes denied Turkish Cypriots the ability to participate in bicomunal meetings in the U.N.-controlled buffer zone. Following the relaxation of crossing restrictions on April 23, Turkish Cypriot authorities allowed Turkish Cypriots to participate in bicomunal events in and across the buffer zone without difficulty.

Turkish Cypriot authorities also attempted to interfere with some bicomunal events taking place outside Cyprus by requiring civil servants to seek permission from their employer and the Turkish Cypriot “Ministry of Foreign Affairs” before they could participate. Enforcement of the policy was inconsistent, with some officials permitted to attend off-island bicomunal events.

c. Freedom of Religion.—The Constitution provides for freedom of religion, and the Government generally respected this right in practice. The basic law governing the Turkish Cypriot community refers specifically to a “secular republic” and also pro-

vides for freedom of religion, and the Turkish Cypriot authorities generally respected this right in practice. Both the Government and the Turkish Cypriot administration have constitutional or legal prohibitions against religious discrimination. Turkish Cypriots residing in the southern part of the island and non-Muslims living in the north were allowed to practice their religions.

The Constitution specifies that the Greek Orthodox Church, which was not under the authority of the mainland Greek Orthodox Church, has the exclusive right to regulate and administer its internal affairs and property in accordance with its holy canons and charter. The Constitution also states that the Turkish Cypriot religious trust, the Vakf (the Muslim institution that regulates religious activity for Turkish Cypriots), has the exclusive right to regulate and administer its internal affairs and property in accordance with Vakf laws and principles. No legislative, executive, or other act may contravene or interfere with the Orthodox Church or the Vakf. The Armenian Orthodox Church, Maronite Christians, and Latins (Roman Catholics) are also recognized by the Constitution.

Religions other than the five recognized religions were not required to register with government authorities; however, if they desired to engage in financial transactions such as maintaining a bank account, they had to register as a nonprofit company, and most did so.

Between 1997 and 2000, the Government and the Turkish Cypriot authorities agreed to allow reciprocal visits in which groups of Greek Cypriots visited Apostolos Andreas monastery in the north and groups of Turkish Cypriots visited Hala Sultan Tekke mosque in the south on certain religious holidays. Following developments in April that facilitated crossings, Greek Cypriots reported relatively easy access to Apostolos Andreas monastery and other religious sites in the north, while Turkish Cypriots visited religious sites, including Hala Sultan Tekke in the government-controlled area. There were reports that slow processing at buffer zone checkpoints limited the number of people who crossed the zone to visit religious sites during the holidays.

Greek Cypriots and Maronites were still prohibited from visiting religious sites located in military zones in the Turkish Cypriot community.

In May, the Bishop of Morphou (now resident in the Government-controlled area) visited a church building (now used as a religious museum) in his traditional seat located in the area under Turkish Cypriot administration. During his visit, he conducted a private religious service. On a return visit, the Bishop, accompanied by Greek Cypriot journalists with television cameras, attempted to perform a religious service but was prevented by Turkish Cypriot authorities. The officials said that "government" regulations only permitted church services in designated religious facilities and that only priests resident in the north were permitted to conduct such services. Otherwise, a special permit was required.

In February, the Turkish Cypriot administration returned two houses of worship that it had expropriated in 1997 to the Jehovah's Witnesses. In August 2002, Turkish Cypriot authorities lifted a ban prohibiting several ministers of Jehovah's Witnesses, deported in 1997, from reentering north Cyprus.

Missionaries had the legal right to proselytize in both communities, but the Government and Turkish Cypriot authorities closely monitored missionary activities. It is illegal for a missionary to use "physical or moral compulsion" to make religious conversions. The police may investigate missionary activity based on a citizen's complaint. They could also open an investigation if missionaries might be involved in illegal activities threatening the security of the Republic, constitutional or public order, or public health and morals. There were occasional apprehensions but no arrests under these laws.

The Government required children in public primary and secondary schools to take instruction in the Greek Orthodox religion. Parents of other religions may request that their children be excused from such instruction. While these children were exempted from attending religious services, some Jehovah's Witnesses parents reported that their children were not excused from all religious instruction.

Greek Cypriots living in the north reported that vacant Orthodox churches were vandalized and religious icons were removed. Although Turkish Cypriots reported that unused mosques in the south also were vandalized, the Government routinely carried out maintenance and repair of mosques in the area under its administration. During the year, the Government restored a mosque in the southern town of Limassol at the request of Turkish Cypriot residents.

Members of Jehovah's Witnesses reported some difficulties in claiming conscientious objector status and exemption from compulsory reserve military service in the National Guard. While the law provides for exemption from active military service for conscientious objectors, it does not provide for an exemption from reserve duty. Legal proceedings were begun in 2002 against several members of Jehovah's Wit-

nesses for failure to appear for reserve duty. Their cases were suspended in November 2002 pending a revision of the law.

For a more detailed discussion, see the 2003 International Religious Freedom Report.

d. Freedom of Movement within the Country, Foreign Travel, Emigration, and Repatriation.—Both the Constitution and the basic law governing the Turkish Cypriot community provide for these rights, and they were generally respected in practice. Both the Government and Turkish Cypriot authorities generally respected the right to travel abroad and to emigrate.

Government authorities discouraged travel to Turkish Cypriot areas. The Government did not legally restrict Greek Cypriots from traveling to the northern part of the island, but generally discouraged them from staying at former Greek Cypriot-owned properties or gambling there. The Government permitted foreigners only to take day trips and sometimes arbitrarily refused non-Cypriots permission to cross the buffer zone. The Government deported two groups of Israeli tourists on the suspicion that they planned to stay overnight and gamble at facilities in the north. It remained illegal to enter Cyprus except at authorized entry points in the south, effectively barring entry into the government-controlled area by foreigners who arrived through entry points in the north.

On July 5, a foreign citizen of Turkish Cypriot origin and her two children were refused entry at Larnaca Airport despite having a valid visa issued by the country's embassy in Beirut. The woman and her children were detained at the airport for 24 hours before being sent back to Lebanon. An investigation ordered by the Council of Ministers found two immigration officials responsible. There has been no public announcement of disciplinary measures taken against these officials.

On October 20, Greek Cypriot police arrested four foreign students studying in the north when they went to the Ledra Palace checkpoint and asked if they were allowed to cross to the government-controlled area. The four were held in prison for 10 days, fined a total of approximately \$3,700 (1,900 Cyprus pounds), and deported back to their countries of origin.

In November, a foreign citizen of Turkish Cypriot origin was stopped by immigration officials at the Larnaca airport and questioned about the purpose of his visit. He later wrote to an English language newspaper complaining of his treatment. In a story on the incident, the newspaper quoted an immigration officer at the airport as saying that it was standard procedure to single out Turkish Cypriots for questions about their visit. The Government denied such a policy existed.

Greek Cypriots had to obtain a Turkish Cypriot "visa" to visit the north, although this was relatively easy after April 23. Greek Cypriots were required to present their passports at the checkpoints along the buffer zone, something many were reluctant to do. Greek Cypriots were also permitted to drive their personal vehicles in the north, provided they arranged insurance with a provider in the Turkish Cypriot community. They were allowed to stay up to 3 nights in the north as long as they stayed in a hotel and provided receipts. Prior to April 23, individuals with Greek or Armenian surnames faced considerable difficulties entering the Turkish Cypriot community, and foreigners of Turkish Cypriot origin who had arrived on the island through ports in the south also were refused entry.

Turkish Cypriot authorities maintained restrictions on the 403 Greek Cypriots and 140 Maronites living in enclaves in the Turkish Cypriot community. Until April 23, Turkish Cypriot authorities limited the duration of visits to the south by the Greek Cypriots and Maronites to a total of 6 months per year; those who remained longer risked losing their right to return home and to keep their property. Authorities also required enclaved Greek Cypriots and Maronites resident in the north to obtain advance permission to visit the government-controlled area and their relatives had to obtain similar permission to visit the enclaves. On April 23, Turkish Cypriot authorities discontinued both the 6-month rule, which had been rarely enforced in practice, and the requirement that enclaved Greek Cypriots obtain advance permission to visit the south.

During the year, Turkish Cypriot authorities limited overnight stays by child relatives of enclaved Greek Cypriots and Maronites to a "reasonable period" (as determined by Turkish Cypriot authorities), with extensions possible. Turkish Cypriot authorities permitted school holiday and weekend visits for all full-time Greek Cypriot and Maronite students, regardless of age and gender, who moved south to continue their studies. Immediate relatives of enclaved Greek Cypriots were exempted from the requirement that they stay at a hotel and instead could stay with their relatives.

On April 23, freedom of movement within the country improved significantly when Turkish Cypriot authorities relaxed many crossing restrictions and abolished both the \$2.15 (1 Cyprus pound) crossing fee and the requirement of advance per-

mission. By year's end, there had been almost 2.5 million crossings of the buffer zone in both directions. Two additional checkpoints were opened to facilitate the flow of personal vehicles across the buffer zone.

On April 30, the Government announced a "set of measures" designed to facilitate Turkish Cypriot movement to and within government controlled areas and access to Government services. However, by year's end, the Government had not implemented key aspects of the measures.

Since April 23, Turkish Cypriots traveling to the south have not needed prior permission from Turkish Cypriot authorities nor have they had to provide an itinerary and the purpose of their travel. Similarly, Greek Cypriot checkpoint police have not required Turkish Cypriots to give advance notice of their intent to travel or their planned itinerary and return date, but they must still prove they are Turkish Cypriots. Checkpoint police prevent foreigners who entered Cyprus through unauthorized ports of entry in the north from crossing into the government-controlled area. The Government did not limit the length of their stay in the south, although most did not stay overnight. Turkish Cypriots could drive their personal vehicles, provided they had arranged insurance with a provider in the Greek Cypriot community. As part of the "set of measures" announced in April, the Government offered Turkish Cypriots free bus service from checkpoints to various parts of the government-controlled area. By the end of the year, Turkish Cypriots had taken more than 100,000 trips using this bus service.

Until April 23, Turkish Cypriot authorities restricted the ability of persons resident in the north to travel to bicomunal events (see Section 2.b.).

Following the April relaxation of crossing restrictions, Greek Cypriots could visit the Apostolos Andreas monastery in the north and Turkish Cypriots could visit Hala Sultan Tekke mosque and a nonreligious monument in Kokkina in the south (see Section 2.c.).

Turkish and Turkish Cypriot forces continued to operate a checkpoint adjacent to the Greek Cypriot village of Strovilia and the British eastern Sovereign Base Area that restricted UNFICYP movement. After April 23, Turkish Cypriot authorities began using a Greek Cypriot house as a control post for a newly established crossing point in Strovilia. UNFICYP protested the unauthorized takeover of private property. At year's end, Turkish Cypriot authorities continued to use the property.

Turkish Cypriots had difficulty traveling to most countries because travel documents issued by the "TRNC" were recognized only by Turkey, and most Turkish Cypriots used Turkish travel documents instead. Since April 23, when Turkish Cypriot authorities eased restrictions on individuals crossing between the two communities, Turkish Cypriots increasingly obtained passports from the Government. The Government issued 9,681 passports to Turkish Cypriots after April 23.

In the government-controlled area, the law provides for the granting of refugee status or asylum to persons who meet the definition in the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 protocol. In practice, the Government provided protection against refoulement and granted asylum but did not grant refugee status to any applicant during the year.

Cyprus continued to attract a growing number of asylum seekers, many of whom arrived through legal ports of entry while others arrived in small boats. Many claimed to be from the Middle East, including Iraq. These cases were referred to the Government's asylum unit. During the year, the unit received 4,036 applications (corresponding to 4,411 individuals) for asylum and processed approximately 800 cases. At year's end, there were 3,860 pending cases, including some from the previous year. At year's end, 10 cases were under consideration for humanitarian reasons. If given refugee status, the applicant was granted a 3-year residence permit renewable for an additional 3 years. If applicants met the criteria for refugee status, they were permitted to stay and were given temporary work permits. However, refugees generally were not granted permanent resettlement rights, although they were permitted to remain until resettlement in another country could be arranged. The law provides for temporary protection for those persons who do not meet the definition of a refugee or asylee. In December, the Government opened a 120-bed detention facility to house arriving migrants until their cases are evaluated.

The Government generally cooperated with the office of the UNHCR. Until January 2002, the UNCHR handled all asylum cases and the Government considered its decisions binding. Although no new cases were directed to the UNHCR during the year, there was a backlog of approximately 150 cases (corresponding to 229 individuals) still pending before the UNHCR at year's end.

The "TRNC" is not a signatory to any international conventions on asylum. Individuals who requested asylum in the Turkish Cypriot community were directed to the UNHCR; however, there were reports that not all individuals who wished to seek asylum were permitted to do so.

The basic law governing the Turkish Cypriot community does not provide for the granting of refugee status or asylum to persons who meet the definition in the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 protocol. Turkish Cypriot authorities have not established a system for providing protection to refugees and did not provide protection against refoulement. In the past, Turkish Cypriot authorities have granted refugee status to asylum seekers in a few cases.

In the north, cooperation between the Turkish Cypriot authorities and the UNHCR was uneven. During the year, working with the assistance of a local non-governmental organization (NGO), the UNHCR continued examination of the asylum claims of 11 persons who entered the north in accordance with official procedures. Their case remained pending at year's end. Turkish Cypriot authorities did not provide protection against refoulement, and 101 illegal immigrants who arrived in the north without proper documentation were arrested and subsequently deported to their countries of origin without the opportunity to apply for asylum through the UNHCR.

Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government

The Constitution provides citizens with the right to change their government peacefully, and citizens exercised this right in practice through periodic, free, and fair elections held on the basis of universal suffrage. Reform of the country's political and economic structure led to an invitation in 2002 to join the European Union (EU) in May 2004.

The basic law provides Turkish Cypriots living in the north with the right to change their government peacefully, and they exercised this right in practice through periodic, democratic elections held on the basis of universal suffrage.

In the government-controlled area, presidential elections are held every 5 years. In February, President Tassos Papadopoulos was elected to a 5-year term. Elections for members of the House of Representatives are held every 5 years or less. Elections were last contested in 2001.

Turkish Cypriots choose a leader and a representative body every 5 years or less. On December 14, Turkish Cypriot "parliamentary" elections resulted in an even 25–25 split of seats in the "National Assembly" between parties favoring a solution to the division of the island based on the Annan plan and parties favoring the status quo. There were numerous reports that the parties in power misused "government" resources in support of their campaigns. They reportedly distributed "government" jobs to supporters, exerted control over the "state-run" media, used monetary incentives to pressure settlers to vote for the status quo, and engaged in other similar activities. Opposition parties complained but the courts took no action. In 2000, Rauf Denktaş was named Turkish Cypriot "President" after his opponent withdrew between the first and second rounds of voting. Political parties in both communities competed for popular support actively and without restriction.

Under the Constitution, voting takes place on a communal basis. Due to the de facto partition of the island, Turkish Cypriots living in the government-controlled area were barred from voting there, although they may travel to the north to vote in elections. Similarly, Greek Cypriots and Maronites living in the north are barred by law from participating in Turkish Cypriot elections; they are eligible to vote in Greek Cypriot elections but must travel to the south to exercise that right. Officials in the north representing Greek Cypriots and Maronites are appointed by the Government and are not recognized by Turkish Cypriot authorities.

In both communities, women faced no legal obstacles to participating in the political process and some held cabinet-level, judicial, and other senior positions. Women held 6 seats in the 56-seat House of Representatives; in the north, women held 3 seats in the 50-seat "National Assembly."

In addition to their political voting rights, the small Maronite, Armenian, and Latin (Roman Catholic) communities also elected special nonvoting representatives from their respective communities who sat in the House of Representatives.

Section 4. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A number of domestic and international independent human rights groups generally operated in both communities without government or Turkish Cypriot authorities' restriction, investigating and publishing their findings on human rights cases. Government and Turkish Cypriot officials generally were cooperative and responsive to their views.

A number of NGOs in both areas of the island considered themselves human rights groups; however, they generally were concerned with alleged violations of the rights of their community's members by members of the other community. Groups

with a broader human rights-related mission included organizations promoting awareness of domestic violence, and those concerned with allegations of police brutality. Representatives of international human rights organizations had access throughout the island and generally operated without restriction.

The U.N., through the autonomous tripartite CMP, continued its attempts to resolve the problem of missing persons who remained unaccounted for after the inter-communal violence beginning in 1963–64 and the events beginning July 1974 (see Section 1.b.).

Section 5. Discrimination Based on Race, Sex, Disability, Language, or Social Status

Laws in both communities provide for protection against discrimination based on sex or national, racial, or ethnic origin. While each community generally respected such laws, serious problems remained concerning the treatment of the Greek Cypriots and Maronites living in the north and, to a lesser extent, concerning the treatment of Turkish Cypriots living in the government-controlled area.

Women.—Spousal abuse in the government-controlled area was a problem and continued to receive attention. An NGO working with domestic abuse victims reported that, during the year, the number of telephone calls to its hotline had increased 15.8 percent. Women constituted 86 percent of the reported victims. A small professional staff ran the NGO and relied on a volunteer staff to answer calls received by its hot line. The NGO also operated a shelter for battered women and children in Nicosia, which served 25 women and 18 children during the year.

The law establishes clear mechanisms to report and prosecute family violence and provides that the testimony of minors and experts such as psychologists may be used as evidence to prosecute abuses. The law also provides for prison terms for the abuse of family members. Doctors, hospital workers, and education professionals are required to report all suspected cases of domestic violence to the police. Many victims refused to testify in court. Under the law, spouses cannot be compelled to testify against each other. In cases where a spouse was the victim and the only witness and she refused to testify, the courts were forced to drop the case. Very few cases tried in the courts resulted in convictions.

Domestic violence in the Turkish Cypriot community was reportedly a problem, but there was little discussion of it in public. Domestic violence cases were rare in the Turkish Cypriot legal system, since they were typically considered a family matter. “Honor” crimes, in which women were victimized or killed by relatives for acts that allegedly dishonored the family, have not occurred for many years in either the government-controlled area or in the Turkish Cypriot community. No “honor” crime-related deaths or injuries were reported on the island during the year.

In the government-controlled area, the law does not prohibit “voluntary” prostitution; however, sexual exploitation and trafficking of adults and children is a felony. It is illegal to live off the profits of prostitution and to procure women for prostitution. There were credible reports that women continued to be trafficked for sexual exploitation in both communities (see Section 6.f.).

In December 2002, the Government enacted a law against sexual harassment in the workplace. In the Turkish Cypriot community, the basic law contains no provision specific to sexual harassment, however victims could pursue such cases under other sections of the criminal code. Sexual harassment was not discussed widely in either community, and any such incidents largely were unreported. Throughout the island, women generally have the same legal status as men. Both Greek and Turkish Cypriot women married to foreigners have the right to transmit citizenship automatically to their children.

Turkish Cypriot law on marriage and divorce provides for relatively equal treatment of husbands and wives. A wife may retain her surname but must also add the husband’s surname. In cases of divorce, the court decides on a fair distribution of the family’s assets, with each partner assured a minimum of 30 percent. In dividing assets, the judge must take into account which partner is receiving custody of the children and provide sufficient means to support them.

Laws in both the government-controlled area and the Turkish Cypriot community that require equal pay for men and women performing the same work were enforced effectively at the white collar level. However, Turkish Cypriot women in the north working in the agricultural and textile sectors were routinely paid less than their male counterparts.

Children.—Both government and Turkish Cypriot authorities were strongly committed to children’s rights and welfare; they funded public education and health care for those who cannot afford it. There was no difference in the health care and educational opportunities available to boys and girls. In the government-controlled areas, free education was available at all levels through the age of 18. Education was compulsory up to the age of 15 or 9 years of education. In the Turkish Cypriot

community, education through the age of 15 was free and compulsory. In the government-controlled area, approximately 85 percent of the population was eligible to receive free public health care. In the Turkish Cypriot community, publicly funded health care was available to the entire population, however, patients faced long waits for services in "government" medical facilities.

Despite improvements in living conditions for Greek Cypriots and Maronites, there were no Greek-language educational facilities beyond the elementary level in the north. For this reason, parents often were forced to choose between keeping their children with them or sending them to the south for further education. In the latter case, Turkish Cypriot authorities did not permit children to return to live permanently in the north. If the families of these children moved south with them, the entire family was not permitted to return to live permanently in the north. In September, the Turkish Cypriot administration refused a request to open a secondary school for Greek Cypriots in the north and delayed approval for two new Greek Cypriot teachers for the elementary school, forcing a 3-day delay in the start of the school year.

Turkish Cypriot authorities screened all textbooks sent from the south to Greek Cypriot elementary schools in the north, which caused lengthy delays in their distribution and shortages of up-to-date textbooks. The Government reported that Turkish Cypriot authorities removed pages from textbooks sent from the south that included material the Turkish Cypriots considered inflammatory and derogative of their community. Turkish Cypriot textbooks included similarly inflammatory material derogative of Greek Cypriots.

There were some reports of child abuse in the government-controlled area. The Government prosecuted all cases of reported child abuse. In the government-controlled area there were reports that the Ministry of Labor's Welfare Department was understaffed and unable to deal effectively with the problem. In 2000, the Ministry of Justice amended evidentiary laws to permit the use of video-taped testimony in family violence cases, including instances of alleged child abuse. During the year, one child abuse case was prosecuted using taped testimony; the case was pending at year's end. There were no reported cases of child abuse in the Turkish Cypriot community, although, as with domestic violence, there were social and cultural disincentives to seeking legal remedies for such problems.

Persons with Disabilities.—Persons with disabilities did not generally face discrimination in education or the provision of state services. In March, the Government Ombudsman called for additional facilities to provide support for children with behavioral and emotional problems. In the government-controlled area, persons with disabilities who apply for a public sector position are entitled to preference if they are deemed able to perform the required duties and if their qualifications are equal to those of other applicants. The law provides for equal opportunities for persons with disabilities, which includes regulations promoting equal opportunities in the areas of employment, transportation, and recreation. In the Turkish Cypriot community, regulations require businesses to employ 1 person with disabilities for every 25 positions they fill, although enforcement was inconsistent.

The law in the Greek Cypriot community mandates that new public buildings and tourist facilities be accessible to all, although little has been done to enforce the law. While there was increasing awareness of the problem of accessibility to public buildings for persons with disabilities, Turkish Cypriot authorities have not adopted laws mandating access to public buildings and other facilities for persons with disabilities.

National/Racial/Ethnic Minorities.—Constitutional or other legal mechanisms prohibit discrimination in both communities. The 1975 Vienna III Agreement remains the legal source of authority regarding the treatment of Greek Cypriots and Maronites living in the north and Turkish Cypriots living in the south. The agreement provides for the voluntary transfer of populations, free and unhindered access by the UNFICYP to Greek Cypriots and Maronites living in the north and Turkish Cypriots living in the south, and facilities for education, medical care, and freedom of religion. In practice, noncompliance with some of the provisions of the Vienna III Agreement by Turkish Cypriot authorities made daily life difficult for Greek Cypriots and Maronites living in the north. At year's end, there were 403 Greek Cypriots and 140 Maronites resident in the north.

The Government reported that 1,317 Turkish Cypriots lived in the government-controlled area during the year. Some of the Turkish Cypriots living in the government-controlled area reportedly faced difficulties in obtaining identification cards and other government documents, particularly if they were born after 1974. There were no reports of Turkish Cypriots subjected to surveillance by the Greek Cypriot police during the year. Turkish Cypriots made few formal complaints to UNFICYP

about their living conditions in the south. Complaints most often concerned the lack of affordable accommodation.

UNFICYP access to Greek Cypriots and Maronites living in the north remained limited. Despite improvements in living conditions for Greek Cypriots and Maronites, no Greek-language educational facilities for Greek Cypriot or Maronite children in the north exist beyond the elementary level (see Section 5). Although the Vienna III Agreement provides for medical care by a doctor from the Greek Cypriot community, only care provided by a Turkish Cypriot doctor registered with Turkish Cypriot authorities was permitted. Greek Cypriots and Maronites resident in the north were still unable to leave property to heirs residing in the south.

The Government and the Turkish Cypriot authorities continued to use textbooks at the primary and secondary school level that included inflammatory language derogatory of the other community. This was a particularly serious concern with history textbooks, and authorities in both communities have complained about the textbooks in the other community.

Section 6. Worker Rights

a. The Right of Association.—All workers except for members of the police and military forces have the legal right to form and join trade unions of their own choosing without prior authorization, and workers did so in practice. In the government-controlled area, police officers were permitted only to join associations that have the right to bargain collectively but not to go on strike. More than 70 percent of the Greek Cypriot workforce belonged to independent trade unions. Approximately 50 to 60 percent of Turkish Cypriot private sector workers, and all public sector workers, belonged to labor unions.

In the Turkish Cypriot community, union officials alleged that various firms were successful in establishing “company” organizations and then pressing workers to join these unions. Officials of independent labor unions also accused Turkish Cypriot authorities of creating rival public sector unions to weaken the independent unions.

In both the government-controlled area and the Turkish Cypriot community, trade unions maintained their independence from the authorities. Two of the major trade unions, one in each community, were affiliated closely with political parties. Both of the other major unions were independent.

In the Turkish Cypriot community, there were press reports that, in the public sector, the “government” discriminated against members of pro-solution labor unions who participated in political activities, including demonstrations. In some cases, individuals were passed over for promotion or were reassigned to undesirable jobs or locations.

Anti-union discrimination is illegal in the government-controlled area. Anti-union discrimination is not illegal in the Turkish Cypriot community. Union leaders contended that private sector employers were able to discourage union activity because the enforcement of labor regulations was sporadic, and penalties for anti-union practices were minimal. As in the government-controlled area, parties to a dispute could request mediation by the authorities.

Unions in both communities affiliated with international trade union organizations, although Greek Cypriot unions sometimes objected to recognition of Turkish Cypriot unions formed after 1963.

b. The Right to Organize and Bargain Collectively.—By law, trade unions and confederations are free to organize and bargain collectively throughout Cyprus. This right was generally observed in practice in the government-controlled areas, and most wages and benefits were set by freely negotiated collective agreements; however, Greek Cypriot collective bargaining agreements were not enforceable. In the rare instances in which persons claimed that such agreements were infringed upon, the Ministry of Labor was requested to investigate. If the Ministry was unable to resolve the dispute, the union could call a strike to support its demands.

In the Turkish Cypriot community, wage levels were reviewed several times a year for both private and public sector workers, and a corresponding cost-of-living raise established. A special commission composed of five representatives each from organized labor, employers, and the authorities conducted the review.

All workers have the right to strike; however, in the northern part of the island, employers have an unrestricted right to hire replacement workers in the event of a strike, thereby limiting the effectiveness of the right. In addition, authorities in both the government-controlled area and the Turkish Cypriot community have the power to curtail strikes in “essential services,” although this power was used rarely in practice. There were no major strikes during the year. In October, truck drivers went on strike for 8 days demanding changes in the Government’s plans to harmonize the law with EU regulations. The central dispute was over the Government’s plan to issue commercial goods transport licenses (class “A”) only to transport com-

panies and not to individual truck drivers. The strike ended when the truck drivers accepted the Government's offer to discuss the issue. At year's end, the dispute remained unresolved and the truck drivers continued to threaten a repeat strike if their demands were not met.

There are export processing zones (EPZs) in the port of Larnaca and in Famagusta; the laws governing working conditions and actual practice in the EPZs are the same as outside the zones.

c. Prohibition of Forced or Bonded Labor.—The Government and Turkish Cypriot authorities prohibit forced or bonded labor, including by children; however, there were reports that foreign maids and illegal foreign workers were subject to the non-payment of wages and the threat of deportation (see Section 6.e.).

d. Status of Child Labor Practices and Minimum Age for Employment.—In both the government-controlled area and the Turkish Cypriot community, the minimum age for employment in an "industrial undertaking" is 16 years of age. Turkish Cypriots may be employed in apprentice positions at the age of 15. The minimum age for employment is consistent with the age for completing education requirements in both communities. There were labor inspectors in both communities who enforced the law effectively. However, it was common in family-run shops for children to work after school and, according to press reports, children as young as age 11 worked in orchards during school holidays in the Turkish Cypriot community.

e. Acceptable Conditions of Work.—The legislated minimum wage in the government-controlled area, which was reviewed every year, was approximately \$620 (320 Cyprus pounds) per month for shop assistants, practical nurses, clerks, hairdressers, and nursery assistants. The wage rose to \$660 (340 Cyprus pounds) after 6 months' employment. Neither amount was sufficient to provide a decent standard of living for a worker and family. All other occupations, including unskilled workers, were covered under collective bargaining agreements between trade unions and employers within the same economic sector, and the wages set in these agreements were significantly higher than the minimum wage. The minimum wage in the Turkish Cypriot community, while subject to frequent review because of high inflation, was approximately \$370 (500 million Turkish lira) per month at year's end. This amount was insufficient to provide a decent standard of living for a worker and family.

In the government-controlled area, the legal maximum workweek was 48 hours, including overtime. Actual working hours were determined through collective agreements between the unions and employers. In the private sector, the workweek was typically 39 hours for white-collar workers and 38 hours for blue-collar workers. In the public sector, the workweek was 38 hours during the winter and 35 hours in the summer. In the Turkish Cypriot community, the legal maximum workweek was 38 hours in the winter and 36 hours in the summer. Labor inspectors effectively enforced these laws.

In the government-controlled area, laws regulating health and safety standards comply fully with the 1981 International Labor Organization convention on occupational health and safety. The law also requires employers to provide insurance liability coverage for work-related injuries. Workers may remove themselves from dangerous work conditions without risking loss of employment. According to labor union officials, these laws were enforced effectively.

Turkish Cypriot authorities enforced occupational safety and health regulations sporadically. In both the government-controlled and the Turkish Cypriot areas, factory inspectors processed complaints and inspected businesses to ensure that occupational safety laws were observed. Turkish Cypriot workers who file complaints do not receive satisfactory legal protection and may face dismissal.

There were reports of the mistreatment of maids and other foreign workers in the Greek Cypriot press. Such reports usually involved allegations that maids, often from East or South Asia, were mistreated by their employers or fired without cause in violation of their contracts. Many women did not complain to authorities out of fear of deportation. The law protects domestic workers who file a complaint with the Labor Ministry from being deported until their cases have been adjudicated.

A significant percentage of the labor force in the north consisted of illegal migrants, mainly from Turkey. According to some estimates, illegal workers constituted as much as 10 to 15 percent of the work force there. There were frequent allegations that such workers were subject to mistreatment, including the non-payment of wages and threats of deportation.

f. Trafficking in Persons.—The law in the government-controlled area criminalizes trafficking, but the regulations in the Turkish Cypriot community do not specifically prohibit trafficking, and women trafficked into both communities for the purpose of prostitution was a problem. There were allegations of police corruption in the government-controlled area.

In the government-controlled area, it is a felony to engage in the sexual exploitation and trafficking of adults (with or without their consent) and children. The Court may order persons convicted of trafficking to pay part or all of the expenses incurred for the provision of protection, temporary shelter, medical care and psychiatric care for victims. The Court may also order persons convicted to pay compensation to the victim, including repatriation expenses. Responsibility for combating trafficking was shared by the Ministries of Justice, Labor, and the Interior and the Attorney General's office.

While there is no law against trafficking in the Turkish Cypriot community, a law designed to regulate the hiring of women in nightclubs provides penalties for women and employers who engage in prostitution. Turkish Cypriot authorities denied the existence of trafficking and have not allocated resources to combat it. Turkish Cypriot authorities claimed that a study into trafficking issues was conducted and presented orally to Turkish Cypriot leader Rauf Denktash; there were no written results, and authorities were unwilling to discuss the study further.

It is a misdemeanor in both communities to procure a woman for prostitution.

The Government reported that there were no arrests or convictions for trafficking during the year and maintained that most women who claimed to be trafficking victims choose to return to their home countries voluntarily without testifying in court. There were reports that cabaret owners and "artiste" agents pressured women to withdraw complaints made about their situations or not to follow through with their intention to testify in court.

Since the Government enacted the anti-trafficking legislation in 2000, there have been no arrests or convictions under this section of the law. In May, the press reported that two Belarus women working in a pub claimed that their employer raped them and tried to force them into prostitution. The press reported that the police were seeking the alleged perpetrator, but, at year's end, authorities were unable to provide any information on the incident.

On November 25, the office of the Ombudsman published a report on trafficking which concluded that the country was both a destination and transit point for women being channeled into the sex industry and that immigration authorities were fully aware and, to a great extent, tolerant of the situation. The report concluded that "essentially nothing had been done" by the Government to combat trafficking. The report found the legal framework for combating trafficking to be generally satisfactory, but made recommendations about improving implementation of existing regulations. The report also recommended that trafficking and sexual exploitation of minors be addressed by separate legislation.

The country was a destination for women trafficked from Eastern Europe, primarily Ukraine, Romania, Moldova, Russia, Belarus, and Bulgaria, although there were no reliable statistics on the number of trafficking victims. Some East European women entered government-controlled areas of the country on temporary 3-month "artiste" visas (renewable for an additional 3 months) to work at a specific cabaret or nightclub. The Government issued approximately 4,000 "artiste" visas during the year. The maximum number of "artistes" employed in the country at any time was 1,400. Additionally, some East European women entered the country on work visas as barmaids with set contracts and terms of employment, while others entered on tourist visas and worked illegally.

Foreign women working as "artistes" or barmaids were vulnerable to trafficking and exploitation. In some cases, women reportedly were forced to surrender their passports, perform sexual services for clients, or were not paid their full salaries. A similar pattern existed in the recruitment of East European women to work as prostitutes in nightclubs in the Turkish Cypriot community, and reports persisted that nightclub workers were coerced.

For example, a 25-year-old mother from Belarus reported that she had arranged to work during the year as a nightclub dancer on a 3-month employment contract through a Belarusian agency and was given a written assurance that the job would not require any sexual activities. When the victim arrived in the country, the club owners confiscated her passport and explained she would be required to work as a prostitute in the club and repay her "debt" for the cost of her visa and travel. During the 3 months, the victim reported being abused physically and psychologically by the club's owners and by clientele. Once the club's owners were satisfied that they had recovered their expense, the victim was released and returned to Belarus. The victim reported that an additional 20 women were trafficked and forced to work under similar conditions in the same club.

There have been allegations of corruption in the Police Immigration Unit. While not admitting corruption was a problem, the Ministry of Justice changed the unit's entire staff during the year and advocated regularly reassigning the unit's personnel to prevent corruption.

The law obligates the Government to provide protection and support for trafficking victims by allowing them to remain in the country to press charges or by facilitating their return home. During the year, there were no reports of trafficking victims seeking to exercise their rights under this law.

Under the law, the Government must provide shelter, medical, and psychiatric care to trafficking victims until they have recovered from the trauma of their experience. The Government may appoint a guardian for victims to advise and give counsel, and to represent the victim with the appropriate government agency. Victims may sue traffickers for damages. There were no comparable legal protections in the Turkish Cypriot community; consequently, many of the victims were reluctant to press charges, fearing retaliation by employers or deportation.

NGOs that protect the rights of women and immigrant workers were available to assist trafficking victims; however, they reported that they rarely received any requests for assistance.

There were no prevention efforts or public awareness campaigns in either the government-controlled area or the area under Turkish Cypriot administration.

CZECH REPUBLIC

The Czech Republic is a constitutional democracy with a bicameral Parliament. Following free and fair elections in June 2002, Prime Minister Vladimir Spidla's left-of-center Social Democrat Party joined forces with the centrist Christian Democrat and center-right Freedom Union parties to form a coalition government. On February 28, Parliament elected Vaclav Klaus as President. The judiciary is independent.

The Ministry of the Interior oversees the police. The civilian internal security service, known as the Security and Information Service, reports to the Parliament and the Prime Minister's office through the Foreign Minister. The civilian authorities maintained effective control of the security forces. Some members of the security forces committed human rights abuses.

The country's economy was market based, and its population was approximately 10.2 million. The economy grew by 2.7 percent through September. Inflation decreased to 0.1 percent, while wages grew by 6.3 percent. The workforce was employed primarily in industry, retail trade, and construction. While overall unemployment was 10.3 percent, unemployment among the Romani population was estimated at over 70 percent. Those able to find employment worked primarily in low-paying jobs.

The Government generally respected the human rights of its citizens; however, there were problems in some areas. Occasional police violence and use of excessive force remained a problem. Long delays in trials were a problem. There was some violence and discrimination against women and children. Occasional skinhead violence and discrimination, particularly with respect to housing, against Roma remained problems. Romani children continued to be sent to special schools for children with mental or social disorders at a disproportionate rate. Trafficking in women and children was a problem.

RESPECT FOR HUMAN RIGHTS

Section 1. Respect for the Integrity of the Person, Including Freedom From:

a. Arbitrary or Unlawful Deprivation of Life.—There were no reports of the arbitrary or unlawful deprivation of life committed by the Government or its agents.

b. Disappearance.—There were no reports of politically motivated disappearances.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The Constitution prohibits such practices; however, there were reports that police used excessive force, particularly against Roma.

On February 21, six police officers in the northwestern town of Litvinov physically abused a Romani man, according to a Roma rights organization. Responding to a report of a domestic disturbance, the officers allegedly forced their way into the man's house, sprayed tear gas into his eyes, and then repeatedly hit him on the head with truncheons until he lost consciousness. The case was under investigation at year's end.

On May 12, five off-duty officers in the northeastern Bohemian town of Jicin allegedly broke into the home of the Danis family, who are Roma, shouted racial insults, and beat Ljubica Danisova, her 17-year old son, and her pregnant daughter. On May 20, the Inspectorate of the Ministry of the Interior opened an investigation on the case. Two officers were charged in the crime and dismissed from their posi-

tions, although the investigation concluded there was no evidence of racism. A trial was scheduled for early 2004.

There were reports that police and prosecutors increasingly recognized that there were ethnic and racial motives for crimes; however, some observers criticized the police for their ineffectiveness in investigating such crimes (see Section 5).

On June 27, a Karlovy Vary court ruled that a 2001 beating of a Romani man by five police officers was not racially motivated. Two defendants were acquitted, and three received 10-month suspended sentences. The verdict was widely criticized by human rights groups, as well as by the government's human rights commissioner.

There were no developments in the 2001 case of a police officer in Ostrava who was charged with assaulting a suspect during questioning.

Prison conditions generally met international standards, and the Government permitted visits by independent human rights observers. However, there was overcrowding in many prisons, and the prison population increased during the year. By December, the prison system was at 112 percent of capacity. Women and men were held separately, juveniles were held separately from adults, and pretrial detainees were held separately from convicted prisoners.

d. Arbitrary Arrest, Detention, or Exile.—The law prohibits arbitrary arrest and detention, and the Government generally observed these prohibitions.

The State Police are responsible for enforcing the law and were generally effective in doing so, although some instances of police corruption were reported. The Ministry of Interior oversees the police. The Inspectorate of the Ministry of Interior is responsible for investigating allegations of police misconduct. During the year, the Government continued an active effort to recruit Roma to serve in law enforcement and improve police relations with the Roma community (see Section 5).

In January, an amendment to the Criminal Code placed Inspectorate investigations under the supervision of the State Attorney. Critics charged that the amendment, while an improvement, has not ensured that cases of abuse and misconduct have been promptly and impartially investigated. According to the Ministry of Interior, the number of investigated cases of abuse of authority by police and Ministry officials, including corruption, declined slightly in 2002, from 390 to 376. Cases of bribery declined from 203 to 171. Cases of corruption were most prevalent in traffic and insurance fraud investigations.

Suspects were apprehended openly, with warrants based on sufficient evidence and issued by a prosecutor, and brought before an independent judiciary. Police may hold persons without charge for up to 48 hours, during which time they have the right to counsel, although they may not contact family members.

The law allows bail except for certain serious crimes.

Under the law, pretrial detention may last no longer than 4 years and then only for cases considered "exceptionally grave" under the Criminal Code. Lengthy pretrial detention and long delays in trials were problems and were primarily due to judicial inefficiency, financial constraints and staff shortages. In practice, few pretrial detainees were held for longer than 2 years. The average length of pretrial detention was 130 days. A suspect may petition investigating authorities at any time for release from detention.

The law prohibits forced exile, and the Government did not employ it.

e. Denial of Fair Public Trial.—The Constitution provides for an independent judiciary, and the Government generally respected this provision in practice. Structural and procedural deficiencies, as well as a lack of training and resources, hampered the effectiveness of the judiciary. There were allegations of judicial corruption, particularly surrounding bankruptcy and commercial courts.

The lack of qualified judicial staff combined with an evolving legal environment contributed to a backlog of cases. Approximately half of appealed cases were returned to lower courts for retrial. In the last 5 years, the European Court for Human Rights (ECHR) delivered five decisions against the country related to excessive length of court proceedings.

Judges are nominated by the Minister of Justice and appointed for life by the President. The Senate must confirm Constitutional Court judges. In contrast with previous years, most judicial positions were filled.

The court system consists of district, regional, and high courts. The Supreme Court is the highest court of appeal. The separate Constitutional Court has final authority for cases concerning the constitutionality of legislation.

The law provides for the right to a fair trial, and an independent judiciary generally enforced this right. Trials are public and conducted with a jury. Defendants have the right to be present and the right to timely consultation with an attorney. The Government provided lawyers for indigent defendants in criminal and some

civil cases. Defendants could confront or question witnesses against them and present witnesses and evidence on their behalf. Defendants and their attorneys have access to government-held evidence relevant to their cases. All defendants enjoy a presumption of innocence and have the right to refuse to testify against themselves. They may appeal any judgments against them. The law extends the above rights to all citizens.

The Office for the Documentation and Investigation of the Crimes of Communism continued to investigate actions taken by government authorities and the Communist Party during the 1948–89 Communist regime. On August 18, a regional court in Brno halted the prosecution of former state security agent Pavel Minarik on charges of plotting an attack on the Munich headquarters of Radio Free Europe in the mid-1970s. The State Attorney appealed the decision to the Supreme Court. On October 13, the High Court sentenced Karel Hoffmann to 6 years in prison for his role in halting radio broadcasts during the 1968 Warsaw Pact invasion. On December 12, a Prague district court delivered suspended sentences to 9 of 10 senior state security officials for participation in anti-dissident raids. The tenth defendant, Petr Zak, received a 3-year sentence. Zak and one other defendant have appealed their verdicts.

There were no reports of political prisoners.

Since the fall of the Communist regime, the country has enacted laws to allow for restitution of property confiscated during the Nazi and Communist regimes. However, restitution or compensation was restricted to citizens. This restriction unfairly impacted some Czechs who obtained citizenship in one country where a bilateral treaty on naturalization required them to forfeit their Czech citizenship. The restriction was lifted in 1997, although by that time the deadlines for filing claims had passed. Efforts to reopen the period for filing restitution claims have failed due to the reluctance of many legislators to revisit this controversial issue and the fact that many of the properties in question have already been restituted to more distant claimants.

There were no instances in which the Government failed to enforce court orders with respect to restitution or compensation for takings of private property under domestic law. However, the ECHR ruled on December 2 that delayed court proceedings adversely affected a citizen's restitution claims.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The law prohibits such actions, and the Government generally respected these prohibitions in practice.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The law provides for freedom of speech and of the press, and the Government generally respected these rights in practice.

The print media were independent and published a wide variety of views without government interference; however, there were restrictions on certain types of propaganda.

The broadcast media were independent. There were 3 national television stations—1 public (with 2 separate channels) and 2 private—and more than 61 private radio stations, in addition to Czech Public Radio. The leading television channel, Nova, was privately owned. Citizens also had access to foreign broadcasts via satellite, cable and the Internet.

A 13-member Council for Radio and Television Broadcasts had limited regulatory responsibility and answered to the parliamentary media committee, which exercised broad oversight of the Council and approved its members. The Council could issue and revoke radio and television licenses and monitors programming. There was also a nine-member Czech Television Council charged with oversight of public television. Critics accused Prime Minister Spidla of political interference when he met with the Council Chairman on the eve of a February 25 vote to appoint a new station director. Spidla and Parliament dismissed the Council in April for failing to elect a new director.

The law calls for prison terms of between 6 months and 3 years for persons who deny that the Nazi Holocaust or the Communist genocide took place. The law also prohibits the incitement of hatred based on race, religion, class, nationality, or other group affiliation.

On October 7, a district court in Sumperk in northern Moravia acquitted Communist activist David Pecha on charges of supporting a movement leading to the suppression of citizens' rights and freedoms and inciting panic and criminal slander. Pecha had repeatedly called for imposition of a dictatorship of the proletariat, nationalization of industry and capital, and a return to Communist rule. He had also labeled several prominent politicians "criminals and traitors."

There were no developments in the 1999 case of journalist Zdenek Zukal, who was charged with criminal libel for reporting that police had provided false information in their investigation of high-level corruption in Olomouc.

The Government did not restrict access to the Internet or academic freedom.

b. Freedom of Peaceful Assembly and Association.—The Constitution provides for freedom of assembly, and the Government generally respected this right in practice; however, it may legally restrict assemblies that promote hatred and intolerance, advocate suppression of individual or political rights, or otherwise jeopardize the safety of participants. Permits normally are required for demonstrations, but police rarely interfered with spontaneous, peaceful demonstrations.

During the year, skinhead and neo-Nazi groups organized rallies, protests and concerts, and the police closely monitored their activities. The 2001 case of eight persons arrested in connection with a skinhead concert was pending at year's end.

The law prohibits political party activity of any kind at universities.

The Constitution provides for freedom of association, and the Government generally respected this right in practice. Organizations, associations, foundations, and political parties were required to register with local officials or the Interior Ministry, but there was no evidence that this registration was either coercive or arbitrarily waived.

c. Freedom of Religion.—The Constitution provides for freedom of religion, and the Government generally respected this right in practice.

All religious groups officially registered with the Ministry of Culture are eligible to receive limited tax benefits or government subsidies, depending on the size of their membership and length of presence in the country. However, some declined government financial support as a matter of principle and as an expression of their independence. There were 25 officially recognized groups, 4 of which registered during the year.

The Ministry of Culture oversees the registration process. Several unregistered religious groups have criticized the law as prejudicial to smaller religions. Some critics also argued that completing registration at the second-tier level necessary for government subsidies would be difficult to attain due to the 10-year observation period.

Unregistered religious groups, such as the small Muslim minority, may not legally own communal property but often formed civic-interest associations for the purpose of managing their property and other holdings. The Government did not interfere with this type of interim solution. Unregistered religious groups otherwise were free to assemble and worship as they choose, and their members issued publications without interference.

On October 7, the Constitutional Court ruled that the Ministry of Culture improperly interpreted the registration law in failing to register a religious enterprise operated by the Catholic Church in the North Moravian town of Lipnik nad Bečvou. The Ministry argued that the charity was operating nursing facilities and that the registration law did not provide for establishment and maintenance of medical facilities. The Court ruled that the Ministry of Culture did not have the right to deny the registration of religious charities.

A small but persistent and fairly well-organized extreme rightwing movement with anti-Semitic views existed. On October 21, unknown vandals damaged gravestones at the Jewish cemetery in Turnov in eastern Bohemia. On November 8, police in the northern Bohemian town of Krupka apprehended two youths painting Nazi symbols on a monument to the victims of a World War II death march. On November 9, an unknown vandal upturned 15 tombstones of Jewish girls who died in a Nazi concentration camp at Trutnov in eastern Bohemia. The Ministry of Interior continued a forceful effort to counter the movement, which included monitoring of its activities, cooperating with police units in neighboring countries, and concentrated efforts to shut down unauthorized concerts and gatherings of neo-Nazi groups.

For a more detailed discussion, see the 2003 International Religious Freedom Report.

d. Freedom of Movement within the Country, Foreign Travel, Emigration, and Repatriation.—The law provides for these rights, and the Government generally respected them in practice.

There were 65 Czech asylum applications in the United Kingdom through September compared to 1,295 during the same period in 2002. The significant decrease in applications was largely due to the United Kingdom's imposition of a list of "safe countries of transit," which included the Czech Republic, and much more rapid case processing. British pre-inspection controls continued at Prague's international airport. Romani activists criticized the controls as "racist" because they appeared to target Roma. In October 2002, a British human rights group lost its case when a

British judge ruled that pre-screening at Prague's international airport did not violate national law and was "no more or less objectionable than a visa control system." The group stated its intention to appeal.

The law provides for the granting of asylum and refugee status to persons who meet the definition in the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. In practice, the Government provided protection against refoulement and granted refugee status and asylum. The Government also provided temporary protection for some persons who did not qualify as refugees or asylees. It cooperated with the U.N. High Commissioner for Refugees and other humanitarian organizations in assisting refugees and asylum seekers. However, the Ministry of Interior was criticized for its practice of informing embassies of other countries of their undocumented illegal nationals with protection concerns. This policy received particular scrutiny when, in November, Czech Foreigners Police escorted Iranian asylum applicant Alia Reza Yadollahi to the Iranian Embassy to verify his identity.

By October, the Government received approximately 9,638 asylum applications and granted asylum to approximately 182 persons. A law on asylum establishes a list of "safe countries of origin" from which applicants are unlikely to be granted refugee status. While the law is meant to discourage applicants from countries that observe human rights and democratic institutions, it does not prevent applications or the granting of asylum. Applicants whose cases have been denied may appeal to the relevant regional court, and the Government must abide by the court's decision.

The Government fully funded an integration program to assist those granted refugee status in locating housing and receiving other social assistance. Two reception centers, six camps, and six integration centers were provided for recognized refugees. While conditions at the refugee camps were good, there were reports of poor conditions at detention centers for illegal migrants in Balkova and Velke Prilepy, particularly respecting unaccompanied minors.

Section 3. Respect for Political Rights: The Right of Citizens to Change their Government

The Constitution provides citizens with the right to change their government peacefully, and citizens exercised this right in practice through periodic, free, and fair elections held on the basis of universal suffrage. Reform of the country's political and economic structure led to an invitation in 2002 to join the European Union (EU) in May 2004.

The June 2002 elections for the Chamber of Deputies and the November 2002 Senate elections were widely considered free and fair.

Prime Minister Vladimir Spidla's government, which took office in 2002, consisted of the Prime Minister's left-of-center Social Democrat Party, the centrist Christian Democrat Party, and the center-right Freedom Union Party. The Constitution mandates elections to Parliament at least every 4 years based on proportional representation. The President was elected by Parliament and serves a 5-year term. The President has limited constitutional powers but may veto legislation and return it to the Chamber of Deputies, which may then override that veto by a simple majority of all members.

The "Lustration" (vetting) Law prohibited many former Communist Party officials, People's Militia members, and suspected secret police collaborators from holding a wide range of elected and appointed offices, including senior positions in state-owned companies, academia, and the media. The law is scheduled to expire in January 2004.

There were 34 women in the 200-seat Chamber of Deputies and 9 women in the 81-seat Senate. The Government had two female Cabinet members.

There were no members of minorities in the Chamber of Deputies, the Senate, or the Cabinet; one justice on the Constitutional Court was an ethnic Slovak. Most of the estimated 150,000 to 175,000 Roma were not fully integrated into political life (see Section 5). Few Roma served in local government, although some were appointed to advisory positions in government ministries.

Section 4. Governmental Attitude Regarding International Nongovernmental Investigation of Alleged Violations of Human Rights

A number of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials were cooperative and responsive to their views.

The Human Rights Commissioner served as head of the government Committee for Nationalities and of the Government Council for Romani Community Affairs. A Council for Human Rights, which consisted of 10 representatives from government

ministries and 10 human rights activists, advised the Government on human rights issues and proposed legislation to improve the observation of human rights in the country.

Former Justice Minister Otakar Motejl served as "Public Rights Protector" or Ombudsman. Appointed by the Chamber of Deputies, Motejl, a political independent, addressed citizens' complaints of violations of civil and human rights and freedoms by government entities. By the end of September, the Ombudsman's Office had received 3,007 requests for assistance. The Ombudsman has no legal power to sanction offending individuals or offices, but did provide a means of alternative dispute resolution and often mediated between citizens and government offices.

Section 5. Discrimination Based on Race, Sex, Disability, Language, or Social Status

The Constitution prohibits discrimination on the basis of race, gender, disability, language or social status; however, societal discrimination against women and Roma persisted.

Women.—The extent of violence against women was unknown; however, some studies indicated that it was more common than publicly acknowledged. ROSA, a nongovernmental organization (NGO) that provides direct assistance to victims of domestic abuse, estimated that 1 in 10 women in domestic situations were emotionally or physically abused and that 30 percent of the abusers were university-educated. According to a 1999 survey by White Circle of Safety, an association for crime victims, approximately 50 percent of incidents of domestic violence were associated with alcohol, 34 percent with a domestic disagreement, and 30 percent with mental illness on the part of the abuser. Only 21.5 percent of domestic violence victims notified police or turned to the police for assistance.

On December 11, Parliament amended the Criminal Code to recognize domestic violence as a distinct crime, punishable by up to 8 years in prison. The bill goes into effect on June 1, 2004. Prior to the amendment, the law did not specifically address spousal abuse; however, the Criminal Code covered other forms of domestic violence. An attack was considered criminal if the victim's condition warranted medical treatment for 7 days or more and caused the victim to miss work. If medical treatment was necessary for less than 7 days, the attack was classified as a misdemeanor and punished by a fine of not more than approximately \$109 (3,000 crowns), an amount roughly equivalent to a quarter of the average monthly wage. Repeated misdemeanor attacks did not result in stricter sanctions against the abuser.

The police trained some specialized personnel to handle cases of domestic violence. The police did not work regularly with welfare and medical services. However, training materials to help police officers improve the identification and investigation of domestic violence and sexual abuse cases and to help sensitize them in the treatment of victims of abuse were introduced into both the introductory and continuing education curriculums. A local NGO provided police with pamphlets to give victims informing them of their rights, options, and organizations that provide assistance. In April, White Circle of Safety trained 40 police officers on dealing with victims of domestic violence and avoiding secondary victimization.

According to Elektra, a crisis center for abused women, rape victims and victims of abuse could seek psychological counseling through a number of hotlines and crisis centers, including the White Circle of Safety, which provided free psychiatric and legal counseling, and Riaps, a hotline that counseled persons who had suffered some form of abuse. According to NGOs, there were 107 state-supported shelters located in most major cities and towns that took in women who were victims of rape or abuse. NGOs also provided medical and social assistance to women on a local level. NGOs reported that there were not enough spaces available in shelters to meet the demand.

According to police statistics, there were 597 rapes reported countrywide by the end of November. According to the Ministry of Justice, there were 147 convictions for rape throughout the country in 2002. Researchers and NGOs estimated that approximately 3.3 to 7 percent of rape victims filed reports with the police. According to experts, both rape and domestic violence were greatly underreported. There were no laws specifically addressing spousal rape.

Gender studies experts reported that women were ashamed to report or even speak about rape, and that police often were neither appropriately trained nor behaved in a helpful manner toward rape victims. The Ministry of the Interior offered a training program in protocols for investigating family violence and sexual offenses in order to improve police responsiveness and prosecution efforts.

Prostitution is legal, while pimping is prohibited by law; however, local communities have the right to regulate prostitution and enforce restrictions on it. The Interior Ministry estimated that up to 25,000 persons worked in the sex industry during

the year. Prostitution and sex shops were prevalent, particularly in regions bordering Germany and Austria where international vehicular traffic was heaviest. Romani women and women in the high unemployment zones of northern Moravia and Bohemia were at the greatest risk of being drawn into prostitution.

Trafficking in women was a problem (see Section 6.f.). The Government maintained a comprehensive awareness and prevention program designed to address problems of trafficking, abuse, and violence against women.

The labor law prohibits sexual harassment, which is defined as unwanted, inappropriate, or offensive sexual behavior, the acceptance or rejection of which could be interpreted by the employee being harassed as affecting his or her status in the workplace. Studies have concluded that approximately one-half of all women have experienced sexual harassment in the workplace.

Women and men are equal under the law, and, in principle, women enjoyed equal property, inheritance, and other rights with men. By law, women receive equal pay for equal work. Although women constituted approximately half of the labor force, they were employed disproportionately in professions with a lower median salary than were men. Women's median wages lagged behind those of men by almost 25 percent. The Council for Equal Opportunities for Men and Women monitored gender issues and advised the Government on its efforts to enforce equal gender rights.

The law prohibits discrimination based on gender, and repeated offenses are punishable by fines of up to approximately \$36,300 (1 million crowns); however, in practice, employers were free to consider gender, age, or attractiveness when making hiring decisions and often blatantly used these factors in advertising jobs and making employment decisions. The unemployment rate for women exceeded that for men (11.2 percent to 8.7 percent), and a disproportionately small number of women held senior positions.

In May, the Government amended a resolution that set priorities and procedures for the enforcement of gender equality in the workplace. Among the changes was an increased focus on incorporating gender equality into government media policy; a requirement to adopt concrete measures to balance gender representation in governmental management positions; and an increased focus on women in rural areas.

Among the active women's rights groups were Feminismus.cz and ProFem. The former actively promoted women's rights and gender studies programs, while the latter supported more grassroots-level organizations throughout the country.

Children.—The Government was committed to children's welfare; it funded programs for health care and basic nutrition and provided free and compulsory education through age 15 (through age 14 in special schools). Public education was available through the university level. Girls and boys enjoyed equal access to health care and education at all levels. Language and cultural barriers frequently impeded the integration of Romani children into mainstream schools. While the Government reported that approximately 90.6 percent of children attended school, official estimates indicated that less than 20 percent of the Romani population completed ninth grade, and less than 5 percent completed high school. A significant number of Romani children were transferred at an early age to "special schools" for the mentally ill and socially maladjusted after a psychological exam.

According to unofficial government estimates, 60 percent or more of pupils placed in these special schools were Romani children, although less than 3 percent of the population were Roma. Graduates of the "special schools" were not restricted from attending secondary schools. However, the special school curriculum did not prepare students to pass the tests required to transfer to mainstream schools. Human rights organizations condemned the practice of placing Romani children in special schools as perpetuating their marginal position in society. Some Romani parents did not send their children to school regularly due to fear of violence and the expense of books and supplies. Children were assigned to "special schools" based on poor results on the examination.

Many districts with high concentrations of Roma held year-long programs (so-called "zero grades") to prepare Romani children for their first year in school; these programs were funded by the Government and administered by local NGOs. More than 100 "zero grades" operated throughout the country. Some districts tracking local Romani students reported that up to 70 percent of the children who attended "zero-grade" training successfully entered and remained in mainstream schools.

In addition, Romani teaching assistants were placed in primary and special schools to help teachers communicate with Romani pupils and encourage cooperation between schools and Romani parents. Bilingual Romani-Czech language textbooks were used in 60 elementary schools to help overcome the cultural and language differences between Romani children and non-Romani-speaking teachers. The Ministry of Education commissioned a textbook for use in schools on the cultural and historical roots of the Romani minority and on successful members of the

Romani community. Local NGOs supported additional studies and private initiatives to prepare Romani children for mainstream schools.

The Ministry of Interior reported a slight increase in the number of reported child neglect and welfare cases. There were 11,629 such cases through the end of November, compared with 11,571 during the same period in 2002. The Fund for Endangered Children estimated that the total number of children suffering from physical, psychological, or sexual abuse was between 20,000 and 40,000. Between 50 and 100 children died each year from domestic violence.

Laws criminalize family violence, physical restraint, sexual abuse, and other forms of abuse of minors (the age of majority in the country is 15 years). In May, Parliament passed a law creating a juvenile court system for criminal offenders 15 years and younger. In June, the Government hosted the World Congress on Family Violence and, in September, conducted a child rights protection seminar in connection with the Our Child Foundation. There was a Children's Crisis Center that was 70 percent government-supported.

In October, the German UNICEF office published a report drafted by a German social worker that characterized the region along the border with Germany as a "haven for pedophilia." While both Czech and foreign officials disputed the scope of the problem, Germany and the Czech Republic formed a liaison group to increase communication and exchange information on vice crimes, augmenting a 2000 agreement on police cooperation.

Trafficking in children continued to be serious problem (see Section 6.f.).

Persons with Disabilities.—There was no discrimination against persons with disabilities in employment, education, or in the provision of other state services. However, persons with disabilities suffered disproportionately from unemployment. Businesses in which 60 percent or more of the employees were persons with disabilities qualified for special tax breaks, and the Government provided transportation subsidies to citizens with disabilities.

The law mandates access to buildings for persons with disabilities, and the Government generally enforced these provisions in practice. However, many buildings and means of public transportation remained inaccessible to those in wheelchairs, although access did improve during the year. In Prague, 24 of the 50 metro stations were wheelchair-accessible; however, most of those stations were in the suburbs, and the majority of stations in the city center remained inaccessible. A growing number of bus lines were accessible to persons with disabilities. Tramlines in the west Bohemian city of Pilsen were wheelchair-accessible. Children with physical disabilities lacked barrier-free access to most public schools, although there was at least one barrier-free school in each district.

A mental disability advocacy NGO criticized the continued use of cage beds at certain hospitals around the country. No laws or regulations exist at the national level to deal with the use of cage beds or other restraints.

National/Racial/Ethnic Minorities.—After ethnic Slovaks, the largest minority was the Romani population, officially estimated at between 150,000 and 175,000. Roma lived throughout the country but were concentrated in the industrial towns along the northern border. Roma suffered disproportionately from poverty, unemployment, interethnic violence, discrimination, illiteracy, and disease.

Members of skinhead organizations and their sympathizers were the most frequent perpetrators of interethnic violence, particularly against Roma and other "dark-skinned" persons. An estimated 5,000 skinheads were active in the country. Some observers believed that the actual figure was higher. Reports to police of "racially motivated or extremist crimes" have continued to increase in recent years, and police and prosecutors increasingly recognized that there were ethnic and racial motives for many crimes. However, some observers cited judicial inconsistency in dealing firmly with racially and ethnically motivated crimes as a continuing problem.

On March 7, two skinheads assaulted the Human Rights Commissioner, Jan Jarab, in a Prague metro station after he came to the defense of a black man they were beating. Dr. Jarab criticized the police for their ineffectiveness and apparent lack of interest in investigating the incident.

On June 28, three drunken youths attacked a Romani couple in their home in the north Moravian town of Jesenik. The youths slashed the husband in the face and chest with a knife and hit his wife in the eye with a cobblestone. A police spokesman stated that the attack appeared to be racially motivated. A court decision in the case was pending at year's end.

On March 4, the High Court in Prague sentenced Vlastimil Pechanec to 17 years in prison for the racially motivated murder in 2001 of a 29-year-old Rom, Oto Absolon, in the town of Svitavy.

The following cases remained pending at year's end: The August 2002 beating of two Roma in Prerov and a July 2002 attack on two Roma at a gasoline station in Ostrava.

The Romani community and the Human Rights Commission continued to call for the removal of a pig farm on the site of a former Romani concentration camp at Lety.

Roma who wished to integrate into mainstream society faced practical difficulties in the areas of employment and education. Precise figures for unemployment among Roma were unavailable, but the rate was disproportionately high, with many unemployed Roma subsisting on government support or earnings from illegal activities. Some employers refused to hire Roma and asked local labor offices not to send Romani applicants for advertised positions. The law prohibits hiring and employment discrimination based on ethnicity. No enforcement statistics were available, although there were instances of decisions and settlements in favor of Romani complainants. Under the law, individual Roma do not have the right to file discrimination complaints; such action must come from governmental authorities. The stereotype of Roma was that they were qualified only for low-paying jobs, such as manual laborers, since so few completed secondary education.

Roma also faced discrimination in housing and other areas of everyday life. Despite constitutional prohibitions against discrimination, a framework to implement those provisions in civil law was not incorporated to address specific offenses under the Criminal Code. Some restaurants, bars, and other public places refused service to Roma and posted signs prohibiting their entry. Human rights groups reported that many municipalities, including the central Bohemian town of Slany and the northeast Bohemian town of Jaromer, have attempted to force Romani families to leave. They reportedly employed such tactics as evicting Roma from municipally owned homes for alleged lapses in rent payments or coercing Roma to sign agreements that they did not understand, which were used to curtail their existing housing contracts. While the Human Rights Commissioner criticized such practices publicly, the law allows municipalities substantial autonomy to take such actions.

On July 29, the Government settled a long-standing legal dispute by agreeing to pay a Romani family approximately \$32,700 (900,000 crowns) as compensation for its loss of housing in 1993 and the protracted court proceedings that followed. City officials in Usti nad Labem, where the family now resides, publicly criticized the family and threatened to make a claim on the settlement for debts they say the family owes the city.

A higher-than-average percentage of the Romani population applied for partial or full disability pensions because of the relatively high incidence of serious and chronic illnesses among their population. To a large extent, this situation resulted from lack of access to basic and preventive health care. Some Romani parents refused to allow their children to receive compulsory vaccinations. Some Roma were refused treatment by general practitioners who had full quotas of subsidized patients. NGOs and some health and education professionals working to improve living conditions for the Roma had only minimal impact, sometimes due to the attitudes or intransigence of local authorities. Romani leaders themselves had limited success in organizing their own communities, which often were disunited and suspicious of outsiders.

In a continuation of its Plan for Roma Integration, the Government allocated several million dollars (tens of millions of crowns) at various times throughout the year for projects designed to promote integration of the Romani community. Allocations supported construction of community centers and educational assistance to minorities.

Roma continued to face discrimination in education.

The Inter-Ministerial Commission for Roma Community Affairs, which included 12 government and 14 Romani representatives, as well as the Commissioner for Human Rights and his deputy, continued to take an active role in resolving disputes between Romani communities and their non-Romani neighbors. The Commission also promoted positive initiatives in housing, education, and discrimination.

The Ministry of Foreign Affairs' Roma Affairs Coordinator continued to function as the Ministry's liaison with Romani groups, NGOs, and the diplomatic community.

During the year, the Government continued an active effort to identify, train, and recruit qualified Roma to serve in law enforcement. Police trainees continued to attend the national police academy's course in Romani language and culture, designed to improve police officers' communications with and response to the Romani communities in their precincts.

The Human Rights Commission's "Project Tolerance" continued its annual national campaign against xenophobia and racism. Teams of ethnically mixed foreigners, refugees, asylum seekers, Roma, and members of the majority population,

traveled around the country to share their experiences, customs and cultures with secondary school students and to donate literature on ethnic minorities to public libraries.

Section 6. Worker Rights

a. The Right of Association.—The law provides workers with the right to form and join unions of their own choice without previous authorization or excessive requirements, and workers exercised this right in practice. Approximately 25 percent of the workforce was unionized, although union membership continued to decline during the year. Most workers were members of unions affiliated with the Czech-Moravian Chamber of Trade Unions (CMKOS). The CMKOS was a democratically oriented, nationwide umbrella organization for branch unions. It was not affiliated with any political party and carefully maintained its independence.

The law prohibits anti-union discrimination, although there were instances of employers taking anti-union action. Employers are required to reinstate workers fired for union activity if found guilty of anti-union discrimination, though the court procedure was generally slow. A law is scheduled to enter into force in January 2004 that would allow employers to dismiss trade union officers without prior authorization from the union. There were no restrictions on trade union contacts with regional, national or international labor organizations, and unions developed a wide range of ties with international trade union bodies.

Common discriminatory practices included firing union leaders, refusing to permit trade union members to be present at meetings between employees and management, refusing to provide office space for unions, forcing trade union members to cancel their memberships, offering money in exchange for dissolving union organization within a company, disparaging trade unions in statements to employees, conducting special “checks” on trade union members, and refusing to withhold trade union dues.

b. The Right to Organize and Bargain Collectively.—The law provides for collective bargaining, which generally was carried out by unions and employers on a company basis. The 2003 International Confederation of Free Trade Unions Annual Survey of Trade Union Rights stated that some employers attempted to prevent workers from organizing by means of direct and indirect pressure.

The scope for collective bargaining was more limited for civil servants, whose wages were regulated by law.

Workers have the legal right to strike, with the exception of those in critical sectors such as health care, nuclear energy, oil and gas pipelines, air traffic control, fire fighting, and telecommunications. Workers in these industries have access to mediation. The law requires that labor disputes be subjected first to mediation and that strikes would take place only after mediation efforts failed. The law requires trade unions to provide employers with the names of strikers at least one day before a strike. There were no major strikes during the year.

There are no export processing zones.

c. Prohibition of Forced or Bonded Labor.—The law prohibits forced or bonded labor, including by children; however, trafficking in persons was a problem (see Section 6.f.).

d. Status of Child Labor Practices and Minimum Age for Employment.—The Labor Code stipulates a minimum working age of 15 years, although children who completed courses at special schools (for persons with mental disabilities and the “socially maladjusted”) may work at the age of 14. Employment conditions for children aged 15 to 18 were subject to strict safety standards. These regulations were enforced in practice. In May 2004, a clause in the labor law that allows children under the age of 15 to work in family-owned businesses and farms is scheduled to expire.

e. Acceptable Conditions of Work.—The Labor Ministry sets and enforces minimum wage standards. The national minimum wage was approximately \$225 (6,200 Czech crowns) per month, and it provided a decent standard of living for a worker and family. The law provides for a 40-hour work week and requires a paid break of at least 30 minutes during the standard 8 hour workday and between 4 and 8 weeks of paid vacation, depending on profession. Subject to the consent of the employee, employers may establish mandatory overtime not to exceed 8 hours per week, although the local employment office may permit additional mandatory overtime. The Labor Ministry enforces standards for working hours, breaks, and paid vacation.

The Government, unions, and employers promoted worker safety and occupational health standards, but conditions in some heavy industry sectors did not meet these standards, particularly in enterprises still awaiting privatization.

The Office of Labor Safety was responsible for enforcing health and safety standards. Workers had the right to refuse work endangering their life or health without risking the loss of their employment. The law treats foreign workers the same as other workers in terms of wages and working conditions, although in practice undocumented foreign workers generally did not receive equal treatment. Many foreign workers, particularly from Slovakia and Ukraine, worked in the construction industry.

f. Trafficking in Persons.—The law prohibits trafficking in persons; however trafficking in women and children for the purpose of sexual exploitation was a problem.

The penalties for trafficking are generally commensurate with those for rape and sexual assault. Convicted traffickers may receive prison sentences of up to 12 years. The Government investigated and prosecuted cases of trafficking in persons, although the conviction rates were low. According to police statistics, 7 persons were arrested and 15 prosecuted for trafficking as of November. The Ministry of Interior and the Organized Crime Division of the State Police had responsibility for combating trafficking.

Organizing prostitution and pimping are also illegal and punishable by a prison term of up to 12 years if the victim is under the age of 15. Dissemination of child pornography in print, or on video, CD-ROM, or the Internet is a criminal act; laws against child pornography were generally enforced. During the year, the police took more effective measures to prevent sex tourism involving children, maintaining patrols in high-risk areas, enforcing curfew-type policies more actively, and raising public awareness of the problem through the media. Despite increased police efforts, press reports still indicated that, in many border regions, sex tourism involving adolescent minors continued. Convictions of sexual abusers of children were reported routinely in the media.

The Government cooperated extensively with other Central and East European countries, the EU, and other foreign countries in the investigation and prosecution of trafficking cases.

The country was a source, transit point, and destination for trafficking in persons, primarily women and girls for sexual exploitation. Women and girls from the former Soviet Union (in particular, Russia, Belarus, Ukraine, and Moldova), Eastern Europe, the Balkans, and Asia were trafficked into the country and onward to Western Europe and the United States for prostitution. Czech women and girls were trafficked to other European countries. Foreign minors were believed to be exploited in the commercial sex trade. There was some evidence of a small amount of internal trafficking of primarily Romani women and children for prostitution from areas of low employment to border areas with Germany and Austria. Press and government reports indicated that the country remained a popular destination for pedophiles due to its location and the common misperception of a low risk of sexually transmitted disease. A small number of men were trafficked to the United States for coerced labor.

Trafficked women were frequently offered jobs as models, maids, waitresses, and dancers, and then forced into prostitution. Once in a destination country, traffickers withheld the victims' travel documents and used isolation, violence, threats of violence, and the threat of arrest and deportation to ensure compliance.

Most traffickers were members of organized crime groups. Such groups were from Russia, Bulgaria, the former Yugoslavia, and East Asia and worked in cooperation with individual Czechs, Slovaks and, less often, Austrians and Germans.

Police maintained close contact with the International Organization for Migration and other NGOs in order to provide services to trafficking victims. Foreign victims were treated as illegal immigrants and either detained or ordered to leave the country within 30 days; however, foreign victims could be offered temporary residence if they agreed to testify against a trafficker. Those detained were sometimes deported, but more often were eventually released and ordered to depart the country within 30 days.

The Government did not provide direct assistance to victims, but referred them to NGOs that provided such assistance. The Government provided funding to some of these NGOs. La Strada was the primary domestic NGO providing services to victims and conducted awareness campaigns for girls and women at risk of being trafficked. Citizens who were trafficked to other countries often could not receive government assistance upon their return because their identity documents were stolen or taken by traffickers. Returnees also frequently were hesitant to go to their families or public social service providers for help because of the stigma attached to having been trafficked. The Crime Prevention Division of the Interior Ministry implemented a national media campaign on the dangers of trafficking, as well as an informational program in schools targeting 13- and 14-year-olds.

DENMARK

Denmark is a constitutional monarchy with parliamentary democratic rule in which citizens periodically choose their representatives in free and fair multiparty elections. Queen Margrethe II is head of state. The Government, which is accountable to the unicameral Parliament (Folketing), is headed by the Cabinet. A minority center-right coalition government led by the Liberal Party remained in power since elections in 2001. The judiciary is independent.

The national police have sole responsibility for internal security. The civilian authorities maintained effective control of the security forces. There were no reports that security forces committed human rights abuses.

The advanced, market-based industrial economy provided residents with a high standard of living. The population was approximately 5.4 million. Nearly one-quarter of the work force was employed in the public sector. The key industries were food processing and metalworking; a broad range of industrial goods was exported.

The Government generally respected the human rights of its citizens, and the law and judiciary provided effective means of dealing with individual instances of abuse. Trafficking in women for prostitution remained a problem, but the Government took steps to address it.

RESPECT FOR HUMAN RIGHTS

Section 1. Respect for the Integrity of the Person, Including Freedom From:

a. Arbitrary or Unlawful Deprivation of Life.—There were no political killings; however, a police officer was tried and acquitted on charges of misconduct in killing one person and injuring another.

b. Disappearance.—There were no reports of politically motivated disappearances.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The law prohibits such practices, and there were no reports that government officials employed them.

Prison conditions generally met international standards. A 2002 study by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) found that police establishments and prisons met the CPT criteria. The Committee recommended a few improvements including limiting periods of solitary confinement to shorter periods and confining women in the same area as men only when they expressly agree to the conditions and when the areas are supervised adequately. The CPT study also found no allegations of mistreatment at psychiatric hospitals, but recommended that the use of physical immobilization be reviewed.

In 2002, seven inmates died in prison, three of whom were suicides. There were no indications of wrongdoing by the Government or its officials.

Men and women were held separately except for some voluntary gender integration. Juvenile detention facilities existed; only those juvenile offenders convicted of the most violent crimes were incarcerated. The law provides that “violent” juvenile offenders between the ages of 15 and 17 may be sent to adult correctional facilities, but they were segregated from violent adult inmates. The Social Ministry began constructing new facilities for youth offenders during the year. Pretrial detainees were held in remand centers, which also held nonviolent convicted criminals serving sentences of 30 months or less.

The Government permits visits by independent human rights observers, and such visits occurred during the year.

d. Arbitrary Arrest, Detention, or Exile.—The Constitution prohibits arbitrary arrest and detention, and the Government generally observed these prohibitions. The Constitution provides persons under arrest the right to a hearing before a judge within 24 hours of arrest. A judge who decides to hold persons in detention must issue an order explaining the decision. The Constitution allows for the immediate appeal of detention orders.

The national police, under the Ministry of Justice, have sole policing authority in the country. There are 54 police districts (plus the Faroe Islands and Greenland) and a National Commissioner’s Office. The Minister of Justice, with the approval of the Parliament, appoints the police chiefs of each district and the National Commissioner. The National Commissioner is responsible for eight departments with responsibilities that include personnel, finances, vehicles, buildings, equipment, intelligence, forensics, the Crime Prevention Council, and the Police College. There were no reports of police corruption.

The Constitution prohibits forced exile, and the Government did not employ it.

e. Denial of Fair Public Trial.—The Constitution provides for an independent judiciary, and the Government generally respected this provision in practice.

The judicial system consists of a series of local and regional courts, with the Supreme Court as the highest court; there are no military courts or tribunals. A military criminal code exists, but enforcement is in the public judicial system.

The Constitution provides for the right to a fair trial, and an independent judiciary generally enforced this right. The law provides for defendants' right to timely consultation with an attorney, at public expense if needed. Defendants and their attorneys have access to government evidence relevant to their case. Defendants have the right to question witnesses against them and to present their own witnesses; they are presumed innocent until proven guilty; and the right of appeal encompasses both procedural matters and sentences imposed.

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home or Correspondence.—The Constitution prohibits such actions, and the Government generally respected these prohibitions in practice. However, the 2002 tightening of the immigration law continued to be a problem, particularly in the area of family unification. According to the original legislation, for a foreign spouse to receive a residency permit, both spouses or partners must: Be over age 24, live together at the same residence in the country, and have ties to the country stronger than their combined ties to another country. The legislation was designed to improve immigrants' integration into society. However, it also made it difficult for any citizen who had resided overseas to bring a foreign spouse back to the country. As a result, in September, Parliament approved legislation that made it easier for most native citizens to get residency permits for their foreign spouses. The new law waives the requirements on ties to the country for citizens with 28 years of citizenship or 28 years of residency from childhood. The legislation also includes provisions that stop family unification for cousin marriages and lower the age limit for family unification for children from 18 to 15 years of age.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution provides for freedom of speech and of the press, and the Government generally respected these rights in practice. An independent press, an effective judiciary, and a functioning democratic political system combined to provide freedom of speech and of the press, including academic freedom.

The independent press was active and expressed a wide variety of views without government restriction. The Government owned four of the five national television networks. There were several private satellite and cable television channels, and foreign television stations' broadcasts were accessible to most citizens in Swedish, Norwegian, English, and German. There were 4 government-owned radio stations and approximately 100 local private radio stations. The Government did not exercise editorial control over its radio and television outlets.

The Government did not restrict access to the Internet.

b. Freedom of Peaceful Assembly and Association.—The Constitution provides for freedom of assembly and association, and the Government generally respected these rights in practice.

c. Freedom of Religion.—The Constitution provides for religious freedom, and the Government generally respected this right in practice.

The Constitution provides for an official state religion, the Evangelical Lutheran Church, which was subsidized by the Government. The Government does not require that religious groups be licensed; however, the State's permission is required for religious ceremonies, such as weddings, to have civil validity.

The Evangelical Lutheran faith was taught in public schools, but students may withdraw from religious classes with parental consent.

During the year, there were isolated incidents of anti-Semitic and anti-immigrant vandalism, primarily graffiti, which the Government criticized and investigated.

For a more detailed discussion, see the 2003 International Religious Freedom Report.

d. Freedom of Movement within the Country, Foreign Travel, Emigration, and Repatriation.—The law provides for these rights, and the Government generally respected them in practice.

The law provides for the granting of asylum and refugee status to persons who meet the definition of the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. In practice, the Government provided protection against refoulement and granted refugee status or asylum. The Government provided temporary protection and in the first 7 months of the year granted it to 1,661 persons

out of a total of 2,531 applications filed (a recognition rate of 28 percent), reflecting a decline in the number of applications but stability in the recognition rate. The decrease in the total number of applications, from 12,512 in 2001 and 6,068 in 2002, may be attributed to fewer refugees and asylum seekers coming from Iraq and Afghanistan, as well as to the tightening of asylum and refugee policy. The Government's immigration legislation (the Alien Act), which took effect in July 2002, continued a trend of further restricting the standards for granting asylum and also decreased welfare for immigrants (see Section 1.f.). The Government cooperated with the U.N. High Commissioner for Refugees and other humanitarian organizations in assisting refugees.

The Alien Act provides that refugees traveling to their countries of origin on holiday will automatically have their cases reassessed (see Section 5). If they are found to no longer be persecuted in their country of origin, they will be returned after residency is revoked.

Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government

The Constitution provides citizens with the right to change their government peacefully, and citizens exercised this right in practice through periodic, free, and fair elections held on the basis of universal suffrage.

The territories of Greenland (whose population is primarily Inuit) and the Faroe Islands (whose inhabitants have their own Norse language) have democratically elected home rule governments whose powers encompass all matters except foreign and national security affairs, police services, the judiciary, and monetary matters. Greenlanders and Faroese are Danish citizens with the same rights as those in the rest of the Kingdom. Each territory elects two representatives to the Parliament.

There were 68 women in the 179-seat Parliament, and 5 of 18 ministers in the Government were women. Women also accounted for 44 percent of the newly elected public council boards and committees. There were two Muslim Members of Parliament, who were elected in general, non-reserved districts; there were no members of minority groups in the cabinet.

Section 4. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A number of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials were cooperative and responsive to their views.

Section 5. Discrimination Based on Race, Sex, Disability, Language, or Social Status

The Constitution and the law prohibit discrimination on the basis of sex, creed, or ethnicity. The law also prohibits discrimination on the basis of race, national or ethnic origin, or faith. The Government carefully protected the rights of the country's indigenous people.

The Government's operations and extensive public services do not discriminate on the basis of any of these factors. However, according to legislation passed on July 1, individuals who have not resided legally in the country for at least 7 of the last 8 years receive lower social benefits payments than other citizens and residents. The Danish Center for Human Rights cited this policy as indirect discrimination against foreigners.

Women.—Violence against women was a problem, which the Government took steps to combat with its 2002 action plan that included: A pilot project offering violent family members therapy in the form of dialogue with their victims and health care professionals; an amendment to the Social Services Act that sets minimal living standards for shelters; increased funding for shelters; and authorization for the police to remove the violent person from the household. In November, the Government initiated a new phase of the action plan: Informative posters and signs about violence against women were hung in buses and trains, and brochures about how to get help were placed in doctors' offices, pharmacies, and other public places. An umbrella nongovernmental organization (NGO) reported that in 2002 women's crisis shelters were contacted 9,420 times, compared with 10,483 times in 2001. A total of 1,935 women stayed at shelters during 2002. There were 500 reported rapes in 2002 and 188 during the first 6 months of the year. The Institute for Public Health estimated that at least 65,000 women were exposed to domestic violence each year, and that domestic violence affected approximately 30,000 children. Rape, spousal abuse, and spousal rape are criminal offenses, and the Government effectively prosecuted those accused of such crimes. Statistics were not available regarding the

numbers of abusers who were prosecuted, convicted, and punished. The Government also took steps to combat forced marriage among immigrant groups.

Trafficking in women for the purpose of prostitution was a problem, which the Government took steps to combat (see Section 6.f.). Prostitution was legal, but pimping, coercion into prostitution, solicitation of prostitution from a minor, and trafficking were illegal.

The law requires equal pay for equal work, but, in practice, female workers earned about 14 percent less than their male counterparts. The law prohibits job discrimination on the basis of sex and provides recourse, such as access to the Equal Status Council, for those affected. Women held positions of authority throughout society, although they were underrepresented in senior business positions and as university professors. Women's rights groups lobbied the Government on matters of concern, such as wage disparities and parental leave. Only 41 percent of women from ethnic minority groups were active in the labor market, in contrast to 75 percent of other women. The Government continued to take steps to bring more women from minority groups into the labor market.

Children.—The Government was strongly committed to children's rights and welfare; it amply funded systems of public education and medical care. Education was compulsory through the ninth grade and free through the university level, and school attendance was nearly universal. The Ministries of Social Affairs, Justice, and Education oversee implementation of programs for children. According to the Organization for Economic Cooperation and Development, 96 percent of students graduated from high school and other youth education programs. Boys and girls were treated equally. Slightly more women than men completed post-secondary education.

There were some reports of child abuse, although there was no societal pattern of such abuse. The law prohibits the physical punishment of children by adults, including their parents.

Persons with Disabilities.—There was no discrimination against persons with disabilities in employment, education, or in the provision of other state services. Building regulations require special facilities for persons with disabilities in public buildings built or renovated after 1977 and in older buildings that come into public use. The Government generally enforced these provisions in practice.

Indigenous People.—The law protects the rights of the inhabitants of Greenland and the Faroe Islands. Greenland's legal system seeks to accommodate Inuit customs and it provides for the use of lay persons as judges and sentences most prisoners to holding centers (rather than to prisons) where they were encouraged to work, hunt, or fish during the day. Education in Greenland is provided to the native population in both the Inuit and Danish languages.

In 1999, a Danish court ordered the Government to compensate Greenlanders (and their descendants) whom the Government forcefully resettled in 1953 from a village adjoining a military base. The plaintiffs appealed that decision, seeking greater compensation and the return of their former properties. In February, the Government, including the Greenland Home Rule Government, signed an international agreement that returned the village to Greenland, and in November, the Supreme Court upheld the lower court's 1999 decision in full.

National/Racial/Ethnic Minorities.—The inflow of ethnically and racially diverse refugees and immigrants (mostly Iranians, Palestinians, Pakistanis, Sri Lankans, Somalis, and refugees from the former Yugoslavia) caused some tension between citizens and immigrants, which was reflected in press reports on the failure of the immigrants to integrate and on the correlation between immigration and crime levels. In response to publicity concerning the involvement of foreigners in street crime and allegations of refugee social welfare fraud, Parliament tightened immigration laws in 1999 and passed additional comprehensive legislation (the Alien Act) in July 2002 (see Section 1.f.).

The law abolished the status of de facto refugee; only persons entitled by international convention to protection are able to obtain residency (see Section 2.d.). Family reunification became more difficult, and immigrants and refugees may no longer acquire permanent residence by living in the country for 3 years; rather, they must now reside in the country for 7 years and demonstrate that they have integrated into society and developed ties to the country.

According to the Police Intelligence Services, during the first 11 months of the year, there were 30 cases of racial discrimination or racially motivated violence reported to the authorities, compared with 63 for all of 2002. Other incidents went unreported. Reported cases involved graffiti, vandalism, refusal of service, denial of entry, racist Internet messages, distribution of racist written materials, and low levels of violence. The victims were Jews, "people of an ethnic origin other than Dan-

ish" (usually meaning Muslim or African), Germans, and, in one incident, French. Minority group members were also sometimes the perpetrators of the incidents. The Government effectively investigated and dealt with cases of racially motivated violence.

Section 6. Worker Rights

a. The Right of Association.—The law states that all workers, including military personnel and the police, may form or join unions of their choosing. Approximately 85 percent of wage earners belonged to unions that were independent of the Government and political parties.

The law prohibits anti-union discrimination by employers against union members and organizers, and the Government sponsored dispute resolution mechanisms. Employers found guilty of anti-union discrimination are required to reinstate workers fired for union activities.

Unions may affiliate freely with international organizations, and they did so actively.

b. The Right to Organize and Bargain Collectively.—The right to organize is protected by law. Workers and employers acknowledged each other's right to organize.

There were approximately 2.7 million employees during the year. In 2000, 1.5 million persons were members of unions affiliated with the Confederation of Danish Labor (LO). The LO traditionally has had a close relationship with the Social Democrat Party, although the umbrella organization decided during the year to stop giving financial support to the party and instead allowed their member unions to decide if and how they would like to support individual political parties. There were also several independent unions not affiliated with any labor federations or umbrella organizations.

Collective bargaining is protected by law and is widespread in practice. In the private sector, salaries, benefits, and working conditions are agreed upon in biennial or triennial negotiations between various employers' associations and their union counterparts. If the negotiations fail, a national conciliation board mediates, and management and labor vote on its proposal. If the proposal is rejected, the Government may impose a legislated solution on the parties (usually based upon the mediators' proposal). The agreements were used as guidelines throughout the public as well as private sectors. In the public sector, collective bargaining was conducted between the employees' unions and a government group led by the Finance Ministry.

All unions except those representing civil servants or the military have the right to strike. Workers often exercised their right to strike, and in 2002, there were 193,600 workdays lost to strikes.

Labor relations in Greenland are conducted in the same manner as in Denmark. Greenland's courts are the first recourse in disputes, but Danish mediation services or the Danish Labor Court also may be used.

There is no umbrella labor organization in the Faroes, but individual unions engaged in periodic collective bargaining with employers. Disputes were settled by mediation.

There are no export processing zones.

c. Prohibition of Forced or Bonded Labor.—The law prohibits forced or bonded labor, including by children, and there were no reports that such practices occurred.

d. Status of Child Labor Practices and Minimum Age for Employment.—The minimum legal age for full-time employment is 15 years. The law sets a minimum of 13 years of age for any type of work. The law was enforced by the Danish Working Environment Service (DWES), an autonomous arm of the Ministry of Labor. Export industries did not use child labor.

The law prohibits forced and bonded labor by children, and such practices were not condoned. All forms of child exploitation were investigated and prosecuted (see Section 5).

e. Acceptable Conditions of Work.—The law does not mandate a base national minimum wage, but national labor agreements effectively set a wage floor. The average net wage including pension benefits of adult workers in 2002 was \$21 (141 kroner) per hour, which is sufficient to provide a decent standard of living for a worker and family. The average gross wage, including amounts paid into pension funds and vacation funds was \$27 (179 kroner), up from \$26 (172 kroner) per hour in 2001. The law provides for 5 weeks of paid vacation per year, and labor contracts added an average of 4 extra paid holidays in 2001. Workers normally worked a 37-hour workweek, which is established by contract, not by law. The law requires at least 11 hours between the end of one work period and the start of the next.

The law also prescribes conditions of work, including safety and health; the duties of employers, supervisors, and employees; work performance; rest periods and days

off; and medical examinations. The DWES ensures compliance with labor legislation. Workers may remove themselves from hazardous situations or weapons production without jeopardizing their employment rights, and legal protections cover workers who file complaints about unsafe or unhealthy conditions.

Similar work conditions were found in Greenland and the Faroes, except that the workweek also was established by contract at 40 hours. Foreign workers with residence and work permission enjoy the same rights as citizens. Illegal foreign workers have no such labor protection.

f. Trafficking in Persons.—The law prohibits trafficking in persons; however, trafficking in women and children was a problem. In May 2002, Parliament passed a law specifically defining and criminalizing trafficking in persons. The new definition of trafficking in women includes essential components of force, fraud, or coercion. In December, after several months of investigation, the Copenhagen police arrested five men on trafficking and pimping charges; the case, the first to be brought under the 2002 trafficking law, was scheduled for trial in 2004.

The Government undertook efforts to combat trafficking in all forms, but the fact that prostitution was well-compensated and not unlawful in Denmark limited the legal tools available. The National Commissioner for Police maintained an internal task force on trafficking in persons, assisted local police constabularies with investigations, and trained its officers to recognize and investigate reports of trafficking. The Government cooperated with international investigations of trafficking and exchanged information with neighboring countries.

The country was both a destination and a transit point for women and children who were trafficked from the former Soviet Union countries, Eastern Europe, Thailand, and Africa to work as prostitutes. Victims lured by the prospect of higher wages and a better life, only to be forced into prostitution or have their passports withheld, were covered under the new law. Their traffickers were suspected to have ties to organized crime, specifically Russian and Baltic mafia, and were the subjects of ongoing police investigations and prosecutions.

The Government did not directly provide medical or legal assistance to victims; however, it funded an NGO that provides legal services to trafficking victims. The Government also funded several NGO hotlines to support victims, prevent trafficking, and gather data on the extent of the problem. Although the Government had no formal witness protection program, it provided safe surroundings with access to professional, social, medical, and psychological support to those waiting to testify in court.

An interagency working group that addresses trafficking (with members from the Ministries of Justice, Social Affairs, Gender and Equality, Employment, and Education, as well as from NGOs) met monthly to share information. In 2002, the Government allocated \$1.5 million annually (10 million kroner) for a 3-year strategy to combat human trafficking. The Ministries of Social Affairs and Gender Equality conducted an anti-trafficking advertising campaign in all major newspapers, subsidized a hotline and website, and funded an NGO program to identify trafficking victims and provide them with information on how they can get help. On October 1, the Action Plan came into full effect. New efforts included an outreach program to benefit foreign prostitutes, a new women's shelter, increased cooperation with source-country embassies, and additional data collection.

ESTONIA

Estonia is a constitutional parliamentary democracy with a unicameral legislature (State Assembly), a prime minister as head of government, and a president as head of state. Free and fair parliamentary elections were held in March, and a new coalition government comprised of the Res Publica, Reform, and People's Union Parties took office in April. The judiciary is independent.

The police and security police are subordinate to the Ministry of Internal Affairs, and corrections personnel are subordinate to the Ministry of Justice. The security service (Security Police) is subordinate to the Ministry of Internal Affairs but also reports to the Prime Minister. Police and corrections personnel continued to commit human rights abuses.

The country has a market economy and a population of approximately 1.4 million. Services, particularly financial, transit, and tourism, grew in importance compared to the historically more prominent light industry and food production. In the year's third quarter, the growth rate was 4.3 percent, compared with 5.5 percent in 2002. While wages and benefits kept up with inflation, there was a growing disparity be-

tween Tallinn (where one-third of the population resides) and the slower-growing rural southeast and industrial northeast.

The Government generally respected the human rights of its citizens and the large ethnic Russian noncitizen community; however, there were problems in some areas. There were some reports of police mistreatment of prisoners and detainees and use of excessive force. Prison conditions remained poor, although there were some improvements, including renovations in facilities nationwide. There was continued criticism of the discriminatory nature of the Citizenship and Aliens' Law due to its Estonian language requirements. Violence against women was a problem, and there were reports that women were trafficked for prostitution.

RESPECT FOR HUMAN RIGHTS

Section 1. Respect for the Integrity of the Person, Including Freedom From:

a. Arbitrary or Unlawful Deprivation of Life.—There were no reports of the arbitrary or unlawful deprivation of life committed by the Government or its agents.

b. Disappearance.—There were no reports of politically motivated disappearances.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The law prohibits such practices; however, there were some reports of police use of excessive force and verbal abuse during the arrest and questioning of suspects. Charges were brought against two police officers for use of excessive force: In one case, the officer forcefully subdued a suspect resisting arrest; in the other case, police assaulted a person who had failed to make a scheduled court appearance. Two former police officers and one current police officer charged in 2001 for use of excessive force were awaiting trial at year's end.

Prison conditions remained poor, although there were some improvements. The outdated and unsafe Central Prison was closed. In December, there were 4,579 prison inmates. Overcrowding was reported in the major prisons for men. A lack of funds and trained staff continued to be serious problems. The percentage of prisoners suffering from tuberculosis was much higher than in the general population.

In December, three pretrial detainees were charged in the killing of their cellmate.

The Government continued renovating and restructuring all of the country's prisons. A prison built in Tartu in 2002 held 900 prisoners and improved the overall conditions of prisoners. Modest gains were made in hiring new prison staff and retaining existing personnel. Work and study opportunities for prisoners continued to increase. During the year, 329 prisoners were released under the Government's early release program. Men and women were held separately; juveniles also were held in separate penal facilities. Pretrial detainees and convicted prisoners were held in the same prisons but in different sections. The Penal Code offers the possibility of replacing prison sentences with community service in some cases.

The Government permitted prison visits by independent human rights observers. In October, the Council of Europe Human Rights Commissioner visited Maardu prison.

d. Arbitrary Arrest, Detention, or Exile.—The Constitution and laws prohibit arbitrary arrest and detention, and the Government generally observed these prohibitions.

The police, with an ethnically mixed police officer staff of 3,800, are under the supervision of the Ministry of Internal Affairs. There are four national police units: The Central Criminal Police, the Personal Protection Service, the Forensic Service Center and the Police School. A police reform effort aimed to increase the effectiveness of the police forces and to cut the number of regional prefectures. Corruption, mostly reported among the traffic police, was generally not a problem.

Under the Constitution, warrants issued by a court are required to make arrests. Detainees must be informed promptly of the grounds for the arrest and given immediate access to legal counsel. There is a functioning bail system. A person may be held for 48 hours without being charged formally; further detention requires a court order. Police rarely violated these limits. A person may be held in pretrial detention for 2 months; this term may be extended for a total of 12 months by court order. Lengthy pretrial detention was not a problem, and the average detention time was 3.5 months. At year's end, 1,309 of the 4,579 prisoners were awaiting trial.

The Constitution prohibits forced exile, and the Government did not employ it.

e. Denial of Fair Public Trial.—The Constitution provides for an independent judiciary, and the Government generally respected this provision in practice.

The judiciary operates through a three-tier court system: Rural and city courts, district courts, and the State Court (which functions as a supreme court). The district and State courts are also courts for "constitutional supervision." At the rural

and city levels, court decisions are made by a majority vote, with a judge and two lay members sitting in judgment. All judges and lay judges must be citizens. The President nominates and the State Assembly confirms the Chief Justice of the State Court. The Chief Justice nominates State Court judges who are subject to confirmation by the State Assembly. He also nominates the district, city, and rural court judges, who are appointed by the President. Judges are appointed for life.

The Constitution provides for the right to a fair trial, and an independent judiciary generally enforced this right. It also provides that court proceedings shall be public. Closed sessions may be held only for specific reasons, such as the protection of state or business secrets, and in cases concerning minors. The Constitution further provides that defendants may present witnesses and evidence as well as confront and cross-examine prosecution witnesses. Defendants have access to prosecution evidence and enjoy a presumption of innocence. If a person cannot afford an attorney, the State provides one.

There were no reports of political prisoners.

bitrary Interference with Privacy, Family, Home, or Correspondence.—The Constitution prohibits such actions, and the Government generally respected these prohibitions in practice. The law requires a search warrant for the search and seizure of property. During the investigative stage, the prosecutor issues warrants upon a showing of probable cause. Once a case has gone to court, the court issues warrants. The Constitution provides for the privacy of the mail, telegrams, telephones, and other means of communication. Police must obtain a court order to intercept communications. Illegally obtained evidence is not admissible in court.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution provides for freedom of speech and of the press, and the Government generally respected these rights in practice.

The Law on Language prohibits the use of any foreign language on public signs, advertisements, and notices, including election posters. Translation may be provided into other languages.

The independent media were active and expressed a wide variety of views without government restriction.

There were two commercial Estonian-language television channels and a wide range of private radio stations. State (public) broadcast media, including one nationwide television channel (Estonian Television—ETV), continued to receive large government subsidies. ETV stopped broadcasting commercials in July 2002. During the year, an individual who sued a television journalist in civil court claiming that he was insulted lost his case.

In August, the Eesti Meedia group (which holds all shares of Postimees daily, the leading quality daily, and half of the shares of SL Ohtuleht, the top circulation tabloid, and is also the owner of the private television channel Kanal 2 and Tartu Raadio) bought Trio radio group. This gave Eesti Meedia group the largest share in the radio market. Eesti Meedia and rival Ekspress Group competed with one another, as well as with a number of smaller, independent media.

Some Russian-language programs, mostly produced domestically, were broadcast over state and private or commercial television channels. The Government played a large role in encouraging Russian-language programs on state television. However, in proportion to the size of the Russian-speaking minority in the country, the amount of Russian-language programming remained small, due in part to the Russian service's limited budget. Russian state television and Russian commercial channels were available widely via cable.

Internet access was available and generally unrestricted.

The Government did not restrict academic freedom.

b. Freedom of Peaceful Assembly and Association.—The Constitution provides for freedom of assembly and association, and the Government generally respected these rights in practice. Permits for all public gatherings must be obtained 3 weeks in advance. The authorities have wide discretion to prohibit such gatherings on public safety grounds but seldom did so. Noncitizens are prohibited from joining political parties, although they may form social groups.

c. Freedom of Religion.—The Constitution provides for freedom of religion, and the Government generally respected this right in practice.

The law requires all religious organizations to have at least 12 members and to be registered with the Department for Religious Affairs of the Ministry of Internal Affairs. Leaders of religious organizations must be citizens with at least 5 years' residence in the country.

Beginning in 1993, a group of ethnic Estonian and Russian parishes, preferring to remain under the authority of the Russian Orthodox Church structure, attempted

to register under names similar to the registered Estonian Apostolic Orthodox Church (EAOC), which is independent. In April 2002, the Ministry of Foreign Affairs registered the church under the name Estonian Orthodox Church, Moscow Patriarchate (EOCMP).

The majority of citizens are nominally Lutheran; relations between the various religious communities generally were amicable. The Orthodox Patriarch of Moscow and All Russia, Alexy II, visited the country in September to mark the registration of the EOCMP. Despite this step forward, differences over the disposition of Orthodox Church property continue between the EAOC and the EOCMP. Three churches and two graveyards were vandalized during the year. In April, two boys destroyed 48 plaques in an East Viru graveyard, which is under protection as a cultural-historic memorial; the boys were under the age for prosecution. In June, a set of communion service dishes was stolen from a Polva church; in July, candlesticks were stolen from a Narva church, and a painted glass window was broken in a Viljandi church; in November, a tombstone and part of a fence were broken in a Rakvere cemetery. Authorities initiated misdemeanor proceedings in the four cases.

For a more detailed discussion, see the 2003 International Religious Freedom Report.

d. Freedom of Movement within the Country, Foreign Travel, Emigration, and Repatriation.—The law provides for these rights, and the Government generally respected them in practice. Passports served as identification but need not be carried at all times. There were no exit visas.

The Government did not restrict the right of noncitizen residents—persons who are citizens of another country or stateless persons—to foreign travel, emigration, or repatriation, although some noncitizens complained of delays in obtaining travel documents. The majority of noncitizens were ethnic Russians (see Section 5). The Government issued alien passports to resident aliens not in possession of other valid travel documents, including: Persons who are designated as stateless, foreign citizens who cannot obtain travel documents from their country of origin or from another state, persons who file for Estonian citizenship and pass the language examination if required (pending receipt of citizenship), and aliens who are departing the country permanently. The Government approved the issuance of alien passports to noncitizens intending to study abroad and agreed to issue them to former military personnel who could not or did not want to assume Russian citizenship.

The law provides for the granting of refugee status or asylum to persons who met the definition in the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. In practice, the Government provided protection against refoulement and granted refugee status or asylum. The Government cooperated with the office of the U.N. High Commissioner for Refugees and other humanitarian organizations in assisting refugees. The Citizenship and Migration Board has authority over domestic refugee issues and oversees the state registry for asylum. There was a standard procedure for processing refugee applications for persons inside the country, in addition to the procedure at the border. Temporary residence permits may be granted to persons whose applications for a residence permit were based on an international agreement.

The Citizenship and Migration Board is responsible for asylum and refugee issues. During the year, 14 persons applied for asylum, 1 was awaiting a reply from the Citizenship Board, and 2 applicants took negative decisions of the Citizenship Board to the Tallinn Administrative Court. No applicant was granted asylum. In 2000–2002, nine residence permits were granted on humanitarian grounds. The Citizenship and Migration Board turned down the remaining applications on the grounds that the applicants did not fulfill the criteria for refugee status as defined in the 1951 U.N. Convention or its 1967 Protocol. The Government deported 67 illegal aliens during the year, usually persons caught in criminal acts. In December, six illegal aliens were held as internees pending deportation or a court order granting them residence.

The Government also provided temporary (subsidiary) protection to certain individuals who did not qualify as refugees or asylees.

Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government

The Constitution provides citizens with the right to change their government peacefully, and citizens exercised this right in practice through periodic, free, and fair elections held on the basis of universal suffrage. Parliamentary elections, held in March, were free and fair; they led to the formation of a three-party coalition government comprised of the Res Publica, Reform, and People's Union parties that took office in April. Reform of the country's political and economic structure led to an invitation in 2002 to join the European Union (EU) in May 2004. In April, the coun-

try signed the EU Accession Treaty, and in a September referendum, 67 percent of citizens supported accession to the EU.

Only citizens may vote in parliamentary elections and be members of political parties. However, resident noncitizens and those who have lived permanently in the area for at least 5 years preceding the election may vote in local elections, although they may not run for office. Approximately 124,000 of the country's 1.1 million citizens received their citizenship through the naturalization process. There were approximately 263,200 holders of permanent or temporary residence permits, 80 percent of whom were ethnic Russians (see Section 5). Estimates of the number of illegal residents, primarily ethnic Russians, ranged from 10,000 to 30,000; they were not included in the census figures.

There were 18 women in the 101-seat legislature. One of the 13 cabinet ministers was a woman.

Ethnic Russians, who made up 28 percent of the population, held 6 of the 101 seats in the State Assembly.

Section 4. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A number of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials were usually cooperative and responsive to their views. A nongovernmental legal information center in Tallinn provided free legal assistance to individuals—citizen and noncitizen alike—seeking advice on human rights-related issues.

The Government's Human Rights Institute monitored human rights and provided information to the international community. It investigated reports of human rights violations, such as allegations of police abuse and the inhumane treatment of detainees. The Institute operated an information center in Jõhvi, in the northeastern part of the country where the Russian speaking community is in the majority.

A presidentially established roundtable composed of representatives of the State Assembly, the Union of Estonian National Minorities, and the Russian-speaking population's Representative Assembly discussed and made recommendations on social integration issues, as did an analogous but independent roundtable that met monthly in the county of East Virumaa. The chancellor-ombudsman, who also operated a branch office in the heavily ethnic Russian northeastern town of Narva, handled complaints by private citizens against state institutions.

Section 5. Discrimination Based on Race, Sex, Disability, Language, or Social Status

The Constitution prohibits discrimination for any reason; however, reports of discrimination against ethnic Russian residents continued.

Women.—Violence against women, including spousal abuse, reportedly was common and continued to be the subject of discussion and media coverage. Neither domestic violence nor marital rape is criminalized, although they could be prosecuted under existing law. Rape and attempted rape occurred infrequently. In the first 9 months of the year, there were reports of 73 rapes and 18 attempted rapes, compared with 67 rapes and 10 attempted rapes for all of 2002. However, studies showed that 40 percent of crime, including domestic violence, went unreported. Even when the police were called, the abused spouse often declined to press charges due to societal pressure.

There were reports that women were trafficked for prostitution (see Section 6 f.).

Sexual harassment existed but was not reported officially. Although sexual harassment is not specifically mentioned in the penal code, it is possible to prosecute such cases under Code provisions on "Violation of Gender Equality." Although women have the same legal rights as men under the law and are entitled in theory to equal pay for equal work, this was not the case in practice. While women's average educational level was higher than that of men, their average pay in general was lower, and there continued to be female- and male-dominated professions. Women constituted slightly less than half of the work force; they also carried most major household responsibilities.

The Estonian Women's Studies and Resource Centre, Civil Training Center, Round Table of Harju County Women, and other nongovernmental organizations (NGOs) worked to promote women's rights.

Children.—The Government was strongly committed to education and gave a high priority to building and refurbishing schools. Education is free and mandatory for 9 years. Approximately 97 percent of those eligible attended school, with attendance in proportion to the breakdown by gender in the population. The Government provided free medical care for children and subsidized school meals.

A Tartu University study published during the year reported that a significant proportion of children experienced at least occasional violence at home, in schools, or in youth gangs, although there was no societal pattern of child abuse. The Ministry of Education and Research, which identified the fight against school violence as one of its priorities, organized a seminar and published a handbook for teachers on how to recognize violence at school and at home and what to do about it. In the first 11 months of the year, there were reports of 28 rapes and 3 attempted rapes committed against minors. The police registered 56 cases of sexual abuse committed against persons less than 18 years of age. Eight cases were registered involving victims of sexual abuse below the age of 14.

There were reports that children engaged in prostitution. Trafficking of children for prostitution was a problem (see Section 6.f.). There was also evidence that children were involved in drug trafficking and that there was a connection between drug use and children engaged in prostitution.

Persons with Disabilities.—While the Constitution provides for the protection of persons with disabilities against discrimination, and both the Government and some private organizations provided them with financial assistance, little has been done to enable persons with disabilities to participate normally in public life. There is no public access law, but some effort was made to accommodate persons with disabilities; for example, ramps were installed at curbs on new sidewalk construction, and public transportation firms acquired some vehicles that are accessible, as have some taxi companies. The law allows for persons with serious sight, hearing, or speech impediments to become naturalized citizens without having to pass an examination on the Constitution and language.

National/Racial/Ethnic Minorities.—During the years of the country's forced annexation by the Soviet Union, large numbers of non-Estonians, predominantly ethnic Russians, were encouraged to migrate to the country to work as laborers and administrators. These immigrants and their descendants made up approximately one-third of the total population, about 40 percent of whom were born in the country.

Investigations in two cases of discrimination against minorities resulted in prosecution: In June, three skinheads were sentenced to conditional imprisonment for activities that publicly incited hatred on the basis of national origin and race; a second court case was pending at year's end.

The Law on Cultural Autonomy provides for the protection of cultures of citizens belonging to minority groups. Some noncitizens alleged that the law is discriminatory, because it restricts cultural autonomy only to citizens; however, noncitizens may participate fully in ethnic organizations, and the law includes subsidies for cultural organizations. In districts where more than one-half of the population speak a language other than Estonian, the law entitles inhabitants to receive official information in that language.

All residents, whether or not they were citizens, could complain directly to the State Court about alleged violations of human or constitutional rights. The State Court justices review each case. All decisions are issued in Estonian, but if a complaint is received in a language other than Estonian (usually Russian), the court provides a translation.

Some noncitizen residents, particularly ethnic Russians, continued to allege job, salary, and housing discrimination because of Estonian language requirements. For naturalization, the Citizenship Law includes a residency requirement of 5 years and requires knowledge of the Constitution and the Citizenship Law, as well as Estonian language capability. The law allows the Government to waive the language and civic knowledge requirements for applicants who have Estonian-language elementary or higher education, or who have performed valuable service to the country. The Citizenship Law grants citizenship to stateless children born to legally resident stateless parents after February 26, 1992 (upon the parents' or guardians' application). During the year, parents submitted 1,331 such applications of which 1,211 were approved; since July 1999, 3,237 of the 3,536 such applications have been approved.

Although the Organization for Security and Cooperation in Europe and other international organizations, such as the Finnish Helsinki Committee, have found the Citizenship Law to be satisfactory, the Russian Government and members of the local ethnic Russian community continued to criticize it as discriminatory, notably for its Estonian language requirements. In September, a visiting NATO Parliamentary Assembly delegation concluded that the country had no major problems in treatment of its Russian minority.

The Citizenship Law makes ineligible for naturalization persons who have acted against the State and its security; who work or have worked in the intelligence or

security services of a foreign state; or who served as career soldiers in the armed forces of a foreign state, including those discharged into the reserves or retired. The latter category includes spouses who came to the country in connection with the service member's assignment, the reserves, or retirement. A provision of the law allows for the granting of citizenship to a foreign military retiree who has been married to a native citizen for 5 years. During the year, 3,706 persons received citizenship by naturalization. As of December, 211,668 persons held permanent residence permits, and 51,569 held temporary residence permits. Bureaucratic delays also were cited as disincentives for securing citizenship.

The Law on Aliens provides that the annual immigration quota does not apply to non-Estonian spouses and close relatives of citizens or resident aliens if the application for the issue of a residence permit is justified.

Other than for land ownership, the law does not distinguish between citizens and noncitizens for purposes of business or property ownership, and land ownership by foreigners is restricted only in certain strategic areas. All legal residents of the country may participate equally in the privatization of state-owned housing.

The Language Law requires that all public servants and public sector employees, service personnel, medical professionals, and sole proprietors must use the Estonian language, with actual proficiency determined through examination. Non-Estonian citizens who have obtained at least primary education proficiency in the language are exempted from the requirement to pass a language examination. Seven prison officials were fired for noncompliance with the language requirement. The Language Law conforms with EU recommendations regarding language requirements for persons working in the private sector. For employees of private enterprises, nonprofit organizations, and foundations, as well as sole proprietors, the law establishes a requirement of Estonian language proficiency if it is in the public interest.

The language office liberally granted extensions to persons who could explain their failure to meet the requisite competence level. The Government established language training centers; however, they lack qualified teachers, financial resources, and training materials. There were allegations that the examination process, which 75 to 90 percent of persons pass, was arbitrary. Some ethnic Russians asked for free language training. In December, the Citizen Act was amended to provide for government reimbursement to successful examinees of up to 50 percent of the costs connected with the language and citizenship examinations; the EU stated that it would reimburse the other 50 percent. The reimbursement program was scheduled to continue through 2005.

The President's roundtable continued to seek practical solutions to the problems of noncitizens. The Government continued implementing an integration program for the years 2000–2007 aimed at fostering the integration of the non-Estonian-speaking population into society. At least 10 NGOs developed and implemented local programs to assist the integration of non-Estonians into society.

Section 6. Worker Rights

a. The Right of Association.—The Constitution provides for the right for workers to form and join a union or employee association, and they exercised this right in practice. The largest trade union is the Central Organization of Estonian Trade Unions (EAKL); it was wholly voluntary and had approximately 50,000 members. Another trade union, the Organization of Employee Unions, split from the EAKL and had approximately 35,000 members. A third central union represented food processing and rural workers. Approximately one-third of the country's labor force belonged to one of the three labor federations. Unions were independent of the Government and political parties.

The Labor Code prohibits antiunion discrimination, and employees may go to court to enforce their rights. The law provides for collective bargaining, collective dispute resolution, and shop stewards.

Unions could join federations freely and affiliate internationally.

b. The Right to Organize and Bargain Collectively.—While workers have the legal right to bargain collectively, collective bargaining has not developed fully. According to EAKL leaders, few collective bargaining agreements have been concluded between the management and workers of a specific enterprise. However, the EAKL has concluded framework agreements with producer associations, which provide the basis for specific labor agreements, including the setting of the minimum wage (see Section 6.e.). The EAKL also was involved with developing the Labor Code, which covers employment contracts, vacation, and occupational safety.

The law provides for the right to strike, and the Constitution and statutes prohibit retribution against strikers. The country's first major strike since regaining independence took place in December. Approximately 20,000 employees participated in the 1-day strike organized by the Organization of Employee Unions. Strikers de-

manded higher salaries for teachers and cultural workers and binding of their salaries to average monthly wages. Railway workers supported the strike with a 1-hour warning strike.

There are no export processing zones.

c. Prohibition of Forced or Bonded Labor.—The Constitution prohibits forced or bonded labor, including by children; however, trafficking of persons was a problem (see Section 6.f.).

d. Status of Child Labor Practices and Minimum Age for Employment.—The Employment Contract Act sets the minimum age for employment at 18 years, although children 15 to 17 years of age may work with the consent of a parent or guardian, and children 13 to 15 years old may work with the consent of a parent or guardian and a labor inspector. Children under age 18 may not perform hazardous or dangerous work. The Working and Rest Time Act limits the hours that children under age 18 can work and prohibits overtime or night work. The Occupational Health and Safety Act gives enforcement responsibilities for labor laws to the Labor Inspector Service. The Government adopted a Regulation appointing competent authorities for the supervision of the worst forms of child labor as defined by ILO Convention 182. No cases of child labor violations were submitted to the courts.

e. Acceptable Conditions of Work.—The Government, after consultations with the EAKL and the Central Producers Union, sets the minimum wage. The monthly minimum wage was approximately \$155 (EEK 2,160). The national minimum wage was received by 5 to 6 percent of the workforce and was not sufficient to provide a decent standard of living for a worker and family. The average monthly wage in the third quarter was approximately \$461 (EEK 6,431).

The standard workweek is 40 hours, and there is a mandatory 24-hour rest period per week. According to EAKL sources, legal occupational health and safety standards are satisfactory in theory; however, they were extremely difficult to achieve in practice. The National Labor Inspection Board is responsible for enforcement of these standards, but it has not been very effective. The labor unions also had occupational health and safety experts who assisted workers to bring employers into compliance with legal standards. Workers have the right to remove themselves from dangerous work situations without jeopardizing their continued employment.

f. Trafficking in Persons.—The law prohibits trafficking in persons; however, women were trafficked from the country, and there were reports of victims of trafficking younger than 18 years old.

Articles 133 and 134 of the Penal Code criminalize enslaving and abduction and enable prosecution for trafficking. The maximum penalty for trafficking is 12 years' imprisonment. As of December, one trafficking case was pending in court. Another 5 cases involving 15 individuals were under investigation.

Women were trafficked from the country to Nordic countries and Western Europe. Some NGOs speculated that there were 500 trafficking victims per year, although there were no reliable statistics available on the extent of the problem. Reportedly job advertisements placed in local newspapers to recruit women were in some cases associated with international prostitution rings. The International Organization for Migration and local NGOs believed that girls were trafficked to Nordic countries and Western Europe.

The Government established a national roundtable headed by the Ministry of Internal Affairs to draft a national action plan and to report the Government's action to combat trafficking. The Government continuously participated in the work of an Expert Group on Trafficking in Women of the Task Force on Organized Crime in the Baltic Sea Region.

The Ministry of Social Affairs in cooperation with the Nordic Council of Ministers initiated a large-scale anti-trafficking campaign, mostly geared towards prevention. The campaign drew public attention to the issue of trafficking in persons and promoted international cooperation to address the problem. International organizations and NGOs carried out several anti-trafficking projects in collaboration with the Government.

FINLAND

Finland is a constitutional republic with a directly elected head of state (President), a Parliament, a head of government (Prime Minister), and an independent judiciary.

The Government maintained effective control of the police, all security organizations, and the armed forces. There were no reports that security forces committed human rights abuses.

The economy was primarily market-based, and it provided citizens with a high standard of living. The population was approximately 5.2 million, and economic growth was estimated at 1.4 percent.

The Government generally respected the human rights of its citizens, and the law and judiciary provided effective means of dealing with individual instances of abuse. Societal violence against women was a problem, which the Government took steps to address. There were reports of trafficking in persons for prostitution.

RESPECT FOR HUMAN RIGHTS

Section 1. Respect for the Integrity of the Person, Including Freedom From:

a. Arbitrary or Unlawful Deprivation of Life.—There were no reports of the arbitrary or unlawful deprivation of life committed by the Government or its agents.

b. Disappearance.—There were no reports of politically motivated disappearances.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The Constitution prohibits such practices, and there were no reports that government officials employed them.

Some persons reported incidents of police discrimination (see Section 5).

Prison conditions generally met international standards. Male and female prisoners were held separately. Juveniles were held separately from adults, and pretrial detainees were held separately from convicted prisoners.

The Government permits visits by independent human rights observers.

d. Arbitrary Arrest, Detention, or Exile.—The Constitution prohibits arbitrary arrest and detention, and the Government generally observed these prohibitions.

The police force is a national force under the Interior Ministry. It effectively carried out its responsibilities for law enforcement and maintenance of order, although its effectiveness, for instance, in compiling reliable statistics, was somewhat compromised by chronic underfunding.

Warrants are required for arrest. If an individual is arrested while committing a crime, a warrant must be obtained within 3 days. Once arrested the accused must be given a court hearing within 3 days. There was no system of bail except for very serious crimes. Preventive detention was permitted only during a declared state of war for narrowly defined offenses, such as treason, mutiny, and arms trafficking.

The law prohibits forced exile, and the Government did not employ it.

e. Denial of Fair Public Trial.—The Constitution provides for an independent judiciary, and the Government generally respected this provision in practice.

The judiciary consists of the Supreme Court, the Supreme Administrative Court, and the lower courts. The President appoints Supreme Court justices, who in turn appoint the lower court judges. Supreme Court justices may serve until their retirement, which usually is at age 63, although justices may serve until age 67.

The law provides for the right to a fair public trial, and an independent judiciary generally enforced this right. Local courts may conduct a closed trial in juvenile, matrimonial, and guardianship cases, or when publicity would offend morality or endanger the security of the state. In national security cases, the judge may withhold from the public any or all information pertaining to charges, verdicts, and sentences. The law provides for sanctions against violators of such restrictions.

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The Constitution prohibits such practices, and the Government generally respected these prohibitions in practice.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution provides for freedom of speech and of the press, and the Government generally respected these rights in practice. An independent press, an effective judiciary, and a functioning democratic political system combined to provide freedom of speech and of the press, including academic freedom.

The independent media was active and expressed a wide variety of views without government restriction. Internet access was available and unrestricted.

b. Freedom of Peaceful Assembly and Association.—The Constitution provides for the freedoms of assembly and association, and the Government generally respected these rights in practice.

c. Freedom of Religion.—The Constitution provides for freedom of religion, and the Government generally respected this right in practice. There are two state churches:

The Evangelical Lutheran Church and the Orthodox Church. Nontraditional religious groups practiced their religion freely.

All citizens who belong to one of the two state churches pay, as part of their income tax, a church tax. Those who do not want to pay the tax must inform the applicable state church that they are leaving that church. Nontraditional religious groups were eligible for some tax relief, provided they were registered with, and recognized by, the Government as religious communities.

The Religious Freedom Act, enacted in February, includes regulations on registered religious communities. Their autonomy is increased, and the law on associations is now extensively applied to them. As under the old law, a minimum of 20 members is required for a religious community to be officially recognized. The new law also no longer prevents a person from being a member of several religious communities simultaneously.

Instruction in the tenets of the state religions is incorporated into the curriculum of all public schools; however, students who are not members of the state churches may substitute general classes on religion and philosophy.

For a more detailed discussion, see the 2003 International Religious Freedom Report.

d. Freedom of Movement within the Country, Foreign Travel, Emigration, and Repatriation.—The Constitution provides for these rights, and the Government generally respected them in practice.

The law provides for the granting of refugee and asylum status to persons who meet the definition in the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. In practice, the Government provided protection against refoulement and granted refugee status or asylum. The Government cooperated with the U.N. High Commissioner for Refugees and other humanitarian organizations in assisting refugees. Approved refugees and asylum seekers were processed directly for residence. The law promotes the integration of immigrants who have been granted asylum. The Government also provides temporary protection to certain individuals who do not qualify as refugees or asylees.

A total of 1,870 applications for asylum were submitted by July 31, compared with 3,129 in all of 2002. There were 275 applications by Bulgarian Roma, 266 by persons from the former Federal Republic of Yugoslavia, 117 by Iranians, 189 by Russians, 130 by Turks, and smaller numbers by other foreign nationals. By July 31, the Government had processed 1,870 applications; it granted asylum to 6 persons and residence permits to 247, of whom 71 received asylum on the basis of need for protection. The authorities refused 1,353 applications. Following an initial asylum examination by the police (which can take several months), asylum applications must be heard within 7 days, and applicants have 8 days to appeal a decision.

Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government

The Constitution provides citizens with the right to change their Government peacefully, and citizens exercised this right in practice through periodic, free, and fair elections held on the basis of universal suffrage. Elections to the 200-seat Parliament were held on March 16 and led to the formation of a new coalition Government.

Women were well represented at all levels of government. There were 74 women in the 200-member Parliament and 8 in the 18-member Cabinet. The President was a woman. A woman was elected Prime Minister in the March parliamentary elections but resigned in June due to a political scandal. The law requires a minimum of 40 percent membership from each sex on all state committees, commissions, and appointed municipal bodies.

Section 4. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A number of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials were very cooperative and responsive to their views.

Section 5. Discrimination Based on Race, Sex, Disability, Language, or Social Status

The Constitution prohibits discrimination based on sex, age, origin, language, conviction, opinion, or disability, and the Government effectively enforced these prohibitions.

Women.—Violence against women continued to be a problem. Although police statistics annually report around 3,000 cases of domestic violence (with one-fifth of the victims being men), research indicated the actual incidence may be significantly

higher. The law criminalizes rape, spousal rape, and domestic abuse, and in recent years courts slightly increased sentences for rape. Unconditional sentences have been lengthened by 6 months: Up from 18 months to an average of 2 years.

The number of calls to the police concerned with domestic violence was not compiled centrally, but it was estimated at 10,000 to 12,000 annually, an estimate that shelter officials believed understated by one-half the number of actual incidents. The Union of Shelter Homes, as well as the municipalities, maintained 23 shelter homes for female, male, adult, and child victims of violence. Officials also established shelter homes for minors, primarily 15- to 18-year-olds. Most persons seeking shelter were women between 25 and 35 years of age, either married or in a common-law relationship, and nearly one-third were immigrants.

The number of reported rapes was estimated to be approximately 550. The true number of rapes remained unknown since some victims were reluctant to come forward, particularly if the victim knew the perpetrator, and three of every four rapes were committed by a known assailant.

An Interior Ministry investigation into reports of "prostitution camps" determined that the activity involved prostitutes renting facilities at tourist campsites in which to meet clients. Russian crime syndicates apparently organized this activity.

Trafficking in women for the purposes of sexual exploitation was a problem (see Section 6.f.).

Administration of equality issues was divided between two units in the Ministry of Social Affairs and Health: The Office of the Ombudsman for Equality and the Gender Equality Unit. The Ombudsman for Equality continued to operate within the Ministry of Social Affairs and Health as an independent authority monitoring compliance with the Equality Act. The Gender Equality Unit had responsibility to prepare and develop the Government's equality policy in cooperation with the other ministries, to help mainstream gender equality, and to handle tasks related to the European Union's (EU) equality law and policy and international activities. The Government's Council for Equality coordinated and sponsored legislation to meet the needs of women as workers, mothers, widows, or retirees.

The Constitution calls for the promotion of gender equality in social activities and working life—the latter particularly in the determination of remuneration—and the country has a comprehensive equal rights law; however, in practice, comparable worth has not been implemented because of the difficulty of establishing criteria. Women's average earnings were 82 percent of those of men, and women tended to be employed in lower paying occupations. While women individually have attained leadership positions in the private and public sectors, there were disproportionately fewer women in top management jobs. Industry and finance, the labor movement, and some government ministries remained male dominated. More than half of the country's physicians and over 65 percent of the medical students were women. Women served in the armed forces. Of the 79 complaints processed by the government's Equality Ombudsman between January 1 and September 25, 16 were judged to be violations of the law. In such cases, the law provides for correction of the situation as well as compensation for the complainant.

Children.—The Government was strongly committed to children's rights and welfare; it amply funded systems of public education and medical care. Education is free and compulsory for children age 7 to 16. More than 99 percent of children between these ages attended school, and girls and boys were treated equally in the education system.

There were a few reports of abuse of children, although there was no societal pattern of such abuse, and the law reflects the national consensus supporting children's rights.

There were reports of trafficking in children for prostitution (see Section 6.f.).

Persons with Disabilities.—There was no discrimination against persons with disabilities in employment, education, or in the provision of other state services. The deaf and the mute were provided 120 to 240 hours of interpretation services annually. The Government provided subsidized public housing to persons with severe disabilities.

Although the law requires that new public buildings be accessible to persons with physical disabilities, many older buildings remained inaccessible. No such law applies to public transportation, but municipalities subsidized measures to improve accessibility to public vehicles. Local governments maintained a free transport service that provided a minimum of 18 free trips per month for each person with disabilities.

Indigenous People.—Sami (Lapps), who constituted less than 0.1 percent of the population, benefited from legal provisions that provide for the protection of minority rights and customs. The Constitution provides for the protection of Sami lan-

guage and culture, and the Government financially supported Sami culture. Sami received subsidies to enable them to continue their traditional lifestyle, which revolves around reindeer herding. Sami have political and civil rights, and they were able to participate in decisions affecting their economic and cultural interests. The use of the Sami language, a minority language that was used regionally, is permitted with administrative and judicial authorities, and in schools, the media, economic and commercial life, and cultural activities.

National/Racial/Ethnic Minorities.—At the end of 2002, the number of immigrants was 103,700 or 2 percent of the population. There were occasional reports of fights between youngsters of different ethnic groups. Small skinhead groups were most likely to be involved in such fights. Somalis and Muslim immigrants appeared to be most at risk. There were also reports of fights between rival immigrant youth groups. The Government continued to take steps to deal with this issue.

An academic study on racism in the country showed that nearly one-third of the interviewed 3,595 immigrants claimed to have experienced racism in the 12 months preceding the study. The respondents represented the seven chief ethnic-immigrant groups: Arabs, Kosovar Albanians, Somalis, Vietnamese, Russians, Estonians, and Ingrians (ethnic Finns from Russia). Most of the reported incidents (59 percent) were minor, e.g., hearing racial epithets in public places, while 10 percent were more serious, including some assaults. Approximately 70 percent of those who claimed to have experienced racism had not reported it to the police, explaining that they had experienced police discrimination. All government ministries included anti-racism provisions in their educational, information, and personnel policy programs and included relevant measures in those programs. Ministries must lower the threshold for intervention in cases of racism and promote appropriate administrative practices. In addition, the Government monitored police, border guard officers, and teachers in their treatment of immigrant groups.

Section 6. Worker Rights

a. The Right of Association.—The Constitution provides for the rights of trade unions to organize and assemble peacefully. Approximately 79 percent of the work force was organized. All unions were independent of the Government and political parties.

The law protects workers against anti-union discrimination. Collective bargaining agreements as well as labor law, both of which were enforced, govern complaint resolution.

Trade unions freely affiliated with international bodies.

b. The Right to Organize and Bargain Collectively.—The law provides for the right to organize and bargain collectively. Collective bargaining agreements usually were based on income policy agreements between employee and employer central organizations and the Government.

The law grants public sector employees the right to strike, with some exceptions for employees who provide essential services. A strike is legal when an employment contract is not in effect and the action is directed against the contract, but a strike would be illegal after a contract agreed to by labor, employers, and the Government is in effect. Fines were imposed for illegal striking. In the first 6 months of the year, there were 53 strikes, only 2 of which were legal. Nurses in the Aland Islands went on strike at the beginning of June and did not return to work until late September. The conflict concerned pay, and was not resolved to the full satisfaction of the strikers.

There are no export processing zones.

c. Prohibition of Forced or Bonded Labor.—The Constitution prohibits forced or bonded labor, including by children; however, there were reports that persons were trafficked for prostitution (see Section 6.f.).

d. Status of Child Labor Practices and Minimum Age for Employment.—The law prohibits youths under 16 years of age from working more than 6 hours a day or at night. The Labor Ministry enforces child labor regulations; there were virtually no complaints of the exploitation of children in the work force.

e. Acceptable Conditions of Work.—There is no legislated minimum wage, but the law requires all employers, including nonunionized ones, to meet the minimum wages agreed to in collective bargaining agreements in each industrial sector. These minimum wages generally provided a decent standard of living for a worker and family.

The legal workweek consists of 5 days not exceeding 40 hours. Employees working shifts or during the weekend are entitled to a 24-hour rest period during the week. The law was enforced effectively as a minimum, and many workers enjoyed stronger benefits through effectively enforced collective bargaining agreements.

The Government sets occupational health and safety standards, and the Labor Ministry effectively enforced them. Workers may refuse dangerous work situations without risk of penalty.

f. Trafficking in Persons.—The criminal law does not contain specific provisions against trafficking in persons, although the activity is covered by other legislation; however, there were reports that persons were trafficked for prostitution.

Provisions in the Criminal Code that may be used against traffickers include deprivation of liberty, aggravated deprivation of liberty, and kidnapping, provisions on the purchase of sexual services from a young person, and the provisions on procurement. There were some investigations of alleged prostitution rings; however, there were no prosecutions.

An inter-ministerial working group appointed by the Justice Ministry completed drafting new anti-trafficking legislation. The draft contains tougher sentencing guidelines that will enable prosecutors and law enforcement to use electronic surveillance methods to investigate traffickers, not possible under the legal system's strong privacy provisions and emphasis on protection of civil liberties.

There were reports that persons were trafficked to and through the country. Most trafficking involved women and girls from Russia and Estonia. Police estimated that 4,000 to 6,000 citizens of those states entered the country for prostitution each year; ages of most of the women ranged between 21 to 30, but minors were also among the victims. Many foreign women working as prostitutes were trafficked into the country by Russian organized crime syndicates. Although some of the women may have expected to work in such jobs as domestic servants or waitresses, most were aware that they would work as prostitutes. Economic coercion and exploitation of poor women seemed to play a larger role in trafficking than physical coercion or deception. The Schengen Treaty, which allows travelers already within EU borders to travel to any other EU country without inspection, facilitated the use of the country as a transit point for persons trafficked from Russia and the Baltics.

The Government and nongovernmental organizations (NGOs) increased efforts to combat trafficking. The Government's working group on illegal immigration also focuses on trafficking; it consists of Interior Ministry, police, border control, and immigration authorities. Trafficking victims may seek help from shelters operated by NGOs for battered women; however, space was limited, and NGOs with concerns about security may have been reluctant to accommodate them.

The Government also established a National Action Plan to combat trafficking and announced that it will create an office of Special Advocate to ensure trafficking victims receive material assistance and legal counseling. The plan emphasizes a multilateral and regional approach to anti-trafficking efforts, involving projects such as a program to identify at-risk women and girls in Russia's border areas and provide them with economic alternatives to prostitution.

In June, the Government co-sponsored a conference, "Stop Child Trafficking: Modern-Day Slavery," which brought together more than 150 participants from 19 nations in Helsinki to share experiences and best practices in combating trafficking in children. Attendees included government officials, law enforcement officers, journalists, and NGOs. President Halonen addressed the conference and publicly declared trafficking a top priority for her administration.

FRANCE

France is a constitutional democracy in which citizens elect the President and the Legislature in periodic, free, and fair elections. The most recent elections took place in May and June 2002. The judiciary is independent.

The law enforcement and internal security apparatus consist of the Gendarmerie, the national police, and municipal police forces. Civilian authorities maintained effective control of the security forces. Some members of the police forces committed human rights abuses.

The country's population was approximately 60 million. The highly developed, diversified, and primarily market-based economy provided residents with a high standard of living.

The Government generally respected the human rights of its citizens, although there were a few problems in some areas; the law and judiciary provided effective means of dealing with cases of individual abuse. There were instances of the abuse of detainees, particularly foreigners, and reports of the use of excessive force by law enforcement officers. Long delays in bringing cases to trial and lengthy pretrial detention were problems. Societal violence against women and children were problems, which the Government took steps to address. Anti-Semitic attacks were a problem,

but decreased in number; the Government continued to take steps to prevent and prosecute such incidents. There were instances of violence and discrimination against immigrants and religious minorities. Trafficking in women and children was a problem, which the Government took steps to address.

RESPECT FOR HUMAN RIGHTS

Section 1. Respect for the Integrity of the Person, Including Freedom From:

a. Arbitrary or Unlawful Deprivation of Life.—There were no reports of political killings by the Government or its agents; however, the Ministry of Interior reported 10 cases of deaths due to police brutality during the year. There was no evidence of a pattern of abuse. The Government investigated these deaths to determine whether they constituted cases of the use of excessive force.

At year's end, the court of Nanterre continued an investigation into allegations that the police used excessive force against Georges Mondesir, who died in custody in 2002.

In March, in a suburb of Nimes, gendarmes shot a 17-year-old boy while in pursuit of suspects fleeing an attempted robbery in a stolen car. His accomplices later took him to the hospital, where he died of his wounds. The killing sparked riots, car burnings, and looting in the boy's housing project. The Nimes court investigated the killing; results had not been released at year's end.

In March, police in Lyon shot and killed a 23-year-old man as he fled in a stolen car. The Inspector General of the Police was tasked with examining the case. His conclusions had not been made public at year's end.

In March, a gendarme in the Loire killed a 24-year-old man, Aurelien, suspected of attempted burglary. The police brigade of Feurs investigated and deemed it an accidental killing. After detaining Aurelien, gendarmes had returned with him to his vehicle, which could not be impounded until two Doberman pinscher dogs in it were removed. One of the dogs reportedly startled a gendarme, whose weapon discharged, and a bullet ricocheted, killing the suspect.

In January, Mariame Getu Hagos, a Somali woman, became ill and died during a deportation flight from Charles de Gaulle airport. Two other deportees were also ill. Some observers criticized the Government's apparent failure to recognize the seriousness of Hagos' illness, and the decision to handcuff her during the deportation, which may have made breathing difficult and contributed to her death.

The Inspector General of Police Services' investigation into the death of Jerome H., who jumped to his death in 2002 during a police interrogation, remained ongoing at year's end.

The investigation into the 2000 lethal bombing of a restaurant near Dinan remained ongoing. The eight Breton separatist militants charged with the crime unsuccessfully appealed for a dismissal in July 2002 and remained in jail pending trial. In the case of the 1998 assassination of Corsican Prefect Claude Erignac, eight Corsican nationalists were convicted in late June. Four of the conspirators were sentenced to life in prison, and the remaining four were given lesser sentences. After a 5-year manhunt, the alleged shooter, Yvan Colonna, was arrested in southern Corsica in early July; he awaited trial at year's end.

The Government appealed a lower court's decision to release former Vichy official Maurice Papon from prison to the Court of Cassation. In February, the high court ruled that a 2002 law that frees mortally ill and elderly prisoners had been correctly applied in his case.

b. Disappearance.—There were no reports of politically motivated disappearances.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The law prohibits such practices; however, there were reports that law enforcement officers used excessive force. According to press reports, the Ministry of Interior recorded and investigated 611 complaints of police brutality during the year; 87 of those cases involved serious injuries. There was no evidence of a pattern of abuse, although some observers criticized police forces because the number of reported incidents of abuse has increased.

On January 1, in the town of Gonesse, police officers reportedly assaulted a Turkish man, Yucel Yildiz, who was in the middle of a crowd of persons fleeing police officers. He suffered a punctured eardrum. The mayor of Gonesse acknowledged that the incident gave a bad image to the police, but there was no further investigation.

Some observers, including Amnesty International (AI), have expressed concern with the use of rubber "flash balls" by law enforcement officers. AI reported that the weapon's rubber projectiles can cause extreme injury and death if fired from a close range; however, according to the Ministry of Interior there have been no documented cases of such problems.

Several nongovernmental organizations (NGOs) have criticized detention zones for aliens at Roissy-Charles de Gaulle Airport because of overcrowding and violence. The Minister of Interior visited the detention centers and stated that they were within international norms. A December law reforming immigration policy called for the expansion of detention facilities and a December law on asylum and refugee policy established procedures to expedite asylum hearings to reduce overcrowding (see Section 2.d.).

In March, the Government of the Ivory Coast expressed its concern with the treatment of African deportees during a March 3 flight to Abidjan, Ivory Coast, and Dakar, Senegal. The International Federation of Human Rights and the League of Human Rights also criticized the treatment of deportees during chartered deportation flights. The Government maintained that police have acted appropriately on all charter flights. The Government now films all flights using mounted on-board cameras. Two members of the Red Cross are present at boarding, and a doctor is present throughout the flight.

After the public prosecutor of Paris opened an inquiry into the case of reported police abuse of Karim Latifi in 2002, the case was closed in July 2002 when the prosecutor found insufficient grounds "to sufficiently distinguish the nature of the offense." In 2002, Latifi pursued a private prosecution, which continued at year's end.

In April, the Movement Against Racism and for Community Friendship (MRAP) reported that police brutalized and insulted suspects with racist comments. MRAP demanded that the Ministries of Interior and Justice punish the guilty parties in such incidents.

Separatist-related violence in Corsica continued to concern the Government, which took steps to address the problem (see Section 3). According to police statistics reported in the press, 199 bombings or attempted bombings took place in Corsica from January to August, up from 127 during the same period the prior year.

Prison conditions generally met international standards; however, public debate continued on the adequacy of prison conditions. Credible NGOs have reported overcrowding and unacceptable hygiene conditions in some prisons. The Government continued implementation of the 2002 prison reform bill to replace old prisons and construct new space. According to the Ministry of Justice, there were 59,741 persons in custody as of December. Of those, 22,300 were pretrial detainees.

There was no evidence of deaths in prison due to mistreatment during the year. The country does not keep official statistics on causes of deaths of prisoners other than suicide. The Ministry of Justice reported 120 suicides during the year. The rate of suicide in prison was 22.8 per 10,000 prisoners in 2002. In January, the Ministry of Health created a Mission of Reflection on Suicide in Prisons, which worked with psychiatrists to develop a program for suicide prevention.

Men and women were held separately, juveniles were held separately from adults, and convicted criminals were held separately from pretrial detainees and those serving sentences of less than 1 year.

The Government permits prison visits by independent human rights observers. The Council of Europe's Committee for the Prevention of Torture (CPT) visited in June and in 2002. Although its final report had not been made public, to allow the Government an opportunity to respond, press reports indicated that the CPT criticized prisons for being overcrowded and offering insufficient programs to prepare inmates for social reintegration.

d. Arbitrary Arrest, Detention, or Exile.—The law prohibits arbitrary arrest and detention, and the Government generally observed these prohibitions; however, credible sources have criticized the judicial system for its inability to process suspects quickly. Authorities investigated allegations of abuse by officials and punished those responsible when the allegations were substantiated.

The civilian force of 118,000 national police and the military force of 90,000 national gendarmes ensure internal security, under the direction of the Minister of Interior. During the year, these services registered a total of 3,974,694 crimes and misdemeanors and collected sufficient evidence to make charges in 28.83 percent of the recorded offenses. Police efficiency since 2002 increased as more investigations were completed and more persons prosecuted.

Impunity was not a problem; the Inspector General of the National Police and the Office of Judicial Police investigated and prosecuted allegations of police brutality. The independent National Commission on the Conduct of Police and Security Forces investigated and reported to the Prime Minister and Parliament on cases of misconduct by national and municipal police, gendarmes, and private security forces. The National Consultative Commission on Human Rights also monitored police conduct. Corruption was generally not a problem. The Government actively investigated

and prosecuted allegations of police corruption. The courts were particularly severe where corruption was concerned, particularly within the police force.

The Inspector General of the National Police received 592 registered complaints about illegitimate police violence in 2002, 566 such complaints in 2001, and 548 in 2000. The majority of these complaints were registered in the Paris region. In Paris, 32 officers were disciplined for violence on duty in 2002; 23 officers were disciplined for violence on duty in 2001; 27 officers were disciplined in 2000. The Ministry of Interior attributed the upward trend to a combination of increased crime, increased police vigilance, and the reinstatement of police patrols in the most dangerous neighborhoods. Police training emphasized minimizing the use of force.

Police are required by law to obtain warrants prior to taking persons into custody. Detainees have access to lawyers. Suspects must have access to a lawyer within 1 hour of being detained. Pretrial detention is generally only allowed if there is a possibility that the suspect would be sentenced to more than 3 years in prison for crimes against persons and to more than 5 years in prison for crimes against property. There is a system of bail.

Some suspects spend many years in prison before a trial, which government officials have acknowledged is due in part to insufficient government resources to expedite the investigation and trial process. According to the Ministry of Justice Prison Administration, as of September, 21,278 of the 57,440 persons held in jails and prisons were awaiting trial.

The law prohibits forced exile, and the Government did not employ it.

e. Denial of Fair Public Trial.—The law provides for an independent judiciary, and the Government generally respected this provision in practice.

The court system includes local courts, 35 regional courts of appeal, and the highest criminal court, the Court of Cassation, which considers appeals on procedural grounds only. Prospective magistrates compete for entry into the National School for Judges; upon completion of their course of study and rigorous exams, magistrates are placed according to their class ranking.

Observers have criticized the judicial system for its inability to process suspects quickly (see Section 1.d.). In cases of serious crimes, investigating judges detain suspects for questioning and direct the criminal investigation that occurs before a case is tried. The *chambre d'accusation* reviews the investigating judge's investigation to determine whether the charge established by the investigating judge was appropriate. The Court of Assises investigates and decides cases involving serious criminal offenses.

In October 2002, without further consultation with the Government, the European Court of Human Rights (ECHR) dismissed Abdelhamid Hakkar's suit charging that the Government violated Article 5 of the European Convention on Human Rights by keeping him in provisional detention for 5 years. In February, Hakkar was convicted of the murder of a police officer in 1984 and sentenced to life in prison with possibility of parole in 18 years.

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home or Correspondence.—The law prohibits such actions, and the Government generally respected these prohibitions in practice. Violations were subject to effective legal sanction.

Wiretapping is recognized as a legal right of the Government. The judge investigating a number of wiretapping cases from 1999 deemed inappropriate by the National Commission for the Regulation of Wiretapping (CNCIS) presented his findings to the Paris public prosecutor's office in 2000. In March, the Paris Court of Appeals sent these cases back to the Paris Criminal Court; a judgment is expected in 2004. According to the report of the CNCIS, the number of requests for administrative wiretaps was 3,138 in 2002, of which 3,082 were granted. The vast majority of wiretaps were requested in connection with investigations for terrorism or organized crime.

Some religious minorities have experienced problems with bans regarding the wearing of special religious clothing (see Section 2.c.).

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The law provides for freedom of speech and of the press, and the Government generally respected these rights in practice. An independent press, an effective judiciary, and a functioning democratic political system combined to ensure freedom of speech and of the press, including academic freedom. However, an 1881 press law that may be used to restrict freedom of expression by prohibiting speech that insults heads of state remained in force, despite criticism from the ECHR.

The independent media was active and competitive and expressed a wide variety of views without government restriction. Internet access was widely available and unrestricted.

In September, the publication of a book containing conversations between the Minister-delegate for scholarly instruction, Xavier Darcos and educator Philip Meirieu was suspended. According to some reports, the Government pressured Darcos to suspend publication because the book's revelation of his views on pedagogy could affect the Government's efforts to reform the education system. The book's publication was postponed until early 2004, after the conclusion of the "national debate on education" launched by the Prime Minister in mid-September.

b. Freedom of Peaceful Assembly and Association.—The law provides for freedom of assembly and association, and the Government generally respected these rights in practice.

c. Freedom of Religion.—The Constitution provides for freedom of religion, and the Government generally respected this right in practice. The 1905 law on the separation of church and state prohibits discrimination on the basis of faith and establishes France as a strictly secular republic. Minority religious groups continued to be concerned about the possible impact of legislation passed in 2001.

In order to receive tax-exempt status, religious groups must apply with the local prefecture to be recognized as an association of worship and disclose certain management and financial information.

The State subsidizes private schools, including church-affiliated schools. Central or local governments own and provide upkeep for religious buildings constructed before the 1905 law separating church and state; buildings constructed after that belong to the respective religious organization.

The Government has encouraged public caution toward some minority religious groups that it considers to be cults. A 1996 parliamentary commission report identified as so-called cults 173 groups, including Jehovah's Witnesses, the Theological Institute of Nimes (an evangelical Christian Bible college), and the Church of Scientology. Members of some of the groups included in the list have alleged instances of intolerance due to the ensuing publicity. In 2002, the Government announced the formation of the Inter-ministerial Monitoring Mission Against Sectarian Abuses (MIVILUDES), charged with observing and analyzing sect/cult movements that constitute a threat to public order or that violate French law, coordinating the appropriate response, informing the public about potential risks, and helping victims to receive aid.

Some observers remained concerned about the June 2001 About-Picard law, which tightens restrictions on associations and provides for the dissolution of groups, including religious groups, under certain conditions. In 2002, the Council of Europe passed a resolution critical of the law and invited the Government to reconsider it. By year's end, the law remained in force; however, its provisions for the dissolution of groups had never been applied.

Some observers were concerned about the tax authorities' scrutiny of the financial records of some religious groups. The Jehovah's Witnesses, some branches of which are not recognized as tax-exempt religious organizations, appealed to the Court of Cassation a 2002 ruling that they must pay \$57.1 million (45.7 million euros) in back taxes.

In December, the ECHR condemned the Government for discrimination against a member of Jehovah's Witness who was denied custody of her children by the Appellate Court of Nimes, which cited concerns about her religious affiliation in its decision. The ECHR awarded the plaintiff \$12,500 (10,000 euros) damages and \$740 (590 euros) for expenses; she is able to appeal the custody decision in domestic courts.

Representatives of the Church of Scientology continued to report cases of societal discrimination, frivolous lawsuits, and prosecution for allegedly fraudulent activity. Church of Scientology representatives reported that a case filed by a parent whose child attended an "Applied Scholastics"-based school remained ongoing.

Foreign missionaries from countries not exempted from visa requirements to enter the country must obtain a 3-month tourist visa before leaving their own country. All missionaries who wish to remain in the country longer than 90 days must obtain visas before entering the country. Upon arrival, they must apply with the local prefecture for a *carte de sejour* (a document that allows a foreigner to remain in the country for a given period of time) and must provide the prefecture a letter from their sponsoring religious organization.

The Government has stated its intention to introduce legislation in 2004 that prohibits the wearing of Muslim headscarves and other religious symbols by students while at public schools and by government employees at their places of work. In the

past, various courts and government bodies have considered whether denying Muslim girls and women the right to wear headscarves in public schools constitutes a violation of the right to religious freedom on a case-by-case basis. In July, the President created a commission to study secularism, integration, and the place of religion in society; the commission's report, issued in December, recommended several measures to address perceived problems with integration in the country. Among the recommendations endorsed by the Government was the introduction of a law that prohibits the wearing of "conspicuous" religious symbols in schools and other public buildings; such symbols would include Muslim headscarves, Jewish skullcaps, and large crosses. In a December 17 speech, President Chirac said, "secularism is not negotiable" and promised to introduce legislation in early 2004 to address this issue. Some Christian, Jewish, and Muslim leaders, human rights groups, and foreign governments voiced concerns about the proposal. Those who support the proposal generally have expressed the belief that, in a secular country, the laws of the State supersede religious practice in certain public spheres, such as the public school system and government offices. Those who are opposed argue that the Government should not restrict or interfere in the practice of religion.

In September, a court in Lyon ruled in favor of a young woman who sought reinstatement and \$6,250 (5,000 euros) in damages and interest after she was fired by the telemarketing firm where she worked for refusing to wear her headscarf in a manner deemed appropriate by her employer, who stated her opposition to headscarves. The telemarketing firm appealed, and the next hearing is scheduled to take place in 2004.

There were several cases where school authorities took action to prevent women and girls from wearing Muslim headscarves in public schools. In October, a school disciplinary board in Aubervilliers voted to expel two female students for wearing the Islamic headscarf in school. In a separate case in November, a school disciplinary board in Haute-Rhine expelled a female student for the same reason. In December, a disciplinary board in Paris suspended a teacher's aide for wearing a headscarf while working in a public school.

During the year, some religious minorities experienced problems. According to the Ministry of Interior, police recorded 463 anti-Semitic threats and 125 anti-Semitic attacks during the year, and 737 threats and 195 attacks in 2002. Authorities condemned anti-Semitic attacks, maintained heightened security at Jewish institutions, investigated the attacks, made arrests, and pursued prosecutions. The Government reported that during the year, police had sufficient evidence to question 91 suspects; arrest 69 suspects, and bring to trial 43 suspects. There were seven convictions for anti-Semitic attacks committed during the year and 15 convictions for attacks committed in 2002; punishments ranged from fines to 4 years' imprisonment.

The National Consultative Commission on Human Rights (NCCHR) released an extensive analysis of anti-Semitic incidents reported by the police in 2002. Such incidents ranged from graffiti and desecration (518) and verbal or written harassment (166) to the diffusion of written tracts (28) and bomb threats (19). There have been no reported deaths due to anti-Semitic violence since 1995, but 17 people were injured in anti-Semitic attacks in 2002. Based on investigations of the attacks, the NCCHR stated its conclusions that disaffected French-North African youths were responsible for many of the incidents, which French officials linked to tensions in Israel and the Palestinian territories. A small number of incidents were also attributed to extreme-right and extreme-left organizations.

The Representative Council of Jewish Institutions in France (CRIF) operated a hotline to register allegations of threats; from January to November 2002, it received 465 reported threats and attacks, all of which were verified. According to the CRIF's website, 320 anti-Semitic incidents were reported during the year. The CRIF stated in the NCCHR report that its figures do not always correspond to those of the Government, as victims do not always report their attacks to both the police and the CRIF.

In March, during anti-war protest marches, two Jewish youths wearing skullcaps were violently attacked. Press reports indicated that their alleged attackers were French-North African youths shouting anti-Semitic slogans. Investigations into the attacks continued at year's end. In a Parisian suburb in October, a rabbi on his way to his synagogue was attacked; two men were arrested and charged in the case. Also in October, an NGO stated its intent to pursue legal action against the website *Islamiya* for publishing anti-Semitic material on the Internet, specifically an incitement to racial violence and an illegal call to boycott Israeli products.

In November, after an arson attack destroyed a Jewish school in Gagny, President Chirac stated "an attack on a Jew is an attack on France" and ordered the formation of an inter-ministerial committee charged with leading a crackdown on anti-Semitism. At the committee's first meeting in December, the Prime Minister re-

affirmed the Government's "total determination" to fight all forms of anti-Semitism and racism and announced plans to improve the means of tracking statistics on attacks, improve the systematic pursuit and prosecution of those responsible, and to improve education and prevention.

Members of the Arab/Muslim community experienced incidents of harassment and vandalism. According to the NCCHR, 62 percent of racist attacks in 2002 were directed at the North African (largely Muslim) population. At least six mosques were attacked by an extreme-right group in late 2002 and early 2003; the attacks were linked to incitements to hate on a website called "SOS-Garbage." The Government is investigating at least 26 other islamophobic websites for links to anti-Muslim attacks.

For a more detailed discussion, see the 2003 International Religious Freedom Report.

d. Freedom of Movement within the Country, Foreign Travel, Emigration, and Repatriation.—The law provides for these rights, and the Government generally respected them in practice.

The law provides for the granting of refugee and asylee status to those persons who meet the definition of the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. In practice, the Government provided protection against refoulement and granted refugee status or asylum. The Government cooperated with the U.N. High Commissioner for Refugees and other humanitarian organizations in assisting refugees. According to the French Office of Protection for Refugees and Stateless Persons, in 2002 the Government received 51,087 requests for asylum and 23,000 applications for territorial asylum (akin to the concept of first asylum, but renewable) or applications for minors. The Government considered 50,206 cases and issued 8,495 refugee certificates (a document issued to successful asylum applicants). According to press reports, in the first 10 months of the year, the Government received 50,288 new applications for asylum and over 30,000 applications for territorial asylum. Of the 50,000 estimated decisions during that period, 17 percent of asylum applicants were granted.

In December, legislation entered into force that reforms the Government's asylum policies and harmonizes them with proposed European Union (EU) policy. The reforms centralize and streamline the application review process. The new law also recognizes "subsidiary protection," which includes protection for persons who fear persecution by nonstate actors. Under the new law, in accordance with developments in EU asylum policy, the Government will establish a list of "safe countries of origin;" applicants from these "safe countries" will be fast-tracked for processing, and those who are found unqualified will be quickly repatriated. In addition, asylum-seekers deemed able to find safety in different regions of their home countries will not be granted asylum. These measures were criticized by NGOs and refugee organizations.

During the year, there were some reports of illegal immigrants inhabiting makeshift camps and shelters and occupying private and public lands. Police intervened in some cases where squatters presented a threat to public order or health. Under the law, illegal immigrants who are eligible to apply for asylum are allowed to do so.

Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government

The Constitution provides citizens with the right to change their government peacefully, and citizens exercised this right in practice through periodic, free, and fair elections held on the basis of universal suffrage. The most recent national legislative elections took place in June 2002; the President was elected in May 2002.

There were 101 women in the two bodies of the 898-seat legislature and 10 women ministers in the 38-member Cabinet. Of the 190 members of the Court of Cassation, 74 were women. Of the 87 elected representatives to the EU Parliament, 35 were women. Women represented 33 percent of all municipal counselors and 10.9 percent of mayors. The constitutional amendment requiring parties to have equal numbers of women and men on their list of candidates or face fines remained in force. The President and the Prime Minister continued discussions on modernizing the country's political institutions, including measures to encourage a greater number of women in political, social, and public positions.

The Constitution prohibits the Government from collecting information about the racial or ethnic background of its citizens; no statistics on minority participation in the Government were available.

In a July 6 referendum, Corsican voters rejected the Government's decentralization plan that was meant to give the region more autonomy. In the aftermath, separatists intensified their attacks against government targets (see Section 1.c.). In

September, several Corsican separatist political parties held talks in an effort to prepare a unified list of candidates in advance of regional elections, scheduled for March 2004. In mid-November, Corsica's principal clandestine separatist group, the Corsican National Liberation Front/Union of Combatants, publicly declared an immediate, unconditional truce in advance of the Corsican regional elections, scheduled for March 2004.

The citizens of the collective territory of Mayotte and the territories of French Polynesia, Wallis and Futuna, and New Caledonia determine their legal and political relationships to France by means of referendums and, along with the overseas departments, they elected deputies and senators to the French Parliament.

Section 4. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A wide variety of domestic and international human rights organizations generally operated without government restrictions, investigating and publishing their findings on human rights cases. Government officials were cooperative and responsive to their views. The NCCHR—an independent body in the Office of the Prime Minister, which has nongovernmental as well as governmental members—also monitored complaints and advised the Government on policies and legislation.

Section 5. Discrimination Based on Race, Sex, Disability, Language, or Social Status

Statutes ban discrimination based on race, sex, ethnic background, or political opinion.

Women.—The Penal Code prohibits rape and spousal abuse, and in general these laws were enforced; however, violence against women remained a problem. The Ministry of Interior reported that there were 10,408 rapes and 15,394 instances of other criminal sexual assault during the year. In 2002, there were 10,460 rapes and 15,743 instances of other criminal sexual assault; in 2001 there were 1,610 (including both genders and minors) convictions for rape. The penalties for domestic violence vary according to the type of crime and range from 3 years' imprisonment and a fine of approximately \$56,250 (45,000 euros) to 20 years in prison. The penalty for rape is 15 years in prison, which may be increased due to other circumstances (such as the age of the victim or the nature of the relationship of the rapist to the victim). The Government sponsored and funded programs for women who were victims of violence, including shelters, counseling, and hot lines. Numerous private associations also assisted abused women.

In August, the death of a French actress abroad from an apparent domestic dispute brought publicity to the problem of domestic violence in France. In July, the Government released a 2000 study by the Ministry of Social Affairs on domestic violence that found that 1 adult woman in 10 is the victim of domestic violence, and that 6 women die each month at the hands of their partners.

Press reports and NGOs reported that a "repressive atmosphere" existed in some suburbs of Paris dominated by immigrants from North African countries, causing women in these neighborhoods to feel intimidated. Some men in these suburbs reportedly intimidated women whom they perceived as violating social norms. This abuse ranged from verbal abuse to physical assault and rape. After the killing of 17-year-old Sohane, burned alive by an ex-boyfriend in a suburb of Paris in 2002, a women's rights movement emerged among inhabitants of these "difficult neighborhoods" around Paris. In March Sohane's sister and other young women led a 30,000-person march through 23 cities in France to raise public awareness of the situation for women in these neighborhoods. Representatives of the Government have met with members of this women's movement and supported the march. The man who killed Sohane confessed to the killing but claimed it was "involuntary;" his trial began in October and remained ongoing at year's end.

In September, the High Council on Integration (HCI), a government body, published a report that approximately 70,000 girls in France between 10 and 18 years old, primarily from North Africa, sub-Saharan Africa, and Turkey, were threatened with forced marriages. Women and girls may seek refuge at shelters if they are threatened with forced marriages, and parents can be prosecuted for forcing their children into marriage. The Government offers some education programs to inform young women of their rights, and the HCI said it is important to distinguish between arranged and forced marriages. The age of consent for marriage is 18 for males and 15 for females; however, many of these marriages take place overseas and are often designed to facilitate immigration. French consulates abroad attempted to prevent forced marriages for immigration by requiring proof that marriages took place with the consensual presence of both spouses before issuing visas.

In September, the High Council on Integration also published a report indicating that the country is home to 35,000 women who are victims of female genital mutila-

tion (FGM), the majority of whom are immigrants from Africa, Asia, and the Middle East. The practice is illegal and may be punished by up to 20 years imprisonment; however, in most cases the FGM was believed to take place outside of France. Cases were seldom reported to the authorities, and most were discovered in routine school medical examinations. Several NGOs exist to prevent FGM and worked with the Government to educate women about their rights.

Prostitution is legal; acting as a pimp is illegal. Trafficking in women for the purpose of sexual exploitation was a problem (see Section 6.f.). A government agency, the Central Office on the Treatment of Human Beings (OCRTEH), addresses trafficking in women, prostitution, and pimping.

The law prohibits sex-based job discrimination and sexual harassment in the workplace. The Social Modernization Law of 2003 prohibits harassment by colleagues as well as supervisors, places on the employer the burden of proof that discrimination did not take place, and creates a mediation process to help workplaces address problems with harassment.

The law requires that women receive equal pay for equal work; however, this standard often was not met in practice. Reports by various governmental organizations and NGOs have indicated that men continued to earn more than women, and that unemployment rates continued to be higher for women than for men. The National Institute of Statistics and Economic Studies reported that the unemployment rate for women was approximately 2 percent higher than the unemployment rate for men. From January to October, the unemployment rate for women remained between 10.5 and 10.7 percent.

Children.—The Government was strongly committed to children's rights and welfare; it amply funded systems of public education and medical care. The Ministry for Family Affairs oversees implementation of the Government's programs for children.

Public schooling is provided through the age of 18 and education is compulsory for citizens and non-citizens between the ages of 6–16. Although not compulsory, pre-school and kindergarten for children under age 6 is free and widely available. According to INSEE, the French statistical agency, during the school year 2000–2001, the percentage of school age children who attended school was 100 percent for ages 6–13; but the percentage dropped to 99.6, 98.7 and 96.8 for ages 14, 15 and 16, respectively.

The Government provides equal health care for all employed persons, pensioners, and the unemployed through the Social Security system.

There are strict laws against child abuse, particularly when committed by a parent or guardian, and the Government effectively prosecuted abusers. In 2002, there were approximately 18,500 reported cases of mistreatment (physical violence, sexual abuse, mental cruelty, or severe negligence) of children, compared with 18,000 in 2001. Approximately 5,900 of these cases involved reports of sexual abuse. Special sections of the national police and judiciary are charged with handling these cases. In 2002, there were 427 convictions for rape of minors under the age of 15 and 4,003 convictions for cases of sexual assault against minors. In 2002, there were 7,821 convictions for cases of violence, mistreatment, and abandonment of minors. The Government provided counseling, financial aid, foster homes, and orphanages for victims, depending on the extent of the problem. Various associations also helped minors seek justice in cases of mistreatment by parents.

Trafficking in girls was a problem, which the Government took steps to address (see Section 6.f.). In March, a report by a rapporteur for the United Nations Commission on Human Rights criticized the Government for "continuing to deny the existence and the scale of sexual cruelty against children" with regard to trafficked children and called for the NCCHR to further investigate the situation. The report was particularly critical of the justice system and a government-chartered doctors' group over their handling of child sex abuse.

Persons with Disabilities.—The law prohibits discrimination against persons with disabilities in employment, education, or in the provision of other state services.

The law requires new public buildings to be accessible to persons with disabilities; however, many older buildings and public transportation were not accessible. During the year, three cases alleging discrimination or problems with accessibility for persons with disabilities were brought before the courts, and NGOs reported that there were at least 50 more cases that they intend to pursue. One court case charged a cinema with lacking access for persons with disabilities, but no decision was rendered at year's end. A second case, which remained ongoing at year's end, charged the Ministry of Justice with noncompliance with the law on accessibility, since several courts were not accessible to persons with disabilities. In a third case, three train passengers who use wheelchairs sued the French National Rail Service

after an employee placed them in an unlit, un-air conditioned bicycle transport car during their train voyage, rather than a normal compartment outfitted to accommodate wheelchairs. The court ruled that the train company could not be held responsible for its employee's actions.

One in four persons with disabilities was unemployed. The law requires employers at companies of more than 20 employees to hire persons with disabilities or pay fines to an association that assists persons with disabilities in finding work. In December, the Government announced that it would introduce measures to encourage companies to hire more persons with disabilities.

National/Racial/Ethnic Minorities.—Anti-immigrant sentiments led to some incidents of violence and discrimination, including occasional attacks on members of the large Arab/Muslim and black African communities. In 2002, there was a considerable increase in violence and racial threats, as documented by the NCCHR. The annual NCCHR report noted an increase in the number of reported incidents of racist threats—261 in 2002, compared with 166 in 2001; there were 120 incidents of racist violence in 2002, compared with 38 in 2001. According to the report, there was one death due to racist violence in 2002 and 21 people were injured. Of the 261 racist threats reported, 169 were directed at immigrants of North African origin.

In November, a new law on immigration took effect. The majority of the law's provisions aim to restrict illegal immigration and to ensure illegal immigrants are deported. Its major reforms include: Improving conditions in detention centers; allowing immigrants convicted of crimes in France who have strong family ties to the country to remain in France after serving their sentences; collecting biometric data from visa applicants; extending the period during which the government can detain an illegal immigrant before determining if they are qualified to remain in France; and establishing more stringent requirements for receiving 10-year residence permits. Immigrant advocacy groups criticized the law's measures for being too harsh and encouraging discrimination against foreigners.

During the year, Joel Damman confessed to killing a 17-year-old man and injuring three people during a drive-by shooting in 2002, which he said was motivated by racism. Damman was in jail awaiting trial at year's end.

The Government has strongly criticized such actions and attacks and has strict antidefamation laws. Government programs attempted to combat racism and anti-Semitism by promoting public awareness and bringing together local officials, police, and citizen groups. There also were antiracist educational programs in some public school systems.

In February, a new law to toughen penalties for crimes of a "racist, anti-Semitic, or xenophobic" nature entered into force. The law calls for harsher sentences for perpetrators of "physical or material violence committed because of the victim's membership or non-membership, real or supposed, in an ethnic group, nationality, race, or specific religion"; it doubles prison sentences and increases fines for racist violence.

In February, the Minister of Education announced a plan to combat racism and anti-Semitism in schools. He held a meeting with educators in March to advance the project, and a national commission was charged with piloting the program.

In March, the Minister of Justice circulated an instruction to judicial authorities that enlarged the list of infractions for which racist motivation could be considered an aggravating factor, increased the penalties for discrimination by officials acting in an official capacity, and lengthened the statute of limitations on prosecuting racist acts.

The Ministry of Labor and the NGO Group for Study and Combat of Discrimination offer a free hotline to report discrimination.

Some NGOs alleged that racist hiring practices prevented minorities from Africa, North Africa, the Middle East, and Asia from equal access to the workplace and worked to sensitize the public to this problem. The NGO SOS-Racism made telephone inquiries about advertised jobs to determine whether employers discriminate against applicants on the basis of race. In January, SOS-Racism sued an employer for refusing interviews to persons with "Maghrebin-sounding first names;" the judge in Lyon ruled that discrimination could not be proved because no clear conclusion about a person's ethnicity or race could be drawn from a first name alone. In a separate instance, after allegations of racist hiring practices, a private consulting firm worked with SOS-Racism to create a charter of good conduct and to educate employees and employers.

In October, the penal court of Paris sentenced the director of a school of cosmetology to 2 months suspended imprisonment and a \$6,250 (5,000 euro) fine for refusing to hire a black candidate.

Section 6. Worker Rights

a. The Right of Association.—The Constitution provides for freedom of association for all workers, and workers exercised this right. Trade unions exercised significant economic and political influence, although less than 10 percent of the work force was unionized. Unions have legally mandated roles (as do employers) in the administration of social institutions, including social security (health care and most retirement systems), the unemployment insurance system, labor courts, and the Economic and Social Council, a constitutionally mandated consultative body. Unions and labor federations were independent of the Government, and most were not aligned with any political party.

The law strictly prohibits antiunion discrimination; employers found guilty of such activity are required to correct it, including reinstatement of workers fired for union activities.

Unions were permitted to join federations and confederations, including international bodies, and many did so.

b. The Right to Organize and Bargain Collectively.—Workers have the right to organize and bargain collectively, and workers exercised this right. The law requires at least annual bargaining in the public and private sector on wages, hours, and working conditions at both plant and industry levels but does not require that negotiations result in a signed contract. In case of an impasse, Government mediators may impose solutions that are binding unless formally rejected by either side within a week. If no new agreement can be reached, the contract from the previous year remains valid. Over 90 percent of the private sector work force was covered by collective bargaining agreements negotiated at national or local levels. Trilateral consultations (unions, management, and Government) also take place on such subjects as the minimum wage, the duration of the legal workweek, temporary work, social security, and unemployment benefits. Labor tribunals, composed of worker and employer representatives, were available to resolve complaints.

The law requires businesses with more than 50 employees to establish a workers' council, through which workers are consulted on training, working conditions, profit sharing, and similar issues. Work councils, which are open to both union and non-union employees, are elected every 2 years.

Workers, including civil servants, have the right to strike except when a strike threatens public safety. One-fourth of all salaried employees worked for the Government; however, the Ministry of Social Affairs has not published the number of workdays lost to strike action in the public sector. The number of workdays lost to strike action in the private sector in 2002 decreased by 40 percent, and the number of strikes fell by 37 percent.

A number of strikes occurred in the public sector during the year as the Government moved forward with its decentralization and pension reform plans. The law prohibits retaliation against strikers, strike leaders, and union members, and in general the Government effectively enforced this provision.

In January, teachers went on strike for 1 day, as they judged the Government's offer to hire 30,000 teachers for the 2004–2005 school year to be insufficient. Demanding higher pay, Air France pilots went on strike for 4 days in February, causing considerable disruption to the air transportation system. Teachers again went on strike for 1 day in mid-March after the Government announced plans to transfer certain administrative jobs to local governments. For the first time, the Government decided not to pay those teachers who struck for the days they were on strike.

Public sector employee unions participated in a series of general strikes during May and June to protest the Government's plan to raise the retirement age. The reform also eliminated the 2½-year advantage public workers enjoyed over private sector workers in qualifying for full pension benefits. A majority of the strikers were railroad workers, teachers, bureaucrats and air traffic controllers, but most private sector unions chose not to participate. In July, the Government passed its pension reform package, with few modifications.

During July and August, a series of strikes called by seasonal and temporary theater workers resulted in the cancellation of several summer festivals throughout France. In September, teachers again participated in a 1-day strike to continue the protest against pension reform, but there were fewer participants than organizers predicted and the strike was considered a failure.

The Constitution's provisions for trade union rights extend to the country's overseas departments and territories.

Teachers and other public sector workers on the island of Reunion went on strike beginning in April to protest the Government's decentralization and pension reform plans. In mid-June, police broke through a picket line surrounding a school so that

students could take their graduation exams. Seven strikers were arrested and an unknown number of protesters received minor injuries.

There are three export processing zones.

c. Prohibition of Forced or Bonded Labor.—The law prohibits forced or bonded labor, including by children; however, there were reports that such practices occurred (see Section 6.f.).

d. Status of Child Labor Practices and Minimum Age for Employment.—With a few exceptions for those enrolled in certain apprenticeship programs or working in the entertainment industry, children under the age of 16 may not be employed. In general, work considered arduous, or work between the hours of 10 p.m. and 5 a.m., may not be performed by minors under age 18. Laws prohibiting child employment were enforced effectively through periodic checks by labor inspectors, who have the authority to take employers to court for noncompliance with the law.

e. Acceptable Conditions of Work.—The administratively determined minimum wage is revised whenever the cost-of-living index rises 2 percentage points. This year it was \$8.98 (7.19 euros) per hour. This wage represented the maximum rate of a multi-step minimum wage scale, which was created to reduce the burden of the 35-hour workweek for small and medium-sized companies. The minimum wage provided a decent standard of living for a worker and family.

The Government raised the annual overtime ceiling from 130 to a maximum of 180 hours (depending on the employment sector); the plan allowed a de facto return to the 39-hour workweek from the 35-hour workweek that had been in effect since 2001.

The Ministry of Social Affairs, Labor, and Solidarity has overall responsibility for policing occupational health and safety laws. Standards were high and effectively enforced. The law requires each enterprise with 50 or more employees to establish an occupational health and safety committee. Over 75 percent of all enterprises, covering more than 75 percent of all employees, have fully functioning health and safety committees. Workers have the right to remove themselves from dangerous work situations.

f. Trafficking in Persons.—The law prohibits the trafficking of persons; however, trafficking in women and children for prostitution, domestic slavery, and thievery was a problem.

In February, the Government enacted a law to eliminate human trafficking and slavery and to improve victim assistance. The law creates a specific infraction in the penal code focused on trafficking in persons, which is punishable with 7 years in prison and a fine of \$187,500 (150,000 euros). The law also establishes a specific infraction for persons organizing a begging network, but does not target the child-beggars themselves. Persons convicted of organizing a criminal network that exploits children and forces them to beg face a prison sentence of 3–10 years and a fine of \$56,250 to \$5.6 million (45,000 to 4.5 million euros). This law provides the Government with the means to arrest and prosecute child-traffickers.

In September, police arrested 67 adults in a Roma encampment outside Paris and charged them with organizing sexual enslavement of Roma children who were kidnapped from Romania, brought to France, raped to make them obey, and sent out on the streets of Paris and its suburbs to steal and prostitute themselves. According to press reports, the children were forced to earn \$250 (200 euros) a day or face severe physical punishment. The child-traffickers remained in jail awaiting trial at year's end.

Prostitution is legal; however, the law prohibits pimping, including aiding, assisting, maintaining, or profiting from the prostitution of another. The public solicitation of another person for the purpose of inciting sexual relations also is illegal. Pimps and traffickers usually were prosecuted under these laws. Aiding, abetting, or protecting the prostitution of another person; obtaining a profit, sharing proceeds, or receiving subsidies from someone engaged in prostitution; or employing, leading, corrupting, or pressuring someone into prostitution are punishable by up to 5 years in prison and a fine of up to approximately \$175,000 (140,000 euros). Penalties increase to a maximum of 10 years in prison and approximately \$1.75 million (1.4 million euros) if a minor or several persons are involved, or if force is used. Pimping by organized groups is punishable by up to 20 years in prison and a fine of up to \$3.5 million (2.8 million euros). The use of "torture" or "barbarous acts" in the course of pimping is punishable by up to life imprisonment and up to \$5.25 million (4.2 million euros) in fines. These laws were enforced to various degrees; there also are strict laws combating trafficking in persons as it relates to domestic slavery. Slavery is punishable by up to 2 years' imprisonment and a fine of \$88,750 (71,000 euros). When the crime applies to more than one victim, punishments increase to 5 years' imprisonment and \$175,000 (140,000 euros) in fines.

Several law enforcement agencies were involved in the effort to combat trafficking. OCRTEH was under the authority of the central criminal investigation directorate of the police judiciaire, which handled organized crime. OCRTEH centralized information and coordinated operations to counter trafficking and maintained contacts with the police, the Gendarmerie, the border police, foreign and international law enforcement authorities, and NGOs. In September, OCRTEH obtained additional government funds, which enabled it to double in size to 50 police officers specializing in prostitution and trafficking networks. Regional services of the police also combat trafficking, and there are police brigades to combat pimping in Paris and Marseille. Local police forces also addressed problems of prostitution and pimping.

The Government regularly cooperated on a bilateral basis or with international institutions such as Europol to investigate, track, and dismantle trafficking rings. In April, a call girl service run by a British man was dismantled and its organizer charged with "aggravated pimping" for employing forty individuals. No trial date was set.

In July, police, in cooperation with Bulgarian authorities, arrested a 19-year-old Bulgarian national accused of collecting money from prostitutes in France and sending it back to the network organizer in Bulgaria. Later that month, a 24-year-old Eastern European, was arrested by local police for pimping three young women, one of whom was a minor.

Also in September, domestic courts opened a case against a woman arrested in May 2002 for operating a high-class escort service advertised in a widely read international newspaper. She was convicted of pimping as many as 250 women, and was sentenced to 4 years in jail and fined \$187,500 (150,000 euros).

The country was a destination and a transit point for trafficked victims, primarily women and children from Eastern Europe, West Africa, Latin America and the Caribbean. Most were between 15 and 18 years old; however, some were as young as 10 years old. The majority of these victims were brought in illegally and exploited by crime networks. In general, victims were trafficked into sexual exploitation or domestic slavery. Government efforts to prevent and monitor such criminal activity were made difficult by the open borders under the Schengen Accords.

The country was also a destination for trafficked Romanian children, many of Romani descent. These children have traditionally have widely been used by their handlers as beggars and thieves throughout the country. Many of these child thieves/beggars increasingly turned to or were forced into prostitution. Charter planes continued to transport back to their country of origin Romanian children and adults who had been trafficked into the country and were being repatriated on a voluntary basis under the terms of a government agreement with Romania. Some NGOs and grassroots organizations have criticized the voluntary repatriation program because the Government's participation is limited to providing transport to Romania and \$191.25 (153 euros) for resettlement.

Police estimated that of the 12,000 to 15,000 women prostitutes who worked in France, as many as 90 percent were forced into the trade by trafficking networks. Traffickers used methods ranging from the confiscation of the victim's identification papers to cultural isolation to physical or psychological abuse. Some victims came as a result of fraud or force, while others had worked as prostitutes in their home countries and were willing to continue the practice to pay for their immigration papers. Some women and girls were kidnapped or "bought" and sold at auction to prostitution networks in the Balkans before being smuggled into the country.

The Government set up a protection program for trafficking victims that choose to cooperate with police and judicial authorities. In exchange for testimony against their traffickers, they are granted a temporary residence card. If the testimony leads to a firm conviction, they are granted full residency. Trafficking victims may be granted temporary residency while they apply for asylum. Victims were encouraged to take legal action against traffickers. Victims who declined to cooperate with the authorities were processed as illegal immigrants and were sometimes detained or jailed. The Committee Against Modern Slavery brought cases of domestic and modern slavery to the authorities for prosecution.

The Ministry of Interior reported that prostitution in Paris decreased by 40 percent since 2002. According to the Government, police arrested 279 pimps, an increase of 82 percent from 2002. Of the foreign prostitutes arrested, 100 agreed to cooperate with police and were granted residence in France; 126 foreign prostitutes were repatriated.

Social Aid to Children (ASE), the national social services branch for childcare, was responsible for caring for and assisting victims under the age of 22. The ASE provides social workers to help victims gain access to social care, legal counsel and asy-

lum assistance. ASE worked closely with the Office for the Protection of Refugees and Stateless Persons.

The Government worked closely with other countries and NGOs to combat trafficking, funding programs in Central and Eastern Europe as well as West Africa. With its EU partners, the Government supported trafficking prevention programs, including information and media campaigns, seminars, and a trafficking prevention project in West Africa.

Numerous NGOs dealt with trafficking in persons and prostitution. The Parada Association worked toward integrating Romanian child beggars and prostitutes into society. The Scelles Foundation, which had a center for international research and documentation of sexual exploitation, provided information to the media on the issue and supported other associations in the country and around the world. The NGO Friends of the Nest worked directly with prostitutes and helped those who wanted to leave prostitution. Many NGOs had "field educators" who routinely met with prostitutes, served as intermediaries between police and prostitutes, offered psychological support, and tried to educate prostitutes about safe sex as well as their rights under the law. One of the best-known NGOs who help prostitutes, Women's Bus (Le Bus de Femmes), gave health advice, distributed condoms, and provided psychological support as well as warm meals.

In the fall, Bordeaux Mayor Alain Juppe launched an initiative called the House of Prostitutes. Jointly run with an NGO association, this program provided prostitutes with a safe place to meet with doctors, legal advisors, and social workers as well as psychologists.

In April, national carrier Air France in conjunction with the NGO End Child Prostitution Tourism in Asia (ECPAT), launched an anti-trafficking/anti-sexual tourism campaign. This initiative entailed prime time television advertisements in France as well as an in-flight video showing a 45-second clip of a sexual offender in jail. Air France also distributed posters in all of its travel agencies.

GEORGIA

Georgia is a republic with a Constitution that provides for a strong executive branch that reports to the President. The President appoints ministers with the consent of Parliament. Eduard Shevardnadze was reelected to a second term as President in a 2000 election with serious irregularities that was criticized by international observers. Parliamentary elections held on November 2 were marred by serious irregularities. Two major opposition parties organized peaceful street protests, and on November 23 President Shevardnadze resigned and Parliamentary Speaker Nino Burjanadze assumed the interim Presidency until an early presidential election scheduled for January 4, 2004. The Supreme Court annulled the results of the proportional parliamentary contests, but by year's end the date for the repeat of these elections had not been set. A civil war and separatist wars in the early 1990s ended central government authority in Abkhazia and South Ossetia and weakened central authority in the autonomous republic of Ajara and elsewhere in the country. The Constitution provides for an independent judiciary; however, the judiciary was subject to executive pressure and corruption.

The Ministry of Internal Affairs (MIA) and the Prosecutor General's Office have primary responsibility for law enforcement, and the Ministry of State Security plays a significant role in internal security. In times of internal disorder, the Government may call on the MIA or the military. While civilian authorities generally maintained effective control of the security forces, there were some instances in which elements of the security forces acted independently of government authority. Some members of the security forces committed a number of serious human rights abuses.

Government efforts to develop a market-based economy were stifled by widespread corruption and mismanagement. The country had a total population of approximately 4.4 million, which represented a steep decline in population since the 1990 census. Agriculture represented approximately 19 percent of gross domestic product (GDP), and GDP during the first 6 months of the year increased 8.6 percent to \$1.8 billion. Official data indicated that more than 50 percent of the population lived below the poverty level. Government salaries, pensions, and payments to internally displaced persons (IDPs) remained in arrears. Wages failed to keep pace with inflation.

The Government's human rights record remained poor; although there were some improvements in a few areas, serious problems remained. Numerous serious irregularities in the November and previous elections limited citizens' right to change their government. Domestic and international observers criticized the November

parliamentary election, citing inaccurate voter registration lists, manipulation of the results by election commissions, and the dramatic difference between the official election results and those reported in a parallel vote count and in exit polls. Numerous nongovernmental organizations (NGOs) blamed several deaths in custody on physical abuse, torture, or inhumane and life threatening prison conditions. NGOs reported that police brutality continued. Security forces continued to torture, beat, and otherwise abuse detainees. Corruption in law enforcement agencies remained pervasive. Arbitrary arrest and detention remained problems, as did lack of accountability. Reforms to create a more independent judiciary and ensure due process were undermined by failure to pay judges in a timely manner. There were lengthy delays in trials and prolonged pretrial detention remained a problem.

Law enforcement agencies and other government bodies occasionally interfered with citizens' right to privacy. The press generally was free; however, occasionally security forces and other authorities intimidated and used violence against journalists. Journalists practiced self-censorship. Security forces refrained from violently dispersing demonstrations in November. Government officials infringed upon freedom of religion and continued to tolerate discrimination, harassment, and violence against some religious minorities. In the trial of Orthodox extremist ex-priest Basili Mkalavishvili, his followers routinely threatened and harassed plaintiffs, as well as international observers. Violence against women was a problem. Trafficking for the purpose of forced labor and prostitution was a problem.

Internal conflicts in Abkhazia and South Ossetia remained unresolved. Ceasefires were in effect in both areas, although sporadic incidents of violence occurred in Abkhazia. These conflicts and the problems associated with approximately 270,000 IDPs from Abkhazia, 60,000 from South Ossetia, and 3,900 refugees from Chechnya posed a continued threat to national stability.

RESPECT FOR HUMAN RIGHTS

Section 1. Respect for the Integrity of the Person

a. Arbitrary or Unlawful Deprivation of Life.—There were no reports of political killings. However, there were 37 deaths in custody, and security force abuses reportedly contributed to several deaths. NGOs blamed several deaths in custody on physical abuse, including torture, electric shock, and beatings, which sometimes led to suicide.

On December 20, Giorgi Inasaridze was found hung in his pretrial detention cell a day after police detained him. Human rights groups considered the circumstances surrounding his alleged suicide suspicious and appealed to the MIA to open an investigation; however, the Government took no action.

Killings were committed by elements on both sides of the separatist conflict in Abkhazia, including partisan groups and forces of the Abkhaz separatist regime. Killings and other abuses on both sides of the conflict were not investigated, prosecuted, or punished adequately. During the year, the Government criticized these partisan groups but took no concrete action to curtail their activities, particularly those of Davit Shengelia, the leader of the partisan organization Forest Brothers.

Both government and Abkhaz forces laid tens of thousands of landmines during the 1992–93 fighting. There was a reduction in landmine casualties to seven during the year due to migration out of the area and to the activities of landmine clearing organizations such as the Halo Trust.

b. Disappearance.—There were no reports of politically motivated disappearances by government agents.

Partisan groups active in Abkhazia engaged in criminal activity and frequently took hostages to exchange for captured compatriots. Government and Abkhaz officials agreed on joint law enforcement efforts to prosecute kidnappers and other criminals that could threaten to destabilize the ceasefire. During the year, there were also many instances of kidnapping for ransom elsewhere in the country, which included both local and foreign citizens. The MIA reported 28 cases of kidnapping in the first half of the year and stated that investigations had resulted in charges in 8 of these cases. There was widespread speculation that corrupt law enforcement officials were involved in some of these kidnappings. Many citizens, including some Members of Parliament (M.P.s), alleged publicly that senior law enforcement officials were involved in kidnappings for ransom. Kidnapping of foreigners continued.

On February 12, Chechen refugee Adam Talalov disappeared after leaving his home in the Pankisi Gorge. His whereabouts remained unknown at year's end.

On June 5, unknown persons kidnapped three U.N. Military Observers and one translator serving with the U.N. Observer Mission in Georgia while they were patrolling in the Kodori valley. They were released on June 10. An investigation into the incident was ongoing at year's end.

The Minister of State Security publicly announced that the identities of the kidnapers of Peter Shaw, a British citizen kidnapped in early 2002 who later escaped, were known to authorities and alleged that Interior Ministry officials were involved in the abduction. The State Minister also publicly confirmed the possible involvement of government officials in the kidnapping. In July, the Government announced that it had detained four suspects; however, the investigation into the kidnapping was officially closed in October due to lack of a suspect. Foreign observers criticized the Government's investigation and alleged that political motivations prevented the Government from prosecuting the kidnapers.

The whereabouts of Chechen refugee Hussein Yusupov, who disappeared in 2002 after allegedly being released from a detention facility, remained unknown, and there were no developments in the case.

Government and Abkhaz commissions on missing persons reported that more than 1,000 Georgians and several hundred Abkhaz remained missing as a result of the 1992–94 war in Abkhazia (see Section 1.g.). Officials agreed to joint efforts to determine their location and repatriate the remains of the dead. The International Committee of the Red Cross (ICRC) assisted this effort.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The Constitution prohibits such practices; however, members of the security forces continued to torture, beat, and otherwise abuse prisoners and detainees, usually to extract money or confessions. Serious abuses and police misconduct, such as the fabrication or planting of evidence, remained problems. During the year, there were several cases of police officers brought to trial, dismissed, or demoted for abuses; however, impunity remained a problem, particularly in outlying regions (see Section 1.d.). According to human rights observers, many police continued to believe that they would not be held accountable for such actions.

Human rights advocates reported that allegations of the use of torture, such as electric shock, to extract money or confessions continued during the year. During the year, the Public Defender's office (Ombudsman) reported that mistreatment and physical abuse of detainees was a major problem. However, some observers noted that when the Ministry of State Security (as opposed to the MIA) managed an investigation, allegations of physical abuses were rare.

On February 28, police detained Gocha Bregadze and Revaz Purtskhvanidze in Kutaisi and, their attorney alleged, subjected them to electric shock. No investigation was carried out.

There were allegations that, on June 16, police arrested and subjected Irakli Tushishvili to electric shock in MIA custody. After the Ombudsman's office intervened, he was transferred to a pretrial facility. An investigation was ongoing at year's end.

The most serious incidents of abuse occurred during pretrial detention when police interrogated suspects. Human rights observers and lawyers noted that abuses occurred more frequently at the time of arrest and in police stations, rather than in pretrial detention facilities, and noted that a growing number of confessions were made in police stations. According to human rights observers, those who suffered such abuse were held routinely for lengthy periods in pretrial detention to give their injuries time to heal (see Section 1.e.). Police often claimed that injuries were sustained during or before arrest. Police agents within the prison population also allegedly committed abuses in pretrial detention facilities. Guards frequently abused children in the Isolator detention facility that held street children in Gldani.

In the first 6 months of the year, 462 prisoners with bodily injuries were transferred from temporary MIA detention facilities to the penitentiary department, 117 cases were referred for investigation, and 12 criminal cases were opened; there were no convictions in 2002 or during the year.

Local human rights observers alleged that security forces continued to abuse detainees in two pretrial detention facilities: Isolator Five in Tbilisi and the pretrial facility in Kutaisi. Detainees suspected of serious crimes or whose cases had political overtones were incarcerated in Isolator Five, located in the basement of the MIA. As a condition of membership in the Council of Europe, Isolator Five was officially closed in 2000; however, domestic human rights organizations claimed the facility remained open and served the same function, only under a different name. According to local human rights observers, many detainees in Isolator Five reported beatings and abuse despite calls for investigators to show restraint; often the threat of incarceration in this facility was reportedly sufficient to induce confession or the payment of money.

Foreign and local members of nontraditional religious groups continued to report harassment by police and other authorities.

Government officials acknowledged that MIA personnel in the past routinely beat and abused prisoners and detainees, and the Government took some steps to ad-

dress these problems. Government officials cited a lack of proper training, poor supervision of investigators and guards, and a lack of equipment as contributing to the continuation of these practices in law enforcement facilities.

To counter incidents of torture and abuse by police officials, the Ombudsman instituted a rapid reaction group in January 2002 with the support of the Organization for Security and Cooperation in Europe (OSCE). This pilot project had the mandate to provide immediate response to all claims of human rights violations during the most critical phase, the first 72 hours of a person's detention. The Ombudsman reported that the Rapid Reaction Group registered 47 cases of human rights violations in the first 6 months of the year. The Rapid Reaction Group essentially ceased to function following the appointment of the Ombudsman to the Central Election Commission (CEC) in August.

The Government dismissed three police officers of the Didube-Chughureti police station in Tbilisi who severely beat and threatened to rape Vakhtang Mamuliani, a minor, in January 2002.

In January 2002, police beat and mistreated Aleksander Lichelli, causing extensive scarring and wounds including the pulling out of four fingernails. During the year, an official report found that the injuries were sustained during the arrest. The Government took no disciplinary action and closed the case.

Criminal proceedings against two police officers for extortion of 15-year-old D. Asaturov and his family remained pending at year's end. The police officers occasionally beat Asaturov and systematically extorted money from him and his family while periodically detaining him over a 2-year period. No criminal charges were opened for the mistreatment, after which a medical examination documented a concussion to the brain, bruises to the ear, and loss of consciousness.

A criminal case against police officers from the Didube-Chugureti police department in Tbilisi, who allegedly beat Giga Bitsadze to the point of hospitalization in June 2002, remained pending in the prosecutor's office at year's end.

An investigation of a police officer who shot and wounded a 12-year-old boy in July 2002 during a dispute with a vendor at an open-air market in Tbilisi remained pending at year's end.

The Ministry of Justice (MOJ) was responsible for overall administration of the prison system; however, the law permits MIA personnel to continue to staff the facilities. The MIA maintained several of its own cells in various prisons. Legislation permits the MIA to conduct investigations among inmates without judicial approval to gather evidence for trials.

Prison conditions continued to be inhumane and life threatening, according to the U.N. and many NGOs, including Human Rights Watch (HRW). Abuse and extortion of prisoners and detainees by prison staff continued. Prison facilities remained unsanitary, overcrowded, and understaffed and were in desperate need of repair. Most prison facilities lacked proper ventilation, plumbing, lighting, waste disposal, or sanitary medical facilities. Regional penitentiaries and pretrial detention facilities were without electricity for months. Guards and prison staff were not paid in a timely manner, if at all. Overcrowding remained a problem. Tbilisi facilities typically had 16 or more persons to a cell designed for 10 to 12 persons. During the first 8 months of the year, 85 persons were pardoned and more than 300 cases were under review by the pardoning commission.

The April 2002 U.N. Human Rights Commission review of the country's compliance with the International Covenant on Civil and Political Rights cited systemic problems with the criminal justice and prison systems and continued widespread use of torture and arbitrary detention by police. In issuing recommendations for improving the country's treatment of detainees and prisoners, the Committee requested that the Government report on progress in addressing its specific concerns within 12 months rather than waiting for its third periodic report scheduled for 2006; no report was issued by year's end.

Observers reported an increase in violence among prisoners, sometimes resulting in deaths. The increase was attributed to the insufficient and demoralized guard staff. One observer stated that the failure to pay guard staff and the loss of promotion possibilities due to the penitentiary reform created a staffing problem. Some human rights groups claimed that rape by inmates or prison guards was common.

On January 25, a riot in the Tbilisi prison resulted in injuries to 70 prisoners and 10 guards. On September 10, 129 prisoners escaped from the Rustavi prison, resulting in injuries for 7 guards. Nugzar Mestopashvili, who escaped from the Rustavi penitentiary in August 2002 and decried inhumane treatment at the prison in a live broadcast on the Rustavi-2 television station, was serving out his sentence in another prison.

Attempted suicides and self-mutilation occurred in prisons as protests against declining prison conditions or human rights violations. There were also sporadic hun-

ger strikes by prisoners to protest poor conditions, visitor limitations, and the perceived arbitrary parole policy of the Government.

In February, prisoner Shota Kvelashvili went on a hunger strike and sewed his mouth shut to protest the investigation into his case by the State Prosecutor's Office. Although prison doctors removed the sutures the same day, the strike lasted a week.

In July, prisoners Givi Rukhaia and Zaal Chikhladze, who were arrested for mugging a taxi driver, protested the allegedly false charges through 1 day of self-mutilation. Rukhaia mutilated himself with nails and Chikhladze sewed his mouth shut. An independent investigation by the Ombudsman supported the prisoner's contention and noted that police had extorted money and gold from Rukhaia. An investigation into the case was ongoing at year's end.

Men and women were held separately, and a new facility for women opened in August. Juveniles were held separately in a specially constructed facility that opened in 2002; however, juveniles were frequently not separated from other inmates in MIA temporary detention facilities. Pretrial detainees were often kept with convicted prisoners due to overcrowding.

The prison mortality rate reportedly improved; however, human rights NGOs claimed that authorities kept the official rates artificially low by releasing prisoners who were terminally ill or by sending prisoners to the hospital when they were dying. Observers claimed deaths of prisoners without families usually went unreported. During the year, there were 37 registered deaths in prison, 3 of which were attributed to tuberculosis; the others were attributed to suicide or other diseases. According to the ICRC, tuberculosis was widespread in the prison system; in cooperation with the MOJ, the ICRC has treated nearly 2,200 infected prisoners since 1998.

The ICRC had full access to detention facilities, including those in Abkhazia, and access included private meetings with detainees and regular visits. The OSCE reported bureaucratic delays but no serious problems in obtaining access to prisoners or detainees; however, local human rights groups reported sporadic difficulty in visiting detainees, particularly in cases with political overtones. A new human rights unit in the Prosecutor General's Office had unhindered access to detention facilities and prisons; it conducted regular visits to monitor conditions.

d. Arbitrary Arrest, Detention, or Exile.—The Constitution prohibits arbitrary arrest and detention; however, authorities frequently disregarded these provisions.

The MIA and Prosecutor General's Office have primary responsibility for law enforcement. The MIA controls both the police and the internal troops, which have heavy weapons and are responsible for maintaining domestic order in cases of emergency. The police are divided into functional departments, such as Traffic, corresponding to their responsibility. According to the MIA, it had 29,204 officials from various departments, including 6,400 Internal troops, 1,850 police academy (1,360 students), and 665 in the passport and visa department. There were 1,749 civilians among them, in addition to 14,592 officers and 12,863 privates. A separate police protection department, with 9,700 officers and an independent budget and source of income, provides security and protection of private businesses. In general, the police have been only marginally effective in performing their duties due to the high incidence of corruption and extremely low salaries.

Human rights observers expressed concern that corruption was related to the large number of police officers nationwide; NGOs estimated there were close to 38,000 police officers. The Government has not consistently paid the salaries of police officers. Police solicited bribes from the general population, particularly motorists, and from suspects detained on suspicion of criminal activity.

The existence of a culture of impunity remained a problem. Despite this, some police officers were arrested or administratively disciplined in high-profile cases of physical abuse or deaths in custody. The MOJ maintained a system to provide for medical examinations of prisoners transferred from police stations to pretrial detention facilities in order to document injuries that may have occurred in police custody and to establish baseline medical condition information for each prisoner that could be used in cases where abuse in prison is alleged. Injuries consistent with abuse were documented and reported to the MOJ authorities, who in turn reported this to the MIA for investigation.

In general, officers were held accountable for abuses only in extreme cases and changes to the Criminal Procedures Code weakened a detainee's ability to substantiate claims of such abuses (see Section 1.e.). In the first 8 months of the year, 182 cases against MIA employees were sent to the Prosecutor General's Office for investigation, which resulted in the opening of criminal cases against 18 persons. All of these cases were pending at year's end. Many observers claimed that prosecutors frequently were reluctant to open a criminal case against police or they closed a case

for lack of evidence. During the year, the MIA fired 97 police officers, lowered the ranks of 27 officers, and ordered a variety of types of administrative and criminal punishments for 281 officers. Human rights NGOs also believed that many instances of abuses went unreported by victims due to fear of reprisals or lack of confidence in the system.

Under the amended provisions, a defendant may file a complaint of abuse only with the Prosecutor General's Office. The Prosecutor General's decision cannot be appealed to the courts. NGOs claimed that this regulation hindered their ability to substantiate police misconduct because of the close ties between the Prosecutor General's Office and the police. The Criminal Procedure Code provides for the right of a witness to be accompanied by a lawyer when being questioned by the police. Police can hold a witness for 12 hours without being charged. Police frequently charged witnesses as suspects at the end of this period. Human rights observers continued to allege that police often called a detainee's lawyer as a witness, thereby denying him access to his client.

Ethical Standards for the police entered into force during 2002. Human rights groups welcomed the initiative but noted that a culture of corruption could undermine the ability of officers to observe the stipulations of the draft document. Police training on ethics, the rights of prisoners, standards of behavior for police, and information on how to report abuses of human rights were credited with improving police awareness of human rights. Following the change in Government in November, the new Acting Minister of Internal Affairs announced a comprehensive reform program to eradicate corruption and improve professionalism.

Parliament's Committee on Human Rights and Ethnic Relations and local human rights groups independently investigated claims of abuse. There was a significant increase in the number of claims filed; however, many claimants failed to follow through after filing, allegedly due to fear. The Committee noted that since the presidential election in 2000, claims shifted from requests for economic assistance to complaints about mistreatment and violations by the police and the prosecutor's office and the failure of the prosecutor's office to pursue criminal investigations of alleged violators.

Judges issue warrants and detention orders and, by law, suspects must be charged within 3 days. Judges may extend pretrial detention by 3-month intervals up to 9 months. NGOs stated that the amendments to the old Soviet Code (maximum 18 months detention) made the pretrial detention period less arbitrary; however, international and domestic observers noted that such detention usually was longer—sometimes up to 2 years—because this protection routinely was interpreted to include only the prosecutor's investigative period, not the defense's investigative period. Police frequently detained persons without warrants. There was no bail system available to detainees. At year's end, 6,046 persons were in custody, of which 3,662 were convicted and 2,384 were in pretrial detention.

On November 2, authorities in the autonomous region of Ajara arrested Giorgi Mshvenieradze, an election observer for the Georgian Young Lawyers' Association who reported fraud at a polling station. He was sentenced to 3 months' imprisonment on what appeared to some NGOs to be politically motivated charges; he was released on December 7.

Detainees had difficulty obtaining objective medical examinations in a timely manner. If a medical examination was not conducted within 3 to 4 days of an incident, it was difficult to establish the cause of injuries. Only a state-employed forensic medical examiner, which in most cases was an employee of the Ministry of Health's Judicial Medical Expert Center, could testify about injuries. Human rights advocates routinely criticized the state forensic examiners as biased in favor of the Prosecutor General and stated that permission for an independent forensic medical examination was rarely granted.

Police often failed to inform detainees of their rights and denied them access to family members and lawyers. Some observers charged that police also conducted interrogations in apartments outside police stations to avoid registering detainees. While officially suspects were charged within 3 days of registration, observers claimed that police frequently delayed registering detainees for long periods in order to seek bribes. According to international and domestic observers, at times, the police attempted to extort money from suspects in exchange for not registering an arrest. Police reportedly approached suspects' families and offered to drop charges in exchange for a bribe. Correct legal procedures were observed more often once a detainee was charged and registered formally.

In an effort to address torture, amendments to the Criminal Procedure Code granting witnesses the right to legal counsel were implemented in 2002; however, this right was only occasionally observed in practice. It was common police practice to label detained suspects as "witnesses" in order to deny them access to a lawyer.

The Constitution provides for a 9-month maximum period of pretrial detention, mandates court approval of detention after 72 hours, and imposes restrictions on the role of the prosecutor (see Section 1.e.). These provisions generally were observed; however, prosecutors continued to exert undue influence over criminal procedures.

The Criminal Procedure Code calls for detainees to be charged within 72 hours. However, MOJ figures for the first 6 months of the year showed that for the Tbilisi pretrial detention center, 38 detainees were registered in violation of the 72-hour deadline. The most serious incidents of police abuse occurred in the investigative phase of pretrial detention when police interrogated suspects (see Section 1.c.). Authorities often held for lengthy periods prisoners who were tortured and abused in police stations and pretrial detention in order to give their injuries time to heal (see Sections 1.c. and 1.e.).

The law prohibits forced exile, and the Government did not employ it.

e. Denial of Fair Public Trial.—The Constitution provides for an independent judiciary; however, in practice, the judiciary often did not exercise full independence, and judicial impartiality was limited. There were reports that judicial authorities continued to experience pressure from the executive branch and powerful outside interests. Several observers have questioned the sustainability of a reformed judiciary without reform of law enforcement institutions. Human rights organizations, including HRW, alleged that investigators sometimes planted or fabricated evidence and extorted confessions in direct violation of the Constitution. Judges were reluctant to exclude evidence obtained illegally if the Prosecutor General objected. Courts continued to convict on the strength of confessions that may have been extracted under torture. The state continued to prevent defendants from obtaining and presenting forensic evidence of torture to the courts through procedural restrictions and by not licensing nongovernmental forensic doctors.

Judicial incompetence and corruption, including the payment of bribes to judges, remained problems. Observers commented that judges were hindered by lack of practical experience, particularly in case law. Due to the Government's fiscal crisis, at times judges' salaries went unpaid for up to 6 months, creating an incentive for corruption. Pressure from family and political and economic interest groups was extensive, and bribery was common.

The Council of Justice administered the court system. The Council has 12 members, 4 selected from within each branch of government. To reduce incompetence and corruption, the law has established a three-part testing procedure for working and prospective judges administered by the Council. All judges, except for three recognized legal scholars, are required to take the exams, which are given twice annually. At the district level—particularly in extremely rural or mountainous regions—it was difficult to find candidates who had passed the exam and who were willing to fill judge positions. Supreme Court judges are required to take the examination.

The law establishes a three-tier court system. At the lowest level are district courts, which hear routine criminal and civil cases. At the next level are regional (city) courts of appeal, which serve as appellate courts for district courts. The regional courts also try major criminal and civil cases, review cases, and either confirm verdicts or return cases to the lower courts for retrial. The Supreme Court acts as a higher appellate court but is the court of first instance for capital crimes and appeals from the CEC. The courts follow a judicial code of ethics; however, some observers alleged that the Supreme Court's decisions were subject to political and other undue influences. Regional managing judges continued to monitor the performance of lower courts throughout the country.

A separate Constitutional Court arbitrates constitutional disputes between branches of government and rules on individual claims of human rights violations. The Court has interpreted this latter function narrowly, agreeing to rule only in cases in which the complainant alleged that the violation was sanctioned by law. The Court only considered one case at a time. The Court's rulings demonstrated judicial independence.

During the year, seminars continued on the practical use of the European Human Rights Convention in the judicial system for regional and district judicial staff, covering the protection of rights and limitations of human rights, the role of courts in the implementation of the Human Rights Convention, Article 8 of the Convention, and related court procedures.

Aside from the judicial system, law enforcement as a whole has not undergone significant reform. During the year, reforms continued that included additional training and testing for prosecutor's office personnel and periodic internal reviews. Payment of bribes to police and prosecutor's office officials reportedly was common (see Section 1.c.). The Constitution identifies the Prosecutor General's Office as part of the judicial system, and there were calls from legislators and others to move the

Prosecutor General's Office into the executive branch. Court orders were rarely enforced.

According to the Constitution, a detainee is presumed innocent and has the right to a public trial. A detainee has the right to demand immediate access to a lawyer and the right to refuse to make a statement in the absence of counsel. Officers must inform detainees of their rights and notify their families of their location as soon as possible. However, these rights were not observed fully in practice. Authorities frequently did not permit detainees to notify their families of their location, and local police authorities limited lawyers' access to detainees. Defense attorneys and family members often had difficulty obtaining permission to visit detainees. Investigators seldom informed individuals of their rights. Lengthy trial delays were common. Defense counsel is not required to be present at pretrial hearings, and defendants and their attorneys regularly complained that they were not notified of scheduled hearings. The Criminal Procedures Code does not require the police to allow a lawyer to enter a police station unless hired by a detainee.

The Criminal Procedure Code significantly weakens many constitutional protections designed to circumscribe the powers of the Prosecutor General, increase the rights of defense attorneys, and enhance the independence of the judiciary. Prosecutors continued to direct investigations, supervise some judicial functions, and represent the state in trials. They also continued to exert disproportionate influence over judicial decisions. The Criminal Procedure Code prohibits the same judge who signed a warrant from hearing the case; however, this rule frequently was disregarded outside of Tbilisi since few regions had more than one judge.

In instances where defendants were unable to afford legal counsel, attorneys were assigned to a case upon the recommendation of the prosecutor's office by the Office of Legal Assistance, a part of the state-controlled Bar Association. In certain cases, defendants were pressured or coerced by prosecutors to accept a state-appointed attorney or other attorneys who did not vigorously defend their interests. However, in general individuals who could afford to pay were able to obtain the attorney of their choice in both criminal and civil cases. The prosecutor's office not only had control over state-appointed lawyers; it also determined whether to grant a defendant's request to change lawyers. Several NGOs provided free legal services for those whose human rights were violated in Tbilisi. The quality of attorneys varied significantly. In addition, the licensing of forensic medical examiners did not ensure competence.

There was disagreement among NGOs over who should be counted as a political prisoner; most international and local human rights organizations estimated that there were 20 to 25 political prisoners in the country. The Parliamentary Human Rights Committee considered there to be only 3 to 5 political prisoners, while the Ombudsman claimed that there were no official political prisoners in the country; however, many individuals, including members of the former paramilitary Mkhedrioni, so-called Zviadists (followers of the deceased former president Gamsakhurdia), and some former state security personnel, considered themselves political prisoners. According to human rights observers, some Zviadist prisoners never took up arms and should be considered political prisoners, although members of the Mkhedrioni participated in paramilitary actions. Some Zviadists were convicted on poorly substantiated charges of treason, banditry, and illegal possession of weapons and were serving sentences of from 7 to 12 years. In December, the Interim President appointed Former Gamsakhurdia Minister of Finance Guram Absandze as Deputy State Minister charged with reviewing all cases against Zviadists, with the aim of releasing them.

In November, the European Court of Human Rights in Strasbourg began reviewing the case of Tengiz Asanidze, who was pardoned by President Shevardnadze.

The Government permitted international human rights and domestic organizations to visit political prisoners, and some organizations did so during the year.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The Constitution prohibits such actions without court approval or legal necessity; however, in practice, law enforcement agencies and other government bodies occasionally monitored private telephone conversations without obtaining court orders. The Government stated that security police and tax authorities entered homes and workplaces without prior legal sanction in emergency cases as permitted by the Criminal Procedures Code. Traffic Police often stopped and searched vehicles without probable cause to extort bribes (see Section 1.d.).

g. Use of Excessive Force and Violations of Humanitarian Law in Internal Conflicts.—Internal conflicts in Abkhazia and South Ossetia remained unresolved. Ceasefires were in effect, and Commonwealth of Independent States (CIS) and joint peacekeeping forces, respectively, were present in both areas, although sporadic inci-

dents of violence occurred in Abkhazia. These conflicts and the problems associated with approximately 270,000 IDPs from Abkhazia, 60,000 from South Ossetia, and 3,900 refugees from Chechnya posed a continued threat to national stability. In 1993, Abkhaz separatists won control of Abkhazia, and most ethnic Georgians were expelled from or fled the region. A Russian peacekeeping force has also been in South Ossetia since 1992 as part of a joint peacekeeping force with Ossetians and Georgians. The Government had no effective control over Abkhazia or South Ossetia during the year.

There was limited information on the human rights situation in Abkhazia and South Ossetia due to limited access to these regions. The U.N. Human Rights Committee (UNHRC) Office in Abkhazia reported continuing modest improvements in the human rights situation. However, systemic problems in the criminal justice system, in particular the failure to conduct impartial investigations and to bring alleged perpetrators to trial, sustained a climate of impunity. Limited access to qualified legal counsel aggravated the situation. The Parliament Human Rights Office remained concerned at the length of pretrial detentions and violations of due process in individual cases. Since 2002, an independent legal aid office in the Gali district of Abkhazia provided free legal advice to the population.

The Ministry of Education of the separatist government of Abkhazia prohibited instruction in Georgian in schools in Abkhaz-controlled territory, including in the district of Gali inhabited by returned IDPs. The Public Defender's Office (Ombudsman) expressed indignation with the decision based on international legislative norms and the U.N. conventions on discrimination in the field of education.

A Human Rights Commission established by the non-recognized government of South Ossetia continued to operate. The South Ossetian Human Rights Commission worked in close collaboration with the Commission for Human Rights in the Autonomous Republic of North Ossetia in the Russian Federation and the representative of the President of the Russian Federation for Human Rights.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution and the law provide for freedom of speech and of the press; however, although the independent press was generally free, there were several instances of intimidation of journalists. According to journalists and NGOs, security and other authorities on occasion attempted to intimidate the press through public comments, private admonitions, court cases, and violence. Nevertheless, during the year, journalists were able to publish wide-ranging and extremely critical views of officials and their conduct. Some journalists practiced self-censorship.

There were approximately 200 independent newspapers in circulation. The press frequently criticized senior government officials; however, few newspapers were editorially independent and commercially viable. Typically newspapers were subsidized by and subject to the influence of their patrons in politics and business. The Government financed and controlled one newspaper that was published in Russian-, Azeri-, and Armenian-language versions; the newspaper reflected official viewpoints. The highest-circulation independent daily newspaper, *Alia*, had a national circulation nearly 20 percent higher than the government-controlled daily; however, independent newspapers continued to struggle in the regions, due largely to the population's poverty. High printing costs, a lack of advertising, and general poverty limited the circulation of many newspapers. Several newspapers were reputable sources of information, although lack of financial resources hindered overall journalistic development and standards. State tax authorities continued to harass independent newspapers. Journalists stated that they were vulnerable to pressure from authorities, as well as from business and societal elements.

Most persons received their news from television and radio. The Government financed and controlled the main radio and television network with a national audience; network broadcasts reflected official viewpoints. *Rustavi-2*, a member of the independent television network TNG, was considered the only station other than the state-run channel with a national audience, although *Imedi* and *Mze* were gaining popularity and market share.

In addition to *Rustavi-2*, there were seven independent television stations in Tbilisi. An international NGO estimated that there were more than 45 regional television stations, 17 of which offered daily news. While these stations ostensibly were independent, a lack of advertising revenue often forced them to depend on local government officials for support. Some regions, such as *Samtskhe-Javakheti* and *Kutaisi*, had relatively independent media. *Rustavi-2* had a network of 15 stations, 5 of which broadcast *Rustavi-2's* evening news program daily. State tax authorities continued to harass independent television stations, including after the interim authorities assumed power on November 23.

Channel 25 was the only independent television station broadcasting in the autonomous region of Ajara. A lawsuit brought by the four owners of Channel 25 against Mikhail Gagoshidze, chairman of Ajaran Television and Radio, remained in the appeal process at year's end.

State media showed a bias toward pro-government candidates during the election campaign, but did provide the required free airtime for all candidates. On November 19, the Director of the State Television and Radio resigned following criticism by President Shevardnadze that the station was not sufficiently pro-government in its reporting. All stations broadcast the Parallel Vote Tabulation (PVT) and exit poll results, and there were no reports that stations were harassed for doing so (see Section 3).

Some local media outlets and journalists outside Tbilisi were attacked or harassed during the campaign for the November parliamentary election. On September 4, an Ajara TV journalist was beaten at the Chancellery, and in October, two Rustavi journalists were beaten in Batumi during a National Movement rally.

Following the change in government in November, the new authorities threatened several smaller newspapers and television stations due to their political reporting. For example, authorities closed Caucasus TV for minor tax arrears and began investigating the Georgian Times media group because they considered the group to be politically motivated. In December, both State Television and Rustavi-2 were attacked with explosive devices. Unknown persons fired gunshots at the apartment of an Iberia Television journalist, critical of the new government, in an apparently politically motivated attack.

In September 2002, more than 20 police officers allegedly entered the local Zugdidi television station, which provided footage for an expose on police involvement in smuggling gasoline to the neighboring separatist region of Abkhazia, and beat employees and destroyed equipment. Following an internal police investigation, the deputy police chief was dismissed, and the station continued to broadcast at year's end.

In July, former policeman Grogol Khurtsilava was found guilty of the 2001 killing of independent television journalist Giorgi Sanaia and sentenced to 13 years in prison. According to the Committee to Protect Journalists, Sanaia's wife alleged that he was killed in connection with his investigation into ties between senior government officials and Chechen separatists in the Pankisi Gorge; his colleagues shared her concerns.

The investigation into the 2000 death of Italian reporter Antonio Russo remained suspended due to lack of a suspect.

In August, authorities in the autonomous region of Ajara closed the only independent newspaper, Batumelebi, on trademark infringement charges. It remained closed at year's end.

Libel laws inhibited investigative journalism. The Civil Code and other legislation make it a crime to insult the honor and dignity of an individual and place the burden of proof on the accused.

In July, Head of the Georgian Railway Akaki Chkhaidze won a libel suit against independent television station Rustavi-2 for information on a program linking him to bribery scandals. The station was ordered to pay \$480,000 (1 million GEL) in moral damages. The station's appeal was pending at year's end.

Stations desiring benefits and better working relations with authorities practiced self-censorship.

The lack of an active journalists' association limited the effectiveness of media advocacy. Media observers noted that few journalists and government officials, particularly in the regions, understood the legal protections afforded journalists; and few journalists had the resources to hire a lawyer. Some enlisted the assistance of the NGO community.

The Administrative Code contains a freedom of information section that provides for public access to government meetings and documents; however, few journalists employed it. The adoption of a freedom of information act and judicial enforcement of this law made agencies more willing to provide information; however, the Government often failed to register freedom of information act requests, as required by the administrative code. Although the law states that a public agency shall release public information immediately, or no later than 10 days, the release of requested information could be delayed indefinitely. A requesting party has no grounds for appeal.

The Government did not limit access to the Internet; however, poor infrastructure and poverty limited access outside of the major cities.

The Government did not restrict academic freedom.

b. Freedom of Peaceful Assembly and Association.—The Constitution provides for freedom of assembly without permission from the authorities; however, both the national Government and local authorities restricted this right in practice. Nonethe-

less, authorities did not interfere or attempt to disperse forcibly several large unauthorized peaceful demonstrations following the November parliamentary election, which led to the President's resignation.

The law requires political parties and other organizations to give prior notice and obtain permission from local authorities to assemble on a public thoroughfare. Members of the NGO community argued that the law violates the Constitution and sought to have it overturned by the Constitutional Court; however, the Court refused to hear the case, on the grounds that a test case must be brought before it to consider the challenge and an individual must prove there was personal injury from the law. Most permits for assemblies were granted without arbitrary restriction or discrimination; however, this was not uniformly the case for Zviadists (supporters of former President Gamsakhurdia). Extreme Zviadists never accepted any successor to the Gamsakhurdia government as legitimate following the civil war and Gamsakhurdia's removal from power. Zviadists regularly held demonstrations in front of parliament demanding that the present Government resign. The Government viewed public rallies of the Zviadists as a threat because of the publicity that they generated for themselves and against the Government.

On June 12, police broke up a student protest against the Government at the MIA and arrested several students on charges of hooliganism. On August 6, police broke up a peaceful student rally opposing an energy deal with Russia; two students were injured.

Following the seriously flawed November 2 parliamentary elections, almost daily peaceful demonstrations were held both protesting against the election fraud and in support of the Government. Despite the tension surrounding these demonstrations, there were no incidents of harassment or violence and the police made no effort to disperse forcibly or otherwise interfere with the demonstrations.

On June 12, "Kmara" activists were detained for painting "Kmara" on the walls of the MIA. Police detained several activists for 8 hours; one of them alleged police verbally threatened him.

Orthodox extremists, with the tacit approval or active cooperation of law enforcement authorities, repeatedly broke up private meetings and public gatherings of religious minority groups, often with extreme violence (see Section 2.c.). The Government did not take effective action against the perpetrators of such attacks.

The Constitution provides for freedom of association, and the Government generally respected this right in practice. Authorities granted permits for registration of associations without arbitrary restriction or discrimination; however, two organizations affiliated with Jehovah's Witnesses were unable to register on the grounds that there was no law regulating the registration of religious organizations (see Section 2.c.).

Political parties may register with the CEC by providing documents on the party's organization and structure and evidence of membership. There were no government restrictions on the formation of political parties beyond the registration requirements.

c. Freedom of Religion.—The Constitution provides for freedom of religion, and the Government generally respected this right in practice; however, local authorities sometimes restricted the rights of members of nontraditional religious minority groups. Local police and security officials failed to protect nontraditional religious minority groups and were complicit in several attacks against members of such groups. Police often failed to respond to continued attacks by Orthodox extremists, largely followers of Mkalavishvili (Basilists), against members of Jehovah's Witnesses and other nontraditional religious minorities.

The Constitution recognizes the special role of the Georgian Orthodox Church in the country's history but stipulates the independence of the Church from the State. The tax code grants tax exemptions only for the Orthodox Church. A constitutional agreement (Concordat) signed by the President and the Georgian Orthodox Patriarch defines church-state relations, which provoked widespread concern among minority religious groups. The Concordat states that, with the consent of the Church, the Government can issue permits or licenses for the use of official symbols and terminology of the Church, as well as for the production, import, and distribution of worship articles. Some nationalist politicians continued to use the issue of the supremacy of the Georgian Orthodox Church in their platforms and criticized some Protestant groups, particularly evangelical groups, as subversive. Jehovah's Witnesses in particular were the targets of attacks from such politicians.

There are no laws regarding the registration of religious organizations; however, in November 2002, the Government proposed to Parliament a draft bill that would provide for registration of all religious groups in the country. Under the proposed law, religious groups that perform humanitarian services may be registered as char-

itable organizations, although organizations that were not registered could not conduct religious services, rent office space or import literature, among other activities.

Many local law enforcement officials continued to interpret a 2001 Supreme Court ruling that revoked the Jehovah's Witnesses legal registration as a ban and used it as a justification not to protect members of Jehovah's Witnesses from attacks by religious extremists.

While most citizens practiced their religion without restriction, threats, intimidation, and the use of force by ultra-conservative extremists, whom the Government failed to control, restricted the worship of some, particularly members of nontraditional faiths. At times, local police and security officials harassed several non-Orthodox religious groups, particularly local and foreign missionaries, including members of Jehovah's Witnesses, Baptists, Evangelicals, Pentecostals, and Hare Krishnas.

On occasion, local police and security officials continued to harass or deny protection to nontraditional religious minority groups, particularly members of Jehovah's Witnesses. The police only sporadically intervened to protect such minorities from attacks by Orthodox extremists. Police participation or facilitation of attacks diminished during the year; however, the MIA (including the police) and Prosecutor General's Office generally failed to pursue criminal cases against Orthodox extremists for their attacks against religious minorities. On the few occasions in which there were investigations into such attacks, they proceeded very slowly.

During the year, the Catholic Church faced difficulties in attempting to build churches in the towns of Kutaisi and Akhaltsikhe.

In March and April, Customs officials impounded religious literature of the Watch Tower Bible and Tract Society on the grounds that the organization was unregistered and could not import literature. The literature was released several months later to an individual rather than the organization.

The Roman Catholic Church and the Armenian Apostolic Church were unable to secure the return of churches closed during the Soviet period, many of which Soviet authorities gave to the Georgian Orthodox Church. A prominent Armenian church in Tbilisi remained closed, and the Armenian Apostolic Church, the Catholic Church, and Protestant denominations had difficulty obtaining permission to construct new churches as a result of pressure from the Georgian Orthodox Church.

The Jewish community also experienced delays in the return of property confiscated during Soviet rule. By year's end, a theater group still had not vacated the central hall of a former synagogue that the Government rented to it, despite a 2001 Supreme Court ruling instructing it to do so.

Regular and reliable information about separatist-controlled Abkhazia was difficult to obtain. An Abkhaz presidential decree bans Jehovah's Witnesses. A number of members of Jehovah's Witnesses have been detained in the last few years; however, according to a representative of Jehovah's Witnesses, none were in detention at year's end.

Since 2000, the Government continued to prosecute a criminal case against Father Basili Mkalavishvili, whose followers engaged in a number of violent attacks on nontraditional religious minorities; however, the investigation has proceeded very slowly. While the criminal case prevented Mkalavishvili from making personal appearances at most attacks during the year, his followers continued their violence in his absence.

In April, during the trial of Mkalavishvili, his followers physically assaulted an OSCE observer and threatened other international observers in the courtroom with the acquiescence of MIA security forces. The Basilists also threatened plaintiffs and brought weapons into the courtroom. On June 6, a Tbilisi District Court ordered Mkalavishvili taken into custody. Police claimed they were unable to locate him to serve the warrant. He has reportedly fled the country.

Despite a general tolerance toward minority religious groups traditional to the country—including Catholics, Armenian Apostolic Christians, Jews, and Muslims—citizens remained very apprehensive about Protestants and other nontraditional religions, which were seen as taking advantage of the populace's economic hardships by gaining membership through the distribution of economic assistance to converts. Some members of the Georgian Orthodox Church and the public viewed non-Orthodox religious groups, particularly nontraditional groups or sects, as a threat to the national Church and the country's cultural values and argued that foreign Christian missionaries should confine their activities to non-Christian areas. Foreign and local members of nontraditional religious groups continued to report harassment by extremist Orthodox groups, police, and other authorities.

Basilists engaged in a number of violent attacks on nontraditional religious minorities, including Baptists, Seventh-day Adventists, and particularly members of Jehovah's Witnesses. During the attacks, Basilists burned religious literature, broke up religious gatherings, and beat parishioners, in some cases with nail-studded

sticks and clubs. Although law enforcement authorities were present at some attacks, they failed in most instances to intervene, leading to a widespread belief in police complicity in the activities of the Basileists. Representative cases included the following incidents:

An investigation into a 2001 incident in Marneuli, where police and followers of Mkalavishvili attacked and harassed members of Jehovah's Witnesses, continued at year's end.

On January 24, a group of Basileists led by Mkalavishvili blocked the Baptist Cathedral in Tbilisi to prevent an ecumenical prayer service. The mob damaged the building, seized and destroyed literature, and assaulted several participants. The police intervened after being alerted by a foreign embassy, but did nothing to protect the property or allow the congregation to enter.

On May 4, a mob led by ultra-nationalist M.P. Guram Sharadze blocked the road to Gori and prevented a planned meeting of Jehovah's Witnesses there. Police had previously urged the Jehovah's Witnesses to cancel the meeting and did not intervene to provide freedom of movement.

On June 8, an ultra-Orthodox mob blocked the streets in front of a Pentecostal minister's house where services were being conducted and refused to let parishioners through. Church members were threatened with violence. Police were present but did not allow the parishioners to enter the street.

For a more detailed discussion, see the 2003 International Religious Freedom Report.

d. Freedom of Movement within the Country, Foreign Travel, Emigration, and Repatriation.—The Constitution provides for these rights, and the Government generally respected them in practice. Neither registration of an individual's residence nor internal passports were required. Soviet passports bearing a propiska (proof of legal residence in a particular locality) were accepted as proof of identity because passports and identity cards were expensive to purchase and difficult to obtain, particularly in poor and remote areas.

The Soviet Union relocated approximately 275,000 so-called Akhiskha or Meskhetian Turks from southern Georgia to Central Asia in the 1940s. Many of the Meskhetians were expelled a second time from Central Asia when the Soviet Union collapsed, and a number remained stateless in Russia. A 1999 presidential decree established the State Commission on Repatriation and Rehabilitation of the Population Deported from Southern Georgia, and the Government undertook to begin the repatriation process within 3 years. However, there has been no legislation to allow for repatriation of Meskhetian Turks to Georgia, and there was some official and public opposition to their repatriation. There were 643 Meskhetians living in the country, most of whom had citizenship.

The 1994 agreement between Russia, Georgia, Abkhazia, and the UNHCR on repatriation in Abkhazia called for the free, safe, and dignified return of IDPs and refugees. The Abkhaz separatist regime prevented such repatriation and unilaterally abrogated the agreement. In 1999, the Abkhaz separatist regime unilaterally invited IDPs to return to Gali starting in 1999 but did not adequately ensure their safety. The move did not affect significantly the return to Gali of IDPs, who continued to travel back and forth to the area to tend their property. As many as 40,000 persons were estimated to be living in Gali on a more or less permanent basis, depending on the security situation.

The 1992 ethnic conflict in South Ossetia also created tens of thousands of IDPs and refugees. In 1997, the UNHCR began a program to return IDPs and refugees; however, both sides created obstacles that slowed the return. During the year, the South Ossetian separatists continued to obstruct the repatriation of ethnic Georgians to South Ossetia, although some families returned. Meanwhile, South Ossetia continued to press for the return of all Ossetian refugees to South Ossetia rather than to their original homes in other regions of the country. The Government publicly has recognized the right of Ossetian refugees to return to their homes in the country but was unable to take facilitative action, since it had little authority in South Ossetia. Government opposition to the return of illegally occupied homes has prevented the return of Ossetian refugees to Georgia proper.

The Government inconsistently paid stipends to IDPs of approximately \$7 (14 GEL) per person per month. It paid them more frequently in Tbilisi than elsewhere in the country. The Government subsidized some electricity every month for each IDP. IDPs also were not afforded the right to vote in local elections (see Section 3).

The law did not provide for the granting of refugee status or asylum to those persons who meet the definition in the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. In practice, the Government provided some protection against refoulement, and there were no reports of the forced return of persons to a country where they feared persecution during the year. According to the

UNHCR, the Government processed no asylum cases and did not provide temporary protection to persons fleeing another country during the year. The Ministry for Refugees and Accommodation (MRA) was responsible for the screening and registration of refugees and new arrivals. Since the outbreak of hostilities in Chechnya, the Government has admitted what was estimated to be 4,000 to 5,000 refugees from the conflict. Chechen refugees settled in the Pankisi Valley in the eastern part of the country. Both local and international NGOs provided sporadic assistance to refugees living in the Pankisi Valley; however, after the kidnapping in 2000 of three ICRC staff members, international humanitarian organizations had only periodic access to the Pankisi Valley.

In April 2002, the MRA reregistered Chechen refugees with the assistance of the UNHCR. At year's end, approximately 3,800 Chechen refugees were living in the Pankisi Valley and 76 in Tbilisi. This significant reduction in the number of refugees was due to the separation of local Kist (ethnic Chechen citizens) from Chechen refugees in official statistics, as well as departures of refugees for Azerbaijan and other countries. The majority of the Chechen refugees lived with the local Kist population; only 15 percent were sheltered in communal centers.

Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government

The Constitution and the 1995 parliamentary and presidential election laws provide citizens with the right to change their government peacefully, and citizens exercised this right through periodic elections. However, numerous serious irregularities marred the November parliamentary election, June 2002 local and municipal elections, and the 2000 presidential election, and the Government limited this right in practice. International observers criticized all of these elections, citing poor organization by authorities, inaccurate voter registers, and lack of transparency in vote counting and tabulation. However, in July, President Shevardnadze and opposition leaders agreed to a series of measures aimed at ensuring that the November 2 Parliamentary election was as free and fair as possible. While these measures were only partially implemented, they established a parallel vote tally and election monitoring that allowed opposition activists to uncover massive election fraud. This fraud led to mass peaceful protests, which in turn resulted in President Shevardnadze's resignation on November 23, and the assumption of the post of Interim President by Parliament Speaker Nino Burjanadze. The Supreme Court subsequently annulled the results of the November 2 proportional parliamentary contests. In accordance with the Constitution, a presidential election was scheduled for January 4, 2004. A date for repeat proportional parliamentary elections was not set by year's end.

Serious irregularities marred the Parliamentary election held on November 2. The OSCE's Office for Democratic Institutions and Human Rights (ODIHR) reported "widespread and systemic election fraud" in its final election report. Pro-government parties dominated the election commissions at all levels. ODIHR cited delays and last-minute "haphazard" decisions by the CEC. New voter registers released in early October revealed serious flaws, such as duplicate entries and the exclusion of entire city blocks. As a result, handwritten voter registers were in use on election day, resulting in both the possible disenfranchisement of significant numbers of voters and increased opportunities for fraud. Unfair campaign conditions, two acts of serious violence, and intimidation of voters marred the pre-election period (see Section 2.a.).

Numerous irregularities marred the voting process, which was disorganized and witnessed multiple voting, undue influence on voters, ballot stuffing, and the destruction of ballot boxes. ODIHR also reported large numbers of voters being turned away, the deployment of security forces in four districts, and several unauthorized persons in polling stations creating the appearance of interference in the voting process. There was widespread fraud and manipulation by commission members and local authorities in the vote tabulation process, particularly at the district and polling station levels. The final results that the CEC released did not reflect those reported by the PVT or exit polls. The discrepancy between the official results and the PVT sometimes exceeded 10 percent: the CEC reported that the Union of Democratic Revival won almost 19 percent of votes, while the PVT showed it had won 8 percent. The CEC reported 100 percent turn-out in 195 polling stations. One domestic observer was beaten and arrested (see Section 1.d.). ODIHR also noted some improvements, including the new Unified Electoral Code, greater transparency in the voting process, and the role of domestic observers.

Irregularities that prevented some eligible voters from participating marred local and municipal elections held in June 2002, which had been postponed since 2001 due to financial and technical reasons. Lengthy recounts prevented the Tbilisi city council from convening until November 2002. The elections were marked by poor preparation to meet basic conditions and irregularities: Violations were noted in al-

most every voting district; some regional elections were cancelled due to theft or absence of ballots; armed police officers were observed at polling stations; and there were reports of multiple voting by persons in different districts. In Tbilisi, the state of voter registration lists was so poor that there were instances where several hundred citizens, often residents of the same block of apartment buildings, could not vote. While observers did not report massive or organized fraud, they criticized the elections due to overall poor organization. Shortly after the elections, Parliament formed a commission to investigate reports of irregularities. The commission published findings and recommended reforms in the CEC and in the administrative process. Many of these changes were implemented in August when new legislation governing the CEC and election administration was passed.

Elections were held periodically by the separatist governments of Abkhazia and South Ossetia, which were outside government control. International observers determined that these elections were illegitimate. International organizations, including the U.N. and the OSCE, declared presidential elections held in Abkhazia in 1999 to be illegal. Government authorities also called the election illegitimate, as they had the Abkhaz local elections of 1998, on the basis that a majority of the population had been expelled from the region. In 2001, Parliament stated that any further polls held before a settlement to the conflict was reached and displaced persons were returned to their homes would be considered illegal. In 2001, the unrecognized separatist government held presidential elections in South Ossetia, resulting in the defeat of the incumbent and a peaceful transfer of power.

There were no government restrictions on the formation of political parties beyond the registration requirements; there were 178 registered political organizations (see Section 2.b.). Organizations must register to take part in elections by a set date prior to Election Day.

On February 3, approximately 30 armed men invaded the headquarters of the New Rightist Party, damaging the office and threatening the party's co-chair, David Gamkrelidze, at gunpoint. Gamkrelidze alleged that the Government orchestrated the attack, which was carried out in a well-planned and military-like fashion. Following the disruption of the Parliament session on November 22, supporters of the National Movement destroyed the Parliamentary offices of the Revival and New Rights parties. Unknown persons also placed explosive devices in the offices of the Labor Party and Revival in the immediate aftermath of the change in government.

Following President Shevardnadze's resignation, the interim authorities began wholesale replacement of regional and local officials with supporters of the National Movement and Burjadandze-Democrats. This policy resulted in several public demonstrations in support of the previous officials, which in some cases resulted in their reappointment.

There were 16 women in the 235-seat Parliament. A woman who was the Speaker of Parliament became the Interim President in November, and several women held important committee chairmanships. Two women held ministerial posts. Although women were active in the November demonstrations, there were no female candidates in 42 of the 75 election districts and only 20 percent of the District Election Commission (DEC) chairs were women.

There were 16 members of minority groups (7 Azeris, 6 Armenians, 2 Abkhaz, and 1 Greek) in the 235-seat Parliament. There were credible reports of intimidation of Azeris in the November election by local authorities and police in Kvemo Kartli, where many violations were reported on election day. Although a project funded by the OSCE High Commissioner on National Minorities produced election materials in Azeri, Armenian, and Russian languages, the poor proficiency in Georgian of many members of national minorities created a barrier in their full participation in the work of election commissions and limited their access to campaign materials.

Section 4. Governmental Attitude Regarding International and Nongovernmental Investigations of Alleged Violations of Human Rights

A number of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases.

There were a number of credible local organizations that monitored human rights, most of them in Tbilisi. Other local human rights groups were extensions of partisan political groups and these had little influence. NGOs were permitted to bring suits to courts of the first instance on behalf of persons whose rights were abused.

A member of an NGO was arrested while observing the November election (see Section 1.d.).

The 2002 attack on the Liberty Institute, the country's leading human rights organization, remained under investigation at year's end.

The law provides for the Ministry of Finance to access the funding records of international NGOs, alarming some in the NGO community.

The UNHRC and the OSCE Mission's joint human rights office in Sukhumi, Abkhazia has operated sporadically because of security conditions but has provided periodic findings, reports, and recommendations. During the year, the office registered relatively few complaints of abuse by de facto police and judicial authorities operating in the region.

NGOs continued to view the Parliamentary Committee on Human Rights as the most objective of the Government's human rights bodies. The Constitutionally mandated office of the Public Defender, or Ombudsman, monitored human rights conditions and investigated allegations of abuses. The National Security Council's human rights advisor, who has a mandate to investigate claims of abuse, and the Public Defender were active in several individual cases involving police misconduct (see Section 1.d.). The Prosecutor General's Office established a new human rights unit focused on curbing pretrial detention abuses and attacks against religious minorities. While government representatives were effective in individual cases, neither they nor NGOs successfully effected systemic reform.

Section 5. Discrimination Based on Race, Sex, Disability, Language, or Social Status

The Constitution recognizes the equality of all citizens without regard to race, language, sex, skin color, political views, national, ethnic, or social affiliation, origin, social status, land ownership, or place of residence; however, in practice, discrimination against women was a problem. The Constitution stipulates that Georgian is the state language. Ethnic Armenians, Azeris, Greeks, Abkhaz, Ossetians, and Russians usually communicated in their native languages or in Russian. Both Georgian and Russian were used for interethnic communication.

Women.—Societal violence against women was a problem. There are no laws that specifically criminalize spousal abuse or violence against women, although the Criminal Code classifies marital rape and sexual coercion as crimes. During the year, 795 crimes were registered against women, compared with 867 in 2002. Crimes included 18 murders, 24 attempted murders, 52 rapes, and 41 attempted rapes; the remainder consisted of battery, assault and lesser crimes. Spousal abuse was reportedly one of the leading causes of divorce but was rarely reported or punished because of social taboos against raising the problem outside of the family. Domestic violence continued to rise as economic conditions became more difficult. Police did not always investigate reports of rape. A local NGO operated a shelter for abused women, and the Government operated a hotline for abused women but did not provide other services. There were anonymous telephone services that assisted rape victims, but no shelters, specialized services, or other mechanisms to protect or assist them.

The kidnapping of women for marriage continued to occur, particularly in rural areas, although the practice continued to decline. Such kidnappings often were arranged elopements; however, at times these abductions occurred against the will of the intended bride and sometimes involved rape. Police rarely took actions in such cases even though such kidnappings are a crime according to the Criminal Code.

Prostitution is not a criminal offense, and trafficking in women for the purpose of prostitution was a problem (see Section 6.f.). In the past, police officers reportedly beat and raped prostitutes; there were no such confirmed reports this year.

Sexual harassment and violence against women in the workplace was a problem, particularly as economic conditions worsened, according to a U.N. Development Program (UNDP) report. Sexual harassment in the workplace rarely, if ever, was investigated.

The Constitution provides for the equality of men and women; however, discrimination against women was a problem. The Civil Code gives women and men equal inheritance rights. Divorce is legal and can be initiated by either a husband or wife. Younger women reported that the economic balance had shifted in their favor because many traditionally male jobs had disappeared due to the depressed economy. Women's access to the labor market had improved but remained primarily confined, particularly for older women, to low-paying and low-skilled positions, often without regard to high professional and academic qualifications. As a result, many women sought employment abroad. Salaries for women continued to lag behind those of men. Reportedly men were given preference in promotions. Of the more than 150,000 registered unemployed persons throughout the country, 48 percent were women. Women sometimes, but not often, filled leadership positions. According to the UNDP, employers frequently withheld benefits connected to pregnancy and childbirth.

A number of NGOs promoted women's rights, including the women's group of the Georgian Young Lawyers' Association, the Women's Center, and Women for Democ-

racy. Women's NGOs took an active role in the 1999 parliamentary election, the 2001 by-elections, and the 2002 local and municipal elections, engaging candidates in discussions about issues of concern. Posters urging women to vote were a prominent part of the publicity campaign.

Children.—The law provides for the protection of children's rights and welfare, and in 2002, the Government introduced a plan to emphasize children's issues; however, funding shortages limited its implementation and government services for children were extremely limited. While education was officially free through high school, many parents were unable to afford books and school supplies, and most parents were forced to pay some form of tuition or teachers' salaries. Bribery was endemic in the education system. Most children of school age attended school; however, in some places schools did not function or functioned sporadically because teachers were not paid and facilities were inadequate, particularly in winter when some schools could not afford to heat buildings. Many schools lacked libraries or even blackboards. Free health care was available only for children over the age of 3.

There were some reports of abuse of children, particularly street children, although there was no societal pattern of such abuse. Difficult economic conditions broke up some families and increased the number of street children.

The Criminal Code states that child prostitution and pornography are punishable by imprisonment for up to 3 years.

There were unconfirmed reports of trafficking in children (see Section 6.f.).

A local NGO estimated that there were approximately 1,500 street children in the country, with 1,200 concentrated in Tbilisi, due to the inability of orphanages and the Government to provide support. The private voluntary organization Child and Environment and the Ministry of Education each operated a shelter; however, the two shelters could accommodate only a small number of street children. No facilities existed outside of Tbilisi. Street children often survived by turning to criminal activity, narcotics, and prostitution. The Government took little other action to assist street children.

The lack of resources affected orphanages as well. Children received inadequate food, clothing, education, and medical care; facilities lacked heat, water, and electricity. The staff was paid poorly, and wages were many months in arrears. Staff members often diverted money and supplies provided to the orphanages for personal use. Orphaned children in government institutions were not eligible for foreign adoption.

The Isolator detention facility for street children in Gldani was overcrowded, and other children and guards frequently abused juvenile detainees (see Section 1.c.). There were no confirmed reports of police violence against street children this year.

Persons with Disabilities.—There is no legislated or otherwise mandated provision requiring access for persons with disabilities; however, the law mandates that the State ensure appropriate conditions for persons with disabilities to use freely the social infrastructure and to ensure proper protection and support. The law includes a provision of special discounts and favorable social policies for persons with disabilities, particularly veterans; however, many facilities remained closed due to lack of funding. Most persons with disabilities were supported by family members or by international humanitarian donations. Societal discrimination against persons with disabilities existed.

National/Racial/Ethnic Minorities.—The Government generally respected the rights of members of ethnic minorities in non-conflict areas but limited self-government and played a weaker role in ethnic Armenian and Azeri areas (see Section 3). School instruction in non-Georgian languages was permitted. A draft language law that would make knowledge of Georgian compulsory for persons employed by state institutions remained under discussion in Parliament at year's end.

The State Language Chamber was tasked with organizing free language courses for government employees in regions inhabited by ethnic minorities. During the year, most of the planned language courses were cancelled due to lack of funding, although several took place in Kvemo Kartli. The OSCE continued a project to support government programs to teach the Georgian language to ethnic minorities. Armenians, on occasion, complained that they were being forced to learn Georgian.

Section 6. Worker Rights

a. The Right of Association.—The Constitution and the law provide for the right of citizens to form and join trade unions, and workers exercised this right.

The principal trade union confederation was the Amalgamated Trade Unions of Georgia (ATUG), which was the successor to the official union that existed during the Soviet period. The ATUG consisted of 31 sectoral unions. The organization offi-

cially claimed 600,000 members, but acknowledged that the number of active, dues-paying members was lower. The union had no affiliation with the Government and received no government funding (except for support to send 200 children each year to summer camp). There were two trade unions in addition to the ATUG: The Free Trade Union of Teachers of Georgia Solidarity (FTUTGS) based in Kutaisi; and the Independent Trade Union of Metropolitan Employees.

The law prohibits discrimination by employers against union members, and employers may be prosecuted for anti-union discrimination and forced to reinstate employees and pay back wages; however, the ATUG and its national unions reported frequent cases of management warning staff not to organize trade unions. Some workers, including teachers in the Imereti region, employees of various mining, winemaking, pipeline, and port facilities and the Tbilisi municipal government reportedly complained of being intimidated or threatened by employers for union organizing activity. Observers also claimed that employers failed to transfer compulsory union dues, deducted from wages, to union bank accounts. The Ministry of Labor investigated some complaints but took no action against any employers.

There are no legal prohibitions against affiliation and participation in international organizations. The ATUG was a full member of the International Confederation of Free Trade Unions (ICFTU).

b. The Right to Organize and Bargain Collectively.—The Constitution and the law allow workers to organize and bargain collectively, and some workers exercised this right; however, the practice of collective bargaining was not widespread.

There are some restrictions on the right to strike; however, some strikes took place during the year. For example, the ATUG supported public sector strikes by teachers, medical service employees, and energy sector workers, most of which were wildcat actions. During the year, teachers went on strike for unpaid wages. Energy workers went on strike to demand unpaid wages and increased salaries.

There are no export processing zones.

c. Prohibition of Forced or Bonded Labor.—The Constitution prohibits forced or bonded labor, including by children, and provides for sanctions against violators; however, there were reports that such practices occurred (see Section 6.f.).

d. Status of Child Labor Practices and Minimum Age for Employment.—According to the law, the minimum age for employment of children is 16 years; however, in exceptional cases, the minimum age can be 14 years. The Ministry of Health, Social Service, and Labor enforces these laws and generally they were respected.

The Government has not ratified the ILO Convention 182 on the worst forms of child labor.

e. Acceptable Conditions of Work.—The state minimum wage was \$10.80 (20 GEL) a month. There was no state-mandated minimum wage for private sector workers. The minimum wage was not sufficient to provide a decent standard of living for a worker and family. In general, salaries and pensions were insufficient to meet basic minimum needs for a worker and family.

Average wages in private enterprises were \$75 to \$100 (150 to 200 GEL) monthly; in state enterprises, \$15 to \$30 (30 to 60 GEL). Unreported trade activities, assistance from family and friend networks, and the sale of personally grown agricultural products often supplemented salaries.

The old Soviet Labor Code, still in effect with some amendments, provides for a 41-hour workweek and for a weekly 24-hour rest period. The labor code permits higher wages for hazardous work and permits a worker to refuse duties that could endanger life without risking loss of employment; however, in practice these protections were rarely, if ever, enforced.

f. Trafficking in Persons.—The law prohibits trafficking in persons; however, the country was both a source and transit country for trafficked persons. There were unconfirmed reports that government customs and border officials were involved in the trafficking of persons.

Parliament passed amendments to the Criminal Code in June criminalizing trafficking in persons. The Government has initiated two cases under this article in the Criminal Code, but they were not brought to trial by year's end. The Government initiated several cases against some traffickers using fraud statutes. In January, the Government announced its Action Plan for Combating the Trafficking of Persons. A National Security Council official designated to lead the campaign held government wide meetings in June and assigned Ministry representatives with the specific tasks outlined in the Action Plan.

In 2002, the MIA created a seven-person unit specifically to combat trafficking. The unit received support from the American Bar Association's Central and Eastern European Law Initiative, the International Organization for Migration (IOM), and

other organizations. Local NGOs worked closely with the Public Defender's office, the body primarily responsible for referring victims to prosecuting authorities.

Women were trafficked from the country to Turkey, Greece, Israel, and Western Europe to work in bars, restaurants, or as domestic help. Many worked in the adult entertainment sector or as prostitutes. There also was evidence that Russian and Ukrainian women were trafficked through the country to Turkey, sometimes using fraudulently obtained passports. There were reports of Russian and Ukrainian women being sent to beach resorts in the summer months to work as prostitutes; however, the country was generally not a destination for trafficked persons. There were some unconfirmed reports of trafficking of children. Some of the latest IOM reporting suggests men may be trafficked in higher numbers than women. A small scale study conducted in the eastern region provided details on men trafficked for laborers to southern Russia, including Chechnya. Others traveled to Greece as agricultural laborers; yet the Government's consular officials reported the trafficked victims still refused to return home, because their substandard wages and working conditions still surpassed conditions there.

Jobs abroad offered through tourism firms or employment agencies often lured trafficked persons. Many of the women working in the adult entertainment sector as prostitutes were informed, or led to believe, that they would be employed as waitresses in bars and restaurants or as domestic help.

There were no government programs to help victims; however, there were several NGOs involved in aiding victims. One internationally funded NGO opened a hotline offering psychological support and assistance to victims. The Government initiated some anti-trafficking training for police in the regions and created a working group with the NGO community and funded by the OSCE to draft additional legislation including protections for victims' rights. The Government also operated a hotline that is directly connected to the Ministry of Interior's Anti-Trafficking Unit. These officers have also received anti-trafficking training, yet few victims began to call the police and report these crimes.

GERMANY

The Federal Republic of Germany is a constitutional parliamentary democracy; citizens periodically choose their representatives in free and fair multiparty elections. The last national election was held in September 2002 and resulted in a continuation of the coalition government of the Social Democratic Party (SPD) and Green Party. The head of the Federal Government, the Chancellor, is elected by the Bundestag, the only directly democratically legitimized legislative body. The second legislative body is the Bundesrat, which represents the 16 states at the federal level and is comprised of members of the state governments. The powers of the Chancellor and of the Parliament are set forth in the Basic Law (Constitution). The 16 states represented in the Bundesrat enjoy significant autonomy, particularly regarding law enforcement and the courts, education, the environment, and social assistance. The judiciary is independent.

Civilian authorities maintained effective control of the security forces. State governments are primarily responsible for law enforcement, and the police are organized at the state level. There have been instances in which police committed human rights abuses.

A well-developed industrial economy provided citizens with a high standard of living. The population was approximately 82 million.

The Government generally respected the human rights of its citizens; although there were problems in some areas, the law and judiciary provided effective means of addressing individual instances of abuse. There were at least two reports of alleged police mistreatment or use of excessive force against detainees, which the Government investigated. There were some limits on freedom of assembly and association. There was some government and societal discrimination against minority religious groups. Instances of societal violence and harassment directed at minority groups and foreign residents continued, and the Government at times did not provide adequate protection. Women continued to face some wage discrimination in the private sector, as did minorities and foreigners. Trafficking in persons, particularly women and girls, was a problem, which the state and federal governments took steps to address.

RESPECT FOR HUMAN RIGHTS

Section 1. Respect for the Integrity of the Person, Including Freedom From:

a. Arbitrary or Unlawful Deprivation of Life.—There were no reports of the arbitrary or unlawful deprivation of life committed by the Government or its agents.

By year's end, there was no court decision on the 2002 appeal by three Federal Border Police Officers who were indicted for the 1999 death of Amor Ageeb, a Sudanese asylum seeker, during a deportation flight.

In July, a court in Cologne found six police officers guilty of the beating death of a man who had been arrested in 2002. The court gave the men sentences ranging from 12 to 15 months in jail; the officers appealed the decision.

b. Disappearance.—There were no reports of politically motivated disappearances.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The Constitution prohibits such practices; however, there were at least two reports of alleged police mistreatment or use of excessive force. Amnesty International (AI) reported that there was a persistent pattern of alleged ill-treatment and excessive use of force by police. The Government investigated abuses and prosecuted police who mistreated persons in custody (see Section 1.d.).

In February, in a detention center in Cologne, a prison official beat a detainee who was allegedly verbally abusive. Authorities reassigned the official to another position and began an investigation, which remained pending at year's end. In April, three police officers in Frankfurt am Main were charged with assault for beating Andre Heech after arresting him in February for failing to return from a prison work release program in January (Heech had been serving a 4-year sentence for fraud). Heech, an amputee, alleged that one of the officers struck the remaining part of his leg with a metal pipe, and that he was not provided medical assistance. The case remained pending at year's end.

Four Chinese nationals facing deportation from Rhine-Palatinate brought charges against the police in Trier for failing to protect them against abuse by Chinese police officers in June. They claimed that in June, German police left several Chinese police officers in a locked room alone with them; however, the plaintiffs claim that there were no German police present during the incident. Rhine-Palatinate Interior Minister Walter Zuber defended the procedure, claiming that it is common practice to have deportees interviewed by home-country authorities.

There were a number of violent attacks by rightwing groups on minority groups and foreigners (see Section 5).

Prison conditions generally met international standards. Men were held separately from women, juveniles were held separately from adults, and pretrial detainees were held separately from convicted criminals.

The Government permits visits by independent human rights monitors, although there were no reports that such visits were requested during the year.

d. Arbitrary Arrest, Detention, or Exile.—The Basic Law prohibits arbitrary arrest and detention, and the Government generally observed these prohibitions.

The police force is organized at the state level. The jurisdiction of the Federal Criminal Office is limited to counterterrorism, international organized crime, particularly narcotics trafficking, weapons smuggling, and currency counterfeiting. Police forces in general were well trained to a high professional level, disciplined, and mindful of citizens' rights. The Government investigated abuses and prosecuted police who mistreated persons in custody (see Sections 1.a. and 1.c.). Allegations of corruption were very rare.

A person can be arrested only on the basis of an arrest warrant issued by a competent judicial authority, unless the person is caught in the act of committing a crime or the police have strong reason to believe that the person intends to commit a crime. If there is evidence that a suspect might flee the country, police may detain that person for up to 24 hours pending a formal charge. Anyone detained by police must be brought before a judge and charged within 24 hours of the arrest. The court then must issue an arrest warrant stating the grounds for detention or order their release.

Police at times detained known or suspected radicals for brief periods when they believed such individuals intended to participate in illegal or unauthorized demonstrations (see Section 2.b). The rules governing this type of detention are different in each state, with authorized periods of detention ranging from 1 to 14 days, provided judicial concurrence is given within 24 hours of initial apprehension. There were no reports of such detention during the year.

Detainees have access to lawyers. Only judges may decide on the validity of any deprivation of liberty. Bail exists but seldom is employed; the usual practice is to release detainees unless there is clear danger of flight outside the country. In these

cases, a person may be detained for the duration of the investigation and subsequent trial. Such decisions are subject to regular judicial review, and time spent in investigative custody applies toward the sentence. In cases of acquittal, the Government must compensate the individual.

The Basic Law prohibits forced exile, and the Government did not employ it.

e. Denial of Fair Public Trial.—The Basic Law provides for an independent judiciary, and the Government generally respected this provision in practice.

Ordinary courts have jurisdiction in criminal and civil matters. There are four levels of such courts (local courts, regional courts, higher regional courts, and the Federal Court of Justice), with appeals possible from lower to higher levels. In addition to the ordinary courts, there are four types of specialized courts: Administrative, labor, social, and fiscal. These courts also have different levels, and appeals may be made to the next higher level.

In addition, there is the Federal Constitutional Court, which is the supreme court. Among other responsibilities, it reviews laws to ensure their compatibility with the Basic Law and adjudicates disputes between different branches of government on questions of competencies. It also has jurisdiction to hear and decide claims based on the infringement of a person's basic constitutional rights by a public authority.

The judiciary provided citizens with a fair and efficient judicial process, although court proceedings at times were delayed because of increasing caseloads. For simple or less serious cases, the Government adopted a procedure allowing for an accelerated hearing and summary punishment at the local court level. The maximum sentence for such cases is limited to 1 year, provided the accused has a defense counsel and execution of the punishment is suspended on probation.

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home or Correspondence.—The Basic Law and statutory laws prohibit such actions, and government authorities generally respected these prohibitions in practice; violations were subject to effective legal sanction.

Several hundred organizations were under observation by the federal and state Offices for the Protection of the Constitution (OPC). The OPCs were charged with examining possible threats to the constitutional democratic system; they had no law enforcement powers, and OPC monitoring by law could not interfere with the continued activities of any organization. However, because the OPCs published a list of organizations being monitored, being on the list could have a negative influence on an organization's reputation, thus disturbing its normal activities. In observing an organization, OPC officials sought to collect information, mostly from written materials and first-hand accounts, to assess whether a threat existed. At times, more intrusive methods, such as the use of undercover agents, but they were subject to legal checks (see Section 2.c.).

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Basic Law provides for freedom of the press, and the Government generally respected this right in practice. An independent press, an effective judiciary, and a functioning democratic political system combined to ensure freedom of the press and of speech, including academic freedom. However, there were some limits on freedom of speech. Distribution of the propaganda of proscribed organizations, statements inciting racial hatred and endorsing Nazism, and denying the Holocaust, are illegal, and the authorities sought to block what they considered dangerous material on the Internet.

The independent media were active and expressed a wide variety of views without government restriction.

There were approximately 120 Internet service providers. The law bans access to prohibited material (for example, child pornography and Nazi propaganda) on the Internet, and the Government explored ways to expand bilateral and multilateral cooperation in countering Internet crime. German officials estimated that there were approximately 800 Internet sites with what they considered objectionable or dangerous rightwing extremist content. The Federal Court of Justice held that the country's laws against Nazi incitement may apply to individuals who post Nazi material on Internet sites available to users in the country, even if the site resides on a foreign server.

b. Freedom of Peaceful Assembly and Association.—The law provides for freedom of assembly, and the Government generally respected this right in practice; however, outlawed organizations were not permitted to hold public assemblies. Permits must be obtained for open-air public rallies and marches, and state and local officials have the authority to deny such permits when public safety concerns arise or when outlawed organizations attempt to hold public assemblies. For example, in Au-

gust rallies and marches by neo-Nazis and rightwing extremists commemorating the death of Nazi official Rudolf Hess were prohibited by a court in Bavaria, but the Federal Constitutional Court upheld the extremists' right to assemble and advised police to ensure that the assembly did not endanger public safety.

The law provides for freedom of association, and the Government generally respected this right in practice; however, the Basic Law and the Association Law permit the banning of organizations whose activities were found to be illegal or opposed to the constitutional democratic order as established by the Basic Law. The Federal Constitutional Court is the only body that can outlaw political parties on these grounds. Federal or state governments may ban other organizations on these grounds, but legal recourse against such decisions is available. Such banned organizations included a number of groups that authorities generally classified as rightwing or leftwing, foreign extremist, or criminal in nature. Several hundred organizations were under observation by the federal and state OPCs (see Section 1.f.).

On October 28, more than 300 police officers raided homes and meeting places of suspected neo-Nazi groups in Schleswig-Holstein. Police found weapons and arrested several people suspected of "forming a politically motivated criminal organization." The suspects were associated with the international neo-Nazi group Combat 18.

A commission of experts examined whether evidence against the rightwing extremist National Democratic Party (NPD) met the threshold to support a legal ban, which was widely demanded after a surge of rightwing extremist activity in 2000. In March, the Court dismissed separate petitions by the Bundestag and Bundesrat for the banning of the NPD because of flaws in the Government's case. In January, Interior Minister Otto Schily used his executive authority to ban the Islamic extremist organization, Hizb ut-Tahrir.

In October, the Federal Constitutional Court rejected the appeal and upheld the ban on the Islamic extremist organization "Caliphate State," exhausting the organization's legal remedies. The "Caliphate State" had appealed the Interior Minister's 2001 ruling banning the organization. Metin Kaplan, former head of the "Caliphate State," was released from prison in May after serving a 4-year sentence for calling for the killing of an opponent. Authorities have denied Turkey's extradition request for Kaplan, who was wanted in Turkey for terrorism-related charges, on the grounds of uncertainty that a fair trial would take place in Turkey. The Higher Regional Administrative Court in Muenster was deciding an appeal on whether Kaplan could be granted asylum, or be deported to Turkey at year's end. Kaplan was not allowed to travel outside of Cologne and was required to report regularly to police.

c. Freedom of Religion.—The Basic Law provides for the freedom of religion, and the Government generally respected this right in practice; however, discrimination against minority religious groups remained an issue.

Church and state are separate, although historically a special relationship existed between the State and those religious communities that had the status of a "corporation under public law." If they fulfill certain requirements, organizations may request that they be granted "public law corporation" status, which, among other things, entitles them to levy taxes on their members, which the State collects for them. The decision to grant public law corporation status is made at the state level.

Religious organizations are not required to register, although most were registered and are treated as nonprofit associations and therefore enjoyed tax-exempt status.

Within the federal system, the states showed large differences with respect to their treatment of the Church of Scientology. Two states, Schleswig-Holstein and Mecklenburg-Vorpommern, did not monitor Scientology. The city-state of Berlin dropped OPC observation of Scientology in September, and the state of Hesse did not mention Scientology in its 2002 OPC report. Bavaria, on the other hand, announced in November 2002 that it might seek to ban Scientology and indicated that it would ask the Federal Interior Ministry to consider a federal ban. In March, Bavaria found no support among other states, except for Hamburg, for such a ban. Scientology was the only religious community under OPC observation, and Scientologists contended that inclusion in a list of totalitarian and terrorist groups was detrimental to the Church's reputation.

In December, a court in Baden-Wuerttemberg found that the Church of Scientology in the state was entitled to tax-exempt status as a religious community. State officials had maintained for several years that the Church of Scientology was a commercial enterprise, not a religious community, and had refused to grant it tax-exempt status.

The Lutheran Church employed "sect commissioners" to warn the public about supposed dangers posed by Scientology, as well as by the Unification Church, Bhagwan-Osho, and Transcendental Meditation. The Church of Jesus Christ of Latter-day Saints (Mormons), the Jehovah's Witnesses, the Church of Christ, Christian

Scientists, the New Apostolic Church, and the Johannish Church were characterized in less negative terms but nevertheless were singled out as “sects.”

Private sector firms that screen for Scientology affiliations frequently cited OPC observation of Scientology as a justification for discrimination. The Federal Property Office barred the sale of some real estate to Scientologists, noting that the Finance Ministry had urged that such sales be avoided if possible. Since 1996, employment offices throughout the country have implemented an Economics and Labor Ministry administrative order directing them to enter an “S” notation next to the names of firms suspected of employing Scientologists. Employment counselors are supposed to warn their clients that they might encounter Scientologists in these workplaces. Scientologists claimed that the “S” notations violate their right to privacy and interfere with their livelihood.

The Unification Church has sought legal remedies against the Government’s refusal to grant an entry visa to the founder of the Unification Church, Reverend Sun Myung Moon, and his wife, Hak Ja Har Moon through 2004. Federal courts ruled that the exclusion does not infringe upon church members’ freedom to practice their religion. At year’s end, an appeal by the Unification Church was pending.

On October 22, the Federal Constitutional Court overturned a lower court’s 2002 decision that without the appropriate state legislation, a school in Baden-Wuerttemberg could prohibit a Muslim teacher from wearing a headscarf to work. The ruling does not affect states’ ability to establish a legal basis for banning headscarves in schools. After the ruling, several states indicated their intention to enact laws prohibiting Muslim public servants from wearing headscarves on duty. Several states have submitted draft laws prohibiting Muslim teachers from wearing headscarves on duty in public schools. Legislative approval was pending at year’s end.

Leading politicians from all major parties stated that neo-Nazi groups posed a serious threat to public order and called for continuing vigilance by law enforcement agencies. Following a rise in the incidence of anti-Semitic crimes and an increase in public criticism of the Israeli Government’s actions in the Middle East, Jewish community leaders expressed disappointment in the leaders of other religious communities, as well as in some local and national politicians, for not speaking out more forcefully against anti-Semitism. In October, the public remarks of Martin Hohmann, a Christian Democratic Union (CDU) Member of Parliament, comparing the actions of Jews during the Russian Revolution to those of the Nazis during the Holocaust, led to the opening of an inquiry following a criminal complaint alleging incitement and slander. The CDU subsequently expelled Hohmann from its parliamentary caucus.

Arab youths appeared to be increasingly behind attacks on and harassment of the country’s Jews. In May, an American orthodox Jew in Berlin was attacked by a group of teenagers who appeared to be of Arab origin. The attack was the fourth in a series of similar incidents that took place during the year.

During the year, Jewish cemeteries were desecrated in Kassel and Beeskow. Dozens of gravestones were pushed over or painted with pro-Nazi graffiti. In September, police arrested several people for suspected involvement in a plot to bomb a Jewish institution in Munich.

All branches of Islam were represented in the country, with the large majority of Muslims coming from abroad. Reports continued of opposition to the construction of mosques in various communities around the country, generally concerning complaints about increased traffic and noise. There was debate over whether Muslims could use loudspeakers in residential neighborhoods to call the faithful to prayer. There also remained areas where the law conflicted with Islamic practices or raised religious freedom issues, notably the headscarf issue.

Authorities ran a variety of tolerance-education programs, many focusing on anti-Semitism and xenophobia. Government agencies cooperated with nongovernmental organizations (NGOs) in the formulation and administration of these programs.

For a more detailed discussion, see the 2003 International Religious Freedom report.

d. Freedom of Movement within the Country, Foreign Travel, Emigration, and Repatriation.—The Basic Law provides for these rights, and the Government generally respected them in practice. For ethnic Germans from Eastern Europe and the former Soviet Union, the Basic Law provides both for citizenship immediately upon application and for legal residence without restrictions. The law provides that children born to legal foreign residents be granted citizenship. Individuals may retain both German citizenship and that of their parents until the age of 23, when they must choose one or the other. The law reduced the period of residence legal foreign residents must spend in the country in order to earn the right to naturalize from 15 to 8 years.

The Basic Law and legislation provide for the granting of asylum and refugee status to persons who meet the definition in the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. In practice, the Government provided protection against refoulement and provided refugee status or asylum. Both the Federal Government and state governments cooperated with the office of U.N. High Commissioner for Refugees (UNHCR) and other humanitarian organizations in assisting refugees, although immigration matters were primarily a state-level responsibility.

Individuals attempting to enter via a "safe country of transit" (any country in the European Union (EU) or adhering to the Geneva Convention on Refugees) were ineligible for asylum and could be turned back at the border or returned to that "safe country of transit" if they managed to enter the country. Individuals whose applications were rejected on these grounds had up to 2 weeks to appeal the decision. Individuals who arrived at an international airport and who were deemed to have come from a "safe country of origin" could be detained at an airport holding facility. In these cases, the Federal Office for the Recognition of Foreign Refugees was required to make a decision on an asylum application within 48 hours or allow the person to enter the country. The applicant could appeal a negative decision to an administrative court within 3 days, and the court was required to rule within 14 days or allow the individual to enter the country. Although stays in the airport facility are limited to a maximum of 19 days, applicants whose claims were rejected, but who could not be deported immediately, allegedly have been held at the airport for months, a practice criticized by some refugee assistance groups and human rights advocates.

Applicants who entered the country and were denied asylum at their original administrative hearing could challenge the decision in court, and 80 percent of applicants denied asylum did so. Only about 3 to 4 percent of such rejections were overturned. The rejected applicant was allowed to remain in the country during the course of the appeal, which usually took at least a year and sometimes significantly longer. Applicants received housing and other social service benefits during this time. Asylum applicants and civil war refugees have been allowed to work after a 1-year waiting period. Individuals who failed to cooperate during the deportation process or who were deemed liable to flee to avoid deportation could be held in predeportation detention, with the average detention period lasting 5 to 6 weeks.

Some foreigners whose asylum applications were rejected, but who would be endangered if they were returned to their home country, received temporary residence permits; however, they were expected to leave when conditions in their home country allowed for their safe return. The vast majority of the approximately 345,000 Bosnians and the approximately 200,000 Kosovars whom the Government admitted during the conflict in the former Yugoslavia fell into this category; most of these persons have since been repatriated or resettled outside of the country. For the remainder, once their residence permits expired they could be deported, although some exceptions were made for certain vulnerable groups, such as members of ethnic minorities, including Serbs, Roma, Ashkalia, and Muslim Slavs. In a number of cases, there also were exceptions made for medical reasons. The Government continued to support voluntary return programs for refugees from the former Yugoslavia, providing financial incentives of between \$956 and \$2,813 (765 and 2,250 euros) to help cover travel and resettlement costs. Many states provided additional resettlement funds. However, failure to accept voluntary repatriation subjected these refugees to the threat of deportation, forced them to leave their personal property behind, and excluded them from reentering the country for a 5-year period.

In some cases, unsuccessful asylum seekers attempted to thwart their deportation by refusing to disclose to authorities their country of origin or their identity. This situation was prevalent among asylum seekers from West Africa; it was also not unusual among asylum seekers from the former Soviet Union. Several states attempted to speed up repatriation of uncooperative rejected asylum seekers by opening communal accommodations where foreigners were housed while authorities obtained valid information regarding their identity and citizenship. Some refugee-rights and church organizations criticized these centers as inhumane. They claimed that the basic amenities and relative lack of freedom of movement exerted psychological pressure on the residents. Authorities countered that the centers' emphasis on counseling and job skill development promoted the residents' willingness to depart voluntarily and enhanced their chances of success in their home countries.

During the year, there were 377 voluntary returns of Bosnian refugees. The Government estimated that since 1999, approximately 100,000 Albanian Kosovars have returned to Kosovo. According to government sources, 85 percent of these returned voluntarily, the other 15 percent involuntarily. These figures were consistent with those of refugee advocate groups. The Government estimated that there were approximately 60,000 deportable Kosovar refugees in the country. Of these, 27,000

were ethnic Albanians and 33,000 were members of ethnic minorities, primarily Roma and Serbs, but also including Bosniaks, Egyptians, Ashkalia, Turks and Torbesh. Roma and Serbs were exempted from forced returns, but other ethnic minorities and Albanians were being returned, increasingly on a forced basis. In coordination with the U.N. Interim Administrative Mission in Kosovo (UNMIK), German authorities in some states provide voluntary returnees with some resettlement funds and in-country assistance.

There were two reports of the forced deportation of Chechens to Russia. After the 2002 incident in a Moscow theater in Russia, the federal Interior Ministry recommended to its state-level counterparts that deportations of Chechens should be temporarily halted and that previously refused asylum cases of Chechens remaining in Germany should be re-evaluated. However, according to AI, many asylum applications by Chechens were refused during the year.

AI reported that the Government deported a Chechen man in Baden-Wuerttemberg whose two applications for asylum were denied. During the year, the Government refused to consider an asylum application from a Chechen man who entered the country through Poland on the grounds that he entered through a "safe country of transit."

Due to continuing security concerns, the Government decided not to compel the return of Afghan refugees.

Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government

The Basic Law provides citizens with the right to change their government peacefully, and citizens exercised this right in practice through periodic, free, and fair elections. Members of Parliament are elected every 4 years from a mixture of direct-constituency and party-list candidates on the basis of universal suffrage and secret balloting. The second legislative body, the Bundesrat, is composed of delegations from state governments; there are no collective Bundesrat elections.

In the Bundestag, there were two major parliamentary groups, the SPD and the Christian Democratic Union/Christian Social Union (CDU/CSU), as well as two smaller parliamentary groups, the Free Democrats (FDP) and the Greens. Parties that failed to win either 5 percent of the vote nationwide or three seats in head-to-head contests ("direct mandates") were not allotted their proportional share of seats (although they retain any seats won directly). In the 2002 national elections, the Party of Democratic Socialism (PDS) won two direct mandates, but failed to gain the 5 percent needed; therefore, there were only two PDS deputies in the new Bundestag. The federal Constitutional Court may outlaw political parties that actively work to undermine the liberal democratic order (see Section 2.b.).

The law entitles women to participate fully in political life, and a growing number were prominent in the Government and the parties. Close to 31 percent of the members of the Bundestag were women. Women occupied 7 of 15 Federal Cabinet positions. On the Federal Constitutional Court, 5 of the 16 judges were female, including the Chief Justice. Two of the parties represented in the Bundestag were headed by women: The CDU and the Greens/Alliance 90 (co-chaired by a woman and a man). All of the parties have undertaken to enlist more women. The Greens/Alliance 90 Party requires that women constitute half of the party's elected officials; and 57.5 percent of the Party's federal parliamentary caucus members are women. The SPD had a 40-percent quota for women on all party committees and governing bodies, and they met that goal. The CDU required that 30 percent of the first ballot candidates for party positions be women, a goal that they met.

Few minorities were represented in the Government. There were two Turkish-German Bundestag deputies and one German-Indian mixed race deputy in the Bundestag.

Section 4. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A wide variety of international and domestic human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials were very cooperative and responsive to their views.

Section 5. Discrimination Based on Race, Sex, Disability, Language, or Social Status

The law prohibits the denial of access to housing, health care, or education on the basis of race, disability, sex, ethnic background, political opinion, or citizenship.

Women.—Violence against women was a problem and was thought to be underreported; nationwide statistics are not compiled, but the Ministry of Family, Seniors, Women and Youth estimated that there were approximately 45,000 cases per

year of domestic violence against women. In 2002, countrywide, 8,615 cases of rape were reported, 724 (9.2 percent) more than in 2001. The law prohibits violence against women and the Government has implemented a number of legal and social structures to combat it. Societal attitudes toward such violence are strongly negative, and legal and medical recourse were available. During the year, the Government conducted campaigns in schools and through church groups to bring public attention to the existence of such violence and supported numerous projects to combat the problem. There were 435 "women's houses," including 115 in the eastern states (excluding Berlin), where victims of violence and their children could seek shelter, counseling, and legal and police protection. In the last few years, the Federal Ministry for Families, Seniors, Women and Youth commissioned a number of studies to obtain information on violence against women, sexual harassment, and other matters. The law provides for removing a violent husband or male domestic partner from a shared dwelling.

Prostitution is legal. Lawmakers have approved new rules affording prostitutes more benefits, such as the chance to enter the social security system and to use the courts to obtain payment for their services.

Trafficking in women was a problem (see Section 6.f.).

Sexual harassment of women was a recognized problem. The press reported on sexual harassment in the workplace and in public facilities. Unions, churches, government agencies, and NGOs ran a variety of support programs for women who experienced sexual harassment and sponsored seminars and training to prevent it.

The Government continued to implement its multiyear action plan, "Women and Occupation." The program promoted the equality of women and men in the workforce, including increased vocational training for women, greater representation of women in political advisory councils, and the promotion of female entrepreneurs through government grants and participation in regional projects earmarked for women. The Federal Ministry for Families, the Elderly, Women, and Youth also announced a multiyear initiative designed to increase the number of women and girls who receive training in information technology (IT) and in media careers, with the goal of raising the number of IT-training slots to 60,000 by 2003 and the share of female IT-trainees to 40 percent by 2005. The law provides for equal pay for equal work; however, in practice many employers categorized individual jobs held by women differently from the same job held by a man, thereby creating inequalities in pay for men and women. Union contracts typically identified categories of employment in which participants are to be paid less than 100 percent of the wage of a skilled laborer covered by the same contract. Women were represented disproportionately in these lower-wage scale occupations. In general, a women's average monthly income was lower than a man's average monthly income. However, if factors such as differences in age, qualification, occupational position, structure of employment or seniority are taken into consideration, women usually were not discriminated against in terms of equal pay for equal work, although they were underrepresented in well-paid managerial positions.

Children.—The Government was strongly committed to children's rights and welfare; it amply funded systems of public education and medical care. Public education was provided free of charge through the university level and was mandatory through the age of 16; almost all children attended school on a daily basis.

Child abuse was a problem. No statistics were available, but children's advocates from NGOs as well as some politicians considered it a problem, and individual cases received attention in the newspapers. The law stresses the need for preventive measures, and in response the Government increased its counseling and other assistance to abused children.

The Criminal Code provides for the protection of children against pornography and sexual abuse. For possession of child pornography, the maximum sentence is 1 year's imprisonment; the sentence for distribution is 5 years. The law makes the sexual abuse of children by citizens abroad punishable even if the action is not illegal in the child's own country. In 2002, there were 15,998 cases of sexual abuse of children recorded (881, or 5.8 percent more than in 2001). There were 2002 cases of possession or distribution of child pornography (down 743, or 27.1 percent, from 2001).

In October, the German UNICEF office published a report drafted by a local social worker that characterized the region along the border with the Czech Republic as a "haven for pedophilia." The two countries have formed a liaison group to increase communication and exchange information on vice crimes, augmenting a 2000 agreement on police cooperation.

Trafficking in girls was a serious problem (see Section 6.f.).

Persons with Disabilities.—The Basic Law specifically prohibits discrimination against persons with disabilities, and there were no reports of discrimination against persons with disabilities in employment, education, or in the provision of other state services. The law mandates several special services for persons with disabilities; they are entitled to assistance to avert, eliminate, or alleviate the consequences of their disabilities and to secure employment commensurate with their abilities. The Government offered vocational training and grants for employers who hired persons with disabilities. Persons with severe disabilities could be granted special benefits, such as tax relief, free public transport, special parking facilities, and exemption from radio and television fees.

The Government set guidelines for the attainment of “barrier-free” public buildings and for modifications of streets and pedestrian traffic walks to accommodate persons with disabilities. All 16 states incorporated the federal guidelines into their building codes, and 98 percent of federal public buildings follow the guidelines for a “barrier-free environment.” There were no reports of societal discrimination against persons with disabilities.

National/Racial/Ethnic Minorities.—The Federal Criminal Police uses a crime definition system for “politically motivated crimes” (PMCs). PMCs are crimes that involve motives that have to do with victims’ ideology, nationality, ethnicity, race, skin color, religion, world-view, ancestry, sexual orientation, disability status, appearance, or social status. PMCs are categorized and reported by the Federal OPC in its annual report, according to perpetrator (rightwing extremist, leftwing extremist, foreign extremist) and crime type (propaganda, racist literature or hate speech; property destruction, desecration of Jewish graves; and assaults on persons). In 2002, 10,902 rightwing PMCs were recorded (10,054 in 2001), including 7,294 propaganda crimes (6,336 in 2001), 2,513 “incitement of racial hatred” crimes (2,538 in 2001), 178 property crimes (251 in 2001), 115 criminal threats (190 in 2001), and 30 grave desecrations (30 in 2001). In 2002, 772 of the rightwing extremist PMCs were violent (709 in 2001); the majority of these (440, 56.9 percent; up from 374 in 2001) were perpetrated against foreigners; 28 (2.5 percent) were anti-Semitic (up from 18 in 2001), and 207 (26.8 percent) were against political opponents (197 in 2001).

Harassment of foreigners and racial minorities, including beatings, remained common throughout the country. Media as well as official reports indicated that several such incidents occurred each week. There were several incidents in July. An African woman was harassed with racial slurs and punched as she waited for a streetcar in Potsdam; several Vietnamese were attacked in Berlin; in Rhineland-Palatinate, a neo-Nazi shouted “Heil Hitler” as he kicked a Nigerian in the stomach, sending him to the hospital. In northwestern Brandenburg state, a 13-year-old German of color was assaulted and burned by a group of 14- to 16-year olds who started their attack with racial slurs. In Wittenberg (Saxony-Anhalt), six men hit a young Arab man with bottles, knocked him to the ground, kicked him, and harassed him with racial slurs.

In June, a foreign government granted asylum to a German citizen of color and her children after finding that the Government’s failure to protect her rights and address her grievances effectively condoned racist attitudes and discrimination. The asylee alleged that government agencies ignored her complaints against her ex-husband (a Caucasian citizen) of spousal and child abuse because she was a person of color, and that government agencies through malfeasance and discrimination denied her equal access to social services. In an ongoing domestic court case in which she was attempting to obtain a child support enforcement order, she alleged that government agencies continued to deny her access to legal representation to which she is entitled as a citizen.

Membership in rightwing organizations was difficult to ascertain; however, authorities estimated that there were approximately 1,500 persons nationwide who were leaders of rightwing activities. Authorities estimated an additional 10,000 persons were sympathizers.

The Federal Government and state governments remained firmly committed to combating and preventing rightwing violence, although police resources increasingly were allocated to address the terrorist threat. In September, authorities in Bavaria arrested several members of the neo-Nazi “Southern Brotherhood” organization and seized weapons and explosives from the group in raids. Police discovered plans the group had to attack the cornerstone-laying ceremony of a new Jewish community center and synagogue. State and federal authorities are continuing their investigation of possible links between this group and other violent neo-Nazi groups nationwide.

The Government protected and fostered the languages and cultures of national and ethnic minorities that traditionally lived in the country (for example, Sorbs,

Danes, Roma, Sinti, and Frisians). Although the Government recognized the Sinti and Roma as an official “national minority” since 1995, the federal and state interior ministries resisted including Romani among the languages to be protected under relevant EU statutes. Critics contended that the Sinti/Romani minority was the only official national minority that did not have unique legal protection, political privilege, or reserved representation in certain public institutions.

Resident foreigners and minority groups continued to voice credible concerns about societal and job-related discrimination. Unemployment affected foreigners disproportionately, although at times this was due in part to inadequate language skills or nontransferable professional qualifications of the job seekers (see Section 6.e.). The Federal Government and all states established permanent commissions to assist foreigners in their dealings with government and society.

Section 6. Worker Rights

a. The Right of Association.—The Basic Law provides for the right to associate freely, choose representatives, determine programs and policies to represent workers’ interests, and publicize views, and workers exercised these rights. Approximately 27 percent of the total eligible work force belonged to unions. The German Trade Union Federation (DGB) represented approximately 83 percent of organized workers.

The law effectively protects workers against antiunion discrimination. Complainants file their cases directly with the labor courts, which are the courts of first instance. Specialized labor court judges render decisions in these cases.

The DGB participated in various international and European trade union organizations, including the European Trade Union Confederation (ETUC) and the International Confederation of Free Trade Unions (ICFTU).

b. The Right to Organize and Bargain Collectively.—The Basic Law provides for the right to organize and bargain collectively and workers exercised these rights. Collective bargaining was widespread due to a well-developed system of autonomous contract negotiations; mediation was used infrequently. Basic wages and working conditions were negotiated at the industry level. However, some firms in the eastern part of the country refused to join employer associations or withdrew from them and then bargained independently with workers. In addition, some firms in the west withdrew at least part of their work force from the jurisdiction of employer associations, complaining of rigidities in the industrywide, multicompany negotiating system; however, they did not refuse to bargain as individual enterprises. The law mandates a system, known as co-determination, whereby workers are able to participate in the management of the enterprises in which they work through “works councils” and worker representation on boards of directors. The rights of the works councils are regulated through the Works Constitution. Members of works councils do not have to be union representatives.

The Basic Law provides for the right to strike, except for civil servants (including teachers) and personnel in sensitive positions, such as members of the armed forces. In the past, the International Labor Organization (ILO) criticized the Government’s definition of “essential services” as overly broad. The ILO continued to seek clarifications from the Government on policies and laws governing the labor rights of civil servants. The ILO has repeatedly reminded the Government that this restriction is not in line with Convention 87, and has asked it to change its legislation accordingly. Similarly, teachers in the public service continue to be denied their right to collective bargaining. This has not changed despite ILO criticism of the violation of Convention 98. These groups who are not allowed to strike have legal recourse through the court system to protect their rights.

In June, a strike by the IG Metall labor union for a 35-hour work week in eastern Germany failed in the face of determined resistance by employers, lack of support among workers who feared they would be priced out of their jobs, and objections from western German workers who would have had to cope with the consequences of disruptions in supplies from the east. The Government did not interfere.

There are no export processing zones.

c. Prohibition of Forced or Bonded Labor.—The Basic Law and the federal statutes prohibit forced or bonded labor, including by children; however, there were reports that such practices occurred (see Section 6.f.).

Since 2001, the “Remembrance, Responsibility, and the Future Foundation,” has paid approximately \$2.81 billion (2.25 billion euros) to some 1.4 million claimants worldwide for payments to private and public sector Nazi-era forced and slave laborers and others who suffered at the hands of German companies during the Nazi era. The Government and a consortium of German companies have each contributed \$3.1 billion (2.5 billion euros) to the Foundation, which was established under the law. The Foundation concluded agreements with partner organizations such as the Inter-

national Organization for Migration (IOM) and the Conference on Jewish Material Claims Against Germany that receive Foundation funds in order to process and pay claims according to agreed procedures and subject to audit.

d. Status of Child Labor Practices and Minimum Age for Employment.—The law prohibits the employment of children under the age of 15, with a few exceptions: Those 13 or 14 years of age may do farm work for up to 3 hours per day or may deliver newspapers for up to 2 hours per day; and those 3 to 14 years of age may take part in cultural performances, albeit under stringent curbs on the kinds of activity, number of hours, and time of day. The Federal Labor Ministry effectively enforced the law through its Factory Inspection Bureau.

e. Acceptable Conditions of Work.—There was no legislated or administratively determined minimum wage; wages and salaries were set either by collective bargaining agreements between unions and employer federations or by individual contracts. Covering an estimated 80–90 percent of all wage and salary-earners, the collective bargaining agreements set minimum pay rates and were enforceable by law. The remaining 10–20 percent were covered by either individual contracts or company-level contracts negotiated by worker representatives who were not necessarily members of unions. These minimums provided a decent standard of living for a worker and family.

Federal regulations limit the workweek to a maximum of 48 hours, but the number of hours of work per week was regulated by contracts that directly or indirectly affected 80 percent of the working population. The average workweek for industrial workers was 36 hours in the western part of the country and approximately 39 hours in the eastern states; rest periods for lunch were accepted practices. Provisions for overtime, holiday, and weekend pay varied depending upon the applicable collective bargaining agreement.

There was an extensive set of laws and regulations on occupational safety and health. A comprehensive system of worker insurance carriers enforces safety requirements in the workplace. The Labor Ministry and its counterparts in the states effectively enforced occupational safety and health standards through a network of government bodies, including the Federal Institute for Work Safety. At the local level, professional and trade associations—self-governing public corporations with delegates both from the employers and from the unions—oversaw worker safety. The law provides for the right to refuse to perform dangerous or unhealthy work without jeopardy to continued employment.

Foreign workers legally in the country were protected by law and generally worked in conditions equal to that of citizens; however, wage discrimination affected legal foreign workers to some extent. For example, foreign teachers in some schools were paid less than their German counterparts. In addition, seasonal workers from Eastern Europe who came to the country on temporary work permits often received wages below normal German standards. Workers from other EU countries at times were employed at the same wages they would receive in their home country, even if the corresponding German worker would receive a higher wage. Foreigners who were employed illegally, particularly in the construction industry in Berlin, were likely to receive substandard wages.

f. Trafficking in Persons.—The law prohibits trafficking in persons; however, trafficking in persons, primarily women and girls for sexual exploitation, was a problem.

The law specifically prohibits trafficking in persons and makes the offense punishable by up to 10 years' imprisonment. These crimes are prosecuted at the state level. The Federal Criminal Office for Criminal Investigation and state police actively investigated cases of trafficking and published their findings in an annual trafficking report. In 2002 (the latest year for which figures are available), state officials conducted 282 pre-trial investigations, a 5.9 percent increase from the previous year. The number of suspects in 2002 was 821, an increase of 10 percent over the previous year.

In March, a Kassel court sentenced a Czech national to 8 years in prison for trafficking 300 Afghan and Chinese nationals to Germany.

The Federal Criminal Office for Criminal Investigation has a team that coordinates international operations and offers special training. The Federal Ministry for Families, the Elderly, Women, and Youth heads an interagency working group to coordinate the efforts of state and federal agencies to combat trafficking and to aid victims of trafficking. The federal and state Governments worked actively with NGOs and local women's shelters to combat human trafficking.

Germany was both a destination and transit country for trafficking in persons, overwhelmingly women and girls. Most trafficking victims were women and girls between the ages of 16 and 25 who were forced to work as prostitutes; according to

police statistics, less than 0.5 percent of trafficking victims were men or boys. Estimates by NGOs varied considerably as to the number of women and girls trafficked to and through the country. The number of known and registered trafficking victims in 2002 was 811. Of these, 87 percent came from Eastern Europe and the countries of the former Soviet Union, primarily from Russia, Poland, Ukraine, Moldova, Lithuania, Slovakia, Latvia, Bulgaria, and the Czech Republic. Frequently crime rings would traffic women who already had been caught in, and deported from, one European country to another. Non-European victims came mostly from Africa and Asia. The UN Center for International Crime Prevention stated that Germany is the most common destination for victims of human trafficking.

Traffickers used a range of intimidation techniques to ensure the compliance of victims, including threats to "sell" the victim, threat of deportation, misinformation about victims' rights in Germany, physical violence, and withholding documents.

The Government was active in combating trafficking in persons at the federal and state levels. There was no known involvement of authorities or individual government employees in human trafficking.

The federal and state governments, as well as private donors, subsidized more than 30 counseling centers for victims of trafficking that are run by NGOs. When an illegal alien is discovered to be a trafficking victim, police were required to notify a counseling center and to inform the victim of his/her rights and options for seeking assistance. The centers provide shelter, counseling, interpreting services, and legal assistance. The NGOs involved with combating human trafficking also worked to raise public awareness through seminars and training courses.

Victims who serve as witnesses in trafficking cases have the right to join the criminal trial against the trafficker as a co-plaintiff, a status that entitles them to an attorney and financial assistance to cover legal expenses. Victims who are illegal residents receive basic health care for acute illness or pain according to the Benefit Rules for Asylum Seekers. Of the 811 registered victims in 2002, 284 were deported, 153 returned to their home countries of their own free will, and 104 were granted a temporary stay. The right to remain in Germany was granted in cases of marriage to a German national, political asylum, or evidence that the victim's life would be endangered by being deported.

The Government covered the basic cost of repatriation of trafficking victims under the Reintegration and Emigration Program for Asylum-Seekers in Germany (REAG). The IOM administers REAG, and is represented in several of the major return countries where the organization assists returned victims.

The Government was actively involved in reaching out to potential trafficking victims before they entered the country. German embassies and consulates as well as NGOs distribute a brochure that provided information on residency and work permit requirements as well as warnings about trafficking. The Ministry of Foreign Affairs sponsored and organized conferences on trafficking issues. Government agencies work actively with NGOs, which were represented in the federal interagency working group on human trafficking.

GREECE

Greece is a constitutional republic and multiparty parliamentary democracy. The Panhellenic Socialist Movement (PASOK) won the majority of parliamentary seats for a second consecutive term in free and fair parliamentary elections held in 2000. Its leader, Constantine Simitis, has been Prime Minister since 1996. The judiciary is independent.

The national police and security services are responsible for internal security. Civilian authorities generally maintained effective control of all security forces. The police and security services were subject to a broad variety of restraints. Some members of the police and security forces committed human rights abuses.

The country had a market economy with a large public sector and a population of 11 million, which enjoyed a high standard of living. Economic growth was estimated at 4 percent and inflation at 3.5 percent for the year.

The Government generally respected the human rights of its citizens; however, there were problems in some areas. Border police killed one immigrant. Security forces personnel sometimes abused persons, particularly illegal immigrants and Roma. There were reports of police torture of illegal immigrants. Overcrowding and harsh conditions continued in some prisons. Police sweeps resulted in the detention of undocumented immigrants under often squalid conditions. There were legal limits on the freedom of association of ethnic minorities. Some leaders of minority religions reported difficulty with the authorities, but others noted a general improvement in

government tolerance. Laws that restricted freedom of speech remained in force, and some legal restrictions and administrative obstacles on freedom of religion persisted. Violence and discrimination against women were problems. Discrimination against ethnic minorities and Roma remained a problem. There were reports that foreign children were forced into begging. Trafficking in women and children was a problem.

RESPECT FOR HUMAN RIGHTS

Section 1. Respect for the Integrity of the Person, Including Freedom From:

a. *Arbitrary and Unlawful Deprivation of Life.*—There were no political killings; however, in September, border police shot and killed an Albanian who was trying to cross illegally into the country. The policeman was charged with homicide.

On November 24, the Second Misdemeanors Court of Athens acquitted police officer Ioannis Rizopoulos in the 2001 shooting death of a 20-year old Albanian immigrant, Gentjan Celniku, while he was handcuffed and in police custody.

By year's end, the police had not taken action on an internal police council's recommendation that the officer responsible for the 2001 shooting death of Rom Marinos Christopoulos be dismissed from the police force.

Three migrants died during the year in poorly marked minefields on the Turkish border.

In December, 15 members of the terrorist group November 17 were convicted of various crimes including homicide; the leader of the group and several key operatives were given multiple life sentences.

b. *Disappearance.*—There were no reports of politically motivated disappearances.

c. *Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.*—The Constitution and law prohibit such practices; however, security forces occasionally abused persons, particularly illegal immigrants and Roma (see Section 5).

In September, human rights groups alleged that border police tortured three migrants attempting to return to Albania; authorities had taken no action on the case at year's end.

Two high school students in Kalamata alleged that, in July, police beat them during a routine identity check. Their parents filed lawsuits against three police officers, and the police director of Messinia ordered an investigation. There were no developments in either civil suit or the police investigation by year's end. In July, two Britons alleged that police beat them with batons after their arrest for attacking a shopkeeper and said they planned to sue the police for brutality.

Police abused Roma more frequently than some other groups. There were frequent police raids on Roma settlements and harsh police treatment of Roma in the Aspropyrgos settlement. Authorities did not take action in the January 2002 case of a police officer allegedly kicking a pregnant woman, who later miscarried, during a raid on the Aspropyrgos Roma camp.

There were no developments during the year in the Ministry of Public Order investigations into the alleged June 2002 police torture of Nigerian national Joseph Okeke or the alleged August 2002 beating and torture of Yannis Papacostas in a police station near Athens.

Authorities took no action during the year in the alleged 2001 beating and mistreatment of Rom Andreas Kalamiotis while in police custody in Aghia Parakevi or the alleged 2001 police beating of a Rom during a traffic stop in Nafplio.

Immigrants—mostly Albanian citizens—accused police of physical, verbal, and other mistreatment, and the confiscation and destruction of personal documents, particularly during police sweeps to apprehend illegal immigrants (see Section 2.d.).

In June, an Ombudsman's report on police abuse found that police took citizens to detention centers for arbitrary identity checks, used insulting language and threats of force, and conducted bodily searches in public. Most citizens were released within hours of being detained for identity checks.

Numerous anarchist and extremist groups attacked a wide spectrum of targets, mostly commercial property, during the year. There were occasional firebomb attacks on vehicles and commercial offices during the year.

Conditions in some prisons remained harsh due to overcrowding and outdated facilities. As of September, the Ministry of Justice reported that the total prison population was 8,555, while the total capacity of the prison system was 5,584. In general, juveniles were held separately from adults, and women were held separately from men. Pretrial detainees were held with convicted prisoners awaiting trials in Korydallos Prison. Female illegal aliens were held under poor conditions at the Drapetsona detention centers. Construction continued on four new prisons.

The Government permitted prison visits by the International Committee of the Red Cross and some other independent human rights monitors, and several took

place during the year; however, it did not consistently allow visits to police detention centers.

d. Arbitrary Arrest, Detention, or Exile.—The Constitution prohibits arbitrary arrest and detention; however, throughout the year, the police conducted large-scale sweeps and temporarily detained, often under squalid conditions, large numbers of foreigners while determining their residence status (see Section 2.d.). Some of the foreigners were detained indefinitely without judicial review.

All police forces are under the authority of the Ministry of Public Order. During the year, the Bureau of Internal Affairs of the Ministry of Public Order took several disciplinary measures, including dismissal and suspension, against officers involved in corruption, primarily for forging documents and taking bribes. From January to August, 344 complaints were filed with the Bureau. Most cases involved violation of duty, false certificates, abuse of power, corruption, violations with arms and explosives, illegal release of persons in police custody, pimping, and various violations relating to alien registration. By the end of August, the Bureau filed lawsuits in 135 cases against 78 policemen and 11 civil servants.

In June, the press and the nongovernmental organization (NGO) Helsinki Monitor alleged that penalties for corrupt or abusive police were too weak and discouraged citizens from pressing charges against police. NGOs also cited the November acquittal of a police officer in the 2001 killing of an Albanian immigrant (see Section 1.a.) as a setback for efforts to combat police impunity.

Corruption was a problem. While the anti-corruption unit of the Hellenic Police stated the problem was decreasing, human rights and anti-trafficking groups said that anti-corruption efforts needed to be a higher government priority.

The Constitution requires judicial warrants for arrests except when they are made during the commission of a crime, and the law prohibits arbitrary arrest orders; the authorities generally respected these provisions in practice. By law, the police must bring persons who are detained or arrested before an examining magistrate within 24 hours. The magistrate must issue a detention warrant or order the release within 3 days, unless special circumstances justify a 2-day extension of this limit.

On March 15, police detained Gazmend Kapllani, the President of the Albanian Migrants Forum and human rights activist, for 1 day for allegedly driving an uninsured motorbike (see Section 5).

Defendants brought to court on the day following the alleged commission of a misdemeanor may be tried immediately under expedited procedures. Although legal safeguards, including representation by counsel, apply in expedited procedure cases, the short time period limited defendants' ability to present an adequate defense. Defendants may request a delay in order to prepare a defense, but the court is not obliged to grant it. Expedited procedures were used in less than 10 percent of applicable cases.

The effective legal maximum duration of pretrial detention is 18 months for felonies and 9 months for misdemeanors. Defense lawyers asserted that pretrial detention is excessively long and overused by judges. A panel of judges may release detainees pending trial, with or without bail. Pretrial detainees made up 31 percent of those incarcerated, contributing to overcrowding, according to government sources. A person convicted of a misdemeanor and sentenced to 2 years' imprisonment or less may, at the court's discretion, pay a fine instead of being imprisoned.

The Constitution prohibits forced exile, and the Government did not employ it.

e. Denial of Fair Public Trial.—The Constitution provides for an independent judiciary, and the Government generally respected this provision in practice.

The judicial system includes three levels of civil courts, (first instance, appeals, and supreme) and three levels of criminal courts (first instance—divided into misdemeanor and felony divisions, appeals, and supreme), appointed judges, and an examining magistrate system, with trials by judicial panels.

The Constitution provides for public trials, unless the court decides that privacy is required to protect victims and witnesses or a case involves national security. Defendants enjoy a presumption of innocence, the standard of proof beyond a reasonable doubt, the right to present evidence and call witnesses, and the right of access to the prosecution's evidence, to cross-examine witnesses, and to counsel. Lawyers are provided to defendants who are not able to afford legal counsel only in felony cases. Both the prosecution and the defense may appeal.

Defendants who do not speak Greek have the right to a court-appointed interpreter. According to several immigrant associations in Athens, the low fees paid for such work often resulted in poor interpretation. Foreign defendants who used these interpreters frequently complained that they did not understand the proceedings at their trials. Defendants often were not advised of their rights during arrest in a language that they could understand. Several complained that they were not shown the

Hellenic Police Informational Bulletin, which contains prisoners' rights in a variety of languages, and that they were forced to sign blank documents later used for their deportation.

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home or Correspondence.—The Constitution prohibits the invasion of privacy and searches without warrants, and the law permits the monitoring of personal communications only under strict judicial controls; however, these provisions were not always respected in practice.

Police conducted regular raids and searches of Romani neighborhoods for alleged criminal suspects, drugs, and weapons (see Section 5).

Local authorities evicted or threatened to evict Roma from camps and tent dwellings during the year (see Section 5).

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution provides for freedom of speech and of the press, and the Government generally respected these rights in practice; however, legal restrictions on free speech remained in force. The law prohibits exposing to danger of disturbance the friendly relations of the state with foreign states; spreading false information and rumors liable to create concern and fear among citizens and cause disturbances in the country's international relations; and inciting citizens to rivalry and division leading to disturbance of the peace. It also prohibits inciting citizens to acts of violence or to disturbing the peace through disharmony among them. Those convicted of violations of these articles are allowed to convert their prison sentences, up to 3 years, into a fine of approximately \$17 (13.50 euros) per day.

In most criminal defamation cases, defendants typically were released on bail pending appeal without serving time in jail.

There were numerous independent newspapers and magazines. Satirical and opposition newspapers routinely criticized state authorities. Members of ethnic, religious, and linguistic minorities freely published materials, often in their native language.

The Constitution provides that the state exercise "immediate control" over radio and television, and the law establishes ownership limits on media frequencies. The Ministry of Press and Mass Media has final authority over radio and television licensing; the National Radio and Television Council has an advisory role.

The independent radio and television stations were active and expressed a wide variety of views without government restriction. State-run stations tended to emphasize the Government's views but also reported objectively on other parties' programs and positions. Turkish-language television programs were widely available via satellite in Thrace.

The Constitution allows for seizure, by order of the public prosecutor, of publications that insult the President, offend religious beliefs, contain obscene articles, advocate violent overthrow of the political system, or disclose military and defense information. Seizures were rare. In February, police confiscated approximately 50 copies of a comic book from bookstores on the grounds that it was insulting to the Christian faith.

The Government did not restrict access to the Internet or academic freedom.

b. Freedom of Peaceful Assembly and Association.—The Constitution provides for the freedoms of assembly and association, and the Government generally respected these rights in practice; however, the courts continued to place legal restrictions on the names of associations involving ethnic minorities (see Section 5).

Police permits were issued routinely for public demonstrations, and there were no reports that the permit requirement was abused. Peaceful demonstrations against government policies occurred regularly in Athens and other large cities. Seven protesters arrested at the June European Union (EU) summit in Thessaloniki, five of whom held hunger strikes during their incarceration, were released in December on bail.

c. Freedom of Religion.—The Constitution provides for freedom of religion; however, non-Orthodox groups at times faced administrative obstacles or legal restrictions on religious practices.

Police regularly detained members of the Church of Jesus Christ of Latter-day Saints (Mormons) and Jehovah's Witnesses (on average once every 2 weeks), usually after receiving complaints that the individuals were engaged in proselytizing. In most cases, these individuals were held for several hours at a police station and then released with no charges filed. Many reported that they were not allowed to call their lawyers and that they were abused verbally by police officers for their religious beliefs.

The Constitution establishes the Eastern Orthodox Church of Christ (Greek Orthodoxy) as the "prevailing" religion. The Greek Orthodox Church exercised significant political and economic influence. The Government financially supported the Greek Orthodox Church, for example, paying for the salaries and religious training of clergy and financing the construction and maintenance of Church buildings. The Government also paid the salaries of the two official Muslim religious leaders ("muftis," Islamic judges and religious leaders with limited civic responsibilities) in Thrace and provided them with official vehicles.

The Government, by virtue of the Orthodox Church's status as the prevailing religion, recognizes de facto its canon law. Privileges and legal prerogatives granted to the Greek Orthodox Church are not extended routinely to other recognized religions.

The Government did not have an established procedure for recognition of religions. Recognition was indirectly granted by applying for and receiving a "house of prayer" permit. Some newer religions had problems getting these permits.

Although Jehovah's Witnesses is a recognized religion, members continued to face harassment in the form of arbitrary identity checks, difficulties in burying their dead, and local officials' resistance to construction of their churches.

Several religious denominations reported difficulties dealing with the authorities on a variety of administrative matters. Buddhists claimed that the lack of cremation as an available means of burial infringes on their religious rights; the remains of anyone who wished to be cremated must be shipped abroad.

Although Parliament approved a bill allowing construction of the first Islamic cultural center and mosque in the Athens area, construction had not started by year's end. The Orthodox Church and some local residents opposed the center, claiming it may "spread the ideology of Islam and the Arab world."

Some members of the Muslim community of Thrace disputed the Government's selection of official muftis. While most of the community accepted the two officially appointed muftis, some Muslims, with support from Turkey, "elected" two different muftis. The courts repeatedly convicted one mufti for usurping the authority of the official mufti; however, his sentences remained suspended and were pending appeal at year's end.

Non-Orthodox citizens claimed that they face career limits in the military, police, fire-fighting forces, and the civil service due to their religion. The employment rate of Muslims in the public sector and in state-owned companies was much lower than the Muslim percentage of the population. The Government claimed and Muslims and Christians agreed that a lack of fluency in written and spoken Greek and the need for university degrees for high-level positions limited the number of Muslims eligible for government jobs.

The law requires that recognized religious groups obtain permits from the Ministry of Education and Religion in order to open houses of worship. By law, the Ministry may base a permit decision on the opinion of the local Greek Orthodox bishop. According to ministry officials, once a recognized religion received a permit, applications for additional houses of prayer were approved routinely. During the year, the Church of Scientology withdrew its appeal of a Ministry decision denying it a house of prayer permit and continued operating as a nonprofit civil law association. Non-Greek Orthodox churches must provide separate and lengthy applications to government authorities on such matters as gaining permission to move places of worship to larger facilities.

The Constitution prohibits proselytizing and stipulates that religious rites may not disturb public order or offend moral principles. During the year, Mormon missionaries reported that they were subject to harassment and police detention due to the legal prohibition on proselytizing.

Several foreign religious groups, including protestant groups and Mormons, reported difficulty renewing the visas of their non-EU citizen ministers because there is not a distinct visa category for religious workers and the Government's interpretation of its obligations to control entry to non-EU citizens under the Schengen Treaty.

Religious instruction was mandatory for all Greek Orthodox students in public primary and secondary schools, but not for non-Orthodox students. Some government-approved religious textbooks made derogatory statements about non-Greek Orthodox faiths. Members of the Muslim community in Athens sought Islamic religious instruction for their children. Since schools did not supervise non-Orthodox children while Greek Orthodox children were taking religious instruction, the community complained that parents were effectively forced to have their children attend Greek Orthodox classes.

Anti-Semitism continues to exist, particularly in the press. Vandalism of Jewish monuments continued to be a problem, although the Government strongly criticized the acts. Some schoolbooks continue to carry negative references to other religions.

In February and August, Jewish monuments and synagogues were desecrated. The Government condemned the desecration; however, police have not made any arrests in the cases.

Members of minority faiths reported incidents of societal discrimination. Greek Orthodox Church officials acknowledged that they refused to enter into dialogue with religious groups they considered harmful to Greek Orthodox worshippers and instructed their members to shun members of these faiths.

For a more detailed discussion, see the 2003 International Religious Freedom Report.

d. Freedom of Movement within the Country, Foreign Travel, Emigration, and Repatriation.—The Constitution provides for these rights, and the Government generally respected them in practice.

The law permits the Government to remove citizenship from anyone who “commit acts contrary to the interests of Greece for the benefit of a foreign state.” While the law applies to citizens regardless of ethnicity, it has been enforced, in all but one case, only against citizens who identified themselves as members of the “Macedonian” minority. The Government did not reveal the number of such cases; there were no reports of new cases during the year. Dual citizens who lost their citizenship under this provision sometimes were prevented from entering the country on the passport of their second nationality.

The Government has issued identification documents characterizing persons as “stateless” to 143 persons—mainly Muslims in Thrace—who lost their citizenship under a provision of the law that was repealed in 1998 and has permitted them to apply to reacquire citizenship. As of September, 63 of 111 applications had been granted and 48 were pending.

The law provides for the granting of asylum and refugee status to persons who meet the definition in the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. In practice, the Government provided some protection against refoulement and granted refugee status to 3 out of 7,271 applicants during the first 10 months of the year. However, the Government has largely not enforced a 1999 presidential decree that brought the law into compliance with the standards of the U.N. High Commissioner for Refugees (UNHCR) with regard to asylum procedures. The Government also provides temporary protection to individuals who do not qualify as asylees or refugees. During the first 10 months of the year, the Government granted temporary residence to 25 persons on humanitarian grounds until they could be repatriated abroad. The Government cooperated with the office of the UNHCR and other humanitarian organizations in assisting refugees.

Individuals recognized as refugees are eligible for residency and work permits necessary to settle permanently. The UNHCR expressed concern that very few applicants were granted asylum without its involvement and that a publicly funded legal aid system was not available to provide counseling for asylum-seekers and refugees.

In May, the Government refused to allow over 600 Kosovar refugees, primarily Roma who had been living in the Suto Orizari UNHCR camp in the Former Yugoslav Republic of Macedonia (FYROM), to enter the country. The Government rejected the request of the refugees, who were massed on the border with the FYROM, on the ground that they were not bona fide asylees.

In June 2002, a group of domestic and international NGOs published an appeal expressing concern over authorities’ frequent violation of the rights of individuals who enter the country illegally, including local authorities’ failure to inform them of their right to apply for asylum.

In July, the UNHCR expressed concern about the country’s asylum policy and practices, citing insufficient reception facilities, low refugee recognition rates, underdeveloped systems for providing for refugee welfare, and insufficient counseling to assist integration of refugees and asylum seekers.

Conditions for illegal immigrants detained by authorities were harsh. In 2002, 24 illegal immigrants by port authorities at an open area in the port of Mytilini on Lesbos, and 239 illegal immigrants in Mytilini were held in a facility designed for 70 persons. In September, 26 immigrants drowned in the Evros region while attempting to cross the border from Turkey. The Coast Guard reported 1,562 illegal immigrants were arrested by September. The Government generally did not seek out such individuals for deportation. Foreign observers reported “degrading” conditions in most of the refugee/immigrant detention centers in Thrace.

Deportations of both illegal and legal immigrants and abusive treatment by police were common. The police conducted many large-scale sweeps of neighborhoods populated by immigrants, temporarily detaining large numbers of individuals while determining their residence status.

Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government

The Constitution provides citizens with the right to change their government peacefully, and citizens exercised this right in practice through periodic, free, and fair elections held on the basis of universal suffrage.

The Government was re-elected in free and fair elections held in April 2000. Opposition parties function freely and have broad access to the media. Voting is mandatory for citizens over age 18; however, there are many conditions under which citizens may be exempted from voting, and penalties were not applied in practice.

Romani representatives reported that local authorities sometimes deprived Roma of the right to vote by refusing to register them; however, Romani representatives also reported that some municipalities encouraged Roma to register. Municipalities may refuse to register Roma who did not fulfill basic residency requirements, which many Roma have trouble meeting.

There were 25 women members in the 300-seat Parliament. There was 1 woman among the 19 ministers in the Government and women held 2 of the 28 subministerial positions. A quota system requires 30 percent of all local government candidates to be women.

There were 2 members of the Muslim minority in the 300-seat Parliament. There were occasionally complaints that the state limited the right of some individuals, particularly Muslims and Slavo-Macedonians, to speak publicly and associate freely on the basis of their self-proclaimed ethnic identity.

Responsibility for oversight of rights provided to the Muslim minority in Thrace under the Treaty of Lausanne belongs to a government-appointed regional administrator of Eastern Macedonia and Thrace, while the Ministry of Foreign Affairs retains an advisory role.

Section 4. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A wide variety of domestic and international human rights groups generally operated without restriction in the country, investigating and publishing their findings on human rights cases. The Government permitted domestic human rights organizations to operate, but cooperation with them varied. The Government usually cooperated with international human rights groups, had good working relations with them, and when feasible, took their views into account.

The government ombudsman's office received 536 complaints in the first 9 months of the year directly related to human rights. The ombudsman's office proved to be an effective means for resolving human rights and religious freedom concerns.

Section 5. Discrimination Based on Race, Sex, Disability, Language, or Social Status

The Constitution provides for equality before the law irrespective of nationality, race, language, or political belief; however, government respect for these rights was inconsistent in practice.

Women.—Violence against women was a problem. While the law prohibits all violence, it does not specifically prohibit domestic violence. The General Secretariat for the Equality of the Sexes (GSES), an independent government agency, provided counseling and assistance to domestic violence victims. The reported incidence of violence against women was low; however, the GSES believed that the actual incidence was high. The GSES estimated that only 6 to 10 percent of the victims contacted the police, and only a small fraction of those cases reached trial. Conviction rates for rape were low for first time offenders, but sentences were harsh for repeat offenders. While nonconsensual sex in any setting is a crime, law enforcement and courts did not treat spousal rape as harshly as extramarital rape.

The GSES claimed that police tended to discourage women from pursuing domestic violence charges and instead encouraged them to undertake reconciliation efforts. The GSES also claimed that the courts were lenient when dealing with domestic violence cases. The GSES, in cooperation with the Ministry of Public Order, continued training courses for police personnel on how to treat domestic violence victims.

Two GSES shelters for battered women and their children, in Athens and Piraeus offered services, including legal and psychological help, but often were inadequately staffed. The GSES operated a 24-hour emergency telephone hotline for abused women. In June, the Ministry of Health and Welfare started the Emergency Social Care Unit (EKAKB), which operated a hotline providing referrals and psychological counseling. An interministerial committee composed of the GSES, the Ministry of Public Order, the Ministry of Health and Welfare, and the Ministry of Justice, shared information on women's issues.

Prostitution is legal at the age of 18. Prostitutes must register at the local prefecture and carry a medical card that is updated every 2 weeks. It was estimated that

fewer than 1,000 women were legally employed as prostitutes; approximately 20,000 women, most of foreign origin, worked as illegal prostitutes. According to experts, a significant number of these women were trafficking victims (see Section 6.f.). Many anti-trafficking activists alleged that police accepted bribes from traffickers or were involved in trafficking rings.

The law prohibits sexual harassment. Trade unions reported that lawsuits for sexual harassment were very rare, and only four women filed such charges in the past 4 years. In all four cases, the courts reportedly imposed very lenient civil sentences. The General Confederation of Greek Workers (GSEE) women's section reported that sexual harassment was a widespread phenomenon, but that women were discouraged from filing charges against perpetrators by family members and coworkers, since they believed they might be socially stigmatized.

The law provides for equal pay for equal work; however, according to official statistics in 2001, women's pay amounted to 76.2 percent of men's pay.

Although relatively few occupied senior positions, women continued to enter traditionally male-dominated occupations such as the legal and medical professions in larger numbers. Women also were underrepresented in labor unions' leadership. According to the women's section of the GSEE, 58.6 percent of the country's long-term unemployed were women, while women constituted only 38 percent of the work force.

The GSES operated two regional employment offices for women, in Thessaloniki and Patras, and provided vocational training programs for unemployed women and programs to reinforce entrepreneurship, subsidies to women setting up businesses, and information and counseling to unemployed women. It also operated childcare facilities to enable unemployed women to attend training courses and look for a job.

Children.—The Government was strongly committed to children's rights and welfare; it amply funded a system of public education and health care. Government agencies with responsibility for children's issues included the National Organization for Social Care, which has a national network of offices and is active in the field of child protection.

Education was free and compulsory through the ninth grade. According to the 2001 census, 99.4 percent of school-age children attended school. Noncompliance with the compulsory education requirement was not a significant problem outside the Roma community. University education was public and free at all levels.

There were some reports of violence against children, although there was no societal pattern of abuse. No national data existed on the incidence of child abuse; authorities, other than police, are not required to report such cases.

The law prohibits the mistreatment of children and sets penalties for violators, while welfare legislation provides for preventive and treatment programs for abused children and for children deprived of a family environment; it also seeks to ensure the availability of alternative family care or institutional placement. A program to shelter street children from Albania was ended due to a lack of eligible children.

Children's rights advocacy groups claimed that the protection of high-risk children in state residential care centers was inadequate and of low quality. They cited lack of coordination between welfare services and the courts, inadequate funding of the welfare system, and poor staffing of residential care centers as systemic weaknesses in the treatment of child abuse. Athens had two municipal shelters for battered children. Child health specialists noted that the number of children in residential care facilities was decreasing, while the number in foster care was rising. With EU funding, special care was available for juvenile offenders, Romani children, children from remote mountain and island areas, and children with disabilities.

There were reports that prostitution and trafficking of children for forced labor and sexual exploitation was a problem (see Sections 6.d. and 6.f.).

Persons with Disabilities.—The law mandates the hiring of persons with disabilities in public and private enterprises that employ more than 50 persons, but was poorly enforced, particularly in the private sector. The law states that persons with disabilities should account for 3 percent of employees in private enterprises. In the civil service, 5 percent of administrative staff and 80 percent of telephone operator positions are reserved for persons with disabilities. The law mandates the hiring of persons with disabilities in the public sector from a priority list. They are exempt from the civil service exam, and some have been appointed to important positions in the civil service. There was no societal discrimination against persons with disabilities.

The Construction Code mandates physical access for persons with disabilities to private and public buildings, but this law was enforced poorly. Research conducted during the year by the Medical School of Athens showed that many Athens sidewalks were unsafe for persons with disabilities.

National/Racial/Ethnic Minorities.—Anti-foreigner sentiment existed and was directed mainly at Albanians, who made up approximately 5 percent of the population. Approximately 500,000 of the estimated 1 million aliens in the country were Albanians. While Albanian legal residents encountered less official discrimination than Albanians residing in the country illegally, Albanian immigrants faced widespread societal discrimination. For example, the media regularly blamed Albanians for a reported rise in crime in recent years. The country's sometimes difficult relations with Albania intensified the problem.

In one high-profile case, a public debate over whether a "foreign" student should be allowed to carry the country's flag was conducted in the media when an ethnic Albanian earned the right to carry the flag in a local 2000 national day parade by achieving the highest marks in his school. The controversy resurfaced in October when the same student again earned the right to carry the flag, but was defused when he declined the honor, stating that he wished to avoid creating problems.

In March, the Government denied renewal of the residency permit of Gazmend Kapllani, the President of the Albanian Migrants Forum and human rights activist, on the ground that he presented a threat to public order and national security. On March 15, the police detained Kapllani for 1 day on the ground that he was allegedly driving an uninsured motorbike. On May 3, the Ombudsman told the newspaper *Eleftherotypia* that he had been unable to intervene in the case and noted that the relevant regulations gave police the opportunity to take arbitrary measures against foreigners, claiming vague reasons of order and national security. Authorities eventually renewed Kapllani's visa.

A number of citizens identified themselves as Turks, Pomaks, Vlachs, Roma, Arvanites (Orthodox Christians who speak a dialect of Albanian), or "Macedonians" or "Slavomacedonians." The Government formally recognizes only the "Muslim minority" (see Section 2.c.), and does not officially acknowledge the existence of any ethnic groups, principally Slavophones, under the term "minority." However, the Government has affirmed an individual right of self-identification. As a result, some individuals who defined themselves as members of a minority found it difficult to express their identity freely and to maintain their culture. Use of the terms "Tourkos" and "Tourkikos" ("Turk" and "Turkish") is prohibited in titles of organizations, although individuals legally may call themselves "Tourkos." To most Greeks, the words "Tourkos" and "Tourkikos" connote Turkish identity or loyalties, and many object to their use by Greek citizens of Turkish origin. At year's end, an appeal from the "Turkish Union of Xanthi" and a petition for the establishment of a "Turkish Women's Union" were pending in court.

The Government does not recognize the Slavic dialect spoken by 10,000 to 50,000 persons in the northwestern area of the country as "Macedonian," a language distinct from Bulgarian. The minority's use of the term "Macedonian" has generated strong objections among the 2.2 million non-Slavophone inhabitants of the northern region of Macedonia, who use the same term to identify themselves. Members of the minority asserted that the Government pursued a policy designed to discourage use of their language. Members of the community said that they were forced to cancel plans to hold a conference in Florina in December because no one would rent them a meeting hall. There were reports that right-wing extremists threatened locals with violence if they participated in or facilitated the conference.

Roma continued to face widespread governmental and societal discrimination. In April, the European Roma Rights Center (ERRC) issued a report that claimed that Roma were subject to systematic police abuse, mistreatment while in police custody, and regular raids and searches of Roma neighborhoods for criminal suspects, drugs, and weapons as well as educational discrimination (see Section 1.c.). There were anecdotal reports of societal discrimination such as landlords refusing to rent apartments to Roma and non-Roma parents withdrawing their children from schools attended by Roma children.

The law prohibits the encampment of "wandering nomads" without a permit and forces Roma to establish settlements "outside inhabited areas" and far from permanent housing. There were approximately 70 Romani camps with a total population between 100,000 and 120,000 persons. Local and international NGOs charged that the enforced separation contravenes the country's commitments under the International Convention on the Elimination of All Forms of Racial Discrimination.

Local authorities harassed and threatened to evict Roma from their camps or other dwellings. The NGO Greek Helsinki Monitor reported that police threatened to evict Romani tent-dwellers in Aspropyrgos in April and May. Roma in Tiryns are in a court battle to avoid eviction from a settlement there.

Roma frequently faced societal discrimination in employment and in housing, particularly when attempting to rent accommodations. The illiteracy rate among Roma was estimated at 80 percent. According to one NGO, the average Roma family's

monthly income was approximately \$256 (205 euros) and the average life expectancy of Roma was below 60 years of age.

Poverty, illiteracy, and societal prejudice were most severe among migrant Roma or those who lived in quasi-permanent settlements. Most Romani camps had no running water, electricity, garbage disposal, or sewage treatment. The approximately 400 Roma families in Tyrnavos, Thessaly, lived in tents because the authorities refused to include the area in city planning. They attempted to build their own lavatories in order to improve their living conditions, but local authorities pulled them down and imposed fines for violating construction codes.

Romani representatives reported that some local authorities have refused to register Roma as residents. Until registered with a municipality, a citizen cannot vote or exercise other civil rights such as obtaining an official marriage, commercial, or driver's license, or contributing to social security. It was estimated that 90 percent of Roma were not insured by the public social security systems because they were unable to make the required contributions. Indigent Roma were entitled to free health care provided all citizens; however, their access at times was hindered by the distance between their encampments and public health facilities.

The Government considers the Roma to be a "socially excluded" or "sensitive" group, not a "minority." As a result, government policy is to encourage the integration of Roma. As a consequence, the Ministry of Education has instructed school principals to promote integration by encouraging alien parents to enroll their children in schools that are fewer than 40 percent foreign.

The Ministry of Interior headed an interministerial committee, which coordinated projects for the 85,000 and 120,000 Roma the Government estimated were in the country (unofficial estimates ranged from 250,000 to 300,000). In 2001, the Minister of Interior announced an approximately \$355 million (284 million euro) 5-year program to address Roma needs and to promote Roma integration, including housing, subsidized mortgage loans, and infrastructure in Roma camps, employment schemes, cultural and sports activities, and welfare allowances. By year's end, almost 50 percent of the funds budgeted for the project had been distributed. During the year, the Ministry of Interior invited 75 cities with Roma populations to identify areas in which the Ministry could build housing for Roma; by September, only 23 had responded.

The Ministry of Health and Welfare continued work on projects to address the chronic problems of the Roma community. The projects included training courses for civil servants, policemen, and teachers to "increase sensitivity to the problems of the Roma," the development of teaching materials for Roma children, and the establishment of six youth centers in areas close to Roma communities.

On October 8, unidentified individuals vandalized a Holocaust memorial in a Jewish cemetery in the northwestern city of Ioannina, the third case of anti-Semitism in that city in 18 months. By year's end, police had not made any arrests in the cases.

Section 6. Worker Rights

a. The Right of Association.—The Constitution and the law provide for the right of association, and workers exercised this right. All workers, with the exception of the military, have the right to form or join unions. Police have the right to form unions but not to strike. Approximately 26 percent of wage earners (nearly 650,000 persons) were organized in unions. Unions received most of their funding from a Ministry of Labor organization, the Workers' Hearth, which distributes mandatory contributions from employees and employers. Workers, employers, and the state were represented in equal numbers on the board of directors of the Workers' Hearth. Approximately 10 public sector unions had dues withholding provisions in their contracts, in addition to receiving Workers' Hearth subsidies.

Over 4,000 unions were grouped into regional and sectoral federations and two umbrella confederations; one for civil servants (ADEDY), and another, the GSEE, for private sector employees and employees of state enterprises. Unions were highly politicized, and there were party-affiliated factions within the labor confederations; however, neither political parties nor the government controlled day-to-day operations. There are no restrictions on who may serve as a union official.

Anti-union discrimination is prohibited. The Labor Inspectorate or a court investigates complaints of discrimination against union members or organizers. Court rulings have mandated the reinstatement of improperly fired union members.

Unions are free to join international associations and maintain a variety of international affiliations, and almost all did so.

b. The Right to Organize and Bargain Collectively.—The law provides for the right to organize and bargain collectively in the private sector and in public corporations,

and unions exercised these rights freely. There are no restrictions on collective bargaining for private sector employees.

Civil servants have the right to organize and bargain collectively with the Ministry of Public Administration.

The law provides for mediation procedures, with compulsory arbitration as a last resort. A National Mediation, Reconciliation, and Arbitration Organization was used in the private sector and public corporations (the military and civil service excluded). While mediation is voluntary, failure to agree during mediation makes arbitration compulsory, as decided by the mediation organization.

Legal restrictions on strikes include a mandatory period of notice, which was 4 days for public utilities and 24 hours for the private sector. The law mandates a skeleton staff during strikes affecting public services, such as electricity, transportation, communications, and banking. Public utility companies, state-owned banks, the postal service, Olympic Airways, and the railroads also are required to maintain a skeleton staff during strikes. The courts have the power to declare strikes illegal, although such decisions seldom were enforced. However, unions complained that this judicial power serves as a deterrent to some of their members from participating in strikes. The courts declared some strikes illegal during the year for reasons such as failure of the union to give adequate advance notice of the strike, or the addition of demands by the union during the course of the strike. No striking workers were prosecuted.

Many strikes took place during the year. Although most strikes were fairly brief, they affected productivity and disrupted daily life in the country. Strikes by public sector employees, including mass transport employees, lasted between 1 and 5 days and primarily concerned securing timely pay increases and greater job security.

Three free trade zones operate according to EU regulations. The labor laws apply equally in these zones.

c. Prohibition of Forced or Bonded Labor.—The Constitution prohibits forced or bonded labor, including by children; however, there were reports that such practices occurred among children (see Section 6.d.). Women and children were trafficked for the purpose of sexual exploitation (see Section 6.f.).

d. Status of Child Labor Practices and Minimum Age for Employment.—Child labor was a problem. The Greek chapter of UNICEF estimated that 5,800 children were illegally employed in the streets of the country in jobs from windshield washing to prostitution and that they generated approximately \$3.5 million (3 million euros) in revenue yearly. The Government and NGOs believed that the majority of beggars were either Roma or Albanian. There were reports that approximately 1,000 children from Albania were trafficked and forced to beg (see Section 6.f.). Some parents forced their children to beg for money or food. During the year, the number of street children who panhandled or peddled at city intersections on behalf of adult family members or for criminal gangs decreased.

The minimum age for employment in the industrial sector is 15 years, with higher limits for some activities. The minimum age is 12 years in family businesses, theaters, and the cinema. These age limits were enforced by occasional Labor Inspectorate spot checks and generally were observed; however, families engaged in agriculture, food service, and merchandising often had younger family members assisting them at least part time.

e. Acceptable Conditions of Work.—The GSEE and the Employers' Association determine a nationwide minimum wage through collective bargaining. The Ministry of Labor routinely ratifies this minimum wage, which has the force of law and applies to all workers. The minimum wage of approximately \$31.30 (25 euros) daily and \$665 (532 euros) monthly, effective July 1, provided a decent standard of living for a worker and family. The maximum legal workweek is 40 hours in the private sector and 37.5 hours in the public sector. The law provides for at least one 24-hour rest period per week, mandates paid vacation of 1 month per year, and sets limits on overtime.

Legislation provides for minimum standards of occupational health and safety. The GSEE characterized health and safety laws as satisfactory, but stated that enforcement by the Labor Inspectorate was inadequate. Workers do not have the legal right to remove themselves from situations that they believe endanger their health; however, they do have the right to lodge a confidential complaint with the Labor Inspectorate. Inspectors have the right to close down machinery or a process for up to 5 days if they see safety or health hazards that they believe represent an imminent danger to the workers.

Foreign workers are protected by law, but in practice their wages were lower and they worked longer hours than citizens. Many employers did not make social security contributions for illegal foreign workers, making their legalization impossible.

f. Trafficking in Persons.—The law prohibits trafficking in persons; however, there were large numbers of persons trafficked to, from, and within the country, primarily women and girls for sexual exploitation.

Under the law, trafficking in persons is a criminal offense. The law provides for imprisonment and fines of convicted traffickers and for shelters and medical assistance for trafficking victims. Courts may sentence traffickers to prison terms of up to 10 years and impose fines of approximately \$12,500 to \$62,500 (10,000 to 50,000 euros). There were harsher penalties for child traffickers.

Between October 2002 and September, police investigated 394 trafficking cases, arrested 476 people, and found 30 victims of trafficking. In June, the police led an international anti-trafficking effort called “Operation Leda.”

The country was both a transit and destination country for trafficked women and children. Major countries of origin include Ukraine, Russia, Bulgaria, Albania, Moldova, and Romania. Women from many other countries were trafficked to the country and in some cases were reportedly trafficked on to Cyprus, Turkey and the Middle East.

Trafficking in women and children for prostitution in the country increased sharply in the last few years. One academic observer estimated that approximately 40,000 women and children, most between the ages of 12 and 25, were trafficked to the country each year for prostitution. Unofficial estimates placed 17,000 trafficked women and girls in the country at any given time, although authorities estimated the number of trafficked women and children was much lower.

Trafficking of children was a problem. While there were reports that child trafficking has decreased, the practice persisted. Most child trafficking victims were Albanian Roma children trafficked for labor exploitation or teenage girls trafficked for commercial sexual exploitation. Albanian children make up the majority of children trafficked for forced labor, begging and stealing. There were reports that some Roma Albanian parents “sell” or “rent” their children to traffickers in exchange for a monthly income; it was estimated that more than 1,000 children were trafficked and forced to beg (see Section 6.d.). There were reports that teenage boys worked as prostitutes in Athens. In September, police arrested 11 Romanians for operating a forced child begging racket in central Athens.

Police often detained minors trafficked into the country as criminals. Those under 12 years of age were placed in reception centers, children as young as 13 were jailed for begging or illegal immigration. According to one NGO, the Government detained and deported children in groups and returned them to the Albanian border without ensuring their reception by Albanian authorities or their protection from re-trafficking. Child authorities in Thessaloniki reported the assisted repatriation of 191 trafficked children between the ages of 5 and 17 years. However, few repatriations were conducted with advance notice to prepare families and transport the children safely. Some reports indicated that children were deported with less than 24 hours notice and without sufficient cross-border coordination. In September, the Government began holding conferences and developing cross-border cooperation mechanisms against child trafficking as part of a greater anti-trafficking initiative.

Some women and children arrived as “tourists” or illegal immigrants; seeking work, they were lured into prostitution by club owners who threatened them with deportation. Traffickers kidnapped some victims, including minors, from their homes and smuggled them into the country, where they were sold to local procurers. Traffickers often confined victims to apartments, hotels, and clubs against their will, failed to register them with authorities, and forced them to surrender their passports. Frequently, connections existed between illegal prostitution and other criminal activities.

Local police corruption played a role in facilitating trafficking into the country. NGOs reported that some police officers were paid by organized crime networks involved in trafficking.

In August, the Government adopted a Presidential decree which provides for the establishment of shelters for trafficking victims and encourages cooperation between the Government and NGOs. In September, the NGO *Médecins du Monde* began operating a shelter for trafficking victims, but victim protection measures and referral mechanisms remained weak. Some trafficked women were placed in battered women’s shelters operated by the Orthodox Church-affiliated NGO KESO. The Ministry of Foreign Affairs allocated funds for a number of anti-trafficking projects. A number of domestic NGOs also worked on trafficking issues during the year. A coalition of NGOs created the “Stop Now” group, which created public service announcements to raise awareness of trafficking issues. Another NGO established a shelter in Athens for trafficked women with government funding.

While the law permits court prosecutors to allow women who press charges against their traffickers to remain in the country legally, anecdotal reports indicated that trafficking victims continued to be deported.

During the year, 10 television stations ran public service announcements on child trafficking and major radio stations and magazines carried announcements on trafficking in women. In October and November, the NGO Stop Now distributed anti-trafficking brochures with funds from the Ministry of Foreign Affairs.

HUNGARY

Hungary is a parliamentary democracy with a freely elected legislative assembly. Prime Minister Peter Medgyessy led a coalition government formed by the Hungarian Socialist Party and the Alliance of Free Democrats after multiparty elections in April 2002. The judiciary is independent.

The Hungarian National Police (HNP), under the Ministry of Interior's oversight, has responsibility for law enforcement and maintenance of order within the country. The civilian authorities maintained effective control of the security forces. Some members of the security forces committed human rights abuses.

The country has completed its transition from a centrally directed economy to a fully functioning market economy. The country's population was approximately 10.1 million. The private sector accounted for more than 80 percent of gross domestic product. The Socialist Government maintained a strong commitment to a market economy but did little to address remaining problems in agriculture, health care, and with tax reform. Despite 7 years of strong economic growth, an estimated 25 percent of the population lived in poverty, with the elderly, large families, and the Roma most affected. The economic growth was estimated at approximately 2.8 percent; inflation declined to 5 percent; and unemployment remained below 6 percent.

The Government generally respected the human rights of its citizens; however, there were problems in some areas. There were reports that some police used excessive force, beat, and harassed suspects, particularly Roma. There were allegations of government interference in editorial and personnel decisions of state-owned media. Violence against women and children remained serious problems. Sexual harassment in the workplace also continued to be a problem. Anti-Semitic and racial discrimination persisted. Societal discrimination against Roma was a serious problem. Trafficking in persons was a problem.

RESPECT FOR HUMAN RIGHTS

Section 1. Respect for the Integrity of the Person, Including Freedom From:

a. Arbitrary or Unlawful Deprivation of Life.—There were no reports of the arbitrary or unlawful deprivation of life committed by the Government or its agents.

The Supreme Court ruled all defendants innocent in six cases charging crimes against humanity for incidents during the 1956 revolution.

b. Disappearance.—There were no reports of politically motivated disappearances.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The law prohibits such practices; however, the police occasionally used excessive force, beat and harassed suspects, particularly Roma.

The Government more actively pursued allegations of police abuse. In the first half of the year, authorities investigated 67 cases of suspected abuse by police involving 55 police officers. The majority of cases occurred during interrogations. A total of 47 incidents resulted in court cases, with 28 guilty verdicts. The Ministry of Interior estimated that approximately half of the court cases involved abuse against Roma.

By year's end, there had been no court verdict in the 14 cases of police abuse referred to the Office of the Prosecutor in 2002.

There were occasional reports that police punched, kicked, and struck persons with truncheons while in police custody. The Government conducted investigations in some cases and brought charges against individual police officers. A March 2002 case, which charged five border guards for abuse of authority and causing bodily harm to two Romani men in a 2001 incident near the border with Croatia, was transferred to a Croatian court.

Although some observers attributed the rising number of reports of police abuse to an increased willingness to seek official redress, local nongovernmental organizations (NGOs) believed official statistics still underreported the number of incidents of police abuse. During the year, the Government Office of Ethnic Minorities received regular complaints from Roma of police abuse and misconduct. Despite in-

creased investigations into allegations of police abuse, the Minority Affairs Ombudsman believed that the situation remained constant and possibly was marginally better.

NGOs reported fewer cases of police harassment of foreign residents, particularly of non-Europeans; however, police continued to show indifference toward foreigners who were victims of street crime. Discrimination against dark-skinned foreigners persisted.

In July, a police officer allegedly beat a protester in detention (see Section 2.b.).

Prisons were overcrowded but generally met international standards. As of September, the prisons and detention centers held 16,940 persons or 149 percent of capacity, a decrease of 6 percent compared with 2002. The Government continued to expand the number of detention facilities, and a new prison opened in July.

Men and women were held separately; juveniles were held separately from adults; and pretrial detainees were held separately from convicted prisoners.

On November 27, a Romani inmate burned to death in a "rubber cell" at a prison in Zalaegerszeg, Zala County. The public prosecutor's investigation was pending at year's end.

The Government permitted visits by independent human rights observers, and such visits occurred during the year.

d. Arbitrary Arrest, Detention, or Exile.—The Constitution prohibits arbitrary arrest and detention, and the Government generally observed these prohibitions.

The HNP has responsibility for law enforcement and maintenance of order under the direction of the Ministry of Interior. In addition, city police forces and the National Border Guards share security responsibilities, ultimately also under the Ministry of Interior's direction. The Government more actively pursued allegations of police abuse. Punishments for abuses committed by police included fines, probation, prison sentences, and dismissal (see Section 1.c.). A book on victim protection, used to train police officers and activists, also listed all NGOs providing protection to crime victims.

The law requires that police obtain warrants to place an individual under arrest. Police must inform suspects upon arrest of the charges against them but may hold detainees for a maximum of 72 hours before filing charges. The law requires that all suspects be allowed access to counsel prior to questioning and throughout all subsequent proceedings and that the authorities provide counsel for juveniles, the indigent, and persons with mental disabilities; however, credible reports suggested that police did not always allow access to counsel, particularly for persons accused of minor crimes.

The Law on Criminal Procedures, which took effect on July 1, caps the length of pretrial detentions at 3 years, establishes a comprehensive bail system, establishes a regional court system, and shifts power from the police to the court system. As of July 1, pretrial detention, based on a warrant issued by a judge, may not exceed 3 years while criminal investigations are in progress. The Government may detain individuals in pretrial detention only after charges are brought. Not all suspects were remanded to detention centers pending trial. The law stipulates that authorities can request pretrial detention in cases when it is likely the suspect will flee, when the gravity of the charges warrant detention, or when the release of the suspect would endanger the investigation. During the year, 6 juvenile offenders and 12 adults who had been detained for more than the new maximum period were set free.

The Prosecutor General's Office reported that the average length of pretrial detention during the first 6 months of the year was 125 days, although nearly 15 percent of detainees were held for periods longer than 8 months. Aliens usually were held until their trials, since they were considered likely to flee the country. Roma alleged that they were kept in pretrial detention longer and more frequently than non-Roma, although the data protection law prohibits keeping records detailing the ethnicity of the detainees (see Section 1.e.). The law provides for compensation if a detainee or victim of forced medical treatment is released for lack of evidence, but the procedure rarely was exercised since detainees must undertake a complicated legal procedure to pursue such claims. The Minister of Justice decides upon compensation. The amount is decided on a case-by-case-basis and may cover the costs of the trial, attorney's fees, lost wages, and some miscellaneous sums.

The law permits police to hold suspects in public security detention (PSD) under certain circumstances, including when a suspect has no identity papers, when blood or urine tests must be performed to determine blood alcohol content, or when a suspect continues to commit a misdemeanor offense in spite of a prior warning. Suspects may be held in PSD for up to 24 hours. Such detainees were not always informed of the charges against them, because such periods of "short" detention were not defined as "criminal detention" and, therefore, were not considered covered by

the Criminal Code. However, there were no reports that police abused these rights in practice.

A Victims' Protection Office operated in each county's police headquarters to provide psychological, medical, and social services to victims of crime. At the conclusion of judicial proceedings, victims may apply through the National Public Security and Crime Prevention Public Foundation for financial compensation, which is to be paid by the person convicted of the crime. The White Ring Nonprofit Association, which was a member of the European Victims' Protection Forum, supported the work of the Victims' Protection offices.

The law does not provide for forced exile, and the Government did not employ it.

e. Denial of Fair Public Trial.—The Constitution provides for an independent judiciary, and the Government generally respected this provision in practice.

Under the Constitution, the courts are responsible for the administration of justice, with the Supreme Court exercising control over the operations and judicial procedure of all other courts. Until July 1, there were three levels of courts: Superior, county, and local. Original jurisdiction in most matters rested with the local courts. Appeals of their rulings were made to the county courts or to the Budapest municipal court, which had original jurisdiction in other matters. The Supreme Court was the final court of appeal, while the Constitutional Court was the final court on constitutional matters. The Supreme Court also could hear appeals of military court decisions. Effective July 1, a regional court system was established. The new regional courts serve as the court of appeals for county cases, thus creating a fourth level of appeals in the court system.

The Constitutional Court is charged with reviewing the constitutionality of laws and statutes brought before it, as well as the compliance of these laws with international treaties that the Government has ratified. Parliament elects the 11 members of the Constitutional Court, who serve 9-year terms. The judges elect the president of the Constitutional Court among themselves by secret ballot. Citizens may appeal to the Constitutional Court directly if they believe that their constitutional rights were violated. The Constitutional Court does not function as a court of appeal, and it cannot override the sentences made by regular courts. It can decide if a law is unconstitutional or not, and citizens can demand a retrial of their cases on the basis of a Constitutional court decision. The Constitutional Court is required to address every petition it receives; however, no deadline is specified for the Court to render a decision, resulting in a considerable backlog of cases. No judge or member of the Supreme or Constitutional Courts may belong to a political party or trade union. Members of the Constitutional and Supreme Courts also may not be members of Parliament or be employed in local government. The National Judicial Council nominated judicial appointees other than for the Constitutional Court and oversaw the judicial budget process.

The law provides for the right to a fair trial, and an independent judiciary generally enforced this right. Trials are public, but, in some cases, judges may agree to a closed trial to protect the accused or the victim of a crime, such as in some cases of rape. Judicial proceedings generally were investigative rather than adversarial in nature. Defendants are entitled to counsel during all phases of criminal proceedings and are presumed innocent until proven guilty. Counsel is appointed for indigent clients, but the public defender system generally provided substandard service. There was no public defender's office; private attorneys may or may not choose to serve in this capacity. Public defenders were paid poorly—less than \$4 (1,000 HUF) for the first hour of the trial and less than \$2 (500 HUF) for each additional hour—and did not give indigent defendants priority. Lawyers often met indigent clients for the first time at trial. During the year, Parliament adopted an Act on Legal Aid, which is scheduled to take effect in 2004 that will introduce a wider scope of assistance to defendants.

Judicial proceedings varied in length, and delays of several months to a year before the commencement of trials were common. Cases on appeal may remain pending before the courts for indefinite periods, during which time defendants are held in detention. There is no jury system; judges are the final arbiters. The new Criminal Procedure Law allows 3 years from the start of an investigation until the first instance court sentence. Cases that have not resulted in a sentence are dismissed. The new law gives prosecutors more investigative powers than the HNP. Prosecutors may employ plea-bargaining, which police considered an important weapon in the fight against organized crime.

Many human rights and Romani organizations claimed that Roma received less than equal treatment in the judicial process. Specifically, they alleged that Roma were kept in pretrial detention more often and for longer periods than non-Roma. This allegation was credible in light of general discrimination and prejudice against Roma; however, there was no statistical evidence, since the data protection law does

not permit identifying the ethnicity of offenders. Since the majority of Roma were from the lowest economic strata, they also suffered from substandard legal representation.

Military trials follow civil law and may be closed if justified on national security or moral grounds. In all cases, sentencing must take place publicly. The law does not provide for the trial of civilians in military courts.

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The law prohibits such actions, and the Government generally respected these prohibitions in practice.

The law provides that the prosecutor's office may issue search warrants. Police must carry out searches of private residences in the presence of two witnesses and must prepare a written inventory of items removed from the premises.

According to NGOs, during the year, there were several instances of evictions of families, mostly Roma, for non-payment of rent and utilities. The Roma Civic Rights Foundation and other NGOs visited and reported on cases of forced eviction and urged local governments to provide temporary shelters for the displaced families.

In January, police in Tolna County concluded an investigation into the Minority Affairs Ombudsman's allegation of housing discrimination against Roma removed to towns surrounding the town of Paks in September 2002. The police determined that there was no violation of the law, and the case was closed.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution provides for freedom of speech and of the press, and the Government generally respected these rights in practice; however, opposition parties criticized the Government for influencing editorial and personnel decisions of state-owned media. Individuals may criticize the Government publicly or privately without reprisal and did so in practice.

Numerous privately owned print publications expressing a variety of views were available to the public. The Government generally did not interfere with the operation of private news media; however, there were allegations that the Government regularly limited access to government officials by journalists and editors of a newspaper that had published reports critical of the Government and the Prime Minister.

Interference in state-owned media remained a concern. Several state-owned radio and television stations were governed by a state-appointed public media oversight board, which has proportional political representation. The Government attempted to "balance" state-owned media news coverage through personnel decisions. Opposition political parties were traditionally critical of the pro-government news coverage in state-owned media, and the audience for private news outlets exceeded that for state-owned broadcasters.

The Media Law provided for the creation of nationwide commercial television and radio boards and was intended to insulate the remaining public service media from government control. The National Television and Radio Board monitored news broadcasts for equal treatment of all political parties, and censured and fined public and private broadcasters.

Minority language print media continued to appear, and the state-run radio broadcast 2 hours of daily programs in languages of the major minority groups: Romani, Slovak, Romanian, German, Croatian, and Serbian. State-run television carried a 26-minute program produced by and for each of seven major minority groups. In addition, a 50-minute joint program serving the five smaller minority communities was seen on a monthly basis along with a 30-minute weekly documentary covering one of the communities. All of the programs were repeated during the weekend. Programming of Radio C, a public-foundation-sponsored nonprofit station with a staff 80 percent Romani, was received only in the Budapest metropolitan area; however, Radio C management contracted to sell some of their programs to regional radio stations. Television programs for, about, and by ethnic Hungarians in the neighboring countries were broadcast for 4.5 hours per week.

The Government did not restrict access to the Internet or academic freedom.

b. Freedom of Peaceful Assembly and Association.—The Constitution provides for freedom of assembly and association, and the Government generally respected these rights in practice.

The Law places no restrictions on gatherings. In exceptional circumstances, authorities may restrict the time and place of demonstrations but may not ban them. Only when a planned gathering would cause a significant disturbance to the functioning of a court, representative body, or public transit may the police impose restrictions. The Government did not require permits for assembly, except when a public gathering was to take place near sensitive installations, such as military facilities, embassies, or key government buildings. During the year, authorities uti-

lized this clause to block four events, of which three were politically sensitive protests.

On January 31, an officially registered organization with ties to neo-Nazi groups, Blood and Honor, requested a police permit to stage a demonstration in Budapest on February 9. The demonstration was to take place at a site commonly used for political rallies, cultural events, and demonstrations. Authorities cited interference with public parking and vehicle traffic in their decision to ban the event. Subsequently, authorities permitted the Young Socialists to assemble at the same place and day without restrictions. Blood and Honor had earlier and unsuccessfully sought to hold an event in Budapest's castle district. In that case, the district administration claimed that all its meeting facilities had already been reserved. Subsequently, Blood and Honor received a permit to hold a gathering on February 15.

A coalition of civic organizations planned a peace march for February 15 on a popular and historic boulevard in downtown Budapest. The date corresponded with the timing of similar events in other European capitals. Authorities objected to the proposed route on the ground that it would disturb public transit, and the Budapest Municipal Court reaffirmed a police decision to preempt the march. Despite the police decision, a peace march of approximately 10,000 participants took place on that date.

c. Freedom of Religion.—The Constitution provides for freedom of religion, and the Government generally respected this right in practice. There is no state religion; however, there are 4 historically recognized religions (Roman Catholic, Calvinist, Lutheran, and Jewish) and 136 officially recognized religions.

A group must provide 100 signatures to register as a religion, which it may do in any local court. While any group was free to practice its faith, formal registration made available to religious groups certain protections and privileges and granted access to several forms of state funding. The Government provided subsidies to some religious groups each year, and taxpayers may contribute 1 percent of their net tax payments to a registered religious body. In January, Parliament amended the tax code to make donations to any registered religion tax free, and the Government matches taxpayer donations. During the year, the Government provided subsidies to 117 religious groups, compared with 100 in 2002.

Religious instruction was not part of the public school curriculum; however, the State permits primary and secondary school students to enroll in extracurricular religious education classes.

The religious groups and the State agreed on a number of properties to be returned and an amount of monetary compensation to be paid for properties that could not be returned. These agreements are subsumed under the 1991 Compensation Law, which requires the Government to compensate religious groups for properties confiscated by the Government after January 1, 1946. During the year, the Government paid religious groups \$28.3 million (7.07 billion HUF) as compensation for the assets confiscated during the Communist regime.

During the year, the Government resolved 174 cases regarding properties seized from religious groups by the communist regime; 61 churches received real estate and 113 churches received monetary compensation. At year's end, there were fewer than 1,000 cases pending.

Representatives of the Jewish community expressed concern over anti-Semitism in some media outlets, in society, and in coded political speech. For example, certain segments of an ongoing Sunday news magazine, *Vasarnapi Ujsag*, on Hungarian Public Radio were criticized for presenting guests who held anti-Semitic viewpoints. In October, a weekly talk show, *Ejjeli Menedek*, hosted Holocaust denier David Irving, who made derogatory statements regarding Jews. The show was subsequently cancelled. Jewish community representatives complained that an anti-European Union (EU) movement used the Star of David in its material. They also requested the Ministry of Cultural Heritage to close a county museum exhibition highlighting the Arrow Cross and Hungarian nationalism during World War II; the exhibition was closed, and the materials were returned to their owners.

According to police reports, there were 459 cases of persons vandalizing grave-stones and cemeteries during the year, compared with 371 such cases in 2002. There was no data on which churches owned the cemeteries. The Jewish community stated that there were fewer acts of vandalism in Jewish cemeteries than in 2002, attributed most of the incidents to youths, and did not consider the incidents anti-Semitic. During the year, an appeals court reversed the conviction of a Calvinist pastor and former Hungarian Truth and Life Party Member of Parliament (M.P.), who was charged with incitement to hatred in connection with anti-Semitic articles published in 2001.

For a more detailed discussion, see the 2003 International Religious Freedom Report.

d. Freedom of Movement within the Country, Foreign Travel, Emigration, and Repatriation.—The Constitution provides for these rights, and the Government generally respected them in practice. Unlike in previous years, there were no reports that local authorities tried to expel Roma from towns.

The Government may delay but may not deny emigration for those who have significant court-assessed debts or who possess state secrets. Those with approximately \$40,000 (over 10 million HUF) or more in public debt may be denied travel documents. The Government did not impose an exit visa requirement on its citizens or on foreigners. Social and economic problems continued to drive emigration of Roma, particularly to Canada and EU member states.

The law provides for the granting of refugee status or asylum to persons who meet the definition in the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. In practice, the Government provided protection against refoulement and granted refugee status or asylum. The Government cooperated with the office of the U.N. High Commissioner for Refugees (UNHCR) and other humanitarian organizations assisting refugees. The UNHCR reported that 2,401 asylum seekers entered the country during the year, including 1,843 illegal border crossers. The asylum seekers came primarily from Afghanistan, Iraq, Turkey, Somalia, and Georgia. The Government granted refugee status to 772 applicants, and, at year's end, 290 cases were pending. The Office of Immigration and Nationality (OIN), formerly the central office of Migration and Refugee Affairs, is the central authority for asylum and immigration matters.

Asylum applicants were housed in three government-owned camps and two temporary camps run by NGOs. One temporary camp was closed and another for unaccompanied minors was opened during the year.

The OIN operated seven regional offices to process asylum requests and administered reception centers. Prospective refugees who sought only to transit to other European countries were encouraged to return to their countries of origin. At year's end, 602 asylum seekers were living in 3 permanent and 1 temporary reception centers, and there were 13 minors (ages 8 months to 17 years) living in a new home for unaccompanied minors. For aliens requiring greater monitoring in a more restrictive environment, the OIN operated four different shelters it called community shelters. Aliens housed in the reception centers enjoyed fewer restrictions on freedom of movement than those in community shelters did. Several NGOs and human rights organizations supported asylum seekers and provided legal information.

The Government also provided temporary protection to certain individuals who do not qualify as refugees or asylees. Foreigners apprehended trying to cross the border illegally either may apply for refugee status if they have valid travel documents or were housed temporarily at one of eight border guard facilities throughout the country, pending deportation; at year's end, 102 persons occupied these facilities. The greatest number of aliens in the border guard facilities came from Moldova, Afghanistan, China, Serbia, and Ukraine. Although police sought the timely deportation of detainees who did not qualify for refugee status, a shortage of funds and the detainees' lack of property or documentation, such as passports, often resulted in lengthy stays. NGOs criticized the Government's indefinite detention of stateless and some undocumented foreigners pending resolution of their cases. There were no reports of abuse during deportation. NGOs and foreign governments continued to criticize the Government for inhumane conditions in the border guard facilities and for the arbitrary application of asylum procedures. The Government restructured the OIN, transferred some asylum adjudication procedures from the Border Police, established OIN reception facilities, and worked with NGOs to redress the situation and improve conditions.

Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government

The Constitution provides citizens with the right to change their government peacefully, and citizens exercised this right in practice through periodic, free, and fair elections based on universal suffrage. Elections are held at least every 4 years. Elections for M.P.s took place in April 2002, and municipal elections were held in October 2002. Reform of the country's political and economic structure led to an invitation in 2002 to join the EU in May 2004.

M.P.s are elected every 4 years through a multi-stage process, in which voters cast ballots for individual candidates and party lists. In May 2002, the Socialist Party and the Alliance of Free Democrats established a post-election coalition, which gave the 2 parties a 10-member majority in Parliament. The Socialist Party was the senior coalition member and nominated Peter Medgyessy as Prime Minister. The FIDESZ-Hungarian Civic Party and the Hungarian Democratic Forum were the op-

position groups in Parliament. The law on ethnic minorities and the election law provide for the establishment of minority self-governments (see Section 5).

There were no legal impediments to women's participation in politics or government. In Parliament, 35 of 386 representatives were women. Two women served in the Cabinet, and several women were state secretaries and deputy state secretaries. A woman (a former Minister of Justice) headed the Hungarian Democratic Forum, one of four parties represented in Parliament. The Speaker and one of the deputy speakers of Parliament were women. The level of women's political participation was greater in provincial and municipal governments than at the national level. The Hungarian Women's Alliance held weekend courses throughout the year to promote the participation of women in public life.

Although there was no allocation of minority representation, there were several ethnic minority M.P.s, including ethnic Germans and ethnic Slovaks. There were four Romani M.P.s.

The law provides for the establishment of local minority self-governments to enhance respect for the rights of ethnic minorities, particularly in the fields of education and culture. The self-governments received funding from the central budget and some logistical support from local governments. Self-governments provided wide cultural autonomy for minorities and handled primarily cultural and educational affairs. The president of each self-government is a delegate to the assembly of local governments. The president has no voting or veto rights but has the right to speak and attend committee meetings. Minority self-governments are dependent on local governments for funding, office space, and equipment. Any of the 13 minorities may set up a minority self-government if at least 50 valid votes are cast in settlements with fewer than 10,000 inhabitants and if at least 100 votes are cast in larger settlements.

Since ethnicity was not registered officially, voting on minority self-governments was not limited to the minorities themselves. All voters received a minority ballot in addition to the local government ballot. The elected local minority self-governments could elect their national minority self-governments, which have been formed by all 13 minorities. Several Romani self-governments have regional groupings to facilitate cooperation. Critics called for increasing the authority and financial resources of the minority self-governments.

In 2002, non-minority candidates were elected to minority self-governments and, in some cases, even obtained a majority, for instance, in Jaszladany. Romani rights observers viewed the outcome as undermining the local Romani community. Government efforts to amend the laws on minorities and elections to prevent non-minority voting in elections for minority self-governments were pending at year's end. In August, there were 1,845 active self-governments. Romani mayors headed 4 municipal governments, and 544 Roma sat on local and county government assemblies.

Two factors limited the effectiveness of the Romani and other minority self-governments: Elections of non-minorities to the self-governments, which prevented some minorities from exercising the autonomy the law is intended to promote, and the reported abandonment by some local governments of responsibilities for government functions related to the minorities, which the self-governments lacked the legal mandate and resources to address.

Section 4. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A number of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Many NGOs reported that the Government continued to be responsive to their requests for information. Human rights groups indicated improvement in the degree of cooperation from government ministries and prosecutors' offices in cases involving Roma and police abuse. An increasing number of NGOs were involved in the law-making process; however, NGOs claimed that the Government's cooperation in this area was insufficient.

The Government did not interfere with activities of international NGOs, and several of them, including the Helsinki Committee, established offices in the country.

A 21-member parliamentary Committee for Human, Minority, and Religious Rights conducted hearings and participated in the law-making process. The Committee was composed of both majority and opposition M.P.s, reflecting the proportion of party representation in Parliament, and was headed by an opposition chair. There were separate ombudsmen for human rights, data protection, and minority affairs. The ombudsmen were independent from the Government and prepared annual reports to Parliament on their activities and findings. Parliament elects the ombudsmen for 6-year terms. Persons with complaints who have not obtained redress elsewhere may seek the assistance of the Ombudsman's office. The Ombuds-

man's office does not have the authority to issue legally binding judgments but may act as a mediator and conduct fact-finding inquiries.

The Minority Affairs Ombudsman—an ethnic German elected to a second term in 2001—played an active role in the examination of allegations of discrimination against the Romani community in such cases as school segregation, access to housing, and the election of non-Roma to the Romani minority self-governments (see Sections 3 and 5).

The Government created a new cabinet-level position of Minister Without Portfolio for Equal Opportunity. The state secretariats of Roma Affairs and Civil Relations were relocated under this minister.

Section 5. Discrimination Based on Race, Sex, Disability, Language, or Social Status

The Constitution provides for individual rights, equality, and protection against discrimination; however, in practice, discrimination persisted, particularly against Roma.

Women.—Domestic violence against women was believed to be common, but the vast majority of such abuse was not reported, and victims who came forward often received little help from authorities. The NGO Women Against Violence Against Women (NANE) reported that 20 percent of women were threatened by or were victims of domestic violence and that one woman per week was beaten to death. NGOs also reported that there was insufficient emphasis on the protection of female crime victims. Police and prosecutors usually were unsympathetic to victims of domestic abuse.

The laws criminalize spousal rape. Women's rights organizations claimed that 1 woman in 10 was a victim of spousal abuse and that societal attitudes towards spousal abuse were archaic. The law prohibits domestic violence and establishes criminal penalties for those convicted of such acts. During the year, there were no known prosecutions for domestic violence.

Although there are laws against rape, for cultural reasons, the crime often was unreported. Police attitudes toward victims of sexual abuse reportedly were often unsympathetic, particularly if the victim was acquainted with her abuser. During the year, women were victims of 82,243 reported crimes. NGOs claimed that the police were unwilling to assist victims in one-third of the reported cases.

Each county police station has a victim's protection unit. Police recruits received training from representatives of NGOs and international organizations on proper responses to rape and sexual assault cases. Victims of domestic violence could obtain help and information via a national hotline or at one of several shelters. The hotline operated intermittently for 3 hours each day, and a message system was activated when a counselor was unavailable in person. Shelters provided short-term refuge, and their locations were concealed to protect victims.

Prostitution is illegal; however, municipal governments may establish "tolerance zones" where such activity may occur. The first tolerance zone, established in the eastern city of Miskolc in 2002, was closed down by the local government, while a new zone was established in Budapest.

Trafficking in women for the purposes of sexual exploitation was a serious problem (see Section 6.f.).

The Penal Code does not prohibit sexual harassment in the workplace, and it was a widespread problem. Women's groups reported that there was little support for efforts to criminalize sexual harassment and that sexual harassment was tolerated by women who feared unemployment more than harassment. The Labor Code, which regulates questions of security in the workplace, provides for sentences of up to 3 years' imprisonment for sexual harassment; non-violent acts of sexual harassment may also be prosecuted under the defamation statutes. During the year, no charges were brought under this provision of the Labor Code.

Women had the same rights as men, including identical inheritance and property rights. The number of women in middle or upper managerial positions in business and government remained low, and, in practice, women received lower pay than men in similar positions and occupations. The number of women in the police and the military has risen over the past several years, and women were well represented in the judiciary and in the medical and teaching professions. During the year, the Government upgraded a division to promote equal opportunity, formerly under the Ministry of Employment and Labor Affairs, to a new status in a different office, headed by the Minister Without Portfolio for Equal Opportunity.

Children.—The Government was committed to children's rights. Education was mandatory and free through 16 years of age. The Ministry of Education estimated that 95 percent of school-age children, with the exception of Romani children, were enrolled in school. Roma were far more likely than non-Roma to stop attending

school before age 16. Reliable figures on Romani enrollment and graduation rates were unavailable due to the prohibition on collecting data on ethnicity.

Romani and other civic organizations criticized the practice of placing Romani children in remedial education programs designed for children with mental disabilities or low academic performance, resulting in de facto segregation. Although the children could return to the regular school system, only a small percentage did so. In 2002, the Ombudsman for National and Ethnic Minority Rights declared that segregation continued to exist in public education. An earlier report by the Ombudsman's office found that the high proportion of Romani children in "special schools" for children with mental disabilities was a sign of prejudice and a failure of the public education system. To prevent the improper placement of children in remedial education, particularly Romani children, parents were required to concur in the decision of the school to enroll their child in such a program and the child was tested yearly to measure educational performance. NGOs remained concerned that Romani children were still improperly referred to special schools despite the safeguards. The Government Office of National and Ethnic Minorities estimated that as many as 700 schools had segregated classrooms. The Government stated that the Romani schools were designed to provide intensive help for disadvantaged children.

In one case of segregation in the education of Roma, the municipal government of Jaszladany had established 11 private classrooms in the public school and applied to accredit the classrooms as a separate charter school. The Romani minority self-government and the Ministry of Education interpreted this as a move to separate Romani and non-Romani students. Although the Minister of Education, in 2002, suspended the school's accreditation and prohibited the private classrooms, ethnically divided classrooms continued to function in the Jaszladany public schools. In September, a private foundation school was authorized to continue operating. The Minister Without Portfolio for Equal Opportunity stated that the school should have an opportunity to demonstrate that segregation was not an issue.

There were programs aimed at increasing the number of Roma in higher education. The Romaversitas program supported Romani students completing degrees in institutions of higher education; there were departments of Romani studies in the teachers' training colleges in Pecs and Zsambek and of Romology at the University of Pecs. The Government provided a number of scholarships to Roma at all levels of education through the public Foundation for the Hungarian Roma. The Government reported that in the 2002–03 academic year, over 20,000 Roma received state-funded scholarships, of which 1,500 were given for studies at the university level.

School-age children may receive free medical care at state-operated institutions and most educational facilities. Psychologists were available to evaluate and counsel children, and provisions existed for children to obtain dental care.

Child abuse remained a problem. An estimated 25 percent of girls suffered from abuse by a family member before they reached the age of 12. During the year, 3,815 children were reported as victims of crimes. NGOs reported that neglect and abuse were common in state care facilities. The law criminalizes relationships between an adult and a minor when the minor is under 14 years of age. The Criminal Code provides sanctions against the neglect and endangerment of minors, assault, and preparation of child pornography; however, laws to protect children were enforced infrequently.

Child prostitution was not a common practice, although isolated incidents occurred. Severe penalties existed under the law for those persons convicted of engaging in such acts. Trafficking in children for the purpose of sexual exploitation was a problem (see Section 6.f.).

Persons with Disabilities.—The law prohibits discrimination against persons with disabilities in employment, education, or in the provision of other state services. Government sources estimated that there were between 600,000 and 1 million persons with disabilities (6 to 10 percent of the population). Of these persons, 300,000 to 350,000 were considered to have serious disabilities and received increased government benefits. Persons with disabilities faced societal discrimination and prejudice.

A Council for the Disabled under the leadership of the Minister of Social and Family Affairs served as an advisory board to the Government. A decree requires all companies that employ more than 20 persons to reserve 5 percent of their jobs for persons with physical or mental disabilities, with fines of up to 75 percent of the average monthly salary for noncompliance. The international NGO Mental Disability Rights International (MDRI) and the local NGO Hungarian Mental Health Interest Forum (PEF) noted that no procedures existed to oversee the treatment and care of persons with disabilities who were under guardianship. The MDRI and the PEF also criticized the use of cages in government facilities for persons with mental disabilities.

The law mandates access to buildings for persons with disabilities; however, services for persons with disabilities were limited, and most buildings were not wheelchair accessible.

National/Racial/Ethnic Minorities.—The law recognizes individuals' minority rights, establishes the concept of the collective rights of ethnic minorities, and states the inalienable collective right of minorities to preserve their ethnic identity. The law also permits associations, movements, and political parties of an ethnic or national character and mandates the unrestricted use of ethnic languages. To be recognized, an ethnic group must have at least 100 years' presence in the country, and its members must be citizens. On this basis, minority status was granted specifically to 13 national or ethnic groups (among which the Roma were easily the most numerous). Other groups may petition the Speaker of Parliament for inclusion if they believed that they fulfilled the requirements.

According to the 2001 national census, Roma constituted approximately 2 percent of the population, but many NGOs and government offices estimated the number at up to 5 percent. Ethnic Germans, the second largest minority group, constituted approximately 0.7 percent of the population. Smaller communities of Slovaks, Croats, Romanians, Poles, Ukrainians, Greeks, Serbs, Slovenes, Armenians, Ruthenians, and Bulgarians also were recognized as ethnic minorities.

The Roma Affairs Office was lodged in the Office of the Prime Minister. A Political State Secretary who directed this office was Roma, a M.P., and former president of the Roma minority self-government of Nagykanizsa. A new Ministerial Commissioner for Romani Affairs was also created, and the Government planned to place a commissioner in six ministries. At year's end, the only ministerial commissioner for Romani affairs was in the Ministry of Education.

Living conditions for Romani communities continued to be significantly worse than for the general population. Roma were significantly less well educated and had below average income and life expectancy. The unemployment rate for Roma was estimated at approximately 70 percent, more than 10 times the national average, and most Roma lived in extreme poverty.

The Minority Affairs Ombudsman played an active role in the examination of allegations of discrimination against the Romani community and continued to promote a uniform anti-discrimination law (see Section 4).

Reports of police abuse against Roma were common, but many Roma were fearful to seek legal remedies or notify NGOs (see Section 1.c.). In February, a Romani male accused police in Hajduhadhaz of using excessive force after being shot by them, but it was unclear whether he was in custody or in flight from the police at the time. At year's end, the case was pending. Police also failed to intervene to prevent violence against Roma. There was no progress in 2002 case of arson at the Romani minority self-government building in Pecsvarad village.

The Penal Code provides penalties for hate crimes committed because of the victim's ethnicity, race, or nationality. Three cases from 2001 charging incitement of the public remained pending at year's end, all involving distribution of anti-Semitic tracts. On December 1, Parliament passed an amendment to the hate speech law. The amendment modifies the law so that language does not have to meet the "incitement to violence" test to be considered hate speech. The President referred the amendment to the Constitutional Court, and its review was pending at year's end.

Negative stereotypes of Roma as poor and socially burdensome persisted. Widespread discrimination against Roma continued in education, housing, penal institutions, and access to public institutions, such as restaurants and pubs. In some instances, the authorities fined establishments that banned Roma. In August, the Roma Press Center published a report that a hospital in Pest district segregated pregnant Roma. In October, the Ombudsman for Minority Rights opened a disciplinary investigation against the deputy notary of Piliscaba, Pest, for making hateful remarks about Roma; the deputy notary was suspended. In November, two Romani men were found innocent and released after 15 months in prison. They sued for compensation but were not awarded the requested amount. The court's judgment stated that, because the individuals were more "primitive" than average, they did not merit the greater compensation. An appeals court upheld the judgment; however, the Prime Minister reprimanded the presiding judge.

Education was available to varying degrees in most minority languages. There were certain minority schools where the minority language was also the primary language of instruction, and there were some schools where minority languages were taught as a second language.

Schools for Roma were more crowded, more poorly equipped, and in significantly worse condition than those attended by non-Roma. Government sources estimated that graduation rates for Roma remained significantly lower than for non-Roma, although there were no available statistics.

Section 6. Worker Rights

a. The Right of Association.—The Labor Code recognizes the right of unions to organize and permits trade union pluralism. Workers have the right to associate freely, choose representatives, publish journals, and openly promote members' interests and views.

There were six trade union federations; each was targeted broadly at different sectors of the economy. The largest labor union organization was the National Confederation of Hungarian Trade Unions, the independent successor to the former monolithic Communist union, with approximately 235,000 members. As an indicator of union membership, in 2002, a total of 630,000 taxpayers declared a deduction for payment union fees.

Employers are prohibited from discriminating against unions and their organizers. The Ministry for Employment Policy and Labor Issues enforced this provision; however, in a report to the International Labor Organization, unions claimed that the Government's anti-union stance had negative effects on labor relations within companies. For instance, the unions claimed, management refused to withhold union dues when so requested by the unions. The Government reestablished the Interest Reconciliation Council (IRC) in response to union concerns, and the relationship between the Government and trade unions appeared to be improving.

There were no restrictions on trade union contacts with international organizations, and unions have developed a wide range of ties with international trade unions.

b. The Right to Organize and Bargain Collectively.—The Labor Code permits bargaining at the enterprise and industry level, but collective bargaining was not widespread in many sectors of the economy. According to the International Confederation Free Trade Unions Annual Survey for 2001, the country's six unions claimed that laws undermined a broad range of workers' and trade union rights; however, consultations between the Government and trade unions on amending the Labor Code, which started in 2002, remained ongoing. Labor organizations cooperated with each other; for example, the major trade unions worked closely together in the IRC, which brought together Government, employers, and trade unions to advise the Government on labor policies and to set target wage increases. Individual trade unions and management may negotiate higher wages at the plant level. Under a separate law, public servants may negotiate working conditions, but the final decision on increasing their salaries rests with Parliament. The Ministry for Employment Policy and Labor Issues was responsible for drafting labor-related legislation, among other tasks.

With the exception of military personnel and police officers, workers have the right to strike but did not do so during the year.

There are no export processing zones, but individual foreign companies frequently were granted duty-free zone status for their facilities. Employees in such facilities and zones are protected under the labor laws.

c. Prohibition of Forced or Bonded Labor.—The law prohibits forced or bonded labor, including by children; however, there were reports that such practices occurred (see Section 6.f.).

d. Status of Child Labor Practices and Minimum Age for Employment.—The Government adopted laws to protect children from exploitation in the workplace. The Labor Code prohibits labor by children under the age of 15 and regulates labor conditions for minors (14 to 16 years of age), including prohibitions on night shifts and hard physical labor. Children may not work overtime. The National Labor Center enforced these regulations in practice, and there were no reports of any significant violations of this statute.

e. Acceptable Conditions of Work.—The IRC has the right to establish the minimum wage through agreement among its participants, representatives of the Government, employers, and employees. In January 2002, the minimum monthly wage was raised to \$200 (50,000 HUF), which did not provide a decent standard of living for a worker and family. The minimum wage was only 41 percent of the average wage. Many workers needed a second job to support themselves; others, while officially earning the minimum wage, were paid more under the table. This practice allowed workers and employers to evade pension and health care contributions, which were determined as a percentage of the wage.

The Labor Code specifies various conditions of employment, including termination procedures, severance pay, maternity leave, trade union consultation rights in some management decisions, paid vacation and sick leave entitlements, and labor conflict regulations. The Code sets the official workday at 8 hours, although it may vary depending upon the nature of the industry. A 48-hour rest period is re-

quired during any 7-day period. In 2002, the Labor Code was amended to conform to EU standards.

Labor courts and the Ministry of Economy enforced occupational safety standards set by the Government, but specific safety conditions were not consistent with internationally accepted standards. The enforcement of occupational safety standards was not always effective, in part due to limited resources. Under the Labor Code, workers have the right to remove themselves from dangerous work situations without jeopardizing their continued employment, and this right generally was respected in practice.

f. Trafficking in Persons.—The law prohibits trafficking in persons; however, trafficking in persons to, from, and primarily through the country remained a serious problem. Some border guards facilitated trafficking.

The Penal Code provides penalties for trafficking commensurate with those for rape. Under the law, even preparation for the trafficking in persons is a criminal offense. The penalty for trafficking is between 2 and 8 years in prison; the trafficking of minors is punishable by up to 10 years in prison. However, if an organized trafficking ring is involved, the sentence can be life imprisonment and seizure of assets. The alien law provides for immediate expulsion from the country of foreign traffickers. Prosecution of traffickers was difficult because there was no legislation to protect victims; however, in 2001, a total of 34 trafficking cases came to trial, all of which remained pending at year's end.

The government agencies most directly involved in anti-trafficking efforts were: Police, border guards, customs authorities, prosecutors, and the Justice and Interior ministries. The Police Organized Crime Task Force investigated trafficking cases involving organized crime, and the Government cooperated with other countries to facilitate improved police cooperation to combat organized crime and trafficking in persons.

The country was primarily a transit point, but it was also a source and destination country for trafficked persons. Women and children were trafficked for sexual exploitation primarily from Russia, Romania, Ukraine, Moldova, and Bulgaria to and through the country to Austria, Germany, Spain, the Netherlands, Italy, France, Switzerland, and the United States. Trafficking victims from the country typically were women from the country's eastern regions, where unemployment was high. They were trafficked to Western European countries and elsewhere, primarily to Austria, Belgium, Germany, Italy, and the Netherlands, as well as to Canada, Japan, Spain, Switzerland, and Turkey. Men trafficked for forced labor through the country en route to EU countries and the United States came from Iraq, Pakistan, Bangladesh, and Afghanistan. There were no estimates available on the extent of the problem.

Organized crime syndicates brought many of the victims of trafficking to the country, either for work as prostitutes in Budapest, or for transit to Western Europe or North America. Trafficking rings also exploited victims by using them as babysitters, housekeepers, and manual laborers. Russian-speaking organized crime syndicates were active in trafficking women through the country, primarily from Ukraine and other countries of the former Soviet Union to EU countries. Hungarian victims were primarily young women, although they also included men, middle-aged women, and children. Victims were recruited at discos and modeling agencies, through word-of-mouth, or even through open advertisements in local papers and magazines. Reportedly, some victims knew that they were going to work illegally; others believed they were getting foreign visas; others expected to work but believed their employers were obtaining the appropriate papers and permission. Once at their destination, the victims were forced into prostitution or other exploitation. Traffickers often threatened victims, confiscated identification documents, and severely restricted their freedom of movement.

Corruption among some border officials aided traffickers. During the first 9 months of the year, there were investigations into the actions of 28 border guards. Nine cases were resolved, with guards being either separated for cause or sentenced to imprisonment (some with suspended sentences). Including cases from previous years, there were 137 cases against border guards pending at year's end.

The Government provided limited assistance to victims of trafficking. In principle, assistance with temporary residency status, short-term relief from deportation, and shelter assistance were available to trafficking victims who cooperated with police and prosecutors; however, there were no documented cases where such assistance was provided. Reportedly, police and immigration officials often treated trafficking victims as criminals and refused to believe reports of kidnaping of young women.

The Ministry of Interior's Victims' Protection Office managed a victims' protection fund and posted information on victim protection in every county police head-

quarters. Victims' Protection Office branches in 42 localities provided psychological and social support services and legal aid for victims (see Section 1.d.).

The International Organization on Migration (IOM), working with NGOs, continued a program funded by the Government and foreign donors to raise awareness of the problem of trafficking and to educate potential victims. Women's rights organizations, the IOM, and the Ministry of Youth and Sports Affairs conducted preventive programs for teenagers in schools. NANE established a hotline that provided information on trafficking-associated advertising lures and situations to alert young women. NANE, the IOM, and the Public Fund for a Safe Hungary, with funding from foreign governments cooperated to continue and enhance the operation of the hotline.

NGOs working on trafficking problems reported that cooperation with counterpart government agencies improved. The NGOs provided law enforcement officers with training in recognizing and identifying trafficking victims, which included sensitivity training as well as techniques to combat trafficking.

ICELAND

Iceland is a constitutional republic and a parliamentary democracy in which citizens periodically choose their representatives in free and fair multiparty elections. In May, voters reelected the Independence and Progressive Parties to form a governing coalition led by Prime Minister David Oddsson. The judiciary is independent.

Civilian authorities maintained effective control of the police forces, which were responsible for internal security. The country had no military forces. A few members of the security forces committed isolated human rights abuses.

The open economy provided residents with a high standard of living. The population was approximately 288,000; the gross domestic product for 2002 totaled \$9 billion, an annual decline of 0.5 percent. Fish and other marine products accounted for approximately 40 percent of the country's exports; aluminum was the second leading export.

The Government generally respected the human rights of its citizens, and the law and judiciary provided effective means of dealing with individual instances of abuse. There were rare instances of police mistreatment and arbitrary arrest and detention. Societal discrimination against minorities and foreigners was a problem. There were isolated reports of women trafficked to the country.

RESPECT FOR HUMAN RIGHTS

Section 1. Respect for the Integrity of the Person, Including Freedom From:

a. Arbitrary or Unlawful Deprivation of Life.—There were no reports of the arbitrary or unlawful deprivation of life committed by the Government or its agents.

b. Disappearance.—There were no reports of politically motivated disappearances.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The law prohibits such practices, and there were no reports that government officials employed them. In its May review of the country's report on its implementation of the Convention Against Torture, the U.N. Committee Against Torture expressed concern that the law does not expressly define and prohibit torture and does not prohibit the courts' use of evidence obtained through torture; however, the Government responded that its law does prohibit torture and that there were no allegations of police employing torture.

In December, the Reykjavik police department terminated an officer's employment after a court found the officer guilty of using a chemical spray weapon without due cause in the course of making an arrest in March (see Section 1.d.).

Prison conditions generally met international standards, and the Government permitted visits by independent human rights observers. The Icelandic Red Cross visited prisoners regularly, and the Ombudsman of Parliament monitored prison conditions.

Litla Hraun Prison, a state-of-the-art detention facility, held most of the country's 110 prisoners; however, the prison system also used a substandard jail (Hegningarhusid, built in 1874), where the 16 individual cells lacked toilets and sinks. In most cases, prisoners stayed in Hegningarhusid Prison only a short time for evaluation and processing before moving to another facility.

The Government maintained a separate minimum-security prison for women inmates; however, because so few women were incarcerated, some men who had been convicted of nonviolent crimes were held there as well. Judges could sentence juvenile offenders who were at least 15 years old to prison terms, but they gave the vast

majority probation or suspended sentences or sent them to treatment programs. In the rare instances when juvenile offenders were incarcerated, they were held with adults, since there was no separate facility for juveniles. The Government argued that separation was not practical since the need to incarcerate a juvenile occurred infrequently; however, human rights observers criticized this practice.

The law allows the Government to hold pretrial detainees with the general prison population. In May, the Government initiated the bidding process for a new detention prison just outside of Reykjavik for completion in 2005.

In its May review, the U.N. Committee Against Torture also noted the use of solitary confinement for pre-trial detainees. The Government stated that changes to its law were unnecessary because it only authorized solitary confinement in special circumstances and in moderation. During the year, 55 of 69 persons placed in custody spent some time in solitary confinement, on average for 11 days. In March, the Ombudsman asked the prison authority to take steps to ensure adequate medical treatment for inmates in solitary confinement. He acted on a complaint filed by one inmate in October 2002 whose request to see a psychiatrist was denied. The Ombudsman criticized officials' carelessness, and the prison undertook to retrain staff on proper procedures for safeguarding prisoner welfare.

d. Arbitrary Arrest, Detention, or Exile.—The Constitution prohibits arbitrary arrest and detention, and the Government generally observed these prohibitions.

The Minister of Justice is the head of the police force. The National Commissioner of Police administers and runs police operations that require centralized coordination among various offices. Various district chiefs of police have responsibility for law enforcement in their areas, investigate criminal offenses, and have prosecution powers.

Police may only make arrests when they strongly suspect someone has committed a crime or when someone refuses to obey police orders to move. Persons placed under arrest are entitled to legal counsel, receive a form for their signature that outlines their rights and options, and within 24 hours of the arrest appear before a judge who rules whether they need to remain in custody during the investigation.

In December, the Reykjavik district court found two Reykjavik police officers guilty of improper arrests and false reports in the cases of a 23-year-old man taken into custody on March 8 and a 30-year-old man taken into custody on March 9. The court imposed respective prison sentences of 2 and 5 months suspended; the longer term was given to an officer also found guilty of improper use of chemical spray.

The law prohibits forced exile, and the Government did not employ it.

e. Denial of Fair Public Trial.—The Constitution and the law provide for an independent judiciary, and the Government generally respected this provision in practice.

There are two levels of courts: A five-member Judicial Council, which administers the eight district courts, and the Supreme Court. The Minister of Justice appoints members of the Judicial Council and the Supreme Court; all judges, at all levels, serve for life.

The law provides for the right to a fair trial, and an independent judiciary generally enforced this right. Courts do not use juries, but multi-judge panels are common, particularly in the Supreme Court, which hears all appeals. The courts presume defendants' innocence and generally try them without delay. Defendants receive access to legal counsel of their own choosing. For defendants unable to pay attorneys' fees, the State covers the cost; however, defendants who are found guilty must reimburse the State. Defendants have the right to be present at their trial, to confront witnesses, and to participate in the proceedings. At the discretion of the courts, prosecutors may introduce evidence that police have obtained illegally. With limited exceptions, trials are public and conducted fairly. Defendants have the right to appeal, and the Supreme Court handles appeals expeditiously.

The European Court of Human Rights ruled that the Supreme Court had violated Article 6.1 (right to an independent and impartial tribunal) of the European Convention on Human Rights in its handling of two cases. In the first, decided in April, a defendant accused a judge of partiality because the judge's husband was the guarantor for several debts on which the defendant had defaulted. In the second, decided in July, the Supreme Court had overturned a District Court acquittal and imposed a prison sentence based on a reassessment of oral evidence presented before the lower court without hearing testimony from witnesses or the accused.

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The Constitution prohibits such actions, and the Government generally respected these prohibitions in practice.

Scientists and privacy advocates continued to criticize the government's decision to contract construction of a national computerized medical record database to a private, for-profit company. Although the firm agreed to encrypt individuals' names, the lack of data anonymity led to concerns about the integrity of the doctor-patient relationship and commercial use of personal data. In November, the firm acknowledged that continuing opposition from doctors, and problems meeting national Data Protection Authority requirements for security certification, would likely prevent completion of a master database intended to combine the genealogical, genetic, and medical records of a majority of the population. In a further setback for the firm, the Supreme Court in December recognized a daughter's right to privacy and prohibited the transfer of her father's clinical records into the database.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution provides for freedom of speech and of the press, including academic freedom, and the Government generally respected these rights in practice. An independent press, an effective judiciary, and a functioning democratic political system combined to ensure freedom of speech and of the press, including academic freedom.

The independent media were active and expressed a wide variety of views without government restriction.

The law bans the production, exhibition, distribution, or sale of violent motion pictures, defined as those that show mistreatment or the brutal killing of humans or animals. In addition, a six-member Motion Picture Review Committee, appointed by the Minister of Education and Culture, reviewed all motion pictures before their release and rated their suitability for children.

Internet access was available and unrestricted.

b. Freedom of Peaceful Assembly and Association.—The Constitution provides for freedom of assembly and association, and the Government generally respected these rights in practice; however, police halted a demonstration by several protesters who displayed anti-NATO signs during the public celebration of the country's national day on June 17. Police destroyed the protesters' signs and forcibly removed them from the celebration area. Although police have the right to halt a protest if they believe the protesters will incite violence, witnesses said that the protesters appeared to pose no threat to public order.

In June, the Privacy and Data Protection Authority told the Ministry of Justice that the Ministry had acted unlawfully in issuing lists of Falun Gong members to police and airlines who in turn denied entry to the country to between 110 and 120 Falun Gong practitioners in June 2002. A human rights lawyer asked the Ministry of Justice to issue an official apology to the group and threatened to take legal action if it did not do so. At the lawyer's request, the Ombudsman of Parliament undertook to review the case. The investigation continued at year's end as the Ombudsman awaited the Prime Minister's explanation of the legal basis on which the Government had barred Falun Gong members from boarding planes bound for the country. In a preliminary finding, the Ombudsman determined that the law permits authorities to bar prospective protesters from entering the country and, alternatively, to make entry contingent on signing agreements to follow police orders. Human rights advocates complained that the Ombudsman's decision set a precedent for unfettered government action whenever the police assert that a group presents a threat to public order.

c. Freedom of Religion.—The Constitution provides for freedom of religion, and the Government generally respected this right in practice. The State financially supported and promoted the official religion, Lutheranism.

The State directly paid the salaries of the 146 ministers in the State Lutheran Church, and these ministers were considered to be public servants under the Ministry of Justice and Ecclesiastical Affairs; however, the Church was autonomous in its internal affairs. The Government did not pay Lutheran ministers in the nonstate churches, also known as Free Churches.

All citizens 16 years of age and older must pay an annual church tax of approximately \$104 (ISK 7,800). For persons who were not registered as belonging to a religious organization, or who belonged to one that was not registered and recognized officially by the Government, the tax payment goes to the University of Iceland, a secular institution.

The law specifies conditions and procedures that religious organizations must follow to be registered by the Government. Such recognition was necessary for religious organizations other than the state church to receive a per capita share of church tax funds from the Government. The law applies only to religious organizations that are seeking to be, or are already, officially recognized and registered. The

Government did not place any restrictions or requirements on unregistered religious organizations, which had the same rights as other groups in society.

The law mandates religious instruction in Christianity in the public schools; however, students may be exempted from attending the classes.

For a more detailed discussion, see the 2003 International Religious Freedom Report.

d. Freedom of Movement within the Country, Foreign Travel, Emigration, and Repatriation.—The Constitution provides for these rights, and the Government generally respected them in practice.

Although neither the Constitution nor the law provides for the granting of refugee status or asylum to persons who meet the definition in the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol; in practice, the Government provided protection against refoulement and granted refugee status or asylum. The Government cooperated with the U.N. High Commissioner for Refugees (UNHCR) and other humanitarian organizations in assisting refugees. In January, the Act on Foreigners took effect that provides guidelines on the granting of asylum and refugee status; the Act provides that only the Directorate of Immigration may deny admission to asylum seekers.

In 2001, the country became part of the Schengen free travel area, resulting in the elimination of formal border controls on the movement of persons into the country from the other Schengen countries.

The Government has not formulated a policy of temporary protection for those persons who fall outside of the definition of the 1951 U.N. Convention Related to the Status of Refugees or its 1967 Protocol because this issue has rarely arisen. The Directorate of Immigration and the Icelandic Red Cross (which housed and assisted asylum seekers under a government contract) reported that 80 persons had applied for asylum during the year (compared with 118 in 2002). Of these, 23 were sent to other countries, 26 withdrew their applications, and 21 were denied asylum. At year's end, the applications of seven persons still were being processed. Three persons received a 1-year residence permit for humanitarian reasons. Most asylum seekers applied for asylum after entering the country, rather than in the international sector of the airport. When border officials admit asylum seekers into the country, they must immediately turn them over to the Icelandic Red Cross and the Directorate of Immigration for processing and care. Processing of asylum cases may take 1 year or more, during which time asylum seekers were eligible for state-subsidized health care but could not work or enroll their children in public schools.

In March, the Government received 24 UNHCR-designated quota refugees originally from Serbia. The Government has no fixed refugee acceptance requirements and reevaluates the refugee situation on an annual basis, a practice that human rights observers criticized. The Icelandic Red Cross housed the refugees and helped them to find jobs and integrate into the community. Refugees are entitled to free housing and utilities for 1 year, as well as to health care and social benefits payments. Red Cross representatives said that their new communities accepted the refugees readily.

Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government

The Constitution provides citizens with the right to change their government peacefully, and citizens exercised this right in practice through periodic, free, and fair elections held on the basis of universal suffrage. Elections to the Althingi, the unicameral legislature, were held in May.

A center-right coalition has governed since 1991. Following the May elections, there were 19 women in the 63-member Parliament and 3 women in the 12-member Cabinet. Two of nine Supreme Court members were women. Foreigners who have resided in the country legally for 5 years (3 years for Scandinavian citizens) may vote in municipal elections.

Section 4. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A number of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials were cooperative and responsive to their views. An independent Ombudsman, elected by Parliament, monitors and reports to national and local authorities to ensure equal protection of persons residing in the country, whether citizens or aliens. Individuals may lodge complaints with the Ombudsman regarding decisions, procedures, and conduct of public officials and government agencies. The Ombudsman may demand official reports, documents, and records and may summon officials to give testimony and has access to official prem-

ises. While the Ombudsman's conclusions are not binding on authorities, his recommendations normally have been followed. There was also a Children's Ombudsman (see Section 5).

Section 5. Discrimination Based on Race, Sex, Disability, Language, or Social Status

The Constitution prohibits discrimination based on these factors. The population is strongly egalitarian and opposes discrimination based on any of these factors.

Women.—The law prohibits domestic violence and rape, including spousal rape; however, violence against women continued to be a problem, with gang rapes an ongoing concern. Police statistics indicated that the incidence of violence against women, including rape and sexual assault, was low; however, the number of women seeking medical and counseling assistance indicated that many incidents went unreported. Each year, up to 100 women ask for temporary lodging at the country's women's shelter, mainly because of domestic violence. The shelter offered counseling to about 367 clients between January and November. The sexual violence counseling center in Reykjavik drew 496 clients during the year, including 251 seeking help for the first time, an increase of 13 percent for the second year in a row.

The Government helped finance various facilities and organizations that provided assistance to victims of violence. The City of Reykjavik, in addition to partially funding such services, provided help to immigrant women in abusive relationships, offering emergency accommodation, counseling, and information on legal rights. Courts could issue restraining orders, but there were complaints that they did so only in extreme circumstances. Victims of sexual crimes were entitled, under the Criminal Code, to lawyers to advise them of their legal rights and help them pursue cases against the alleged assailants; however, a large majority of victims declined to press charges or chose to forgo trial, in part to avoid unwanted publicity. Some local human rights monitors also attributed underreporting to the fact that convictions traditionally yield light sentences: The maximum penalty for rape is 16 years' imprisonment, but judges typically imposed sentences much closer to the minimum of 1 year.

Prostitution is not illegal, but it is illegal to engage in prostitution as a main source of income. It is also illegal to act as an intermediary in the sale or procurement of sex.

There were concerns that some foreign women may have been trafficked to work as exotic dancers (see Section 6.f.).

More than 80 percent of women participated in the labor market. In part, this reflected the country's comprehensive system of subsidized day care, which made work outside the home more affordable and convenient for parents. The law requires that employers give preference to hiring and promoting women in areas where they are underrepresented, so long as they are equal in all other respects to male job seekers. Despite laws that require equal pay for equal work, a pay gap existed between men and women. According to one of the largest labor unions, women on average earned 14 percent less than men during the year. Some women's rights activists also expressed concern that the proportion of women in parliament dropped below one-third after elections in May (see Section 3).

Since January, the law permits both mothers and fathers to take 3 months of paid leave upon the birth of a child, with an additional 3 months that parents either could take individually or split between them. Such leave is at 80 percent of the normal salary. The new leave requirements apply equally to the public and private sectors.

The Government funded a Center for Gender Equality, under the Ministry of Social Affairs, to administer the Act on Equal Status and Equal Rights of Women and Men. The Center also provided gender equality counseling and education to national and municipal authorities, institutions, companies, individuals, and NGOs. The Minister of Social Affairs appoints a Complaints Committee on Equal Status to adjudicate alleged violations of the Act; the Committee's rulings are non-reviewable. The Minister of Social Affairs also appoints an Equal Status Council, with nine members drawn from national women's organizations, the University of Iceland, and labor and professional groups, which makes recommendations for equalizing the status of men and women in the labor market.

Children.—The Government was strongly committed to children's rights and welfare; it amply funded public education and health care. School attendance is compulsory through the age of 15 and free through public university level. Approximately 85 percent of students continued to upper secondary education. The Government provided free prenatal and infant medical care, as well as heavily subsidized childcare. The Children's Ombudsman, who is appointed by the Prime Minister but is independent from the Government, fulfilled a mandate to protect children's rights, interests, and welfare by, among other things, exerting influence on legislation, gov-

ernment decisions, and public attitudes. When investigating complaints, the Ombudsman had access to all of the country's public and private institutions and associations that house children or otherwise care for them; however, the Ombudsman's conclusions were not legally binding on parties to disputes.

Human rights observers, including Save the Children Iceland, criticized the continuing compilation of a national health database that included children. The Government authorized the automatic inclusion of the medical records of children under the age of 18 unless their legal guardians requested otherwise. On reaching the age of 18, individuals may elect to discontinue their inclusion in the database but not to withdraw information already stored (see Section 1.f.).

In January, the U.N. Committee on the Rights of the Child urged the Government to increase support to families of children with disabilities and to commit resources to assisting children of immigrants and foreigners, who have high secondary school drop-out rates.

There were some reports of abuse of children, although there was no societal pattern of child abuse. The government-funded Agency for Child Protection operated eight treatment centers and a diagnostic facility for abused and troubled minors. It also coordinated the work of approximately 34 committees around the country that were responsible for managing child protection issues (for example, foster care) in their local areas. Many of the local committees did not have ready access to professionals knowledgeable about sexual abuse. One such committee became the focus of public criticism in August when a district court sentenced a man to 3 years' imprisonment for sexually abusing a child over a 4-year period. Testimony at the man's trial showed that a school nurse had reported the abuse to the local child protection committee 6 months before police and judicial authorities became aware of the problem and took action. The Agency for Child Protection undertook to investigate the committee's failure to act but, in the interest of preserving the child's privacy, declined to make its findings public.

In an effort to accelerate prosecution of child sexual abuse cases and lessen trauma to the child, the Government maintained a Children's Assessment Center (Barnahus). The Center, which handled approximately 165 child abuse cases (two-thirds of the year's total) during the year, was intended to create a safe and secure environment where child victims feel more comfortable talking about what happened to them. It brought together police, prosecutors, judges, doctors, and officials from child protection services. District Court judges, however, did not have to use the Center and may hold investigatory interviews in the courthouse instead, a practice that concerned children's rights advocates.

Persons with Disabilities.—There was no official discrimination against persons with disabilities in employment, education, or the provision of other state services. The law provides that such persons have the right to all common national and municipal services and to receive assistance to live and work normally in society. The law also provides that persons with disabilities receive preference for a government job when they are at least as qualified as other applicants; however, advocates asserted that common practice and implementation of the law fell short of full protection of the rights of persons with disabilities to the extent that persons with disabilities have come to constitute a majority of the country's poor.

Building regulations require that public accommodations and government buildings, including elevators, be accessible to persons in wheelchairs; that public property managers reserve 1 percent of parking spaces (a minimum of one space) for persons with disabilities; and that, to the extent possible, sidewalks outside the main entrance of such buildings be kept clear of ice and snow. Violations of these regulations are punishable by a fine or a jail sentence of up to 2 years; however, the main association for persons with disabilities complained that this was not enforced regularly and that authorities rarely assessed penalties for noncompliance.

Parliament in 2001 ordered an increase in the minimum payment to persons with disabilities who have able-bodied spouses but continued to subject benefits to a modified means test. The Association of Disabled Persons challenged the law, and in October, the Supreme Court ruled that means-tested benefits are permissible but that the Government owed back-benefits to claimants unconstitutionally disadvantaged by the Government's withholding of some payments in 1999–2000. In December, the Government paid compensation to these claimants.

Some mental health advocates criticized the Government for not devoting sufficient attention and resources to the care of persons with mental disabilities. Although the law safeguards their rights, a large number of persons with mental disabilities remained on waiting lists for housing and employment programs. Advocates for the mentally ill alleged that the government-financed health system funded too few hospital places for acute patients and thus exacerbated a shortage of publicly funded preventative and follow-up mental health care.

National/Racial/Ethnic Minorities.—While the population remained largely homogeneous, family- and employment-sponsored immigrants were more visible. At the end of 2002, there were 10,200 foreign residents (3.5 percent of the population). Many temporary workers came from Asia and Central and Eastern Europe, and the Directorate of Immigration expected most to seek to remain permanently rather than return to their countries of origin.

The term *nýbúar*—newcomer—has taken on a negative connotation and was increasingly applied to immigrants of color. Asian women in public at night reportedly were taunted on the assumption that they were prostitutes, minority children were teased for allegedly having been purchased on the Internet, and citizens with foreign-born spouses reported receiving anonymous threats.

The Icelandic Red Cross operated an Intercultural Center in Reykjavik to help foreigners adjust to living in the country. The Center offered free translation, education, research, and advice services. The Ministry of Social Affairs operated a Multicultural Center in Isafjordur that facilitated the interaction of citizens with foreign nationals and provided support services for foreign nationals in rural municipalities.

In a July report, the European Commission against Racism and Intolerance concluded that conditions for immigrants “may not be wholly satisfactory” and recommended that the Government research the extent of societal racism and discrimination and introduce or fine-tune relevant legislation. It pointed specifically to incidents involving denial to minorities of access to public places such as discotheques and treatment of persons of immigrant origin as an economic resource rather than as full members of society.

Section 6. Worker Rights

a. The Right of Association.—The Constitution provides for the right of workers to establish unions, draw up their own constitutions and rules, choose their own leaders and policies, and publicize their views; and workers exercised these rights. Labor unions were independent of the Government and political parties. Approximately 85 percent of all eligible workers belonged to unions.

Labor courts effectively adjudicated disputes over contracts and over the rights provided by the law, which prohibits antiunion discrimination. By law, employers found guilty of anti-union discrimination must reinstate workers fired for union activities; however, in practice the charges often were difficult to prove.

The law permits unions to affiliate internationally, and they took active part in Nordic, European, and other international trade union bodies.

b. The Right to Organize and Bargain Collectively.—Neither law nor practice impedes union membership. The law requires employers to withhold union dues (1 percent of gross pay) from the pay of all employees, whether or not they are union members, to help support disability, strike, and pension funds, and other benefits to which all workers are entitled.

Trade unions and management organizations periodically negotiate collective bargaining agreements that set specific terms for workers’ pay, hours, and other conditions. These agreements, not the law, set the minimum labor standards for most workers. Unions renegotiated expiring collective bargaining agreements during the year, with others scheduled for renewal in 2004. The Government played a minor role in the bargaining process, providing mediation assistance in a few cases (through the State Mediator’s Office).

In March, the International Labor Organization (ILO) decided in favor of the Icelandic Federation of Labor (IFL) in the case of a 2001 fish industry strike; the ILO ruled that the Government had infringed the principle of free and voluntary collective bargaining and requested that the Government change collective bargaining procedures to avoid future legislative interventions.

With the exception of limited categories of workers in the public sector whose services are essential to public health or safety, unions have the right to strike. There were no strikes during the year.

There are no export processing zones.

c. Prohibition of Forced or Bonded Labor.—The law prohibits forced or bonded labor, including by children, and there were no reports that such practices occurred.

d. Status of Child Labor Practices and Minimum Age for Employment.—The law prohibits the employment of children younger than age 16 in factories, on ships, or in other places that are hazardous or require hard labor; this prohibition was observed in practice. Children 14 or 15 years old may be employed part-time or during school vacations in light, nonhazardous occupations. Their work hours must not exceed the ordinary work hours of adults in the same occupation. The Occupational Safety and Health Administration enforced child labor regulations effectively.

e. Acceptable Conditions of Work.—The law does not mandate a minimum wage, but the minimum wages negotiated in various collective bargaining agreements applied automatically to all employees in those occupations, whether they were union members or not. Labor contracts provided a decent standard of living for a worker and family.

The standard legal workweek was 40 hours, which included nearly 3 hours of paid breaks a week. Work exceeding 8 hours in a workday must be compensated as overtime. Workers were entitled to 11 hours of rest within each 24-hour period and to a day off every week. Under defined special circumstances, employers may reduce the 11-hour rest period to no less than 8 hours, but they then must compensate workers with 1.5 hours of rest for every hour of reduction. They may also postpone a worker's day off by 1 week.

Parliament set health and safety standards, and the Ministry of Social Affairs administered and enforced them through its Occupational Safety and Health Administration, which could close down workplaces until they met safety and health standards. Workers had a collective, not an individual, right to refuse to work in a place that did not meet occupational safety and health criteria. Firing workers who report unsafe or unhealthy conditions was illegal.

Union representatives and media reported that Italian contractor Impregilo failed to pay adequate wages to its foreign workers on a major government-financed hydroelectric dam construction project. The company hired workers through Portuguese employment agencies that created multiple versions of contracts to mislead both employees and regulators. Living conditions for foreign workers were poor, and the local government lacked resources to monitor the contractor's adherence to health and safety regulations. The Government threatened to stop issuing work permits for Impregilo to bring in foreign workers if it did not improve conditions at the site, and the company gradually complied. In September, Impregilo allegedly fired a Romanian worker for refusing to sign a counterfeit contract. The Directorate of Labor assisted the worker in obtaining alternative employment and a new work permit and began strict monitoring of Impregilo to ensure that it paid wages at the official rate.

f. Trafficking in Persons.—A law that entered into force March 10 prohibits trafficking in persons; however, there were anecdotal reports that women were trafficked for exploitation.

The March amendment to the general penal code states that "whoever is found guilty of trafficking in persons with the aim of sexual abuse, or forced labor, or for organ removal shall be punished by up to eight years imprisonment." Criminal procedures provide that victims may testify against traffickers at government expense. No person has yet been charged with trafficking in persons, although traffickers have been convicted under the law on alien smuggling.

The law provides that a person may be extradited as long as the offense involved would be punishable by more than 1 year's imprisonment; therefore, the law would allow the extradition of persons who were charged with trafficking in other countries.

Police, airport authorities, and women's aid groups reported that there was anecdotal evidence of women trafficked to the country primarily in connection with foreign women who entered the country to work in striptease clubs. The Baltics were the main countries of origin for these dancers, with others coming from Central and Eastern Europe and Russia. There were no statistics on the number or origin of women actually trafficked. While most attention has been focused on the country as a possible destination point for trafficked women, some cases during the year indicated that the country was also being used as a transit point for the movement of trafficked women between Europe and North America. There were no reliable estimates on how many women may have been involved.

To work as an exotic dancer, any foreigner from outside the European Economic Area must first obtain a work permit, which is typically valid for 3 months. In 2002, the number of foreign dancers applying for work permits plummeted following a ban by Reykjavik authorities on private dances that served as a front for prostitution. The Supreme Court upheld the ban in February, and other municipalities have since enacted their own bans, thus largely destroying the profit incentive for trafficking women into the country.

Victims of trafficking could seek help at the women's shelter, counseling center, and hospital, all of which were government funded. There were no domestic NGOs dedicated solely to assisting victims of trafficking, nor was there an established government assistance program. Some NGOs provided government-supported counseling and shelter to women and children who were victims of violence or sexual abuse. The government-funded Icelandic Human Rights Center was also available to assist with trafficking cases and make referrals (see Section 5).

The Ministries of Justice and Social Affairs hosted a conference on trafficking in persons in February as part of a joint Nordic-Baltic campaign against trafficking. Following the conference and associated press attention, the Minister of Social Affairs formed an advisory committee to coordinate government action to combat violence against women.

IRELAND

Ireland is a parliamentary democracy with an executive branch headed by a prime minister, a legislative branch with a bicameral parliament, and a directly elected president. Parliamentary elections were last held in May 2002; a presidential election was last held in November 1997. The judiciary is independent.

The national police (Garda Siochana) have primary responsibility for internal security; the army acted in their support when necessary. The civilian authorities maintained effective control of the security forces. There were no reports that security forces committed human rights abuses.

The country, with a population of 3.92 million, had an open, market-based economy that was highly dependent on international trade. The gross national product increased by approximately 2.5 percent, and the inflation rate was approximately 3.1 percent.

The Government generally respected the human rights of its citizens, and the law and judiciary provide effective means of addressing individual instances of abuse. Abuse and mistreatment of children were problems. There were incidents of violence against racial minorities and immigrants, and some discrimination against asylum seekers and Travellers.

RESPECT FOR HUMAN RIGHTS

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a. Arbitrary or Unlawful Deprivation of Life.—There were no reports of the arbitrary or unlawful deprivation of life by the Government or its agents.

In December, the Government published the report of the independent reviewer, retired Canadian Supreme Court Judge, Mr. Justice Peter Corry, concerning allegations of collusion between British and Irish security forces and paramilitaries in six cases in Northern Ireland. Two of the cases related to allegations of collusion by the Garda Siochana. Judge Corry concluded that in one case, involving the 1989 paramilitary killing of two Royal Ulster Constabulary officers in Northern Ireland, the evidence could be found to constitute collusion. He recommended that the matter be further examined by an independent public inquiry, and the Government undertook to conduct such an inquiry.

In August, the Special Criminal Court convicted Michael McKeivitt of membership in an illegal organization and of directing terrorism; McKeivitt was the first person to be convicted on this charge (see Section 1.e.).

b. Disappearance.—There were no reports of politically motivated disappearances.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The law prohibits such practices; however, there were reports of abuse by police officers.

The European Committee for the Prevention of Torture (CPT) reported that some interviewed prisoners complained of being physically abused. The Garda Complaints Board recorded 1,405 complaints (ranging from rudeness to physical abuse by police officers) in 2002.

There were incidents in several communities of violence against racial minorities and immigrants (see Section 5).

Prison conditions generally met international standards. The Inspectorate of Prisons' annual report for 2002–2003, released in July, reported that work and sanitation conditions remain poor and in need of major improvement.

The Justice Department reported no allegations of mistreatment of prisoners by the Prison Service; however, the CPT stated that prisoners appeared to have little confidence in the complaints system. A CPT report on prison conditions, released in September and based on prison visits in 2002, noted improvements regarding police and the prison system but stated that conditions could be improved. According to the report, some prisoners claimed abuse by Garda during arrest and while in prison, including blows with batons and kicks to the body; doctors with the delegation found some evidence consistent with these claims. The Government responded that it is continually trying to improve Garda training to reduce instances of ill-treatment of prisoners.

The Report also stated that living conditions for mental health establishments continued to need improvement, although the Government made progress in upgrading conditions. Human rights groups continued to condemn the Central Mental Health Hospital in Dundrum, the country's only secure hospital for prisoners with mental disabilities, because of understaffing and poor infrastructure. The Government created, but has not yet implemented, a program to add observation cells and remove padded cells at the hospital.

Male prisoners were held separately from female prisoners, juveniles were held separately from adults, and pretrial detainees were held separately from convicted prisoners. The authorities continued to arrest and incarcerate at Portlaoise Prison persons involved in paramilitary activity. Conditions for these inmates were generally the same as those for the general prison population.

The Government permitted prison visits by domestic and international human rights observers in most cases; however, appointments were necessary to tour facilities. In December 2002, the Prison Service refused prison access to a nongovernmental organization (NGO) planning to conduct a study on racism, on the grounds that it had already funded a similar study. During the year, the Prison Service agreed in principle to allow the NGO access to prisons subject to the approval of the Government Research Ethics Committee (a committee mandated to protect prisoners from exploitation).

d. Arbitrary Arrest, Detention, or Exile.—The Constitution prohibits depriving any person of personal liberty without due process under the law; however, the use of special arrest and detention authority continued, primarily for those involved in paramilitary organizations.

The national police (Garda Siochana) have primary responsibility for internal security but are generally an unarmed force; therefore, the army, under the effective civilian control of the Minister for Defense, acted in support of the police when necessary. The Government continued to monitor closely indigenous paramilitary groups active in the Republic and Northern Ireland.

A detainee may petition the High Court, which is required to order the detainee's release unless it can be shown that the detention is in accordance with the law. The Criminal Justice Act provides for an initial period of detention of 6 hours. In cases where there are grounds for believing that longer detention is necessary for the proper investigation of an offense, an extension of another 6 hours is possible at the direction of a police officer of the rank of superintendent or above. A continuation of detention for 8 hours overnight is possible, to allow a detainee to sleep.

The Offenses Against the State Act allows police to arrest and detain for questioning anyone suspected of committing a "scheduled offense"—crimes involving firearms, explosives, or membership in an unlawful organization. Although the stated purpose of the act is to "prevent actions and conduct calculated to undermine public order and the authority of the State," its application is not restricted to subversive offenses. As a result, the police have broad arrest and detention powers in any case involving firearms. In cases covered by this act, the initial period of detention without charge is 24 hours at the direction of a police superintendent, and detention may be extended another 24 hours by a judge. The Decommissioning Law prohibits authorities from instituting proceedings against individuals for any offense committed in the course of decommissioning illegally held arms in accordance with the Good Friday Agreement and the Northern Ireland peace process. Detainees and prisoners are allowed unrestricted access to attorneys. If the detainee does not have an attorney, the court will appoint one; if the detainee cannot afford an attorney, the Government will provide one through the Free Legal Aid program.

The law allows a court to refuse bail to a person charged with a serious offense (one that carries a penalty of 5 years' imprisonment or more) when it is considered reasonably necessary to prevent the commission of another serious offense.

The Offenses Against the State Act also provides for the indefinite detention, or internment, without trial of any person who is engaged in activities that are "prejudicial to the preservation of public peace and order or to the security of the State;" however, this power has not been invoked since the late 1950s.

The Criminal Justice (Drug Trafficking) Act permits detention without charge for up to 7 days in cases involving drug trafficking; however, to hold a suspected drug trafficker for more than 48 hours the police must seek a judge's approval.

The Constitution prohibits forced exile, and the Government did not employ it.

e. Denial of Fair Public Trial.—The Constitution provides for an independent judiciary, and the Government generally respected this provision in practice.

The judicial system consists of district courts with 23 districts, circuit courts with 8 circuits, the High Court, the Court of Criminal Appeal, and the Supreme Court.

The President appoints judges recommended by the Judicial Appointment Board, who choose from a list presented by the Government.

The Director of Public Prosecutions, an independent government official, prosecutes criminal cases. Jury trials usually are used in criminal cases, and the accused may choose an attorney. For indigent defendants, the State assumes the cost of providing counsel under the criminal legal aid scheme.

The Constitution explicitly allows "special courts" to be created when "ordinary courts are inadequate to secure the effective administration of justice and the preservation of public peace and order." A non-jury "Special Criminal Court" (SCC) tries "scheduled offenses." The SCC was created in 1972 largely in reaction to paramilitary violence and intended to address the problem of jury intimidation in cases involving defendants with suspected paramilitary links. In 2002, the SCC indicted 22 persons and held 13 trials; 9 individuals were convicted on guilty pleas, 10 were convicted on not guilty pleas, and 3 were found not guilty.

In addition to scheduled offenses, the Director of Public Prosecutions can have any nonscheduled offense tried by the SCC by certifying that the ordinary courts are inadequate to secure the effective administration of justice and the preservation of public peace. The SCC always sits as a three-judge panel, and its verdicts are by majority vote. Rules of evidence are generally the same as in regular courts; however, the sworn statement of a police chief superintendent identifying the accused as a member of an illegal organization is accepted as prima facie evidence. SCC sessions generally are public, but judges may exclude certain persons other than journalists. Appeals of SCC decisions are allowed in certain circumstances.

In August, the SCC convicted Michael McKeivitt, suspected leader of the "Real IRA," to concurrent sentences of 20 years for directing terrorism and 6 years for membership in an illegal organization. McKeivitt's conviction was based primarily on the testimony of a paid informant and corroboration by the Garda and two foreign security services. Based on this testimony, the SCC concluded "beyond a reasonable doubt" to uphold charges that McKeivitt was a member of a terrorist organization and that he directed terrorism. McKeivitt's appeal was pending at year's end (see Section 1.a.).

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The Constitution and the law prohibit such actions, and the Government generally respected these prohibitions in practice.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution provides for freedom of speech, and the Government generally respected this right in practice.

The Constitution provides for freedom of the press; however, this right is subject to the constitutional qualification that it not "undermine public order or morality or the authority of the state." The Constitution prohibits the publication or utterance of "blasphemous, seditious, or indecent matter."

The independent press was active and expressed a wide variety of views without government restriction.

Broadcasting remained mostly state controlled, but private sector broadcasting continued to grow. There were 49 independent radio stations and an independent television station. Expanded access to cable and satellite television lessened considerably the relative influence of state-controlled broadcasting. The Broadcasting Complaints Commission oversees standards and investigates complaints about programming. The Broadcasting Act empowers the Government to prohibit the state-owned radio and television network from broadcasting any matter "likely to promote or incite to crime or which would tend to undermine the authority of the State." The Act was not employed during the year.

Books and periodicals also were subject to censorship by the Censorship of Publication Board. The Board did not censor any books; however, as of December 1, it had censored nine magazines for containing pornographic material. The Censorship of Publications Act calls for a five-member board to examine publications referred to it by the customs service or the general public. It also may examine books (but not periodicals) on its own initiative. The board may prohibit the sale of any publication that it judges to be indecent or obscene or that advocates the procurement of abortion or miscarriage. The ruling may be appealed at any time to The Censorship of Publications Appeal Board.

While the press operated freely, some observers believed that the Defamation Act (which puts the onus on newspapers and periodicals accused of libel to prove that defamatory words are true) and the Official Secrets Act (which gives the State wide scope to prosecute unauthorized disclosures of sensitive government information) may result in some self-censorship.

The Office of the Film Censor must classify films and videos before they can be shown or sold. The Censorship of Films Act authorizes the censor to cut or ban any film that is “indecent, obscene, or blasphemous,” or which tends to “inculcate principles contrary to public morality or subversive of public morality.” Decisions of the censor may be appealed to a nine-member appeal board within 6 months, but neither the censor nor the appeal board is required to hear arguments or evidence in public or to state the reasons for its decisions. The Film Censor banned one film because of violence, nudity, and drug references; however, the film company won the subsequent appeal. The Film Censor banned 16 videos, primarily because of their pornographic or violent content.

Internet access was available and unrestricted. An Internet Advisory Board supervised self-regulation by Internet service providers and operated a hotline for complaints about any Irish-hosted child pornography sites on the Internet.

The Government did not restrict academic freedom.

b. Freedom of Peaceful Assembly and Association.—The Constitution provides citizens with the right to “assemble peaceably and without arms”; however, it also allows the State to “prevent or control meetings” that are calculated to breach the peace or to be a danger or nuisance to the general public. It is unlawful to hold any public meeting on behalf of, or in support of, an illegal organization; however, the Government allowed meetings and assemblies by some political groups that have been associated with illegal terrorist organizations.

Police conduct during demonstrations generally was restrained; however, the trial of seven Gardai accused of using their batons excessively during a 2002 May Day demonstration in Dublin remained pending at year’s end.

The Constitution provides citizens with the right to form associations and unions; however, the law mandates the prosecution and incarceration of persons for mere membership in a terrorist organization. Nevertheless, the Government permitted some groups associated with illegal terrorist organizations to meet.

Membership in or leadership of an illegal organization as defined by the Offenses Against the State Act carries a possible life sentence. The testimony of a police superintendent can be used as corroborative evidence of membership. Collecting information to aid in the commission of a serious offense carries a penalty of up to 10 years’ imprisonment, a fine, or both. Withholding information that could prevent a “serious” offense or that could aid in the apprehension or conviction of a perpetrator also is illegal, with a penalty of up to 5 years’ imprisonment, a fine, or both.

c. Freedom of Religion.—The Constitution provides for freedom of religion, and the Government generally respected this right in practice. The Constitution prohibits promotion of one religion over another and discrimination on the grounds of religion or belief, and the Government did not restrict the teaching or practice of any faith.

While approximately 88 percent of the population is Roman Catholic, the Catholic Church is not recognized officially. Due to the country’s history and tradition as a predominantly Catholic country and society, the majority of those in political office are Catholic, and major Catholic holidays are also national holidays.

The Government permits but does not require religious instruction in public schools. Most primary and secondary schools are denominational—the majority Catholic—and the Catholic Church partially controls their boards of management. As mandated by the Constitution, the Government provided equal funding to schools of different religious denominations (such as an Islamic school in Dublin). Although religious instruction is an integral part of the curriculum, parents may exempt their children from such instruction.

For a more detailed discussion, see the 2003 International Religious Freedom Report.

d. Freedom of Movement within the Country, Foreign Travel, Emigration, and Repatriation.—The Constitution provides for these rights, and the Government generally respected them in practice.

The law provides for the granting of asylum and refugee status to persons who meet the definition in the 1951 U.N. Convention Relating to the Status of Refugees or its 1967 Protocol. In practice, the Government provided protection against refoulement and granted refugee status or asylum. The Government developed specific administrative procedures for the implementation of the Convention in consultation with the U.N. High Commissioner for Refugees (UNHCR), and, pursuant to a Supreme Court ruling, these procedures are binding on the Department of Justice, Equality, and Law Reform. The 1996 Refugee Act provides for asylum procedures that are in accordance with EU guidelines and also makes provision for invited refugees under UNHCR programs. The Government cooperated with the office of the UNHCR and other humanitarian organizations in assisting refugees. The

Government passed regulations allowing asylum-seekers, refugees, and immigrant workers the right to vote in local elections.

In January, the Supreme Court ruled that parents of Irish-born children and their non-national siblings are not entitled to reside in the country by virtue of having an Irish-born child. Thereafter, the Government stated it would no longer accept applications for residency from non-EU immigrant parents with an Irish-born child. The Government also established a unit in the Department of Justice to adjudicate the remaining 11,000 residency claims from parents of Irish-born children and anticipated adjudicating the remaining applications within a year. The Government ruled out mass deportations, stating it would decide applications and deportations on a case-by-case basis.

The number of asylum seekers entering the country declined. There were 7,483 new applications for asylum, compared with 11,598 in 2002; the Government granted asylum to 345 individuals, compared with 893 in 2002, and granted asylum on appeal to 825 persons, compared with 1,097 in 2002. The declines likely resulted in part from January's High Court ruling that immigrant parents of Irish-born children are not automatically given the right to reside in the country.

The Government also provides protection to certain individuals who fall outside of the definition of the 1951 U.N. Convention Related to the Status of Refugees or its 1967 Protocol. The Garda National Immigration Bureau (GNIB) monitored non-nationals who were the subject of deportation orders. The GNIB also oversaw operations at ports of entry, coordinated efforts to combat trafficking in illegal immigrants, strengthened international liaison on immigration issues, administered the non-national registration service, and generally enforced immigration law.

Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government

The Constitution provides citizens with the right to change their government peacefully, and citizens exercised this right in practice through periodic, free, and fair elections held on the basis of universal suffrage for citizens over the age of 18. The Parliament is bicameral; members of the Dail (House of Representatives)—the chamber that carries out the main legislative functions—are elected popularly, while most members of the Seanad (Senate) are elected by vocational and university groups, with the others appointed by the Prime Minister. Several political parties have seats in both bodies. The President (head of state) is elected popularly for a 7-year term and is limited to two terms. An appointed Council of State advises the President. Parliamentary elections were held in May 2002, and presidential elections were held in October 1997.

The President was a woman, and 22 of the 166 deputies in the Dail and 10 of the 60 senators were female. Two of the 15 government ministers were female, as were 2 of the 17 junior ministers. Three women sat on the 25-member High Court, and 2 of the 8 Supreme Court judges were female.

Section 4. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A number of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials were cooperative and responsive to their views. In March, the country's Human Rights Commission, established in 2001, launched a wide-ranging strategic plan for 2003–2006 to promote and protect human rights.

Section 5. Discrimination Based on Race, Sex, Disability, Language, or Social Status

The Employment Equality Act prohibits discrimination in relation to employment on the basis of nine distinct discriminatory grounds: Gender, marital status, family status, sexual orientation, age, disability, race, and membership in the Traveller community. The Equal Status Act outlaws discrimination in the provision of goods, facilities, and services on these grounds.

Women.—Domestic violence and emotional abuse were problems, although there were modest improvements. The Garda recorded 10,248 incidents of domestic violence in 2002. In addition to 18 rape crisis centers, there were 15 women's shelters and 13 women's centers throughout the country, funded in part by the Government. The rape crisis centers are able to provide support through immediate telephone contact and one-on-one counseling. A Voluntary Housing Capital Assistance Scheme and a Voluntary Housing Subsidy Scheme provide long- and short-term housing options for victims of sexual violence. All Garda received training on the investigation of cases of domestic violence, rape, and sexual assault. Garda also attended training

lectures on causes and effects of domestic violence and techniques for interviewing victims of domestic violence.

In 2002, the Dublin Rape Crisis Center reported receiving 11,808 counseling calls in all categories (child sexual abuse, adult rape, adult sexual assault, sexual harassment), which continued an upward trend in frequency of calls. The center estimated in 2002 that 37 percent of rape victims reported the crime to police, and the conviction rate in reported domestic violence incidents was 6 percent.

The law criminalizes rape within marriage, and the Civil Legal Aid Act provides for free legal advice to victims in cases of serious sexual assault. In rape cases, the State brings the case against the accused, with the complainant (victim) acting as a witness. The Sex Offenders Act of 2001 provides that "separate legal representation will be provided to complainants in rape and other serious sexual assault cases where application is made to adduce evidence or to cross-examine the complainant about his or her past sexual experience."

The law prohibits discrimination against women in the workplace and provides for protection and redress against discrimination based on gender and marital status; however, inequalities persisted regarding pay and promotions in both the public and the private sectors. The Equality Tribunal and the Equality Authority are the main statutory bodies that enforce and administer the discrimination laws. Women constituted 49 percent of the labor force but were underrepresented in senior management positions. An Equality Authority study showed that less than half of the organizations surveyed had an equality policy in place and that only 36 percent had provided equality or diversity training. In 2002, the earnings of women averaged 85 percent that of men. As a way to combat this gender gap, the Government increased the minimum wage, created more childcare facilities, funded childcare for those in employment training, and worked through the National Framework Committee on the Development of the Family Friendly Polices to increase flexibility in the workforce. The Government contributed \$292 million (234 million euros) to its equal opportunities childcare program during the past 4 years.

The Maternity Protection Act provides a woman with 18 weeks of paid maternity leave, an additional 8 weeks of unpaid leave, and the right to return to her job. The Parental Leave Act allows a child's mother and father each to take 14 weeks of unpaid leave to care for a child under the age of 5. Although each parent has a separate entitlement to parental leave, the leave is not transferable, i.e., the mother cannot take the father's leave or vice versa. Parental leave does not affect a mother's right to maternity leave.

Children.—The Government was committed strongly to children's rights and welfare; it amply funded systems of public education and health care. Under the Child Care Act, education is free and compulsory for children from 6 to 15 years of age. Almost all children attended school. According to the Department of Education, approximately 99 percent of children between the ages of 5 and 16 attend school. Most children complete secondary education. The Minister of State for Health has special responsibility for children's policy, including monitoring the implementation of the Child Care Act by the eight regional health boards. The Status of Children Act provides for equal rights for children in all legal proceedings. In December, an Ombudsman for Children was established. The Ombudsman may investigate complaints from children or people acting on their behalf against various governmental and non-governmental bodies. Where the Ombudsman finds in favor of the child, the offending body must state how it will rectify the problem and ensure that it does not recur. The Ombudsman also has a role in promoting general child welfare.

The sexual abuse of children was a problem and continued to receive significant media attention. The Laffoy Commission, established in 2000 to investigate sexual and physical abuse in Irish institutions during most of the 20th Century, suffered a setback when Justice Mary Laffoy resigned as its chairwoman, declaring that the Commission had been "rendered powerless" by various governmental actions. The Government dropped an alternative system where the Commission would hear only a sample of cases instead of each individual case, following objections by opposition parties and advocacy groups. There remained concern that it could take up to 11 years for the Commission to hear all 1,400 cases of alleged abuse.

In 2002, there were 375 cases of child abuse reported to the Health Authority, but only 122 cases were confirmed. The health authority received approximately \$1.25 million (1 million euros) in 2002 to improve the identification, reporting, assessment, treatment, and management of child abuse.

In 2002, the Dublin Rape Crisis Center reported that 45 percent of calls to its crisis line involved child sexual abuse. The Child Care Act requires government health boards to identify and help children who are not receiving adequate care, and it gives the police increased powers to remove children from the family when there is an immediate and serious risk to their health or welfare. The Child Trafficking

and Pornography Act aims to protect children from sexual exploitation, including any exchange of information on the Internet that implies a child is available for sex.

Persons with Disabilities.—There was generally no discrimination against persons with disabilities in employment, education, or in the provision of other state services. The law mandates access to buildings for persons with disabilities, and the Government generally enforced these provisions in practice. In October, in honor of the European Year for the Disabled, the Equality Authority undertook its most expensive and largest publicity campaign aimed at ensuring awareness of the rights of the disabled to jobs and services. The country's hosting of the Special Olympics World Games also increased awareness of issues facing persons with disabilities.

The Building Regulations Act established minimum criteria to ensure access for persons with disabilities to all public and private buildings constructed or significantly altered after 1992; however, enforcement was uneven and fines minimal.

A National Disability Authority has responsibility for setting disability standards, monitoring the implementation of these standards, and researching and formulating disability policy; its strategic plan for 2000–03 had three priorities: Developing policies to promote the equal status of persons with disabilities, influencing societal attitudes, and ensuring services for persons with disabilities. The National Standards for Disability Services, which specifies required national standards for all government-funded bodies, was released during the year.

National/Racial/Ethnic Minorities.—Societal discrimination and racial violence against immigrants and ethnic minorities, such as Asians and Africans continued to be a growing problem. Racially motivated incidents involved physical violence, intimidation, and verbal slurs, and the majority of incidents of racist violence took place in public places. In March, three teenagers pled guilty to the 2002 manslaughter of a 29-year-old Chinese student, the country's first reported racially motivated death. Most recorded racial incidents occurred within or near Dublin.

There were 145 Garda around the country who worked with the different ethnic communities. The Garda Racial and Intercultural Office began tracking racially motivated incidents in October 2002, but statistics were not available until 2004. The Garda Racial and Intercultural Office also gave instruction and booklets to Garda to teach them how to interact with those of different racial and ethnic backgrounds.

Approximately 25,000 indigenous nomadic persons regard themselves as a distinct ethnic group called "Travellers," with its own history, culture, and language. Travellers faced societal discrimination and regularly were denied access to premises, goods, facilities, and services; many restaurants and pubs, for example, would not serve them. There was a media report of a Traveller family that lost their caravan in a fire and accepted an offer by the local council to move into a vacant house. However, local residents protested because of a concern that their presence would lower property values and attract more Travellers. The Traveller family did not move into the house because of safety concerns.

Despite national school rules that provide that no child may be refused admission on account of social position, Travellers frequently experienced difficulties enrolling their children in school. Traveller students are not separated in classrooms, but it is not uncommon for them to be taken from the classroom to receive additional schooling. Of the estimated 5,000 Traveller families, approximately 1,200 lived on roadsides or on temporary sites without electricity or sanitary facilities. Many Travellers depended on social welfare for survival and were unable to participate in the mainstream economy because of discrimination and a lack of education.

The Employment Equality Act outlaws job discrimination against Travellers; however, a monitoring committee established to oversee reforms to address problems encountered by Travellers was considered ineffectual by the Travelling community.

The Housing (Traveller Accommodation) Act requires local elected officials to draw up and implement Traveller accommodation plans on a 5-year basis and requires Traveller input in the process. However, many Traveller NGOs were dissatisfied with the progress of this legislation and believed that anti-trespassing legislation enacted in 2002 further undermined the Housing Act. The Traveller movement withdrew from the Social Partnership Agreement with the Government because of its continued dissatisfaction. To develop better relations between Travellers and the settled community, the Government agreed to provide a Traveller Mediation Service and \$1.42 million (1.14 million euros) over a 3-year period for awareness programs.

Section 6. Worker Rights

a. The Right of Association.—The law provides workers with the right to join—or refrain from joining—a union, and workers exercised this right in practice.

Approximately 50 percent of workers in the private and public sectors were union members. Police and military personnel may form associations, but technically not unions, to represent themselves in matters of pay, working conditions, and general

welfare. The Irish Congress of Trade Unions (ICTU) represented 58 unions island-wide, including 48 in the country. The ICTU was independent of the Government and political parties.

The Anti-Discrimination (Pay) Act and the Employment Equality Act make the Equality Authority responsible for the investigation of allegations of anti-union discrimination, which is prohibited under the law. If the authority is unable to obtain resolution, the dispute goes before the Labor Court, which consists of one representative each for the employer and the union, plus an independent chairperson. The Unfair Dismissals Act provides for various forms of relief in cases where employers are found guilty of anti-union discrimination, including the reinstatement of workers fired for union activities.

Unions may freely form or join federations or confederations and affiliate with international bodies, and many did so.

b. The Right to Organize and Bargain Collectively.—Labor unions have full freedom to organize and to engage in collective bargaining, and unions exercised this right in practice. Most terms and conditions of employment were determined through collective bargaining, in the context of a national economic pact negotiated every 3 years by the “social partners,” that is, unions, employers, farmers, and the Government. The latest version of these agreements, titled Sustaining Progress, was signed in April.

The Labor Relations Commission provides advice and conciliation services in industrial disputes. The Commission may refer unresolved disputes to the Labor Court, which may recommend terms of settlement and may set up joint employer-union committees to regulate conditions of employment and minimum wages in a specific trade or industry.

The law provides for the right to strike, and this right was exercised in both the public and private sectors; however, police and military personnel are prohibited from striking. There were 13 strikes during the year, notably in the health, social work and public administration sectors; the number of days lost to industrial disputes increased sharply from last year: 32,151 in the first 6 months of the year, compared with 13,289 in the same period in 2002. All strikes concluded peacefully, with the unions involved achieving some, if not all, of their goals. The Industrial Relations Act prohibits retribution against strikers and union leaders; the Government effectively enforced this provision through the Department of Enterprise, Trade, and Employment.

The export processing zone at Shannon Airport operates under the same labor laws as the rest of the country.

c. Prohibition of Forced or Bonded Labor.—The law prohibits forced or bonded labor, including by children, and there were no reports that such practices occurred.

d. Status of Child Labor Practices and Minimum Age for Employment.—Under the law, employers may not employ children under the age of 16 in a regular, full-time job. Employers may hire 14- or 15-year-olds for light work on school holidays, as part of an approved work experience or educational program, or on a part-time basis during the school year (for children over the age of 15 only). The law sets rest intervals and maximum working hours, prohibits the employment of 18-year-olds for late night work, and requires employers to keep specified records for workers who are under 18 years of age. Enforcement was reportedly lax, but violations were rare.

e. Acceptable Conditions of Work.—The national minimum wage was, \$8.25 (6.6 euros) per hour, which does not provide a decent standard of living for a worker and family; however, low-income families are entitled to benefits such as subsidized housing and children’s allowances.

The standard workweek is 39 hours. Working hours in the industrial sector are limited to 9 hours per day and 48 hours per week. Overtime work is limited to 2 hours per day, 12 hours per week, and 240 hours per year. The Department of Enterprise, Trade, and Employment is responsible for enforcing the laws dealing with occupational safety, which provide adequate and comprehensive coverage; no significant complaints arose from either labor or management regarding enforcement of these laws. Regulations provide workers with the right to remove themselves from dangerous work situations that present a “serious, imminent and unavoidable risk” without jeopardy to their continued employment.

f. Trafficking in Persons.—The law prohibits trafficking in persons, and there were no confirmed reports that persons were trafficked to, from, or within the country; however, NGOs and others offered anecdotal, but unsubstantiated, reports of trafficking.

The Garda National Immigration Bureau and the Department of Justice are the governmental organizations responsible for combating trafficking.

The Child Trafficking and Pornography Act criminalizes trafficking in children for the purpose of sexual exploitation, with penalties of up to life imprisonment. The Illegal Immigrants (Trafficking) Act criminalizes the activities of persons trafficking in illegal immigrants and asylum seekers. There is no specific legislation addressing trafficking in women for sexual criminal activities, although laws prohibit the exploitation of prostitutes, and the exploitation of prostitutes by means of coercion or fraud. Traffickers who facilitate for gain the entry of illegal immigrants or asylum seekers are liable for fines or imprisonment for terms ranging from 1 to 10 years.

Dublin Garda raided several lap-dance clubs that were employing illegal female workers, and the Limerick Garda raided a brothel that was bringing prostitutes into the city from Eastern Europe, but the women stated that they had entered the country voluntarily. A man and a woman were convicted for running the brothel: Both were sentenced to 4 months in prison, but the female's sentence was suspended. The press reported that three English language schools were being used as fronts to smuggle Eastern European women into Ireland to have them work as lap dancers and prostitutes, and Garda were investigating this accusation at year's end.

The Ministries of Justice and Foreign Affairs and the GNIB were involved in antitrafficking efforts, and there were links between government officials, NGOs, and other elements of civil society on trafficking issues. A coalition of NGOs that deal in part with trafficking issues met periodically during the year.

ITALY

Italy is a multiparty parliamentary democracy. Executive authority is vested in the Council of Ministers, headed by the president of the Council (the Prime Minister). The Head of State (President of the Republic) nominates the Prime Minister after consulting with the leaders of all political forces in Parliament. Parliamentary elections in 2001 were considered free and democratic. The Constitution provides for an independent judiciary; however, long trial delays and the impact of organized crime on the criminal justice system complicated the judicial process.

Civilian authorities maintained effective control of the security forces. The armed forces are under the control of the Ministry of Defense. The Ministry of Defense controls the Carabinieri, a military security force; however, the Ministry of Interior assumes control of the Carabinieri when they are called upon to assist police forces in maintaining public order. Four separate police forces report to different ministerial or local authorities. There were allegations that police committed human rights abuses.

The country had an advanced, industrialized market economy, and the standard of living was high for the country's population of approximately 57.8 million. Wages generally kept pace with inflation. The Government owned a substantial number of enterprises in finance, communications, industry, transportation, and services, but privatization continued to move forward at a measured pace.

The Government generally respected the human rights of its citizens; although there were a few problems in some areas, the law and judiciary provided effective means of dealing with individual instances of abuse. There were some reports of police abuse of detainees and use of excessive force against ethnic minorities. The judiciary investigated accusations of police abuse. Prisons were overcrowded. Lengthy pretrial detention was a serious problem. The pace of justice was slow, and perpetrators of some serious crimes avoided punishment due to trials that exceeded the statute of limitations. Sporadic violence against immigrants and other foreigners continued to be a problem. Child labor, primarily involving immigrant children, continued in the underground economy, but authorities investigated such reports actively. Trafficking in persons into the country, particularly women and girls for prostitution, was a problem, which the Government took steps to address.

RESPECT FOR HUMAN RIGHTS

Section 1. Respect for the Integrity of the Person, Including Freedom From:

a. Arbitrary or Unlawful Deprivation of Life.—There were no political killings; however, off-duty policemen killed two people, including a 13-year old boy, during separate attempted robberies of each officer, one in January and the other in July. Both cases remained under investigation at year's end.

In September, a magistrate dismissed charges against a policeman under investigation for killing a 28-year-old man who had attempted to rob him in 2002.

In May, the investigating magistrate dismissed charges against a policeman who shot and killed a rioting demonstrator during protests against the 2001 G-8 summit in Genoa, ruling that the policeman had acted in self-defense.

Police continued to investigate the 1999 and 2002 killings of two academic advisors to the Labor Ministry by the new Red Brigades—Communist Combatant Party, a domestic terrorist movement. In March, police arrested a leader of the group during a routine document check. During the arrest, another member and a policeman were killed during a gunfight.

b. Disappearance.—There were no reports of politically motivated disappearances.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The law prohibits such practices; however, there were reports of incidents in which police abused detainees. According to Amnesty International (AI) and the non-governmental organization (NGO) Antgone, which monitors issues such as police behavior, police occasionally used excessive force against persons detained in connection with common criminal offenses or in the course of identity checks. While this behavior affected both citizens and foreigners, Africans and Roma were at particular risk (see Section 5). In January, a U.N. commission of independent experts underscored its grave concern over continued police mistreatment of young immigrants and Roma and recommended more extensive training for law enforcement officers working with children.

In March, social activists claimed police used excessive force while trying to clear approximately 100 activists from a Milan emergency room waiting area. The activists had been attempting to claim the body of a friend who had just died as the result of a knife wound received in an unrelated criminal altercation. One policeman and five activists remained under investigation.

In September, magistrates issued preliminary indictments charging 73 policemen, including a number of senior officers, with perjury, conspiracy, or assault in connection with a 2001 police raid at the headquarters for the Genoa Social Forum during G-8 summit protests. Magistrates determined that some police had colluded to manufacture evidence and to claim violent resistance from demonstrators to justify their use of force during the raid. Over half those indicted faced charges in connection with “inhuman or degrading treatment,” including assault, during the subsequent detention of those protestors. In May, the magistrate dismissed all charges against demonstrators who had been arrested during the raid for lack of evidence.

Overcrowded and antiquated prisons continued to be a problem. There were 56,500 detainees incarcerated in a prison system designed to hold 42,100. Older facilities lacked outdoor or exercise space, compounding the difficulties of close quarters; some prisons lacked adequate medical care. Approximately 61 percent of detainees were serving sentences; the other 39 percent consisted mainly of persons awaiting trial or the outcome of an appeal. Seventy-two prisoners died while in jail during the first 6 months of the year; 23 committed suicide.

In August, Parliament approved a Clemency Law that reduces by 2 years the sentences of those convicted of minor offenses who had served at least half of their sentence. Approximately 6,500 prisoners were expected to be released early under the provision.

Men were held separately from women, and juveniles were held separately from adults; however, pretrial detainees were not held separately from convicted prisoners.

The Government permits visits by independent human rights organizations, parliamentarians, and the media. AI, the U.N. Human Rights Commission, the U.N. Committee Against Torture, and the U.N. Special Rapporteur on Torture regularly assessed the country's judicial and prison system. An NGO composed primarily of lawyers, magistrates, and academics promoted the rights of detainees, worked closely with the European Commission for Prevention of Torture, and monitored the prison system.

d. Arbitrary Arrest, Detention, or Exile.—The Constitution prohibits arbitrary arrest and detention, and the Government generally observed these prohibitions.

Four separate police forces, which report to different ministerial or local authorities, effectively enforced public law and order. The National Police and Financial Police fall under the jurisdiction of the Interior and Finance Ministries, respectively. The Ministry of Defense controls the Carabinieri, a military security force; however, the Ministry of Interior assumes control of Carabinieri and Financial Police units when they perform law enforcement functions. Under exceptional circumstances, the Government may call on the army to provide security in the form of police duty in certain local areas, thereby freeing the Carabinieri and local police to focus on other duties. Both the Government and the judiciary investigated abuses and prosecuted police who mistreated persons in custody. In June, prosecutors charged 31 police-

men with unlawful imprisonment and assault based on evidence of their conduct during violent anti-globalization protests in Naples in 2001 (see Section 1.c.). Allegations of corruption were rare.

Warrants are required for arrests unless there is a specific and immediate danger to which the police must respond without waiting for a warrant. Under the law, detainees are allowed prompt and regular access to lawyers of their choosing and to family members. The state provides a lawyer to indigents. Within 24 hours of a suspect's detention, the examining magistrate must decide whether there is enough evidence to proceed to an arrest. The investigating judge then has 48 hours in which to confirm the arrest and recommend whether the case goes to trial. In exceptional circumstances—usually in cases of organized crime figures—where there is danger that attorneys may attempt to tamper with evidence, the investigating judge may take up to 5 days to interrogate the accused before the accused is allowed to contact an attorney.

There is no provision for bail; however, judges may grant provisional liberty to suspects awaiting trial. As a safeguard against unjustified detention, panels of judges (liberty tribunals) review cases of persons awaiting trial on a regular basis per a detainee's request and rule whether continued detention is warranted. Persons in detention included not only those awaiting trial but also individuals awaiting the outcome of a first or second appeal (see Section 1.e.). Pretrial detention may last for a maximum of 24 months. The Constitution and the law provide for restitution in cases of unjust detention (see Section 1.e.).

Preventive detention can be imposed only as a last resort if there is clear and convincing evidence of a serious offense (such as crimes involving the Mafia or those related to drugs, arms, or subversion) or if there is a risk of an offense being repeated or of evidence being falsified. In these cases, a maximum of 2 years of preliminary investigation is permitted. Except in extraordinary situations, preventive custody is not permitted for pregnant women, single parents of children under 3 years of age, persons over 70 years of age, or those who are seriously ill. Preventive custody may be imposed only for crimes punishable by a maximum sentence of not less than 4 years. Prosecutors are required to include all evidence favorable to the accused in requests for preventive detention. The defense may present any favorable evidence directly to the court. Magistrates' interrogations of persons in custody must be recorded on audio tape or videotape to be admissible in judicial proceedings.

The law prohibits forced exile—either internal or abroad—and the Government did not employ it.

e. Denial of Fair Public Trial.—The Constitution provides for an independent judiciary, and the Government generally respected this provision in practice. However, most cases involve long trial delays, and the impact of organized crime on the criminal justice system complicated the judicial process.

The judiciary is comprised of professional magistrates who are selected through competitive exams, and generally advance through seniority. Magistrates function either as prosecutors (the executive branch does not perform prosecutorial functions) or trial and appellate judges. It is not unusual for magistrates to switch between these functions over the course of their career. The Superior Council of the Magistracy (CSM) governs the judiciary. Magistrates select two-thirds of its members; the rest are selected by Parliament.

There are three levels of courts. A single judge hears cases at the level of courts of first instance. At the second level, separate courts hear appeals for civil and criminal cases. Decisions of the Court of Appeals can be appealed to the highest court, the Court of Cassation (Supreme Court) in Rome, but only for reasons related to law, not to a case's merit. A separate Constitutional Court hears cases involving possible conflict between laws and the Constitution or involving conflicts over the duties or powers of different units of government.

Prosecutors may appeal unfavorable court verdicts, including sentences they deem too lenient. The Constitution gives prosecutors broad latitude to investigate filed complaints and media reports of crimes. Since magistrates cannot investigate every report of a crime, this allows them to set their own investigative priorities.

The law provides for the right to fair and public trials, and the judiciary generally enforced this right. The law grants defendants the presumption of innocence. Defendants have access to an attorney sufficiently in advance to prepare a defense and can confront witnesses. All evidence held by prosecutors may be made available to defendants and their attorneys. Defendants may appeal verdicts to the highest appellate court.

Although some observers noted improvement, domestic and European institutions continued to criticize the slow pace of justice in the country. During the year, the European Court of Human Rights issued 148 judgments against the Government for excessively long proceedings, approximately 20 percent of the court's 703 judgments.

Observers cited several reasons for delays: The absence of effective limits on the length of pre-trial investigations; the large number of minor offenses included in the penal code; unclear and contradictory legal provisions; prosecutors' complete freedom to set prosecutorial priorities (and some prosecutors' decisions to devote inordinate resources to a small number of cases); and insufficient resources, including an inadequate number of judges.

A 2001 law reduced a prosecutor's procedural advantages during trials and addressed problems created by abuses of some anti-Mafia measures, most notably those involving "pentiti," or Mafia informants.

Despite these reforms, organized crime cases continued to generate controversy. In May, an appellate court reaffirmed the 1999 acquittal of former Prime Minister Giulio Andreotti of charges of association with the mafia. Prosecutors had pursued the case primarily on the basis of pentiti allegations.

The Government continued to press for changes in the judiciary, citing an aim to improve judicial effectiveness and efficiency, despite strong opposition from the magistrates and opposition parties. These proposals include: Reducing magistrates' ability to switch between the trial judge and prosecutor career tracks, tying magistrates' advancement to merit rather than seniority, and having Parliament set priorities for categories of crimes to be prosecuted.

In July, Parliament passed legislation granting immunity from prosecution while in office to the country's five highest-ranking public servants, including the prime minister. Following the legislation's passage, the presiding magistrates suspended Prime Minister Berlusconi's remaining trial associated with his business activities prior to assuming office, although they continued proceedings against his co-defendants. Critics charged the legislation was designed to extricate Prime Minister Berlusconi from his remaining trial; supporters claimed the legislation was necessary to protect senior officials from magistrates attempting to use the courts to pursue political objectives.

In the first test of 2002 legislation restoring a legal provision that allowed defendants to request a change of venue if they had "legitimate suspicion" of bias by the trial judge, the presiding magistrates denied a member of Parliament's request to change his trial venue; the member subsequently was convicted of bribery. This ruling, and Justice Ministry inspections in the spring of the Milan procuracy's operations, generated additional controversy, as governing and opposition parties traded charges of using the legislative process and elements of the judiciary to pursue personal or political objectives.

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home or Correspondence.—The law prohibits such actions, and the Government generally respected these prohibitions in practice. Searches and electronic monitoring may be carried out only under judicial warrant and in carefully defined circumstances; violations were subject to legal sanctions. However, after September 11, 2001, Parliament applied antiterrorist laws to suspects responsible for directing violent acts outside the country's borders and authorized prosecutors to order wiretaps in connection with ongoing investigations. Parliament imposed safeguards to prevent the release of information intercepted without prior judicial authorization to unauthorized persons and prohibited its use in criminal proceedings.

In November, Parliamentary leaders criticized prosecutors for divulging the identities of three members of Parliament mentioned, during police wiretaps, by suspects under investigation for narcotics and prostitution crimes. In 2002, members of Parliament and the media criticized the autonomous judiciary for its extensive use of wiretaps to investigate how journalists acquired leaked information.

A national privacy authority monitored the collection and use of personal data for commercial and other purposes, ensuring that current and proposed data banks and information collection systems conformed with requirements.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The law provides for freedom of speech and of the press, including academic freedom, and the Government generally respected these rights in practice. However, the autonomous judiciary was sensitive to investigative leaks and press criticism and imposed fines for defamation (see Section 1.f.).

After magistrates authorized search warrants in 2002 against some journalists in connection with leaks of sensitive information, political leaders and the journalists' union criticized the searches, calling them serious offenses against freedom of the press. Critics noted the contradiction between separate laws maintaining the sanctity of journalists' sources and another authorizing magistrates to carry out investigations against journalists' sources.

The media provided a broad spectrum of political opinions, including those critical of Prime Minister Berlusconi and his policies. There were approximately 80 newspapers, of which 8 had national readership; the Berlusconi family controlled 2 of them.

Critics charged that Prime Minister Berlusconi directly or indirectly controlled six of the country's seven national broadcast channels: Mediaset (a company in which the Prime Minister has a major interest) owned three, and the state-owned network (RAI) controlled the other three. In December, President Ciampi declined to sign legislation relaxing restrictions on ownership of national broadcast media properties and on cross-ownership of broadcast and print media companies in the same market. After Parliament's earlier passage of the legislation, critics had charged that the new law retroactively sanctioned the Berlusconi family's dominance of national private broadcast media and eliminated obstacles to its continued infiltration into additional markets. RAI's three channels broadcast a wide range of opinion that reflected the full spectrum of political views in the country, but disputes over partisanship on the airwaves continued to prompt frequent political debate. The 2002 RAI governing board's decision to cancel three programs that regularly featured content critical of Prime Minister Berlusconi continued to be debated publicly. In July, an appellate court partially overturned a lower court decision that had directed RAI to resume broadcasting a program featuring one of the journalists. In November, RAI suspended a satirical show whose content had prompted complaints from the Jewish community regarding the host's use of anti-Semitic language and a defamation suit filed by rival network Mediaset. Critics charged that the suspension amounted to censorship.

Politicians and their supporters filed many defamation suits during the year. The costs to major publications resulting from legal fees and the settlement of lawsuits by successful plaintiffs amounts to an estimated several million dollars annually. In June, magistrates began defamation proceedings against two prominent journalists in connection with their criticism of legal proceedings against former Prime Minister Andreotti (see section 1.e.).

The Government generally did not restrict access to the Internet, although the 2001 High Court ruling that allowed the Government to block foreign-based Internet sites if they contravened national laws remained in effect.

The Government did not restrict academic freedom.

b. Freedom of Peaceful Assembly and Association.—The Constitution provides for freedom of assembly and association, and the Government generally respected these rights in practice.

c. Freedom of Religion.—The Constitution provides for freedom of religion, and the Government generally respected this right in practice.

A historical agreement between the Catholic Church and the Government, revised in 1984, accords the Church certain privileges. For example, the Church may select Catholic religion teachers, whose earnings are paid by the State. The Constitution authorizes the State to enter into relations with non-Catholic religious confessions pursuant to an accord ("intese"), on the basis of which the Government can provide support (including financial) to the confession; these accords are voluntary, initiated by religious confessions, and do not infringe on the practice of religion. The Government has signed accords with several minority religious groups. At year's end, the Buddhist Union and Jehovah's Witnesses awaited Parliamentary ratification of government accords.

The continuing presence of Catholic symbols, such as crucifixes, in many government offices, courtrooms, and other public buildings has drawn criticism and has been the subject of lawsuits. In November, an appellate court overturned an October ruling by a court in L'Acquila ordering a local public school to remove crucifixes from its classrooms. Government ministers, senior representatives of many faiths, including that of the plaintiff, and many citizens criticized the initial ruling.

For a more detailed discussion, see the 2003 International Religious Freedom Report.

d. Freedom of Movement within the Country, Foreign Travel, Emigration, and Repatriation.—The Constitution and the law provide for these rights, and the Government generally respected them in practice. The Constitution prohibits the deprivation of citizenship for political reasons. Citizens who leave are ensured the right to return.

The Constitution provides for the granting of asylum and refugee status to persons who meet the definition in the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. In practice, the Government provided protection against refoulement and granted refugee status and asylum. The Government cooperated with the U.N. High Commissioner for Refugees (UNHCR) and other hu-

manitarian organizations in assisting refugees, and provided temporary protection to refugees fleeing hostilities or natural disasters. Such refugees were granted temporary residence permits, which must be renewed periodically and did not ensure future permanent residence.

In 2002, the Ministry of Interior approved approximately 1,270 asylum requests and denied approximately 15,750 others. Fifty percent of approved requests involved nationals of Sri Lanka, Iraq, and Turkey.

There was little state help for asylum seekers during the time they must spend waiting for their application to be processed; Medicin Sans Frontieres in Rome estimated that approximately 10 percent of asylum seekers had access to secondary reception facilities.

Large numbers of illegal immigrants from Eastern Europe, North Africa, the Middle East, China, and West Africa continued to arrive in the country, primarily by sea. According to Caritas, the number of legal immigrants increased by approximately 43 percent during the year, a consequence of 2002 legislation that provided a grace period in which illegal immigrants could become legal residents. In 2002, 23,700 illegal immigrants were detained, a 12 percent decrease from 2001. Many of these immigrants entered the country with the intent to transit to other European Union (EU) countries. Most illegal immigrants paid fees to smugglers, and many risked death due to unseaworthy vessels or were forced off the vessels. At least 42 died in 2 separate incidents in September off the coast. Some illegal immigrants were forced to engage in illegal activities, were paid substandard wages, or forced to work as prostitutes to pay off debts incurred for their passage (see Section 6.f.).

Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government

The Constitution provides citizens with the right to change their government peacefully, and citizens exercised this right in practice through periodic, free, and fair elections held on the basis of universal suffrage. May 2001 Parliamentary elections were free and democratic. There were numerous political parties that functioned without government restrictions.

There were no restrictions on women's or minorities' participation in government and politics. There were 25 women in the 315-seat Senate and 63 women in the 630-seat Chamber of Deputies; women held 2 of 25 cabinet positions.

In June, citizens residing abroad were able to vote for the first time in a national referendum, following a 2000 constitutional change allowing them to participate.

Section 4. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A wide variety of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials were cooperative and responsive to their views.

There were government human rights organizations in the Ministry of Foreign Affairs, the Prime Minister's office, and the Privacy Authority. The Senate also had a committee on human rights.

Section 5. Discrimination Based on Race, Sex, Disability, Language, or Social Status

The law prohibits discrimination on the basis of race, sex (except with regard to hazardous work), ethnic background, or political opinion, and provides some protection against discrimination based on disability, language, or social status; however, some societal discrimination against women, persons with disabilities, and Roma persisted.

In February, Parliament amended the Constitution to incorporate the principle of equal opportunity and to direct the government to undertake appropriate measures to guarantee equal opportunities to men and women.

Women.—Violence against women remained a problem. The NGO Telefono Rosa, which provides a hotline through which abused women may obtain legal, medical, and other assistance, reported that 33 percent of calls it received involved physical violence in the home, a decline from 37 percent in 2002. Thirty-five percent of the cases involved psychological violence and 13 percent economic violence; 85 percent of the total cases involved repeat instances of violence.

Legislation protects women from physical abuse, including by family members, allows for the prosecution of perpetrators of violence against women, and shields women who have been objects of attack from publicity. Law enforcement and judicial authorities are not reluctant to prosecute perpetrators of violence against women, but victims sometimes did not press charges due to fear, shame, or ignorance of the law. According to Telefono Rosa, approximately three out of four women

who experienced violence declined to report it to the authorities. However, Telefono Rosa also noted that the entry of more women into the police force contributed greatly to a willingness of female victims of violence to cooperate with police. The law treats spousal rape in the same manner as any other rape.

Individual acts of prostitution in private residences are legal. Trafficking of women into the country for prostitution remained a problem (see Section 6.f.).

In September, Parliament approved new legislation introducing new definitions of sexual harassment and other abuses in the workplace. The new law strengthens a code of conduct on workplace harassment, attached to national sectoral labor contracts, agreed to in 1999 between the Labor Ministry and major trade union confederations.

Women enjoy legal equality with men in marriage, property, and inheritance rights. Males and females enjoy equal access and treatment with regard to education, health, and other government services.

As a result of liberal maternity leave laws introduced to benefit women, some employers have found it advantageous to hire men instead. The law requires civil service recruiters to explain in writing their motives for hiring or promoting a man rather than a woman as a manager. The rule applies in offices where women managers number less than a third of the total. A 2002 study indicated that women constituted 51 percent of civil servants, but only 24 percent had high-level assignments.

The law regulates night work for pregnant women who are mothers of one or more children below the age of 3 and women with disabilities.

According to research conducted in 2001 by an independent research center, women's salaries were 26.6 percent lower than men's for comparable work. Women were underrepresented in many fields, such as management, entrepreneurial business, and the professions. In public education, women represented 80 percent of the personnel but only 22 percent of general directors, 37 percent of executives, 33 percent of inspectors, and 33 percent of union members. At the end of 2002, the National Statistical Institute (ISTAT) reported that employed women were more likely to have a high school diploma (52 percent) than employed men (41 percent). Employed women did better in higher education; the comparable figures for a university degree were 14.4 percent for women and 10.9 percent for men. In October, 11.4 percent of females were unemployed, compared with 6.6 percent of males. Youth unemployment (ages 15 to 24) was 24.7 percent for men and 31.4 percent for women.

Women have been integrated quickly into the military ranks; in March, there were 1,652 women in the armed forces. The law provides for voluntary female military service.

A number of government offices worked to ensure women's rights. The Ministry for Equal Opportunity is headed by a woman, and there is an equal opportunity commission in the office of the Prime Minister. The Labor Ministry has a similar commission that focuses on women's rights and discrimination in the workplace, as well as equal opportunity counselors who deal with this problem at the national, regional, and provincial government levels. However, many counselors had limited resources with which to work. Many NGOs, most of which were affiliated with labor unions or political parties, actively and effectively promoted women's rights.

Children.—The Government demonstrated a strong commitment to children's rights and welfare. Schooling is free and compulsory for children from age 7 to age 18; those unable (or unwilling) to follow the academic curriculum may shift to vocational training at age 15. This reform was intended to reverse the middle and secondary school dropout rate, which historically has been high. Education Ministry figures on dropout rates suggested that close to 99 percent of children attended school through middle school.

The abuse of children was a problem; the NGO Telefono Azzurro received approximately 195,000 calls related to child abuse during the first half of the year. It was estimated that 60 percent of violence against minors was committed within the home. According to a survey by Telefono Azzurro, 608 cases in the first half of the year involved sexual violence, physical or psychological abuse, and negligence; fathers were responsible 45.6 percent of the time; mothers were responsible 37.2 percent, and relatives 7 percent. In 57.8 percent of the cases, the victims were female; 41 percent were ages 10 or younger. In the first 7 months of the year, judicial authorities registered 425 allegations of sexual abuse against minors. Both public and private social workers counseled abused children and were authorized to take action to protect them. Telefono Azzurro maintained two toll-free hotlines for reporting incidents of child abuse. Estimates from 2000 by a private institute estimated that the number of minors involved in cases of violence (including prostitution) was between 10,000 and 12,000.

There were between 1,880 and 3,000 minors who worked as street prostitutes, of whom 1,500 to 2,300 were trafficked into the country and forced into prostitution (see Section 6.f.).

Police reported that they monitored 23,900 websites for child pornography and related crimes. During the first half of the year, police registered 431 complaints and conducted 259 searches for Internet-based child pornography; police arrested 23 persons in 2002.

The law provides for the protection of children, and there are several government programs to enhance the protection available for minors. The law prohibits pedophilia, child pornography, the possession of pornographic material involving children, sex tourism involving minors, and trafficking in children (see Section 6.f.). The law provides for an information-gathering network to collect data on the condition of minors, and there is a legally mandated office in the Ministry of Labor and Welfare that protects the rights of unaccompanied immigrant minors. There was a special police unit to monitor and prosecute Internet sites devoted to promoting pedophilia.

Persons with Disabilities.—The law requires companies having 15 or more employees to hire 1 or more workers with disabilities: Those with 15 to 35 employees must hire 1 disabled worker, those with 35 to 50 must hire 2, and, in larger companies, 7 percent of the work force must consist of persons with disabilities. Companies hiring persons with disabilities are granted certain benefits, including lower social security contributions, while the Government pays the cost of worker training. The law provides for severe sanctions against violators. There was no discrimination against persons with disabilities in employment, education, or in the provision of other state services, although there was some societal discrimination.

Although the law mandates access to buildings for persons with disabilities, mechanical barriers, particularly in public transport, left such persons at a disadvantage.

National/Racial/Ethnic Minorities.—Increasing immigration led to some anti-immigrant sentiment. Since many immigrants are Muslim, religion was an additional factor differentiating them from native-born citizens. Some Catholic prelates contributed to popular reaction against Muslim immigrants by emphasizing the perceived threat posed to the country's "national identity" and what they viewed as the country's need to favor immigration by Catholics "or at least Christians."

In January, a U.N. commission of independent experts underscored its grave concern over continued police mistreatment of young immigrants and Roma and recommended more extensive training for law enforcement officers working with children (see Section 1.c.).

In December, unknown persons vandalized the office of a Milan NGO that specialized in researching Nazi persecution of Roma and contemporary discrimination against Roma communities. The case remained under investigation at year's end.

There were no accurate statistics on the number of Roma in the country. Romani community members and Roma-oriented NGOs estimated that the population was approximately 120,000, of whom up to 80 percent could be Italian citizens—most of whom can trace their ancestry in the country to the late 14th Century. These Roma tended to live in the central and southern parts of the country; there is no official recognition of their language. They worked and lived in conditions indistinguishable from those of other Italians.

Roma immigrants, or the children of Roma immigrants, were concentrated on the fringes of urban areas in the central and southern parts of the country, living in camps characterized by poor housing, unhygienic sanitary conditions, limited employment prospects, inadequate educational facilities and the absence of a consistent police presence. Faced with limited income and job opportunities, and suffering from harassment, some Roma turned to begging or petty crime, which generated repressive measures by police and some judicial authorities.

Some traditional minorities, including French- and German-speaking Alpine communities in the north and a mixture of German and Slovene speakers in the northeast, enjoy special autonomous status. The special rights of these areas—respectively, the Valle d'Aosta, Trentino Alto Adige, and Friuli Venezia Giulia—include the use of non-Italian languages in government offices and, in Trentino Alto Adige and Valle d'Aosta, in public schools. The law provides for Slovene to be used in government offices and schools.

Section 6. Worker Rights

a. The Right of Association.—The law provides for the right to establish trade unions, join unions, and carry out union activities in the workplace, and workers exercised this right. The unions claimed to represent between 35 and 40 percent of the work force. Trade unions were free of government controls and have no formal

ties with political parties. All trade unions are professional trade union organizations that defend trade union interests. Individual trade unionists are free to identify with and support political parties of their choosing.

The law prohibits discrimination by employers against union members and organizers. Dismissals of workers must be justified in writing. If a judge deems the grounds spurious, he can order the employer to reinstate or compensate the worker; in firms with more than 15 employees, workers have the option to choose between reinstatement and compensation, whereas in firms with fewer than 15 workers, the employer makes the choice. In June, low voter turnout invalidated a national referendum to eliminate this threshold and permit all workers to choose between reinstatement and compensation. The largest trade union confederation, CGIL, had supported the referendum, but other major confederations did not. The referendum followed a 2002 government accord with the Confederazione Italiana Sindacati dei Lavoratori (CISL), the Unione Italiana del Lavoro (UIL), the Unione Generale del Lavoro (UGL), and other unions (but not the CGIL) to exempt small firms from the provision's coverage to encourage them to hire additional workers.

Unions associated freely with national and international trade union organizations. CGIL, CISL, and UIL were affiliated with the International Confederation of Free Trade Unions (ICFTU); the UGL was associated with the World Confederation of Labor (WCL).

b. The Right to Organize and Bargain Collectively.—The Constitution provides for the right of workers to organize and bargain collectively, and workers exercised this right. By custom, although not by law, national collective bargaining agreements apply to all workers, regardless of union affiliation.

The Constitution provides for the right to strike, and this right was exercised frequently. The law restricts strikes affecting essential public services (e.g., transport, sanitation, and health), requiring longer advance notification and precluding multiple strikes within days of each other. The law also defines minimum service to be maintained during a strike as 50 percent of normal service, with staffing by at least one-third of the normal work force. The law established compulsory cooling off periods and more severe sanctions for violations and covered transport worker unions, lawyers, and self-employed taxi drivers. The law was effective in preventing complete work stoppages in essential public service sectors on the frequent occasions during the year on which such strikes occurred. However, there were numerous strikes in many sectors during the year.

There are no export processing zones.

c. Prohibition of Forced or Bonded Labor.—The law prohibits forced or bonded labor, including by children; however, there were reports that such practices occurred (see Sections 6.d. and 6.f.). Police periodically discovered clandestine Chinese immigrants working in plants throughout the country, particularly in Tuscany's large Chinese immigrant community.

d. Status of Child Labor Practices and Minimum Age for Employment.—The law prohibits the employment of children under age 15 (with some limited exceptions), and there are specific restrictions on employment in hazardous or unhealthful occupations for men under age 18 and women under age 21; however, these laws were not fully respected in practice. The enforcement of minimum age or other child protection laws was difficult in the extensive underground economy. In 2002, ISTAT reported that approximately 31,500 children—a large number of whom were 14 years old and younger—worked in agriculture (mostly boys) and urban hotels, coffee bars, and restaurants (mostly girls). This child labor occurred primarily within the family, and mistreatment was not a problem. However, ISTAT stated that mistreatment and exploitation were problems for child labor that occurred outside of families, particularly for children of immigrants.

Illegal immigrant child laborers from northern Africa, the Philippines, Albania, and, particularly China, continued to enter the country in large numbers, and the influx from China continued to rise (see Section 6.f.). A combination of immigration legislation and stricter enforcement operations reduced the number of Chinese immigrants working in sweatshop conditions. However, many minor children worked alongside the rest of their families to produce scarves, purses, and imitations of various brand name products. Carabinieri officers who worked on child labor used a videocassette program to educate schoolchildren on child labor laws, their rights as specially protected workers, and workplace hazards.

The Government, employers' associations, and unions continued their tripartite cooperation on child labor. Their periodic consultations covered such matters as better enforcement of school attendance regulations; faster assistance for families in financial difficulty; and canceling economic or administrative incentives for companies found to make use of child labor, whether domestically or abroad. The Prime Min-

ister's office provided a toll-free telephone number to report incidents of child labor. The footwear and textile industries and the goldsmith associations have codes of conduct that prohibit the use of child labor in their national and international activities; codes are applicable to subcontractors as well.

e. Acceptable Conditions of Work.—The law does not set minimum wages, but they are set through collective bargaining agreements on a sector by sector basis, which specify minimum standards to which individual employment contracts must conform. When an employer and a union fail to reach an agreement, courts may determine fair wages on the basis of practice in comparable activities, although this rarely happened in practice. These wages provided a decent standard of living for a worker and family.

The legal workweek is 40 hours; most collective agreements provide for a 36- to 38-hour workweek. The average contractual workweek was 39 hours. Overtime work may not exceed 2 hours per day or an average of 12 hours per week. Unless otherwise limited by a collective bargaining agreement, the law sets maximum permissible overtime hours in industrial sector firms at no more than 80 hours per quarter and 250 hours annually.

The law sets basic health and safety standards and guidelines for compensation for on-the-job injuries. EU directives on health and safety also have been incorporated into the law. Labor inspectors were from the public health service or from the Ministry of Labor, but they are few in number in view of the scope of their responsibilities. Accident rates were higher in the underground economy, which employed over 15 percent of the work force. Courts imposed fines and sometimes prison terms for violation of health and safety laws. Workers have the right to remove themselves from dangerous work situations without jeopardizing their continued employment.

f. Trafficking in Persons.—A July law prohibits trafficking in persons; trafficking previously had been prosecuted through other articles of the Penal Code. Trafficking in persons for prostitution and forced labor was a problem, which the Government took steps to address. Government officials did not participate in, facilitate, or condone trafficking.

The new law increases sentences to 8 to 20 years imprisonment for trafficking in persons (old definition of 'trade in slaves' carried a 5- to 20-year penalty) and for enslavement (previously 5- to 15-year penalty). For convictions in which the victims were minors, destined for prostitution, or slated for organ harvesting, sentences were increased by one-third to one-half, i.e., the minimum sentencing range in these cases is approximately 10.5 to 26.5 years; the new maximum range is 12 to 30 years. The law mandates strong penalties to combat alien smuggling and human trafficking; smugglers face sentences of 4 to 12 years, and fines up to approximately \$18,750 (15,000 euros) for each alien smuggled. Immigration legislation passed in 2002 created an agency to coordinate border police operations and combat alien smuggling.

In 2002, Parliament approved a permanent law applying special prison conditions to traffickers. The measures, previously limited to Mafia members, were designed to limit criminals' ability to continue their operations from jail. In 2001, the most recent year for which statistics were available, magistrates charged 235 people with over 123 crimes under the enslavement and exploitation statutes; 19 were convicted of enslavement. The Government also cooperated with foreign governments investigating and prosecuting trafficking cases.

Police and prosecutorial investigations, focusing on traffickers who smuggled young women from Albania, Bulgaria, Romania, Ukraine, Moldova, and China and forced them into prostitution, resulted in the arrests of almost 200 citizens and foreign nationals. In March, carabinieri arrested a Ukrainian woman on charges of exploiting prostitution and alien smuggling after an investigation indicated she had organized a trafficking ring for women to engage in prostitution. In August, the Ministry of Interior announced the arrest of 138 immigrants involved in trafficking. By September, police had arrested 18 people on charges of exploitation and alien smuggling for trafficking at least 67 children from Albania to Italy for sale to childless couples.

The Ministry of Equal Opportunity leads an intergovernmental committee charged with monitoring trafficking and coordinating government activity to combat it. Other members include the Ministries of Social Affairs, Justice, Interior, and Foreign Affairs, as well as a special anti-Mafia prosecutorial unit. Major lay and Catholic NGOs concerned with trafficking, among which Parsec and Caritas were the most active, cooperated with this body. There were no statistics from either the Government or from NGOs to show the extent of the trafficking problem.

The country was a destination and a transit point for trafficked persons. According to the social research institute, Parsec, exact statistics on women and children involved in prostitution have not been updated since 1998. Estimates were in the range of 2,000 persons a year.

Trafficking in persons for the purpose of sexual exploitation involved immigrants, mostly from Nigeria, Albania, Eastern Europe (Moldova, Ukraine, Russia, Romania, Bulgaria), China, and South America (Ecuador, Peru, Colombia). Press reports estimated that over 80 percent of prostitutes in the country were immigrants, primarily from Eastern Europe and North Africa. Victims of trafficking were lured to the country with promises of a job, or sold by relatives or acquaintances, then forced into prostitution, sweatshop labor, or begging. Traffickers enforced compliance by taking their documents, beating and raping them, threatening their families, or frightening them with voodoo rites. Some trafficked women were killed when they showed opposition or went to the authorities.

There were between 1,880 and 3,000 minors who worked as street prostitutes, of whom 1,500 to 2,300 were trafficked into the country and forced into prostitution. Trafficking in children for sweatshop labor was a particular problem in Tuscany's expanding Chinese immigrant community, where children were considered to be part of the family "production unit" (see Section 6.d.). The domestic NGO Social Service International assisted in repatriating unaccompanied immigrant minors.

Criminal organizations and prostitution rings routinely moved trafficked persons and prostitutes from city to city, making it harder for police to identify and track trafficked persons. Organized criminal groups were behind most trafficking in the country. Three north-south axes (focused along the Adriatic and Tyrrhenian coasts) and three east-west axes were identified as routes that gangs used. In February, German and Italian police arrested 22 Nigerians involved in trafficking women for prostitution in Florence. The women had been shuttled between the two countries to avoid investigations and detection.

A number of government employees remained under investigation in connection with the sale of visas. There was no evidence of official, institutional, or government involvement in trafficking.

Victims of trafficking who were in the sex trade faced the attendant health risks resulting from unsafe or unprotected sex. They usually were out on the streets day and night in all sorts of inclement weather. They generally did not go to health centers or doctors. Trafficking victims in the Tuscany region working in sweatshops possibly were exposed to dangerous chemicals in the leather industry. Due to the long hours they worked in close proximity to possibly dangerous machinery, there were health risks to life and limb.

The law provides temporary residence/work permits to persons who seek to escape their exploiters. Victims were encouraged to file complaints, and there are no legal impediments for them to do so. If a complaint is lodged, victims usually did not face prosecution for any laws they had broken. There was still some deportation of victims, particularly involving Nigerian prostitutes. Repatriated victims faced problems in their home countries, particularly in Nigeria and Albania. As more deportations occurred during the year, NGOs raised concerns about the recognition of victims' rights when the victims had broken immigration laws. The NGOs alleged that not enough time was allowed: Between apprehending illegal immigrants and deporting them; discovering if the people who had broken immigration laws also had been trafficked; obtaining information on their traffickers; and informing them of their rights as victims before they were deported.

The Government provided legal and medical assistance once a person was identified as having been trafficked. There were shelters and programs for job training. There also were assistance and incentive programs for those willing to return to their home country. New trafficking legislation created a separate budgetary category for victim assistance programs. The legislation also empowers magistrates to seize convicted traffickers' assets to finance legal assistance, vocational training and other social integration assistance to trafficking victims.

The Government, in conjunction with other governments and NGOs, worked to orchestrate awareness campaigns. New trafficking legislation directed the Foreign Ministry, together with the Equal Opportunity Ministry, to conclude additional anti-trafficking agreements with trafficking source countries.

KAZAKHSTAN

The Constitution of Kazakhstan concentrates power in the presidency. President Nursultan Nazarbayev was elected to a 7-year term in a 1999 election that fell far

short of international standards. President Nazarbayev was the dominant political figure. The Constitution permits the President to control the legislature and judiciary, as well as regional and local governments; changes or amendments to the Constitution require the President's consent. The law allows the President to maintain certain policy prerogatives and a seat on the Security Council after he leaves office. The Constitution limits Parliament's powers by precluding it from appropriating state money or lowering taxes without executive branch approval, although Members of Parliament (M.P.s) have the right to introduce legislation. Parliamentary elections in 1999 were an improvement over the presidential election, but fell short of the country's commitments as a member of the Organization for Security and Cooperation in Europe (OSCE). Maslikhat elections in September and October were marked by irregularities, and most analysts agreed that non-OSCE compliant electoral legislation disadvantaged opposition candidates. The judiciary remained under the control of the President and the executive branch, and corruption remained deeply rooted.

The Committee for National Security (KNB) is responsible for national security, intelligence, and counterintelligence. The Ministry of Interior (MVD) supervises the police. In September, the President appointed a civilian as Interior Minister for the first time in the country's history. Civilian authorities maintained effective control of the security forces. Members of the security forces committed human rights abuses.

The country undertook significant market-based economic reforms since independence: The Government privatized many businesses and industries, removed restrictions on currency convertibility, and allowed wage rates to be determined by market forces. The population was approximately 14.9 million. The economy was primarily driven by revenue from the country's vast energy and mineral resources. In June, the President signed a new Land Law allowing for private ownership. As of the second quarter, approximately 26.9 percent of the population lived below the minimum subsistence level, compared with 29.4 percent during the same period in 2002. Inflation was 6 percent, and the official unemployment rate was 8.2 percent during the year. Real GDP grew by 9.1 percent during the year.

The Government's human rights record remained poor, and it continued to commit numerous abuses. The Government severely limited citizens' right to change their government and democratic institutions remained weak. Members of the security forces, including police, tortured, beat, and otherwise mistreated detainees on some occasions. Some officials were punished for these abuses, including the first convictions under the 2002 amendment to the criminal code on torture. Prison conditions remained harsh; however, the Government took an active role in efforts to improve prison conditions and the treatment of prisoners. The Government continued to use arbitrary arrest and detention and selectively prosecute political opponents, and prolonged detention was a problem. Amendments to several laws governing the authority of prosecutors further eroded judicial independence. The Government infringed on citizens' privacy rights, and new legislation grants prosecutors broad authority to monitor individuals.

The Government continued to restrict freedom of the press. There were instances when the Government harassed independent media, including the convictions of two prominent independent journalists; as a consequence, some media outlets remained closed and many journalists practiced self-censorship. The Government restricted freedom of assembly and association and limited democratic expression by imposing restrictions on the registration of political parties. Freedom of religion improved during the year. National and regional officials worked to correct incidents when local authorities harassed nontraditional religious groups or their members; as a consequence, such incidents declined significantly during the year. Some human rights observers reported that the Government monitored their activities. Violence against women, including domestic violence, was a serious problem. Discrimination against women, persons with disabilities, and ethnic minorities remained problems. The Government discriminated in favor of ethnic Kazakhs. Child labor persisted in agricultural areas. Trafficking in persons, primarily teenage girls, was a problem, which the Government took steps to address.

RESPECT FOR HUMAN RIGHTS

Section 1. Respect for the Integrity of the Person, Including Freedom From:

a. Arbitrary or Unlawful Deprivation of Life.—There were no reports of political killings by the Government or its agents; however, there was at least one report that police used excessive force that led to a person's death. During the first 9 months of the year, the Government reported two deaths in the military that may have been the result of mistreatment but reported no details.

On July 1, off-duty Almaty police officer Bakhyt Krykbayev shot and killed 17-year-old Daniyar Beysov with his service firearm after an altercation on the street. On September 25, Krykbayev was charged with murder, and the Almaty Oblast court convicted Krykbayev of second-degree murder on October 23. The court sentenced him to 10 years in prison, although the prosecutor asked for a first-degree murder conviction and a 19-year sentence.

Daniyar Nagaybayev, a private in the Otar battalion in Zhambyl Oblast (province), died in early May. The press reported that Nagaybayev's sergeant killed him while disciplining him for disobedience. The sergeant allegedly hit Nagaybayev in the throat with the edge of his hand, leading to asphyxiation. The Government launched an investigation of this incident but reported no conclusions.

On June 19, the Prosecutor General again closed the case of the 2001 death of Kanat Beyimbetov, who died in a Turkestan hospital following an alleged beating in the custody of the KNB. The Government reported that Turkestan district KNB officers had violated the law and two officers were fired, but it brought no criminal charges against them. The MVD had previously closed the case, but the Prosecutor General reopened it in 2002.

On March 19, the head of the detention center and a medical assistant were convicted and received 2-year prison terms for criminal negligence in the September 2002 death in police custody of Vladislav Shishov. Two of Shishov's cellmates were arrested in December 2002 for beating him continuously for 4 days. On November 5, one of the cellmates, Ruslan Koturov, was convicted and sentenced to 6 years in prison.

In April 2002, police reported the identity of a suspect in the 2001 killing of Dilbirim Samsakovaya, director of a charitable Uighur foundation and a well-known Uighur community activist; however, no arrest had been made by year's end. Police stated earlier that they believed that the killing was related to Samsakovaya's personal or business dealings.

b. Disappearance.—There were no reports of politically motivated disappearances.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The Constitution prohibits such practices; however, police at times tortured, beat, and otherwise abused detainees, often to obtain confessions. Prison officials beat and mistreated prisoners; human rights observers reported that beatings and abuse of prisoners increased during the year.

A law commonly referred to as the Humanization of Criminal Justice Law expands the definition of torture and criminalizes the deliberate infliction of physical or psychological suffering by an investigator or other official aimed at extracting a confession. The 2002 law, developed with assistance from human rights groups, also amended the Criminal Code to provide for more extensive use of alternative sentencing by reclassifying punishment requirements for more than 100 crimes.

In August, the first known conviction under the new torture section of the Criminal Code occurred when the Terektin district court (in Western Kazakhstan Oblast) convicted police officers Ruslan Burpiyev and Baurzhan Sarsenov for torturing in 2002 two brothers, Azamat and Zhasulat Sadykov. The police officers received a 2-year suspended sentence, although the maximum sentence for torture not involving grave injury or death under the new law is 5 years' imprisonment. The torture in this case involved beatings and placing a plastic bag over one of the brothers' head to force a confession. Prosecutors told the media that the officers resorted to torture because they knew of no other way to investigate the crime.

In early December, the Uralsk City Court convicted police officers Yerlan Bisembayev and Dmitriy Topchiy for torturing teenager Maksim Chastukhin in August 2002. The criminal case was opened 1½ months after Bisembayev and Topchiy had broken Chastukhin's back during an interrogation; the two officers were arrested in January. Before the conviction, human rights activists alleged that the court was allowing a senior law enforcement official, the father of one of the defendants, to influence improperly the case. Bisembayev was sentenced to 1 year in prison, Topchiy to 1½ years in prison.

Army personnel continued to subject conscripts to brutal hazing, including beatings and verbal abuse. There were two reported cases of a death resulting from mistreatment in the military (see Section 1.a.). The December 2002 Humanization of Criminal Justice Law strengthened sections of the Criminal Code relating to hazing. The military began providing statistics for the first time during the year on the extent of mistreatment in its ranks. The Main Military Prosecutor reported close to 100 suicides among conscripts during the year. The Army reported that 128 hazing cases were opened during the first 9 months of the year, 13 of which were classified as particularly severe. In the first 6 months of the year, 50 service members were convicted of hazing; and the Government reported that in 2002 military courts con-

victed 275 individuals of hazing or abuse. No further details were available on the circumstances of any of these cases, the victims involved, or the names of those convicted. The Government continued a training program for military forces on social and legal issues, which included mandatory anti-hazing training, and in September, it established oversight at the Ministry level of psychological services in each army unit.

Prison conditions remained harsh and sometimes life threatening. Mistreatment occurred in pretrial detention facilities and in prisons, and nongovernmental organizations (NGOs) and international organizations reported that abuses of prisoners began to increase after the head of the penitentiary system was replaced in May. Guards were poorly paid and often did not have sufficient experience to supervise large groups of prisoners. Violent crime among prisoners was common. During the year, the number of prisoners declined significantly. At year's end, there were 49,300 prisoners in facilities designed to hold 70,590. At the end of 2002, there were approximately 65,000 prisoners. Much of the decrease was associated with the 2002 Humanization of Criminal Justice Law, which prescribes punishments other than imprisonment for more than 100 crimes.

Human rights groups estimated that approximately one-third of prison administrators were replaced following the appointment of a new head of the prison system in May, after which mistreatment in some prison facilities began to rise. The Ministry of Justice (MOJ) oversees the prison system and took an active role in reforms beginning in 2002 to improve prison conditions, including through an extensive rehabilitation program of facilities, and began an extensive program of human rights training for prison system administrators in each oblast. The training, implemented in conjunction with international organizations, required prison administrators to conduct a gap analysis between international human rights standards and the practices of their facilities by 2004.

In the past several years, the adequacy of prison diets and availability of medical supplies improved. In addition, the Government initiated training programs for prison medical staff. There were 5 tuberculosis colonies and 3 tuberculosis hospitals for prisoners; 6,480 prisoners were housed in the colonies. While the incidence of tuberculosis stabilized, HIV/AIDS was a growing problem. The Government, together with the U.N. Development Program, continued during the year the implementation of a project to prevent HIV/AIDS and other sexually transmitted diseases in penitentiaries.

Prisoners were permitted to have visitors, although the number and duration of visits depended on the security level of the prison and the type of sentence received. This could range from unlimited visits of short- (3 hours) and long-term (up to 3 days) duration for some prisoners to two each of short- and long-term duration a year for prisoners at maximum-security facilities. Prisoners have the right to use telephones and generally were able to do so, although there were reports that prison officials sometimes denied the use of telephones in politically sensitive cases (see Section 1.d.).

Prisoners were held in close proximity, barracks-style facilities; however, a government program to build new correctional facilities and rehabilitate existing facilities continued throughout the year. In April, construction and rehabilitation began on penitentiaries in the Solnechniy village of Eastern Kazakhstan Oblast, the Zhem village in Aktobe Oblast, and the cities of Taraz and Kyzl-Orda. Plans were finalized, and funds committed, for a new prison facility in Pavlodar designed to hold prisoners sentenced to life terms, although construction did not begin by year's end. Approximately 50 percent of the prison population served their terms in facilities that, contrary to the law, were not near their places of residence.

The prison system under the MOJ consisted almost exclusively of dormitory-style penitentiaries (including general, maximum-security facilities, women's, and juvenile facilities). There were separate facilities for men and women, and juveniles were held separately from adults. There were no special prisons for political prisoners. The pretrial detention system has a capacity of 14,900 inmates. Conditions and treatment in pretrial facilities remained harsh, although the Ministry actively participated in training seminars on international human rights standards for the directors of such facilities. There was also one maximum-security prison (Arkylyk).

The MVD continued to administer both pretrial detention facilities and police detention facilities, which were separate from facilities for convicted criminals administered by the MOJ (see Section 1.d.). Although the Minister of Interior stated in 2002 that such facilities were a key tool of investigators in uncovering crimes and therefore should stay under the MVD, the President announced in September that pretrial detention facilities would also be transferred to the MOJ, and the process was nearly complete by year's end. In anticipation of their move to the MOJ, pretrial detention facilities began, on a limited basis, to implement standards similar

to those in the prison system during the year. In July, the first visiting room in a pretrial detention facility opened in Pavlodar.

Incidents of self-mutilation in prisons to protest conditions increased in frequency and severity during the latter part of the year. The Government reported that in the first 9 months of the year 41 incidents of self-mutilation occurred, 15 of which involved multiple prisoners. Authorities did not release statistics on similar incidents in pretrial detention facilities. On February 11, one prisoner reportedly died of a self-inflicted wound and 39 other prisoners mutilated themselves during the course of a riot at a prison in Taraz. On October 24, one prisoner, Andrey Pashkov, died as a result of a self-inflicted wound and 60 other prisoners mutilated themselves to protest the severe beatings that they reported receiving for months at the Arkylyk maximum security prison. In general, the Government responded to incidents of self-mutilation by insisting that prisoners had simply been demanding unreasonable rights or not following the legitimate rules of the institutions in which they were held.

In September, prisoners held at a maximum security colony in Astana began rioting, and relatives reported that scores of MVD officers entered the facility to restore order and severely beat prisoners. Several of the prisoners attempted suicide as a consequence. In one case, the administration of the facility reportedly refused to call an ambulance. The prison warden did not permit reporters entry into the prison and denied the riot and attempted suicides. Later, the head of the prison system confirmed a suicide attempt and told reporters that an investigation would be launched. By year's end, there was no evidence that authorities conducted a serious investigation, and the Government brought no charges. The prison administration reported that it took unspecified disciplinary actions.

Although there is no known statutory requirement, human rights observers and journalists wishing to visit prisons must receive authorization; observers and journalists reported that authorities increasingly denied such requests. The MVD usually denied access to pretrial detention centers. The Kazakhstan International Bureau for Human Rights and Rule of Law visited men's, women's, and juveniles' facilities during the year, although they also reported that their requests were denied more often in the second half of the year.

d. Arbitrary Arrest, Detention, or Exile.—The Constitution prohibits arbitrary arrest and detention; however, arbitrary arrest and detention remained problems. In February, the Chairman of the Constitutional Council stated that 3,788 groundless arrests were recorded in 2002.

The KNB also play a law enforcement role in border security, internal security, and anti-terrorism efforts and oversee the external intelligence service, Barlau. The Chairman of the KNB reports directly to the President. The Minister of Interior supervises the national police force, who were poorly paid and widely believed to be corrupt. However, a new Minister of Interior, appointed in September, took steps that had an impact on corruption, particularly among traffic and migration police. The Minister assigned high-salaried Internal Security officers in the capital and in all regional police stations around the country and set up widely publicized phone numbers for citizens to call to report complaints about police.

Government officials acknowledged the seriousness of the problem of police abuse and undertook some efforts to combat it, for example, by punishing violators through the criminal justice system. According to the Government, during the first 9 months of the year, courts considered 41 criminal cases, involving 63 law enforcement officers, for violations of citizens' rights. Of those cases, 19 law enforcement officers were convicted, with sentences ranging from fines to imprisonment. Human rights observers believed that these cases covered only a small fraction of the incidents of police abuse of detainees, which they characterized as routine. Training standards and pay for police were very low, and individual law enforcement officials often were supervised poorly. Minimum pay for law enforcement during the year was \$40 (5,600 Tenge) per month, while average salaries were \$130 (18,288 Tenge). Law enforcement officers noted in 2001 that beatings by officials were common in pretrial detention facilities (see Section 1.d.).

The Constitution provides that arrests and detentions may occur only with the sanction of a court or a prosecutor. Human rights observers alleged that police routinely failed to register the name of a person arrested in order to extend the maximum 72-hour period that a person could be held without the approval of the prosecutor.

The Constitution also provides that every person detained, arrested, or accused of committing a crime has the right to the assistance of a defense lawyer from the moment of detention, arrest, or accusation (see Section 1.e.). Police were not required under the law or in practice to inform detainees that they had the right to an attorney. Human rights observers alleged that law enforcement officials dis-

suaed detainees from seeing an attorney or gathered evidence through preliminary questioning before the person's attorney arrived and the formal interrogation began.

A bail system exists but was rarely used, and individuals generally remained in pretrial detention until their trial. According to the Government, 45 persons were released on bail during the first 9 months of the year, a slightly lower figure than in the previous 2 years.

The Government arrested and detained government opponents and critics, sometimes for minor infractions of the law such as unsanctioned assembly, and selectively prosecuted political opponents (see Sections 1.e., 2.a., and 2.b.).

On January 28, the Karasay district court in Almaty Oblast convicted journalist Sergey Duvanov on a rape charge and sentenced him to 3½ years in prison, on charges that observers considered politically motivated and after a trial with serious procedural irregularities (see Sections 1.e. and 2.a.).

On September 11, the Government filed tax evasion charges against the leader of the Republican National People's Party (RNPK), Amirzhan Kosanov (see Sections 1.e. and 3). On October 13, a district court in Almaty convicted him and gave him a 1-year suspended sentence and fine of approximately \$2,670 (374,000 Tenge). Kosanov appealed the verdict, but the appeal had not been heard by year's end. The charges were the latest in a pattern of harassment and politically motivated charges against him.

In November, Yermurat Bapi, the editor of SolDat, a newspaper affiliated with RNPK, was separately convicted of tax evasion (see Sections 1.e. and 2.a.). The Government opened 16 lawsuits against Bapi during his editorship of SolDat. On January 13, tax police filed forgery charges against him, which were later dismissed, and the Government also brought tax evasion charges against him and the newspaper in 2002.

There were credible reports of arbitrary detention of members of the political opposition (see Section 1.e.).

In the summer of 2002, the Government tried and convicted two founding members of the Democratic Choice for Kazakhstan (DVK) movement, Mukhtar Ablyazov, former Minister of Energy, and Galymzhan Zhakiyanov, former Akim (Governor) of Pavlodar Oblast (see Sections 1.e. and 3). Their arrests came years after the alleged crimes (abuse of power and corruption) were committed, but only months after Ablyazov and Zhakiyanov founded an opposition political movement. The Government maintained that their prosecutions were simply an effort to punish corrupt officials. However, on May 17, the Supreme Court found former Minister of Transport and Communications, Ablay Myrzakhmetov, guilty of stealing approximately \$8.2 million (1.15 billion Tenge) of state funds. Although the monetary value of the alleged crime was far higher than in either Zhakiyanov's or Ablyazov's case, Myrzakhmetov received a 5-year suspended sentence and 3 years' probation.

Police reportedly often detained foreigners without official charges, sometimes mistreating them. The Kyrgyz press reported that police held 500 Kyrgyz, Uzbek, and Tajik citizens accused of illegal migration in jail for 4 days without food and deported them, with police firing into the air to force them to leave.

In July, authorities released on parole Oleg Okhulkov, a lawyer known to provide legal assistance to opposition figures who was held in pretrial detention for 16 months before being convicted in 2002 for fraud in connection with a civil suit. The Supreme Court turned down his appeal of his conviction on December 26.

The law sanctions pretrial detention. The Constitution allows police to hold a detainee for 72 hours before bringing charges. The Criminal Procedure Code allows continued detention for much longer periods with the approval of the Prosecutor General; lower-ranking prosecutors may approve interim extensions of detention. The Criminal Procedure Code allows persons to be held for up to 1 year in pretrial detention facilities after they have been charged while awaiting trial, with the sanction of the prosecutor. There were no reports that authorities detained suspects longer than the legal limits, although individuals could still be held for weeks or months.

The number of persons in pretrial detention facilities continued to decline during the year. Fewer than 10,000 were held in pretrial detention centers during the year, a reduction of several thousand from previous years. Local human rights NGOs reported that authorities generally denied them access to pretrial detention facilities.

The Constitution prohibits forced exile, and the Government did not employ it.

e. Denial of Fair Public Trial.—The court system's independence was compromised by legislative, administrative, and constitutional arrangements that in practice subjugate the judiciary to the executive branch of government. In 2002, new legislation covering the authority of prosecutors went into effect, further undermining the independence of the judiciary. The new law grants a quasi-judicial role to the Prosecutor General by, among other provisions, allowing him and his deputies

to suspend court decisions. There was no time period specified for referral to the court for a retrial.

Corruption was evident at every stage and level of the judicial process. Lawyers and human rights monitors alleged that judges, prosecutors, and other officials solicited bribes in exchange for favorable rulings in nearly all criminal cases. Nonetheless, judges were among the most highly paid government employees. District court judges earned approximately \$325 (45,540 Tenge) per month and oblast court judges earned almost \$550 (75,900 Tenge) per month; Supreme Court judges could earn more than twice that amount. In 2002, according to the Supreme Court, nine judges were charged with bribery and abuse of office, four of whom were convicted.

There are three levels in the court system: District, oblast, and the Supreme Court. District courts are the court of first instance in nearly all criminal cases. Oblast courts hear cases involving more serious crimes—those that carry a possible death penalty—and may handle cases in rural areas where no local courts were organized. Judgments of the district courts may be appealed to the oblast courts, while those of the latter may be appealed to the Supreme Court. There are also military courts.

According to the Constitution, the President proposes nominees for the Supreme Court to the upper house of Parliament (the Senate) through the Supreme Judicial Council, which includes the Chairman of the Constitutional Council, the Chairman of the Supreme Court, the Prosecutor General, the Minister of Justice, senators, judges, and other persons appointed by the President. The President appoints oblast judges (nominated by the Supreme Judicial Council) and local level judges from a list presented by the MOJ. The list was based on recommendations from the Qualification Collegium of Justice, an institution made up of deputies from the lower house of Parliament (the Mazhilis), judges, public prosecutors, legal experts, and MOJ officials. The President appoints the Collegium chairman.

The law provides for life appointment of judges, although in practice this means until mandatory retirement at age 65. A 2000 law establishes procedures to remove judges and specifies that the Chairman of the Supreme Court can initiate disciplinary cases against judges; Oblast Court Chairmen may initiate the procedure for judges within an oblast. Judicial collegiums review the cases and can recommend dismissal. Presidential decrees make dismissal decisions, except in cases of members of the Supreme Court, for whom the Senate must confirm a presidential proposal for dismissal. The law lists the grounds for which a removal action can be taken.

The Constitution provides for the Constitutional Council to rule on election and referendum challenges, to interpret the Constitution, and to determine the constitutionality of laws adopted by Parliament. The President directly appoints three of its seven members, including the chairman, and has the right of veto over Council decisions. The Council can overturn a presidential veto if at least two-thirds (five) of its members vote to do so. Therefore, at least one presidential appointee must vote to overturn the President's veto for the Council to overrule the President. Citizens do not have the right to appeal to the Council regarding the constitutionality of government actions, although they were allowed to make such appeals to the former Constitutional Court. Under the Constitution, only the President, Chairman of the Senate, Chairman of the Mazhilis, Prime Minister, one-fifth of the M.P.s, or a court of law may appeal to the Constitutional Council. The Constitution states that a court shall appeal to the Council if it "finds that a law or other regulatory legal act subject to application undermined the rights and liberties of an individual and a citizen."

The Constitution and the law establish the necessary procedures for a fair trial; however, trials often were not fair in practice. Trials were public with the exception of instances in which an open hearing could result in state secrets being divulged, or when the private life or personal family concerns of a citizen had to be protected. However, there were several reports during the year of journalists being denied access to open court hearings. The Constitution provides defendants the right to counsel and requires the Government to provide an attorney free of charge for those who cannot afford one. However, there was no system of public defenders, and as a consequence, lawyers were reluctant to take state-assigned cases when the Government often did not provide payment for their services. An MOJ official acknowledged in a November interview that defense attorneys participated in only half of all criminal cases, although he added that the Government was taking steps to improve the situation, including through the allocation of more than \$1.2 million (174 million Tenge) during the year to pay defense attorneys.

The Constitution also provides defendants the right to be present at their trials, to be heard in court, and to call witnesses for the defense. Defendants enjoy a presumption of innocence, are protected from self-incrimination, and have the right to appeal a decision to a higher court. Legal proceedings were conducted in the state

language, Kazakh, although Russian may also be used officially in the courts. Proceedings also may be held in the language of the majority of the population in a particular area. Although these language rights were generally respected, courts favored the prosecution over the defense in most other procedural matters.

At the Supreme Court's annual meeting on February 14, the Court announced that 130 verdicts by lower courts were found to be invalid in 2002. In January, the Chairman of the Supreme Court stated that more than half of the Supreme Court's reversals of verdicts were based on the inadequacy of the evidence presented in court. He also complained that lower courts convicted defendants despite procedural violations during the proceedings. He added that oblast courts were increasingly failing to reverse incorrectly decided lower court verdicts.

During the October trial of RNP leader Amirzhan Kosanov, the judge did not compel key defense witnesses to appear, and the prosecution did not provide an accounting of the alleged tax liability (see Sections 1.d. and 3).

On March 11, on appeal by both the defense and prosecution, the Almaty Oblast Court affirmed the 3½ year prison term of the journalist Sergey Duvanov but changed the charge to the rape of a minor (see Section 2.a.). At the sentencing, the presiding judge noted procedural violations during the trial. Independent legal experts, at the behest of the OSCE Chairman-in-Office, concluded that the trial had included serious procedural violations, that there was insufficient evidence for a conviction, and that the defense's theory of government entrapment had not been disproven. In December 2002, the President publicly declared that Duvanov was guilty, denying him the right to the presumption of innocence and harming his chances for a fair trial. In July, the collegium of the oblast court refused to send the case back to either the oblast or the district court to investigate possible procedural violations. On October 22, the Supreme Court refused to consider Duvanov's appeal, insisting that proper procedures were followed throughout the investigation and the trial. On December 29, a court ordered Duvanov's release on parole; according to parole procedures, he was first transferred on December 30 to a light regime facility, where he remained in custody at year's end. A further appeal of the criminal charge remained pending at year's end.

Both domestic and international observers at the 2002 trials of political opponents Galymzhan Zhakiyanov and Mukhtar Ablyazov reported that both the judicial process and the judges themselves, particularly in the case of Zhakiyanov, heavily favored the State's case (see Sections 1.d. and 3). The judges applied the force of subpoena during the trials only to prosecution witnesses, and many of the witnesses, primarily government officials, stated during testimony in court that they had been intimidated during the investigation by the threat of legal action. Many witnesses also contradicted in court their testimony during the investigations. The judges denied most motions filed by the defense.

At year's end, Zhakiyanov remained in a prison facility in Kostanay Oblast. He appealed for a presidential pardon in August; however, the pardon committee announced in October that it had suspended consideration of his pardon pending the investigation of possible new corruption charges that the Government claimed had only just then surfaced. Ablyazov was released from prison on May 13 after applying for a presidential pardon the month before. At a press conference the day after his release, Ablyazov announced that he would devote his time to his businesses and refrain from active participation in politics. President Nazarbayev had stated before the Zhakiyanov and Ablyazov trials that he would consider exercising his constitutional power of pardon should the courts find them guilty and should they ask him for it.

There were no other reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The Constitution prohibits such actions; however, the Government at times infringed on these rights. The Constitution provides that citizens have the right to confidentiality of personal deposits and savings, correspondence, telephone conversations, postal, telegraph, and other messages; however, laws allow prosecutors to approve limitations of these rights when they are necessary for investigative purposes. Courts may hear an appeal on such decisions by prosecutors, but cannot issue an immediate injunction to cease the limitation of rights.

The law provides prosecutors with great authority to limit citizens' constitutional rights. The KNB, Ministry of Interior, Financial Police, and other agencies, with the concurrence of the Prosecutor General's Office, maintained their authority under the new law to infringe on the secrecy of writings, telephone conversations, telegraphic communications, and postal dispatches, as well as the inviolability of the home. The new law expanded that list to include access to confidential bank records, the freezing of bank assets, and explicit authorization to record conversations secretly and to wiretap and record communications by telephone and other devices. The Criminal

Procedure Code continues to allow for investigative measures affecting the legally protected secrecy of telephonic conversations without a prosecutor's warrant only in certain urgent cases; in such cases, the Prosecutor is to be notified of the interception of conversations within 24 hours. The new law adds the explicit definition of methods.

On occasion, government opponents reported that the Government monitored their movements and telephone calls. After a court found opposition activist Nurbulat Masanov guilty of slander in 2002 based on comments on a tape originating from an alleged wiretap on his cellular phone, and ordered him to pay a fine and publish an apology, a criminal contempt case was opened against him for failure to fulfill the sentence. In July, the case was closed even though Masanov did not pay the fine and did not publish an apology.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution and the Media Law provide for freedom of speech and of the press; however, observers reported that after the Government eliminated most media outlets willing to directly criticize the President in 2002 through a variety of means, including criminal and administrative charges, physical attacks, and vandalism, these events continued to have a chilling effect on journalists, most of whom practiced self-censorship. Judicial actions against journalists and media outlets continued during the year, including civil suits filed by government officials, and contributed to journalistic caution.

According to government statistics, there were 947 privately owned newspapers and 380 privately owned magazines, compared with 841 and 319, respectively, in 2002. The Government ran one of the two national Russian-language newspapers and the only national Kazakh-language newspaper that appeared as many as five times a week. In addition, members of the President's family were believed to control a number of privately owned media. Many newspapers that nominally were independent, particularly Kazakh-language print media, received government subsidies. Each major city had at least one independent weekly newspaper. The centrist opposition Ak Zhol political party continued to publish two national weeklies during the year. The Government continued to be in a strong position to influence most printing and distribution facilities and to subsidize periodicals, including many that supposedly were independent. In addition, many publishing houses were government-owned.

The Government controlled nearly all broadcast transmission facilities. There were 101 independent television and 35 radio stations, compared with 77 and 35, respectively, in 2002. Only three combined radio and television companies could broadcast nationwide; of these, one was completely government-owned, one was 50 percent government-owned, and one was nominally independent. Regional governments own several frequencies; however, independent broadcasters have arranged with local governments to use the majority of these. There were several electronic media organizations, including the Association of Independent Electronic Media of Central Asia and the National Association of Broadcasters.

The extent of government influence over mass media was not clearly defined. Many media outlets considered to be independent were controlled by holding companies that did not make public the names of their controlling investors. Most independent observers believed that members of the President's family and close circle of friends controlled all of the large media outlets through holding companies. However, according to government statistics, there were 1,915 mass media and information agencies in the country as of October, nearly 80 percent of which were privately owned. Officially, the national Government completely controlled only one Kazakh-language newspaper, one Russian language newspaper, one national radio and television station, and one news agency.

The 2001 Media Law amendments limit the rebroadcast of foreign-produced programming by imposing a graduated reduction in rebroadcast of foreign programming: 50 percent beginning January 2002 and 20 percent by the beginning of the year. No media outlets were sanctioned under this provision during the year, although several were in 2002 under the more lenient requirement.

The Media Law reaffirms the constitutional provision for free speech and prohibits censorship; however, the law enabled the Government to restrict media content. For example, amendments enacted in 2001 codify the constitutional prohibition on the mass media from undermining state security or advocating class, social, race, national, or religious superiority or "a cult of cruelty and violence." The amendments also establish that owners, editors, distributors, and journalists may be held civilly and criminally responsible for content, regardless of the source of information, unless it came from an official source. The law also prohibits violence and all pornography from television broadcasts; and it requires all media to register with

the Government, although websites were exempted from this requirement. During the year, there was wide public debate on the Government's proposal for a new Media Law. The draft law was submitted to Parliament on August 26. Parliament's lower house proposed hundreds of changes to the draft law, and then passed a modified version of the law on December 25; the Senate had taken no action on the law by year's end. Both international organizations and a wide range of local NGOs and professional associations maintained that the Government's draft would further restrict media freedom and would not meet OSCE commitments.

The Government did not permit individuals to criticize the country's leadership, and regional leaders increasingly sought ways to limit local media outlets' criticism of them. The Constitution provides for the protection of the dignity of the President, and the law prohibits insulting the President and other senior officials.

From July to October 2002, independent journalist Sergey Duvanov was the subject of an investigation under a section of the Criminal Code that prohibits insulting the honor and dignity of the President (see Section 1.d.). The investigation stemmed from a May 2002 article Duvanov had published on an opposition website criticizing the President. The article also referred to allegations of corruption by the President that had appeared elsewhere. No charges were formally filed as a result of this investigation. Duvanov was also the victim of an August 2002 attack by three unknown persons, who carved a cross and several other marks on his chest and allegedly told him that he was aware of why they were attacking him. President Nazarbayev denounced this attack, calling it a provocation. No arrests were made in the case by year's end. On January 28, a court convicted Sergey Duvanov on a rape charge and sentenced him to 3½ years' imprisonment, after a trial with serious procedural irregularities (see Section 1.e.). Duvanov remained in custody at year's end, although he was transferred to a light regime facility on December 30. International organizations and human rights groups were critical of the rape charge and pressed the Government to honor Duvanov's right to due process. Media outlets and journalists viewed the series of events that befell Duvanov as evidence of the risk inherent in criticizing the President.

In 2002, almost all media outlets willing to criticize the President directly were either closed, intimidated, or the subjects of law enforcement actions and/or civil suits. While these events continued to cast a chilling effect on all media outlets, criticism by national media outlets of almost all of the national Government's policies was reported during the year. Those outlets critical of the President that remained during the year continued to be the subjects of harassment and judicial actions.

On June 3, the Almaty city Court rejected a complaint by the Assandi Times that the Ministry of Information repeatedly rejected the registration of the newspaper's owner on frivolous grounds. The company of the newspaper's previous owner had been liquidated by a court ruling on January 21. On July 2, police in Rudniy (Kostanay Oblast) detained a distributor of the Assandi Times and Soz newspapers, informing him that they were illegal. The Assandi Times had the same editorial staff as two other opposition newspapers: Respublika and Ekonomika, Finansy i Rynki. The newspaper continued to change its name to avoid what it termed illegal judgments against it. In May 2002, a court ruling liquidated Respublika's parent company, PR Consulting. In 2002, following Respublika's publication of articles cataloging allegations of corruption against the President and his circle, the newspaper and its editor, Irina Petrushova, were subjected to an intense campaign of intimidation, including a decapitated dog with an attached threatening note left at the newspaper and a dog's head with another note left at Petrushova's home. In May 2002, Respublika's Almaty offices were firebombed; authorities announced in July 2002 that one of the newspaper's cofounders had masterminded the attack. Petrushova was convicted of licensing violations in July 2002, although her prison term was suspended.

In August, the Almaty city court convicted Sharip Kurakbayev, editor of the opposition Soz newspaper, of covering political issues, which prosecutors had charged violated the newspaper's charter. The court fined Kurakbayev nearly \$125 (17,440 Tenge) and ruled that the newspaper print runs of May 7 and May 14 be confiscated.

In September, police seized copies of Ekonomika, Finansy i Rynki from a private printing house in Almaty, although they had no authority to do so. Some journalists alleged that the KNB or tax police threaten publishing houses if they print opposition media; concern over criminal or civil proceedings influenced publishing houses. In February and March 2002, Respublika newspaper could not find printing presses in Almaty and Astana to publish it, after it had given extensive coverage to a convention of an opposition political movement (DVK). The Al Zhayik printing house in Atyrau that printed the newspaper of the same name, as well as other newspapers in the oblast, was firebombed in May 2002. Police arrested a suspect, who

confessed that he accidentally firebombed the newspaper while intoxicated. In late March, the Atyrau City Court convicted him and sentenced him to 2 years in prison and ordered him to receive treatment for alcoholism.

On November 17, an Almaty district court convicted Yermurat Bapi, editor-in-chief of the opposition newspaper SolDat and a member of the executive committee of the RNPk, of tax evasion and barred him from practicing journalism for 5 years. The Almaty Financial Police and Tax Committee filed the charges against the newspaper in April, announcing that it had failed to pay approximately \$480,000 (67.5 million Tenge) in taxes, although the assessment was lowered when the case came to trial. On April 28, an Almaty district court ruled against the newspaper in a libel lawsuit filed by an M.P. and awarded the M.P. \$10,700 (1.5 million Tenge). On May 22, the Almaty City Court increased the amount of that judgment to \$28,500 (4 million Tenge), forcing the newspaper to close. In May 2002, the Almaty offices of the newspaper were attacked, resulting in the theft of equipment and the hospitalization of one of SolDat's employees. In 2001, an Almaty district court convicted Bapi of insulting the honor and dignity of the President for two articles printed in SolDat in 2000.

The law establishes that the amount of time television and radio stations broadcast in the state language (Kazakh) must not be less than the sum of the quantity of transmissions in other languages. The Ministry of Information (which was established during the year after the reorganization of the Ministry of Culture, Information, and Public Accord) monitored compliance with this requirement, to be enforced from the beginning of 2002. The Ministry did not sanction violators during the year, but had done so in 2002 with 6-month license suspensions.

Officials used the law's restrictive libel and defamation provisions to force media outlets to refrain from publishing information deemed unflattering. Both the Criminal and Civil Codes contain articles establishing broad libel liability. Owners, editors, distributors, and journalists were held responsible for the content of information conveyed and had the burden of proving its veracity, regardless of its source, which promoted self-censorship at each level. At times, fines for libel were exorbitant and bankrupted small media outlets. Publishing houses, which also were responsible legally for the information that they publish, were reluctant to publish anything that influential officials might perceive as undesirable. Senior-level officials initiated several of these judicial actions.

In May, Rakhat Aliyev, the President's son-in-law and the country's ambassador to Austria and the OSCE, filed a defamation suit for an April 25 article published in the Assandi Times that speculated about Aliyev's possible future government positions. On July 1, an Almaty district court awarded Aliyev approximately \$2,140 (300,000 Tenge), although he had sought \$71,400 (10 million Tenge) as compensation for moral damage. In 2002, Aliyev sued the Navigator website and the NGO Internews for libel. Navigator had published an article in September 2002 speculating that Aliyev was plotting to seize power. On January 15, the Almalinskiy district court in Almaty ruled in favor of Aliyev; the judge awarded him \$2,140 (300,000 Tenge), even though the website had already published a retraction. On February 27, the Almaty City court upheld the ruling. Internews published a story in 2001 in its web-based bulletin repeating allegations that Aliyev and his wife, Dariga Nazarbayeva (the President's daughter), controlled several TV and radio networks in the country. In August 2002, Internews was forced to publish a retraction when it lost its case, and exhausted its appeals.

On December 23, an Almaty court began hearing a criminal libel case against journalist Genadiy Benditskiy of the national newspaper Vremya. The charges were based on a complaint by former Minister of Energy Asygat Zhabagin, who objected to two articles Vremya published in November. The articles alleged that the organization that Zhabagin headed held bank accounts containing approximately \$1.5 million (2.15 million Tenge) in state funds that had been allocated for another purpose. No decision on the criminal case was reached by year's end.

Freedom of speech groups claimed that actions against regional news outlets increased during the year. In February, a police officer in Kostanay filed a defamation lawsuit against KTK Television reporter Yuriy Khalikov for a comment he allegedly made on air. In March, a Kostanay court ruled in favor of the state gas company in another libel case against Khalikov. In April, police took Khalikov to a psychiatric institution and released him after 1 hour. On April 21, the oblast Governor (Akim) held a press conference to deny that Khalikov was singled out for official harassment and called for libel cases to be settled out of court. Khalikov and his police officer accuser settled their libel case out of court in September.

In June, multiple court rulings against Vesti Pavlodara forced the newspaper to close. Pavlodar police filed one of the libel lawsuits for a 2002 article on the case

of Kanat Tusupbekov of Irbis Television. The winning candidate in the December 2002 parliamentary by-election filed a second libel lawsuit (see Section 3).

In September, 34 bailiffs filed civil suits against the Taraz (Zhambyl Oblast) newspaper *Noviy Region* for an article that they alleged had criticized their work.

Media outlets generally practiced self-censorship regarding information on the President and his family to avoid possible legal problems. The section of the Criminal Code that prohibits insulting the honor and dignity of the President remained on the books, although it was not used since an investigation of independent journalist Sergey Duvanov began in July 2002 and after the President pronounced it unnecessary in August 2002. Most media did not report the story, which had been widely reported internationally, about foreign investigations into possible illicit payments from abroad to senior government officials, including President Nazarbayev. Local media outlets, when they did report on the case, informally dubbed it *Kazakhgate*.

The State Secrets Law establishes a list of government secrets, the release of which is proscribed in the Criminal Code. For example, the law defines certain foreign policy information as secret if disclosure of this information might lead to diplomatic complications for one of the parties. The list of state secrets enumerated in the law includes all information about the health, financial, and private life of the President and his family. Also defined as state secrets is economic information such as the volumes of national mineral reserves and the amount of government debt owed to foreign creditors.

The Media Law defines websites based in the country as media outlets. During the year, the content of websites was material in libel lawsuits and criminal charges. The Government periodically blocked clients of the two largest Internet providers, Kaztelecom and Nursat, from direct access to several opposition websites, including *Evrasia*, *Navigator*, and *Kub*, although access was still available through anonymous proxy servers.

The Government generally did not restrict academic freedom; however, as was the case for journalists, academics could not violate certain restrictions, such as criticizing the President and his family.

b. Freedom of Peaceful Assembly and Association.—The Constitution provides for freedom of assembly; however, the Government and the law impose significant restrictions on this right. The Law on National Security defines as a threat to national security unsanctioned gatherings, public meetings, marches, demonstrations, illegal picketing, and strikes that upset social and political stability.

Under the law, organizations must apply to the local authorities for a permit to hold a demonstration or public meeting at least 10 days in advance, or the activity is considered illegal. In some cases, local officials routinely issued necessary permits; however, opposition and human rights monitors complained that complicated procedures and the 10-day notification period made it difficult for all groups to organize public meetings and demonstrations. They also reported that local authorities, especially those outside *Almaty*, turned down most applications for demonstrations in central locations. During the year, certain religious groups were denied permits for conventions or large public gatherings. Organizers of unsanctioned gatherings, including religious gatherings, frequently were detained briefly and often fined (see Section 2.c.).

On May 14, police detained 58 participants in an unsanctioned rally in the town of *Kentau* in Southern Kazakhstan Oblast. Court proceedings were held against 18 of the 58. The judge reportedly did not allow any of the 18 to present a defense and fined each of the 18.

The Constitution provides for freedom of association; however, the Government and the law imposed significant restrictions on this right. Any public organization set up by citizens must be registered with the MOJ, which also has branches in each of the oblasts. Participation in activities of non-registered public organizations can result in administrative or even criminal liability. Membership organizations, such as religious groups and many others, must have 10 members and establish branches in more than half of the oblasts (there were 14 oblasts; *Almaty* and *Astana* cities were special administrative districts with the status of oblast, making 16 such districts in all) for national registration. Registration at the local level required a minimum of 10 members. Political parties and labor unions were considered membership organizations, but each had specific registration requirements established by legislation. The Political Parties Law requires parties to have 50,000 members, including 700 in each oblast.

The law does not clearly define nonmembership organizations, generally NGOs, as a group. Different laws define different categories, including noncommercial organizations and public associations. The Government put forward a draft law during the year that would have defined an NGO as an organization that works for the

public good and does not engage in political activity. NGOs almost universally spoke out against the draft, and the Government withdrew it in October. The Government also created a Civic Forum of NGOs during the year, which some viewed as an attempt to increase government control over NGOs.

A registration fee of approximately \$115 (16,460 Tenge) was required for both membership and nonmembership organizations; half that amount was required for reregistration, which became necessary if the organization changed its charter, its address, or its leadership. Most organizations had to hire lawyers or other consultants to expedite their registrations through the bureaucracy, which increased the registration cost considerably. Some groups considered these costs to be a deterrent to registration. Government regulations provide that registration be granted within 15 days; however, local NGOs reported that registration often took 1 month to a year because the Government may return applications for additional information or require investigations into certain portions of the application. The registration of some religious groups took much longer than 1 year (see Section 2.c.).

Authorities often did not object to the existence of groups that were not formally registered as organizations. However, the prohibition on unregistered organizations could provide the pretext for authorities to interfere with the activities of organizations to which they objected. In July, a district court in Aktybinsk Oblast fined Yerbolat Satybaldy approximately \$31 (4,360 Tenge) for establishing an illegal public association. Human rights organizations maintained that the organization had existed for several years, and that it became of interest to authorities only after it began to advocate against the new Land Law (see Section 3).

The 2002 Political Parties Law requires that all parties registered at the time of its enactment complete a reregistration process early in the year. Many of the 19 parties registered at that time of the law's passage did not meet these new requirements, while others decided not to attempt reregistration. By year's end, 8 of the 19 parties previously registered had successfully reregistered. On December 19, a new party, Asar, led by the President's eldest daughter, became the ninth and final party to be registered by the MOJ during the year. The law prohibits political parties established on an ethnic, gender, or religious basis; parties established on a religious basis are specifically prohibited by the Constitution. Three political parties officially reregistered by the end of 2002; eight more attempted to reregister in January and February, four of which were successful. In February, the MOJ rejected the other four parties' applications for reregistration. Although the applications were rejected on technical grounds, three of the four parties also appeared to violate another of the law's restrictions: Alash was a Kazakh ethnic nationalist party; the Compatriot Party was known as the Russian Party until July 2002; and Yel Dana was the Democratic Party of Women until October 2002. The head of the Revival Party formed a new party, Rukhaniyat (Spirituality), which the MOJ formally registered in October. Three opposition parties (RNPK, Azamat, and the People's Congress of Kazakhstan) announced in September 2002 that they would merge and also that they would boycott the new law.

Joining a political party requires members to provide personal information, including date and place of birth, address, and place of employment. For many citizens, the requirement to submit such personal data to the Government tended to inhibit them from joining political parties. There were credible allegations that persons entering government service were required to join the pro-presidential Otan party, and one report that students at a state university were being similarly compelled.

The Constitution prohibits public associations, including political parties, whose goals or actions were directed at a violent change of the Constitutional system, violation of the integrity of the republic, undermining of the security of the state or fanning of social, racial, national, religious, class, and tribal enmity. The major religious and ethnic groups had independently functioning cultural centers.

The Constitution prohibits membership in trade unions or political parties and actions in support of political parties to members of the armed forces, employees of national security and law enforcement organizations, and judges. The Constitution prohibits foreign political parties and foreign trade unions from operating, as well as the financing of political parties and trade unions by foreign legal entities and citizens, foreign states, and international organizations (see Section 6.a.).

c. Freedom of Religion.—The Constitution provides for freedom of religion, and the various religious communities worshiped largely without government interference; however, local officials attempted on occasion to limit the practice of religion by some nontraditional groups. The intervention of higher-level officials or courts often corrected such attempts. The Constitution defines the country as a secular state. While the Government unsuccessfully sought on several occasions to amend the National Religion Law to give the Muslim Spiritual Association (a national Muslim or-

ganization) a quasi-official role, both the Government and the association denied that there was any official connection between them.

In contrast to laws governing other public associations, the National Religion Law does not explicitly require religious organizations to register with the Government (see Section 2.b.). It states that all persons are free to practice their religion alone or together with others. Because the clause makes no reference to registration, legal experts interpret it as ensuring the right of members of unregistered groups to practice their religion. However, it does specify that religious organizations must register to receive legal status. Religious organizations must have legal status to buy or rent real property, hire employees, or engage in other legal transactions.

The administrative code allows national and local authorities to suspend the activities or fine the leaders of unregistered religious organizations, although legal experts disagreed on whether it supercedes the National Religion Law on the obligation of religious groups to register. Government officials also had varying interpretations of the discrepancy between the administrative code and the Religion Law. Lower courts cited the administrative code in sanctioning religious organizations for nonregistration, but fewer cases were brought under this charge during the year due to the number of such decisions overturned on appeal. One religious rights activist estimated that more than 80 percent of cases brought on the administrative code violations were dismissed by prosecutors, lower courts, or on appeal.

In practice, local officials, particularly in remote locations, often insisted that religious organizations register at the local level, despite the fact that registration at the national or the oblast level legally was sufficient to obtain the rights that registration offers. Although the law specifies a maximum of 30 days for authorities to complete the registration process, some religious groups reported delays of several months or years.

During the year, the Government dropped criminal cases and did not fulfill court orders that would have compelled congregations affiliated with the Council of Churches of Evangelical Christians and Baptists to register. The Council has a policy of not seeking or accepting registration in former Soviet countries.

The national Jehovah's Witnesses Religious Center reported that it has attempted unsuccessfully to register in Northern Kazakhstan Oblast since 1997. In November 2002, a city court in Petropavlovsk ruled in favor of Jehovah's Witnesses regarding registration in the North of the country; however, the local branch of the MOJ did not implement the court order by year's end. In April, the MOJ ordered its Northern Kazakhstan Oblast branch to register the group; however, it did not do so by year's end. In April, Atyrau Oblast authorities formally turned down the 2001 registration application by Jehovah's Witnesses; the group resubmitted it in November. The group is already formally registered nationally and in the country's other 12 oblasts.

In May, police in the Zharminskiy region of Eastern Kazakhstan Oblast opened a criminal case against Baptist pastor Sergey Nizhegorodtsev, who was charged with nonpayment of a fine levied on him in February 2002 by a district court for failure to register his congregation. On May 28, prosecutors dropped the case, agreeing with his assertion that the 2002 court decision had been illegal.

Followers of the Hare Krishna movement faced continued police harassment during the year. In one instance, a follower from a neighboring country was ordered deported by a district court on July 19; however, the same court reversed the deportation order several days later. Police also raided a Krishna commune in an Almaty Oblast district on November 2 and reportedly confiscated two foreign members' passports (see Section 2.d.). Krishna followers said that prosecutors returned the passports two days later. The movement's followers also reported ongoing negative coverage in the press.

The President and other senior officials continued to regard with concern the presence of what they consider religious extremism; however, unlike in previous years, none of them has publicly discussed the issue of registration of religious groups during the year. In November, the Government announced that it would draw up a list of banned organizations, and that Hizb ut-Tahrir would be included on it. The KNB subsequently acknowledged that no legal authority existed to ban organizations for alleged extremist activities. Authorities reported an increasing number of incidents during the year of Hizb ut-Tahrir activity in the country. There were approximately one dozen known detentions of alleged members, and one occasion when the security service shut down an alleged Hizb ut-Tahrir printing press in the South of the country and arrested three individuals they claimed were operating it. Formal charges were filed against them, but their cases had not come to trial by year's end.

On July 7, a district court in Almaty convicted two alleged members of Hizb ut-Tahrir, Asan Shegibayev and Baurzhan Kultayev, and sentenced them to 3 years in prison. They were charged with participating in the activities of an illegal organization and inciting social, national, tribal, race, or religious hatred. Both defendants

denied belonging to Hizb ut-Tahrir and maintained that the KNB fabricated the evidence of their membership. Religious rights activists maintained that the law provides no basis for declaring Hizb ut-Tahrir an illegal organization. On August 19, the Almaty city court denied their appeal.

Other than the brief detentions of a New Life Church missionary in the southern town of Arys in March and approximately one dozen alleged Hizb ut-Tahrir members during the year, and the arrests of three alleged Hizb ut-Tahrir members in October, there were no reports of religious prisoners or detainees.

Law enforcement authorities conducted inspections of religious groups throughout the country, claiming the right to do so as a means of preventing the development of religious extremism and ensuring that religious groups pay taxes. These inspections also provided the authorities with information about the registration status of the groups being inspected. There were no reports during the year of authorities suspending the activities of unregistered groups, pending their registration, as there had been in previous years.

Local KNB officials disrupted some meetings in private homes of unregistered groups of Jehovah's Witnesses, Adventists, Baptists, and other Protestants, as well as other nontraditional groups throughout the country.

The national Jehovah's Witnesses Religious Center alleged continuing incidents of harassment by a number of local governments. It claimed that city officials in Kostanay, Karaganda, Aktubinsk, Petropavlovsk, Atyrau, Kokshetau, Pavlodar, Semipalatinsk, and Taraz sometimes blocked the group from renting stadiums or other large public or private sites for religious meetings. However, the Center also reported that such denials were inconsistent and that officials in these and other jurisdictions have at times granted such permits.

The Government exempted registered religious organizations from taxes on church collections and income from certain religious activities. The Government donated buildings and provided other assistance for the construction of new mosques, synagogues, and Russian Orthodox churches.

The law does not prohibit foreign missionary activity. On July 17, the Government published a new regulation intended to standardize the procedures for local authorities to use to register missionaries; however, the regulation was unclear on whether missionaries were required to register. There were no reports of officials requiring missionaries to register since the passage of the regulation.

The Government invited the leaders of the two largest religions, Islam and Russian Orthodoxy, to participate jointly in some state events. The leaders of the Catholic and Jewish religions, which were represented by small proportions of the population, also participated in some official events. Leaders of other faiths, including Baptists, Adventists, and other nontraditional groups, have at times also participated in some events; events organized by the city administration in Almaty exclude no religions. In February and September, President Nazarbayev convened international conferences promoting harmonious relations and dialogue among religious groups. In each of these conferences, delegations from numerous countries and religious groups participated.

There existed general wariness within the population, particularly in rural areas, of nontraditional religions.

For a more detailed discussion, see the 2003 International Religious Freedom Report.

d. Freedom of Movement within the Country, Foreign Travel, Emigration, and Repatriation.—The Constitution provides the right to those who were legally present in the country to move freely in its territory and freely choose a place of residence except in cases stipulated by law; however, in practice, citizens were required to register to prove legal residence and obtain city services. Registration in most of the country generally was routine, but it was difficult to register in Almaty and Astana due to their relative affluence and local officials' fears of overcrowding. Persons who were suspects in criminal investigations were often required to sign statements that they would not leave their place of residence. Many individuals were detained for identity checks without suspicion of a criminal offense (see Section 1.d.).

Although the Government formally abolished the exit visa requirement for temporary travel of citizens in 2001, there remained certain instances in which exit from the country could be denied, including if there were pending criminal or civil legal proceedings, unserved prison sentences, evasion of duty as determined by a court of law, presentation of false documentation during the exit process, and travel by active-duty military. In September, authorities denied the requests of Yermurat Bapi and Amirzhan Kosanov to travel to Poland, where they were to testify at a major international conference on the human rights situation in the country (see Sections 1.d. and 2.a.). Both had previously signed letters agreeing not to leave the country because of pending criminal cases before them. The Law on National Secu-

city requires that persons who had access to state secrets obtain permission from their employing government agency for temporary exit from the country.

The Constitution provides for the right to emigrate and the right to repatriate, and the Government generally respected these rights in practice; however, the Law on National Security prohibits persons who had access to state secrets from taking up permanent residence abroad for 5 years after leaving government service. A permanent exit visa still was required for emigrants and required criminal checks, documents from every creditor stating that the applicant had no outstanding debts, and letters from any close relatives with a claim to support giving their concurrence to the exit visa. There was one reported instance in 2002 of an individual being denied an emigrant exit visa for failing to document the continued support of dependents. Many individuals reported that without the assistance of a travel agency, obtaining permanent exit visas could take several months. Citizens have the right to change citizenship but were not permitted to hold dual citizenship.

Foreigners were required to have exit visas, although they received them routinely as part of their entry visa. Foreigners who overstayed their original visas, or who did not receive exit visas as part of their original visas, were required to get exit visas from the immigration authorities before leaving. Foreign visitors were required to register, depending on their circumstances, either with the immigration officials who admit them at the airport or with the local migration police (often referred to as OVIR, after the office that formerly had this function). Foreigners no longer were required to register in every city they visit; one registration was sufficient for travel throughout the country. Immigration authorities occasionally fined foreigners without proof of registration before allowing them to leave the country. Foreigners were required to obtain prior permission to travel to the country.

Foreigners were required to obtain prior permission to travel to some border areas with China and cities in close proximity to military installations. The Government continued to declare the following areas closed to foreigners until at least 2006 due to their proximity to military bases and the space launch center: Gvardeyskiy village, Rossavel village, and Kulzhabashy railway station in Zhambyl Oblast; Bokeyorda and Zhangaly districts in Western Kazakhstan Oblast; the town of Priozersk and Gulshad village in Karaganda Oblast; and Baykonur, Karmakshy, and Kazakly districts in Kyzl Orda Oblast. However, foreigners could visit these areas with prior permission from the MVD.

The Government accorded special treatment to ethnic Kazakhs and their families who fled during Stalin's era and wished to return. Kazakhs in this category were entitled in principle to citizenship and many other privileges. Other persons, including ethnic Kazakhs who were not considered refugees from the Stalin era, such as the descendants of Kazakhs who moved to Mongolia during the 19th century, had to apply for permission to return. It was government policy to encourage and assist all ethnic Kazakhs living outside the country to return; returnees were known as Oralmans. Since independence approximately 215,000 ethnic Kazakhs, mostly from other former Soviet republics, Iran, Afghanistan, Mongolia, Turkey, China, and Saudi Arabia have immigrated. In 2001, the Government introduced a quota for Oralmans that allowed 600 families to return annually. The Government helped provide these families with housing, stipends, and other benefits. The number of Oralmans in 2001 far exceeded the 600-family quota. As a result, the quota for 2002 was increased to 2,665 families and during the year was increased again to 5,000 families. However, even under the higher quotas, the number of immigrants continued to far exceed the quota. The Government struggled to find resources for integration programs for those who arrived outside the quota, many of whom lived in squalid settings. International organizations and local NGOs assisted in these efforts, and the Government supported them. On October 31, a presidential decree established a quota of 10,000 for 2004. The Government had previously announced that the quota for 2005 would be 15,000.

Oralman were automatically eligible for citizenship; however, the prohibition on dual citizenship prevented many of them from receiving it immediately. Amendments to the Citizenship Law in 2002 streamlined the acquisition of citizenship. Complicated procedures to renounce the citizenship of one's former country no longer delayed the process; the migration police simply turned in a new citizen's passport to the embassy of their former country at the conclusion of the citizenship process, which took 6 months on average. The Government made significant progress in granting citizenship before the implementation of the new procedure. There were reports that the Government did not always extend the benefits for which Oralman are eligible to family members who were not of ethnic Kazakh origin. An international NGO reported that unskilled Oralman who returned faced discrimination in work and housing.

The law provides for the granting of asylum or refugee to persons who meet the definition in the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol; however, the absence of legislation to fully implement the Convention left unclear many aspects of the status of refugees, such as whether they had a right to work. In practice, the Government provided some protection against refoulement and granted refugee status, but not asylum. Following the passage of a 1997 Migration Law and the creation of the Agency for Migration and Demography, the Government began in 1998 to register asylum seekers and to determine their status, in consultation with the U.N. High Commissioner for Refugees (UNHCR).

The Government generally cooperated with the UNHCR and other humanitarian organizations in assisting refugees. The Government allowed the UNHCR access to detained foreigners and in practice was generally tolerant in its treatment of local refugee populations, except for citizens from former Soviet republics. Migrants from former Soviet republics were not considered to be refugees because they could ostensibly travel and settle freely within the Confederation of Independent States (CIS). The Government often did not allow refugees without passports or those who had entered the country illegally to register; in practice, it restricted registration almost exclusively to refugees from Afghanistan. All non-CIS citizens were considered to be intending immigrants. The Government generally respected the right of other CIS citizens to settle in the country; however, in practice, it frequently did not extend this right to laborers from other Central Asian republics. As the country's economic growth continued to outpace that of most of its neighbors, it increasingly attracted economic migrants. The Government struggled to deal with the increases, and periodically engaged in heavy-handed campaigns to round up noncitizens in technical violation of migration procedures. According to a U.N. reporting agency, the Government deported large numbers of migrants each month.

The Agency for Migration integrated the UNHCR and a local NGO, Kazakhstan Refugee Legal Support, into the process of reviewing refugee claims. Only the President can grant political asylum, and he did not do so during the year. Nonpolitical asylum claims could theoretically be processed anywhere in the country, after the Agency for Migration established a national refugee determination committee in Astana during the year; however, in practice, claims continued to be processed only in Almaty. By November, the UNHCR estimated that there were less than 16,500 refugees in the country, including 13,700 Chechens from Russia and 2,500 from Afghanistan. The remainder included Palestinians and Uighurs from China, among others.

The Government provides temporary protection for certain categories of refugees, including some Afghan refugees. Beginning with the renewal of conflict in Chechnya in 1999, a large population of Chechens fleeing the fighting came to the country; most remained during the year. Many Chechens had also entered the country during the earlier Chechen conflict and returned to Chechnya at its conclusion. Consistent with the Minsk Convention on Migration within the CIS, the Government did not recognize Chechens as refugees; however, the Government, in cooperation with the UNHCR and Chechen organizations, did grant temporary legal resident status to Chechens until they could return home to safe conditions. Despite reports that some Chechens had to pay bribes to receive registration, this arrangement functioned effectively until October 2002, when Chechen terrorist groups held civilians hostage in a Moscow theater, and the Government stopped its nationwide policy of issuing temporary residence permits to Chechens. By March, the Migration Police reported that more than 300 Chechens had received deportation orders by courts. The same month, the Government established a new temporary registration procedure; however, reports persisted that Chechens did not have the same access to registration as others. Officials frequently remarked that Chechens as a group were criminals and that they harbored terrorists, although according to the UNCHR, women and children comprised as much as 80 percent of the temporary Chechen population.

In 1999, the country agreed with China not to tolerate the presence of ethnic separatists from one country on the territory of the other. Human rights monitors were concerned with the impact of this agreement on Uighurs from China in the country, although there were no reports of Uighurs forcibly returned to China during the year. The Government did not consider any asylum claims by Uighurs; it was unlikely that any Uighurs applied. The Government allowed the UNHCR to resettle some Uighur refugees to other countries during the year.

There were no confirmed reports that the Government forcibly returned persons to a country where they feared persecution. However, it was unclear whether any of the more than 300 Chechens ordered deported since October 2002 were forcibly returned to Russia, although many were known to have departed the country. It was also unclear how many more Chechens were ordered deported after March,

when the Government stopped providing statistics on deportations. There were several occasions during the year and in 2002, when the Government complied with its international refugee obligations when faced with the choice of deporting political activists from other former Soviet republics. In such cases, the Government allowed international organizations access to the refugees and to arrange for their transportation to third countries. There were no reports of deportations without a court order during the year.

Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government

The Constitution provides for a democratic government with universal suffrage for those more than 18 years of age; however, in practice, the Government severely limited the right of citizens to change their government.

The Constitution concentrates power in the presidency, granting the President considerable control over the legislature, judiciary, and local government. The President appoints and dismisses the Prime Minister and the Cabinet. His appointment of the Prime Minister, but not of cabinet members, is subject to parliamentary consent. Presidential appointments of the Prosecutor General and the KNB Chief require the consent of the Senate. The President has the power to dismiss Parliament and to appoint judges and senior court officials. The President also nominates for approval by the Mazhilis (Parliament's lower house) the chairman and members of the Central Election Commission (CEC), who oversee presidential and parliamentary elections. The Mazhilis has never failed to confirm a presidential nomination. Modifying or amending the Constitution effectively requires the President's consent. On August 27, the President stated publicly that "all discussions and ideas about changes to the Constitution come from the Devil."

In September and October, elections for Maslikhats (oblast- and local-level councils) were held nationwide. Independent observers reported that opposition candidates were disadvantaged, although the CEC and the local election commissions attempted to project the appearance of fairness, such as equal access to airtime and flexible interpretations of election rules to register some candidates. In Almaty, none of the candidates of a prominent opposition bloc was elected. Many observers blamed the electoral legislation, as it allowed opposition candidates to be excluded in some areas for technical reasons. Independent observers also recorded numerous violations of procedures on the first- and second-round election days, particularly that an unprecedented number of voters were turned away from their long-time polling stations.

President Nazarbayev was elected to a 7-year term in a 1999 election that was held nearly 2 years earlier than scheduled and fell far short of international standards. The Government imposed onerous requirements on candidates for the 1999 presidential ballot, including requiring them to submit petitions with 170,000 signatures, pass a Kazakh-language test, and make a nonrefundable payment of approximately \$30,000 (2.4 million Tenge). Less than a week after the presidential election was called, the Government disqualified a number of potential contenders on the basis of a provision of the presidential decree on elections that prohibits persons convicted of administrative offenses from running for public office within 1 year of their conviction. Five opposition leaders, including former Prime Minister Kazhegeldin, were summoned and tried for participating in a nonregistered organization. A sixth was disqualified for a previous conviction. The Supreme Court upheld the disqualifications.

The OSCE Office for Democratic Institutions and Human Rights (ODIHR) concluded that the presidential election fell far short of international standards, citing in particular the exclusion of candidates, the short duration of the election campaign, obstacles to free assembly and association, the use of government resources to support President Nazarbayev's campaign, unequal access to the media, and the flawed presidential decree that served as the election law.

Although in many ways an improvement over the presidential election, the 1999 elections for the Mazhilis were marred by election law deficiencies, executive branch interference, and a lack of transparent vote counts. There was convincing evidence of government manipulation of results in some cases. ODIHR concluded that they were a tentative step toward democracy but fell short of OSCE commitments.

In 1998, the President and the Parliament passed, without prior public notice, a series of constitutional amendments enabling them to call early presidential elections. Among other changes, the amendments extended the presidential term of office from 5 to 7 years and removed the 65-year age limit on government service. (The President will be 65 years of age before the end of his 7-year term.) Government opponents and international observers criticized the short-notice elections be-

cause they did not leave time for the Government to implement promised electoral reforms or for candidates to organize effective campaigns.

Numerous violations and serious irregularities marred the December 2002 Parliamentary by-elections for three vacant seats in the Mazhilis from single-mandate districts in Karaganda, Atyrau, and Pavlodar Oblasts; preliminary results of the elections conflicted with independent exit polling. Violations of the electoral law included registration of candidates, composition of election commissions, intimidation of election monitors, relocation of polling stations with little or no notice to voters, and manipulation of voter lists. In one of the contests, an opposition candidate had been excluded from the ballot hours before the polls opened. The CEC released the official results in January, showing government-favored candidates winning all three seats. In two races, independent exit polling showed that the margin of victory was inflated for the winning candidate. In the third, exit polls showed Karlygash Zhakiyanova—the wife of imprisoned former oblast akim Galymzhan Zhakiyanov—receiving more than half the votes, although Maksimonko was declared the winner (see Section 1.e.).

Changes and amendments to the Election Law were the subject of intense public debate throughout the year. On November 27, the Government submitted its draft of the new law to Parliament. The CEC, the primary drafter of the government draft of the law, worked in close cooperation with ODIHR throughout the year. However, according to ODIHR's analysis, the government draft did not meet OSCE commitments, including the composition of electoral commissions and the lack of a clear mechanism for resolving disputes among candidates or violations by candidates of the law. ODIHR's recommended changes were not adopted in the November revisions. The leading opposition parties and movements also published a joint statement noting significant flaws in the government draft and calling for revisions. Parliament established a joint Senate-Mazhilis working group to propose changes to the Government's draft that was continuing its deliberations at year's end.

Parliament exercised little oversight over the executive branch, although it has the constitutional authority to remove government ministers and to hold a no-confidence vote in the Government. The Government may also instigate a no-confidence vote, as it did in May in response to parliamentary revisions to the draft Land Law it had submitted. Although a majority voted against the Government, Parliament failed to achieve the required two-thirds of votes to dismiss the Government. Although Parliament must approve the state budget, the Constitution precludes Parliament from increasing state spending or decreasing state revenues without executive branch approval. Nearly all laws passed by Parliament originated in the executive branch. The executive branch controls the budget for Parliament's operations; it has not provided funds for M.P.s to hire staff, a situation generally viewed as decreasing Parliament's effectiveness. The executive branch also blocked legislation on establishing Parliamentary staff; the law was found unconstitutional because Parliament may not make additions to the state budget.

If Parliament fails to consider within 30 days a bill designated urgent by the President, the President can issue the bill by decree. Although the President has never resorted to this authority, it gave him additional leverage with Parliament. While the President has broad powers to dissolve Parliament, Parliament can remove the President only for disability or high treason, and only with the consent of the Constitutional Council, of which the President appoints three of seven members (see Section 1.e.).

Many activities of Parliament remained outside public view. During the year, Parliament continued to become more open by publishing some draft laws, some parliamentary debates, and in some instances, its voting record. After Parliament failed to get its changes included into the Land Law, a group of 16 deputies from both houses of Parliament asked the President to initiate a referendum on private land ownership, which the President refused to do. During the year, a group of parliamentary deputies called on the Government to explain its role in the Kazakhgate indictments (see Section 2.a.). The Government responded to the request, which was published on Parliament's website. No news media covered the response.

According to the Constitution, the President selects oblast akims (governors) based on the recommendation of the Prime Minister; they serve at the discretion of the President, who may annul their decisions. The oblast akims then appoint the county-level equivalent and city leaders below them. The Constitution permits direct election of such officials and in 2001 experimental local district akim (county-level equivalent leader) elections were held, representing the first tentative movement away from appointment of local district akims. In each of the 14 oblasts, elections were held to fill 2 positions. The local akims were elected by secret ballot by a group of electors chosen by local residents through a public show-of-hands vote. The OSCE

noted that the procedure violated international standards requiring a secret ballot and did not provide transparency while counting and registering election results.

The introduction of 10 proportionally allocated Mazhilis seats for the 1999 parliamentary elections enhanced the role of political parties, which, with the exception of the Communist Party, were previously very weak. The Communist Party and three pro-presidential parties—Otan (Fatherland), the Civic Party, and the Agrarian Party—shared the 10 new party-list seats in the 1999 parliamentary election. After the 2002 law on political parties required all parties to reregister, only 8 of the 19 previously registered parties successfully reregistered by year's end (see Section 2.b.).

The Government restricted the functioning of the political opposition. One opposition group, the DVK movement, was founded in 2001 by 11 senior government leaders, M.P.s, and prominent businessmen. Four of the senior government officials were fired several days after the founding at the request of the Prime Minister, and in December 2001 parliamentary deputy Bulat Abilov was expelled from his party slate seat in Parliament. During the year, the DVK was unable to register successfully with the MOJ as a public association, although it had received nationwide registration in January 2002. Two of DVK's leaders were convicted and imprisoned in 2002 (see Section 1.e.). One remained imprisoned at year's end, while the other was pardoned by the President and freed in May. At a press conference after his release, he announced that he would focus on business rather than politics. Many DVK activists presumed that a condition of his pardon was to refrain from active involvement in politics.

A political party, Ak Zhol, split off from DVK in 2002; it was granted formal registration under the restrictive new Law on Political Parties in December 2002 (see Section 2.b.).

The Government tried and convicted other opposition politicians during the year (see Section 1.e.).

The Communist party alleged several incidents of harassment during its drive to reregister under the Law on Political Parties (see Section 2.b.). In January, five members of the party reported that police detained them after they left a party meeting in Almaty. The national leader of the party alleged in February that detentions of local party leaders were occurring throughout the country, and that police had confiscated party lists in some locations. He further alleged that law enforcement officials had attempted to induce party members into signing statements saying they had been forced to join the party.

At year's end, three women held ministerial portfolios. There were no female oblast akims. Of 39 Senate members, 3 were female; 8 of 77 Mazhilis members were female. There were no legal restrictions on the participation of women and minorities in politics; however, the persistence of traditional attitudes meant that few women held high office or played active parts in political life.

Although minority ethnic groups were represented in the Government, ethnic Kazakhs held the majority of leadership positions. According to official statistics, non-Kazakhs accounted for 44 percent of the population (see Section 5). Ethnic minorities held 1 of 3 deputy prime minister positions and headed 1 of 16 government ministries and the national bank. Non-Kazakhs were underrepresented in Parliament, with only 8 senators and 20 members of the Mazhilis.

Section 4. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A number of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases; however, some human rights observers reported that the Government monitored their movements and telephone calls (see Section 1.f.). Human Rights Watch reported that harassment included intimidating police visits and arbitrary tax investigations, in addition to surveillance. Many NGOs publicly advocated during the year that the Government withdraw its draft law on NGOs, which they believed would severely restrict their right to operate. The Government withdrew the draft in October (see Section 2.b.).

The Kazakhstan International Bureau for Human Rights and Rule of Law (KIBHR) and the Almaty Helsinki Commission were the most active of a small number of local nongovernmental human rights organizations. They cooperated with each other on human rights and legal reform issues. Although these groups operated largely without government interference, limited financial means hampered their ability to monitor and report human rights violations. Some human rights observers periodically received threatening or harassing telephone calls; however, the source of these calls was unknown.

The Director of the KIBHR, Evgeniy Zhovtis, reported that a package of what appeared to be marijuana was placed in his car on May 2, the eve of his planned participation in an international conference. Zhovtis said that he immediately reported the incident to Almaty police, but that they refused to pursue an investigation after determining that the substance was not in fact marijuana.

In general, the Government showed greater willingness to focus on abuses highlighted by human rights monitors and individual citizens in the criminal justice system and to investigate allegations of corruption. The Government tended to deny or ignore charges of specific human rights abuses that were levied by both international and domestic human rights monitors and by individual citizens, although it often acknowledged that human rights abuses existed in general.

The Civil Code requires NGOs to register with the Government, and most NGOs were registered (see Section 2.b.); however, some continued to operate without legal standing.

The Government permitted international and foreign NGOs and multilateral institutions dealing with human rights to visit the country and meet with local human rights groups as well as government officials. The International Labor Organization (ILO), the International Federation of Red Cross and Red Crescent Societies, the UNHCR, the International Organization for Migration (IOM), and the OSCE, have permanent offices in the country.

The Presidential Commission on Human Rights was a 15-member consultative and advisory body that included members from the public. A March 19 presidential decree redefined the Commission's duties, making it responsible for coordinating governmental responses to human rights concerns instead of investigating individual complaints from citizens. The Commission also monitored fulfillment of international human rights conventions. On November 17, the country signed the U.N. Covenants on Civil and Political Rights; and Economic, Social, and Cultural Rights, and the Commission was given the responsibility for implementing them.

The Human Rights Ombudsman is responsible for investigating complaints by citizens of violations of their rights, although the Ombudsman was not authorized to investigate any complaint dealing with the President, Parliament, the Government, the Constitutional Council, the Prosecutor General, the CEC, or the courts. In June, the Ombudsman reported that he received a complaint from the wife of imprisoned opposition politician Galymzhan Zhakiyanov (see Section 1.e.). He stated he turned down the complaint, since his institution had no authority to challenge court verdicts. During the year, the Ombudsman gave regular briefings to the press and reported receiving a total of 758 complaints in the first three quarters of the year. The Ombudsman reported that the majority of complaints were economic or social in nature, such as nonpayment of benefits or salaries and housing conditions; it also received complaints relating to conditions of military service, education, abuses by investigative authorities, and nonenactment of court decisions. NGOs believed that the Ombudsman was influenced by the Government and downplayed cases.

Section 5. Discrimination Based on Race, Sex, Disability, Language, or Social Status

The Constitution states that everyone is equal before law and court and that no one may be subjected to any discrimination for reasons of origin, social position, occupation, property status, sex, race, nationality, language, convictions, place of residence, or any other circumstances; however, the Government did not enforce this provision effectively on a consistent basis. The Government favored ethnic Kazakhs in government employment and, according to many citizens, in the process of privatizing state enterprises.

Women.—Violence against women, including domestic violence, was a problem. The MVD stated in November that domestic rape incidents increased each year for the past several years. In the capital, Astana, police reported that there were 931 crimes against women in the first 10 months of the year, including 10 killings and 40 violent rapes. Nationwide, according to independent statistics, 534 women were killed in 2002 as a result of domestic violence, 54 in Almaty, the largest city. In Astana, 6 women on average appealed to police as a result of violence each day during the year. In June, the National Commission on Women and Family reported that 64 percent of women have been victims of violent crime. A 2002 MVD survey found that 52 percent of women had reported some form of domestic abuse, with the highest incidence in rural areas, and only 30 percent of domestic violence cases were prosecuted. NGO activists and prison officials stated that domestic violence was a significant factor in the majority of cases of women serving sentences for murder.

There is no specific law on domestic violence; however, it can be addressed under assault and battery provisions of the Criminal Code. The maximum sentence for

wife beating is 10 years in prison, the same as for any beating. The punishment for rape ranges from 3 to 15 years imprisonment. The Government reported that it opened 1,650 criminal rape cases in 2002, of which 1,095 were prosecuted and 1,040 convictions were obtained. Police often were reluctant to intervene in domestic disputes, considering them to be the family's business, unless they believed that the abuse was life threatening. Under the Criminal Procedure Code, prosecutors can not initiate a rape case, absent aggravating circumstances such as gang rape, unless the victim files a complaint. There were unconfirmed reports that prosecutors sometimes interpreted this provision to require rape victims to pay for forensic testing, pay the expenses of prosecution, and prosecute rape cases personally. Police also cannot detain a suspect legally for more than 72 hours unless the victim provides a written complaint, which women often refused to do. The press rarely reported on rape.

One Almaty crisis center (there were three, two of which operated shelters) reported that it received 100–150 calls from women per month for domestic violence, and that a very small percentage followed through with charges. No NGO operated a crisis center in Astana, the country's capital; however, the four-officer domestic violence unit of the city's police department reported receiving five to six calls a day from victims of domestic violence. Police indicated that victims of domestic violence often asked only for officers to talk with their spouses. When victims did decide to press charges for domestic violence or rape, police sometimes tried to persuade them not to pursue it. There were domestic violence units within police departments of all cities, which cooperated with the crisis centers, and most cities had crisis centers. When domestic violence cases did come to trial, the charge was most often for light beating, the penalties for which include fines of up to \$535 (82,300 Tenge) or 3 months' imprisonment. The Government reported that in 2002 police had registered 2,710 domestic violence crimes, of which 2,307 were referred to courts. In 2002, 1,000 persons (including 152 women) were convicted for domestic violence crimes.

Prostitution is not prohibited by law and is not legally regulated; however, forced prostitution or prostitution connected to organized crime is illegal. Prostitution was a serious problem.

Trafficking in women remained a problem (see Section 6.f.).

The Criminal Code and the Labor Code prohibit only some forms of sexual harassment, and legal and gender-issue experts regarded the legislation as inadequate to address the problem. The Government did not show any interest in improving legislation to prevent sexual harassment. There were reports of such harassment, but none of those reports constituted situations where victims were protected under the law. Prosecutors, law enforcement agencies, and victims were generally not aware of the problem, and there were no reports of any cases being prosecuted.

The law prohibits discrimination against women, but traditional cultural practices limited their role in society and in owning and managing businesses or property. The President and other members of the Government spoke in favor of women's rights, and the official state policy held that constitutional prohibitions on sex discrimination must be supported by effective government measures; however, women were underrepresented severely in senior positions in state enterprises and overrepresented in low-paying and some menial jobs. The head of the National Commission on Women and Family noted that women's salaries were, on average, 62 percent that of men's. Women had unrestricted access to higher education.

There were approximately 150 women's rights organizations registered in the country. These included the Feminist League, Women of the East, the Almaty Women's Information Center, the Union of Crisis Centers, and the Businesswomen's Association.

Children.—The Government was committed to children's rights and a new Children's Rights Law was enacted in August 2002; however, budget limitations and other priorities severely limited the Government's effectiveness in dealing with children's issues. The new law codifies many rights already contained in the Constitution and provides little in the way of funding or specific programs. Education is mandatory through age 16, although students could begin technical training after the ninth grade. Primary and secondary education was both free and universal. The law provides for equal access to education by both boys and girls.

There were reports of child abuse, although there was no societal pattern of such abuse. The Government has cooperated with UNICEF since 2000 on an educational program to combat child abuse.

Trafficking in girls was a problem (see Section 6.f.).

Rural children normally worked during harvests (see Section 6.d.).

There was one local NGO that worked with juveniles released from prisons.

Persons with Disabilities.—Citizens with disabilities were entitled by law to government assistance, and the law prohibits discrimination against persons with disabilities; however, in practice, employers did not give them equal consideration. Assisting persons with disabilities was a low priority for the Government. Laws mandate the provision of accessibility to public buildings and commercial establishments for persons with disabilities; however, the Government did not enforce them. There have been some improvements to facilitate access in Almaty and Astana, such as wheelchair ramps.

Mentally ill and mentally retarded citizens could be committed to state-run institutions, which were poorly managed and inadequately funded. The NGO Kazakhstan International Bureau for Human Rights observed that the Government provided almost no care for persons with mental disabilities due to a lack of funds.

National/Racial/Ethnic Minorities.—According to the Government, the population consisted of approximately 56 percent Kazakhs and 32 percent ethnic Slavs (Russians, Ukrainians, Belarusians, and others), with many other ethnic groups, including Uzbeks, Germans, Tatars, Uighurs, Koreans, Azeris, Turks, and others represented. Approximately 220,000 Uighurs lived in the country, comprising the largest Uighur diaspora outside of China. The Government continued to discriminate in favor of ethnic Kazakhs in senior government employment, where ethnic Kazakhs predominated. President Nazarbayev has emphasized publicly that all nationalities were welcome to participate; nonetheless, many non-Kazakhs remained concerned about what they perceived as expanding preferences for ethnic Kazakhs (see Section 3).

Most of the population spoke Russian and approximately half of all ethnic Kazakhs spoke Kazakh fluently. According to the Constitution, the Kazakh language is the official state language. The Constitution states that Russian may be used officially on an equal basis with Kazakh in organizations and bodies of local self-administration. The Government continued to move toward using Kazakh for official business. By year's end, Kazakh became or was the lingua franca in local law enforcement offices in all oblasts with majority Kazakh populations (Kyzyl Orda, Southern Kazakhstan, Zhambyl, Atyrau, and Aktobe). Police departments in the northern oblasts, several with majority ethnic Russian populations, planned to adopt Kazakh by the end of 2004. Most ethnic Russians believed that Russian should be designated as a second state language. The Government encouraged more education of children in the Kazakh language but did little to provide Kazakh-language education for adults. The Language Law was intended to strengthen the use of Kazakh without infringing on the rights of citizens to use other languages; however, it has not been funded sufficiently to make Kazakh-language education universal.

Section 6. Worker Rights

a. The Right of Association.—The Constitution and the Labor Code provide for basic worker rights, including the right to organize; however, the Government at times infringed on these rights. The largest trade union association, the Federation of Trade Unions, contained the vestiges of formerly state-sponsored trade unions established during the Soviet period. It claimed a membership of 2 million workers. The Confederation of Free Trade Unions (CFTUK), formerly the Independent Trade Union Center of Kazakhstan, underwent a leadership change during the year and was unable to provide statistics on the size of its membership. In 2002, it reported 320,000 members. Many members of the CFTUK reportedly joined the Trade Union Center of Kazakhstan, which split from the Federation in 2002 and aligned itself with the former leader of the CFTUK during the year. Observers agreed that the Government exercised considerable influence over organized labor.

To obtain legal status, a trade union had to apply for registration with the MOJ. The registration procedure followed largely that of other membership organizations (see Section 2.b.); branches of unions were each required to register, which could be accomplished at MOJ branches in each oblast. In 2002, 20 new trade unions were registered, including the Trade Unions of Aviation Employees, the Trade Unions of Central Kazakhstani Small Businesses, and the Trade Unions of Astana. The Federation of Trade Unions, the Confederation of Free Trade Unions, and the Trade Union Center of Kazakhstan were all registered. The MOJ did not deny registration to any union during the year. Courts can cancel a union's registration; however, there were no such cases during the year.

The Constitution prohibits the operation of foreign trade unions and prohibits the financing of trade unions by foreign legal entities and citizens, foreign states, and international organizations. The CFTUK received financing from foreign sources because it was registered as a public association and not a labor union. The law does

not prohibit other nonmonetary types of assistance such as training; participation in training programs increased in recent years.

Under the Constitution, workers are protected against anti-union discrimination. The Law on Trade Unions reiterates this right and makes no distinction between different kinds of labor unions. However, in practice, there were violations of this right. Members of some trade unions have been dismissed, transferred to lower paying or lower status jobs, threatened, and intimidated. The three trade union associations were competitive with one another and sometimes alleged that members of the other association were given precedence for layoffs.

By law, unions may freely join federations or confederations and affiliate with international bodies. The CFTUK joined the Worldwide Labor Union Organization in 2002.

In April 2002, the Federation of Trade Unions filed a complaint against the Government with the ILO Committee on Free Association alleging various violations involving freedom of association in connection with efforts to organize workers at the Tengizchevroil company. In November 2002, the Committee requested that the Government take actions that would allow workers at the company to organize in accordance with international rules. The Federation raised no further complaint by year's end.

b. The Right to Organize and Bargain Collectively.—The law permits collective bargaining and collective agreements; however, collective bargaining was not widely understood and only occasionally practiced during the year. Unions may have a minimum of 10 members; however, registration requirements created obstacles to organization. If a union's demands were not acceptable to management, it could present those demands to a tripartite commission, composed of the Government, employer associations, and labor union representatives. The tripartite commission was instituted under the Law on Social Partnerships of 2000 and was to develop and sign a general agreement each year governing approximately 80 aspects of labor relations. The Labor Law provides for an individual contract between employers and each employee. Collective bargaining agreements were allowed as long as they did not reduce protections afforded to workers in individual contracts or under law; previously the terms of contracts were set only by law and collective bargaining agreements.

On January 27, the national tripartite commission signed a general agreement, which was intended to remain in effect until the end of 2004. The presidents of both the Federation of Trade Unions and the CFTUK, the major employer associations represented on the commission, and a Deputy Prime Minister signed the agreement.

The Law on Collective Bargaining and Strikes gives workers the right to join or form unions of their choosing. It also establishes that workers may request in writing to have their union dues paid by direct payroll deductions of 1 percent. Amendments to the Labor Law that went into force in 2000 stipulate that the consent of an employee's union is no longer required to fire a worker (the old Law on Trade Unions had required a union's consent to fire a worker). Employers increasingly used the new Labor Law to fire workers without a union's consent; however, the general agreement contained a provision limiting the proportion of a company's workforce that could be dismissed at once to 9 percent. The Labor Law requires advance notice of dismissal. An employee still could choose to be represented by a union in a labor dispute; however, the employee had the option of choosing other representation as well.

The Constitution provides for the right to strike; however, there was a list of enterprises where strikes were not permitted. Unions and individual workers exercised the right during the year, primarily to protest the nonpayment of wages and unsafe working conditions and to recover back wages. According to the law, workers may exercise the right to strike only if a labor dispute has not been resolved through existing compulsory arbitration procedures. In addition, the law requires that employers be notified that a strike is to occur no less than 15 days before it commences. According to the Ministry of Labor, the incidence of labor disputes declined significantly in recent years.

There are no export processing zones.

c. Prohibition of Forced or Bonded Labor.—The Constitution and law prohibit forced and bonded labor, except at the sentence of the court or in the conditions of a state of emergency or martial law, but there were reports that such practices occurred (see Section 6.f.).

The Constitution prohibits forced or bonded labor by children; however, child labor was routinely used in agricultural areas (see Section 6.d.).

d. Status of Child Labor Practices and Minimum Age for Employment.—The minimum age for employment is 14 years, but only for part-time work (5 hours a day)

that is not physically onerous. Children from the ages of 16 to 18 could work full-time provided that they are not required to do any heavy work. The Government has acknowledged that children in this age group worked in construction and other heavy industries but reported that duties for children were limited to washing windows, general cleaning, laying tile, and similar nonstrenuous activities.

A child between the ages of 14 and 16 can work only with the permission of his or her parents. The law stipulates harsh punishment for employers who exploit children under the age of 16. The Ministry of Labor is responsible for enforcement of child labor laws and for administrative offenses punishable by fines; the MVD is responsible for criminal offenses. Child labor was used routinely in agricultural areas, especially during harvest season; but abuse of child labor generally was not a problem.

e. Acceptable Conditions of Work.—The Government set the monthly minimum wage at \$36 (5,000 Tenge), an increase from the \$30 (4,181 Tenge) minimum wage of 2002. The minimum wage was roughly equal to the monthly subsistence level of approximately \$35.50 (4,943 Tenge), as determined by the Government for October. The average monthly wage in the third quarter was nearly \$162 (22,487 Tenge), 13.6 percent higher than for the same period in 2002. In June, the Government increased the minimum monthly pension to approximately \$39.50 (5,500 Tenge). By mid-year, the average monthly pension rose to more than \$56 (7,823 Tenge) a month during the year, 38.3 percent higher than in the beginning of the year. Growth in average wages has outpaced inflation, in many periods substantially so, since 1999.

The Labor Law stipulates that the workweek should not normally exceed 40 hours, but specifies no maximum for other than normal circumstances. The Law limits heavy manual labor or hazardous work to no more than 36 hours a week. The Labor Law requires overtime to be paid at a rate of not less than one-and-a-half times normal wages for hours worked in excess of the normal 40-hour week. The Labor Law requires that overtime not exceed 2 hours in a calendar day or 1 hour a day for heavy manual labor. Overtime is prohibited for work in hazardous conditions. The Constitution provides that labor agreements may stipulate the length of working time, vacation days, holidays, and paid annual leave for each worker.

The Ministry of Labor enforced minimum wages, work hour restrictions, and limits on overtime established under the Labor Law. Ministry labor inspectors conducted random inspections of employers to enforce all laws and regulations under their purview.

The Constitution provides for the right to “safe and hygienic working conditions;” however, working and safety conditions in the industrial sector were often substandard. Safety consciousness in both employees and employers was low. Workers in factories usually did not wear protective clothing, such as goggles and hard hats, and worked in conditions of poor visibility and ventilation.

Management largely ignored regulations concerning occupational health and safety, which were not well enforced by the Ministry of Labor. A Law on Safety and Protection of Labor passed Parliament’s lower house in October, although it remained pending in the Senate at year’s end. Several M.P.s criticized the draft when the Ministry of Labor introduced it in January, saying that the Ministry did not have enough labor inspectors and was unable to adequately enforce the Labor Code. In 2002, the Ministry reported a staff of 360 inspectors. Although the frequency of inspections remained insufficient to provide fully for occupational health and safety, the number of fines, penalties, and warnings to employers increased. According to a news report, 355 persons were killed due to unsafe working conditions in 2002. The Labor Law requires employers to suspend work where its continuation could endanger the life or health of workers and to warn workers about any harmful and dangerous work conditions and about the possibility of any occupational disease. The Chairman of the Constitutional Council stated at a February conference that there were 107,000 violations of labor legislation in 2002.

There were no reports of workers suffering physical or sexual abuse, although it is probable that limited employment opportunities contributed to the underreporting of abuses. There are no laws protecting workers who file complaints about work conditions.

Foreign workers (those legally present with labor permits) are provided the same minimum wages and labor standards as local workers under the law. Legal foreign labor is limited by a yearly quota of workers, which generally was filled by Turkish, Western European, and American workers in the oil industry. These highly skilled workers earned more on average than local workers and enjoyed work and living standards above local standards. Several foreign corporations reported difficulty in

obtaining work permits for their expatriate workers, saying the Government favored local workers for the positions.

Labor laws do not cover illegal workers, who did not receive the same legal protections as those with permits. Illegal workers were generally unskilled migrant laborers from Uzbekistan, Kyrgyz Republic, and Tajikistan, who crossed into southern areas seeking agricultural or construction jobs. They frequently were paid considerably less than local workers and worked in substandard conditions. Law enforcement agencies periodically conducted campaigns to deport illegal workers; employers were often fined as well during such campaigns. Several hundred illegal laborers were deported during the year.

f. Trafficking in Persons.—The law prohibits trafficking in persons; however, trafficking in persons remained a problem during the year. There was no evidence of a pattern of official complicity in trafficking, although corruption of law enforcement officials was widespread.

There are several articles of the Criminal Code that cover most forms of human trafficking. Article 128 criminalizes the recruitment of any person for sexual or other exploitation and was expanded in July to include all forms of trafficking. It is punishable by a maximum 2-year prison term. If a minor is involved, the maximum penalty is 5 years in prison. If the exploited person is transferred abroad, the maximum penalty is 8 years in prison. Article 330, added to the Code in 2002, also strengthened existing law. Article 330 prohibits the organization of illicit migration by providing transportation or fraudulent documents, or residence or other services for the illicit entry, exit, or movement on the territory of the country. It also covers the operation of a tourist or excursion agency for the purpose of illicit migration. The Criminal Code (Article 133) also prohibits the sale of children.

Prosecutions under these articles of the Criminal Code were rare, despite the fact that the Law Enforcement Coordination Council (under the leadership of the Prosecutor General) issued detailed guidelines in August to law enforcement and prosecutors nationwide on how to investigate crimes under these sections of the Code. However, prosecutors reported that several investigations under these sections of the Code were ongoing in various parts of the country at year's end and that the Government brought formal charges under Section 128 of the Criminal Code in six cases. Several arrests were made in connection with these investigations, many of which were reported in the press.

Prosecutors also used other articles of the Criminal Code to charge suspects whose activities may have included trafficking, such as the illegal involvement in prostitution (Article 270), which carries punishment of up to 3 years in prison, and prostitution connected with organized crime (Article 271), punishable by up to 5 years in prison. Prosecutors often use Article 271, although it was difficult to estimate what percentage of investigations under Article 271 involved trafficking. Prostitution is not explicitly prohibited under the law, nor was it legally regulated. Under Article 125 of the Code, kidnapping is punishable by a prison term of up to 7 years. Several victims of trafficking lost a civil suit against a travel agency for breach of contract during the year. However, the civil trial led to the arrest of the woman who ran the travel agency, and criminal charges against her remained pending at year's end.

In August, the Government appointed the Minister of Justice to coordinate all of the Government's anti-trafficking activities and created an anti-trafficking Commission led by the Minister that included the Interior Minister, the KNB Chairman, the Prosecutor General, the Foreign Minister, Education Minister, and the Presidential Commission on Women and Family. The commission was in the process of developing a comprehensive National Plan to combat trafficking at the year's end. A lower-level working group, formed by the Government in 2001 with NGO participation, developed the trafficking legislation that was signed into law in July.

The Government maintained that it seeks cooperation from authorities in destination countries for its citizens who have been trafficked and in the source countries of trafficking victims brought into the country. During the year, the Foreign Ministry issued instructions to its Embassies abroad on assisting victims of trafficking. There was at least one report of an Embassy overseas assisting a trafficking victim. There were no cases where the Government has been asked to extradite a person charged with trafficking in another country.

The country was a source, transit, and destination country for victims of trafficking. Internal trafficking was also a problem. No reliable statistics were available on the number of victims each year, but some NGOs have estimated that there were several thousand. Individuals were trafficked to the United Arab Emirates, South Korea, Turkey, Greece, Cyprus, France, Italy, Portugal, Switzerland, Belgium, Israel, and Albania. They were trafficked from the Kyrgyz Republic, Uzbekistan, and Tajikistan.

Traffickers primarily targeted young women in their teens and 20s. According to the Kazakhstan Crisis Center for Women and Children, most women were recruited with promises of good jobs or marriage abroad. Travel, employment, and marriage agencies often recruited victims through advertisements promising lucrative jobs in other countries. Offers to participate in international beauty contests also were used. Previously trafficked women reportedly have recruited new victims personally. There was also evidence that young and middle-aged men have been trafficked from the country, either for sexual exploitation or for labor. Many trafficking victims appeared to be aware or at least to suspect that they were going to work as prostitutes, but not that they would be working under slavery-like conditions. Most trafficked persons traveled to their destinations on passports obtained abroad, most often from Russia or the Kyrgyz Republic.

There was no evidence of a pattern of official complicity with trafficking, although corruption of law enforcement officials was widespread.

The Government did not assist trafficked women who returned to the country; however, NGOs ran crisis support centers that provided legal and material assistance and counseling. Trafficking victims from other countries, if they had entered the country illegally, were fined and deported. There are no special provisions in the law to allow foreign victims of trafficking to be treated as anything but illegal migrants.

The IOM, in conjunction with 19 NGOs across the country, continued an information campaign on the dangers of trafficking and set up hotlines for its victims. The MOJ set up additional hotlines nationwide for trafficking victims to report crimes and to receive information. The Ministry of Interior's Gender Crimes Division provided instruction to its units around the country on recognizing trafficking cases.

The Prosecutor General's Office enforced mandatory licensing for tourist agencies and conducted inspections throughout the year in an effort to uncover agencies involved in trafficking. Many of the criminal cases launched for trafficking crimes originated as a result of these inspections.

The Government began airing a series of public service announcements provided by international organizations in August. Some privately owned media outlets ran the series as well. The Government also produced its own public service announcements and ran them on official television stations in November and December. In most regions of the country, NGOs reported that local officials and law enforcement have been willing participants in training programs on trafficking and that officials have provided access to schools for the same purpose. The Government also supported training programs for judges and prosecutors on dealing with trafficking cases.

KYRGYZ REPUBLIC

Although the 1993 Constitution defines the form of government as a democratic republic, President Askar Akayev continued to dominate the Government. Serious irregularities marred the 2000 parliamentary and presidential elections, as well as the 2002 parliamentary by-elections. Serious irregularities also marred a national constitutional referendum in February that resulted in further control by the President and weakened the Parliament and the Constitutional Court. The Constitution provides for an independent judiciary; however, the executive branch dominated the judiciary, and the Government used judicial proceedings against prominent political opposition and independent media figures in numerous instances.

Law enforcement responsibilities are divided among the Ministry of Internal Affairs (MVD) for general crime, the National Security Service (SNB) for state-level crime, and the procurator's office for both types of crime. Civilian authorities generally maintained control of the MVD and the SNB, and maintained full control of the State Border Guard Service (SBGS). Some members of the security forces committed serious human rights abuses.

The country had an economy based on a mixed balance of agricultural and industrial production, and a population of approximately 5 million. The Government carried out progressive market reforms, although some intended reforms were not implemented fully. Gross domestic product declined by 0.5 percent. Foreign assistance played a significant role in the country's budget. Unemployed workers and government workers with low salaries or unpaid benefits continued to face considerable hardship. Pensions were paid, but the amount provided only for subsistence living. The average annual income was \$230, while the subsistence level income was estimated at \$366 per year. Sixty percent of the population lived below the poverty level. Corruption was pervasive and affected every segment of society.

The Government's human rights record remained poor and worsened in some areas; although there were improvements in some areas, it continued to commit numerous abuses. The Government severely limited citizens' right to change their government and democratic institutions remained weak. Members of the security forces at times beat and otherwise mistreated persons. Prison conditions remained very poor, but improved slightly during the year. Although impunity remained a problem, numerous MVD officials were dismissed or prosecuted for abuses or misconduct. There were many cases of arbitrary arrest or detention. Executive branch domination of the judiciary limited citizens' right to due process, and its interference affected verdicts involving prominent opposition figures. The Government restricted some privacy rights. The Government restricted freedom of speech and of the press, although it allowed an independent printing press and television station to begin operations. The Government used bureaucratic means to harass and pressure the independent media, some nongovernmental organizations (NGOs), and the opposition. The Government restricted freedom of assembly and freedom of association.

At times, the Government placed restrictions on some religious groups. Citizens were usually able to move freely in the country; however, the Government attempted to block the travel of citizens to politically significant events on several occasions. The Government continued to harass and pressure some human rights groups, although a government Ombudsman's Office actively worked to advocate for individual rights. Violence and discrimination against women were problems. Violence against children was a problem, and there were growing numbers of street children. Discrimination against ethnic minorities was a problem, as was child labor. Trafficking in persons was a persistent problem, which the Government took steps to address.

RESPECT FOR HUMAN RIGHTS

Section 1. Respect for the Integrity of the Person, Including Freedom From:

a. Arbitrary or Unlawful Deprivation of Life.—There were no reports of the arbitrary or unlawful deprivation of life committed by the Government or its agents; however, there was one death under suspicious circumstances.

The Osh Media Resource Center reported that Ernis Nazalov, a journalist in the southern part of the country who had been investigating government corruption, died in September under suspicious circumstances. *Vecherniy Bishkek*, an independent, pro-government newspaper, concluded that Nazalov drowned after falling into a canal following a wedding. Local authorities said an autopsy showed no signs of foul play; however, Nazalov's father reported that his son's body had knife wounds and a broken arm. An investigation was ongoing at year's end.

There was limited accountability for MVD forces that opened fire on groups of unarmed demonstrators in Aksy in March 2002, killing 6 and injuring 24. On May 16, a court overturned the convictions of the four police officers convicted of the killings in December 2002, although the officers were fired from their jobs and one other higher-ranking official was demoted. Procurator General Chubak Abyshkov was fired in October 2002, but during the year he was appointed procurator of the Chui Province. Citizens continued to call for higher-ranking officials to face accountability for the Aksy events (see Section 2.b.).

During the year, one person was killed by landmines laid by Uzbekistan forces in Kyrgyz territory in response to the Islamic Movement of Uzbekistan (IMU) incursions into both countries in 1999 and 2000 (see Section 1.c.).

In March, 19 Uighur (members of an Islamic Turkic group native to western China) citizens of China, who were traders, were killed during an attack on a Chinese bus. Authorities suspected two Uighur nationalist extremists, who were believed to be hiding abroad. An investigation remained ongoing at year's end.

By year's end, one suspect was in custody for the killing of a Chinese diplomat in 2002; he was undergoing psychiatric evaluation to see if he was fit to stand trial.

During the year, Uzbekistan border patrols shot eight Kyrgyz civilians, killing six persons and injuring two, in incidents near nondemarcated border areas.

b. Disappearance.—On September 7, Sadykjan Rahmanov, a Kyrgyz citizen and mullah of a mosque in the southern town of Uzgen, disappeared. Local police investigating the disappearance reported that a vehicle seen leaving the scene belonged to an officer of the Uzbek National Security Service. An investigation by the Institute for War and Peace Reporting (IWPR) also concluded that Rahmanov was likely kidnapped by the Uzbek National Security Service. Prior to 1993, Rahmanov lived in Namangan, Uzbekistan.

An international NGO reported that the Uzbek National Security Service abducted six Kyrgyz citizens in Kyrgyzstan. Local human rights advocates reported that there were 260 Kyrgyz citizens serving sentences in Uzbek prisons who were

kidnapped from Kyrgyzstan by the Uzbek Security Services. Most of these individuals had earlier lived and studied religion in Uzbekistan.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The Constitution prohibits torture, mistreatment, and inhuman or degrading punishment; however, police and SNB forces committed abuses including beatings and other mistreatment. At times, police used beatings to extract confessions. There were several credible reports that police beat human rights activists and demonstrators while in detention. The supervision of conditions for pretrial detainees was poor; police were supervised poorly, were not always paid promptly, and at times committed crimes.

On September 8, the Supreme Court overturned a lower court's acquittal of Belovodsk police officers for the 2001 torture and forced confession of a prisoner. At year's end, the case was pending further investigation and retrial by the garrison military court where it originated.

The police at times used force to disrupt opposition demonstrations (see Section 2.b.). There were reports that low-level officials harassed and discriminated against persons seeking asylum, including Uighurs, and on at least one occasion police beat a woman who was representing the Uighur community (see Sections 2.d. and 5).

Some corrupt police officers reportedly targeted homosexuals in Bishkek by extorting money through blackmail and intimidation. The NGO Oasis, which works for the protection of the rights of homosexuals, reported that such an incident occurred in October; the victim did not report the incident to the police, claiming that the police had failed to act on previous complaints he had made.

Prison conditions were very poor and included overcrowding, food and medicine shortages, poor health care/disease prevention facilities, and lack of heat and other necessities, although they improved slightly since their transfer to the Ministry of Justice (MOJ) in 2002. While the Directorate Supervising Penal Institutions (DSPI) reported that there were no deaths among prisoners due to malnutrition during the year, the MOJ reported that 20 percent of inmates died each year, primarily due to disease and malnutrition. However, during the year the state budget significantly increased the daily food allowance for prisoners from \$.20 to \$.50 (8 soms to 21 soms).

In August, Parliament adopted the law on Bodies and Institutions of the Penitentiary System, which provides for the primary principles underlying the operation of the penitentiary system. Based on the law, the DSPI developed the internal rules for correction facilities and two more documents regulating the work of prisons. The MOJ developed and enacted a new DSPI staffing pattern complying with international standards for penitentiary systems. The MOJ also reorganized the DSPI Executive Office and established a Medical Services Department. In addition, the DSPI, working with a number of international and local NGOs, established a Training Center for the staff of correctional facilities.

The tuberculosis incidence rate declined by 26.8 percent during the year (700 cases versus 956 in 2002), while the tuberculosis mortality rate declined from 439 to 205. During the year, 38 HIV cases were diagnosed in prisons; the total number of HIV infected prisoners is 102. The incidence of STDs declined to 454 from 479 in 2002. According to the Directorate, the total mortality rate among prisoners declined by 47 percent during the year: to 275 from 513 in 2002. Tuberculosis was the primary cause of death among prisoners, accounting for 90 percent of deaths.

The MOJ continued to oversee the non-SNB prisons. Prisoners detained by the SNB were kept in SNB facilities; after conviction they were held in a regular prison. During the year, the MOJ pursued a program of prison reform to train prison staff and improve the conditions of prisoners. According to officials from the DSPI, they began implementing reforms designed to: Ensure humane treatment of prisoners, bring prison conditions in compliance with international standards, introduce alternative punishments, and provide medical and social rehabilitation. The DSPI paid particular attention to improving conditions of underage and female prisoners. As part of these reforms, prisons were generally more accessible to international organizations.

Countrywide, 34 corrections facilities held approximately 17,500 prisoners. Many prisoners had serious diseases; approximately 2,500 prisoners had tuberculosis and 185 had HIV/AIDS. Male and female prisoners were held separately. Conditions in the women's prison were less overcrowded than in those for men, and inmates were allowed to perform menial labor to earn money needed to provide necessities. Juveniles were held separately from adults. There were no special facilities for political prisoners. Pretrial detainees were held separately from convicted prisoners. Pretrial detention facilities were extremely overcrowded, and conditions and mistreatment generally were worse than in regular prisons.

The law provides that 1-day in solitary confinement counts towards 2 days of a prison sentence. However, after approximately 1,000 days in solitary confinement, prison authorities moved opposition leader Feliks Kulov to a low-security prison, without reducing the length of his prison sentence (see Section 1.e.).

Prison visits by family members were at the discretion of the investigator during the investigation phase. After a conviction, family members were allowed to visit a prisoner regularly.

The Government usually permitted domestic and international human rights observers to visit prisons. The International Commission of the Red Cross (ICRC) reached an agreement with the MOJ in August 2002 allowing free access to visit detainees in prisons under its jurisdiction. The ICRC was allowed to visit detainees in SNB prisons and pretrial detention centers in accordance with the ICRC's standard procedures. However, the ICRC was not allowed to visit jailed opposition leader Feliks Kulov during the year (see Section 1.e.).

d. Arbitrary Arrest, Detention, or Exile.—The law and the Constitution prohibit arbitrary arrest and detention; however, police at times used ill-defined charges to arrest persons and could be bribed to release them.

The SNB handles state crimes and the MVD handles general crime. Within the MVD there are nine regional offices, one in each of the seven oblasts and the cities of Bishkek and Osh. Under them are town and local police departments. These regional offices and their sub-offices report to both the MVD and to their respective local authorities such as the Governors of the Oblasts and town mayors.

Impunity remained a problem; however, during the year numerous MVD officials were dismissed and prosecuted for various offenses, including corruption, abuse of authority, and police brutality. The MVD could not provide statistics on the number of police charged with brutality because the Criminal Code classifies "police brutality" under articles outlawing abuse of power and exceeding authority. According to the MVD, during the year, 73 criminal cases were opened against 110 police officers, of which 47 were for abuse of power or exceeding authority; 7 cases resulted in convictions, and 17 police officers were punished for taking bribes. Disciplinary actions were taken against 2,288 MVD employees, including 1,507 cases of negligence to official duties, 95 cases of being drunk while on duty, 36 cases of rude and tactless treatment of persons; 248 employees were fired and 122 demoted. Corruption, particularly the payment of bribes to avoid investigation or prosecution, was a major problem at all levels of the law enforcement organizations. Both the MVD and the SNB deal with corruption and organized crime.

In the spring, Ar-Namys co-Chair Emil Aliev claimed that police detained him briefly before releasing him due to lack of evidence. He reported that he was followed daily while driving his car but reported no other harassment.

The procurator's office determined who could be detained, arrested, and prosecuted. The procurator must issue an arrest warrant before a person may be detained, and there were no reports that this provision was abused. The Criminal Code permits law enforcement officials to detain suspects for 72 hours before releasing them or charging them with a crime. The Criminal Procedure Code requires notification of a detainee's family by the investigator within 12 hours of detention; however, this requirement often was not observed in practice. Persons arrested or charged with crimes had the legal right to defense counsel; if a suspect was charged, the procurator was required to advise defense counsel immediately. Defense counsel should be permitted to visit the accused within the first 3 days of incarceration; however, at times the accused did not see defense counsel until trial.

Human rights groups noted that children who were arrested usually were denied lawyers. Police often did not notify parents of children who were arrested, and generally neither parents nor lawyers were present during questioning, despite laws to the contrary. Children often were intimidated into signing confessions.

Economic crimes such as tax evasion, embezzlement, and theft of government property were common; prosecution for these crimes was rare but at times appeared to be directed at opponents of the Government.

The SNB, the MVD, and the General Procurator carried out investigations. The accused usually remained in detention while the procurator investigated and prepared the case for trial. The procurator had the discretion to keep the accused in pretrial detention for as long as 1 year, but there were regulations that provided for provisional release before trial. After 1 year, the procurator was required to release the accused or ask Parliament to extend the period of detention. There have been no known instances in which Parliament was asked to extend a detention.

The Government continued to express concern about groups that it viewed as extremist with either radical religious or political agendas. Security forces detained 89 persons during the year for membership in the illegal Hizb ut-Tahrir Islamic organization and distribution of its literature (see Section 2.c.).

Authorities detained some demonstrators during the year (see Section 2.b.).

On February 27, authorities detained Coalition for Democracy and Civil Society President Edil Baisalov against his will in a hospital for 4 days, beginning the day before a scheduled Freedom House conference on political freedom, allegedly for treatment of medical conditions that exempted him from military service.

Azimbek Beknazarov, a Member of Parliament, who was detained in January 2002 and held in pretrial detention until March 2002, was given a 1-year suspended sentence in May 2002 and resumed his parliamentary duties during the year.

In the past, the SNB arrested Uighurs on ill-defined charges; however, there were no reports of such arrests during the year (see Section 2.c.).

The law does not provide or prohibit forced exile, and there were no reports that the Government employed it in practice. The president of the Kyrgyz Committee for Human Rights (KCHR) went into self-imposed exile abroad in May (see Section 4).

e. Denial of Fair Public Trial.—The Constitution provides for an independent judiciary; however, the executive branch continued to dominate the judiciary. The courts were perceived widely as a rubber stamp for the procurator and for high-ranking government officials.

Very low judges' salaries led to a credible view among lawyers and citizens that all but a very few scrupulously honest judges were open to bribes or pressure. The Constitution gives the President the authority to appoint and dismiss judges. The President appoints judges at all levels, who must be confirmed by the lower house of Parliament. The President may dismiss judges on the Supreme Court and Constitutional Court only with the approval of a two-thirds majority of the lower house of Parliament. The Constitution provides that local laws determine provisions for dismissal of judges of local courts.

Cases originate in local courts; they can move to appeals courts at the district or regional level and finally to the Supreme Court. There are separate military courts and a separate arbitration court system that handled economic disputes.

The amended Constitution, adopted on February 2, increases the power of the Supreme Court, making it the highest judicial body for civil, criminal, and administrative judicial proceedings. It eliminated the highest court in the arbitration court system and transferred its powers to the Supreme Court. The Constitutional Court has responsibility for determining the constitutionality of laws, resolving disputes concerning the interpretation of the Constitution, and determining the validity of presidential elections. Under the new Constitution, the Constitutional Court can no longer intervene with actions of the Supreme Court, except in cases related to the Constitution. The new Constitution narrowed the jurisdiction of the Constitutional Court by eliminating access for citizens seeking to defend their rights. Only the President, Parliament, the Cabinet of Ministers, and the Central Election Commission can now appeal to the Constitutional Court. In its place, the Court was given specific authority to determine the constitutionality of activities by NGOs, political parties, and religious organizations.

Traditional elders' courts consider property and family law matters and low-level crime. Cases are submitted by agreement of the parties; decisions of elders' courts can be appealed to the corresponding municipal court. Local elders' courts are under the supervision of the procurator's office but do not receive close oversight since many are located in remote regions. The procurator, not the judge, is in charge of criminal proceedings. The procurator brings cases to court and tries them before a judge and two people's assessors. The court compares the facts as presented by the procurator and the defense and in most cases makes its decision after receiving all available information in each case. The court may render one of three decisions: Innocent, guilty, or indeterminate. If indeterminate, a case is returned to the procurator for further investigation. The decision of a court to return a case to the procurator for further investigation may not be appealed, and accused persons were returned to the procurator's custody, where they could remain under detention.

The law provides for defendants' rights, including the presumption of the innocence of the accused; however, such rights were not always respected. The judicial system continued to operate, in many cases, under Soviet laws and procedures in which there was no presumption of innocence and the focus of pretrial investigation was to collect evidence sufficient to show guilt. The Criminal Procedure Code provides for an unlimited number of visits of unlimited duration between an attorney and a client. Although official permission for such visits still is required, such permission usually was granted.

The law permits the accused and the defense counsel the right to access to all evidence gathered by the procurator, attend all proceedings, which were usually public, to question witnesses, and to present evidence. However, these rights were not always respected in practice. All members of the court had equal rights and

could question witnesses. Witnesses did not have to present their testimony in court; instead they could affirm or deny their statements in the procurator's files.

The Constitution provides terms for judges that range from 10 years for Constitutional and Supreme Court judges to 7 years for local judges. Judges of the highest courts are nominated by the President and approved by Parliament. The President appoints local court judges.

Under the revised Constitution, former presidents have criminal and civil immunity and cannot at any time be detained, searched, interrogated, or arrested. On June 26, Parliament passed a law extending immunity to the family of Akayev as recognition of his historic role as the country's first President. Judges enjoy limited immunity under the revised Constitution and they may only be arrested or searched if caught in the act of committing a crime. Prosecution of a judge requires the approval of the Supreme Court, and prosecution of a Supreme Court Judge requires consent of the legislature. In previous years, legislators used their parliamentary immunity to avoid being brought to court; however, a 1998 amendment to the law in theory limited their immunity to official acts only.

Defendants were afforded the same constitutional protections in both military and civilian courts, although military court proceedings could be closed to the public. A civilian could be tried in a military court if one of the co-defendants was a member of the military. Military court cases could be appealed to a military appellate court and ultimately to the Supreme Court.

In May, Tynchtyk Duulatov, a member of the political council of the Ar-Namys party, fled the country to avoid prosecution for kidnapping. The charges were likely politically motivated and stemmed from an incident that occurred while Duulatov was monitoring the polls on February 2 during the constitutional referendum. The alleged kidnapping took place when Ar-Namys election observers questioned an individual from a group that was engaged in multiple voting. After admitting on videotape to the observers that he was part of a group that authorities were bussing around to vote at multiple polling stations, the alleged victim said he was forcibly detained. Police questioned Duulatov at the scene and took him into custody on March 24 on charges of attempting to take a hostage. He was released on bail on March 27 and subsequently left the country.

Feliks Kulov, leader of the Ar-Namys Party and former parliamentary and presidential candidate, continued to serve concurrent sentences of 7 and 10 years for his abuse of power convictions in 2001 and 2002 that resulted from apparently politically motivated prosecutions (see Sections 1.c. and 1.d.). On August 15, the Supreme Court upheld Kulov's 2002 conviction; the Supreme Court had earlier upheld his 2001 conviction.

There were no reports of other political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The Constitution prohibits such actions; however, the Government at times violated these prohibitions. The Constitution prohibits unlawful entry into a home against the wishes of the occupant and protects a person's private life, privacy of correspondence, telephonic, and telegraphic communications; however, these provisions were not always respected in practice. The law and procedures require the General Procurator's approval for wiretaps, searches of homes, interception of mail, and similar acts; however, the procurator can give approval over the telephone for searches, which means that in such cases no written proof exists to verify that the search was approved. In certain cases, law enforcement officers can carry out a search first and then get approval within 24 hours. If approval was not given, any evidence seized is inadmissible in court.

Relatives and fellow villagers of political prisoner Felix Kulov reported SNB surveillance, harassment, and employment loss because of their alleged support for him. Authorities reportedly pressured employers to dismiss Kulov's supporters in Bishkek and his native village of Baitik.

The SNB continued to monitor the Uighur community (see Section 1.d.). There were unconfirmed reports by citizens active in politics or human rights monitoring that the privacy of their communications was violated. The Government continued to conduct widespread document checks of some foreigners. These checks often resulted in the detention and deportation of those who were not in the country legally (see Section 2.d.).

Organizational structures responsible for violations of privacy rights during the Soviet era largely remained in place.

Family members of Tynchtyk Duulatov, a member of the political council of the Ar-Namys party, reported that unidentified persons threatened them numerous times over the telephone and that police visited them several times during the year (see Section 4).

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The new Constitution and the law provide for freedom of speech and of the press; however, the Government restricted these rights. The new Constitution also prohibits censorship and compelling citizens to express their ideas or opinions. The law on mass media prohibits the dissemination of government and commercial secrets; inciting war, violence, or intolerance toward ethnic or religious groups; desecration of national norms, ethics, and symbols (such as the national seal, flag, or anthem); pornography; and encroachment on the honor and dignity of a person (libel).

Government newspapers, television, and radio continued to receive government subsidies, which permitted the Government to influence their coverage and to apply financial pressure on independent media by fostering unfair competition for scarce advertising revenue. Increasingly, individuals with close ties to the Government owned and controlled partly or fully news outlets.

There were approximately 25 to 30 newspapers and magazines with varying degrees of independence, including some that had only local circulation. Eight of these were state owned. The state printing house, Uchkun, was the primary newspaper publisher in the country, with several small presses located inside and outside of the capital.

The nongovernmental Media Support Center (MSC), which the Government registered in 2002, opened an independent printing press on November 14. The press was a full-service printing house focusing on newspapers. By year's end, the press was printing 4 politically oriented newspapers and 6 commercial newspapers.

During the year, the Government registered four new independent radio and television stations; by year's end, three had begun operating. However, the son-in-law of President Akayev was a partial owner of one of those outlets, Love Radio in Bishkek. Foreign media, including the British Broadcasting Corporation, Associated Press, Reuters, and Agency France Press, generally operated freely. However, Radio Azattyk, the country's affiliate of Radio Free Europe/Radio Liberty, reported that police harassed and detained its journalists in the past, particularly when reporting on demonstrations. A number of Russia-based media outlets, such as *Rossiskaya Gazeta* and *Komsomolskaya Pravda*, also operated freely in the country, but because they were registered with the MOJ the Government considered them local media.

The Government used its influence over printing and distribution of print media to impede the dissemination of information by the independent print media. In May, the Leninsky District Court in Bishkek confiscated 15,000 copies of *Moya Stolitsa Novosti* from the Uchkun printing press. That issue reportedly included articles on the commercial activities of the President's son-in-law and alleged violations of press freedom.

Unknown persons continued to commit acts of violence and intimidate members of the media. In September, freelance journalist Ernis Nazalov, who was investigating local government corruption, was found dead in a canal in the southern city of Osh, with some suspicion of foul play (see Section 1.a.).

On January 20, Alexandra Chernykh, a *Moya Stolitsa Novosti* journalist and daughter of the newspaper's chief editor Rina Prijivoit, was assaulted in the street. In June, a car belonging to *Moya Stolitsa Novosti* editor-in-chief Alexander Kim was set on fire. On October 16, two assailants attacked Abduvahad Moniyev, Osh-based reporter for independent Kyrgyz-language newspaper "Agym." Although the journalist recognized one of the attackers, the police did not actively pursue an investigation until the journalist made the case public. After the investigation began, one of the attackers came forward and filed suit against Moniyev stating that he started the fight. The journalist believed that he was attacked due to his independently written articles. In addition, southern journalists reported increasing harassment by Uzbek border guards when attempting to cross into Uzbekistan.

All media were required to register with the MOJ and wait for ministry approval before beginning to operate. The Media Law states that the registration process should take no longer than 1 month, but the process often took much longer. Part of the registration process included background checks on each media outlet's owner and source of financing, including international donor organizations. The Government denied registration to *Moya Stolitsa* in December.

Although the new Constitution prohibits censorship, government interference with independent television and radio stations continued. New processes were implemented requiring frequencies to be distributed on a competitive basis, which led to longer time periods before authorization to use a frequency was granted. In September, the Government created a media council to arbitrate government-media disputes, which consists of government and media representatives. Media organizations and journalists criticized the formation of the council. During the year, the Council urged the President to sponsor legislation that would introduce a fee on lawsuits

filed against media outlets and to decriminalize libel. At year's end, Parliament was debating both bills.

News reports on Pyramida television, which was the only truly independent television station in Bishkek, became less independent due to a new news director who used to work for government media and reportedly had close ties with government leaders. Pyramida also was involved in an ongoing dispute with the National Communication Agency over its broadcasting license.

Libel was a criminal, not a civil, action. The Government, acting through compliant courts, used the prohibition of material that encroaches on the honor and dignity of a person to harass and apply pressure on the independent media. Honor and dignity lawsuits filed by government officials against newspapers increased dramatically in the first part of the year on both the national and regional levels but decreased in the second half of the year following widespread international criticism of the practice. Since November 2002, 34 suits were filed against independent newspaper Moya Stolitsa Novosti. The total sum of court fines due to these suits was approximately \$100,000 (4,300,000 som); the high costs of these fines forced the newspaper to close on June 12. The newspaper reopened as MSN, and published its first issue on June 27. Kyrgyz Ordo newspaper, an opposition Kyrgyz-language newspaper, also closed during the year due to high court fines.

A local government official filed a lawsuit for libel against Alisher Toksonbaev, an Osh journalist with the NGO Protection of the Rights of Journalists, for a February article. The lawsuit, which was pending at year's end, was the thirty-fourth lawsuit against Toksonbaev since 1990.

There are no laws regarding Internet media. There were no credible reports that the Government censored or blocked access to the Internet. In March, Foreign Ministry officials sued the independent newspaper Obshestvennyi Rating for posting an anonymous letter on a website that detailed alleged professional irregularities within the Ministry.

The Government restricted academic freedom by removing from all public schools a locally written health teacher's manual prior to the start of the 2003–2004 school year. Schools had been using the book during the previous 4 school years. The Ministry of Education received complaints from parents about the text's discussion of HIV/AIDS and condom usage. The Ministry has not replaced the book with any other health text.

b. Freedom of Peaceful Assembly and Association.—The Constitution provides for freedom of assembly; however, on occasion the Government restricted this right in practice and used force to disrupt peaceful demonstrations.

The law and the new Constitution require that authorities receive notification of public gatherings and give authorities the right to prohibit gatherings under certain conditions. Permits are required for public marches and gatherings, which usually were available; however, in some cases authorities refused to issue permits to opponents or critics of the Government. At times authorities, including those at local levels, used these requirements to prevent rallies and demonstrations.

Rallies and demonstrations were held regularly in front of the White House, Parliament, and in other places. During the year, numerous protests, demonstrations, and pickets took place in different areas of the country, including Bishkek, Osh, Jalal-Abad, and Naryn. In most cases, demonstrations took place without interference from authorities; however, there were instances in which security forces forcibly disrupted demonstrations and meetings.

On May 16, 18 women from Aksy were proceeding to Government House in Bishkek to deliver a petition to President Akayev demanding prosecution of those responsible for the Aksy violence in March 2002 (see Section 1.a.). Police beat three women and detained the entire group for 10 hours for failing to have proper identification. The women staged a hunger strike through May 22 to express their continuing dissatisfaction with the impunity granted to the officers responsible for the incident.

In August, the Government denied prominent members of the opposition permission to hold a "kurultay" (public forum) in Bishkek, after allowing them to hold a kurultay in 2002. Local authorities allowed an alternative kurultay only in the southern city of Kerben, 300 kilometers outside of Bishkek, and the event took place on August 23.

In September and October, the Government denied investors in the defunct Renton Company permission to hold a demonstration in front of the President's Office, arguing that such a demonstration would disrupt public order. However, since October, the investors were allowed to hold other demonstrations, including one in front of the President's Office.

The Constitution provides for freedom of association; however, at times local authorities restricted this right in practice. The Law on Public Organizations—which

include labor unions, political parties, and cultural associations—requires registration of these organizations with the MOJ.

In May, the Government denied the Ar-Namys political party's application for space to hold a party conference. Also in May, nine participants at a peaceful meeting on "problematic border issues" were detained, two of whom were tried and fined \$23 (1,000 soms).

The new Constitution prohibits activities of foreign political parties and NGOs, including their representative offices and branches that pursue political goals. The OSCE expressed concern that this provision could limit domestic monitoring and human rights groups, in addition to political parties.

During the year, the Government required the Coalition for Democracy and Civil Society to reregister after it amended its charter in December 2002. On August 4, the MOJ used the constitutional provision on activities of foreign political parties to deny the Coalition's first application for reregistration, which it submitted in July. As part of the reregistration process, the Government required that the Coalition provide a list of all its members, which it did in August. The Government approved the reregistration on October 2, after four unsuccessful attempts. On August 13, the MOJ required the KCHR to apply for reregistration and accepted the registration of a splinter group with new leadership on September 24, thereby stripping the group of its leader and registration (see Section 4.).

The law on NGOs distinguishes them from political parties, labor unions, and religious organizations and lowers the required number of members for registration. The registration of an NGO requires at least 3 members; the registration of a political party requires at least 10. There was widespread domestic NGO activity throughout the country on issues ranging from human rights to environmental protection (see Section 4).

c. Freedom of Religion.—The Constitution and the law provide for freedom of religion, and the Government generally respected this right in practice; however, there were some restrictions on freedom of religion, particularly the activities of Islamic groups that it considered to be extremists and a threat to the country. Islam was the most widely practiced faith.

Since 2001 the Government worked with representatives of various religious faiths and NGOs to develop a draft law on religion. The draft law has been debated in the Parliament and passed two readings. The third reading is scheduled to occur during the spring 2004 session. Representatives of religious communities expressed concern that some Muslim believers could be named extremists under the law. In April 2002, the Central Asian Eparchy of the Russian Orthodox Church issued a statement strongly opposing the draft law, citing concerns that its passage would result in a flood of foreign missionaries.

The State Commission on Religious Affairs (SCRA) was responsible for promoting religious tolerance, protecting freedom of conscience, and overseeing laws on religion. Under the law, all religious organizations were required to register with the SCRA, which was required to recognize the registrant as a religious organization. Each congregation was required to register separately. Religious organizations, including religious schools, were required to register with the MOJ to obtain status as legal entities, which was necessary for them to own property, open bank accounts, and otherwise engage in contractual activities. Under the tax code, religious organizations were required to pay taxes on commercial activities. The Ministry's registration process was cumbersome, taking a month on average. In practice, the Ministry never registered a religious organization without prior registration by the SCRA.

Several religious organizations reported delays registering with the SCRA. The majority of these were small Christian congregations and Islamic organizations. All of them were eventually registered. According to the SCRA, it registered all churches that applied for registration during the year. The Church of Jesus Christ reported that 10 of its churches succeeded in registering by year's end, with another 6 applications pending.

The Government was concerned about political extremism disguised as conservative Islam, particularly Wahhabist interpretations. Armed incursions by militants of the IMU in the summers of 1999 and 2000 increased the Government's apprehension about radical Islam and the actions of its followers. The Government, leaders of the Russian Orthodox Church, and the Muftiate expressed concern over new religious movements posing a threat to stability, such as Hizb ut-Tahrir, the Unification Church, Falun Gong, and other Christian "sects." The Muftiate issued a fatwa (legal decree) denouncing the activity of Hizb ut-Tahrir in December 2002.

Religious leaders noted with concern that the SCRA frequently used the term national security in its statements. Law enforcement authorities, including the MVD and the SNB, often played a role in investigating religious organizations and resolv-

ing inter-religious disputes. Representatives of smaller churches, such as the Church of Jesus Christ, complained of government attempts to hamper their activities. However, a pastor of the Catholic Church denied that the Government had attempted to hamper the Church's activities during the year.

The arrest and prosecution of persons accused of possessing and distributing literature of the Hizb ut-Tahrir organization increased during the year. Most arrests occurred in the South and involved ethnic Uzbeks; those arrested typically were charged with violation of Article 299 of the Criminal Code, which prohibits the distribution of literature inciting ethnic, racial, or religious hatred. The SCRA chairman stated in 2002 that there were approximately 2,000 Hizb ut-Tahrir followers in the country. The MVD reported that during the year 89 persons were detained for distribution of Hizb ut-Tahrir literature.

In May, the head of the local administration closed six of the nine mosques in a Jalal-Abad district, claiming that they were on state-owned land and that their imams were preaching contradictory views, although he later reopened two mosques. Of the remaining seven, four were turned into housing for poor families, while the other three remained closed and unused. After their closure, he stated that he could monitor the remaining imams' activities and ordered the closed mosques' destruction, which began in October.

Members of the Church of Jesus Christ reported that government pressure was aimed at closing their Church. On August 15, the Ministry of Finance denied the Church's appeal of the demand of the tax inspectorate of Bishkek's Oktyabr oblast for payment of \$110,000 (4.8 million sums) on member donations to the Church. Authorities allegedly threatened to confiscate the Church's building as payment. The Church's pastor contended that the tax bill was an attempt to punish and shut down the Church because one-third of its 9,500 members are ethnic Kyrgyz, who are traditionally Muslim. In December, the Church reported that during a meeting between its representatives, Tax Police officials, and officials from the Tax Commission, they agreed with the Church that donations were not taxable and sent the case back to the Tax Inspectorate.

A number of missionary groups operated in the country. Missionary groups were required to register with the Government, and the SCRA registered 119 foreign missionary groups during the year. A missionary from Korea and 10 missionaries from Qatar were prohibited from further activities as missionaries for violating the law.

The Government expressly prohibits the teaching of both religion and atheism in public schools. In 2001, the Government instructed the SCRA to draw up programs for training clergy and to prepare methodologies for teaching about religion in public schools. These instructions came in response to concerns about the spread of Wahhabism and what the Government considered to be unconventional religious sects.

In December 2002, the Muftiate announced the formation of an expert commission to review and standardize Islamic educational literature printed and distributed in the country, the construction of mosques, and activity of Islamic groups.

In April, some teachers in the Jalal-Abad region at the Khamza school told children not to perform daily prayers, even at home. A teacher at the school harassed the children who admitted that they prayed at home by singling them out and hitting them on the head. Teachers at the Babur school in the Bazarkorgon district also told students not to pray.

In the spring, teachers in several schools in the Osh region prohibited pupils from wearing the religious headscarves (hijab) in school. At the Lomonosov school in the Karasuu district of the Osh Province, girls were prohibited from wearing hijabs. School authorities held meetings with students, where police threatened the girls with arrest if they continued to wear the hijab. After some of the parents sought assistance from the school principal, they were told that their children should leave school if they continued to wear the hijab.

There was anecdotal evidence of periodic tension between followers of conservative Islam and foreign missionaries in rural areas. Converts from Islam at times faced discrimination. Muslim and Russian Orthodox spiritual leaders defended such actions with criticism of nontraditional Christian groups' proselytizing activities. The SCRA chairman called for tolerance on all sides.

For a more detailed discussion, see the 2003 International Religious Freedom Report.

d. Freedom of Movement within the Country, Foreign Travel, Emigration, and Repatriation.—The Constitution provides for these rights, and the Government generally respected them in practice; however, certain policies continued to complicate internal migration, resettlement, and travel abroad.

The law requires that citizens have an official government permit (*propiska*) to work and settle in a particular area of the country. Applicants for such a residence

permit must file a request for registration with the local police and be able to prove that they have a permanent residence in the area. In addition, home and apartment owners can sell their property legally only to buyers with such permits. During the year, law enforcement agencies conducted sweeps and random checks to verify the proper registration of residents (see Section 1.f.). Authorities fined or imprisoned individuals without residence permits stamped in their passports. Local administrations tied the availability of utilities and social services to registration; individuals who did not register could be denied access to water, heat, light, subsidized health care, or schooling. The linkage between obtaining a residence permit and obtaining community services disproportionately affected the growing number of internal migrants. Many employers refused to hire applicants residing illegally.

A 2002 law on internal migration provides for an end to the travel permit system. The working group established to implement the new law met four times during the year, and by year's end had produced three regulations to supplement the law covering internal migration.

There is no law on emigration. The SNB reviewed all passport applications. There are no exit visa requirements and citizens can travel abroad without an exit visa; however, travel abroad requires an "international page" in one's passport. Unlike in previous years, travelers were not required to present letters of invitation to receive the page if they had never traveled abroad. After the validation of the passport, travel was unrestricted. The law prohibits emigration within 5 years of working with state secrets; however, there were no reports that anyone was barred from emigration under this statute during the year.

On October 31, the SNB refused to provide Dilbar Momunkulova's passport the "international page" required for foreign travel. An activist who protested impunity for the 2002 Aksy shootings, she was planning to attend an OSCE conference on torture in Vienna in November.

Although official figures were not available, press reports indicated that the emigration of both ethnic Russians and Russian speakers continued during the year, primarily as a result of the lack of economic opportunities. According to the International Organization for Migration (IOM), approximately 50,000 Kyrgyz labor migrants worked in Kazakhstan and 300,000 in Russia.

Emigrants were not prevented from returning to the country, and there reportedly was a small but steady flow of returnees.

The law provides for the granting of asylee or refugee status to persons who meet the definition in the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. In practice, the Government provided some protection against refoulement and granted asylum or refugee status. The Government cooperated with the office of the U.N. High Commission on Refugees (UNHCR) and other international humanitarian organizations in assisting refugees. UNHCR registered 116 Afghan asylum seekers, 7,047 Tajik refugees, 4 Uighur refugees and 2 Uighur asylum seekers, and 6 Iranian refugees. The Government registered all refugees, except the Uighurs and the Iranian refugees. The Government denied refugee status to 37 Afghans. All of the Iranians reportedly left for other countries.

During the year, there were 7,805 refugees, with an additional 625 whose applications were pending at year's end. The Government repatriated 73 Chechens to Chechnya and 28 Afghans to Afghanistan. An additional 29 Afghans were settled in a third country. In total, UNHCR closed 1,170 cases due to repatriation, naturalization, or resettlement.

According to the UNHCR and the Ministry of Foreign Affairs Migration Services Department, authorities provided temporary protection to 457 refugees from Chechnya. The Government did not grant Chechen refugees official refugee status, but it allowed them to obtain asylum seeker status, which provided them with some legal protection. Chechen refugees reported experiencing low-level harassment from law enforcement officials.

The UNHCR maintained programs to provide medical aid, legal advice, and other services to refugees. The UNHCR also worked closely with the Government to develop documents for legal protection.

The Government maintained new controls on the movement of some foreign nationals and conducted sweeps in order to find undocumented foreigners. During the year, a total of 85 undocumented foreigners, primarily Pakistanis, Indians, and ethnic Chinese and Uighur citizens of China were reportedly arrested for visa violations. Of the 85 arrested, 31 were deported. During the year, refugees and asylum seekers continued to be subject to heightened security measures. The UNHCR intervened in several cases on behalf of individuals detained by the MVD until their status could be determined and documented.

There were no reports of the forced returns of persons to a country where they feared persecution, although there were reports in earlier years of Uighurs opposed

to Chinese policies being repatriated forcibly to China where they feared persecution. According to the UNHCR, Uighurs remained at risk of deportation, particularly if they were involved with political and religious activities in China.

Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government

The Constitution provides citizens with the right to change their government peacefully; however, in practice, the Government restricted citizens' ability to do so.

A Constitutional referendum held on February 2 was highly flawed and marred by serious irregularities, as were parliamentary and presidential elections held in 2000. During the referendum, election observers noted widespread electoral violations and disputed the Government's turnout and vote count figures. Observed violations included: Manipulation of the ballot count, forged voting results, individuals voting multiple times, and individuals voting without documents. There were many occasions where election officials prevented independent observers from monitoring the election process.

After President Akayev announced the formation of a Constitutional Council made up of government officials and civil society representatives in 2002 to propose various amendments to the Constitution, the Council proposed numerous changes. These proposals were given to an Expert Group of government officials and legal scholars to finalize the work of the Constitutional Council and draft an amended Constitution that would be voted on as a referendum by a straight yes-or-no vote. The government-prepared final text of the amended Constitution differed significantly from what had been offered by the Constitutional Council, with many of the Council's recommendations ignored and many others added by the Expert Group. Observers criticized the new Constitution for strengthening the President's authority at the expense of the Constitutional Court and Parliament, which was scheduled to be reduced to a unicameral body after parliamentary elections are held in 2005. The new Constitution gives the President the authority to appoint and dismiss members of the Government and to dismiss Parliament.

President Askar Akayev continued to dominate the Government. The amended Constitution approved in February further increases the President's powers. Under the new Constitution he has a virtual veto on any legislative act and additional powers to dissolve the legislature, as well as immunity after leaving office. Nevertheless, on several occasions during the year President Akayev pledged publicly to honor the constitution and step down at the end of his current term in 2005. Despite constitutional limitations, Parliament has demonstrated a degree of independence by overriding two presidential vetoes of legislation.

October 2002 parliamentary by-elections in four electoral districts were generally orderly and competitive in three districts, but serious voting irregularities were observed in one district where the race was strongly contested. Irregularities included voting without identity documents, multiple voting using the supplemental list, and distribution of ballots upon presentation of a student card.

In 2000, President Akayev was elected to a third term as President. Although the Constitution specifies a 2-term limit for the President, the Constitutional Court ruled that Akayev could serve a third term because he had been elected to his first term under the Soviet-era Constitution. The Office of Democratic Institutions and Human Rights of the Organization for Security and Cooperation in Europe (OSCE/ODIHR) stated that international standards for equal, free, fair, and accountable elections were not met. The Government took steps to disqualify otherwise qualified candidates by charging and convicting them on questionable criminal charges. Although six competing candidates offered the electorate some political choice, the restrictive process of candidate registration excluded a number of prominent opposition leaders from the election. Harassment of opposition candidates and NGOs negatively influenced the fairness of the campaign.

In two rounds of parliamentary elections in 2000, four political parties were blocked from competing because their charters did not state specifically that they could compete in elections for state bodies. The OSCE noted that executive and judicial branch interference in the electoral process continued through the runoffs. A number of opposition candidates were harassed and opposition leader Felix Kulov was imprisoned on politically motivated charges, preventing him from being a candidate (see Sections 1.d. and 1.e.). Although there were improvements in overall election administration on the day of the vote, there were allegations of ballot tampering, government intimidation of voters, and harassment of campaign officials in the elections of a number of opposition leaders.

The Government continued to impede the functioning of opposition political groupings and the expression of opposition views in the media (see Section 2.b.). Opposition politicians and members of prominent NGOs reported incidents of harass-

ment and that officials harassed opponents who criticized the referendum (see Section 1.d.). The government-controlled printing press periodically refused opposition newspapers printing services, and journalists and media outlets faced libel suits from government officials (see Section 2.a.).

During the year, there were 43 registered political parties. The new Constitution prohibits election of candidates to the Parliament on the basis of party list voting. Some parties have criticized this provision as potentially weakening political parties.

The Constitution provides for parliamentary elections every 5 years. The amended Constitution approved in February will create a unicameral legislature with 75 deputies following the 2005 elections, which critics contend may weaken the Parliament. Deputies will be directly elected from geographic districts. Unlike the 2000 parliamentary elections, there will no longer be any seats distributed proportionally based on party lists. On December 25, Parliament adopted a new election code that the OSCE determined did “not establish a legal framework that provides for democratic elections.”

There were 7 women in the 105-seat legislature. Women held several high-level government posts, including the Chief Justices of the Constitutional Court and the Supreme Court, the Minister of Education and Culture, the Minister of Labor and Social Welfare, and the Governor of Issykul Oblast. The Democratic Party of Women participated in the parliamentary elections in 2000 and won two party seats, earning 13 percent of the party-list votes.

There were 19 seats in the legislature held by members of minority groups. Russians and Uzbeks were underrepresented in government positions, although members of minority groups held several top posts, including the Prime Minister, Minister of Agriculture, and Chief Justice of the Supreme Court. Russian-speaking citizens (those who do not speak Kyrgyz) alleged that a ceiling existed in government employment that precludes their promotion beyond a certain level and that, in elections in previous years, some otherwise qualified candidates were disqualified on the basis of exams, the fairness of which was questioned (see Section 5).

Section 4. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

Human rights groups generally operated in a hostile environment and were faced with continuous government pressure to curtail their activities. Despite this pressure, most domestic independent human rights organizations, including the Coalition for Democracy and Civil Society, were able to continue investigating and publishing their findings on human rights cases.

After the Government registered the Coalition for Democracy and Civil Society, the Coalition reported that law enforcement officials intimidated and harassed its members, including through threatening telephone calls and visits to members' homes (see Section 2.b.). On September 30, an MOJ official reported obtaining letters of resignation of five Coalition members.

Members of KCHR reported that police were monitoring their offices and frequently visited them asking questions about the whereabouts of KCHR president Ramazan Dyryldaev.

Authorities harassed NGO members who criticized the constitutional referendum. NGOs reported that authorities compelled several dozen NGO leaders to sign letters recanting their past criticism of the referendum. On February 1, before the referendum, police detained KCHR activist Ryskeldi Mombekov and prevented him from observing the voting process. In April and May, government officials threatened Galina Kaisarova, a lawyer with the Helsinki Group, with the loss of her law license. In May, an unknown assailant attacked Dmitry Kabak, a human rights activist who monitored Kaisarova's trial.

In May, KCHR president Dyryldaev left the country again, saying he feared imminent arrest. By year's end, the Prosecutor General had reopened its investigation, but no charges were filed. On May 11, Dyryldaev was reelected as head of KCHR. On August 13, the MOJ required reregistration and accepted the registration application of a splinter group with different leadership and membership than the original. Dyryldaev, members of KCHR, and international NGOs protested that the Government used these tactics to strip the leadership and registration of the group's original membership. The Government used similar tactics against the group in 1999 and later reinstated the original leadership and registration of KCHR.

Authorities threatened criminal prosecution of and violence toward high-profile activists involved in human rights and civil society related NGOs and their family members. On March 5, during his father's lawsuit against the Prime Minister, the 10-year-old son of human rights activist Tursunbek Akunov was beaten up on the street (see Section 1.f.).

There was no action taken on the 2001 assault on the executive director of the Coalition for Democracy and Civil Society.

A number of international groups reported on human rights problems in the country, although none had offices in the country.

A pro-government NGO called the Association of NGOs worked closely with UNICEF on children's programs during the year. According to the Head of Penitentiaries, it also helped implement projects aimed at rehabilitating prisoners.

The Ombudsman's Office, created in 2002, actively worked to advocate for individual rights. The Office's mandate is to act as an independent advocate for human rights on behalf of private citizens and NGOs. The Ombudsman has the authority to recommend cases for review to courts, including the Constitutional Court and Supreme Court. On one occasion, the Ombudsman successfully appealed a wrongful dismissal case to a military court that the court had previously refused to hear. After review, the court ruled in favor of the plaintiff. The Ombudsman also appealed directly to the Supreme Court on behalf of the newspaper *Moya Stolitsa*, but was waiting for a reply from the court at year's end. During the year, the Ombudsman met with 857 persons to discuss complaints and received over 14,000 appeals on various matters. A large part of the Ombudsman's work was focused on prison reform; he appealed to the President to establish separate prison facilities for female minors and to improve TB testing and treatment for prisoners.

Section 5. Discrimination Based on Race, Sex, Disability, Language, or Social Status

The Constitution provides for the rights and freedom of individuals and prohibits discrimination, including that based on language. The Government expressed a strong commitment to protecting the rights of members of all ethnic and linguistic groups, as well as those of women; however, in practice it did not always ensure these rights effectively.

Women.—The law specifically prohibits domestic violence and spousal abuse; however, violence against women, including domestic violence, remained a problem. Interior Ministry statistics indicated that during the year there were over 300 sexual crimes against women, but actual figures were probably significantly higher. Many crimes against women were not reported due to psychological pressures, cultural traditions, and apathy by law enforcement officials.

Activists noted that rape was becoming more common, although it was not clear whether the incidence of rape or only the reporting of such attacks was becoming more common. There were 247 rapes reported during the year. Authorities often ignored such attacks. There were reports that police raped women in custody. The Government did not take specific action to deal with this problem of violence against women.

Several local NGOs provided services for victims of domestic violence. Organizations involved with battered women also lobbied for new laws on domestic violence. The Association of Crisis Resolution Centers for Women and Children (ACRC) operated with continued support from the Soros Foundation. ACRC has member organizations in Bishkek, Osh, Jalal-Abad, Naryn, Batken, Cholpon-Ata, and Talas. Another center in Bishkek, Sezim, maintained a staff of lawyers, psychologists, and doctors and operated a crisis hotline for the public. Staff members conducted training, debates, and seminars on women's rights and family planning. Sezim opened a women's shelter in Bishkek in October. There also were internationally funded crisis centers in both Talas and Jalal-Abad. A crisis center in Naryn operated by the NGO *Tendesh* maintained a hotline to support women affected by violence and provided psychological, legal, and medical assistance.

Trafficking in women and girls for the purpose of prostitution was a persistent problem (see Section 6.f.).

Some rural inhabitants continued the traditional practice of kidnapping women and girls for forced marriage; the MVD reported that each year between 10 and 30 women were kidnapped and forced into marriage.

Sexual harassment is prohibited by law and is covered in the Criminal Code. Penalties range from fines to imprisonment.

Discrimination against women persisted. Family law prohibits divorce during pregnancy and while a child is younger than 1 year of age. The law gives equal status to women, and they were represented well in the work force, in professions, and in institutions of higher learning.

Women were prominent in law, medicine, accounting, and banking and played an active role in the rapidly growing nongovernmental sector. However, deteriorating economic conditions had a severe effect on women, who were more likely than men to lose their jobs. According to government statistics, the unemployment rate was 3.6 percent for women, compared with 2.6 percent for men. The average wages for women were substantially less than for men. Women with children under the age

of 16 accounted for approximately two-thirds of unemployed women. Women made up the majority of pensioners, who have felt the negative effects of the country's economic downturn, which led to inflation and the erosion of pensions that often were paid late. Women's groups expressed particular concern about the situation of rural women. With the end of communism, traditional attitudes toward women reasserted themselves strongly in the countryside, where women were relegated to the roles of wife and mother, and educational opportunities were curtailed. Data indicated that women were becoming less healthy, more abused, less able to work outside the home, and less able to dispose of their earnings independently.

The Congress of Women operated legal clinics for women throughout the country to help counsel women on legal issues and women's problems. The Mercy Center ran a program to find employment in handicraft production for mothers of large families. The Center for Women's Initiative, Aigerim, had programs to assist needy families. Over 200 NGOs dealing with women's problems operated in the country during the year. Women's organizations focused on violence against women, gender equality, women's reproductive health, women's involvement in politics, and education in women's rights. One NGO, Diamond Association, focused on promoting the participation of women in traditional courts of elders.

Children.—There were government programs, many of them financed from abroad, directed at improving the condition of children; however, the Government lacked resources to address fully basic needs for shelter, food, and clothing.

The country had a 97 percent literacy rate. The Constitution states that education is compulsory and free of charge for the first 9 years. The Law on Education and the Law on Protection of Children's Rights require that secondary education be free and universal.

Financial constraints prevented the Government from implementing free basic education for all students. Those families that kept their children in public schools had to pay burdensome administrative fees. Girls and boys attended school in equal ratios. According to UNICEF in 2002, the primary school enrollment ratio was 98 percent for both girls and boys. The secondary school enrollment ratio was 75 percent for boys and 83 percent for girls. The Criminal Code penalties for infringing on a student's right to obtain free secondary education range from receiving a public reprimand to 1 year of forced labor; the law penalizes parents who do not send their children to school or who obstruct their attendance. Many of those families who could afford it chose to send their children to more expensive private schools.

The Government has established two funds, Jetkinchek and Kadry XXI Veka (Cadres of the 21st Century), to provide educational benefits for low-income children and children with disabilities. Jetkinchek, a 1999 presidential educational program provided assistance such as pens, books, and clothes to low-income children. The program was primarily government-funded but received assistance from international organizations. Kadry XXI Veka was financed by international organizations and helped some youth continue their education abroad.

According to the Government, deaths from tuberculosis accounted for almost half of all deaths among infants under 2 years of age, and the incidence of tuberculosis and vaccine-preventable diseases such as diphtheria, polio, and measles continued to grow. A range of serious nutrition-related problems affected a large number of children, particularly in rural areas. According to UNICEF, approximately 11 percent of infants were moderately or severely underweight. The infant mortality rate was 20.1 deaths per 1,000 live births, and the under-5 mortality rate was 28.7 deaths per 1,000 live births. The Government provided health care for children. According to UNICEF, the Government financed 18 percent of routine vaccinations. The system of residence registration restricted access to social services, including healthcare and education, for children that belonged to certain groups, such as refugees, migrants, internally displaced persons, and noncitizens (see Section 2.d.).

Child abuse continued to be a problem. Traditional social safety measures were inadequate to cope with the social pressures that affect families. During the last 3 years, 36 persons were convicted for involving a child in prostitution, sexual actions, and for the production of pornography, and 10 persons were convicted for sale and trafficking of children.

There were increasing reports of abandonment due to parents' lack of resources to care for children, which led to larger numbers of children in institutions, foster care, or on the street. According to UNICEF, the children most at risk were those in these 3 categories, with 10- to 14-year-olds the highest-risk age group. State orphanages and foster homes faced a lack of resources and often were unable to provide proper care. The Kyrgyz Children's Fund (KCF) was particularly concerned about the growing number of street children, many of whom left home because of abusive or alcoholic parents or desperate economic conditions. The Government reported that the number of street children nationwide varied between 2,000 and

15,000 depending on the season of the year. UNICEF estimated there were 2,000 street children in Bishkek. The majority of street children found temporary shelter at bazaars and bus or train stations. Approximately 80 percent of street children were internal migrants (see Section 6.f.).

There were over 300 child inspectors (MVD policemen) in the country charged with enforcing the law with respect to juveniles, but the MVD reported that this was not sufficient for the workload (see Section 6.f.). Several government programs, such as "New Generation," "Youth," and the Special Program for Prevention of Homelessness and Juvenile Delinquency, addressed children's issues during the year. These programs focused on preventive work by the MVD Inspectorate, NGOs, schools, and the public, including identifying families where children are neglected or have criminal records, visiting and counseling families, and sweeping the streets for homeless children. Detained street children were either sent home (if an address was known) or to a rehabilitation center. The MVD maintained two centers, one each in Bishkek and Osh. Children were kept at a rehabilitation center for no more than 30 days, after which they were either sent back to their families, or, if needed, to orphanages. The two rehabilitation centers were in poor condition and lacked sufficient food, clothes, and medicines. The police took 1,203 street children either to their families or to rehabilitation centers during the year.

The KCF had one shelter in Bishkek to provide food, clothing, and schooling to approximately 30 children. The Svetlii Put shelter received training assistance from UNICEF and cared for 244 children during the year. The SOS Children's Village, funded by the Austrian organization Kinder Dorf International and other foreign and domestic organizations, cared for orphans. Approximately 120 children lived in this village, which offered housing and a kindergarten. KCF also maintained a Children's Village in Issyk-Kul Oblast with capacity for 120 children. In August, the Meerim Fund established the Altyn Balalyk (Golden Childhood) Village. At year's end, only part of the Village was operating, providing medical services for the near-by city of Cholpanata. The Village does not intend to accept orphans until 2004.

The forced marriage of underage girls is illegal; however, it has become more common, and authorities often tacitly approved this practice. Cultural traditions and social structures discouraged victims from going to the authorities.

Trafficking of children for prostitution and labor remained a problem (see Section 6.f.).

Child labor was a problem (see Section 6.d.).

Human rights groups and the KCF monitored the condition of children and advocated for child rights. The Government's Commission on the Affairs of Under-Age Children, under the Office of the Prime Minister, worked as a focal point for the Government's activities to protect the rights of children and provided a forum for discussing and coordinating responses to children's problems.

The Government and its Commission continued to disseminate information regarding children's rights among both children and adults. The Ministries of Justice, Education, Culture, and Health, as well as the state television and radio company and various NGOs, also helped disseminate such information, including by translating information into Kyrgyz, Russian, and Uzbek to reach different segments of the population. The Children's Media Centre (CMC), a Bishkek-based NGO, produced magazine and video stories about children's rights and the situation of children in the country. Student journalists participating in the CMC were required to receive training on the main principles of the U.N. Convention on the Rights of the Child. The state-run television channel, KTR, donated airtime twice a month to the CMC's programs.

Persons with Disabilities.—The laws provide for convenient access to public transportation and parking for persons with disabilities, subsidies to mass media sources that make their services available to the hearing or visually impaired, and free plots of land for the construction of a home. The National Human Rights Program 2002–10, adopted by presidential decree in January, contains provisions for protection of the rights of children with disabilities.

In practice, few special provisions were in place to allow persons with disabilities access to transportation, public buildings, and mass media. In addition, persons with disabilities often had difficulty finding employment because of negative societal attitudes and high unemployment among the general population. The lack of resources made it difficult for persons with disabilities to receive adequate education. Social facilities for persons with mental disabilities were strained severely, because budgets have fallen and workloads remained heavy.

The Government provided support to a network of enterprises operated by the Society for Blind and Deaf and education programs for persons with disabilities. Numerous NGOs worked to improve conditions and provide services for children with disabilities.

National/Racial/Ethnic Minorities.—There were reports of discrimination in the treatment of citizens who were not ethnic Kyrgyz. Minorities alleged discrimination in hiring, promotion, and housing and that officials at all levels favored ethnic Kyrgyz. The latest statistical data released in August reflected the following ethnic breakdown of the population: 66.9 percent Kyrgyz; 10.7 percent Russian; 14.1 percent Uzbek; 1.1 percent Dungan (ethnic Chinese Muslims); and 1 percent Uighur. Other ethnic groups, including Tatars and Germans, comprised 6.2 percent of the population. Since independence more than 294,908 ethnic Russians and nearly 91,390 ethnic Germans have emigrated (see Section 2.d.).

Low-level authorities harassed and discriminated against Uighurs (see Section 2.d.). During the year, authorities beat Nadezhda Raimova for advocating on behalf of the Uighur community. Some Uighurs reported that police harassed and discriminated against them. In August, at an international conference on fighting crime and terrorism, Vice Prime Minister Kurmanbek Osmonov pointed to a growing threat from Uighur separatists who he alleged worked closely with international terrorists and their sponsors. The local Uighur cultural center protested the Vice Prime Minister's comments and accused him of attempting to "sow discord between general Kyrgyz society and ethnic Uighurs." Some Uighurs reported discrimination in employment and negative societal attitudes and media coverage of their community, although there was a large number of Uighur-owned small businesses and restaurants in Osh and Bishkek that operated without harassment during the year.

According to participants at a May conference sponsored by the Soros Foundation, the primary concerns of ethnic minorities in the country included limited representation in the executive branch of government, nationalistic attitudes, and biased media coverage. On July 20, Jalal-Abad businessman Kadyrjan Batyrov initiated an Assembly of Uzbeks to express demands for political representation at national and local levels and request greater cultural rights, such as Uzbek programs on state television and more Uzbek schools.

The Constitution designates Kyrgyz as the state language and Russian as an official language. It also provides for preservation and equal and free development of other languages spoken in the country. Kyrgyz increasingly replaced Russian, and the Government announced that by 2010 all government documents are to be in Kyrgyz. Russian-speaking citizens who do not speak Kyrgyz alleged that a ceiling existed in government employment that precluded their promotion beyond a certain level (see Section 3). In elections in previous years, some otherwise qualified candidates were disqualified on the basis of exams, the fairness of which was questioned. The Government did not take any action on a 2002 request by ethnic Uzbeks requesting that Uzbek be granted the status of a state language. University education continued to be carried out largely in Russian (although Kyrgyz instruction was available in some departments in some universities where textbooks were available), so that Russian-language capability remained an important skill for those who wished to pursue higher learning.

Section 6. Worker Rights

a. The Right of Association.—The Labor Law provides for the right of all workers to form and belong to trade unions, and there were no reports that the Government tried to obstruct the formation of independent unions. The Federation of Trade Unions (FTU), the successor to the former official union, remained the only trade union umbrella organization in the country, although unions were not required to belong to it. The Federation had 1.2 million members. According to the Federation, approximately 94 percent of workers in the country belonged to unions.

The Federation was critical of government policies, particularly privatization, and their effect on working class living standards. According to the Federation, the Government has taken no action in response to this criticism. Growing numbers of smaller unions were not affiliated with the umbrella organization. One of the largest of these was the Union of Entrepreneurs and Small Business Workers, with a membership of approximately 15,000.

The law protects union members from anti-union discrimination, and there were no reports of discrimination against persons because of union activities.

The law permits unions to form and join federations and to affiliate with international trade union bodies; however, no meaningful affiliation with international trade union bodies took place.

b. The Right to Organize and Bargain Collectively.—The law recognizes the right of unions to negotiate for better wages and conditions; however, there were no cases of workers exercising this right during the year. Although overall union structure and practice has changed only slowly from those of the Soviet era, there was growing evidence of active union participation in state-owned and privatized enterprises.

The Government set the minimum wage, after which each employer set its own wage level.

While the right to strike was not codified, strikes were not prohibited. There were no retaliatory actions against strikers, nor were there instances of abuse directed specifically at unions or individual workers. Between September 29 and October 2, the Trade Union of Merchants held a strike to protest the Government's decision to require all bazaar vendors to use cash registers. As a result of the strike, the Government held negotiations with the Trade Union and postponed the introduction of cash registers until December.

There are Free Economic Zones (FEZs) that are used as export processing zones. The minimum wage law does not apply to the approximately 3,000 workers in ordinary FEZs.

c. Prohibition of Forced or Bonded Labor.—The law prohibits forced or bonded labor, including by children; however, there were reports that such practices occurred (see Sections 6.d. and 6.f.).

The press continued to report that citizens were forced to work without pay on tobacco farms in Kazakhstan. In August, an official delegation from the Kyrgyz Migration Service visited Kazakhstan and inspected the situation of Kyrgyz workers on tobacco farms. They found Kyrgyz workers who received very low salaries and were provided with inadequate housing, but did not find any evidence of persons working entirely without pay.

There were reports that patients in psychiatric hospitals were routinely used for unauthorized labor in hospital grounds and domestic service for doctors and local farmers. The patients allegedly did not have a choice to refuse and were only paid with food, not money. The NGO Mental Health and Safety was working with the Ministry of Health to develop programs aimed at improving conditions in psychiatric hospitals; however, no reforms had been enacted by year's end.

The law prohibits forced and bonded labor by children; however, some tobacco fields were located on school grounds, and schools required children to participate in the harvest (see Section 6.d.). The income earned went directly to the schools, not to the children.

d. Status of Child Labor Practices and Minimum Age for Employment.—The Labor Code provides for the protection of children from economic exploitation and from work that poses a danger to their health, or spiritual, physical, mental, or academic development. The minimum age for employment varied with the type of work, but was no lower than 14. According to the Labor Code, the minimum age for basic employment was 18. This was consistent with the age for completing educational requirements.

The Labor Code is contradictory in the requirements it sets for the minimum age of employment of children in work that could harm their physical and moral well being (such as employment in casinos, bars, and night clubs). Article 285 states that such work is prohibited for those under age 21; however, Article 319 prohibits such employment for those under age 18. The Government submitted legislation to resolve this contradiction by lowering the age to 18, but Parliament had not yet adopted the new legislation. The Labor Code permits children under the age of 16 to perform strenuous work with parental consent; however, minors younger than age 18 could not work in underground conditions. For children between ages 14 and 16, Article 319 sets the maximum daily hours of work at 5 to 7 hours, respectively; children under 16 could not work during night shifts. These laws also applied to children with disabilities who work. A 2002 decree banned the employment of persons under 18 in a wide variety of categories of employment involving difficult or dangerous conditions, including such sectors as the metal or oil and gas industries, mining and prospecting, food industry, entertainment, and machine building. The National Human Rights Program for 2002–10 also contains provisions aimed at eradicating exploitative child labor.

Child labor was a problem and was becoming more widespread both in towns and rural areas (see Section 6.f.). According to participants in a 2002 conference on child labor, child laborers were prevalent in the following sectors: Construction, prostitution, narcotics, tobacco, cotton, rice, cattle breeding, heavy industry, gasoline sales, car washing, shoe cleaning, retail sales of tobacco and alcohol, and work involving pesticides and chemicals. Since many children worked for their families or were "self-employed" in such occupations as selling newspapers, pushing handcarts at markets, and selling cigarettes and candy on the streets, it was difficult for the Government to determine whether their work schedules and environment conformed to government regulations. Families traditionally were large, and they considered it necessary at times for children to work at an early age to help support the family on its farm or in its business.

According to reports from various NGOs, child labor was particularly evident in the South. During the fall, classes were cancelled, and children were sent to fields to pick cotton. During the summer, children worked during the tobacco harvest and were involved in all steps of production from the actual picking of the leaves to the preparation for shipping. Schools required children to participate in the tobacco harvest—some fields were located on school grounds—and the income earned went directly to the schools, not to the children. Children also were involved in family enterprises such as shepherding, bread baking, selling products at roadside kiosks, and growing fruits and vegetables.

The procurator's office and the State Labor Inspectorate were responsible for enforcing employers' compliance with the Labor Code laws. During the year, the State Labor Inspectorate received \$45,000 (1,946,000 soms) in state budget funding and had 54 inspectors throughout the country. The Legislative Assembly's Committees of Health Protection, Women and Family, and Education, Science, and Cultural Affairs oversaw the legal protection of the interests of minors whenever new laws were discussed in Parliament. Compliance with the labor code was enforced by trade unions; however, given its budget constraints and lack of resources, the Government was unable to enforce the child labor laws adequately. Although those employers caught violating the Labor Code may be charged with disciplinary, financial, administrative, or criminal penalties, the punishment was usually minimal. In recent years, the State Labor Inspectorate usually conducted 15 to 20 child labor inspections annually. The Federation of Trade Unions also had the right to carry out child labor inspections when it received a complaint; there were no inspections during the year.

On December 30, the Government ratified International Labor Organization (ILO) Convention 182 on the worst forms of child labor.

The Government supported several social programs to prevent the engagement of children in exploitative child labor. Araket, a national poverty reduction program, provided financial support for low-income families. New Generation, a children's rights program, worked to define suitable working conditions for children and to introduce new methods of monitoring employers' compliance with labor legislation. New Generation's Mandate is scheduled to expire in 2010.

The Government undertook additional initiatives to help protect minors from forced labor; however, since the budget was facing severe funding constraints, many children who were entitled to receive help did not receive it.

e. Acceptable Conditions of Work.—The Government mandated the national minimum wage. During the year, the legal minimum wage remained approximately \$2.30 (100 som) per month. In practice, this wage was insufficient to ensure a decent standard of living for a worker and family. However, industries and employers generally paid somewhat higher actual minimum-level wages. Salaries in the health care field were among the lowest, averaging \$17 (714 som) per month. The Federation of Trade Unions was responsible for enforcing all labor laws, including the Law on Minimum Wages; minimum wage regulations largely were observed. Although, the enforcement of labor laws was nonexistent in the growing underground economy, market forces helped wages in the unofficial sector keep pace with official wage scales.

The standard workweek was 41 hours, usually within a 5-day week. For state-owned industries, there was a mandated 24-hour rest period in the workweek.

Safety and health conditions in factories were poor. A deterioration in enforcement of existing regulations continued to hamper investment to improve health and safety standards. The State Inspectorate of Labor was responsible for protecting and educating workers as well as informing business owners of their respective rights and responsibilities. The law establishes occupational health and safety standards, as well as enforcement procedures. Besides government inspection teams, trade unions were assigned active roles in assuring compliance with these laws, but compliance was uneven among businesses. The State Labor Inspectorate carried out inspections for all types of labor issues. Workers had the legal right to remove themselves from unsafe working conditions; however, in practice refusal to work in situations with relatively high accident rates or associated chronic health problems could result in loss of employment, although only if informal methods of resolution failed.

f. Trafficking in Persons.—The law prohibits trafficking in persons; however, trafficking was a persistent problem. Trafficking victims alleged that government officials facilitated, or were complicit in, trafficking.

On August 9, the Government passed an amendment to the Criminal Code to criminalize trafficking. Under the new law, trafficking in persons is punishable by up to 20 years in prison. Trafficking in persons, as defined by the new amendments, includes organizing illegal migration. Within 2 weeks of its adoption, the Govern-

ment launched two separate investigations into trafficking operations, which were ongoing at year's end. In October, one person was convicted and sentenced to 5 years in prison.

Other laws were used to prosecute traffickers for kidnapping, trading in children, recruiting persons for exploitation, coercion into prostitution, rape, and deprivation of freedom. The maximum sentence for those prosecuted under these laws was 15 years. During the first 8 months of the year, the General Procuracy investigated 19 cases of trafficking-related crimes under these laws and was prosecuting 12 alleged offenders.

In 2002, according to the General Procurator's office, there were 11 cases of trafficking in persons (under Articles 124 and 159 of the Criminal Code) and 4 cases of recruiting persons into prostitution and organizing brothels (under Articles 260–261 of the Criminal Code). The Government prosecuted 16 offenders, investigated specific cases of trafficking, and provided specialized training for trafficking investigations. The Government did not extradite citizens charged with trafficking in other countries.

In April 2002, a presidential decree authorized implementation of a national Anti-Trafficking Plan of Action, which created a national council responsible for coordinating government efforts to implement the program. However, the Government lacked adequate resources to implement many aspects of the program. The agencies involved in the National Anti-Trafficking Plan were the Ministries of Foreign Affairs, Interior, and Health; the National Security Service; the State Procurator's Department; the State Agency of Migration; and the State Committee for Tourism, Sport, and Youth Policy. The council recommended that the Government cooperate with other governmental ministries and departments, as well as with international organizations, NGOs, and Interpol. According to the local NGO Sezim, the General Procurator's Office cooperated in the past with Sezim and indicated a desire to increase cooperation. However, observers have stated that the Government's commitment to actively combat trafficking was intermittent. Some Ministries were more actively involved in the problem than others, and inadequate training of law enforcement officers in identifying and fighting trafficking in persons hindered their ability to effectively combat the problem.

Although there were no reliable estimates for the number of persons trafficked annually, the IOM reported that approximately 4,000 women and 7 boys were trafficked abroad in 1999. During the year, IOM also reported that it dealt with several cases of trafficking, and assisted with the return of approximately 250 trafficking victims to the country from abroad. The NGO Podruga reported that it received 1,289 calls to their hotline during the first 6 months of the year. The country was primarily a source and transit point for trafficked persons, although there were a few reports of the country being a destination for women trafficked as prostitutes. According to the IOM, the country has become a transit point for individuals trafficked mostly from South Asia, China, and Afghanistan to the West. The exact number of those in transit was unknown. The country was a source for trafficked women and girls, largely to the United Arab Emirates, Turkey, and South Korea for the purpose of prostitution.

The IOM reported some instances of trafficking of children for prostitution and labor (see Section 6.d.). A flourishing sex trade draws girls as young as age 10 from destitute mountain villages. According to the IOM, the sex trade involved trafficking abroad. The extent of this problem was unknown.

According to the Osh Migration Service, hundreds of destitute southerners have been trafficked to Kazakhstan as forced laborers on tobacco plantations, although figures were unavailable. An agreement drafted by the Legislative Assembly Committee on Kyrgyz Labor Migration, aimed at protecting the rights of Kyrgyz laborers in Kazakhstan, was passed in 2002.

Groups targeted by traffickers included young under- or unemployed women who were unable to earn a living, particularly ethnic Slavic women under the age of 25. Poor economic conditions, high unemployment, particularly in the South, and gender inequality made young women and poor workers vulnerable to traffickers who exploited them by offering lucrative jobs or marriage offers to rich men abroad. Often women were lured abroad, via newspaper advertisements or announcements over the loudspeakers in the local bazaars. Women responding to job offers for waitresses, au pairs, or dancers could find themselves abroad without documents or money for return tickets and forced to work for their traffickers.

The IOM reported that traffickers were often persons who previously operated local prostitution networks. Trafficking victims reported that often their recruiter was a relative or close family friend. The victims also reported that trafficked individuals often became recruiters in the hopes of making more money. Recruiters used networks of returnees, family members, and friends to recruit victims. The IOM also

indicated that tour agents, restaurants, and nightclubs supplemented their activities by providing young women to foreign prostitution rings. The Government began actively investigating firms that send individuals to work abroad to ensure they are in compliance with licensing laws. According to Osh-based NGO Golden Goal, three out of the five companies the NGO has identified as illegally sending individuals abroad have been closed down. There were no trafficking firms discovered during the year.

Observers believed that some government authorities might have facilitated or otherwise been complicit in trafficking activities.

Trafficking victims reported that, upon arrival in their destination country, their identification documents were taken away. Some reported that they were punished with gang rape if they tried to resist or escape and were denied medical treatment.

There were no reports that the Government deported foreign victims of trafficking during the year. According to an NGO, TAIS-Plus, three Uzbek women who had been sex workers were deported to Uzbekistan in 2001. The IOM reported that women working in the UAE were deported to Azerbaijan. Many of those who transited the country were abandoned by the traffickers and lived in hiding out of fear of being discovered by authorities. The OSCE and IOM reported that many of those who returned from commercial work overseas stated that they were forced to pay bribes to law enforcement officials to avoid imprisonment. According to NGOs, the Government did not assist trafficking victims, including those repatriated, with any special services or care facilities; nor did it provide funding to foreign or domestic NGOs for services to victims.

International NGOs that were involved in trafficking issues included the IOM, the OSCE, and UNICEF. The IOM conducted a series of workshops for law enforcement officers. A number of NGOs—including Women's Support Center, TAIS-Plus, New Chance Sezim and Podruga—provided legal, medical, and psychological counseling and assistance, and economic aid to trafficking victims. In November, Sezim opened a shelter in Bishkek for trafficking victims. IOM was searching for a local implementing partner to open a shelter in the South. Several media articles, public service announcements, and a traveling theater show publicized the dangers of working abroad, and posters on public transport raised public awareness of the problem.

The IOM, OSCE, and local organizations sponsored various preventive programs. In January, the OSCE and IOM produced anti-trafficking public service announcements. The IOM held numerous roundtables and workshops to increase awareness among the government, nonprofit, tourism, and media sectors. The Women's Support Center distributed brochures in Kyrgyz and Russian targeting women who might be approached about going abroad. Sezim had a reporter on staff who worked to place articles in Kyrgyz-language print media.

LATVIA

Latvia is a parliamentary democracy. The Prime Minister, as chief executive, and the Cabinet are responsible for government operations. The President, as Head of State, is elected by the Parliament, and Parliament elected Vaira Vike-Freiberga to a second 4-year term in June. The October 2002 elections for the 100-seat Parliament and the September national referendum on accession to the European Union (EU) were free and fair. The Constitution provides for an independent judiciary; although there was some improvement in the judiciary, significant problems, including inefficiency and allegations of corruption, remained.

Civilian authorities generally maintained effective control of the security forces, which consist of the national police and other services, who are subordinate to the Ministry of Interior; municipal police who are under local government control; the military Counterintelligence Service and a protective service, which are under the Ministry of Defense; and the National Guard, an element of the armed forces. Some members of the security forces, including police and other Interior Ministry personnel, committed human rights abuses.

The economy was largely market-based, although some large utility companies remained in state hands, including the national electric company and railroads. The country has a population of approximately 2.3 million. Three-fourths of employment and 70 percent of gross domestic product were in the private sector. The currency remained stable and was traded freely, unemployment was 8.5 percent, annual inflation was 3.5 percent, and the growth rate was 7.4 percent for the first 9 months of the year.

The Government generally respected the human rights of its citizens and the large resident noncitizen community; however, there were problems in some areas.

Members of the security forces, including the police and other Interior Ministry personnel, sometimes used excessive force and mistreated persons, which the Government took disciplinary measures to address. Prison conditions remained poor, but facilities for long-term convicts improved. Lengthy pretrial detention was a problem. The judiciary was inefficient, sometimes corrupt, and did not always ensure the fair administration of justice. Societal violence against women remained a problem. Child abuse and prostitution were problems. There were some reports of discrimination on the basis of ethnicity. Trafficking in women and girls for the purpose of prostitution was a growing problem.

RESPECT FOR HUMAN RIGHTS

Section 1. Respect for the Integrity of the Person, Including Freedom From:

a. Arbitrary or Unlawful Deprivation of Life.—There were no reports of the arbitrary or unlawful deprivation of life committed by the Government or its agents.

b. Disappearance.—There were no reports of politically motivated disappearances.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The Constitution prohibits such practices, and there were no reports that government officials employed them.

The National Human Rights Office (NHRO) responded to four 2002 allegations of police brutality and found that the Interior Ministry investigated and resolved the complaints. One high-profile case, in which four policemen were accused of beating a suspect to death in 2002, was heard in court but resulted in an acquittal due to lack of evidence. The State Police had earlier imposed administrative penalties against the officers and dismissed them from the police force.

The Government took action against those responsible for the abuse of prisoners. The NHRO reported no complaints of torture or inhumane treatment of prisoners.

Prison conditions remained poor, although there were improvements, and progress continued in renovating older facilities. The NHRO expressed concern about short-term detention facilities. There were 28 short-term facilities in the country designed to house detainees for no more than 72 hours. The NHRO stated that conditions such as poor ventilation, and damp, dark, and dirty cells violated human rights standards in at least half of these centers.

Prison overcrowding lessened. The Central Prison Administration reported overall prison occupancy at 90 percent of maximum capacity during the year: 86 percent for pre-trial detention facilities, 93 percent for post-conviction prisons, and 64 percent in prison hospitals.

Female prisoners were held separately from male prisoners, and juveniles were held separately from adults. During the year, juveniles were moved from the substandard Brasas Detention Facility to a newly renovated facility at the Riga Central Prison. Persons in pretrial detention (43 percent of the total prison population) had limited contact with outside nongovernmental organizations (NGOs) or family and suffered from considerably worse living conditions than prisoners in general. Pretrial detainees were held separately from convicted criminals.

The Government permits independent human rights observers to visit prisons. Domestic groups, such as the Latvian Center for Human Rights and Ethnic Studies, closely monitored prison conditions during the year.

d. Arbitrary Arrest, Detention, or Exile.—The Constitution prohibits arbitrary arrest and detention, and the Government generally observed these prohibitions.

The national police and other services, such as the Special Immigration Police and the Border Guards, are subordinate to the Ministry of Interior; municipal police are under local government control; and the National Guard, an element of the armed forces, also assists in police activities. Allegations of corruption and bribe-taking within law enforcement ranks were frequent and affected the public's perception of police effectiveness. The Government's anti-corruption campaign platform extends to police abuses, and the Interior Ministry instituted organizational reforms to target police misconduct more effectively. During the year, Security Police opened corruption-related criminal cases against 24 law enforcement officials, including 18 police officers.

The law requires the Prosecutor's Office to make a formal decision whether to charge or release a detainee within 72 hours after arrest. Charges must be filed within 10 days of arrest. The courts have responsibility for issuing arrest warrants. Detainees have the right to have an attorney present at any time. These rights are subject to judicial review but only at the time of trial.

Lengthy pretrial detention was a problem. According to Ministry of Interior personnel, detainees awaiting trial spend an average of 2 years in prison. The Criminal Procedures Code limits pre-trial detention to no more than 18 months from the first

filing of the case. The problem of lengthy pretrial detention of juveniles lessened, as courts enforced a 6-month limit for detaining juveniles prior to trial. Longer-term detention requires special circumstances and a court order. The number of minors in pre-trial detention decreased to 239, representing 7 percent of all detainees.

Both the NHRO and the Latvian Center for Human Rights and Ethnic Studies (LCHRES) studied and visited closed institutions during the year, including prisons, mental hospitals, and detention camps for illegal immigrants.

Illegal immigrants were held at the Olaine Detention Camp for Illegal Immigrants. According to an LCHRES report, the camp's physical conditions were acceptable, but the detainees (numbering 34 in April) did not have access to information about their rights and had limited recreation opportunities.

The law prohibits forced exile, and there were no reports that the Government employed it.

e. Denial of Fair Public Trial.—The Constitution provides for an independent judiciary, and the Government generally respected this provision in practice; however, while training and increased compensation resulted in some improvements in the quality of the judiciary, significant problems, including inefficiency and allegations of corruption, remained. The Constitution provides for the right to a fair trial, and an independent judiciary generally enforced this right.

The judicial system is composed of district (city) courts; regional courts, which hear appeals from district courts; the Supreme Court, which is the highest appeals court; and the seven-member Constitutional Court, which hears cases regarding constitutional issues at the request of state institutions or individuals who believe that their constitutional rights were violated. For more serious criminal cases, two lay assessors join the professional judge on the bench at the district and regional levels.

Corruption in the judicial system was allegedly widespread. The Prime Minister campaigned on an anti-corruption platform and continued to stress the theme during the year. The Anti-Corruption Bureau became operational in February, but its effectiveness was limited due to leadership changes and political turmoil. The Bureau's two most significant cases included an investigation of the Health Minister, resulting in his dismissal and a bribery investigation against a prosecutor.

Most judges have inadequate judicial training, and the court system is too weak to enforce many of its decisions. A major difficulty in enforcing court decisions is the lack of an effective bailiff or sheriff system. The law allows for alternative punishments, including community service; however, the courts rarely used alternative punishments.

A time-consuming judicial process, the lack of plea-bargaining, and a shortage of judges have so overloaded the courts that the average case takes 2 years to reach judicial review, which led to lengthy pretrial detention (see Section 1.d.). The NHRO received 273 complaints during the year regarding slow judicial proceedings. To address these problems, the Cabinet of Ministers approved a new criminal procedures code, which was pending parliamentary acceptance.

Court decisions were not published systematically, and there was no centralized index for those that were published. Trials may be closed if state secrets might be revealed or to protect the interests of minors. All defendants have the right to hire an attorney, and the State lends funds to indigent defendants for this purpose. Defendants have the right to read all charges, confront all witnesses, and may call witnesses and offer evidence to support their case. They also may make multiple appeals.

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The law prohibits such actions, and the Government generally respected these prohibitions in practice.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution provides for freedom of speech and of the press, and the Government generally respected these rights in practice. The Press Law prohibits censorship of the press or other mass media; however, the Law on the Media contains a number of restrictive provisions regulating the content and language of broadcasts. The Law on Radio and Television requires that at least 51 percent of television broadcasts must be of European origin, of which 40 percent should be in the Latvian language; however, these provisions were not always implemented.

Both Latvian and Russian language newspapers published a wide range of political criticism and viewpoints. Most newspapers and magazines were owned privately. A large number of independent television and radio outlets broadcast in both Russian and Latvian, and the number of persons receiving satellite television broadcasts continued to increase.

The Government generally did not restrict access to the Internet and did not restrict academic freedom.

b. Freedom of Peaceful Assembly and Association.—The Constitution provides for freedom of assembly, and the authorities may not prohibit public gatherings; however, organizers of demonstrations must provide advance notice to local authorities, who may change the time and place of public gatherings for such reasons as fear of public disorder. The law also requires protesters to remain specified distances from foreign diplomatic missions, the Parliament, the Prosecutor's Office, and certain other public institutions. Independent human rights organizations argued that the law's provisions were contradictory and confusing. Nevertheless, numerous demonstrations took place peacefully and without government interference during the year.

In September, the Riga City Council refused a permit for a demonstration against proposed language reforms in schools. The proposed reforms reduce the number of classes taught in Russian at Russian-language schools. The organizers of the demonstration renamed their event a "political party" meeting, which did not require a permit. The demonstration occurred peacefully and attracted several thousand participants. Parliamentary deputies from a nationalistic party later introduced legislation to remove the provision permitting mass political party meetings; there was no decision on the proposal by year's end.

The Constitution provides for freedom of association, and the Government generally respected these rights in practice; however, the Law on Registering Public Organizations bars the registration of Communist, Nazi, or other organizations whose activities would contravene the Constitution. Noncitizens may join and form political parties, but there must be at least 200 citizens in the party, and at least half of the total membership must be citizens (see Section 3). More than 40 political parties were registered officially.

c. Freedom of Religion.—The Constitution provides for freedom of religion, and the Government generally respected this right in practice; however, bureaucratic problems for minority religions persisted.

There is no state religion; however, the Government distinguishes between "traditional" (Lutheran, Roman Catholic, Orthodox, Old Believers, Baptist, and Jewish) and "new" religions.

Although the Government does not require the registration of religious groups, the law accords religious organizations certain rights and privileges when they register, such as status as a separate legal entity for owning property or for other financial transactions, as well as tax benefits for donors. Registration also eases the rule for public gatherings.

According to Ministry of Justice officials, most registration applications are approved once proper documents are submitted; however, the law does not permit simultaneous registration of more than one religious union (church) in a single confession, and the Government has denied applications on this basis.

Visa regulations require that religious workers present either an ordination certificate or evidence of religious education that corresponds to a Latvian bachelor's degree in theology. The visa application process remained cumbersome; however, difficulties in this area diminished as officials worked to address the situation. The Government cooperated to resolve several difficult visa cases in favor of missionary workers.

Foreign evangelists and missionaries are permitted to hold meetings and to proselytize, but the law stipulates that only domestic religious organizations may invite them to conduct such activities. Foreign religious denominations criticized this provision.

The law provides that religion may be taught to students in public schools on a voluntary basis only by representatives of the Evangelical Lutheran, Roman Catholic, Orthodox, Old Believers, Baptist, and Jewish religions. The State provides funds for this education. Students at state-supported national minority schools also may receive education on the religion "characteristic of the national minority" on a voluntary basis. Other denominations may provide religious education in private schools only.

Relations between the various religious communities were generally amicable. Ecumenism remains a new concept in the country, and traditional religions have adopted a reserved attitude toward the concept. Although government officials encouraged a broader understanding of and acceptance of newer religions, suspicions remained regarding newer nontraditional faiths.

On September 17, vandals overturned tombstones and sprayed anti-Semitic graffiti on the walls of Riga's New Jewish Cemetery; national leaders condemned the act and city authorities quickly repaired the damage.

For a more detailed discussion, see the 2003 International Religious Freedom Report.

d. Freedom of Movement within the Country, Foreign Travel, Emigration, and Repatriation.—The Constitution provides for these rights, and the Government generally respected them in practice.

The law stipulates that registered permanent resident noncitizens enjoy the right to establish and change residences, travel abroad, and return to the country, and provides for the issuance of a noncitizen travel document that certifies these rights; however, certain rights are denied to noncitizen residents (see Section 3). They are prohibited from working as armed guards or criminal trial attorneys. Noncitizens may own land only under complex procedures and may not purchase land in the border zones. The Government has readmitted noncitizens who claimed refugee status in a foreign country or who voluntarily abandoned their permanent residence and then decided to return to the country to live and work. Noncitizens who left the country as refugees during the Soviet era had no difficulty returning on foreign refugee travel documents for business reasons or for family visits. The Government also extends protections to noncitizen residents who travel abroad.

The law provides for the granting of refugee status or asylum to persons who meet the definition in the 1951 U.N. Convention Relating to the Status of Refugees or its 1967 Protocol. In practice, the Government provided protection against refoulement and granted refugee status or asylum; it also provided temporary protection to certain individuals who did not qualify as refugees or asylees. The Government cooperated with the U.N. High Commissioner for Refugees (UNHCR) and other humanitarian organizations in assisting refugees. Special immigration police and border guard units help prescreen asylum requests. Decisions of the Citizens and Migration Affairs Office may be appealed to the Asylum Appeals Board in the Ministry of Justice. Five people (three from Georgia and two from Russia) sought but were not granted asylum, and there were eight persons in the country with refugee status.

The State Border Guards reported that 989 people were apprehended at the border. An additional 162 illegal workers were detained. During the year, 178 illegal immigrants departed voluntarily, and 301 were deported. The Government has approached the governments of Russia and Belarus about concluding refugee readmission agreements, the lack of which posed a major barrier to effective control of the eastern border; however, no agreements had been concluded by year's end.

Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government

The Constitution provides citizens with the right to change their government peacefully, and citizens exercised this right in practice through periodic, free, and fair elections held on the basis of universal suffrage. Free and fair elections for Parliament were held in October 2002, and 72.5 percent of eligible voters participated. Candidates from 6 of the 20 participating parties, representing a broad political spectrum, won seats in Parliament. In June, the Parliament elected the President. Reform of the country's political and economic structure led to an invitation in 2002 to join the EU in May 2004.

The election law prohibits persons who remained active in the Communist Party or various other pro-Soviet organizations after January 1991, or who worked for such institutions as the former Soviet Committee for State Security, from seeking elected office. Only citizens have the right to vote in national and local elections; many ethnic Russians are citizens and may vote (see Section 5). Noncitizens may join and form political parties, but there must be at least 200 citizens in the party, and at least half of the total membership must be citizens (see Section 2.b.). The U.N. Racial Discrimination Elimination Committee recommended that the country consider granting long-time noncitizen residents the right to vote in municipal elections.

In April, the European Commission on Human Rights agreed to hear a petition by human rights campaigner and political activist Tatyana Zhdanok, a former Communist who contends that her human rights were violated when she was barred from running for parliament. In addition to being unable to run for parliament, Zhdanok's preexisting mandate on the Riga City Council was cancelled in 1999.

There were 18 women in the 100-member Parliament, which was chaired by a woman. There were 3 women in the 15-member Cabinet of Ministers. The President was a woman.

There are no ethnic restrictions on eligibility to hold political office. Nonethnic Latvians, including ethnic Russians and Poles, served in various elected bodies.

Section 4. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A growing number of domestic and international human rights groups devoted to research and advocacy on human rights issues, including prison conditions and women's and children's rights, generally operated without government restriction. Several organizations dealt with issues of concern to local noncitizens and other nonethnic Latvians and presented such concerns to the courts and the press. The Government engaged in dialogue with NGOs working on human rights issues and was generally responsive to their views.

The NHRO is an independent governmental institution with a mandate to promote human rights, provide information on human rights, investigate individual complaints, and initiate its own investigations into alleged violations. The office acted as a general ombudsman on social issues and handled a variety of individual complaints, primarily concerning problems with receiving social benefits.

Section 5. Discrimination Based on Race, Sex, Disability, Language, or Social Status

According to the Constitution, all citizens are equal under the law. The Constitution specifically provides for protection from discrimination due to race, sex, language, or disability.

Women.—Although no overall statistics were available, observers reported that domestic violence against women, often connected with alcohol abuse, was significant and underreported. Police statistics for domestic violence were grouped in more general categories, such as assault or battery. The Criminal Code specifically criminalizes rape but does not recognize spousal rape. During the year, 106 rape cases were reported. Victims of abuse often were uninformed about their rights and were reluctant to seek redress through the justice system. Human rights groups asserted that the legal system, including the courts, tended to downplay the seriousness of domestic violence and that the police were reluctant at times to make arrests in such cases.

There were no shelters designed specifically for battered or abused women. There was one shelter in Riga where homeless women with children may reside for up to 2 months. There are no specific rape or assault hot lines; however, NGOs managed two crisis hotlines.

Prostitution is legal (although procuring is not), but the NHRO reported that adult prostitutes had no legal protections. Prostitution was widespread and often was linked to organized crime. The Government estimated that 3,000 persons worked as prostitutes. There were no state institutions to assist prostitutes; however, the private Latvian Center for Gender Problems provided medical help and social support for prostitutes. Trafficking in women for prostitution was a problem (see Section 6.f.).

Sexual harassment of women in the workplace, although illegal, reportedly was common. Cultural factors tended to discourage women from coming forth publicly with complaints of abuse.

Women possess the same legal rights as men. The Labor Code bans employment discrimination; however, in practice women frequently faced hiring and pay discrimination, especially in the emerging private sector. The Labor Code also prohibits women from performing "hard jobs or jobs having unhealthy conditions," which are specified in a list agreed upon by the Cabinet and labor unions.

The labor law prohibits work and pay discrimination based on gender and requires employers to set equal pay for equal work. The law also defines workplace gender-based discrimination.

Women's advocacy groups grew in size and number and were involved in finding employment for women, lobbying for increased social benefits, and assisting victims of domestic abuse.

Children.—The law on the rights of the child and constitutional provisions on children provide various protections, including health care and legal protections against physical abuse; however, these provisions were not enforced fully in practice. Schooling is mandatory through the 9th grade, between the ages of 7 and 16, and free through the 12th grade, or age 18. Despite the existence of laws on mandatory education, truancy was widespread and growing. There is a national Center for the Protection of the Rights of the Child. A few children's advocacy groups were active, particularly in lobbying for legislation to protect children's rights and for increased welfare payments for children.

Evidence suggested that abandonment and child abuse, including sexual abuse, were relatively widespread. Law enforcement authorities have won court suits to remove children from abusive parents and secured convictions in child molestation cases.

The Dardedze Center Against Abuse in Riga continued to provide support to abused children. The center offered multidisciplinary treatment and rehabilitation to victims of child abuse and their families. The center also has a forensic interview room where victims can be interviewed in a secure environment and their testimony directly transmitted to a courtroom.

Child prostitution was a problem. An estimated 12 to 15 percent of prostitutes were between the ages of 8 and 18. Constitutional and statutory protections for children were enforced only sporadically in the case of child prostitutes.

Trafficking in young girls for prostitution abroad remained a problem (see Section 6.f.).

Persons with Disabilities.—The Constitution provides for the protection of persons with disabilities against discrimination; the law provides for their right of access to public facilities. Provisions in the Labor Law and other laws aim to protect persons with disabilities from bias in the workplace and from job discrimination. There was no governmental or societal bias against persons with disabilities. The Government supported special schools and funded publication of a guidebook with information for persons with disabilities.

The law requires buildings to be accessible to wheelchairs; however, the Government did not enforce the law uniformly, and most buildings were not wheelchair accessible. However, some larger cities, including Riga and Ventspils, have undertaken an extensive wheelchair ramp building program at intersections.

No law documents the rights of persons with mental disabilities, nor is there a mechanism for appealing compulsory admission and treatment for mental illness. In March, the LCHRES and the Mental Disability Advocacy Centre (Budapest) stated that “the review procedure for detention on grounds of mental disability fails to meet human rights standards, the criteria for compulsory admission into psychiatric institutions are too broad, and the provisions on consent to treatment does not meet international principles.” The NHRO further stated that committed patients suffered abridged rights that prevented them from corresponding with relatives and placed arbitrary restrictions on freedom of communication.

National/Racial/Ethnic Minorities.—There was public debate about the existence of discrimination on the basis of ethnicity, particularly with respect to the country’s language laws and education reforms, which Russian speaking minority groups publicly criticized. The U.N. Committee on the Elimination of Racial Discrimination recommended that the country consider facilitating the integration process by making it possible for non-citizens who are long-term permanent residents to participate in local elections. The EU’s 2002 report on the country’s progress toward EU accession stated that country was adhering to OSCE recommendations but highlighted the importance of continued attention to social integration.

Approximately 1 million residents are of non-Latvian ethnicity, including 677,000 ethnic Russians, 92,000 ethnic Belarusians, 61,000 ethnic Ukrainians, and 58,000 ethnic Poles. More than 74 percent of the country’s inhabitants are citizens, including nearly 400,000 persons who belong to national or ethnic minorities. There are 494,000 resident noncitizens, of whom an estimated 67 percent are Russian; 13 percent Belarusian; 9 percent Ukrainian; and smaller percentages of Poles, Lithuanians, Jews, Roma, Germans, Tatars, Estonians, and Armenians. Due to the Russification policy pursued during the Soviet era, ethnic Latvians constitute only 58.5 percent of the population, and 78 percent of citizens—and less than 50 percent of the population in four of the country’s seven largest cities, including the capital city of Riga.

The country’s Romani community nearly was destroyed during the Holocaust. A report of the Latvian Center for Human Rights and Ethnic Studies (LCHRES) during the year estimated that the Romani population is between 13,000 and 15,000. While the community received some support from the Government, the LCHRES study reported high levels of unemployment and illiteracy among the Roma. More than 40 percent of Roma have a fourth grade or lower education, and more than 95 percent do not have official employment.

Citizen passports no longer identify the ethnicity of the bearer. Should the bearer choose, ethnicity may be identified by an amendment on the second page.

Following the restoration of independence in 1991, citizenship was accorded immediately only to those persons who were citizens of the independent Latvian Republic in 1940 and their direct descendants. After independence, the status of approximately 670,000 persons, mostly ethnic Russians, changed from citizens of the Soviet Union to noncitizen residents in Latvia. Since 1995, a total of 69,288 persons have become citizens through naturalization: 10,403 were naturalized during the year. Naturalization applications increased significantly after the September EU referendum passed. To facilitate and promote the naturalization process, the Govern-

ment reduced significantly the naturalization fee, accepted high school level language certificates as sufficient for naturalization purposes, and carried out a pro-naturalization advertising campaign.

The Citizenship Law includes a Latvian language and residence requirement for those seeking to naturalize, as well as restrictions on the naturalization of former Soviet intelligence and military personnel. The law also requires applicants for citizenship to renounce previous non-Latvian citizenship, to have knowledge of the Constitution and Latvian history, and to pledge allegiance to the country. Nearly 95 percent of applicants passed the citizenship tests on the first attempt. Children of noncitizens born in the country after August 1992 are entitled to citizenship upon application. International observers credited the Government with establishing a competent and professional Naturalization Board with offices throughout the country to implement the law and generally applying the law fairly. However, international experts, government officials, and domestic human rights monitors agreed that the country must continue to place high priority on and devote sufficient resources to implementing the Citizenship Law in a fair and impartial manner and to promoting social integration.

The Language Law regulates the uses of language that affects public safety, health care, protection of the consumer, and labor rights and requires that documents submitted to the Government, including company reports and records, be translated into Latvian, except in cases of emergency. In a public event co-organized by the State, one of the working languages must be Latvian. Labels and user instructions for goods sold must be in Latvian, although other languages may also be used.

The Government supported education in both Latvian and Russian, as well as in eight other minority languages. However, under the revised Education Law, the Government continued to implement a bilingual education program at the elementary school level, with the goal of providing more than half of the course-content in Russian-language secondary schools in Latvian by 2004. Although all non-Latvian-speaking students in public schools were supposed to learn Latvian and to study a minimum number of subjects in Latvian, there was a shortage of qualified teachers. State-funded university education was in Latvian, and incoming students whose native language was not Latvian must pass a language entrance examination. Several private institutions offered higher education in Russian.

Section 6. Worker Rights

a. The Right of Association.—The law stipulates that workers, except for the uniformed military, have the right to form and join labor unions of their own choosing; however, the Government's ability to protect the right to organize in the private sector was weak. Union membership continued to decrease, with the Latvian Free Trade Union Association, which represents 25 member organizations, showing a membership of 170,000 out of a workforce of approximately 1 million. Free elections for union leadership are held every 4 years.

Unions are free to affiliate in confederations, and there was one such confederation in the country. Unions also are free to affiliate internationally and have established contacts with European labor unions and other international labor union organizations.

b. The Right to Organize and Bargain Collectively.—Labor unions have the right to bargain collectively and are generally free of government interference in their negotiations with employers. Collective bargaining agreements were common and were negotiated by industry or company. The law prohibits discrimination against union members and organizers.

The law does not limit the right to strike, but there were no major strikes during the year. The law bans the dismissal of employees who have invoked the right to strike. No cases of such dismissals were reported.

There are no export processing zones.

c. Prohibition of Forced or Bonded Labor.—The law prohibits forced or bonded labor, including by children; however, there were reports that women and children were trafficked for sexual exploitation (see Section 6.f.). Inspectors from the Ministry of Welfare's State Labor Inspection Board or Inspectorate were responsible for enforcing the law.

d. Status of Child Labor Practices and Minimum Age for Employment.—The statutory minimum age for employment of children is 15 years, although children between the ages of 13 and 15 years may work in certain jobs outside of school hours. The law restricts employment of those under the age of 18, for example, by prohibiting night shift or overtime work.

The Government has not ratified ILO Convention 182 on the worst forms of child labor.

e. Acceptable Conditions of Work.—The legally mandated monthly minimum wage was approximately \$124 (70 lats), far below the minimum necessary for survival and inadequate to provide a decent standard of living for a worker and family. The actual average monthly wage (the calculation of which includes wages of part-time employees and agricultural workers) was \$348 (197 lats).

The Labor Code provides for a mandatory 40-hour maximum workweek with at least one 42-hour rest period weekly, 4 weeks of annual vacation, and a program of assistance to working mothers with small children. The laws establish minimum occupational health and safety standards for the workplace. In the first 6 months of the year, 11 fatal workplace accidents and 601 workplace injuries were reported. Workers have the legal right to remove themselves from hazardous work situations without endangering their continued employment; however, these standards frequently were ignored in practice.

f. Trafficking in Persons.—A 2002 law prohibits “trafficking in persons;” however, most traffickers were prosecuted under an earlier law that prohibits sending persons abroad for sexual exploitation. However, trafficking in women for the purpose of prostitution was a problem. The Government’s National Action Plan calls for ratifying the previously signed U.N. Protocols to Prevent, Suppress and Punish Trafficking in Persons and Against the Smuggling of Migrants and for harmonizing the country’s laws with European and other international standards.

A total of 23 persons were convicted for trafficking-related crimes; most of them received sentences of 3 years or less, but 6 of them were sentenced to 4 years in prison, and 1 was sentenced to 7 years. In the most important case, a trafficker was convicted and sentenced to 13 years in prison. However, some prosecutors and judges did not consider human trafficking a serious crime and reduced some of the sentences on appeal. Cooperation between the border guards, police, and NGOs increased and contributed to the effective control of the border areas. International cooperation in investigations and prosecutions was well established with Denmark and Germany but continued to be difficult with Spain. The Border Guard Service managed an information database used to reveal trafficking trends.

Over the last 2 years, the Government allocated more resources to combating trafficking in persons. There was a high-level working group on trafficking, and the Ministry of Interior, which includes the State Police and the Citizenship and Migration Department, was the principal government ministry involved in the trafficking problem. Also participating in the working group were representatives from the Ministry of Foreign Affairs, the Ministry of Justice, the Ministry of Welfare, and the National Center for the Protection of the Rights of the Child. In October, the Inter-Ministerial Group submitted its National Action Plan to Combat Trafficking in Persons to concerned ministries for approval. The Government has allocated funds to increase the number of police officers tasked with fighting prostitution and trafficking.

The country was primarily a source and transit point for trafficked victims. The main countries of destination were Germany, Denmark, and Spain with smaller numbers of victims going to other Western European countries. There were undocumented reports that trafficking in women (including minors) for prostitution abroad increased (see Section 5). While statistics released by European police services indicated that the number of Latvian women involved as victims of trafficking increased, a German police report indicated that the number of identified Latvian victims in Germany declined from 40 in 2001 to 24 in 2002. Approximately 500 women (not all necessarily involved in trafficking) were deported back to the country in 2002. Trafficking within the country also occurred, and women from poor districts were often trafficked for sexual exploitation to Riga, Liepaja, and Ventspils.

Traffickers, primarily organized criminal groups, usually lured victims through offers of false employment in European countries. A large number of victims were drawn from the economically depressed areas of the country’s eastern regions. While some victims were recruited through job advertisements or modeling and travel agencies, most victims were solicited through direct contact with offers of good jobs in Western Europe. Traffickers often recruited their victims at cafes and clubs, and victims themselves recruited new victims for the traffickers.

There were some assistance programs, principally organized by NGOs and the International Organization for Migration (IOM). However, in its draft National Action Plan, the Government recognized a need for more action in this area. Upon returning to the country, victims of trafficking were not singled out for governmental or societal abuse or mistreatment, and they can return home. Martas Center and the Council of Youth Health Centers (working with the International Organization

for Adolescence) began operations to educate adolescents regarding trafficking issues. IOM and several NGOs sponsored conferences on trafficking, and there were multiple anti-trafficking education campaigns. In addition, IOM sponsored an aggressive advertising campaign warning of the dangers of accepting attractive employment offers from abroad. As the centerpiece of a national education campaign, IOM and others supported a project to invite high school and college students to screenings of the film *Lilya 4-Ever*, which depicts the life of a young trafficking victim.

LIECHTENSTEIN

The Principality of Liechtenstein is a constitutional monarchy with a parliamentary form of government. Prince Hans-Adam II is the head of state; all legislation enacted by the popularly elected Parliament (Landtag) must have his concurrence. On March 16, the electorate adopted an initiative of the Princely House to amend the Constitution. The Parliament nominates and the Prince appoints the members of the Government. The Parliament was elected in 2001; the dominating Progressive Citizen's Party holds all cabinet seats. The judiciary is independent.

The Interior Ministry maintained effective control of the regular and auxiliary police forces, which are responsible for internal and external security. There is no standing military force. There were no reports that security forces committed human rights abuses.

The country had a prosperous, highly industrialized, free-enterprise economy with a vital services sector. It participated in a customs union with Switzerland and used the Swiss franc as its national currency. Its 32,525 citizens enjoyed a very high standard of living.

The Government generally respected the human rights of its citizens, and the law and judiciary provided effective means of dealing with individual instances of abuse.

RESPECT FOR HUMAN RIGHTS

Section 1. Respect for the Integrity of the Person, Including Freedom From:

a. Arbitrary or Unlawful Deprivation of Life.—There were no reports of the arbitrary or unlawful deprivation of life committed by the Government or its agents.

b. Disappearance.—There were no reports of politically motivated disappearances.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The law prohibits such practices, and there were no reports that government officials employed them.

Prison conditions generally met international standards. Men and women were held separately. Facilities were available to hold juvenile prisoners separately from adults in a pretrial detention facility, but there were no cases of juvenile imprisonment during the year. If a juvenile offender was convicted of a crime requiring imprisonment, the prisoner could be transferred to a youth facility in Austria. Pretrial detainees were held separately from convicted criminals.

The Government permitted visits by independent human rights observers.

d. Arbitrary Arrest, Detention, or Exile.—The law prohibits arbitrary arrest and detention, and the Government generally observed these prohibitions. Within 24 hours of arrest, the police must bring suspects before an examining magistrate who must either file formal charges or order release. The law grants suspects the right to legal counsel of their own choosing and counsel was provided at government expense to indigent persons. Release on personal recognizance or bail is permitted unless the examining magistrate has reason to believe that the suspects are a danger to society or would not appear for trial.

Neither the law nor the Constitution prohibits forced exile, but the Government did not employ it.

e. Denial of Fair Public Trial.—The Constitution provides for an independent judiciary, and the Government generally respected this provision in practice.

The judicial system has three tiers: A lower court, appellate court, and supreme court. The court of first instance is the National Court (Landgericht). In addition, an Administrative Court hears appeals against government decisions. The State Court (Staatsgerichtshof) protects the rights accorded by the Constitution, decides conflicts of jurisdiction between the law courts and the administrative authorities, and acts as a disciplinary court for members of the Government.

The Constitution provides for the right to a fair public trial, and an independent judiciary generally enforced this right. Citizens had the right to counsel and the

right to appeal, ultimately to the Highest Court (Oberster Gerichtshof). Trials involving minor offenses were heard by a single judge, more serious or complex cases by a panel of judges, and the most serious cases, including murder, by a public jury.

The Constitution authorizes the Prince to alter criminal sentences or pardon offenders. However, if the offender is a member of the Government and is sentenced for a crime in connection with official duties, the Prince may take such action only if the Parliament requests it.

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home or Correspondence.—The Constitution prohibits such actions, and the Government generally respected these prohibitions in practice.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution provides for freedom of speech and of the press, and the Government generally respected these rights in practice. An independent press, an effective judiciary, and a functioning democratic political system combined to ensure freedom of speech and of the press, including academic freedom.

Two daily newspapers were published; each openly sided with one of the two major political parties and by and large reflected their specific views. Both print and electronic media outlets received government subsidies, but there were no reports of attempts of the Government to exercise undue influence on their editorial boards.

A private radio station broadcast daily, along with a rudimentary television channel occasionally transmitting parliamentary debates and sport events. The third party (Freie Liste) represented in Parliament also issued an information bulletin. The Vorarlberg regional radio and television station of the public Austrian Broadcasting Corporation (ORF) regularly covered domestic issues and current events. Residents also received radio and television broadcasts from neighboring countries.

In August, the Government announced a plan to turn the private radio station into a public one at the beginning of 2004. The Government, which had subsidized the radio station since 2000, decided to step in after the private sponsor of the struggling radio broadcaster abruptly withdrew his support. Parliament approved the Government's plan in October and efforts began for the public radio station to go on the air on January 1, 2004. After the radio station becomes public, the new law is scheduled to require them to broadcast balanced reporting.

There were no restrictions on access to the Internet.

b. Freedom of Peaceful Assembly and Association.—The Constitution provides for freedom of assembly and association, and the Government generally respected these rights in practice.

c. Freedom of Religion.—The Constitution provides for freedom of religion, and the Government generally respected this right in practice.

The Constitution establishes the Roman Catholic Church as the official state church, and its finances are integrated directly into the budgets of the national and local governments. The Catholic Church is entitled to the State's annual contributions of \$223,000 (300,000 Swiss francs) under the terms of a 1987 law. The State's financial contributions for the year were paid to the Church. The Government also supported denominations other than the Catholic Church. The Government continued to seek a wide consensus on a new agreement on the relationship between the State and the Catholic Church.

Roman Catholic or Protestant religious education was compulsory in all primary schools, but the authorities routinely granted exemptions for children whose parents requested them. Secondary school students were offered a choice between traditional confessional religious education (provided for by the Catholic or the Protestant Church) or non-confessional classes on "Ethics and Culture." Denominations other than the Catholic and the Protestant Church are free to regulate their own religious education.

For a more detailed discussion, see the 2003 International Religious Freedom Report.

d. Freedom of Movement within the Country, Foreign Travel, Emigration, and Repatriation.—The Constitution provides for these rights, and the Government generally respected them in practice.

The law provides for the granting of asylum and refugee status to persons who meet the definition in the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. In practice, the Government provided protection against refoulement and granted refugee status or asylum. The Government cooperated with the U.N. High Commissioner for Refugees and other humanitarian organizations in assisting refugees and asylum seekers. Although the overall number of asylum re-

quests increased following the 1998 asylum law, the number of asylum requests has been steady in recent years. During the year, the Government received 102 applications for asylum.

The Government also provides temporary protection to persons who do not qualify as refugees or asylees; however, since the country lacks an airport or international train station, it received few requests.

A trilateral agreement with Switzerland and Austria requires the Government to return persons who enter from Austria or Switzerland without permission to the respective authorities.

Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government

The Constitution provides citizens with the right to change their government peacefully, and citizens exercised this right in practice through periodic, free, and fair elections.

The country is a constitutional monarchy and a parliamentary democracy. The monarchy is hereditary in the male line. The 25-member unicameral legislature is elected every 4 years. Suffrage was universal for adults over age 18, and balloting was secret. Political parties operated freely. Citizens regularly voted on initiatives and referendums.

On March 14 to 16, the electorate adopted, with a 64.3 percent majority and a turnout of 87.7 percent, a popular initiative launched by the Princely House to amend the 1921 Constitution, increasing the executive powers of the Monarch. Prior to the referendum vote, the Prince had reiterated his pledge to abdicate to Austria if citizens did not approve the Princely House's proposal. In August, the Prince stated that if the Council of Europe, following a possible monitoring procedure, asked the Government to recant its constitutional reform, it would be an opportune moment to quit the organization.

On August 15, the country's National Day, Prince Hans-Adam II announced that he intended to hand over government business to his eldest son Alois in 1 year. Hans-Adam II would remain reigning Prince and head of state.

There were 3 women in the 25-seat Parliament and 1 in the Cabinet, the Minister for Education, Transport and Communication, and Justice, who has served since 2001. A growing number of women were active in politics. Women served on the executive committees of the major parties.

Since 2001, the Government took several steps to promote greater participation by women in politics. Prior to the February 2001 parliamentary elections, the Government conducted two billboard campaigns to promote female candidates, one encouraging women to run for office, and another calling on voters to support female candidates. In addition, the Government organized a series of workshops for female parliamentary candidates. The Government drafted a check list for political parties on promoting female candidates based on a study revealing several factors hindering women from becoming engaged in politics and being elected.

Section 4. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A few domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials were cooperative and responsive to their views.

Section 5. Discrimination Based on Race, Sex, Disability, Language, or Social Status

The law prohibits discrimination on the basis of race, sex, language, or social status. The law also prohibits public incitement to violence or public agitation or insult directed against a race, people, ethnic group, or state.

The Government has established a working group on issues of social discrimination, which is tasked to examine the merits of setting up a new service addressing discrimination based on gender, national origin, disability, religion, or sexual orientation.

Women.—The law prohibits all forms of domestic violence. According to police, there were 29 reported cases of domestic violence during the year, which 6 male aggressors were prevented from reentering the family home for 10 days, and 2 for a further period of 3 months. The State may file charges without a complaint from the victim. Frauenhaus stated that one out of five women was a victim of domestic violence.

A women's shelter provided refuge for 13 women and 9 children during the year. The shelter provided refuge for non-citizens as well. Annual government financing for the shelter was approximately \$238,000 (320,000 Swiss francs). Nongovernmental organizations (NGOs) believed that, as in neighboring countries, trafficking

in women occurred; however, no specific cases were documented during the year (see Section 6.f.).

Societal discrimination continued to limit opportunities for women in fields traditionally dominated by men. Men earned more than women, and women generally did not receive equal pay for equal work. The Constitution provides for women's rights, and includes a significant number of laws to provide for equality of treatment among men and women to eliminate discrimination and sexual harassment and to create conditions that allow both men and women to combine work and family. The law mandates the division of retirement benefit claims in the case of divorce, under which the benefit claims accrued during the time of marriage are split between the parties, whether they worked outside the home or not. In a precedent ruling on gender discrimination in June, a court upheld a woman's claim for equal pay for equal work and ordered the payment of the salary difference since she began legal action.

Each spring the Government adopts an action plan to promote equal opportunity for both women and men, and each autumn the Government's Bureau for the Promotion of Equal Rights for Women and Men publishes a progress report. The action plan this year concentrated on domestic violence, the compatibility of career and family, and gender mainstreaming in politics. The Government in 2002 started a project with both Swiss and Austrian neighboring regions to promote prevention and assistance to victims of domestic violence.

Three women's rights groups were active. Frauenhaus Liechtenstein, Fruehstueckstreffen fuer Frauen, and Infra (Informations-und Kontaktstelle fuer Frauen) worked in areas of public affairs, information, legal counseling, lobbying, and other political activities (see Section 4).

Children.—The Government was strongly committed to children's rights and welfare and funded a system of public education and health care. The Government provided compulsory, free, and universal primary school education for children of both sexes for 9 years, normally until the age of 16. It provided free health care for children under the age of 16.

The Government supported programs to protect the rights of children and matched contributions made to the three NGOs that monitor children's rights. The Office for Social Services oversaw the implementation of government-supported programs for children and youth.

There were some reports of abuse of children, although there was no societal pattern of such abuse. During the year, three persons were convicted of child abuse by the first instance court but none of these rulings is yet final. The Commission for the Coordination of Professionals in Cases of Sexual Offenses Against Children consists of experts from different backgrounds and focuses on assisting professionals (counselors, therapists, and physicians) who deal with sexual offenses against children. The Commission has undertaken public awareness-raising campaigns. During the year, it was contacted in 12 cases of suspected sexual abuse, the same number as in 2002.

Possession of child pornographic material is a statutory offense. The Government also extended the statute of limitation for sexual offenses against children. A special police unit on computer crime continued to monitor child pornography on the Internet; however, no investigations were opened during the year.

Persons with Disabilities.—Although the law does not prohibit discrimination against persons with disabilities, complaints of such discrimination may be pursued in the courts. The law provides for compensatory payments by the Government to companies that employ persons with disabilities. The law increased opportunities for their integration into the workforce and promoted their right to be self-dependent. There was no discrimination in the provision of state services or societal discrimination against persons with disabilities.

The Government requires that buildings and government services be made accessible, and new public buildings generally met these provisions; however, some older buildings had not fulfilled these requirements.

National/Racial/Ethnic Minorities.—Rightwing extremists, including skinheads, were not publicly active during the year. The Government did not report any visible activities but continued to monitor right-wing groups. A government commission, established in October 2002, to address violence and advise the Government on preventative measures, began operating in July. The commission attempted to raise public awareness in order to address the problem of acts of violence in the public areas such as schools and playgrounds.

There were no reports of racially motivated attacks on foreigners or ethnic minorities during the year. A 2002 lawsuit filed by police for violating the anti-racism law

against four Hungarian skinheads who were arrested and deported in 2002 for possessing neo-Nazi items and publications remained pending at year's end.

A working group implementing the recommendations of the 2001 Durban World Conference against Racism operated under a National Action Plan and organized the first set of human rights education classes for police officers in 2002. These training sessions have been extended to the public social service workers in September and to the criminal police in December.

In the spring, the Parliament approved the acceptance of the individual complaints procedure under Article 14 of the International Convention on the Elimination of All Forms of Racial Discrimination (to which the country is a State party). The State Court has been designated as the national legal body to receive and consider petitions from individuals who claim to be victims of violations of the rights set forth in the Convention.

The European Commission against Racism and Intolerance (ECRI) published its second report on the country in April. An ECRI expert group visited in 2002 and met with representatives of various ministries and public administrations as well as with NGOs to research racism and intolerance in the country.

Section 6. Worker Rights

a. The Right of Association.—The law provides that all workers, including foreigners, are free to associate, join unions of their choice, and select their own union representatives, and workers exercised these rights in practice. Due to the country's small size and population, there was only one trade union, which represented approximately 13 percent of the work force; however, the union protected the interests of nonmembers as well.

The law encourages the formation of unions but does not prohibit anti-union discrimination. It states that anti-union discrimination should be avoided.

Unions were free to form or join confederations and were allowed to affiliate with international bodies. The only union was a member of the World Confederation of Labor but was represented on an ad hoc basis by a Swiss union.

b. The Right to Organize and Bargain Collectively.—The law provides for the right of workers to organize and bargain collectively. However, collective bargaining agreements usually were adapted from those negotiated by Swiss employers and unions. In accordance with EEA guidelines, domestic labor law requires that employers consult with unions in cases of projected mass dismissals and submit employment contracts in written form.

Workers have the right to strike except in certain essential services. No strikes were reported during the year. The law does not provide specific protections for strikers. Employers were allowed to dismiss employees for serious offenses or for breach of contract, such as having a complaisant medical certificate.

There are no export processing zones.

c. Prohibition of Forced or Bonded Labor.—The law prohibits forced or bonded labor, including by children, and there were no reports that such practices occurred.

d. Status of Child Labor Practices and Minimum Age for Employment.—The law prohibits the employment of children less than 16 years of age. However, exceptions may be made for the limited employment of youths aged 14 and over and for those who leave school after completing 9 years of compulsory education (see Section 5). Children aged 14 and older may be employed in light duties for not more than 9 hours per week during the school year and 15 hours per week at other times.

The Government devoted adequate resources and oversight to child labor policies. The Department for Worker Safety of the Office of the National Economy effectively supervised compliance with the law. Inspections by the Department for Worker Safety were adequate.

The Government has not ratified International Labor Organization (ILO) Convention 182 on the worst forms of child labor.

e. Acceptable Conditions of Work.—There was no minimum wage. In 2002, a total of 60 households depended on public welfare, to obtain a yearly minimal income. The monthly average minimum assistance paid in 2002 was approximately \$1,560 (2,100 Swiss francs) for a 1-person household and \$2,900 (3,900 Swiss francs) for a single mother with two children. A total of 1,121 persons received public assistance in 2002.

The law sets the maximum workweek at 45 hours for white-collar workers and employees of industrial firms and sales personnel, and 48 hours for all other workers. The law provides for mandatory rest periods, and with few exceptions, Sunday work was not allowed. Workers over the age of 20 received at least 4 weeks of vacation; younger workers received at least 5 weeks.

The law sets occupational health and safety standards, and the Department for Worker Safety of the Office of the National Economy generally enforced these provisions. The law provides for a hearing in cases in which workers removed themselves from dangerous situations. The law provides for the right of workers to remove themselves from work situations that endanger health or safety without jeopardy to their continued employment.

f. Trafficking in Persons.—The law prohibits trafficking in persons, and there were no reports that persons were trafficked to, from, or within the country. However, some NGOs believed that, as in neighboring countries, trafficking in women occurred but was not reported.

Any person leading another into prostitution faces up to 6 months in prison and/or heavy fines and up to 3 years in prison if the victim was under 18. Independent prostitutes were tolerated as long as they were confined to special salons, cabarets, or other private apartments. The police undertook regular controls on prostitutes' working conditions and salaries but acknowledged that many Swiss middlemen employed women working in the country.

LITHUANIA

Lithuania is a constitutional parliamentary democracy. The Constitution establishes a 141-member unicameral Parliament; a directly elected President; and a government whose ministers are nominated by the Prime Minister, appointed by the President, and approved by the Parliament. The Government exercises authority with the approval of the Parliament and the President. The judiciary is independent.

A unified national police force under the jurisdiction of the Interior Ministry is responsible for law enforcement. The State Security Department is responsible for internal security and reports to Parliament and the President. The civilian authorities maintained effective control of the security forces. The police committed a number of human rights abuses.

The country, with a population of 3.45 million, progressed toward a market economy. The Government continued to privatize the few remaining large-scale enterprises, such as energy, gas, alcohol, and shipping companies; most housing and small businesses have been privatized. The largest number of workers (18.3 percent) worked in the manufacturing sector. Gross domestic product grew by 8.9 percent.

The Government generally respected the human rights of its citizens; however, there were problems in some areas. Police, at times, beat or otherwise physically mistreated detainees and misused detention laws. The Government made progress in holding the police accountable for abuses. Prison conditions remained poor, and prolonged pretrial detention remained a problem. There were some restrictions on privacy rights. Anti-Semitic incidents increased during the year, and the Government took steps to address them. Societal violence against women and child abuse were serious problems. There were some limits on workers' rights. Trafficking in women and girls for the purpose of prostitution was a problem.

RESPECT FOR HUMAN RIGHTS

Section 1. Respect for the Integrity of the Person, Including Freedom From:

a. Arbitrary or Unlawful Deprivation of Life.—There were no reports of the arbitrary or unlawful deprivation of life committed by the Government or its agents.

The International Commission to Investigate the Crimes of Nazi and Soviet Occupation Regimes in Lithuania continued its activities during the year (see Section 4).

From January to September, the Prosecutor General's Office initiated eight investigations of genocide cases, of which two were later terminated. These new cases (which brought the total of such cases initiated since 1990 to approximately 150) included four investigations of killings in 1941, according to the Simon Wiesenthal Center. The Nazis and their local collaborators killed more than 90 percent of the country's 220,000 Jews during World War II. At year's end, more than 30 ongoing cases included: An investigation into the killing of an unknown number of Jews in Seredzius in 1941, the killing of 3,700 Jews in 1941, the 20–30 deaths in the "Lietukis" garage killings in Kaunas in 1941, the killings of 1,350 Jews in Zadeikiai forest in 1941, the killing of 20 Jews in Seirijai in 1942, the killing of thousands of civilians in 1941, and 2 cases of killings of Jews and prisoners of war in Nazi-occupied Belarus during World War II. There were 18 such cases, involving 130 individuals, pending at year's end.

b. Disappearance.—There were no reports of politically motivated disappearances.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The Constitution prohibits such practices; however, at times, police beat or otherwise physically mistreated detainees, although there were fewer such incidents during the year.

The Government continued to eliminate the practice of hazing of recruits by non-commissioned officers. From January to August, 5 criminal cases were filed for statutory violations, compared with 16 cases in all of 2002. From January to August, the Seimas Controller investigated three complaints against officials of the Ministry of National Defense, all of them on social issues. The disciplinary statute sets procedures for the investigation of disciplinary offences, provides for the right to appeal, and lists the types of punishments.

Prison conditions were poor and life threatening; however, the entry into force of the Criminal, Enforcement of Sentences, and Criminal Procedure Codes in May, combined with increased funding, reduced the number of prisoners subjected to these prison conditions. As of September, 4 of 14 correctional institutions remained overcrowded; the problem was most acute in the two investigation and interrogation facilities. As of July, 1,194 persons, or 12 percent of all prisoners, were registered as drug users, and more than 250 inmates were HIV-infected. The Government took measures to reduce drug trafficking in correctional institutions and offered training for officials and education and harm reduction programs for inmates. In May, a reconstructed building with a capacity for 300 HIV-infected prisoners opened in Alytus. In November, a prevention and rehabilitation center for drug addicts and HIV-infected prisoners opened at the Pravieniskes correction center.

Sanitation in prisons improved after the new codes were introduced and sentences for some of the prisoners were reduced. The Seimas controllers noted a marked decrease in complaints from the Lukiskes investigation ward/prison and the Siauliai interrogation and isolation ward; however, they noted that inadequate control of infectious diseases in prisons and that prolonged transfer of suspects to interrogation facilities continued due to lack of funding. Arrested and detained persons generally suffered worse living conditions than did convicted persons. By January, 8 of 46 police custody facilities met the hygiene standards approved by the Ministry of Health in May 2002. The Seimas's introduction of parole for those convicted for lesser offenses reduced the number of persons in custody.

A significant number of detainees reported mistreatment, abuse, and violence, which public prosecutors and judges acted to address.

In May, the new Code on Enforcement of Sentences separated inmates into three groups depending on their conduct in prison: Regular, minimum security, and disciplinary groups. In August, prison authorities in Alytus used force against inmates in the disciplinary group protesting the new regime; 70 inmates filed complaints on excessive use of force.

In September, there were 8,957 prisoners, including 297 women, and 188 juveniles. The prisoner figure included 1,280 detainees, of whom 49 were women, and 75 juveniles. Women and men were held separately; juveniles were held separately from adults; and pretrial detainees were held separately from convicted criminals. In September, a Seimas controller publicly criticized several instances of police violence against juveniles, which occurred after their arrest but before they reached the police arrest facilities. The controller said that the authorities protected police officers suspected of violence against juveniles.

Convicted prisoners may be involved in unpaid routine up-keep work in the penal institutions and in work connected with improvement of cultural and every-day living conditions of the prisoners. The unpaid work must be performed on a rotation basis outside working hours, up to 2 hours per day. Juvenile offenders in special reform and disciplinary institutions may refuse to do unpaid work.

From January to August, 24 prisoners died (11 of natural causes, 8 by suicide, and 5 killed by other prisoners). A significant increase in the suicide rate was attributed to the growing proportion of prisoners with drug addictions and psychological problems. From January to August, there were 110 injuries inflicted by other inmates and 101 self-inflicted injuries, due to abuse and conflicts among fellow inmates, depression, or to protest sanctions by authorities, a drop of approximately 30 percent from the same period of 2002. The Prisons Department introduced programs to prevent suicides and aggression among prisoners in some of the correctional institutions. From January to August, there were 138 criminal offenses committed in prisons, compared with 22 during the same period of 2002. Authorities attributed the increase to their efforts to prevent the spread of drugs. Prison personnel were charged with committing 12 criminal offenses. From January to August, the Seimas controllers investigated 256 non-criminal complaints mostly related to living conditions (79 of them deemed justified) regarding Prison Department personnel.

From January to August, 2 persons committed suicide, and 72 injured themselves in protest against authorities or were injured by other inmates in violent incidents in police detention facilities.

The Government continued its reform of the prison system. The Prison Department at the Justice Ministry manages the correctional system. Funding of approximately \$0.80 (2.4 litas) per prisoner per day covered only minimal needs for meals; prisoners may use their own or outside funds to improve their diet. During the year, the Seimas controllers called for strengthening oversight of correctional facilities and improving the quality of health services received by prisoners. The year's budget allotment for correctional institutions rose 17.4 percent. The Criminal, Enforcement of Sentences, and Criminal Procedures Codes introduced more lenient sentences and reduced the number of sentences involving incarceration. The Government reconstructed three correctional facilities and was constructing a prison hospital at year's end.

The Government permitted visits to prisons by independent human rights observers, and there were such visits during the year.

d. Arbitrary Arrest, Detention, or Exile.—The Constitution prohibits arbitrary arrest and detention, and the Government generally observed these prohibitions; however, there were instances of prolonged pretrial detention.

A unified national police force, under the jurisdiction of the Interior Ministry, is responsible for law enforcement. The State Security Department is responsible for internal security and reports to Parliament and the President. The Office of Inspector General and the Internal Investigation Division at the Police Department investigate, on the orders of the Minister of Interior, abuses committed by the police. Prosecutors and the Parliament controller carry out independent investigations. From January to August, cases for abuse of power and abuse of office were initiated against 4 police officers, compared with 12 cases in 2002. By the end of August, the controllers investigated 112 complaints—more than half deemed justified—about the activities of Interior Ministry personnel and the police. In a number of cases, the controllers proposed that relevant government agencies take remedial actions or that laws be amended.

In November, the European Court of Human Rights (ECHR) ruled that the Government violated the right of Raimundas Meilus to a speedy trial. His trial and appeals proceedings, relating to charges of fraud and embezzlement, lasted more than 8 years between 1994 and 2002. The Court awarded Meilus \$6,250 (5,000 euros) for non-pecuniary damage and \$6,250 (5,000 euros) for costs and expenses.

Under the law, police may detain suspects for up to 48 hours, based upon reliable evidence of criminal activity and approval by an investigator or prosecutor. Bail is available and was used widely. The Criminal Code, enacted in May, revised the parole and probation system; however, the Seimas controllers noted that probation was not functioning in practice. The Constitution provides for the right to an attorney from the moment of detention (see Section 1.e.).

Pretrial detention applies only in the case of felonies, to prevent flight, to allow unhindered investigation if the suspect might commit new crimes, or when there is an extradition request. A pretrial judge may order a suspect detained for up to 3 months. A local judge, acting on a prosecutor's request, may order longer pretrial detention, which may last up to 6 months and may be extended by a district judge for periods not to exceed 18 months in total (see Section 1.e.). The detainee or his counsel may appeal to a higher court against the imposition or extension of detention. The Civil Code provides for liability for damage caused by the unlawful actions of pretrial investigation officials, prosecutors, judges, and courts. In September, the Prisons Department reported that there were no persons whose pretrial detention exceeded 18 months. However, there were 37 persons whose detention was extended beyond 18 months by the court for the duration of the court case. From January to August, there were six verified complaints over prolonged detention in police custody.

The Constitution prohibits forced exile, and the Government did not employ it.

e. Denial of Fair Public Trial.—The Constitution provides for an independent judiciary, and the Government generally respected this provision in practice.

The Civil and Criminal Procedure Codes strengthen the judges' role and the courts' independence. The Criminal Procedure Code entitles the suspect to read his case material throughout the investigation rather than after it. The Civil Code complies with the European Convention on Human Rights and takes into account the jurisprudence of the ECHR; however, the Criminal and the Criminal Process Codes, both enacted in May, permit trials in absentia when a defendant is outside the country and avoids trial. Local human rights experts criticized these provisions. In October, a study commissioned by the nongovernmental organization (NGO) Open

Society Fund Lithuania criticized the court system for lack of transparency and accountability.

The Constitution and the Law on Courts provide for a four-tier court system: The Supreme Court; the Court of Appeals; district courts; and local courts. The local courts are tribunals of first instance for all cases that are not assigned to some other court by law. The Constitution also provides for a Constitutional Court and specialized courts for administrative, labor, family, and other purposes.

The Constitutional Court reviews the constitutionality of laws and other legal acts, as well as actions by the President and the Cabinet. The primary function of administrative courts is to investigate the legality and validity of administrative acts and conflicts in public administration and taxation.

District courts hear juvenile criminal cases and cases related to children's rights (for example, domestic adoption and paternity matters).

If the ECHR determines that courts have violated the European Convention on Human Rights, the Supreme Court Chairman may order a retrial of a case by the Supreme Court. The right to appeal for a retrial in criminal cases includes the persons whose rights were violated, their representatives, and the Prosecutor General.

The Prosecutor General exercises oversight responsibility for the whole judiciary through a network of district and local prosecutors who work with investigators to prepare evidence for the courts.

The Constitution provides for the right to a fair trial, and an independent judiciary generally enforced this right. The Constitution provides for the right to legal counsel for defendants. In practice, the right to counsel was abridged by the shortage of trained lawyers, who found it difficult to cope with the increasing numbers of criminal cases brought before the courts. The law provides for legal assistance for indigent persons, but, in practice, such legal assistance was not always available. By law, defense advocates have access to government evidence and may present evidence and witnesses. The courts and law enforcement agencies generally honored routine, written requests for evidence. By law, a judge may hold a closed trial in a limited number of circumstances. The Criminal Process Code allows appeals of the actions of prosecutors, investigator, and interrogators throughout the preliminary investigation up to the district court level.

In March, the ECHR ruled that the Government violated the right of Stase Jasiuniene to a fair trial; however, the local government failed to act on the court's ruling to compensate her for a plot of land nationalized 50 years ago.

In the early 1990s, the Government rehabilitated over 50,000 persons charged with anti-Soviet crimes in the Stalin era, including those involved with crimes against humanity during the Nazi occupation. Under a special judicial procedure, from 1997 to this September, 147 individuals were "de-rehabilitated," making them ineligible for some social welfare benefits.

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The Constitution prohibits such actions; however, there were reports that the Government did not respect these prohibitions in practice. The authorities did not engage in indiscriminate or widespread monitoring of the correspondence or communications of citizens; however, with the written authorization of a judge, police and security service personnel may engage in surveillance and monitoring activities on the grounds of national security, law enforcement, and important economic or financial interests of the state. The new Criminal Process Code requires a judge's authorization for the search of premises of an individual. The seizure, monitoring, and recording of information transmitted through telecommunications networks or surveillance must also be court-ordered.

It was assumed widely that law enforcement agencies had increased the use of a range of surveillance methods to cope with the expansion of organized crime. A court permit is required for search and seizure of correspondence during investigations.

From January to August, the State Data Protection Inspectorate conducted 214 investigations, examined 38 complaints, and provided numerous consultations. Most violations involved unauthorized use of personal data, use of data without person's knowledge, and flaws in data protection. Institutions that committed violations included the State Social Insurance Fund, the Ministry of Interior, the Police Department, the Migration Department, and special agencies. In December, the parliamentary National Security and Defense Committee concluded that the State Security Department did not violate laws by recording telephone conversations with the voice of President Rolandas Paksas. Earlier, the Supreme Court Chairman and Prosecutor General had stated that the law prohibited tapping of the President's telephone conversations. The courts, however, have not officially addressed this issue. Also in December, a parliamentary commission concluded that the Government's

anti-corruption service and the Presidency had violated the law by seeking and providing information about persons who were not seeking public office. In March, the media reported that the personnel of the agency responsible for protecting top state officials collected information about authors of a television political show without authorization. The media also reported that doctors occasionally divulged confidential data about patients to employers and others. The new Civil and Criminal Codes enhance protection of the right to privacy. A Personal Data Legal Protection Law revision, effective in July, introduced more safeguards into the data protection system; however, human rights groups were concerned about increasing violations of privacy laws by the media and business and by increased violations on monitoring of the Internet.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution provides for freedom of speech and of the press, and the Government generally respected these rights in practice.

The independent print media continued to flourish and included a wide range of newspapers and magazines. Radio and television included a mix of public and private stations.

A court may order journalists to reveal their sources if a refusal to do so would violate other values protected in the Constitution. The media may publish information about the private life of a public figure without permission if it does not harm the person, or if the information is important to society.

The Constitution prohibits the censorship of either print or broadcast media and restrictions on disclosure, unless the Government determines that national security is involved. Under the media law, the media created a special ethics commission and an ombudsman to address complaints and seek conciliation in potential libel cases. The Parliament funded an Ombudsman's Office.

The Government did not generally restrict access to the Internet; however, in September, a court ruled that the State Security Service exceeded its powers in confiscating a server hosting the pro-Chechen independence website Kavkaz-Center. The Security Service acted on the grounds that the website contained information related to terrorist propaganda and incitement of ethnic and religious hatred, was possibly financed by al-Qa'ida, and was co-founded by a person wanted by Interpol. The website, which was closed in June, resumed operations.

The Government did not restrict academic freedom.

b. Freedom of Peaceful Assembly and Association.—The Constitution provides for the freedom of assembly and association, and the Government generally respected these rights in practice; however, the Communist Party of Lithuania and other organizations associated with the former Soviet regime remained banned.

c. Freedom of Religion.—The Constitution provides for religious freedom, and the Government generally respected this provision in practice. There is no state religion; however, some religious groups enjoyed government benefits not available to others.

The Constitution divides religious communities into state recognized traditional groups and others. In practice, a four-tier system exists: Traditional, state recognized, registered, and unregistered communities. The Law on Religious Communities and Associations stipulates that nontraditional religious communities may be granted state recognition if they are "backed by society" and have been registered in the country for at least 25 years. Both traditional and state recognized communities may receive state subsidies, although only the traditional ones received the subsidies regularly. Only the clergy and theological students of traditional communities were exempt from military service; only their top leaders were eligible for diplomatic passports. They may also have military chaplains and have the right to establish subsidiary institutions. Only traditional communities have the right to teach religion in state schools and to buy land to build churches, although other communities may rent land. Registered religious communities do not receive regular subsidies, tax exemptions, social benefits, or military exemptions enjoyed by traditional and state recognized communities, but they may act as legal entities and thus rent land for religious buildings. Unregistered communities have no juridical status or state privileges, but there were no reports that any such groups were prevented from worshipping or seeking members.

Activities of foreign missionary groups within the country were not restricted; however, the Government appeared to continue preferential treatment for nine traditional religions.

The law provides that only religious instruction of traditional and other state-recognized religious communities may be taught in state educational institutions. At the request of parents from these communities, schools may offer classes in religious instruction. In practice, parents could choose classes in religious instruction or classes in ethics for non-religious education.

The law provides funding for the educational institutions of traditional religious organizations and permits the Education Ministry to give vouchers for pupils of private schools established by non-traditional religious communities.

Some religious property, including 28 synagogues, was returned to the Jewish community, mostly from 1993 to 1996. The Government and Vilnius city continued a program using private funds to rebuild parts of the Jewish quarter in Vilnius; the Jewish community was expected to be given parts of the reconstructed buildings. In September, the Government returned 46 Torah scrolls (in addition to 309 such scrolls turned over in January 2002) to an Israeli spiritual and heritage group for distribution among Jewish congregations worldwide.

The country's Jewish communities expressed concern over an increase in anti-Semitic remarks made by extremist and a few mainstream politicians. In April, the Council of Europe (COE) criticized the Government for the recurrence of anti-Semitic statements by individuals seeking political office; the publication of anti-Semitic articles in the media; distribution of anti-Semitic proclamations and other materials; acts of vandalism against Jewish graves and monuments; and anti-Semitic statements during public gatherings. Multiple anonymous anti-Semitic comments appeared on the Internet. In June, media reports prompted the State Security Department to investigate the publication of the "Protocols of the Zion Elders" in a low-circulation periodical *Zemaitijos Parlamentas*, and the publication was discontinued. In December, members of the National Democratic Party, led by a member of the Siauliai city council, attempted to prevent the lighting of a menorah during a Hanukkah celebration and insulted members of the local Jewish community. The Siauliai mayor publicly apologized for the incident. The political leadership of the country and the national press generally criticized anti-Semitic statements when they occurred.

For a more detailed discussion, see the 2003 International Religious Freedom Report.

d. Freedom of Movement within the Country, Foreign Travel, Emigration, and Repatriation.—The law provides for these rights, and the Government generally respected them in practice.

The Law on Citizenship allows emigrants to retain citizenship. Jewish and Polish minorities criticized the provisions because they create special conditions enabling "ethnic Lithuanian" emigrants to retain dual citizenship but do not allow this for local minorities when they "repatriate" to their "homeland" (for instance, Jews to Israel or Poles to Poland).

The law provides for the granting of refugee status or asylum to persons who meet the definition in the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. In practice, the Government provided protection against refoulement and granted refugee status and asylum. The Vilnius Administrative Court hears asylum appeals. The Court received assistance from the U.N. High Commissioner for Refugees (UNHCR). The Government cooperated with the office of the UNHCR and other humanitarian organizations in assisting refugees. The Law on Asylum Status provides that an asylum seeker coming from a safe country of transit may not enter the country. The right of an asylum seeker to appeal a decision denying entry into the country is limited. From January to June, 88 persons applied for refugee status, and 318 applied for residence permits on humanitarian grounds. The applicants came mostly from Chechnya, Vietnam, and Bangladesh. From 1997 to 2002, more than 1,500 asylum requests were filed; 64 persons received refugee status, and 476 persons received a residence permit on humanitarian grounds.

Irregular immigration continued to decrease due to improved border control, stricter laws against human smuggling, and more effective detention and return of migrants to their countries of origin.

In May, the Government signed a re-admission treaty with Russia (which was later ratified) and continued negotiating such an agreement with Belarus. There were a number of conflicts between refugees and asylum seekers and the local population during the year.

The Government also provides temporary protection to certain individuals who fall outside of the definition of the 1951 U.N. Convention Related to the Status of Refugees or its 1967 Protocol.

Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government

The Constitution provides citizens with the right to change their government peacefully, and citizens exercised this right in practice through periodic, free, and fair elections held on the basis of universal suffrage. Of 141 seats in the Parliament, 71 are elected directly, and 70 are elected through proportional representation. Re-

form of the country's political and economic structure led to an invitation in 2002 to join the European Union (EU) in May 2004.

In January, former Prime Minister and Liberal Union Party leader Rolandas Paksas defeated incumbent president Valdas Adamkus in a runoff presidential election. The election was considered free and fair, although campaign financing lacked transparency. Approximately 53 percent of those eligible voted. Paksas took office in February. In 2001, the New Union party formed a coalition with the Social Democratic Party, and chose former President Algirdas Brazauskas as Prime Minister. Presidential elections are held at least every 5 years.

In December, an ad hoc parliamentary commission found that the President's vulnerability to influence constituted a threat to national security. A second ad hoc commission began investigating other accusations against the President, to determine whether there were sufficient grounds for impeachment. The commission's deliberations continued at year's end. There were 14 women in the 141-seat Parliament and 3 women in the 14-member Cabinet.

There were 12 members of Parliament of Russian, Polish, Greek, or Belarusian ethnic origin.

Section 4. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A number of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials were cooperative and responsive to their views. The Association for the Defense of Human Rights in Lithuania, the Human Rights Association in Lithuania, and the Lithuanian Center for Human Rights were the major human rights groups.

The Division of Human Rights of the Department of International Law and European Integration in the Ministry of Justice monitors law and legal practice to determine whether they are in accord with the country's international obligations. The European Law Department also reviews draft legislation.

There are three ombudsman institutions. The Parliament's controllers investigated complaints of the abuse of power by public servants. The controllers have the right to forward their cases for prosecution, to initiate a reprimand or removal from office of public servants, to initiate a compensation claim, to propose changes in laws and rules, and to inform the Parliament and the President about their findings. The Office of the Equal Opportunities Ombudsman exercised similar functions for complaints of discrimination and sexual harassment (see Section 5). The Office of the Ombudsman for Children's Rights controlled the implementation of relevant laws, oversaw local children's rights protection services, and investigated complaints of abuse of children's rights.

The Government continued to support the International Commission to Investigate the Crimes of Nazi and Soviet Occupation Regimes in Lithuania. The Commission, which includes historians, human rights representatives, representatives of international Jewish organizations, and both Lithuanian and foreign lawyers, produced five new reports during the year. The Commission signed agreements with Yad Vashem (the Holocaust Martyrs' and Heroes' Remembrance Authority) and other organizations to implement a program of Holocaust education, including tolerance development, in the country's schools. The Commission organized conferences and seminars to promote the development of a tolerant civil society.

Section 5. Discrimination Based on Race, Sex, Disability, Language, or Social Status

The Constitution prohibits discrimination based on race, sex, social status, or ethnic background; however, discrimination against women in employment and other areas persisted. In November, the Parliament adopted a Law on Equal Opportunities, which forbids any immediate and indirect discrimination based on age, sexual orientation, disability, race, religion, and beliefs. The Equal Opportunities Ombudsman was expected to oversee the implementation of the law.

Women.—Societal violence, particularly alcohol-related domestic violence, against women reportedly was common; however, official statistics on the incidence of abuse of women in the home are not reported separately from other categories of assault. Institutional mechanisms for coping with this problem developed slowly, and the law does not criminalize specifically domestic violence. If such violence takes place in the home, the victim must file a complaint. Few such complaints were filed because women preferred to avoid publicity and were not confident that the courts would punish their assailants. Thirteen women's shelters provided assistance to victims of violence. A 2002 study by the Women's Information Center indicated that 80 percent of women experienced psychological abuse in the workplace or at home, 35 percent experienced physical violence, and 17 percent were sexually abused. The

law specifically criminalizes rape. From January to August, 211 rapes were reported. Persons convicted of rape generally received sentences of from 3 to 5 years in prison.

Prostitution is illegal under the Criminal Code. The penalty for prostitution is a fine of \$85 to \$140 (300–500 litas) for a first offense. Trafficking in women for the purpose of prostitution was a problem (see Section 6.f.).

The Constitution provides for equal rights for men and women; however, women continued to face discrimination. The Equal Opportunities Ombudsman is an independent agency, accountable to the Parliament, which oversees the implementation of the law and investigates complaints concerning gender discrimination and sexual harassment. The ombudsman also has some enforcement powers in this regard, and the new Criminal Code contains criminal sanctions for discrimination or harassment. The Law on Equal Opportunities provides for positive discrimination (affirmative action) toward women and forbids indirect discrimination and discrimination in the service sector. In May, the Government adopted a program, Equal Opportunities of Women and Men, 2003–04, to reduce violence against women and trafficking in women and later co-founded a nongovernmental organization (NGO), The Center for Development of Equal Opportunities, to help implement the program.

Official policy requires equal pay for equal work. Women made up about one-half of the employed population, and, at the end of 2002, their average pay was 81 percent that of male employees. Women were underrepresented significantly in some professions, business, and the managerial sector as a whole. Significant societal gender inequalities persisted, but recent surveys and studies indicated that conservative views about the role of women were declining—a trend also reported by the media.

For the year ending in March, the ombudsman received 72 complaints and initiated 34 investigations. Most of the complaints concerned discrimination against men due to problems in “old” legislation and discrimination against women in the workplace. The ombudsman, together with women’s organizations, continued a public awareness campaign and a number of projects to advance gender equality. The number of registered violations of the equal opportunities law by state institutions again decreased substantially; however, enforcement of the law in private businesses remained a problem.

Children.—The Government was committed to children’s rights and welfare; it amply funded a system of public education and medical care. The Government provided compulsory, free, and nearly universal education for children through the age of 15. In 2002, only 1.1 percent of children in this age group did not attend school. The Government provides school transportation for children in the countryside, low-cost health care for all children, and a free school meal for one-third of the children. The Civil Code addresses relations between parents and children; however, the Government did not always implement its obligations in practice.

In January, 6,746 children lived in institutions, and approximately 8,000 were in foster families or residential homes. Authorities may remove children subjected to parental violence from the family and place them in the care of a temporary guardian. The Government continued to replace the Soviet-style orphanage (boarding) schools with residential homes or foster families, which permitted children to attend regular schools. Foster families, however, did not always ensure good conditions for children: In October, the authorities confirmed reports that a 6-year-old girl from Avikliai foster family house had suffered sexual abuse for almost a year.

Child abuse was a problem. The ombudsman reported that assistance for children who experienced abuse was insufficient. Abuse among children in four state correctional institutions for children who commit crimes and in one isolated prison for persons 16 to 18 years old declined, due to reorganization and improving prison conditions. Seimas Controllers reported that abuse of children in police arrest facilities was rare, but violence among juveniles in detention remained a problem.

Child abuse in connection with alcohol abuse by parents also was a problem. Authoritarian values in family upbringing discouraged more active measures against child abuse. The press reported increases in cruelty to children, including sexual abuse, intentional starvation, beatings, and killings. Authorities reported that 12 children were killed by their parents during the first 11 months of the year. The penalties for violence and cruelty against underage persons are prison terms of 1 to 2 years.

The Penal Code provides for up to 13 years’ imprisonment for sexual abuse and up to 4 years’ imprisonment for exploiting children in the production of pornography. From January to August, there were no registered cases of exploitation of children for purposes of pornography. From January to August, 36 cases of sexual abuse of children were registered (excluding rapes, for which separate data for children is not available), compared with 67 cases in all of 2002. The Government oper-

ated a children's rehabilitation center to provide special care for sexually abused children.

Trafficking in girls for the purpose of prostitution was a problem (see Section 6.f.).

Several thousand children reportedly lived on the street. Sixty children's rights protection agencies, other institutions, and NGOs routinely identified these children and, if they did not have parents or if their parents abused their parental obligations, placed them in foster families or care institutions. The Government tripled funding for 68 NGO projects for the day care centers' programs benefiting more than 2,400 children and their families; the centers also received support from private sponsors.

The Children's Rights Ombudsman Institution controls the implementation of relevant laws and conventions, oversees children's rights protection institutions, investigates complaints, and advises the Government on improving the protection and legal interests of the child. In 2002, the ombudsman received approximately 300 complaints and initiated 4 investigations, primarily involving municipal children's rights protection offices, tutelage, the child's right to have a home, the right to communication with the child, the granting of state allowances for children, complaints against the police and teachers, and failure to pay alimony. The ombudsman continued to call for streamlining the children's rights protection system and mobilizing central government and local authorities to cope with growing juvenile delinquency and spreading drug addiction. In January, approximately 40,000 children lived in abusive and dysfunctional families.

Persons with Disabilities.—The law provides for a broad category of rights and public benefits for persons with disabilities, additional job security for such persons, and gives children with disabilities access to regular schools and universities.

Persons with disabilities accounted for approximately 6 percent of the population. Many persons with disabilities lived in poverty because the state pension for a person with disabilities was lower than the minimum wage. Every local government runs home help services for persons with disabilities, and the Government financed a network of facilities for them, including daycare centers, state children care houses, and residential care homes for mentally ill adults. Under the National Program of Social Integration of the Disabled for 2003–12, the Government allocated \$7 million (23 million litas) for various NGO employment, education, rehabilitation, and other programs, which were coordinated by the Disabled Persons' Affairs Council, the Government, and NGOs.

Legal provisions for access to buildings for persons with disabilities are in place but were not enforced widely, although most new buildings ensured such access.

National/Racial/Ethnic Minorities.—Minority ethnic groups—including Russians, Poles, Belarusians, Ukrainians, Tatars, and Karaites—constituted approximately 16.5 percent of the population. Although the country has improved the protection of the rights of its ethnic/national minorities since 1991, intolerance toward "others" persisted.

In April, the COE stated that the country still faced many racism and intolerance issues related to its small Romani (Gypsy) community (approximately 3,000), which suffered from prejudice in many fields of daily life, including education, employment, health care, housing, services, citizenship, and contacts with the police. In 2002, as part of its Program for the Integration of Roma into Lithuanian Society, the Government established a social center and community school for the Roma, and, in December, the Government opened a bathing complex for Romani children.

The Penal Code provides for a sentence of from 2 to 10 years' imprisonment for the incitement of racial or national hatred or incitement of violence against foreigners. The State Security Department initiated several investigations into reports of acts tending to incite racial or national hatred but closed them either because the suspects apologized or because the cases would have been difficult to prove in court.

Public sector employees are required to have a functional knowledge of the Lithuanian language, but authorities granted liberal exemptions and extensions. Each year, several hundred persons passed the language portion of the citizenship test and were naturalized. There was no documented evidence of job dismissals based on the language law. The authorities indicated that while the law's intent is to encourage competence in Lithuanian as the official language of the State, no one would be dismissed solely because of an inability to meet the language requirements.

Section 6. Worker Rights

a. The Right of Association.—The Constitution and the Law on Trade Unions recognize the right of workers and employees to form and join trade unions, and workers exercise this right in practice. The Law on Trade Unions extends this right to members of the police and the armed forces.

According to the law, unions must have at least 30 founding members in large enterprises or have a membership of one-fifth of all employees in small enterprises to be registered. Individuals employed in places where there is no trade union are free to join an established regional trade union, but this practice was not widespread.

Between 10 to 20 percent of all enterprises had trade unions, and approximately 10 percent of the workforce were unionized. There were three major trade union associations: The Confederation of Lithuanian Trade Unions with 120,000 members and 25 independent trade unions, the Lithuanian Trade Union "Solidarity" (the former Workers' Union) with 60,000 members, and the Lithuanian Work Federation with 20,000 members. They all worked within the Trilateral Commission, which brought together labor groups with representatives of employers' organizations and the Government.

The law establishes minimum conditions and procedures for investigating individual labor disputes. Trade union leaders claimed that this law prevented unions from investigating labor disputes in the workplace. Difficulties commonly arose in state enterprises in which employees were represented by more than one union. Solidarity officials charged that managers in some companies discriminated against their organizers and dismissed employees in retribution for their trade union activities.

There were no restrictions on unions affiliating with international trade unions, and some unions were affiliated with European unions.

b. The Right to Organize and Bargain Collectively.—A 2002 agreement on tripartite cooperation between the Government, trade unions, and the employers' associations provides for regular meetings to discuss issues related to implementation of labor laws and the prevention of illegal labor.

The Collective Agreements Law provides for collective bargaining and the right of unions to organize employees; however, it does not allow collective bargaining by government employees involved in law enforcement and security-related work. The law provides trade unions the right to negotiate nationwide, branch, and territorial collective agreements; however, collective negotiations regarding labor relations, including wages, are not widespread. Workers often took their complaints directly to their employers. Wage negotiations were more common in enterprises that had trade unions.

The Labor Law, effective in January, establishes collective bargaining as the main tool to regulate labor relations, restricts short-term contracts—which are now subject to collective bargaining, and gives employees the right to be represented in collective bargaining by trade unions or by a work council elected by a secret ballot. Leaders of the "Solidarity" labor union complained about the Government's failure to eliminate illegal, undeclared wages, which reduce employees' social security benefits and their future pensions.

Managers often determined wages without regard to trade union preferences, except in larger factories with well-organized trade unions. The Government periodically issued guidelines for state enterprise management in setting wage scales. The trade unions engaged in direct collective bargaining over wages at the workplace level. Wage decisions were made mostly at the enterprise level. Trade unions supplemented their bargaining activities with active lobbying of Parliament and the Government.

The trade unions criticized provisions of the new Code of Civil Procedure, which do not allow labor unions to represent their members at the Supreme Court; members must engage their own counsel.

The Constitution and the Law on Trade Unions provide for the right to strike, although public workers in essential services may not. According to the Department of Statistics, there were no official strikes. In May, farmers protesting low milk prices blocked roads; as a result, criminal proceedings were initiated, and a court decision was pending at year's end. There were also a number of unregistered protest actions by the employees over wage arrears and dismissals.

There is a special economic zone in the port city of Klaipeda. Worker rights were not restricted in the zone.

c. Prohibition of Forced or Bonded Labor.—The Constitution specifically prohibits forced or bonded labor, including by children; however, there were reports of trafficking in women (see Section 6.f).

d. Status of Child Labor Practices and Minimum Age for Employment.—The legal minimum age for employment of children without parental consent is 16 years; with written parental consent, it is 14 years. Complaints about violations of child labor regulations are referred to local prosecutors who investigate and take legal action to stop violations. Child labor problems were rare. In January, the Government

issued a resolution regulating the employment of persons under age 18. There were no officially reported cases of illegal child labor; however, experts indicated that up to 10 percent of working children did so illegally.

On March 25, the Government ratified ILO Convention 182 on the worst forms of child labor.

e. Acceptable Conditions of Work.—In September, the legal minimum wage increased to \$150 (450 litas) per month, which did not provide a decent standard of living for a worker and family. Every 3 months, the Council of Ministers and the Ministry of Social Security must submit their minimum wage proposals to the Parliament, which has the right to approve or revise the minimum wage level. According to the Department of Statistics, the average gross wage in the second quarter of the year was \$388 (1,163 litas) per month, a 4.4 percent increase over the corresponding period of 2002. The 40-hour workweek is standard by law, with at least one 24-hour rest period, and there are laws on overtime and vacation. The Labor Law provides for additional leave for long-term uninterrupted work in a company and work under specific conditions. The Law imposes stringent limits on overtime work, which may not exceed 4 hours per 2 successive days or 120 hours per year.

The Constitution provides that workers have the right to safe and healthy working conditions, and the State Labor Inspection Service is responsible for implementing the Labor Safety Law. During the first half of the year, the Labor Inspection Service conducted 9,125 inspections of companies and found 4,442 violations. The most numerous abuses included wage arrears, illegal employment (working without a written contract), the violation of labor contracts, time off and work time accounting, harmful working conditions, and the unsatisfactory investigation of accidents. Workers have the right, both in law and practice, to remove themselves from dangerous work environments without jeopardy to their continued employment. From January to August, the State Labor Inspection Service recorded 125 fatal accidents at work and 145 other work accidents.

The Employee Safety and Health Law allows longer than 8-hour night shifts provided that the average working day during a 4-month period not exceed 8 hours. In June, the Labor Inspection Service passed a resolution On Measures to Improve Safety and Health of Workers that requires employers to instruct workers on health and safety issues and to take specified steps to reduce workplace accidents.

The labor laws protect foreign workers.

f. Trafficking in Persons.—The Criminal Code prohibits trafficking in persons; however, trafficking in women and girls for the purpose of prostitution was a problem. International and local NGOs claimed that the problem increased despite significant efforts by the Government to fight it. Authorities did not facilitate or condone trafficking.

The law criminalizes trafficking in persons for purposes of sexual abuse: The penalty is up to 6 years' imprisonment, the same as for prostitution organizers. Other penalties are: Trafficking of juveniles up to 8 years' imprisonment; trafficking for prostitution from 2 to 8 years; trade in children from 2 to 10 years; involving an adult in prostitution up to 3 years; involving a juvenile from 2 to 7 years; and receiving income from prostitution up to 4 years.

By mid-December, the authorities had initiated 14 new criminal cases involving 24 traffickers and a similar number of victims (all women, including several juveniles); from these cases, the courts convicted and sentenced 8 traffickers. Eight of 10 criminal cases of human trafficking that reached the court during the year resulted in convictions.

The country was a source, transit point, and destination for trafficking in women and girls. Women were primarily trafficked to Germany, Spain, the Netherlands, the United Kingdom, France, and Poland. Women from Ukraine, Russia (Kaliningrad district), Belarus, Latvia, and the domestic countryside were trafficked to the country's major cities and to Western Europe, although the numbers reportedly decreased due to lowered earnings in the country and more effective border control. According to Europol, every year approximately 1,200 Lithuanian women fell victim to human trafficking or left the country against their will. Four girls under age 18 were reported as victims of trafficking in the first 8 months of the year; three were trafficked in the country and one to Germany.

A number of women, some underage, were enticed or forced into prostitution and sold abroad by organized crime figures. Traffickers particularly targeted the socially most vulnerable groups: Young females from poor, asocial, or unstable families. Many were lured by deceptive offers of jobs such as household helpers, bar dancers, or waitresses. In many cases, close relatives or friends made such offers. Women also were tricked into prostitution through false marriage advertisements. Victims' compliance was ensured via threats and the withholding of their documents. Their

families often were unaware of their predicament and believed that they had been kidnapped. In August, criminal police detained five Lithuanian, Italian, and Spanish nationals believed to be members of an organized trafficking group, the first operation in the country that resulted in the arrest of leaders of an international trafficking ring.

Despite increases, Government funding for prevention, investigation, prosecution, and witness protection remained inadequate.

The Government allocated \$1 million (3 million litas) to its Program on the Control and Prevention of Trafficking in Humans and Prostitution for 2002–05, and the police were engaged in prevention activities.

There were a number of anti-trafficking projects and publicity campaigns, carried out by the Government, NGOs, the media, diplomatic missions, and by the International Organization for Migration. The Government allocated approximately \$10,000 (30,000 litas) for 2003–04 for pilot projects in two major cities for psychological rehabilitation, professional orientation, and employment of victims of trafficking and prostitution. During 2002–03, the Government allocated approximately \$125,000 (372,000 litas) for 15 anti-trafficking projects run primarily by NGOs, such as the Missing Persons' Family Support Center, the Mother and Child Care House in Vilnius, and others. The programs aim to provide shelter and access to legal and counseling services for victims, and to provide medical assistance for women engaged in prostitution. An NGO maintained a toll-free line for pupils and their parents, which provides advice and information on trafficking. Many NGOs complained that state support was irregular.

LUXEMBOURG

Luxembourg is a constitutional monarchy with a democratic, parliamentary form of government. The role of the Grand Duke is mainly ceremonial and administrative. The Prime Minister is the leader of the dominant party in the popularly elected Parliament. The Council of State, whose members are appointed by the Grand Duke, serves as an advisory body to the Parliament. The judiciary is independent.

Civilian authorities maintained effective control of the only security forces, the Grand Ducal Police. There were no reports that security forces committed human rights abuses.

The country had a market economy with active industrial and service sectors. The population was approximately 448,300. The standard of living and the level of social benefits were high.

The Government generally respected the human rights of its citizens, and the law and judiciary provided effective means of dealing with individual instances of abuse.

RESPECT FOR HUMAN RIGHTS

Section 1. Respect for the Integrity of the Person, Including Freedom From:

a. Arbitrary or Unlawful Deprivation of Life.—There were no reports of the arbitrary or unlawful deprivation of life committed by the Government or its agents.

b. Disappearance.—There were no reports of politically motivated disappearances.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The law prohibits such practices, and there were no reports that government officials employed them.

Prison conditions generally met international standards. Men and women were held separately in prisons. Juveniles and adults imprisoned for minor crimes at times were held together (but in separate cells). Pretrial detainees were not held separately from convicted criminals.

There was one suicide at the penitentiary in Schrassig.

The Government permits prison visits by independent human rights Observers, and one such visit occurred during the year.

d. Arbitrary Arrest, Detention, or Exile.—The Constitution prohibits arbitrary arrest and detention, and the Government generally observed these prohibitions.

The Grand Ducal Police and its investigative branch, the Judiciary Police, are under the direction of the Ministry of Interior and provide service to the entire country.

Judicial warrants are required for arrests except in cases of hot pursuit. Within 24 hours of arrest, the police must lodge charges and bring suspects before a judge. Suspects are given immediate access to an attorney, at government expense for indigents. The presiding judge may order release on bail.

The Constitution prohibits forced exile, and the Government did not employ it in practice.

e. Denial of Fair Public Trial.—The Constitution provides for an independent judiciary, and the Government generally respected this provision in practice.

The judiciary is headed by the Supreme Court, whose members are appointed by the Grand Duke. One of the country's three Justices of the Peace has jurisdiction over minor criminal, civil, and commercial cases, and one of two District Courts heard more serious cases. The Youth and Guardianship Court ruled on matters concerning the protection of young persons. An administrative court system reviewed citizen challenges to legislation.

The Constitution provides for the right to a fair trial, and an independent judiciary generally enforced this right. Defendants are presumed innocent. They have the right to public trials and are free to cross-examine witnesses and to present evidence. Either the defendant or the prosecutor may appeal a ruling; an appeal results in a completely new judicial procedure, with the possibility that a sentence may be increased or decreased.

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The Constitution prohibits such actions, and the Government generally respected these prohibitions in practice.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution provides for freedom of speech and of the press, and the Government generally respected these rights in practice. An independent press, an effective judiciary, and a functioning democratic political system combined to ensure freedom of speech and of the press, including academic freedom.

The independent media were active and expressed a wide variety of views without government restriction.

Internet access was widely available and unrestricted.

b. Freedom of Peaceful Assembly and Association.—The law provides for the freedom of assembly and association, and the Government generally respected these rights in practice. The Government required and routinely issued permits for public meetings and demonstrations.

c. Freedom of Religion.—The Constitution provides for freedom of religion, and the Government generally respected this right in practice.

There is no state religion, but the State provided financial support to some churches. Specifically, it paid the salaries of Roman Catholic, some Protestant, Orthodox, and Jewish clergy, and several local governments maintained sectarian religious facilities. In January, the Government signed a convention to extend this support to the Anglican Church; however, legislation required to finalize this convention had not been passed by year's end. The Muslim community's agreement in July to name a national representative and single interlocutor allowed discussions to move forward on their desire to receive similar government funding; however there was no conclusion by year's end.

For a more detailed discussion, see the 2003 International Religious Freedom Report.

d. Freedom of Movement within the Country, Foreign Travel, Emigration, and Repatriation.—The law provides for these rights, and the Government generally respected them in practice.

The law provides for the granting of refugee status or asylum to persons who meet the definition in the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. In practice, the Government provided protection against refoulement and granted refugee status and asylum. The Government cooperated with the U.N. High Commissioner for Refugees and other humanitarian organizations in assisting refugees and asylum seekers.

After pledging in 2002 to expel several thousand refugees from Montenegro who reportedly did not qualify for asylum status, the Government had expelled 555 by year's end.

In March, police arrested several persons suspected of Muslim extremist activities, 13 of whom were deported for having irregular immigration status. After the deportation, a lawyer for one of the individuals claimed that his client had feared being tortured by police in his country of origin.

Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government

The Constitution provides citizens with the right to change their government peacefully, and citizens exercised this right in practice through periodic, free, and fair elections held on the basis of universal suffrage. National parliamentary elections are held at least every 5 years.

There were 12 women in the 60-member legislature and 4 women in the 14-member Cabinet.

Section 4. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A number of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials were cooperative and responsive to their views.

Section 5. Discrimination Based on Race, Sex, Disability, Language, or Social Status

The law prohibits racial, sexual, or social discrimination, and the Government enforced these provisions.

Women.—There were instances of domestic violence, which the Government took steps to address. In September, the Government passed a law on domestic violence, which took effect on November 1. The law stipulates that a batterer will be removed from the house for 10 days; this can be extended an additional 3 months. The law is gender neutral. Police press the charges so that a victim may no longer be intimidated into dropping charges. Penalties may include fines and imprisonment. In addition, if a person has been to an NGO for assistance, the police must act proactively to go to speak with the person. Starting in December, the country provided a hotline for perpetrators, such as aggressive men. During the year, shelters provided refuge to 428 women and 519 children, compared with 399 and 460, respectively, in 2002. In addition, the Government provided financial assistance to domestic violence victims. Information offices set up to respond to women in distress reported that they received 3,013 telephone calls during the year, compared with 4,708 telephone calls in 2002. The Government funded organizations that provided shelter, counseling, and hot lines.

There were anecdotal reports that women were trafficked to the country for sexual exploitation (see Section 6.f.).

Women enjoyed the same property rights as men under the law. In the absence of a prenuptial agreement, property is divided equally upon the dissolution of a marriage. The law mandates equal pay for equal work, and the Ministry for the Promotion of Women had a mandate to encourage a climate of equal treatment and opportunity; however, according to government reports, women were paid 20 to 30 percent less than men for comparable work. The Government cited the interruption in the careers of women caused by childbirth and their maternal roles as one reason for the disparity. There were no work-related discrimination lawsuits. Women constituted 33 percent of the work force.

Children.—The Government was strongly committed to children's rights and welfare; it amply funded a system of public education and health care. The law mandates school attendance from the ages of 4 through 15, and school attendance is universal through that age. Schooling was free through the secondary level, and the Government provided some financial assistance for post-secondary education.

There were some reports of abuse of children, although there was no societal pattern of such abuse. The Government's hot line for young persons in distress received 615 calls during the year. A physicians' organization estimated that approximately 200 cases of child abuse that required treatment in hospitals each year resulted in legal proceedings.

The law sets penalties for adults who traffic children, facilitate child prostitution, or exploit children through pornography and extends the country's criminal jurisdiction over citizens and residents who engage in such activities abroad. No such activities were reported during the year.

Persons with Disabilities.—The law prohibits discrimination against persons with disabilities in employment, education, and the provision of other state services. The Government assisted persons with disabilities to obtain employment and professional education. Businesses and enterprises with at least 25 employees by law must fill a quota for hiring workers with disabilities and must pay them prevailing wages. The quotas were fixed according to the total number of employees; employers who did not fulfill them were subject to sizable monthly fines. The Government provided subsidies and tax breaks for employers who hired persons with disabilities.

There were no known complaints of noncompliance with the disability laws. However, the Government acknowledged that laws establishing quotas for businesses that employ over 25 persons were not applied or enforced consistently, and there was a particular problem in the case of persons with mental disabilities.

The law does not directly mandate accessibility for persons with disabilities, but the Government paid subsidies to builders to construct “disabled-friendly” structures. Despite government incentives, only a small proportion of buildings and public transportation vehicles were modified to accommodate persons with disabilities.

Section 6. Worker Rights

a. The Right of Association.—All workers had the constitutional right to associate freely and choose their representatives, and they exercised this right in practice. Of the working population, 57 percent belonged to a trade union. Membership was not mandatory. Unions operated free of governmental interference. The two largest labor federations were linked to, but organized independently of, major political parties.

The law provides for the adjudication of employment-related complaints and authorizes labor tribunals to deal with them. A tribunal may fine an employer found guilty of anti-union discrimination, but it may not require the employer to reinstate a worker fired for union activities.

Unions maintained unrestricted contact with international bodies.

b. The Right to Organize and Bargain Collectively.—The law provides for and protects collective bargaining, which was conducted in periodic negotiations between centralized organizations of unions and employers. Enterprises having 15 or more employees must have worker representatives to conduct collective bargaining. Enterprises with over 150 employees must form joint works councils composed of equal numbers of management and employee representatives. In enterprises with more than 1,000 employees, one-third of the membership of the supervisory boards of directors must be employee representatives.

The Constitution provides for the right to strike, except for government workers who provide essential services. Legal strikes may occur only after a lengthy conciliation procedure between the parties. The Government’s National Conciliation Office must certify that conciliation efforts have ended for a strike to be legal. No strikes occurred during the year. The law prohibits discrimination against strike leaders, and a labor tribunal deals with complaints.

There are no export processing zones.

c. Prohibition of Forced or Bonded Labor.—The Government prohibits forced and bonded labor, including by children, and there were no reports that such practices occurred.

d. Status of Child Labor Practices and Minimum Age for Employment.—The law prohibits the employment of children under the age of 16. Apprentices who are 16 years old must attend school in addition to their job training. Workers under the age of 18 have additional legal protection, including limits on overtime and the number of hours that can be worked continuously. The Ministries of Labor and Education effectively monitored the enforcement of child labor laws.

e. Acceptable Conditions of Work.—The law provides for minimum wage rates that vary according to the worker’s age and number of dependents. The minimum wage for a single worker over the age of 18 was \$1,754 (1,403 euros) per month for unskilled workers, and \$2,105 (1,684 euros) per month for skilled workers. The minimum wage was not sufficient to provide a decent standard of living for a worker and family; however, most employees earned more than the minimum wage.

The law mandates a maximum workweek of 40 hours. Premium pay was required for overtime or unusual hours. Sunday employment was permitted in continuous-process industries (steel, glass, and chemicals) and for certain maintenance and security personnel; other industries requested permission for Sunday work, which the Government granted on a case-by-case basis. Work on Sunday, allowed for some retail employees, must be entirely voluntary and compensated at double the normal wage, or with compensatory time off on another day, equal to the number of hours worked on Sunday. The law requires rest breaks for shift workers and limits all workers to a maximum of 10 hours per day including overtime. All workers received at least 5 weeks of paid vacation yearly, in addition to paid holidays.

The law mandates a safe working environment. An inspection system provided severe penalties for infractions. The Labor Inspectorate of the Ministry of Labor and the Accident Insurance Agency of the Social Security Ministry carried out effective inspections. No laws or regulations specifically provided workers with the right to remove themselves from dangerous work situations without jeopardy to their continued employment; however, every worker has the right to ask the Labor Inspectorate

to make a determination regarding workplace safety, and the inspectorate usually did so expeditiously.

The law provides for equal protection of foreign workers.

f. Trafficking in Persons.—The law prohibits trafficking in persons; however, the Government identified trafficking to exist within its borders. Some observers believed trafficking of persons may have occurred, due to fluid borders and the existence of trafficking in nearby countries, although there were no substantiated reports of trafficking.

The Penal Code provides for 5 years' imprisonment for trafficking; however, no one had been arrested or prosecuted on trafficking charges by year's end.

In November, the Government convened a working group to determine whether trafficking was a problem and whether there was any relationship between trafficking and prostitution, and to propose initiatives to address problems if they existed.

The country was a destination for Russian and Ukrainian women who went to work as cabaret dancers. The Government grants "artiste visas," valid for 1 month, to nearly 1,000 women a year to work as performers in cabarets. To obtain the visas, the women must sign a contract in their own language regarding their rights and receive an emergency telephone number to call if needed. Concerned parties asserted that some of the dancers were pressured into prostitution to earn additional income to pay back airfare, insurance, and agency fees as well as for themselves and family members. There were no government services specifically for victims of trafficking. Two NGOs, which were fully financed by the Government, provided shelter and counseling assistance to women in distress.

During the year, there were three roundtables regarding the treatment of women that included discussions on trafficking, one of which had government sponsorship.

The Ministry for the Promotion of Women had awareness programs for victims of domestic violence, although none specifically targeted trafficked victims. The awareness programs included poster displays at strategic locations around the city; on September 25, the Grand Duchess attended a discussion and film on trafficking.

MACEDONIA, FORMER YUGOSLAV REPUBLIC OF

Macedonia is a parliamentary democracy with multiethnic party representation and a popularly elected president. From February to July of 2001, the country experienced an insurgency conducted by Kosovar and indigenous ethnic Albanians; NATO successfully facilitated a ceasefire in July 2001, and in August 2001, domestic political parties signed the Framework Agreement (FWA) with international facilitation. By year's end, Parliament had completed nearly all FWA-mandated legislative actions (including amendment of the Constitution), which provided for enhanced minority civil rights and devolution of power to local governments. In parliamentary elections held in September 2002, which were deemed generally free and fair, opposition parties, including an ethnic Albanian party primarily formed by former insurgents, won a majority of seats. The Social Democratic Union of Macedonia (SDSM), Liberal Democratic Party of Macedonia (LDP), and Democratic Union for Integration (DUI) constituted an ethnically mixed government led by Prime Minister Branko Crvenkovski. The Constitution provides for an independent judiciary; however, corruption and political influence at times limited its ability to function efficiently.

While civilian authorities generally maintained effective control of security forces, there were some instances in which elements of the security forces acted independently of government authority. The Ministry of Interior (MOI), which oversees the uniformed police, the non-uniformed police, the police reservists, and the internal intelligence service, is under the control of a civilian minister; a parliamentary commission oversees operations. The Ministry of Defense has responsibility for border security. Some members of the security forces committed human rights abuses.

The country, with a population of approximately 2 million, had a mixed market-based economy. Gross domestic product grew by 3.1 percent during the year. According to the labor force survey, unemployment increased from 31.9 percent in 2002 to 36.7 percent; however, these figures did not reflect the large gray economy.

The Government generally respected the human rights of its citizens; however, there were problems in several areas. Security forces killed at least four persons during the year. Law enforcement officers occasionally beat suspects, particularly during initial arrest and detention. Arbitrary arrest and prolonged pretrial detention were problems. The Government did not investigate many human rights abuse cases from previous years; however, the Government made progress on investigating

allegations of human rights abuses that arose during the year. The judiciary, on many occasions, did not effectively investigate or prosecute state agents and civilians for alleged human rights abuses. In some cases, police continued to compel citizens to appear for questioning, in spite of a 1997 law that requires police first to obtain a court order. Implementation of an Amnesty Law for former 2001 combatants not accused of war crimes was nearly complete at year's end, although a few problems remained. While most judicial authorities cooperated, some obstructed implementation of the law. The International Criminal Tribunal for the Former Yugoslavia (ICTY) continued to investigate alleged war crimes cases.

Violence and discrimination against women (particularly in the Roma and ethnic Albanian communities) remained problems. Societal discrimination against minorities, including Roma, ethnic Albanians, and ethnic Turks, remained a problem. Continued adoption of FWA-mandated legislation, including the adoption of the Law on the Ombudsman, laid the legal groundwork for improving civil and minority civil rights. Trafficking in women and girls for prostitution was a problem.

RESPECT FOR HUMAN RIGHTS

Section 1. Respect for the Integrity of the Person, Including Freedom From:

a. Arbitrary or Unlawful Deprivation of Life.—There were no political killings; however, security forces killed at least four individuals during the year. The Macedonian Army Border Brigade, while following its rules of engagement for illegal border crossings, killed two individuals in separate incidents; these cases were under review by a commission of officials from the Ministry of Defense (MoD) and the Chief of General staff at year's end. There were two other legitimate police law enforcement actions that resulted in deaths.

On June 18, elements of the Macedonian Army's Border Brigade shot and killed an Albanian at a range of 400 meters, as he attempted to return to Albania after illegally crossing the Macedonian-Albanian border. In the days following this death, the Government commission, in consultation with NATO, reviewed and changed the Border Brigade's rules of engagement to bring them in line with international standards. A similar shooting occurred along the border in February.

On June 12, police shot and killed Nexhbedin Demiri, a fugitive wanted for violent crime and assault charges, in Skopje after Demiri pulled out a gun during his arrest. The MOI captured the incident on videotape and determined that it was a legitimate use of force.

On November 21, police shot and killed Dime Ickovski, in Skopje, during an exchange of fire in an attempt to arrest him on charges stemming from his escape from prison and charges of theft. At the time of the incident, Ickovski was in possession of a pistol, a large amount of ammunition, and two hand grenades.

The case of 13 members of the "Tigers" special police unit who beat Alberto Stojcev to death and severely injured 3 others during an altercation in a bar in Vinica in 2002 resulted in 6 month prison terms for six Tigers who were directly involved in the fight and 3 month prison terms for three Tigers who participated briefly in the fight. The others were released without convictions.

There were no new developments in the Government's investigation of the Rostanski Lozija case, involving the police killing of seven illegal immigrants in March 2002. After the killing, the police had planted weapons and National Liberation Army (NLA) uniforms next to the bodies. Former Minister of Interior Boskovski, changing his account of the incident several times, claimed that the seven men had ambushed four police officers, and that in returning fire, the police killed all of their assailants. Some of the immigrants were shot as many as 56 times. A MOI investigation, during the previous Government, exonerated the policemen involved of wrongdoing, and the former chief public prosecutor failed to adequately investigate or prosecute the incident. International observers and human rights organizations continued to press the Government to investigate the incident thoroughly.

In August 2002, unknown assailants shot and killed two ethnic Macedonian police officers near Gostivar. Among the suspects detained by police was Selam Selami, who was severely beaten by police and sustained permanent injuries (see Section 1.c.). Selam Selami's hearing was postponed eight times, and Selami spent several months in pretrial detention before being released on bail. On September 9, the public prosecutor determined that there was insufficient evidence, and dropped all charges against Selami.

There were no new developments in the following cases from 2002: The ethnic Albanian who was killed by the Macedonian Border Brigade after the car he was in ran through an illegal crossing in the village of Belanovce; the "Lion" who shot and

killed an ethnic Albanian man on the Tetovo-Gostivar highway; and the police killing of an ethnic Albanian man at a checkpoint in Tetovo.

An ICTY investigation was ongoing at year's end into the killing of ethnic Albanian civilians by police at Ljuboten in 2001 (see section 4).

On May 4, two Polish NATO soldiers and two Macedonian citizens were killed by a land mine in Sopot. In June, a Macedonian Army patrol ran over a mine near the northern border, killing one soldier. In October, a farmer from the village of Kondovo, near the border with Kosovo, was wounded when his tractor ran over a land mine. All three mines were reported to have been planted recently.

All government-controlled stocks of landmines were destroyed by March; however, demining and unexploded ordnance disposal efforts in former conflict areas continued at year's end. An International Committee of the Red Cross (ICRC) program to educate children on the risk of unexploded devices, begun in 2001, was handed over to a national body (trained by the U.N. Mine Action Office) in June; this National Body was expected to be integrated into the Ministry of Defense.

b. Disappearance.—There were no reports of politically motivated disappearances.

The International Committee on Missing Persons (ICMP) continued to work with the Government and family members to assist in resolving the cases of 20 persons—13 ethnic Macedonians, 6 ethnic Albanians, and 1 Bulgarian citizen—missing since the 2001 conflict. The Government made no progress in resolving these cases.

On July 18, the ICMP held a conference, “The Right to Know,” in Skopje. The conference gathered families, government representatives, foreign government officials, and representatives from numerous nongovernmental organizations (NGOs) to discuss concrete steps to determine the fate and whereabouts of those missing from the 2001 conflict. Both the ICRC and the ICMP remained in contact with the families of the missing persons; however, none of the families were willing to assist investigators by giving blood and DNA samples. On December 8, the Government appointed two coordinators to develop and implement a working plan to deal with the humanitarian aspects of the case. On December 19, President Trajkovski, Prime Minister Crvenkovski, Minister of Interior Kostov, and DUI leader Ahmeti met with family members of the missing persons and ICMP officials to discuss developments in the case.

In 2002, a European Union (EU) commissioned report criticized the MOI for a “lack of serious investigations” into the fate of these missing persons. The report also concluded that at least 8 of the 13 missing ethnic Macedonians had been abducted by the NLA, and that the others had been in areas where they had likely encountered NLA units. Former NLA combatants and leaders attributed the disappearance of the ethnic Albanians to a particular “rogue unit,” but refused to disclose more information, according to the EU report.

Two of the cases in which the ICTY has asserted primacy deal with missing persons (see Section 4).

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The Constitution prohibits such practices; however, police at times used excessive force during the apprehension of criminal suspects and sometimes tortured and abused prisoners.

In May, several days before a police raid in Sopot, police officers detained Ramadan Bajrami and reportedly tortured him for 3 days. Bajrami was charged with counterfeiting foreign currency; the only evidence consisted of one counterfeit 100 euro note. He was the main witness in the trial against Sulejman Sulejmani. On October 22, Bajrami was released from detention due to lack of evidence.

On May 25, police officers arrested Sulejman Sulejmani, who was suspected of planting a land mine in Sopot, and charged him with a criminal act of terrorism. The land mine killed two Polish NATO soldiers and two Macedonian citizens. During the arrest of Sulejmani, local citizens alleged that police used excessive force in searching homes in the vicinity. The MOI formed a mixed ethnic committee headed by one of the Minister's deputies to investigate the allegations against the police. After a thorough investigation, no abuses of police authority or excessive use of power or force were found to have occurred. International organizations and the ethnic Albanian governing partner DUI contended that the raid should have included ethnic Albanian police officers. A report on the outcome of the case was sent to the Helsinki Committee on Human Rights and to the Ombudsman's Office; however, it was not made public.

On September 18, in Kumanovo, the first session of Sulejmani's trial took place, with Bajrami as the key witness. Sulejmani denied the allegations against him and described harassment by the police and detention in an unknown location for 2 days after his arrest. Bajrami recanted his initial statements to the police and insisted

that he made the statements under duress. On November 19, a court sentenced Sulejmani to 10 years' imprisonment. The case was under appeal at year's end.

On June 8, Macedonian security and counter-intelligence officers in Kumanovo allegedly unlawfully detained and severely mistreated Avni Ajeti, who was suspected of planting a mine on the Skopje-Belgrade railroad and a bomb in the Kumanovo central square. Ajeti reportedly had no initial access to an attorney and his initial statements were allegedly coerced. On December 1, Ajeti was sentenced to 7 years' imprisonment for terrorism; his lawyers appealed his case and the appeal remained pending at year's end.

There were credible reports of occasional police violence and harassment against Roma. On February 7, uniformed police officers and inspectors physically assaulted two ethnic Roma in the Kumanovo police station. The police had arrested the men on suspicion of involvement in a theft, but they were later released due to a lack of incriminating evidence against them. One of the men was also allegedly kept in custody in excess of the 24-hour legal limit. Due to their injuries they both sought medical attention at the Kumanovo Medical Center.

The two men filed complaints with the Kumanovo police in February. In March, the European Roma Rights Center (ERRC) publicly issued a letter to Prime Minister Crvenkovski expressing concern about allegations of human rights violations of Roma persons in the country and mentioned the allegations of these two men. On May 29, a MOI Disciplinary Commission convened by the Professional Standards Unit in Skopje concluded that the four police officers accused of physically abusing the two ethnic Roma men at the Kumanovo Police Station acted in violation of the law. The Commission sanctioned the 4 police officers with a 15 percent salary reduction for 6 months. The Roma men filed civil charges against the police officers; their cases remained pending at year's end.

In May 2002, during a Lions live-fire training exercise, former Minister of Interior Boskovski injured four persons. Although charges were pressed against the former Minister, the investigation was stalled because the Gostivar court did not pay the Institute of Forensics and Criminology in full for forensic work conducted during the investigation. At year's end, the case was in court procedure and the injured parties filed civil charges against Boskovski.

After an arrest in August 2002, Gostivar police severely beat Selam Selami who sustained permanent injuries to the head, and remained in a coma until the end of October 2002 (see Section 1.a.). The ICRC and the Organization for Security and Cooperation in Europe (OSCE) repeatedly and unsuccessfully tried to gain access to Selami. In November 2002, following the change of government, the ICRC was able to visit him. He remained in pretrial detention through 2002, and allegedly was denied adequate medical attention during that time. In December 2002, he was released on bail pending trial, and left the country. Selami was acquitted of all charges in September.

In March, the Court dismissed the case regarding the 2002 beating of then-Acting Director General of Customs, Vancho Lazarov, due to insufficient evidence.

There were no developments during the year in the following cases from 2002: The police beating of Plasnica Mayor Ismaili Jaoski; the alleged torture by police of Dusko Aranglovi; the reservist police officer shooting of an 11-year-old girl in Skopje; the beatings of 17 ethnic Albanians by Lions.

The case of six to eight police officers who severely beat an OSCE observer at a bar in 2002 remained unsolved; however, the Public Prosecutor's office was reviewing the case at year's end.

Prison conditions generally met international standards, and prisons met basic diet, hygiene, and medical care requirements. Men and women were held separately. Pretrial detainees were held separately from convicted criminals. Juvenile prisoners were supposed to be physically separated from adults; however, due to poor conditions in the penitentiary institutions, juveniles often served their sentences with adults.

The Government permitted visits to convicted prisoners by independent humanitarian organizations such as the ICRC and the Human Rights Ombudsman. However, the law prohibits visits to pretrial detainees by any person other than the accused person's lawyer, and this provision was commonly enforced. The European Committee for the Prevention of Torture (CPT) was authorized to visit all places of detention on a regular and ad hoc basis, as well as numerous police stations.

d. Arbitrary Arrest, Detention, or Exile.—The Constitution specifically prohibits unlawful arrest; however, arbitrary arrest and detention were problems.

The Macedonian National Police, within the MOI, is a centralized force with two major components: uniformed police and criminal (civilian) police. MOI officials in Skopje control, supervise, and direct all subordinate regional offices, which allows little opportunity for regional and local commanders to design and implement poli-

cies needed for the area where they perform their duties. As police reform continued, competencies were expected to be transferred from the central authority to regional police units.

The police force remained overwhelmingly ethnic Macedonian; however, progress was made in assigning ethnically mixed patrols to predominantly ethnic Albanian areas. According to the MOI, ethnic Albanians constituted approximately 10 percent of the national police force (including state security and counterintelligence agencies). The Government for several years had set a recruiting quota of 22 percent for enrolling minority students at the police secondary school; however, attrition detracted from the anticipated progress.

MOI officials were slow at times to complete investigations and bring charges in outstanding human rights cases from previous years. The Professional Standards Unit (PSU), which is responsible for investigating corruption, improved its investigations; the MOI strengthened the role of the PSU by increasing its staff to reflect better the ethnic diversity of the country, adopted a new PSU rulebook, and investigated all matters related to the non-professional conduct on the part of any employee. During the year, the PSU completed an investigation of three senior MOI officials accused of misusing their positions. All three were dismissed from the MOI, criminal charges were filed, and a trial was ongoing at year's end.

The former director of the Gevgelija Medical Center Slobodanka Sukleva was in pretrial detention for 4½ months during the criminal investigation on charges of corruption and embezzlement.

The MOI took concrete steps to reform the police. The Government adopted a strategy for police reform in August, and the MOI established a working group for its implementation. Parliament passed legislation regarding the police academy, which was expected to establish a new approach to the selection process, continuing education, and the training of police officers designed to create a merit-based, professional police cadre; however, the legislation had not been implemented by year's end. The MOI approved the Community Policing Pilot Project to transform the police from a "force" into a "service" for the citizens. The process of improving the equitable representation within the police force continued with OSCE training and the induction of 1,000 ethnic minority recruits.

Although the law requires warrants for arrest and detention, this provision was at times ignored, and on occasion warrants were not issued until some time after arrests. Investigative judges adopted a practice of generally approving arrests or search and seizure warrants post facto. The Constitution states that a detainee must be arraigned in court within 24 hours of arrest. The accused is entitled to contact a lawyer at the time of arrest and to have a lawyer present during police and court proceedings. Police at times violated the 24-hour time period within which a suspect must be arraigned, often by transferring the suspect from one police station to another so as not to exceed a 24-hour period of police detention in the location. Detainees were at times denied access to an attorney during police and investigative proceedings, which then caused additional problems during the later stages of the criminal proceedings. Also, suspects claimed alleged ill-treatment by the police during initial detention periods (see Section 1.c.). There were no reports of falsified arrest warrants during the year.

There is a functioning bail system which was primarily used by the courts in "property related crimes," such as fraud, embezzlement, and abuse of official position. The courts were reluctant to approve bail for defendants accused of violent crimes or crimes against children.

The maximum length of pretrial detention is 180 days; however, pretrial detention exceeding 180 days after indictments entered into force was a problem, and detainees at times were held on weak evidence. Investigative judges determine the legality of detention. The law provides for access by attorneys and other interested individuals to pretrial detainees, but such access has to be approved by an investigative judge and the warden of the detention facility; in practice, investigative judges and wardens regularly approved such access. If the judge determines that an arrested person should be further detained, the judge must immediately inform the public prosecutor. If the prosecutor does not file a request for a criminal investigation within 24 hours, the investigative judge must release the arrested person.

NGOs, as well as other legal experts, contended that the judiciary abused pretrial detention. There were allegations that the judiciary succumbed to pressure by the executive branch to order long detentions. The opposition claimed that investigative judges, under pressure from the Government, improperly extended pretrial detention for politically motivated reasons in multiple corruption related cases.

Mechanisms for investigating allegations of unjustified detention were underutilized. The Ombudsman stated that no complaints regarding unjustified detention were submitted for his review. The Law on Criminal Procedure provides for possible

compensation if the detention was ordered due to an error or unlawful act of the responsible body.

The Amnesty Law was regularly implemented and respected. Under provisions of the Law, persons accused of fighting with or actively supporting the NLA up until the date of the NLA's disbandment in September 2001 were granted amnesty; however, the law did not apply to persons accused of war crimes as defined in the ICTY statute. More than 900 persons were given amnesty; however, a few cases remained pending at year's end. Former NLA members were frequently detained but only for periods long enough to allow authorities to verify that they were eligible for amnesty.

On a few occasions, police had accused former combatants of war crimes without providing sufficient evidence, which resulted in prolonged detentions that later could not be justified. There were a few unresolved cases at year's end. The ICTY continued to investigate alleged war crimes, and is expected to make its decisions regarding indictments in 2004.

The police have no legal powers to bring in a person coercively for an interview unless the police arrest the person in the act of committing a crime; however, there were several reports of police bringing individuals in for "informative talks." For example, the media reported that the police brought in several employees of the OKTA refinery for questioning about the alleged unlawful privatization of the refinery. The report did not state that any force had been used; however, the employees claimed that they were kept by the police for several hours and denied immediate access to an attorney. Legislation provides that the Interior Ministry (police) can invite a person for an interview; however, there is no obligation for that person to give any statement to the police. The Constitution and the Law on Criminal Procedure provide that a person is generally entitled to an attorney during the police procedures.

At year's end, a trial was ongoing in a basic court in Skopje regarding 10 ethnic Albanians who were accused of abducting 5 ethnic Macedonians along the Tetovo-Gostivar highway in 2002.

The Constitution prohibits forced exile, and the Government did not employ it.

e. Denial of Fair Public Trial.—The Constitution provides for an independent judiciary, and the Government generally respected this provision in practice; however, the judiciary was at times inefficient and subject to political influence. The judiciary was generally weak and was sometimes influenced by political pressure and corruption; however, there were no reports of widespread abuse or systemic corruption.

Members of various commissions, human rights organizations and independent observers described the judiciary as inefficient, politicized and, at times, corrupt. The replacement of former members of the Republican Judicial Council (RJC) became a significant political issue after the Parliament approved an amendment resulting in the retirement of six of the seven members of the RJC, in order to fulfill FWA provisions regarding ethnic representation on the body. Appointments to that body were not completed by year's end.

The media reported that the Chief Prosecutor accused some lower courts of being biased or influenced by certain political factors, which resulted in prolonged trials and the inability to reach final judgments in politically sensitive cases. The State Anti-Corruption Commission, after reviewing cases of alleged corruption among prosecutors and judges, submitted its recommendation for dismissal of 13 judges to the RJC, which is obliged under the law to review these cases and submit its opinion on a course of action to the Parliament. Also, the State Anti-Corruption Commission reviews cases of alleged corruption, conflict of interest, and nepotism. It issued opinions, which frequently included recommendations that the prosecutor initiate criminal actions against those judges for whom there is sufficient evidence of corruption. The Government publicly expressed its discontent with the low number of court judgments in general.

The court system is three-tiered and composed of basic courts, appellate courts, and a Supreme Court. The Constitutional Court is not considered part of the judicial branch, and deals with matters of constitutional interpretation and certain human rights protection issues.

Trials were presided over by judges appointed by the RJC (an independent agency) and confirmed by Parliament. Two to three community-member consulting jurors assist each judge in determining the verdict, although the judge makes the final decision regarding the sentence. The Constitution provides for a public attorney to protect the constitutional and legal rights of citizens when violated by bodies of state administration and other agencies with public mandates; the Office of the People's Ombudsman serves this function (see Section 4).

Ministry of Justice statistics from this year showed that 88 percent of judges were ethnic Macedonians, 6.4 percent were ethnic Albanians, 2.2 percent were ethnic Vlachs, 1.6 percent were ethnic Serbs, and 0.5 percent were ethnic Turks. While

these numbers do not meet equitable representation levels as mandated by the FWA, the Government was gradually making efforts to increase the number of ethnic minorities in the judiciary.

The Constitution provides for a fair public trial. The law also provides for the presumption of innocence, to the right to a lawyer in pretrial and trial proceedings, the right to an appeal, and the right to stand trial within a reasonable period of time after charges have been pressed. Court hearings and the rendering of verdicts were open to the public except in some cases, such as those involving minors and those in which the personal safety of the defendant was of concern. Trials could only be televised when authorized by the Supreme Court under special circumstances. International community members, including NGOs and other human rights observers, were regularly allowed to monitor high profile trials.

The law provides that trials may be held in absentia so long as the trial is repeated if the convicted individual is accessible to justice officials. In November, the Kumanovo Court convicted nine defendants on "terrorism" charges for planting a mine along the Skopje-Belgrade railroad and bombs in the center of Kumanovo, injuring three persons and causing extensive material damage. Only one defendant was present at the trial, while the other eight co-defendants were tried in absentia. One of the eight co-defendants who was tried in absentia was detained by the U.N.-authorized, NATO-led peacekeeping force in Kosovo; at year's end, the defendant remained in U.N. Interim Administration Mission in Kosovo detention.

During the year, 21 war crimes cases were brought to trial, but they were withdrawn by prosecutors due to insufficient evidence or because the Amnesty Law applied. However, the Government did prosecute one war crimes case during the year; Ibrahim Sulejmani was convicted of war crimes committed in 2001 in Drenovec and sentenced to 15 years' imprisonment.

The criminal justice system provides for specialized treatment of juvenile delinquents, separate from that of adult criminal offenders. Children below 14 years of age cannot be held criminally liable; however, private civil suits for compensation of damages can be filed against the parents of the child for failure to oversee and control the behavior of the child. Juveniles between 14 and 18 years of age can be criminally liable and divided by the criminal law into two groups: Juveniles aged 14–16 are considered younger juveniles and can only be sentenced to educational and disciplinary sanctions; juveniles aged 16–18 can be sentenced to prison terms ranging from 1 to 10 years.

There are specialized judges for juvenile delinquents in all Basic Courts and cases involving juvenile delinquents are tried by a single judge (as opposed to adult offenders, who are tried by a combined panel of lay and professional judges). Experts from the Centers for Social Work are included in criminal proceedings against juveniles, providing a socio-psychological profile of the juvenile and their opinion as to what sanction would work best for each individual. The penitentiary system provides for specialized treatment of juvenile convicts, and places emphasis on an educational approach.

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home or Correspondence.—The Constitution prohibits such actions and the Government generally respected these prohibitions in practice. In December, Parliament approved a constitutional amendment legalizing wiretapping for police investigations.

On November 27, the ERRC filed a pre-application letter with the European Court of Human Rights in Strasbourg against the Government to prevent the forced movement or expulsion of Kosovo Roma, Egyptian, and Ashkali refugees to Kosovo or to Serbia and Montenegro (see Section 5).

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution provides for freedom of speech and of the press; however, the media was not completely independent, as some media outlets were aligned with a political interest, and some news and information were reported from a political perspective.

Eight major daily newspapers as well as numerous weeklies or periodicals were published in Skopje. There was nationwide distribution of dailies and weeklies. Some towns and municipalities continued to publish local newspapers. The top three national dailies were Dnevnik, Utrinski Vesnik, and Vest. In July, German media conglomerate Westdeutsche Allgemeine Zeitung (WAZ) became a major shareholder in these three dailies. WAZ announced that the three dailies would maintain full, independent editorial control; however, there were fears that WAZ would create a monopoly in the Macedonian-language-daily market. The three other dailies in the Macedonian language—Nova Makedonija, Vecer and Makedonija Denes—had minimal circulation and impact. The Government continued to provide a yearly financial

subsidy to all print media, including the two Albanian-language national newspapers, Fakti and Flaka, and the Turkish-language newspaper Birlık.

The largest publishing house was Nova Makedonija, which published two national dailies in Macedonian (Nova Makedonija and Vecer), one national newspaper in Albanian (Flaka), and one national daily in Turkish (Birlık). The publishing house was liquidated on October 23, following a June court determination that NIP Nova Makedonija was bankrupt. In August 2002, on the eve of parliamentary elections, Nova Makedonija sold 70 percent of its share to a Slovenian-registered company, but an investigation determined that the sale was illegal. Nikola Tasev, former General Manager of Nova Makedonija, and Besnik Fetaj, former Minister of Economy, were charged with abuse of power. Court trials in both of these cases started, and the two defendants were released on bail. Criminal charges were also filed against four other persons for abuse of position. In December, Nova Makedonija, Vecer, and Birlık were sold to the private companies Ideja Plus, Zonik, and Euroazija-tehnika, respectively.

Distributors of foreign newspapers and magazines had to obtain permits from the MOI; however, there were no known reports of such requests being denied during the year. Foreign newspapers, including those from neighboring countries, were available throughout the country.

Macedonian Radio and Television (MRTV) was the sole public broadcaster in the country, with distribution reaching over 90 percent of the population. In addition to the existing MTV and MTV2 channels in Macedonian language, MTV3 was in its second year in accordance with the FWA. Programs on MTV3 were broadcast primarily in Albanian, and to a limited extent in Turkish, Vlach, Romani, and Serbian. MRTV broadcast in Macedonian and, while there was improvement during the year, MRTV generally favored the government point of view. MRTV faced challenges in being perceived as a national public broadcaster. The General Manager of MRTV launched a program to transform MRTV into an effective public broadcaster, and received widespread support from the international community, particularly the OSCE; however, the transformation will not become effective unless there are changes in the broadcasting law. There were an estimated 150 local radio and television stations registered in the country. The Broadcasting Council of Macedonia recommended concessions that the Government awarded to radio and television broadcasters.

A1 Television and Sitel Television were the primary private television broadcasters, both based in Skopje and with nationwide distribution. There were several private Macedonian language television stations in Skopje including Skynet TV, Telma and Kanal 5. There were two private Albanian language television stations in Skopje, TV Era and TV Toska, as well as two stations that broadcast in the Romani language, TV-BTR, and TV Sutel. TV EDO was a Bosniak language station.

There were two news agencies: the state-owned Macedonian Information Agency (MIA) and the privately run Makfax. A request by MIA to the Parliament to receive funds from the state budget triggered a strong negative reaction by the Association of Print Media. The State Budget, which was adopted in Parliament in late December, did not include funding for the MIA.

In the Skopje village of Aracinovo in June, local residents physically prevented MTV, Sitel TV and Telma TV from reporting on an incident and several journalists sustained injuries. Journalists' associations, along with political parties and the international community, unanimously condemned the attack. No investigation results were reported by year's end.

In November, the Skopje Court 1 reached verdicts for three separate cases on slander charges pressed in 2001. Utrinski Vesnik journalist Sonja Kramarska was fined \$417 (20,000 denars) for slandering former Parliament Speaker Stojan Andov. Former A1 TV journalist Dragan Antonovski was fined \$2,083 (100,000 denars) for insulting former Chief of Army General Staff Jovan Andrevski. The third case involved Zum weekly journalist Zoran Markozanov, who was convicted and received a sentence including a conditional 3-month prison term for publishing libel about then-Parliament Speaker Stojan Andov. The Association of Print Media strongly protested against these court decisions stressing that they were attempting to intimidate journalists and impose control over the media.

There was a hearing in September regarding charges filed in 2002 by former Minister of Interior Ljube Boskovski against Start journalist Marjan Gjurovski for slander pertaining to a story about the Government's role in the former crisis. The trial was ongoing at year's end.

No investigation results were reported regarding the September 2002 unknown gunman attack on the printing facility of Global magazine in Mala Recica and the destruction of the vehicle of Global's co-owner and Start owner Ljupco Palevski.

The Government did not restrict access to the Internet.

The Government did not restrict academic freedom. The FWA called for enhanced access to higher education in their own language for ethnic Albanians, and the private Southeast European University in Tetovo provided some Albanian language instruction, although its principal language was English (see Section 5).

b. Freedom of Peaceful Assembly and Association.—The Constitution provides for the freedom of assembly and association, and the Government generally respected these rights in practice.

Advance notification to authorities of large public meetings was optional. Religious gatherings, if they occur outside of specific religious facilities, had to be approved in advance by the MOI, and could only be convened by registered religious groups (see Section 2.c.).

Political parties and organizations are required to register with a court. More than 64 political parties were registered, including parties of Albanians, Turks, Serbs, and Roma.

c. Freedom of Religion.—The Constitution provides for freedom of religion, and the Government generally respected this right in practice; however, the law places some limits on religious practice by restricting the establishment of places of worship and parochial schools. The Constitution (as modified in 2001 as agreed in the FWA) specifically mentions several religious denominations and faiths, including the Macedonian Orthodox Church, the Methodist church, Islam, Catholicism, and Judaism; however, none of these religious communities had official status or privileges.

The Government requires that religious groups be registered, and in practice religious groups needed to register to obtain permits to build churches and to request visas for foreigners and other permits from the Government. Churches and mosques often were built without the appropriate building permits; however, the Government did not take any actions against religious buildings that lacked proper construction permits.

The Law on Religious Communities and Religious Groups places some restrictions on the establishment of places of worship. A provision exists for holding services in other places, not included in the law, provided that a permit is obtained at least 15 days in advance. No permit or permission is required to perform religious rites in a private home. The law also states that religious activities “shall not violate the public peace and order, and shall not disrespect the religious feelings and other freedoms and rights” of persons who are not members of that particular religion. The Government did not actively enforce most of these provisions of the law but acted upon complaints when they were received.

The Law on Religious Communities and Religious Groups also requires that foreigners carrying out religious work and religious rites register with the Government’s Commission on Relations with the Religious Communities; however, this law was generally not enforced. When applying for visas, persons associated with religious groups must obtain a letter from the Commission but the Commission no longer maintained an updated list of registered groups and the mandatory letter was normally issued within 2 days.

The Constitution and law specifies that primary school children must be taught in the Macedonian language, and may not be taught by foreigners, even if the children themselves are foreigners and do not speak Macedonian. Foreigners were not permitted to operate educational institutions, manage classrooms, or give grades to non-citizens. However, in 2002 the Government granted work visas to employees at the Timothy Academy, an evangelical Christian academy operated by foreigners for foreign children, and legally registered the school as an NGO. Nonetheless, during the year, the Timothy Academy’s initial request for renewed work visas was denied due to insufficient documentation; the applications were resubmitted in December but a final decision was not made by year’s end.

Some progress was made in restitution of previously state-owned religious property. Many churches and mosques had extensive grounds or other properties that were expropriated by the Socialist government of Yugoslavia. Virtually all churches and mosques have been returned to the appropriate religious community, but that was not the case for many other properties. Often the claims were complicated by the fact that the seized properties have changed hands many times or have been developed. In 2002, the Ministry of Finance and the Jewish community reached a settlement on the restitution of Jewish communal property; the Ministry of Finance agreed to return to the Jewish Community three buildings in Bitola, one piece of real estate in Skopje, and bonds valued at approximately \$2.76 million (165 million denars). According to the Jewish community in Skopje, in May and August, two additional properties were returned.

Although there was a decrease in vandalism of religious properties, churches in Setole, Jedoarce, and Matejce were damaged or vandalized during the year. At

year's end, the ongoing ownership dispute between the Bektashi religious sect and the Islamic community over the Bektashi religious facility remained unresolved. Although armed interlopers had left by the end of 2002 under international community pressure, Islamic leaders continued to hold services on these grounds.

There were ethnic Macedonian Muslim and Bosniak Muslim minorities in the country. Some ethnic Macedonian Muslims contended that the state sometimes confused them with ethnic Albanians and ethnic Turks because of Muslim surnames and mixed marriages and, in some instances, assigned their children to Albanian language classes.

For a more detailed discussion, see the 2003 International Religious Freedom Report.

d. Freedom of Movement within the Country, Foreign Travel, Emigration, and Repatriation.—The Constitution provides for these rights, and the Government generally respected them in practice. The Amnesty Law made it possible for former NLA combatants to cross borders; however, many continued to fear imprisonment due to unresolved amnesty cases. At year's end, there were no permanent military checkpoints or roadblocks.

With the adoption of the Constitution in November 1991, any Yugoslav citizen who had legal residence in Macedonia could acquire citizenship by simple application; however, unresolved citizenship status of long-term habitual residents remained an ongoing problem. Many former Yugoslav citizens were unable to acquire Macedonian citizenship; over 10 years after the promulgation of provisions of the Citizenship Act of 1992, they remained without effective citizenship, often without valid identity documents. As a result, they lacked most civil, political, economic, and social rights, including the right to work, as well as the right to social welfare assistance, social protection services, unemployment registration, and access to health insurance. The state regarded them as aliens, either legal or illegal. Further, children born in the country to parents with unresolved citizenship status inherited the problem. Although these children were permitted to attend school, UNICEF and NGOs reported that these children were not graded or given certificates of completion.

On December 5, the Parliament approved the law on citizenship, which would reduce the residency requirement for aliens from 15 to 8 years and provide more favorable conditions for acquiring citizenship for foreigners married to Macedonian citizens, persons without citizenship, and with refugee status; however, President Trajkovski vetoed the legislation.

At the height of the country's internal conflict, the U.N. High Commissioner for Refugees (UNHCR) estimated that approximately 170,000 persons, approximately 8 percent of the population, were displaced from their homes. During the year, a majority of these internally displaced persons (IDPs) and refugees returned to their homes. According to ICRC, at the beginning of the year, there were approximately 9,000 IDPs and in October, the number had decreased to approximately 2,820 persons (down from 170,000 in 2001). The Red Cross family (International Federation of Red Cross, Macedonian Red Cross, and ICRC) stopped food and non-food distributions to this group by year's end; however they were expected to continue to support the most vulnerable IDPs with grants. According to the UNHCR, approximately 1,550 refugees had not returned from Kosovo.

Many persons did not return because their houses were badly damaged or entirely destroyed. The UNHCR and foreign governments led efforts to rehabilitate homes that suffered minor damage. The European Agency for Reconstruction continued to rebuild badly damaged homes. As of October, approximately 6,258 homes, of a total of some 6,643 destroyed or damaged homes, had been rehabilitated or rebuilt. In some cases, persons did not return to their homes in ethnically mixed locales because they felt unsafe. Arsonists reportedly burned some of the rebuilt homes in Opaje and Jeduarce.

On August 2, the Government passed the Asylum Law, which took effect on October 6. The law provides for the granting of asylum and refugee status to persons who meet the definition in the 1951 UN Convention Relating to the Status of Refugees and its 1967 Protocol. Approximately 2,321 persons applied for asylum by year's end. The 1992 Law on Movement and Residence of Aliens governs refugee status determinations. In practice, the Government provided some protection against refoulement; however, in September the Government expelled two Kosovo refugees by dropping them off at the Serbian (not the Kosovo portion of the Serbian border) border after a Bitola court ruled that they had committed several misdemeanors and the refugees withdrew their right to an appeal. They were banned from returning to the country until September 2005; the UNHCR continued to investigate and monitor this case at year's end.

The Government cooperated with the UNHCR and other humanitarian organizations in assisting refugees, and made an effort to accommodate more than 300,000 Kosovar refugees in 1999. During the year, 194 people voluntarily returned to Serbia and Montenegro (including Kosovo). The total number of remaining refugees from Kosovo, almost all of whom are Roma, was 2,478. These refugees benefited from a limited temporary humanitarian protection status that did not provide for self-reliance or local integration rights. There were approximately 2,000 refugees sheltered with host families and 448 refugees sheltered in a collective center in Katlanovo, near Skopje. The UNHCR continued to provide material assistance to the refugees.

On November 27, the ERRC filed a pre-application letter with the European Court of Human Rights in Strasbourg against the Government to prevent the forced movement or expulsion of Kosovo Romani, Egyptian, and Ashkali refugees to Kosovo or to Serbia and Montenegro.

In May, 600 Roma refugees staged a protest at the Macedonian-Greek border in order to seek possible resettlement in a western European country. In August, UNHCR, in coordination with the Government, convinced the refugees to return from the border to private accommodations in Skopje.

Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government

The Constitution provides citizens with the right to change their government peacefully, and citizens exercised this right in practice through periodic free and fair elections held on the basis of universal suffrage. The unicameral Parliament governs the country. The Prime Minister, as head of government, is selected by the party or coalition that produces a majority in the Parliament. The Prime Minister and the other ministers may not be Members of Parliament. The President, who is head of state, chairman of the security council, and commander-in-chief of the armed forces, nominates a mandator, who often subsequently becomes the Prime Minister, to constitute the Government. The winning coalition's nomination for Prime Minister must be approved by Parliament.

From February to July of 2001, there was an insurgency conducted by Kosovar and indigenous ethnic Albanians; NATO successfully facilitated a ceasefire in July 2001, and in August 2001, domestic political parties signed the FWA with international facilitation by the United States and EU. Officials estimated that approximately 100 laws would be affected by the FWA to some extent, approximately 80 of which are specific to decentralization and local self-governance. In February, the Government adopted the action plan for the implementation of the FWA and in March, the Government reached an official agreement on passport issuance and the use of languages. By year's end, Parliament had nearly completed implementing FWA-mandated legislative actions, which provided for enhanced minority civil rights and devolution of power to local governments. By year's end, the Government had submitted draft legislation to Parliament on decentralization, including laws on local government finance and municipal redistricting.

Opposition parties won a decisive victory in the September 2002 national parliamentary elections, which were free, fair, and peaceful, with a turnout of 73 percent of the population. The technical conduct of the elections met international standards despite heavy-handed efforts by then Interior Minister Boskovski to have the election annulled. The mostly ethnic Macedonian "For Macedonia Together" coalition (led by the SDSM and LDP) won 60 of 120 parliamentary seats, defeating the governing VMRO-DPMNE party and its pre-election coalition partner, the Liberal Party, which together obtained 33 seats. The Macedonian Socialist Party won one seat. Among ethnic Albanian political parties, the DUI, led by former NLA commander Ali Ahmeti, won 16 seats. The ethnic Albanian DPA won seven seats, the PDP two seats, and the National Democratic Party (NDP) one seat.

President Boris Trajkovski, the candidate from the VMRO-DPMNE, was elected in 1999 in elections characterized by irregularities. The first round of balloting in the presidential election was held in October 1999; there were six candidates on the ballot, representing every major political party, including both ethnic Albanian parties. International observers reported that the conduct of the first round was satisfactory, and the two candidates who received the most votes advanced to the second round. The ruling VMRO-DPMNE candidate, Boris Trajkovski, gained the majority of the votes cast in the second round in November 1999, but the opposition SDSM candidate claimed fraud and appealed the results. International observers agreed that irregularities occurred in some areas of the country during the second round, and the Supreme Court ruled that the second round should be rerun at 230 predominantly ethnic Albanian polling places. International observers again reported numerous incidents of ballot box stuffing and other problems during the December

1999 rerun elections. Claiming that the Government was incapable of conducting a fair vote in the contested areas, the SDSM did not press for another repeat of the voting.

Nationwide local elections held in 2000 drew OSCE and other international criticism due to poor organization, sporadic violence, and voting irregularities. While the voting was calm and orderly in most of the country, serious incidents of violence caused the polls to be closed in several municipalities. Irregularities and intimidation in other areas further marred the process.

A national census, specifically called for in the FWA, was carried out in November 2002 with EU assistance and oversight. All significant local groups accepted the census enumeration, which met international standards. Preliminary results of the census were published in January indicating the total population at 2,061,800. Among them, 23,741 were foreign citizens who resided in the country less than a year. These foreign citizens were mainly refugees or displaced persons currently accommodated in the country. As many as 1,991,893 citizens were present in the country, while 46,166 citizens lived abroad.

There were 22 women in the 120-seat Parliament, 21 of whom were ethnic Macedonians and one of whom was an ethnic Albanian (the first female ethnic Albanian M.P.). Two of 19 ministers in the Government were women. In Muslim communities, particularly among more traditional ethnic Albanians, many women were disenfranchised due to the practice of family/proxy voting through which male family members voted on their behalf (see Section 5).

There were 26 ethnic Albanians, 1 Macedonian Muslim, 1 Roma, 2 Turks, 2 Serbs, and 2 Bosniaks in the 120-seat Parliament. Four ethnic Albanian parties and a Roma party had members in Parliament; the ruling government coalition included one of the three major ethnic Albanian parties, as well as the Roma party, a Bosniak party, a Serb party, and a Turk party.

The FWA states that the judiciary should better reflect the ethnic composition of the population and that one-third of the judges on the Constitutional Court, the Ombudsman, and three members of the Judicial Council should be chosen by the Parliament, including by a majority of the ethnic minority M.P.s to ensure minority representation. Of the nine judges on the Constitutional Court, six were ethnic Macedonians, two were ethnic Albanians, and one was an ethnic Turk. Five of the seven positions of the Republican Judicial Council were filled; of the five, there were three ethnic Macedonians, one ethnic Serb, and one ethnic Albanian. Of the 24 Supreme Court Justices, there were 17 ethnic Macedonians, 6 ethnic Albanians, and one Macedonian Muslim.

Ethnic Macedonians held approximately 85 percent of civil service posts; ethnic Albanians held approximately 11 percent; and other minorities held approximately 4 percent. Ethnic minorities complained that they were disproportionately assigned to lower-ranking positions. Under a political agreement, the 11 percent of civil service posts were to be increased to 14 percent; however, this had not been implemented. The EU began a training program for some 600 lower-level ethnic Albanian civil servants.

Section 4. Governmental Attitudes Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A number of international and domestic human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. The OSCE led international community efforts to engage the Government on human rights issues. Government officials were generally receptive to the views of human rights groups.

There were more than 4,000 registered NGOs, including the MRC, EURO Balkan, FORUM, Transparency International, MOST, Macedonian Helsinki Committee, and many local NGOs devoted to specific purposes, including Roma rights, human trafficking, and voters' rights.

OSCE and EU monitoring missions continued to assist with implementation of the FWA and work on restoring confidence between ethnic Macedonians and ethnic Albanians. A 340-person strong EU military force called "Operation Concordia" provided security from March to December, carrying on the mission previously provided by NATO forces. In December, an EU police advisory force was deployed with a mandate to assist the Macedonian police in the former conflict areas and to reform the MOI.

In October 2002, a trial chamber of the ICTY upheld a May assertion of primacy by the ICTY prosecutor in five alleged war crimes cases. The ICTY continued to investigate alleged war crimes at year's end, including the killing of ethnic Albanian civilians by police at Ljuboten in August 2001. Two of the cases in which the ICTY asserted primacy dealt with missing persons.

The revised Law on the Ombudsman, a requirement of the FWA, was adopted by Parliament on September 10 and came into force on October 1. The mandate granted by the FWA to the Ombudsman is to improve nondiscrimination and equitable representation of non-majority communities. A key element of the Ombudsman's Office was the establishment of six decentralized offices in Bitola, Kumanovo, Tetovo, Stip, Strumica and Kicevo, which was expected to occur by April 2004. Another power available to the Ombudsman is the ability to visit all persons detained, including those in pretrial detention, at any time, in private and without prior authorization. Prior to the new law, no person, including representatives of the ICRC, had these rights relating to pretrial detainees as the rights remained within the discretionary powers of investigating judges.

In 2002, the Ombudsman ascertained that state institutions violated individuals' rights in 900 cases, approximately 50 percent of the total complaints received. Approximately half of these cases involved violations of housing and property rights.

Section 5. Discrimination Based on Race, Sex, Disability, Language, or Social Status

The Constitution provides for equal rights for all citizens regardless of their sex, race, color of skin, national or social origin, political beliefs, property, or social status. The FWA states that "The principle of nondiscrimination and equal treatment of all under the law will be respected completely. This principle will be applied in particular with respect to employment in public administration and public enterprises, and access to public financing for business development." However, societal discrimination against ethnic minorities persisted, and the protection of women's rights remained a problem.

Women.—Domestic and other violence against women was a persistent and common problem. Legal recourse is available to rape victims, including victims of marital rape; however, cultural norms discouraged the reporting of such violence, and criminal charges on the grounds of domestic violence were very rare. The Criminal Code does not contain articles that relate to family violence, nor does the Code actively hold familial perpetrators responsible for abuse. Victims of family violence were often reluctant to bring charges against perpetrators because of the shame it would inflict on the family and police were limited in their ability to respond to allegations of domestic violence and spousal rape if the crime did not occur in police presence.

According to some surveys, one out of every fourth woman in the country has been a victim of domestic violence, either physical or psychological. Public concern about violence against women was not evident in the media, although some women's groups were working to raise awareness of the issue. NGOs operated shelters for victims of spousal abuse. A hotline remained open, but had limited hours. The Government offered some limited support for victims of domestic violence, but relied heavily on international donor support to maintain the hotline and shelter.

Trafficking in women for prostitution and pornography was a problem (see Section 6.f).

Sexual harassment of women in the workplace was a problem. Women remained underrepresented in the higher levels of the government and private sectors, although some professional women were prominent. A law enacted in 2001 stipulated that women comprise a minimum of 30 percent of each political party's list of candidates for the 2002 parliamentary elections, and as a result, at year's end, the Parliament had the highest number of women M.P.s in the legislature's history. Women from some parts of the ethnic Albanian community did not have equal opportunities for employment and education, primarily due to traditional and religious constraints on their full participation in society and schools. In some ethnic Albanian communities, women were disenfranchised due to the practice of family/proxy voting through which men vote on behalf of women family members (see Section 3).

Maternity benefits included 9 months' paid leave, and women also retained the right to return to their jobs for 2 years after giving birth. In practice, benefits were generally fully respected in state organizations; however, some private firms and organizations placed restrictions on maternity benefits.

Women's advocacy groups included the Humanitarian Association for the Emancipation, Solidarity, and Equality of Women; the Union of Associations of Macedonian Women; and the League of Albanian Women.

Children.—The Government was committed to the rights and welfare of children; however, it was limited significantly by resource constraints. In June, the Parliament ratified two EU protocols: the EU Protocol for Prohibition of Child Trafficking, Child Prostitution, and Child Pornography, and the EU Protocol for Prohibition of Involvement of Children in Military Conflicts. The Office of the Ombudsman contained a special unit for children, partially funded by UNICEF.

Education was mandatory through the eighth grade, or to the age of 15 or 16; however, some children did not enter the education system at all. The Ministry of Education quoted 95 percent enrollment; however, no other official data was available on children's school attendance, or the number of children who did not have access to education. Primary and secondary education was free; however, students had to provide their own books and other materials. Public transportation was subsidized for students.

Almost 90 percent of the children that finished primary school continued on to secondary school. At both the primary and secondary levels, girls in some ethnic Albanian communities remained underrepresented in schools, and only approximately half of ethnic minority students went on to high school. This was due in part to lack of available classes in minority languages at the secondary level, and in part to many rural, ethnic Albanian families' conviction that girls should be withdrawn from school at 14 years of age. According to Romani community leaders, up to 10 percent of Romani children never enroll in school, and of those who do, 50 percent drop out by the fifth grade, and only 35 to 40 percent finish the eighth grade. The Ministry of Education encouraged ethnic minority students, particularly girls, to enroll in secondary schools. Medical care for children was adequate; however, it was hampered by the generally difficult economic circumstances of the country and by the weak national medical system.

In April, ethnic Albanian parents reached a political compromise with the Minister of Education over the issue of the displacement of 500 ethnic Albanian high school students due to overcrowding; however, dissatisfied with the proposed solution, students undertook a hunger strike. Tensions escalated, and on May 16, approximately 2,000 ethnic Albanian high-school students and their parents set up roadblocks in Kumanovo, with threats to continue such roadblocks if no solution was found. The roadblocks continued until May 20 when the Minister met with the ethnic Albanian Parents' Council and reached an interim agreement on the transfer of ethnic Albanian secondary school students out of the two overcrowded elementary schools to which they had been moved. The transfer, while a solution to the space problem in the two ethnic Albanian elementary schools, left unsolved the matter of re-integration of students in Kumanovo.

Inter-ethnic fights and beatings remained commonplace in the country's public schools. In September, approximately 5,000 ethnic Macedonian students staged protests in Skopje and Bitola to block the opening of ethnic Albanian classes in their schools. As a result of the increased tensions, the Minister of Education, with the approval of the Prime Minister, postponed the transfer of the Albanian classes to these schools. The ethnic Macedonian students in Bitola and Skopje subsequently returned to classes. Ethnic Macedonian students beat four ethnic Albanian bystanders during the course of these protests.

There were reports of the abuse of children, although there was no societal pattern of such abuse. According to MOI statistics, there were an increasing number of reported cases of sexual abuse against children; there were 52 reported cases during the year. The social service's instruments for collecting and analyzing data in this field remained underdeveloped.

Romani children were often organized into groups and made to beg for money at busy intersections, street corners, and in restaurants and cafes (see Section 6.d.).

The criminal justice system provides for specialized treatment of juvenile delinquents (see Section 1.e.).

The Ombudsman's Office for Children continued to investigate complaints regarding violations of children's rights. In October, the Parliament adopted the Declaration for Child Protection, which should provide further protection of children's rights.

Persons with Disabilities.—The law prohibits discrimination on the basis of disability; however, in practice this provision was not enforced. No laws or regulations mandate accessibility to buildings for persons with disabilities. There was societal discrimination against persons with disabilities.

National/Racial/Ethnic Minorities.—The population of approximately 2 million people was composed primarily of ethnic Macedonians, with a large ethnic Albanian minority, and with much smaller numbers of Turks, Roma, Serbs, Vlachs and others. The State Statistical Office released the final results of the 2002 census on December 1. According to the statistics, the population in Macedonia totals 2,022,547, with the highest concentration of the country's population (23 percent) residing in Skopje. Regarding the ethnicity data, 64.18 percent of the country's population are ethnic Macedonian; 25.17 percent are ethnic Albanian; 3.85 percent are ethnic Turkish; 2.66 percent are Roma; 1.78 percent are ethnic Serb; 0.84 percent are Bosniak; and 0.49 percent are ethnic Vlach.

On May 16, groups of young ethnic Macedonians and ethnic Albanians fought in the center of Tetovo. In the beginning, stones, bottles and other objects were thrown, followed by gunfire from surrounding buildings. Later in the evening, an ethnically mixed police team was attacked in Tetovo.

In September, homes of ethnic Macedonians in the Skopje suburb of Arachinovo were vandalized and set on fire. The mayor accused ethnic Macedonians of setting the fires themselves, to show that Arachinovo was not safe; however, 1 week later, police concluded that one of the fires was set by a group of juveniles. Media reported that this was the only 1 out of 12 arson cases in Arachinovo that was solved.

There were incidents of societal violence and discrimination against Roma during the year. There were credible reports of occasional police violence against Roma, including beatings during arrest and while in detention (see Section 1.c.).

All citizens are equal under the law, and the Constitution provides for enhanced protection of the ethnic, cultural, linguistic, and religious identity of minorities, including state support for education in minority languages through secondary school. The FWA reaffirms these rights and mandates several explicit rights related to use of minority languages, including access for ethnic Albanians to state-funded higher education in their language. However, ethnic tensions and prejudices remained problems and some governmental institutions discriminated on the basis of ethnicity. Implementation of the FWA mandated legal changes was slow, and ethnic Albanians and Roma, particularly, continued to complain of widespread discrimination.

Some ethnic Albanians and Roma reported that discrimination against them in citizenship decisions effectively disenfranchised them (see Section 2.d.).

Under representation of ethnic Albanians in the military and police was a major grievance in the ethnic Albanian community; however, authorities continued to address the problem with the assistance of the international community although progress was slower in the military (see Section 1.d.).

In accordance with the FWA, by July, 1,267 new "non-majority" police officers received basic training from the OSCE and foreign governments. Of that number, there were 877 ethnic Albanians, 24 Bosnians, 2 Croatians, 5 Macedonian Muslims, 42 Romas, 27 Serbs, 76 Turks, and 11 Vlachs. Additionally, 202 ethnic Macedonian officers graduated from the international training. Approximately, 15 percent of these graduates were women.

The military continued efforts to recruit and retain minorities; however, little progress was made in the officer corps. The Government cancelled the freshman class of 2004 at the military academy, and as a result, it will have to find other ways to bring in ethnic minority candidates for the officer corps. The military was composed mostly of short-service conscripts, drawn from all ethnic groups.

According to figures from the Ministry of Defense, minorities constituted approximately 4 to 5 percent of the total of officers, 14 percent of the noncommissioned officers, and 8 percent of the professional soldiers. Ethnic minorities constituted approximately 4 percent of Ministry of Defense civilian employees. The Ministry of Defense intends to raise the percentage of ethnic Albanians to 22 percent by 2007 through the following programs: An increased recruitment program, with 450 recruiters in the field; a significant increase of noncommissioned officers (NCOs) through the NCO academy, with minorities numbering almost half of each graduating class (approx 100–150 candidates); and the pursuit of officers in a variety of specialist fields such as medical and technical areas.

The constitutional amendments mandated by the FWA provide that Albanian is to be recognized as a second, official language in areas in which it is spoken by more than 20 percent of the population. The FWA stipulated that the Albanian language would be used officially in Parliament for the first time in October 2002 by M.P.s newly elected in 2002, with interpretation in the Macedonian language provided for ethnic Macedonians and others. In March, the Parliament approved the decision to use the Macedonian language only when chairing the Parliament commissions, while members of the commissions may use their native language during discussions. Progress in implementing other FWA mandated use of minority languages was steady. In areas where ethnic minorities comprise more than 20 percent of the population, the FWA called for citizens to be able to communicate with local offices of the central Government in the language of the minority group and receive responses in the same language. In addition, the law provides that citizens in these areas should receive personal documents in the language of the minority group, and those accused of crimes have the right to translation at state expense of all relevant judicial proceedings and documents; however, in practice this did not occur because, at year's end, the law had not been implemented.

In May, the MOI began issuing bilingual personal identity cards in Macedonian and Albanian languages as a part of the process for full implementation of the FWA

and in accordance with the constitutional amendments and the law on the personal ID cards. The forms for requesting a personal ID are also bilingual. By year's end, MOI was in the process of implementing changes to other personal documents, such as bilingual passports, driving licenses, car registration cards as well as other certificates.

On March 21, Parliament adopted the law on travel documents, which provides for the printing of Macedonian passports in two languages—Macedonian and English—with the addition of the Albanian language upon request of citizens.

The FWA allowed for ethnic minority groups to display their national emblems, next to the emblem of the Republic of Macedonia, on local public buildings in municipalities in which they are a local majority; however, the Government had not implemented the legislation by year's end.

The Constitution provides for primary and secondary education in the languages of the ethnic minorities, and this provision was reaffirmed in the FWA. Primary education was available in Macedonian, Albanian, Turkish, and Serbian. Albanian language education remained a crucial issue for the ethnic Albanian community; it was seen as vital for preserving Albanian heritage and culture. Almost all ethnic Albanian children received 8 years of education in Albanian language schools.

Over the past two years, inter-ethnic tensions in many areas have affected schools, which were exacerbated by overcrowding and competition for scarce resources. These tensions continued throughout the year.

The number of ethnic minority students who received secondary education in their native languages continued to increase; however, ethnic Albanians complained that distribution of public educational resources was not proportional to ethnic groups' representation within the general population.

At the university level, ethnic minorities remained underrepresented, although there was progress in increasing the number of minority students. There were eased admission requirements for minorities at the universities in Skopje and Bitola for up to 23 percent of available places, although the quota was not always filled. Most university education was conducted in the Macedonian language; until 2001 there was Albanian language university education only for students at Skopje University's teacher training faculty. The FWA required the state to provide publicly funded higher education to ethnic Albanians in their language. The private Southeast Europe University offered classes in Albanian, English, and Macedonian. Despite complaints about the private university's relatively high prices, enrollment continued to increase.

Ethnic Turks, who make up approximately 4 percent of the population, also complained of governmental, societal, and cultural discrimination. Their main concerns centered on the lack of Turkish majority municipalities in the new municipal redistricting proposal as well as a lack of Turkish language education and media.

Roma had the highest rate of unemployment, the lowest personal and family incomes, were the least educated, and had the highest birth and mortality rates of any ethnic group in the country. The Government provided very little in the way of social services to Roma. According to the 2002 census, Roma comprised 2.66 percent of the population, but Romani leaders claimed that the actual number of Roma was 3 or 4 percent higher due to difficulties in enumerating the Roma population. Optional Romani language education has been offered at several primary schools since 1996; however, there was limited demand and no pressure for a more extensive curriculum.

In 1999 approximately 6,000 Roma fled Kosovo and took up residence in the country in response to both the Kosovo conflict and the hostility of ethnic Albanian Kosovars. Approximately 2,500 of these Romani refugees remained in the country at year's end. The presence of these Romani refugees was not welcome among the country's ethnic Albanians, who largely had hostile views concerning Roma (see Section 1.f.). Ethnic Macedonians also expressed irritation at the new arrivals, many of whom settled in Skopje, and some of whom frequented busy traffic intersections to beg, wash car windows, or sell small items. Roma tended to occupy the lowest economic position of society, and the new arrivals have added to the number of Roma in the ranks of the country's very poor.

Section 6. Worker Rights

a. The Right of Association.—The Constitution provides for the right to form trade unions. Independent trade unions have been allowed to organize since 1992; however, there was still a national trade union. The Confederation of Trade Unions of Macedonia (SSM) was the Government's main negotiating partner on labor issues, along with the Chamber of the Economy.

The Confederation reportedly was independent of the Government and committed to the interests of the workers it represents. More than 50 percent of the legal work-

force was unionized, and unions were particularly strong in the garment industry. Trade unions were widespread.

The SSM encompassed approximately 17 separate unions organized according to the industry sectors. It has become an interest-based autonomous labor organization. Membership was voluntary and activities were financed entirely by membership fees. Fee-paying members comprised almost 75 percent of all the employed labor force. In recent years, there have been several newly formed unions, including journalists, policemen, and farmers.

The law prohibits anti-union discrimination; however, it existed in practice. Workers in private companies at times were fired for participating in union activities, and because of the slow pace of the court system, at times it took 2 to 3 years to legally regain employment.

Unions may affiliate freely with international labor unions and many did so.

b. The Right to Organize and Bargain Collectively.—The Constitution implicitly recognizes employees' right to bargain collectively; however, implementing legislation in this area had not been passed, and the concept of collective bargaining remained in its infancy. Collective bargaining took place, but in the country's weak economic environment employees had very little practical leverage. Collective agreements were negotiated among the unions and the Ministry of Labor and Social Welfare.

The Constitution provides the right to strike. During the year, there were frequent work stoppages at many companies. The reasons for the strikes included demands for overdue pay, demands for unpaid contributions for health and retirement, objections to government changes in management personnel at some state-owned entities, and objection to various decisions related to privatization. Unlike 2002 when the unions were very active in organizing strikes all over the country, strikes were less common during the year. With a few exceptions, strikes were small, non-violent, and confined to company grounds.

Some members of the military may strike if they adhere to restricted guidelines. Members of the police were prohibited from striking; however, in practice, some members of the police did. In January, approximately 700 armed members of the special police unit, the Lions, staged a protest and erected roadblocks on the road from Skopje to the Blace border crossing to protest their unregulated employment status. The unit was disbanded shortly thereafter.

There are no export processing zones.

c. Prohibition of Forced or Bonded Labor.—The law prohibits forced and bonded labor, including by children; however, there were reports that such practices occurred (see Section 6.f.). Child labor was used in the "gray economy" and in illegal small businesses (see Section 6.d.).

d. Status of Child Labor Practices and Minimum Age for Employment.—The Constitution sets the minimum age for employment at 15 years, and 17 for work considered hazardous. Working minors were placed under special protection of the law, which declares that minors may not be employed in work that is detrimental to their health and morality. The Law on Employment also establishes special protection for minors, women, and workers with disabilities.

There were no studies or official data on the employment of children under 15, although reported violations of child labor laws increased during the year, and child labor was used in the "gray economy" (including begging on the streets and selling cigarettes and other small items at open markets, in the streets, and in bars or restaurants, sometimes at night) and in illegal small businesses. Such violations received only token punishment, if any, and thus children remained vulnerable to exploitation. Children legally could not work nights or more than 40 hours per week. The Ministry of Labor and Social Welfare was responsible for enforcing laws regulating the employment of children.

Efforts to eliminate child labor abuse have been largely ineffective, with reported violations of child labor laws increasing over the years. While the necessary legal infrastructure was in place, there has been little practical implementation of the policy and laws and little was done to raise public awareness on child labor abuse. The NGO sector was active in organizing workshops on children's rights. There were some programs and projects intended to prevent children from working, such as the Project for Children on the Streets, which organized shelters for abandoned children, and the MOI's Transition Center for women and children involved in prostitution.

e. Acceptable Conditions of Work.—The average monthly wage was approximately \$186 (11,160 denars). The minimum wage is set differently across sectors; however, the average wage did not provide a decent standard of living for workers and their families. Many persons took on supplemental work, often in the "gray market." The

Government Statistics Office estimated that 22.3 percent of the population lived below the poverty line.

The country has an official 40-hour workweek with a minimum 24-hour rest period and vacation and sick leave benefits. According to the Collective Agreement, employees have a right to overtime of 35 percent of regular pay and employees cannot work over 10 hours of overtime per week. According to labor regulations, an employee is entitled to 18 to 26 days of paid vacation, not including weekends. However, high unemployment and the fragile condition of the economy led many employees to accept work conditions that did not comply with the law. Small retail businesses in particular often required employees to work far beyond the legal limits.

The Constitution provides for safe working conditions, temporary disability compensation, and leave benefits. Although there are laws and regulations on worker safety, they were not enforced strictly. The Ministry of Labor and Social Welfare was responsible for enforcing regulations pertaining to working conditions. Under the law, if workers had safety concerns, employers were obliged to address dangerous situations. Should an employer fail to do so, employees are entitled to leave the dangerous situation without losing their jobs. Employers did not always respect this right in practice.

f. Trafficking in Persons.—The law prohibits trafficking in persons; however, trafficking in persons remained a serious problem. The 2002 trafficking law resulted in the arrest, prosecution, and sentencing of important traffickers; however, significant challenges, primarily in the judiciary, remain in eliminating trafficking and related activities. In some isolated instances, police were complicit in the trafficking of persons.

Trafficking offenses mandate a minimum of 4 years imprisonment for most trafficking crimes and a minimum of 6 months is mandated for the destruction of identification documents of trafficked persons. The same minimal sentence of 6 months is also mandated for persons who wittingly use or enable another person to use sexual services from a trafficked person. Stronger penalties are mandated for those who traffic children. It is a criminal offense to traffic persons for sexual exploitation, forced labor or servitude, slavery or a similar relationship and for the illegal transplant of human body parts. Trafficking in persons for the purpose of illegal immigration is not specifically prohibited by current trafficking law but was covered by other immigration regulations.

Proposed amendments to the trafficking law under consideration would increase the penalty for trafficking from the sentence of 5 years imprisonment to 8 years for severe forms of the crime. Proposed amendments to Article 418, Section A of the Trafficking in Persons Law would make the use of persons for pornography, forced marriages, forced fertilization and illegal adoptions a criminal offense. Penalizing legal entities that are found to be criminally liable for crimes is also under consideration as proposed amendments to the existing trafficking laws. Other changes include amending the law on criminal procedure to include the use of wiretapping, strengthen witness protection measures, and permit the use of plea bargaining in trafficking cases. In December, Parliament approved a constitutional amendment legalizing special investigative methods to be used in trafficking investigations, including wiretapping.

MOI officials stated that there were approximately 100 persons arrested for a range of more than 70 criminal offenses, including human trafficking, mediation in prostitution, illegal border crossings, and transportation of people in slavery.

Three cases prosecuted late in the year reflected a marked improvement in the judiciary's handling of trafficking cases. In October in the city of Gostivar, five defendants in a human trafficking case in the village of Dobri Dol each received a 12-year prison sentence and one defendant received a 7-year sentence for trafficking in persons charges and related crimes. In this case, three trafficked victims were killed in January in an engage of gunfire between two nightclub owners over the women. On October 8, in Skopje, five people were convicted on trafficking in persons charges and each given between 5 and 8 years' imprisonment. In another case five defendants each received between 4 and 7 years' imprisonment from the Strumica Court on trafficking in persons charges stemming from their attempts to traffic two Moldovan women into the country and then onto Greece.

In December, the Bitola Basic Court convicted Dilaver Bojku on seven counts of mediation in prostitution and sentenced him to 3 years and 8 months in prison. Four of Bojku's associates were sentenced to 1 year' imprisonment. Bojku also faces pending charges related to a previous mediation in prostitution case and his escape from the Struga detention center. On June 20, while serving a 6-month sentence for trafficking crimes, Bojku escaped from a work release prison in Struga. He was arrested 2 weeks later on July 4 through a regional law enforcement initiative in Montenegro.

The MOI's Department of Organized Crime was the lead government body on anti-trafficking activities, and detailed several law enforcement personnel to work full-time in its main trafficking unit in Skopje, as well as disbursed anti-organized crime police officers to combat human trafficking on a local level. The Government routinely cooperated with neighboring governments and international organizations, most notably the Southeast European Cooperative Initiative.

During the year, the International Organization for Migration (IOM) assisted 245 victims of trafficking at its local shelter operated with support of the MOI and a local NGO. Reliable trafficking statistics were not available, but according to experts, including the OSCE and others working in the field, the general estimate was that between 2,000 and 4,000 women were trafficked to or through the country during the year. Ukraine, Moldova, Romania and Bulgaria remained the primary sources of trafficked victims and victims trafficked through the country were most often in route to Serbia and Montenegro—including Kosovo, Albania, and Western Europe. While primarily a transit and destination country, officials and others acknowledged that a small number of citizens have been victimized.

Trafficked women were forced to work in prostitution, often under the guise of dancers, hostesses or waitresses in local clubs. Police raids and testimony by victims confirmed that trafficked victims were subjected to threats, violence, physical and psychological abuse, and seizure of documents to ensure compliance. Authorities noted that traffickers increasingly forced trafficked women to service their clients in private apartments, which made detection more difficult.

There was one documented case of police complicity in Gostivar, in northwestern Macedonia, where an officer was suspended from duty pending two criminal charges for misuse of official position and trafficking in persons. The pretrial criminal procedure finished; however, the hearing had not been scheduled by year's end. Two police officers, who testified on behalf of trafficker Bojku, were under investigation for possible complicity in trafficking.

The Government's National Commission for Prevention and Suppression of Trafficking in Persons, which consists of representatives from several ministries, coordinated the Government's efforts to combat trafficking. The National Commission established a Secretariat, which includes police officials, members of the diplomatic community, and officials from NGOs, the OSCE, and the IOM. The Secretariat provides recommendations to the National Commission and assists in the implementation of the Government's national action plan. Additionally, a sub-group on Trafficking in Children was formed within the Secretariat.

In late 2002, the MOI signed a statement of commitment, which legalized the status of trafficked persons and emphasized a victim-centered approach during arrests. The Government devoted resources to anti-trafficking programs, including an inter-ministerial working group, which focused on legal reform, a special police unit designed to enhance anti-trafficking efforts, and the maintenance of a shelter for victims.

Most services to victims of trafficking were provided by the IOM. The Government cooperated with the IOM to provide shelter and medical and psychological assistance to trafficked women. The Government did not provide funding to NGOs to support victims' services; however, it did support educational and public awareness programs against trafficking in persons.

During the year, the Government began strengthening its prevention measures: Some officers within the Ministry of Foreign Affairs received training on detecting trafficking in persons cases and the MOI began preparations for including trafficking in persons issues in its 2004 curriculum at the police academy.

MALTA

Malta is a constitutional republic and a parliamentary democracy. The chief of state (President) appoints as the head of government (Prime Minister) the leader of the party that gains a plurality of seats in the quinquennial elections for the unicameral legislature; general elections were held on April 12. The Nationalist Party was returned to power with a 51.79 percent majority. The opposition Labour Party obtained 47.51 percent of the votes; voter turnout was 96 percent. The judiciary is independent.

The Police Corps is responsible for the internal security of the country, for maintaining law and order and for enforcing the law when required, with the backup support of the Armed Forces of Malta. The civilian authorities maintained effective control of the security forces. There were no reports that security forces committed human rights abuses.

The economy was a mixture of state-owned and private industry, with manufacturing and services, including tourism, the largest sectors. It provided residents with a moderate to high standard of living. The country had a population of 397,296.

The Government generally respected the human rights of its citizens, and the law and the judiciary provide effective means of addressing individual instances of abuse.

RESPECT FOR HUMAN RIGHTS

Section 1. Respect for the Integrity of the Person, Including Freedom From:

a. Arbitrary or Unlawful Deprivation of Life.—There were no reports of the arbitrary or unlawful deprivation of life committed by the Government or its agents.

b. Disappearance.—There were no reports of politically motivated disappearances.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The Constitution prohibits such practices, and there were no reports that government officials employed them.

Prison conditions generally met international standards. Men and women were held separately, as were juveniles and adults. Pretrial detainees were also held separately from convicted prisoners. A new prison block that is expected to hold over 100 inmates was opened during the year and was in use by year's end.

The Government permits visits by independent human rights observers; however, there were no reported prison visits during the year.

d. Arbitrary Arrest, Detention, or Exile.—The Constitution and the law prohibit arbitrary arrest and detention, and the Government generally observed these prohibitions.

The Police Corps maintains internal security with the backup support of the Armed Forces of Malta. The Armed Forces of Malta are responsible for the defense of the Maltese Islands, with an emphasis on Malta's territorial waters and airspace. The appointed commissioner who commands the police was under the effective supervision of the Ministry of Home Affairs and may be either a civilian or career member of the force, while the commander of the armed forces fell under the direct supervision of the Prime Minister.

During the year, the Police Ordinance Act took effect, which provides for a witness protection program, the establishment of a Police Board, and a mechanism to receive both internal and external complaints, as well as support the rights of police officers.

The police may arrest a person for questioning on the basis of reasonable suspicion but within 48 hours must either release the suspect or file charges. Arrested persons have no right to legal counsel during this 48-hour period. Persons incarcerated pending trial were granted access to counsel. Bail normally was granted. Detention cells, which were extensively refurbished and upgraded, were in use at police headquarters.

The Constitution prohibits forced exile, and the Government did not employ it.

e. Denial of Fair Public Trial.—The Constitution provides for an independent judiciary, and the Government generally respected this provision in practice.

At year's end, criminal corruption charges were outstanding against a former Chief Justice and a second judge who resigned over bribery charges, and trials were scheduled. In October, the Constitutional Court overturned an earlier sentence handed down by the Court of Appeal that held that the Prime Minister's remarks at a press conference in August about the case had violated the judges' rights for a fair trial, nevertheless, the criminal proceedings against the two judges are expected to proceed. No date had been set at year's end.

The President, on the advice of the Prime Minister, appoints the Chief Justice and 16 judges. Judges serve until the age of 65, and magistrates serve until the age of 60. The highest court, the Constitutional Court, interprets the Constitution and has original jurisdiction in cases involving human rights violations and allegations relating to electoral corruption charges. The two courts of appeal hear appeals from the civil court, court of magistrates, special tribunals, and the criminal court, respectively.

The criminal court, composed of a judge and nine jurors, hears criminal cases. The civil court first hall hears civil and commercial cases that exceed the magistrates' jurisdiction; the civil court's second hall offers voluntary jurisdiction in civil matters. The court of magistrates has jurisdiction for civil claims of less than \$2,724 (2,179 euros) and for lesser criminal offenses. The juvenile court hears cases involving persons under 16 years of age.

The Constitution provides for the right to a fair public trial before an impartial court, and an independent judiciary enforces this right. Defendants have the right to counsel of their choice or, if they cannot pay the cost, to court-appointed counsel at public expense. Defendants enjoy a presumption of innocence, may confront witnesses, present evidence, and had the right of appeal.

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home or Correspondence.—The Constitution prohibits such actions, and the Government generally respected these prohibitions in practice; violations were subject to effective legal sanctions.

Police officers with the rank of inspector and above were allowed to issue search warrants based on reasonable grounds for suspicion of wrongdoing. Under the law, special powers such as telephone tapping are available to the security services only under specific written authorization of the Minister for Home Affairs or the Prime Minister; such actions were permitted only in cases related to national security, including combating organized crime. A special commission and security committee examined these authorizations; the Prime Minister, the Leader of the Opposition, and the Ministers for Home and Foreign Affairs sat on this committee and oversaw the service's work.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution provides for freedom of speech and of the press, and the Government generally respected these rights in practice; however, the law bans foreign participation in local politics during the period leading up to elections, although this provision rarely was used. An independent press, an effective judiciary, and a functioning democratic political system combined to ensure freedom of speech and of the press including academic freedom.

The independent media were active and expressed a wide variety of views without Government restriction. Two television stations and two radio stations operated under the state-owned Public Broadcasting Services, and the two major political parties each owned a television and radio station. The international media was allowed to operate freely and was present during the national referendum in March.

A Court of Appeal judgment confirmed an earlier judgment by the Civil Court, that the Broadcasting Authority had discriminated against the Nationalist Party when it did not allow the party to air European Union-related publicity spots on state television as a balance to spots broadcast by another political party.

b. Freedom of Peaceful Assembly and Association.—The Constitution provides for freedom of assembly and association, and the Government generally respected these rights in practice.

c. Freedom of Religion.—The Constitution provides for freedom of religion, and the Government generally respected this right in practice.

The Constitution establishes Roman Catholicism as the State religion, but there are numerous non-Catholic religious movements practicing freely. The Government and the Catholic Church participated in a foundation that finances Catholic schools. While religious instruction in Catholicism was available in all state schools, the Constitution establishes the right not to receive this instruction if the student (or guardian, in the case of a minor) objected.

For a more detailed discussion, see the 2003 International Religious Freedom Report.

d. Freedom of Movement within the Country, Foreign Travel, Emigration, and Repatriation.—The Constitution provides for these rights, and the Government generally respected them in practice.

The Refugee Act of 2000 provides for the granting of refugee or asylum status to persons who meet the definition in the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol, and the Government cooperated with the office of the U.N. High Commissioner for Refugees (UNHCR). In practice, the Government provided protection against refoulement, and granted refugee status and asylum. The law provides for refugee status, access to free social services and education, residence permits, and travel documents. Work permits for refugees were issued on a case-by-case basis. A refugee commission and an appeals board review asylum applications.

The law provides for due process and protections available to refugees applying for asylum. The Government also provides Temporary Humanitarian Protection to persons who do not qualify as refugees or asylees. From January to August, the refugee commission received 299 applications for refugee status. It approved 28 of these and refused 99; 49 remained pending, and 123 were offered Temporary Humanitarian Protection by year's end.

Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government

The Constitution provides citizens with the right to change their government peacefully, and citizens exercised this right in practice through periodic, free, and fair elections held on the basis of universal suffrage. Citizens could freely choose and change the laws and officials that govern them. Parties and candidates may freely propose themselves or be freely nominated by various elements in the society. The last general election was held in April.

There were 6 women in the 65-seat House of Representatives; 1 woman held ministerial rank in the 14-member cabinet. After the April elections one woman was also promoted to Parliamentary Secretary. There were four women in the Magistrates' Court. There were no members of minorities in the 65-seat legislature or the cabinet.

The Government has taken steps to include more women in the civil service and other government positions, and 13.2 percent of senior government officials were female; 20 out of a total of 153 women were serving as chairpersons on appointed government boards. In July, the Government appointed its first woman ambassador.

Section 4. Governmental Attitude Regarding International and Non-governmental Investigation of Alleged Violations of Human Rights

A number of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials were cooperative and responsive to their views.

Section 5. Discrimination Based on Race, Sex, Disability, Language, or Social Status

The Constitution and law prohibit discrimination based on race, place of origin, political opinion, color, creed, or sex. Alleged victims of job discrimination were allowed to apply directly for redress to the Employment Commission of the first hall of the Civil Court in the appropriate jurisdiction.

Women.—Reports of domestic violence against women showed a small increase. Between January and August, the Police Domestic Violence Unit received 147 reports of domestic violence, compared with 205 reports for the entire year 2002. A special police unit and several voluntary organizations provided support to victims of domestic violence. There was a hotline to assist victims of abuse through counseling and referrals to legal assistance shelters. The Government provided support to victims of domestic violence through the Department of Welfare for the Family and its Social Welfare Agency known as Appogg. A Government-supported shelter for women and children operated during the year. The Government also maintained an emergency fund and subsidized shelters. The Government provided financial support to a shelter operated by the Catholic Church, and provided funds for its enlargement.

Rape and violent indecent assault carry sentences of up to 10 years' imprisonment. The law treats spousal rape in the same manner as other rape. Divorce is not legal.

Prostitution is a serious offense under the law, and stiff penalties are reserved for organizers. Although exact figures were not available, there were some prosecutions during the year. The law was enforced in such cases and included prison sentences of between several months to 2 years. Four foreign women were given a 4-month jail term, suspended for 1 year, then deported for actions inconsistent with their non immigrant visa status.

The Constitution provides that all citizens have access, on a nondiscriminatory basis, to housing, employment, and education; however, while women constituted a growing portion of the work force, they were underrepresented in management. Cultural and traditional employment patterns often directed women either into jobs traditionally occupied by women (such as teachers or nurses) or into jobs in family-owned businesses or select professions (academia or medicine). As a result, women generally earned less than their male counterparts.

The Ministry of Social Policy oversaw women's issues, and the Department for Women in Society and the National Commission for the Advancement of Women handled such issues. The Commission's program continued to focus on broader integration of women into society. It advised the Government on the implementation of policies in favor of equality of the sexes. The Department for Women in Society was responsible for the implementation of initiatives and guidelines set by the Commission. The Equality for Men and Women Act was passed in January.

Women enjoyed equality in matters of family law and the Government promoted equal rights for all persons regardless of sex. The Government took steps to provide

gender-neutral legislation, and redress in the courts for sexual discrimination was available.

Children.—The Government was committed strongly to children's rights and welfare. It provided free, compulsory, and universal education through age 16. Close to 100 percent of school age children attend school. The Government provided universal free health care to all citizens.

The Government addressed concerns for children's rights and welfare within family law. A law for the establishment of the Commissioner for Children to oversee children's rights was passed in July.

The number of reported cases of child abuse increased from the previous year, although there was no societal pattern of abuse of children. As of the end of July, 562 cases of child abuse had been reported. Three members of a religious order were charged in court for sexually abusing minors under their care. A "helpline" telephone number existed for reports of suspected cases of child abuse.

In 2002, the Government ratified the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict.

Persons with Disabilities.—The law provides for rights for persons with disabilities. The 2000 Persons with Disabilities Act built on provisions in the public employment and accessibility laws and requires the private sector to apply equal employment guarantees already in place in the public sector. For example, private development project plans must include access for persons with disabilities. Efforts continued during the year to provide children with disabilities with access to mainstream schools as opposed to segregated schools. The Employment Training Corporation was responsible for registering unemployed persons with disabilities to ensure compliance with the law, which requires that every company employing more than 20 persons hire at least two percent of its workforce from the Register for Unemployed Disabled Persons.

National/Racial/Ethnic Minorities.—There were approximately 2,000 Muslims living in the country during the year as well as a number of persons of Arab, African, and Eastern European origin. Owners of some bars and discos periodically discouraged or prohibited darker-skinned persons, particularly of African or Arab origin from entering their establishments.

The Criminal Code criminalizes racial hatred, but there were no reported court cases.

Section 6. Worker Rights

a. The Right of Association.—The Constitution provides workers with the right to associate freely, and workers exercised this right in practice. There were 35 registered trade unions, representing about 63 percent of the work force. Although all unions were independent of political parties, the largest, the General Workers' Union, generally was regarded as having close informal ties with the Labour Party. Non-civilian military and police personnel are not allowed to strike or join a union.

Under the law, the responsible minister may refer labor disputes either to the Industrial Tribunal (a government-appointed body consisting of representatives of government, employers, and employee groups) or to binding arbitration. The International Labor Organization (ILO) Committee of Experts for many years has criticized a provision of the law that permits compulsory arbitration to be held at the request of only one of the parties, in contravention of ILO Convention 87.

Under the law, an employer may not take action against any employee for participation or membership in a trade union. Complaints could be pursued through a court of law, through the Industrial Tribunal, or through the Tribunal for the Investigation of Injustices (presided over by a judge of the Superior Court); however, most disputes were resolved directly between the parties. Workers fired solely for union activities must be reinstated. There were no reports of such firings during the year.

There is no prohibition on unions affiliating internationally, and many unions have such affiliations.

b. The Right to Organize and Bargain Collectively.—The law provides for workers to organize and bargain collectively, and they did so in practice. The Council for Economic and Social Development functions as an advisory body between the Government, unions, and employers. It may also consult other organizations to advise on issues related to the economic and social development.

Workers have the right to strike, and they exercised this right. There were several reported industrial actions in both the public and private sectors. Only non-civilian personnel of the armed forces and police were prohibited from striking. These workers have internal mechanisms and organizations through which they can address their grievances. In principle, a striking union was allowed to ignore an unfavorable

decision of the Industrial Tribunal by continuing to strike on other grounds. From January to August, there were five stoppages, but all were resolved in negotiations. There are no export processing zones.

c. Prohibition of Forced or Bonded Labor.—The Constitution prohibits forced or bonded labor, including by children, and there were no reports that such practices occurred.

d. Status of Child Labor Practices and Minimum Age for Employment.—The law prohibits the employment of children younger than age 16. The Department of Labor enforced the law effectively but allowed summer employment of underage youth in businesses operated by their families; some underage children were employed as domestics, restaurant kitchen help, or vendors.

e. Acceptable Conditions of Work.—The weekly minimum wage was \$143 (114 euros) for persons under age 17; \$146 (117 euros) for 17-year-olds; and \$154 (123 euros) for persons aged 18 and over. In addition, an annual mandatory bonus of \$600 (480 euros) was paid. This minimum wage structure provided a decent standard of living for a worker and family with the addition of government subsidies for housing, health care, and free education. Wage Councils, composed of representatives of government, business, and unions, regulated work hours; for most sectors, the standard was 40 hours per week, but in some trades it was 43 or 45 hours per week.

Government regulations provide for a daily rest period, which was normally 1 hour, and 1 day of rest per week. The law mandates an annual paid vacation of 4 workweeks plus 4 workdays. The Department of Labor generally enforced these requirements.

Enforcement of the Occupational Health and Safety Authority Act was uneven, and industrial accidents remained frequent. Workers were allowed to remove themselves from unsafe working conditions without jeopardy to their continued employment, a protection also enforced by the Department of Labor. Allegations of physical and sexual abuse existed but were rarely made public, and even more rarely were they the subject of court proceedings.

f. Trafficking in Persons.—The criminal code prohibits trafficking in persons, and there were no reports that persons were trafficked to, from, or within the country.

The White Slave Traffic Ordinance and the Criminal Code prohibit procurement for prostitution, pornography, sexual offenses, defilement of minors, illegal detainment, unlawful carnal knowledge, and indecent assault. Traffickers may be prosecuted under the criminal code or under the Immigration Act for unlawful entry or unregulated status.

MOLDOVA

The Constitution provides for a multiparty representative government with power divided among a president, cabinet, parliament, and judiciary. In 2001, parliamentary elections resulted in a new communist parliamentary majority and government. The elections were generally free and fair; however, authorities in the separatist Transnistria region interfered with the ability of residents there to vote. In 2001, the Parliament elected Communist Party leader Vladimir Voronin President. The Constitution provides for an independent judiciary; however, judges were reportedly subject to outside influence and corruption.

Separatist elements, assisted by Russian military forces in the area, have declared a “Dniester Republic” in Transnistria between the Dniester River and Ukraine. The Government does not control the region. Unless otherwise stated, all references herein are to the rest of the country.

The Ministry of Internal Affairs is responsible for the police, while the Information and Security Service (ISS) controls other security organs. The Department of Border Guards constitutes a separate agency. The Parliament has constitutional authority to investigate the activities of the Ministry of Internal Affairs and the ISS and to ensure they comply with the law. The ISS can investigate crimes, but not arrest individuals. The civilian authorities maintained effective control of the security forces. Some members of the security forces committed human rights abuses.

The country had a population of approximately 4.35 million, of which approximately 750,000 live in Transnistria. The country was transitioning from a centrally-planned to a market economy, with the “shadow economy” representing 30 to 70 percent of economic activity. Agriculture and food processing were the most important sectors, followed by trade, transportation and communications, and manufac-

turing. The Government estimated that approximately 80 percent of the population lived below the officially designated subsistence minimum.

The Government generally respected the human rights of its citizens; however, there were problems in some areas, and the human rights record of the Transnistrian authorities was poor. Citizens generally had the right to change their government, although this right was severely restricted in Transnistria. Authorities reportedly tortured and beat some persons, particularly persons in police custody and Roma. Prison conditions remained harsh, with attempts to improve them hampered by lack of funding. Security forces were widely believed to monitor political figures, use unauthorized wiretaps, and at times conduct illegal searches. There were some restrictions on freedom of the press, including defamation and calumny laws that encouraged self-censorship. During the year, the Government adopted new limits on freedom of association. A few religious groups continued to encounter difficulties in obtaining official registration. Societal violence and discrimination against women, children, and Roma persisted. There were some limits on workers' rights. Trafficking in women and girls remained a very serious problem.

The Transnistrian authorities reportedly continued to use torture and arbitrary arrest and detention. Prison conditions in Transnistria remained harsh, and three ethnic Moldovan members of the Ilascu group remained in prison despite charges by international groups that their trials were biased and unfair. Human rights groups were not permitted to visit prisoners in Transnistria. Transnistrian authorities harassed independent media, restricted freedom of association and of religion, and discriminated against Romanian-speakers.

RESPECT FOR HUMAN RIGHTS

Section 1. Respect for the Integrity of the Person, Including Freedom From:

a. Arbitrary or Unlawful Deprivation of Life.—There were no reports of the arbitrary or unlawful deprivation of life committed by the Government or its agents in the country or its separatist region.

b. Disappearance.—There were no reports of politically motivated disappearances.

In April 2002, unknown persons, possibly Moldovan police or agents of the Ukrainian government, allegedly abducted a foreign citizen from his apartment in Chisinau and extradited him to Ukraine without judicial due process.

At year's end, authorities had not completed their investigation of the 2-month kidnapping of opposition political figure Vlad Cubreacov in 2002. The Prosecutor General refused public requests to release photographs of three suspects in the case. There were no developments in the 2002 kidnapping of Deputy Director of the Department of Information Technologies Petru Dimitrov, who remained missing. Authorities continued to detain five suspects in the case. An October report on the case by the Chisinau Prosecutor General failed to consider information from officials involved in the incident and declared the case closed.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The Constitution prohibits torture and other cruel, inhuman, or degrading treatment or punishment; however, there were reports that police employed cruel and degrading arrest and interrogation methods and that guards beat prison inmates.

The European Roma Rights Center reported that law enforcement officials regularly subjected Roma to torture or other cruel, inhuman, or degrading treatment or punishment (see Section 5). Police and judicial officers rarely investigated or prosecuted violence and human rights abuses against Roma.

Conditions in most prisons in the country and in Transnistria remained harsh with serious overcrowding. Cell sizes did not meet local legal requirements or international standards. The incidence of malnutrition and disease, particularly tuberculosis, was high in all prisons. Conditions were particularly harsh in facilities for persons awaiting trial or sentencing, and included overcrowding, bad ventilation, and a lack of recreational and rehabilitation facilities. During the year, a local NGO launched a program with the Netherlands in which three Moldovan and three Dutch prisons exchanged information on security and training. Local NGOs also started programs to provide medicine, warm clothes and radios for prisoners and an Institute of Penal Reforms training program for prison staff.

In an effort to resolve the dispute between the mayor of the Transnistrian city of Bender and the central Ministry of Justice regarding inmates with tuberculosis in a Bender hospital, authorities promised to transfer contagious inmates to another prison. In June, the Ministry of Justice completed a special hospital for tuberculous prisoners in the Pruncul Prison outside of Chisinau. Transnistrian authorities regularly cut off utilities to the Bender hospital.

Male and female prisoners were held separately. The country had only one small facility, similar to a detention camp, for juveniles convicted of crimes, and one wom-

en's prison had a small section for juvenile girls. There was no juvenile justice system (see Section 1.e.). Children accused of crimes usually were tried by the criminal courts and, if convicted, sent to adult prisons where they were held in separate cells. Pretrial detainees were held separately from convicted prisoners, although there was one report of convicted prisoners remaining in pretrial detention facilities due to prison overcrowding.

Government and independent human rights observers were generally permitted to visit prisons. The Moldovan Center for Human Rights made regular prison visits during the year. The Government cooperated with the International Committee of the Red Cross (ICRC) and permitted visits to prisoners. Transnistrian authorities allowed the ICRC to visit prisons in Transnistria during the year.

d. Arbitrary Arrest, Detention, or Exile.—The law prohibits arbitrary arrest and detention, and the Government generally observed these prohibitions in practice. A new Penal Code, drafted with the assistance of foreign legal advisors, took effect in June.

The police are the primary law enforcement body in the country. During the first 4 months of the year, 65 criminal cases had been instituted against police officers for bribery, robbery, and abuse of office. An internal affairs unit, reporting to the Minister of Interior, investigated minor incidents of corruption. The Center for Combating Economic Crimes and Corruption, which reports to the President, investigated more serious corruption cases. Police corruption remained a problem.

Judges issued arrest warrants based on cases presented by prosecutors. Under the Constitution and the law, authorities must promptly inform detainees of the reason for their arrest and the charges against them. Suspects may be detained without charge for 72 hours. Under the Constitution, the accused has the right to a hearing before a court regarding the legality of his arrest.

Detainees normally were allowed family visits and had the right to a defense attorney (see Section 1.e.). A defense attorney must be present for an arraignment. Authorities generally granted access to a lawyer only after a person had been detained for 24 hours; detainees were often presented with the charges against them without a lawyer present.

Once charged, a detainee may be released on personal recognizance pending trial. No system of bail exists; in some cases, to arrange release, a friend or relative was allowed to give a written pledge that the accused will appear for trial. Detainees accused of violent or serious crimes generally were not released before trial.

From February to August, authorities held Constantin Becciev, head of the Chisinau water utility, in preventive detention while investigating him for fraud in connection with the purchase of a generator. Critics charged that the detention was part of a broader, politically motivated campaign against individuals associated with Chisinau city government. The trial was postponed several times; the case was ongoing at year's end.

Local and international NGOs reported arbitrary detention and arrests of Roma without cause or warrants, often without access to a lawyer (see Section 5).

In June, the Tribunal Court of Chisinau sentenced Ivan Burgudji, a Gagauz official and well-known Gagauz nationalist, to 5 years in prison for abuse of power and malicious hooliganism in connection with his opposition political activities. Burgudji supporters staged protests in Gagauzia following the decision. The Organization for Security and Cooperation in Europe's (OSCE) Mission expressed concern over the inadequate medical attention provided to Burgudji while he awaited trial.

The Constitution and the law permit pretrial detention for an initial period of 30 days. The courts or Parliament may extend pretrial detention to 12 months on an individual basis, based on the severity of the alleged crime. Detentions of several months were fairly frequent; in some rare cases, pretrial detention was extended for several years. By October 1, there were 2,786 persons out of a total prison population of 11,001 awaiting trial at year's end.

Transnistrian authorities continued to exercise arbitrary detention as common practice. Transnistrian authorities usually applied arbitrary detention procedures to persons suspected of being critical of the regime and sometimes lasted up to several months.

The law prohibits forced exile, and the Government did not employ it.

e. Denial of Fair Public Trial.—The Constitution provides for an independent judiciary; however, official pressure and corruption of judges remained a problem.

There continued to be credible reports that local prosecutors and judges extorted bribes for reducing charges or sentences.

Following a major reorganization in May, the judiciary consists of three levels: lower courts, courts of appeals, and the Supreme Court. A separate Constitutional Court has exclusive authority in cases regarding the constitutionality of draft and

final legislation, decrees, and other government acts. While the Constitutional Court was generally regarded as fair and objective, observers frequently charged that other courts were corrupt or politically influenced.

The Constitution authorizes the President, acting on the nomination of the Superior Court of Magistrates, to appoint judges for an initial period of 5 years. Before being reappointed, judges must undertake specialized judicial training and pass a test evaluated by the Superior Council of Judges. Political factors have played a large role in the reappointment of judges.

There is no juvenile justice system (see Section 1.c.). Children accused of crimes usually were tried by the criminal courts.

The Prosecutor General's office is autonomous and answers to Parliament, and is responsible for criminal prosecution, the presentation of formal charges before a court, and the overall protection of the rule of law and civil freedoms. Prosecutors may open and close investigations without bringing the matter before a court, giving them considerable influence over the judicial process.

By law, defendants in criminal cases are presumed innocent; in practice, prosecutors' recommendations carried considerable weight and limited the defendant's actual presumption of innocence. Trials generally were open to the public. Defendants have the right to a lawyer and the right to attend proceedings, confront witnesses, and present evidence. The Government requires the local bar association to provide an attorney to defendants that are unable to afford one. However, the Government was unable to pay ongoing legal fees, and defendants often did not have adequate counsel. Prosecutors occasionally used bureaucratic maneuvers to restrict lawyers' access to clients. Defense attorneys were able to review the evidence against their clients when preparing cases. The accused has the right to appeal to a higher court. The Constitution provides for the right of the accused to have an interpreter both at the trial and when reviewing documents of the case. If the majority of the participants agree, trials may take place in Russian or another language instead of Romanian.

Due to a lack of funding for facilities and personnel, there was a large backlog of cases at the tribunal and Higher Appeals Court levels. According to the Justice Ministry, only approximately 75 percent of all court rulings were carried out due to either a lack of judicial and prosecutorial resources or because the subjects were not in the country.

The country has a military justice system, whose courts have generally the same reputation as civilian courts.

In Transnistria, Alexandru Lesco, Andrei Ivantoc, and Tudor Petrov-Popa of the "Ilascu Group" remained in prison, having been convicted in 1993 of killing two Transnistrian officials. At year's end, the European Court of Human Rights (ECHR) had not ruled on a case brought by the wives of the three men against Moldova and Russia. Ilie Ilascu, the leader of the group who subsequently became a Romanian parliamentarian, and international organizations continued to urge Transnistrian authorities to release the remaining members of the group or to retry them in a proper court under international monitoring. Transnistrian authorities denied the ICRC's repeated requests during the year for permission to see these prisoners (see Section 1.c.). The Transnistrian leader, Igor Smirnov, declared in a speech that he would not pardon the three group members.

There were no reports of political prisoners other than those in Transnistria.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The Constitution prohibits such actions; however, the Government did not respect these prohibitions in practice.

Prosecutors may issue search warrants; the law does not provide for judicial review of search warrants. It was widely believed that the security agencies conducted illegal searches without proper authorization. Courts did not exclude evidence that was obtained illegally. The Constitution specifies that searches must be carried out "in accordance with the law" but does not specify the consequences if the law is not respected. By law, the prosecutor's office must authorize wiretaps and may do so only if a criminal investigation is underway; however, in practice the prosecutor's office lacked the ability to control the security organizations and the police or to prevent them from using wiretaps illegally. It was widely believed that security agencies monitored residences and telephones electronically.

During the year, police reportedly informed persons of Middle Eastern origin that they were being monitored carefully.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution and the law provide for freedom of speech and of the press; however, the Government sometimes restricted these rights, applying the electoral law, the Civil Code, and a calumny law selec-

tively against some critics and intimidating some journalists into practicing self-censorship. Nevertheless, there was an active, independent media.

The print media expressed a wide variety of political views and commentary. The Government owned two newspapers and a news agency; national and city governments subsidized a number of newspapers. Political parties and professional organizations, including trade unions, also published newspapers, most of which had a circulation of less than 15,000 copies.

There were several independent radio stations, including one religious station, with some stations rebroadcasting programs from Romania and Russia. The five stations based in Chisinau continued to be influenced by various political interests. The Chisinau-licensed stations mostly rebroadcast programs from Russian or Romanian stations, and only local news shows and a few other programs were locally produced. The Government controlled a radio station and a television station that covered most of the country. Some local governments, including Chisinau and Gagauzia, operated television and radio stations, as well as newspapers.

The number of media outlets that were not owned and operated by the Government or a political party increased. However, most of these independent media remained in the service of, and secured large subsidies from, political movements and commercial or ethnic interests. The law prohibits foreign governments from funding or supporting domestic publications. In practice, Romanian government-supported publications complied with the law by receiving funds from "foundations" created for this purpose. The Government did not prosecute publications receiving funds from other states. A law that a least 65 percent of broadcasting must be in the Romanian language has been interpreted to mean that 65 percent of locally produced content (not total airtime) must be in Romanian. The law does not apply to advertising.

During the year, the Government took steps to strengthen oversight by a non-government board over the nominally independent public television and radio broadcasting company "Teleradio-Moldova," formerly a state-owned company. However, the extent to which the company has been removed from government control remained unclear. On December 1, the radio news director of "Teleradio-Moldova" was taken off the air, reportedly for allowing unapproved information about an anti-government demonstration to be broadcast. The firing renewed discussion that the Government was still influencing the company.

On March 28, a new Law on Combating Extremism took effect that many observers considered to be a potential tool for the Government to limit the expression of views by independent or opposition media. The Government did not take any legal action under the law during the year.

During the year, the Chisinau court continued the case against the editor-in-chief of the weekly *Accente*, who was arrested and released in October 2002, along with two *Accente* journalists, on charges of bribery. The newspaper's office was searched and its archives seized by law enforcement bodies. The newspaper was reportedly pursued after it published articles on corruption and trafficking cases involving government officials. *Accente* journalists complained that they had been blackmailed and threatened by law enforcement bodies.

In June, Antena C radio station, operated by the Chisinau Mayor's office, removed a call-in program called "Hyde Park" from the air. The talk show was accused by ISS representatives of inciting the population to violence and overthrow of the Government. The ISS interrogated a few program participants and the Audio Visual Coordinating Council (AVCC) had threatened to withdraw the station's license if action was not taken against the program.

In December 2002, the AVCC forced a local independent radio station, *Vocea Basarabiei*, to stop broadcasting, accusing it of violating broadcasting regulations. Many observers argued that the real reason of the suspension was the pro-Romanian political stand of the station. *Vocea Basarabiei* re-obtained its frequency and permission to broadcast in March.

In early December, the AVCC also threatened to close Antena C radio station and the Euro-TV channel, both voices of the opposition and owned by Chisinau city government, due to alleged inaccuracies in their legal documents. The AVCC claimed that Antena C and Euro-TV were not registered as legal entities.

The Constitution prohibits censorship, and the Government did not officially censor books, films, or any other media. However, in practice, members of Parliament and other government officials often complained to the media about critical reporting, which usually resulted in the media toning down the level of criticism.

A calumny law prohibits defamation of high-level public officials. Parties filing lawsuits must distinguish between their public and private roles and must prove that the information was false, defamatory, and published recklessly or with intentional malice. Plaintiffs generally have lost in cases in suits filed against journalists and media organs. In May, a prominent politician, Dumitru Diacov, brought a law-

suit against the Flux newspaper for calumny, and ISS representatives questioned the newspaper staff. In August, a foreign businessman, Boris Birstein, filed suit under the calumny law against the Flux newspaper; the case was under investigation at year's end.

In 2002, some Teleradio Moldova staff protested alleged government censorship, triggering calls for the transformation of Teleradio Moldova into a public institution. Following recommendations from the Council of Europe, Parliament passed bills in July 2002 and February to convert Teleradio Moldova into a public institution. The opposition remained dissatisfied with the law, arguing that civil society was still not involved adequately in supervising the activity of Teleradio Moldova and that the law still provided for many forms of direct political interference in the company's activity. Further amendments to the Law on Teleradio Moldova, adopted by Parliament in November, provided for the liquidation of the company, dismissal of all staff, and the creation of a new public institution. However, critics argued that this step made it easier to dismiss journalists for political motives.

Print and broadcast journalists reportedly practiced self-censorship regularly due to government and public figures' use of the electoral and calumny laws to sue for defamation and complaints from authorities of news coverage.

The former news director of the governmental news agency Moldpress was dismissed after she publicly declared that the Presidential press service required the news agency to disseminate its information without editing or verification of comments.

The Government did not restrict foreign publications. However, most were not widely circulated due to high costs. Russian newspapers were available, and some published special Moldovan weekly supplements. The country received television and radio broadcasts from Romania, France, and Russia. A small number of cable subscribers received a variety of foreign television programs, including news programs. Few residents had satellite television. Parliament has prohibited the use of locally based foreign media outlets for political campaigning.

The Government did not restrict access to the Internet or academic freedom.

Of the two major newspapers in Transnistria, one was controlled by the separatist authorities, and the other by the Tiraspol city government. There was one independent weekly newspaper in Bender and another in the northern Transnistrian city of Ribnitsa. At times, the independent newspapers criticized the Transnistrian regime, for which the separatist authorities harassed them. Other print media in Transnistria did not have a large circulation and appeared only on a weekly or monthly basis; some of them also criticized local authorities. Most Moldovan newspapers did not circulate widely in Transnistria, although they were available in Tiraspol.

After exhausting its appeals in Transnistrian Supreme Court, the opposition newspaper Glas Naroda published its last issue in July. The paper, along with the People's Power for Social Equality movement, was ordered to dissolve as the result of a lawsuit that many observers saw as politically motivated.

On May 23, a court in the Transnistrian-controlled city of Bender ordered the closure of the independent newspaper Novaya Gazeta and fined its editors approximately \$5,000 (35,000 rubles) in a libel case that many saw as politically motivated. On June 26, the Transnistrian Supreme Court ruled to return the case to the Bender court, a move that was seen as a victory for Novaya Gazeta, which continued to publish.

During the year, Transnistrian authorities increasingly pressured schools teaching Romanian in Latin script (rather than Cyrillic script used in Soviet Moldova) and using the curriculum of the central Ministry of Education (see Section 1.d.). In September 2002, authorities shut down a public school in Grigoriopol for clandestinely teaching in Latin script, after which children took day trips to another city for instruction. In December 2002, the parents of these children were threatened with dismissal from their jobs in enterprises and institutions run by the Transnistrian authorities. Although the OSCE helped negotiate a formula in September to allow Latin-script schools to register in line with Transnistrian requirements, Transnistrian authorities continued to impose logistical and legal hurdles to impede Latin-script schools from functioning normally.

b. Freedom of Peaceful Assembly and Association.—The Constitution provides for freedom of assembly, and the Government generally respected this right in practice. Mayors' offices issue permits for demonstrations and may consult the Government if a demonstration is likely to be extremely large; permits were issued routinely and without bias.

The Transnistrian authorities usually did not permit free assembly, and on those occasions when they did issue permits, they often harassed organizers and partici-

pants. Regional authorities at times organized mass rallies in their own support and called them “spontaneous rallies by the people.”

The Constitution provides for freedom of association and states that citizens are free to form parties and other social and political organizations; however, Article 41 of the Constitution states that organizations that are “engaged in fighting against political pluralism,” the “principles of the rule of law,” or “the sovereignty and independence or territorial integrity” of the country are unconstitutional. Small parties that favor unification with Romania have charged that this provision is intended to impede their political activities; however, no group has been prevented from forming as a result of this provision. Private organizations, including political parties, were required to register, but applications were approved routinely. There were 23 political parties at year’s end.

Opposition leaders viewed the new Law on Combating Extremism as a possible limitation on the right to assembly, because it restricts public actions that are considered extremist or aimed at undermining the Government’s authority. The Government did not use the law to limit the right to assemble at the end of the year.

The law on parties and other social-political organizations provides that the Ministry of Justice may suspend for a period of up to 1 year a party that violated the Constitution or the law after a written warning with a deadline for cessation of the unlawful activity. During electoral campaigns, only the Supreme Court of Justice may suspend a party’s activity.

Transnistrian authorities restricted freedom of association by intimidation and prosecution for alleged offenses or on invented charges. In June, the Transnistrian Supreme Court upheld a 2001 Tiraspol City Court ruling disbanding the “For Power to the People—For Social Justice” party.

c. Freedom of Religion.—The Constitution provides for freedom of religion, and the Government generally respected this right in practice; however, the law includes restrictions that inhibit the activities of some religious groups. There is no state religion; however, the Moldovan Orthodox Church received some special treatment from the Government. For example, the Metropolitan of Chisinau and All Moldova and other high-ranking Orthodox Church officials reportedly have diplomatic passports.

Critics raised concerns about the new Law on Combating Extremism saying that it could be used to abuse opposition organizations—including religious organizations—and individuals. The law had not been used against religious organizations at year’s end.

The law requires religious groups to register with the Government. Unregistered religious organizations are not permitted to buy land or obtain construction permits for churches or seminaries. The law does not expressly oblige the State Service for Religions (SSR) to register a religious organization, but suggests that registration is automatic when adequate documentation is filed. At the request of the State Body for Religions, a court may annul the registration of an organization if its activities are political or harm the “independence, sovereignty, integrity, security, or public order” of the country.

Authorities have not registered the Church of True Orthodox-Moldova despite a 2002 Supreme Court ruling in its favor. The SSR and the Government attempted a variety of appeals and were still ordered to register the church. Many delays in the court process have prevented a final decision. The Church of Jesus Christ of Latter-day Saints (Mormons) and the Spiritual Organization of Muslims in Moldova continued to face bureaucratic difficulties in the registration process. The SSR claimed both groups failed to present mandatory documents necessary for registration.

The Law on Religion permits proselytizing, but explicitly prohibits “abusive proselytizing,” which is defined as “an attempt to influence someone’s religious faith through violence or abuse of authority.” The Government has not taken legal action against individuals or organizations for proselytizing, with the exception of a member of Jehovah’s Witnesses who was fined approximately \$27 (400 lei) for door-to-door preaching.

Non-denominational “moral and spiritual” instruction is mandatory for primary school students and optional for secondary and university students. The Ministry of Education introduced the program gradually with instruction for first through third graders being implemented during the year. Some schools have a specific class on religion, but attendance is conditioned by parental consent and whether individual schools have the necessary funds.

The law provides for restitution to politically repressed or exiled persons whose property was confiscated during the successive Nazi and Soviet regimes. This regulation has been extended in effect to religious communities; however, the Moldovan Orthodox Church has been favored over other religious groups in this area and has recovered nearly all of its property. In cases where property was destroyed, the Gov-

ernment offered alternative compensation. However, property disputes between the Moldovan and Bessarabian Churches have not been resolved. Despite being able to register and operate as a legal religion, representatives of the Bessarabian Orthodox Church claimed that their property rights were still being violated. The Jewish community had mixed results in recovering its property but no pending cases. Members of the Molocan community had a property claim that remained unresolved at year's end.

There were a few reports of negative press articles about non-Orthodox religions. Members of Jehovah's Witnesses have been the target of articles criticizing their beliefs and legitimacy, and the Baptists in Transnistria claim press reports about their religion have been negative.

In February, unknown persons destroyed eight tombstones in a Jewish cemetery in Balti. However, according to a leading Rabbi in Chisinau, it was not clear whether anti-Semitism motivated the event.

In recent years, Transnistrian authorities have denied registration to Baptists, Methodists, and the Church of the Living God. Unregistered religious groups were not allowed to hold public assemblies, such as revival meetings. The law in Transnistria prohibits renting houses, premises of enterprises, or "cultural houses" for prayer meetings. Transnistrian authorities have told evangelical religious groups meeting in private homes that they did not have the correct permits to use their residences as churches. In May, Transnistrian authorities reportedly fined Efram Platon twice for holding religious meetings in his home in Bender; the fines were appealed in court. Authorities in Grigoriopol and the village of Mayak reportedly arrested several members of Jehovah's Witnesses for proselytizing and other religious activity.

The Transnistrian Supreme Court did not rule by the end of the year on the Tiraspol public prosecutor's 2002 suit to annul the registration and ban the activities of Jehovah's Witnesses. Under a July 2002 letter from the Transnistrian Commissioner for Religions and Cults, Transnistrian authorities are to consider the Jehovah's Witnesses as illegal until the court case is resolved. Transnistrian state officials have reportedly accused Jehovah's Witnesses of a lack of patriotism and of spreading Western influence. Additionally, Transnistrian authorities have developed a new textbook that is to be used at all school levels, which reportedly contains negative and defamatory information regarding the Jehovah's Witnesses.

Non-Orthodox groups in Transnistria complained that they generally were not allowed to rent property and often were harassed during religious services.

For a more detailed discussion, see the 2003 International Religious Freedom Report.

d. Freedom of Movement within the Country, Foreign Travel, Emigration, and Repatriation.—The Constitution and law provide for these rights, and the Government generally respected them in practice; however, authorities sometimes restricted travel to and from the separatist Transnistrian region.

The Government did not restrict travel within the country, and there were no closed areas except the military depot at Colbasna controlled by the Transnistrian separatist authorities. Travel between Transnistria and the rest of the country was not prevented; however, separatist authorities often stopped and searched incoming and outgoing vehicles and hindered movement by OSCE representatives on several occasions. Although the village was controlled by the Government under cease-fire terms, Transnistrian authorities interfered with, and at times blocked, farmers from the Transnistrian village of Dorotcaia from traveling to government-controlled areas to sell their produce.

Citizens generally were able to depart from and return to the country freely; however, there were some restrictions on emigration. Close relatives who are dependent on a potential emigrant for material support must give their concurrence. The Government also may deny permission to emigrate if the applicant had access to state secrets; however, such cases were very rare, and none were reported during the year. A large number of citizens were working in foreign countries without legal status. Estimates on emigration from official sources were inconsistent and largely anecdotal; the Government estimated that between 600,000 and 800,000 citizens were working outside the country, the vast majority of them illegally. Media and independent NGO sources suggested that the number of citizens working abroad was approximately one million. The majority worked in Russia, Portugal, Italy, Spain, Greece, and Romania.

On July 25, Parliament adopted the Law on Refugee Status, which provides for the granting of refugee status or asylum to persons who meet the definition in the 1951 U.N. Convention Relating to the Status of Refugees or its 1967 Protocol. In practice, the Government provided protection against refoulement and granted refugee status and asylum. During the year, 87 persons requested asylum and 5 per-

sons were granted asylum. According to the U.N. High Commissioner for Refugees (UNHCR), 984 persons had been registered with the UNHCR in the country during the year through December 1. Many refugees originated in Chechnya, Iraq, Sudan, Afghanistan, Nigeria, and other African countries. The Government also provides temporary protection for some persons who do not qualify as refugees or asylees, but did not grant it to anyone who applied during the year. The Government cooperated with the UNHCR and other humanitarian organizations in assisting refugees and asylum seekers.

Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government

The Constitution provides citizens with the right to change their government peacefully, and citizens exercised this right in practice in most of the country through periodic, free, and fair elections held on the basis of universal suffrage; however, this right was restricted in Transnistria.

The Constitution provides for a parliamentary form of government. Parliament elects the president, who, as head of state, appoints the prime minister, who names a cabinet. The prime minister, who functions as the head of government, and the cabinet are approved by Parliament. A three-fifths vote by secret ballot in Parliament is required to elect a president. If after multiple votes Parliament is unable to elect a president, the sitting president may dissolve Parliament.

In 2001, citizens voted in multiparty parliamentary elections. The OSCE Office of Democratic Institutions and Human Rights considered the elections to be free and fair; however, election observers noted some shortcomings such as the inaccuracy and incompleteness of voter lists and excessively restrictive media provisions in the Electoral Code. In Transnistria, authorities interfered with their residents' ability to vote in these elections. In addition, Transnistrian "presidential" elections in 2001, as well as Supreme Soviet elections in 2000, were not observed by international monitors and were not considered free and fair.

A total of 23 parties met the threshold of 5,000 members and were officially registered. Because many small parties failed to win the minimum number of votes required for representation, only three parties—the Communist Party, the Our Moldova Alliance, and the Christian Democratic Popular Party (PPCD)—have seats in Parliament. Several members elected with one of the component parties of the Our Moldova Alliance have left the faction to become independents or to join other factions.

The Government selectively enforced regulations, including inspections and tax auditing, for individuals and businesses that belong to or support opposition parties.

The 2001 parliamentary elections resulted in a clear victory for the Communist Party, which won 50 percent of the popular vote and 71 out of 101 seats in Parliament. In 2001, Parliament elected Communist Party leader Vladimir Voronin as President; and Voronin appointed businessman Vasile Tarlev as Prime Minister.

On May 25 and June 8, local elections for mayors and city councils were held nationwide. Voters also chose regional councils in all areas except the Gagauz autonomous region. International observers concluded that while the voting itself generally met international standards, the Government's conduct during the campaign fell short of the generally good record established in previous elections. The negative trends observed in the campaign included heavily biased state media reporting, the arrests of two opposition mayors during the campaign period (along with the threatened arrest of others), and the use of administrative resources for campaign purposes. The local elections were preceded by a very biased media campaign, with the state media providing distorted information to voters, according to the OSCE Election Observation Report. Government media dedicated significant time to government candidates and allowed opposition candidates only limited time to respond. Although regulations prohibited broadcast media from presenting candidates on the news, the main candidates for Chisinau mayor, incumbent Mayor Serafim Urechean and Minister of Transportation and Communications Vasile Zgardan, could often be seen on television in their official capacities.

A Christian Turkic minority, the Gagauz, enjoyed local autonomy in the southern part of the country. In 2002, central authorities pressured the Gagauzia Governor Dmitry Croitor to resign, and there were irregularities in the October 2002 elections that replaced him with Communist candidate Gheorghe Tabunschik. Gagauz observers complained that the Government did not abide by the terms of the agreement giving Gagauzia autonomous status and that it enacted laws that contradicted both local and national legislation establishing Gagauzia's autonomy. Gagauz opposition figures argued that harassment continued in the May 25 mayoral races in the region. In November, two rounds of voting in Gagauzia generally met international standards, but were marked by irregularities including group voting, multiple vot-

ing, open voting, mobile ballot box fraud, proxy voting, and unauthorized persons in polling stations.

The truce between the Government and separatists who have declared a “Dniester Republic” in Transnistria held during the year, although agreements to normalize relations have not been honored. During the year, a Joint Constitutional Committee, consisting of representatives of the Government and Transnistria began work on a federal solution to the dispute, but major differences over the proper federal structure continued to divide the two sides.

Citizens’ right to change their government was severely restricted in Transnistria. In the period prior to the 2001 “presidential” elections, authorities shut down a political party and a youth group, closed a leftist party newspaper, and seized a press run. The authorities refused to register one potential presidential candidate and dismissed another from his job as mayor of Bender prior to the election. Authorities reportedly threatened workers with job loss and students with expulsion from their universities if they did not vote for the incumbent, Igor Smirnov. Local observers reported that the actual voting was unfair, with considerable ballot box stuffing. Officials in the northern region of Kamenka reported that 103.6 percent of their voters cast ballots for Smirnov.

There were no restrictions in law or practice on the participation of women in political life. Women held 13 of 101 parliamentary seats. Speaker of Parliament Eugenia Ostapcuic occupied the highest political position in the country attained by a woman.

Russian, Ukrainian, Bulgarian, Gagauz, and Romani minorities were represented in Parliament, with deputies elected from nationwide party lists rather than local districts. Debates took place in either the Romanian or Russian language, with translation provided.

Section 4. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A number of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings, except in the Transnistrian region.

The local Helsinki Watch organization maintained contacts with international human rights organizations, as did the Helsinki Citizens Assembly. Amnesty International maintained a satellite office in Chisinau and was active in the country, although the Transnistrian authorities impeded its activities in that region.

Citizens may appeal to the ECHR in Strasbourg if they believe their rights have been violated or that national laws are not in accordance with the European Convention on Human Rights. During the year, citizens of the country filed 27 complaints with the ECHR.

The Government supported the work of the OSCE, which had a mission in the country to assist efforts to resolve the separatist conflict. The OSCE participated in the Joint Control Commission that reviews violations of the cease-fire agreement. Transnistrian authorities have limited OSCE access to the region; however, the OSCE mission enjoyed free access to the Security Zone dividing Transnistria from the rest of country.

The law provides for three parliamentary advocates (ombudsmen), and an independent center for human rights, the Moldovan Human Rights Center. Parliament appoints the three advocates, who have equal rights and responsibilities, for 5-year terms. Advocates may be removed from office only by a two-thirds vote of Parliament. Parliamentary advocates are empowered to examine claims of human rights violations, advise Parliament on human rights problems, submit legislation to the Constitutional Court for review, and oversee the operation of the Moldovan Human Rights Center. Center personnel provide training for lawyers and journalists, visit jails, make recommendations on legislation, and conduct seminars and training programs for police, penitentiary personnel, judges, prosecutors, public administration officials, and law students. The majority of complaints received by the center involved private property violations, labor rights, access to justice, personal security, right to life, and personal dignity.

Transnistrian authorities reportedly have attempted to gain control over NGOs in the region by having security officials “invite” their leaders to their offices to discuss their registration and by pressuring landlords not to renew office leases for some.

Section 5. Discrimination Based on Race, Sex, Disability, Language, or Social Status

The Constitution provides that persons are equal before the law regardless of race, sex, disability, or social origin; however, societal discrimination against women and some ethnic minorities, particularly Roma, persisted. There were remedies for

violations, such as orders for redress of grievances, but these were not enforced in all cases.

Women.—Domestic violence against women was a problem. Although the Government did not keep data on incidences of domestic violence, human rights advocates asserted that it was widespread. The law does not specifically address domestic assault, and there is no law against spousal rape. Women abused by their husbands may file charges under general assault laws. Husbands convicted of such assault may receive prison sentences (typically up to 6 months). In practice, the Government rarely prosecuted domestic assault crimes. The Ministry of Internal Affairs reported 66 spousal abuse cases during the first 8 months of the year, including 36 resulting in serious bodily injury and 30 resulting in either murder or attempted murder. There were 135 cases of rape reported in the first 9 months of the year. Women's groups believed that the numbers of rapes and incidents of spousal abuse were underreported.

The Government supported educational efforts, usually undertaken with foreign assistance, to increase public awareness of domestic violence and to train public and law enforcement officials in how to address the problem. In June, the city of Chisinau opened a women's shelter for victims of domestic violence. Private organizations operated services for abused spouses, including a hot line for battered women.

Prostitution is illegal and punishable by a fine and administrative detention of up to 30 days.

Trafficking in women was a serious problem (see Section 6.f.).

The law does not address sexual harassment.

The law provides that women and men enjoy equal rights, and in practice women received pay equal to that of men for equal work; however, women did not hold high-paying jobs in the same proportion as men. The Government provided extended paid maternity leave. There were significant numbers of female managers in the public sector and in banking. The Minister of Finance and the president of the country's largest bank were women. Women made up approximately 50 percent of the workforce.

Children.—There is extensive legislation designed to protect children, and the Government provided supplementary payments for families with many children. Under the Constitution, the Government is to provide free, compulsory, and universal education for 9 to 10 years, which may be followed either by technical school or other further study; the requirement can vary at the discretion of the Minister of Education. However, many inadequately funded schools, particularly in rural areas, charged parents for school supplies. While not illegal, such charges contradicted the Government's policies and resulted in many children being kept at home by parents. Government statistics indicated approximately 800 children were not in school; however, press reports suggested that the number was higher, especially in rural areas. On September 1, the Government and local authorities provided assistance in amounts ranging from approximately \$7.40 (100 lei) to approximately \$22.20 (300 lei) each to children from vulnerable families to buy school supplies. The health system devoted a large portion of its limited resources to childcare, but childcare professionals considered the amount inadequate.

Various laws have provisions against child neglect; however, child abuse was believed to be widespread. Although prohibited by law, corporal punishment in schools was common. Observers reported that women begging on the streets of Chisinau often sedated their babies to spend long hours begging without having to care for them.

Trafficking in girls remained a very serious problem (see Section 6.f.).

The situation of children in orphanages was generally very poor. Official statistics from 2001 indicated that there were approximately 13,500 institutionalized children. An additional 5,000 children lived in adoptive homes, 4,500 more lived in foster homes or with legal guardians. Not all institutionalized children were orphans; the number of children entrusted to the Government by needy parents or by parents leaving the country in search of work, reportedly was growing. NGOs estimated that up to 30,000 children were in institutions or foster homes. Due to lack of funding, children's institutions had major problems including inadequate food, "warehousing" of children, lack of heat in the winter, and disease.

Persons with Disabilities.—The law prohibits discrimination against persons with disabilities. There are no laws providing for access to buildings, and there were few government resources devoted to training persons with disabilities. The Government provided tax advantages to groups that assisted persons with disabilities.

National/Racial/Ethnic Minorities.—According to the 1989 census, approximately 65 percent of the population are members of the titular nationality. Ukrainians (14

percent) and Russians (13 percent) are the two largest minorities. A Christian Turkic minority, the Gagauz, representing approximately 3.5 percent of the population lives primarily in the southern regions of the country and speaks Russian and Gagauz, a Turkic language. Official statistics put the number of Romani at 11,600, or less than 0.5 percent of the population. The OSCE and Romani NGOs have estimated the number of Romani at 20,000 to 200,000.

Roma suffered violence, harassment, and discrimination. Local and international NGOs reported that Roma were victims of police beatings in custody, arbitrary arrest and detention, unlawful confiscation of personal property, and harassment by law enforcement officials and were subjected to societal violence and harassment. The European Roma Rights Center reported that officials discriminated against Roma with regard to equal treatment, adequate housing, education, and access to public services.

A human rights NGO reported there were approximately ten cases of violence or harassment of Roma during the year, not all of which went to court. In one reported case, a young Roma man was beaten in Otaci, and police did not arrive at the scene until hours later. In another, a Roma woman received a 3-year prison sentence for a misdemeanor, despite the law permitting lesser sentences for mothers of young children.

Roma were the poorest of the minority groups and often lived in segregated communities in unsanitary conditions lacking basic infrastructure. These conditions often led to segregated education with even fewer resources than in the rest of the country's schools. Many Romani children did not attend school, very few received a secondary or higher education, and there was no Romani-language education, unlike for other minorities.

Minority rights and the language question were closely related. Romanian is the official language; however, Russian has tended to serve as a language for interethnic communication. Since 2001, Parliament amended several laws to strengthen the use of Russian without making it an official language. On March 4, the Constitutional Court rejected a proposal submitted by the Communist faction in Parliament to make Russian the second official language, describing the proposal as insufficiently specific. A citizen has a legal right to choose the language of interaction with government officials or commercial entities and officials are required to know both Russian and Romanian "to the degree necessary to fulfill their professional obligations." Many Russian speakers, including well-educated professionals, do not speak Romanian well or at all, while most educated Romanian speakers know both languages. Representatives of Russian speakers argued for a delay in the law's implementation to permit more time to learn the language. In practice, Russian speakers were not subject to discrimination, and the law has not been used to deny them work as state officials.

The Constitution provides parents with the right to choose the language of instruction for their children.

In September, the Department for Interethnic Relations organized a minorities festival in a downtown Chisinau park in which dozens of minority NGOs participated and the Department and the Parliamentary Commission for Interethnic Relations sponsored a two-day seminar on the application of the European Framework Convention for the Protection of Minorities.

Authorities in the separatist Transnistrian region continued to discriminate against Romanian speakers. They refused to observe the country's language law, which requires the use of Latin script, and the region's schools were required to teach Romanian using the Cyrillic alphabet. Many teachers, parents, and students objected to this requirement, believing that it disadvantaged pupils who wished to pursue higher education opportunities in the rest of the country or in Romania, where the Latin script was used.

During the year, Transnistrian authorities moved towards closing eight schools in the region that used the Latin script under an agreement between the Government and separatist authorities. The Transnistrian "education ministry" decided to seek court approval to disband the schools if they failed to adopt use of the Cyrillic alphabet for instruction. Despite OSCE intervention, Transnistrian authorities blocked the re-opening of the schools in the new academic year by using ultimatums and by cutting electricity to a Tiraspol school, ostensibly because of outstanding debt. In September, the OSCE brokered an interim solution to register the Latin-script schools, but Transnistrian authorities continued to impose logistical problems that hindered regular operation of the schools.

Section 6. Worker Rights

a. The Right of Association.—The Constitution and law provide for the right to establish or join trade unions, and workers exercised this right in practice.

There were two unions—the Trade Union Confederation of Moldova (TUCM) and “Solidaritate” (Solidarity). The TUCM had approximately 80 percent of all union members, with the rest in “Solidaritate.”

The law prohibits discrimination against workers for union membership or activities, and there were no reports that employers took action against union members for their activities. The law provides that employers may not fire union leaders from their jobs without the consent of their superior union; there were no reports of such firings during the year.

Unions could freely affiliate and maintain contacts with international bodies; the TUCM was a member of the International Labor Organization (ILO) and was affiliated with the International Confederation of Free Trade Unions.

b. The Right to Organize and Bargain Collectively.—The law provides for collective bargaining and the right to organize unions, and the Government generally respected these rights in practice.

The Government, management, and unions negotiated national minimum wages in tripartite talks. Branch unions for particular industries negotiated with management and the government ministries responsible for that industry. Tripartite negotiations could, and often did, set wages higher than the national minimum, particularly in profitable industries. At the enterprise level, union and management negotiated wages directly and could set wages higher than negotiators at the industry level. Arbitration committees typically settled workplace labor disputes. If an arbitration committee failed to settle a dispute, it could be taken to the Courts of First Appeals. Court decisions involving the restitution of salary or a position were not implemented in all cases.

Government workers and workers in essential services such as health care and energy do not have the right to strike. In practice, unions in other sectors may strike if two-thirds of their members vote to do so by secret ballot. During the year, there were no general or country-wide strikes, although teachers and doctors held local strikes in Edinet and Chisinau. In March, the Trade Union Confederation organized a 1-day strike by teachers, doctors, and cultural workers in Chisinau.

There is one export processing zone (EPZ) at Ungheni, with others scheduled to open at Chisinau, Taraclia, Tvardita, Otaci, and Vulcanesti over an 8-year period. The law does not exempt EPZs from collective bargaining rights or other labor law provisions.

c. Prohibition of Forced or Bonded Labor.—The Constitution prohibits forced or bonded labor, including by children; however, there reports that such practices occurred (see Section 6.f.).

d. Status of Child Labor Practices and Minimum Age for Employment.—The new Criminal Code, which entered into force in June, increases the level of child labor protection, containing provisions specifically regarding the worst forms of child labor. The new Labor Code took effect on October 1.

The minimum age for unrestricted employment was 18 years. Persons between the ages of 16 and 18 were permitted to work under special conditions, including shorter workdays, no night shifts, and longer vacations. Children often were sent to work in the fields or to find other work, and those living in rural areas often assisted in the agricultural sector. The Ministry of Labor and Social Protection has primary responsibility for enforcing these protections but did not do so actively. The Ministry of Health also has a role.

On June 14, ILO Convention 182 on the worst forms of child labor entered into force for the country. The new Criminal Code provides for 10 to 15 years imprisonment for involving children in the worst forms of child labor, as defined in ILO Convention 182. In aggravated circumstances, punishment can amount to a life-term imprisonment.

e. Acceptable Conditions of Work.—On July 1, the legal minimum monthly wage was raised to approximately \$23.30 (340 lei) for private sector employees and approximately \$17 (250 lei) for government employees. Minimum wages did not provide a decent standard of living for a worker and family. According to preliminary data from the Department of Statistics, the average monthly salary from January to July was approximately \$57 (818 lei). The average monthly salary was approximately \$66 (941 lei) in the private sector and approximately \$46 (657 lei) in the public sector. Due to severe budgetary constraints, both the Government and private sector employers often did not meet employee payrolls.

The Constitution sets the maximum workweek at 40 hours, with extra compensation for overtime, and the Labor Code provides for at least 1 day off per week.

The Government is required to establish and monitor safety standards in the workplace. Unions may strike and ask a court to impose a fine if safety standards are not met. Workers have the right to refuse to work if working conditions rep-

resent a serious threat to their health. In practice, poor economic conditions have led enterprises to economize on safety equipment and show little concern for worker safety. Workers often did not know their rights in this area. According to the Labor Inspection's preliminary data, there were 54 workplace accidents involving 60 persons in the first 9 months of the year, 24 of which resulting in deaths.

f. Trafficking in Persons.—The law prohibits trafficking in persons; however, trafficking in women and girls was a very serious problem. There were reports of involvement by some government officials in this trade; however, no official charges were made.

The law prohibits trafficking and provides for severe penalties, ranging from 7 to 25 years in prison. Sentences for trafficking in children run from 10 years to life imprisonment. The penalty is 15 to 25 years in prison and confiscation of property for repeated or serious offenses, such as trafficking of groups, minors, or pregnant women; through kidnapping, trickery or abuse of power; with violence; or by a criminal organization.

As of September 1, according to the Ministry of Internal Affairs, 290 "trafficking" investigations had been opened, although only 137 were related directly to the current and former trafficking statutes. For the same period of time, there were 9 cases of trafficking in children. Other cases were opened under articles on procurement for prostitution, illegal taking of children out of the country and illegal hiring for work abroad. Statistics on actual arrest were not available. As of October 1, according to the General Prosecutor's office, 125 cases had been filed in court, 83 under trafficking statutes and 42 under pimping. A total of 28 convictions were obtained, 4 for trafficking and 24 for pimping. These convictions resulted in 6 prison sentences and 14 sentences of probation, all of which were pending appeal. Six defendants received fines and two were amnestied.

The country was a major country of origin for women and girls who were trafficked abroad for prostitution and men who were trafficked to Russia and neighboring countries for labor and begging. The country was also a transit country for victims trafficked from Ukraine to Romania. Women and girls were trafficked to Turkey, Cyprus, Greece, Italy, Hungary, Bulgaria, Slovakia, Bosnia-Herzegovina, Serbia and Montenegro, and the Former Yugoslav Republic of Macedonia for prostitution. There also were reports that women were trafficked to Lebanon, Syria, Israel, Saudi Arabia, the United Arab Emirates, Portugal, France, Thailand, the United Kingdom, Spain, and Australia. Women and girls reportedly were trafficked to Italy and Greece through Romania, Serbia and Montenegro, and Albania. The International Organization for Migration (IOM) reported that the country was the main origin in Europe for the trafficking of women and children for prostitution in the Balkans, Western Europe, and the Middle East and that more than 50 percent of the women working in prostitution in Kosovo were from the country. Turkey annually deported approximately 2,500 Moldovan women for prostitution. A prominent women's rights activist and Member of Parliament stated that more than 10,000 women from the country were working as prostitutes in other countries. However, the basis for this number was unclear, and some NGOs reported that it was a very conservative number.

According to the NGO Partners for Community, the target population for traffickers was young women, often minors, in rural areas. Women and girls typically accepted job offers in other countries, ostensibly as dancers, models, nannies, or housekeepers. In many areas, friends or acquaintances approached young women and offered them help getting good jobs abroad. This "friend of a friend" approach most often was used in the countryside. Save the Children and the Association of Women in Law reported that many of the traffickers were women who targeted young girls in their own localities. Once they arrived at their destinations, traffickers took their passports, required them to "repay" sizeable sums, and forced them into sexual bondage. Traffickers commonly recruited women from rural villages, transported them to larger cities, and then trafficked them abroad.

Another trafficking pattern involved orphans who must leave orphanages when they graduate from school, usually at the age of 16 or 17, and have no source of funds for living expenses or continuing education. Some orphanage directors reportedly sold information on when orphan girls were to be turned out of their institutions to traffickers, who approached them as they left. This pattern became so well known that one foreign adoption service registered as an NGO and organized a "foster-an-orphan" program to help curb the practice. Individuals from abroad send money to support individual orphaned girls from age 16 or 17 until they reach the age of 18 and can work legally (see Section 6.d.). However, this sponsorship program is small compared with the number of orphan girls who become victims of traffickers each year.

Widespread corruption and lack of resources prevent adequate border control and monitoring of traffickers, particularly in Transnistria. Border guard and migration officials' salaries were low and frequently not paid regularly, making them vulnerable to bribery out of the large profits of the trafficking industry.

Critics charged that the Government did not do enough to prosecute traffickers. According to IOM, trafficking was difficult to prosecute because the crime took place in another country and perpetrators could be tried only if victims testified against them. Victims generally refused to testify because traffickers threatened retaliation against them or their families. This was particularly true in rural areas in closer, tight-knit societies where the fear and chances of being identified as well as stigmatized was much greater. The law provides for a witness protection program, and police have placed guards outside of witnesses' homes.

The Government took some steps to prevent the trafficking of women and assist victims, although it only slowly began to address the problem and focused primarily in the area of legislation and prosecution. In September, a government working group, the National Committee on Anti-Trafficking, gained its first full-time staff person and initiated weekly meetings. Local committees were created in each of region of the country, and officials of various ministries and local governments were required to present reports on their anti-trafficking efforts to the National Committee. A special law enforcement unit within the Ministry of Internal Affairs also continued to operate. The Government provided specialized training to trafficking investigators through the Ministry of Internal Affairs and the Ministry of Labor, funded by the OSCE and the Council of Europe. The country also participated in a Southeast European Cooperative Initiative Human Trafficking Task Force. The Government cooperated with Belarus, Ukraine, and Russia in investigating trafficking cases, as well as with Interpol in cases in Serbia and Montenegro. There were no government-operated assistance programs for victims.

With foreign assistance, several NGOs worked to combat trafficking through information campaigns, repatriation assistance, temporary housing and medical care for victims, and job training. The NGO Save the Children worked with trafficking victims, particularly repatriated girls. Local NGOs operated public school programs to educate young women about the dangers of prostitution. In November, a number of NGOs and international organizations sponsored a conference on combating sex trafficking that drew participants from the National Committee on Anti-Trafficking, the Supreme Court, anti-trafficking prosecutors, police, and regional anti-trafficking committees. In May, the Center for Prevention of Trafficking in Women launched a legal assistance project to represent victims in civil and criminal cases, and the local branch of the NGO La Strada established a toll-free nationwide hotline. During the year, the IOM office in Chisinau began to receive funds from a foreign source which it used for informational programs and training for journalists about the dangers of trafficking. The IOM also educated young women about the dangers of trafficking and operated a women's shelter that provided temporary emergency housing for victims, job training, and medical care (almost all returned victims have a sexually transmitted disease). During the year, the shelter opened a wing for minor victims and victims with minor children.

MONACO

Monaco is a constitutional monarchy in which the sovereign Prince plays a leading role in governing the country. The Prince appoints the four-member Government, headed by a Minister of State chosen by the Prince from a list of candidates proposed by France. The other three members are the Counselor for the Interior (who is usually French), the Counselor for Public Works and Social Affairs, and the Counselor for Finance and the Economy. Each is responsible to the Prince. Legislative power is shared between the Prince and the popularly elected 24-member National Council. There also are three consultative bodies whose members are appointed by the Prince: The 7-member Crown Council; the 12-member Council of State; and the 30-member Economic Council, which includes representatives of employers and trade unions. The judiciary is independent.

In addition to the national police force, the "Carabinieri du Prince" carry out security functions. Government officials maintained effective control of both forces. There were no reports that security forces committed human rights abuses.

The population was approximately 32,000, and the principal economic activities were services and banking, light manufacturing, and tourism. The economy provided residents with a high standard of living.

The Government generally respected the human rights of its citizens, and the law and the judiciary provide effective means of dealing with individual instances of abuse. Authority to change the Government and initiate laws rests with the Prince. The Penal Code prohibits public denunciations of the ruling family. The Constitution distinguishes between those rights that are provided for all residents and those that apply only to the approximately 7,000 residents who hold Monegasque nationality.

RESPECT FOR HUMAN RIGHTS

Section 1. Respect for the Integrity of the Person, Including Freedom From:

a. Arbitrary or Unlawful Deprivation of Life.—There were no reports of the arbitrary or unlawful deprivation of life by the Government or its agents.

b. Disappearance.—There were no reports of politically motivated disappearances.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The Constitution prohibits such practices, and there were no reports that officials employed them.

Prison conditions generally met international standards. Women were held separately from men, and juveniles were held separately from adults. The Government permits visits by human rights monitors; however, there were no such visits during the year. After prisoners receive a definitive sentence, they are transferred to a French prison to serve out their prison term.

d. Arbitrary Arrest, Detention, or Exile.—The Constitution prohibits arbitrary arrest and detention, and the Government generally observed these prohibitions. The police force is structured into five divisions: The urban police, the judicial police, the administrative police, the administrative and training unit, and the maritime and airport police. Their collective role is to maintain law and order.

Arrest warrants are required, except when a suspect is arrested while committing an offense. The police must bring detainees before a judge within 24 hours to be informed of the charges against them and of their rights under the law. Most detainees are released without bail, but the investigating magistrate may order detention on grounds that the suspect either might flee or interfere with the investigation of the case. The magistrate may extend the initial 2-month detention for additional 2-month periods indefinitely. The magistrate may permit family members to visit detainees.

The Penal Code prohibits forced exile, and the Government did not employ it.

e. Denial of Fair Public Trial.—Under the Constitution, the Prince delegates his judicial powers to the judiciary. The law provides for a fair, public trial, and the independent judiciary respected these provisions in practice. A defendant has the right to be present and the right to counsel, at public expense if necessary.

As under French law, a three-judge tribunal considers the evidence collected by the investigating magistrate and hears the arguments made by the prosecuting and defense attorneys. The defendant enjoys a presumption of innocence and the right of appeal to the Court of Appeal or, if need be, to the Court of Legal Revision, which would render its decision solely on the correctness of the application of the law, not on the facts of the case.

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home or Correspondence.—The Constitution prohibits such actions, and the Government generally respected these prohibitions in practice.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution provides for freedom of speech and of the press, and the Government generally respected these rights; however, the Penal Code prohibits public denunciations of the ruling family, a provision that the media respected in practice.

Several periodicals were published. There were no domestically published daily newspapers. Foreign newspapers and magazines circulated freely, including French journals that specifically covered news in the Principality. Foreign radio and television stations were received without restriction. Stations that broadcast from the Principality operated in accordance with French and Italian regulations.

The Government did not restrict access to the Internet or academic freedom.

b. Freedom of Peaceful Assembly and Association.—The Constitution provides for the freedom of assembly and association, and the Government generally respected these rights in practice.

Outdoor meetings require police authorization, but there were no reports that police withheld authorization for political or arbitrary reasons. Formal associations

must be registered and authorized by the Government, and there were no reports the Government withheld registration for political or arbitrary reasons.

c. Freedom of Religion.—The law provides for freedom of religion, and the Government generally respected this right in practice. Roman Catholicism is the state religion.

No missionaries operated in the principality and proselytizing was strongly discouraged; however, there is no law against proselytizing by religious organizations that are formally registered by the Ministry of State.

For a more detailed discussion, see the 2003 International Religious Freedom Report.

d. Freedom of Movement within the Country, Foreign Travel, Emigration, and Repatriation.—The law provides for these rights, and the Government generally respected them in practice. Residents moved freely within the country and across its open borders with France. Nationals enjoyed the rights of emigration and repatriation; however, they can be deprived of their nationality for specified acts, including naturalization in a foreign country. Only the Prince can grant or restore nationality, but he is obliged by the Constitution to consult the Crown Council on each case before deciding.

The law provides for the granting of refugee and asylum status to persons who meet the definition in the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. In practice, the Government provided protection against refoulement, and granted refugee status and asylum. The Government cooperated with the office of the U.N. High Commissioner for Refugees (UNHCR) and other humanitarian organizations in assisting refugees. In light of its bilateral arrangements with France, the Government does not grant political asylum or refugee status unless the request also meets French criteria for such cases. The number of such cases was very small.

Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government

Authority to change the government and to initiate laws rests with the Prince. The 1962 Constitution cannot be suspended, but it can be revised by common agreement between the Prince and the elected National Council. The Prince plays an active role in the Government. He names the Minister of State (in effect, the Prime Minister) from a list of names proposed by the French Government. He also names the three Counselors of Government (of whom the one responsible for the interior is usually a French national). Together the four constitute the Government and all are responsible to the Prince.

Only the Prince may initiate legislation, but the 24-member National Council may propose legislation to the Government. All legislation and the adoption of the budget require the Council's assent. Elections for National Council members, which are held every 5 years, are based on universal adult suffrage and secret balloting.

The Constitution provides for three consultative bodies. The Prince must consult the seven-member Crown Council, composed exclusively of Monegasque nationals, on certain questions of national importance. He may choose to consult it on other matters as well. The President and three members of the Crown Council are chosen directly by the Prince for 3-year terms. The three other members are proposed by the National Council, also for 3-year terms; the Prince then ratifies their selection.

The 12-member Council of State, which is not restricted to Monegasque citizens, advises the Prince on proposed legislation and regulations. The Council of State is presided over by the Director of Judicial Services, usually a French citizen. The Minister of State nominates the Director and other members; the Prince ratifies their nominations.

Women were active in public service. The Mayor of Monaco, one member of the Crown Council, five members of the National Council, and four members of the Economic Council were women.

Section 4. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

While the Government imposed no restrictions on the establishment or operation of local groups devoted to monitoring human rights, no such groups were formed. Foreign groups did not seek to investigate human rights conditions in the country.

Section 5. Discrimination Based on Race, Sex, Religion, Disability, Language, or Social Status

The Constitution provides that all nationals are equal before the law. It differentiates between rights that are accorded to nationals (including preference in employ-

ment, free education, and assistance to the ill or unemployed) and those accorded to all residents, for example, freedom of inviolability of the home.

Women.—Reported instances of violence against women were rare. Marital violence is strictly prohibited, and any wife who is a victim may bring criminal charges against her husband.

Women were represented fairly well in the professions; however, they were represented less well in business. Women received equal pay for equal work, and there were no reports of sexual harassment.

Rape is illegal and punishable by 10 to 20 years' imprisonment under Article 262 of the Penal Code. There are no specific provisions dealing with spousal rape.

The law does not specifically prohibit prostitution, but Article 265 of the Penal Code authorizes a 6-month to 3-year imprisonment, plus a fine, for anyone convicted of forcing another person into prostitution. A husband who forces his wife to engage in prostitution can be sentenced to 1 to 5 years' imprisonment plus a fine.

The law governing transmission of citizenship provides for equality of treatment between men and women who are nationals by birth; however, women who acquire Monegasque citizenship by naturalization cannot transmit it to their children, whereas naturalized male citizens can.

Children.—The Government was committed fully to the protection of children's rights and welfare and has well-funded public education and health care programs. The Government provided compulsory, free, and universal education for children up to the age of 16.

Although there were isolated reports of abuse of children, there was no societal pattern of such abuse.

Persons with Disabilities.—There was no governmental or societal discrimination against person with disabilities. The Government mandated that public buildings provide access for persons with disabilities, and this goal has been largely accomplished.

Section 6. Worker Rights

a. The Right of Association.—Workers were free to form unions, but fewer than 10 percent of workers were unionized, and relatively few workers, unionized or non-unionized, resided in the Principality. Unions were independent of both the Government and political parties.

Anti-union discrimination is prohibited. Union representatives can be fired only with the agreement of a commission that includes two members from the employers' association and two from the labor movement. Allegations that an employee was fired for union activity may be brought before the Labor Court, which can order redress, such as the payment of damages with interest.

The Monegasque Confederation of Unions was not affiliated with any larger labor organization but was free to join international bodies.

b. The Right to Organize and Bargain Collectively.—The law provides for the free exercise of union activity, and workers exercised this right in practice. Agreements on working conditions were negotiated between organizations representing employers in a given sector of the economy and the respective union. The law provides for collective bargaining; however, it was rarely used.

The Constitution provides for the right to strike, including Government workers, in conformity with relevant legislation. There were no strikes during the year.

There are no export processing zones.

c. Prohibition of Forced or Bonded Labor.—The Constitution prohibits forced or bonded labor including by children, and there were no reports that such practices occurred.

d. Status of Child Labor Practices and Minimum Age for Employment.—The minimum age for employment is 16 years; those employing children under that age can be punished under criminal law. Special restrictions apply to the hiring, work times, and other conditions of workers 16 to 18 years old.

e. Acceptable Conditions of Work.—The legal minimum wage for full-time work is the French minimum wage approximately \$8.88 (7.10 euros) per hour, plus 5 percent. The 5 percent adjustment was intended to compensate for the travel costs of the three-quarters of the workforce who commuted daily from France. The minimum wage provided a decent standard of living for a worker and family. Most workers received more than the minimum. The legal workweek was 39 hours. The Government allows companies to reduce the workweek to 35 hours if they so choose. Health and safety standards are fixed by law and government decree. These standards were enforced by health and safety committees in the workplace and by the government Labor Inspector.

Workers have the right to remove themselves from dangerous work situations.

f. Trafficking in Persons.—The law does not prohibit trafficking in persons, and there were no reports that persons were trafficked to, from, or within the country.

THE NETHERLANDS

The Netherlands is a constitutional monarchy with a bicameral parliamentary legislative system. The Prime Minister and a Cabinet representing the governing political parties (traditionally a coalition of at least two major parties) exercise executive authority. The judiciary is independent.

Regional police forces are primarily responsible for maintaining internal security. The civilian authorities generally maintained effective control of the security forces. There were no reports that security forces committed human rights abuses.

The market-based economy was export oriented and featured a mixture of industry, services, and agriculture. The country had a population of approximately 16.2 million. Living standards and the level of social benefits were high. Unemployment was approximately 5.4 percent, with an additional 10 percent of the workforce on full or partial disability. Long-term unemployment, particularly among ethnic minorities, remained a problem.

The Government generally respected the human rights of its citizens, and the law and judiciary provided effective means of dealing with individual instances of abuse. Discrimination and some violence against minorities continued to be a concern. Trafficking in women and girls for prostitution was a problem. The Government took steps to deal with all of these problems.

Aruba and the Netherlands Antilles are two autonomous regions of the Kingdom; they also feature parliamentary systems and full constitutional protection of human rights. In practice, respect for human rights in these islands generally was the same as in the Netherlands; however, the islands' prison conditions remained substandard.

RESPECT FOR HUMAN RIGHTS

Section 1. Respect for the Integrity of the Person, Including Freedom From:

a. Arbitrary or Unlawful Deprivation of Life.—There were no reports of the arbitrary or unlawful deprivation of life committed by the Government or its agents.

b. Disappearance.—There were no reports of politically motivated disappearances.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The Constitution prohibits such practices, and there were no reports that government officials employed them.

There were sporadic incidents of rightwing and racist violence against religious and ethnic minorities (see Sections 2.c. and 5).

Prison conditions in the country generally met international standards. Male and female prisoners were held separately. In addition, juvenile prisoners were held separately from adults, and pretrial detainees were held separately from convicted criminals.

The Government permitted visits by independent human rights observers. The Council of Europe (COE) visited local prisons in February 2002 and the European Court for Human Rights in February. Both recommended changes at the maximum-security facility in Vught, which were implemented in line with the Court's ruling. The Court ruled that in one particular case, the combination of routine strip searches with other stringent security measures at the prison amounted to inhuman or degrading treatment.

The Government of the Netherlands Antilles and Aruba made numerous improvements to prisons in staffing and capacity to address previous concerns by the COE's Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment. Prison activities, health care, and amenities expanded, which lessened inmate tensions. Prisoners also are eligible for early release. Both Governments took steps to alleviate overcrowding. Aruba's KIA prison expanded from 250 to 300 places, Curacao added an additional 146 places, the Government Juvenile Institute added an additional 30 spaces, and the Rio Canario police detention facility, used primarily for narcotics offenders, added an additional 20 cells. Staffing on the island of Curacao also increased as 28 new prison guards were trained. Despite these improvements, problems remained. The police detention facility in St. Maarten remained the subject of frequent complaints concerning inadequate facilities and supplies. Because St. Maarten's Pointe Blanche prison was at capacity, detainees were held longer at the inadequate police detention facility than the 10 days permitted.

Likewise, the two police detention facilities in Aruba received complaints related to overcrowding and irregular supply of basic provisions for detainees' comfort. The Kingdom continued to provide assistance to improve prison conditions and management. In September, it announced an exchange program between the KIA prison director and a counterpart in the Netherlands.

The Governments of the Netherlands Antilles and Aruba allowed access by independent human rights observers to prisons; however, no such visits occurred during the year.

d. Arbitrary Arrest, Detention, or Exile.—The law prohibits arbitrary arrest and detention, and the Government generally observed these prohibitions in practice.

Regional police forces are primarily responsible for maintaining internal security. The Royal Constabulary and investigative organizations also have specified responsibilities for internal and external security. The police were effective, conducting their investigations in a highly professional manner with due respect for the human rights of suspects. There were no indications of systematic police corruption or imputations of widespread improprieties. However, at year's end, the military police, which is responsible for Amsterdam Schiphol airport and border control generally, acknowledged that it had been investigating credible allegations of drug trafficking and corruption involving ground service personnel, customs personnel, and military police at Schiphol Airport.

Police officers, acting under the authority of the public prosecutor, conducted criminal investigations. A prosecutor or senior police officer must order arrests. Police officers may question suspects for a maximum of 12 hours and may detain a suspect for up to 6 days upon an order of the public prosecutor. If the prosecutor believed an investigation was necessary, he must request a preliminary judicial inquiry from the investigative judge, who then assumed responsibility over the investigation. Defense attorneys had the right to be present during any questioning.

The law prohibits forced exile, and the Government did not employ it.

e. Denial of Fair Public Trial.—The Constitution provides for an independent judiciary, and the Government generally respected this provision in practice.

The judicial system is based on the Napoleonic Code. A pyramidal system of cantonal, district, and appellate courts handled both criminal and civil cases. The Supreme Court acted as the highest appellate court and ensured the uniform interpretation of the law.

The law provides for the right to a fair trial, and an independent judiciary generally enforced this right. The law instructs that defendants be informed fully at every stage of criminal proceedings. In criminal trials, the law provides for a presumption of innocence and the right to public trial, to counsel (virtually free for low-income persons), and to appeal.

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The Constitution prohibits such actions, and the Government generally respected these prohibitions in practice.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution provides for freedom of speech and of the press, and the Government generally respected these rights in practice. An independent press, an effective judiciary, and a functioning democratic political system combined to ensure freedom of speech and of the press, including academic freedom.

The independent media were active and expressed a wide variety of views without government restriction. Internet access was available and unrestricted.

b. Freedom of Peaceful Assembly and Association.—The Constitution provides for freedom of assembly and association, and the Government generally respected these rights in practice.

c. Freedom of Religion.—The Constitution provides for freedom of religion, and the Government generally respected this right in practice. The Government provided subsidies to religious organizations that maintained educational facilities.

There was an increase in anti-Semitic incidents. The Center for Information and Documentation on Israel reported assaults, intimidation, and verbal attacks, perpetrated mostly by Moroccan youth. Windows of synagogues were smashed, and slogans or swastikas were painted on synagogues and other Jewish institutions. In addition, the outspoken anti-Israel sentiment among certain groups in society, such as the Arab European League and the Stop the Occupation movement, contributed to an anti-Semitic atmosphere.

While incidents targeted against Muslims, mosques, and Muslim institutions, including harassment, verbal abuse, acts of vandalism, arson, and defacing of mosques

have declined since the end of 2001, some Muslims continued to face harassment and threats (see Section 5).

For a more detailed discussion, see the 2003 International Religious Freedom Report.

d. Freedom of Movement within the Country, Foreign Travel, Emigration, and Repatriation.—The law provides for these rights, and the Government generally respected them in practice.

The law provides for the granting of asylum and refugee status to persons who meet the definition in the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. In practice, the Government provided protection against refoulement and granted refugee status or asylum. In 2002, the Government turned down 84 percent of the asylum requests that were processed. However, up to 30 percent of those whose applications were denied nonetheless were permitted to stay in the country temporarily on humanitarian grounds or for so long as their country of origin was considered unsafe.

The Government's asylum policy was designed to protect genuine refugees while excluding economic migrants and illegal immigrants. Because of this policy, the number of asylum seekers dropped from 43,000 in 2000 to approximately 18,500 in 2002. The Justice Ministry estimated that half of all asylum seekers came to the country via alien smuggling organizations. An April Human Rights Watch report regarding asylum policy and practice highlighted three primary areas of concern: The accelerated asylum determination procedure, which may result in inadequate review of individual cases; inappropriate treatment of migrant and asylum-seeking children; and restrictions on material support for asylum seekers pending final determination of their appeals. The Government maintained that every request was judged on its own merits and that each asylum seeker has the right of legal redress. In more than 90 percent of the appeal proceedings, courts sanctioned the decision made by the Immigration Service. The Government also states that treatment of children was consistent with a protocol drafted in collaboration with various child protection bodies and that assistance to asylum seekers during the procedure followed European Union (EU) guidelines.

The Government cooperated with the office of the U.N. High Commissioner for Refugees, and other humanitarian organizations in assisting refugees. Asylum seekers were permitted to apply for residence status, except those (approximately 60 percent) who came from a so-called safe country of origin or stayed for some time in a safe country of transit.

Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government

The Constitution provides citizens with the right to change their government peacefully, and citizens exercised this right in practice through periodic, free, and fair elections held on the basis of universal suffrage. These constitutional rights also apply to the Netherlands Antilles and Aruba.

Parliamentary elections were held in January. There were no restrictions in law or in practice that hindered the participation of women and minorities in government and politics. More than one-third of the 150 members of the second chamber of Parliament were female, as were 5 of 16 cabinet ministers. The Government pursued an active policy to promote the participation of women in politics and public administration. Although women were a minority, they also held positions in the parliaments and cabinets of the Netherlands Antilles and Aruba.

Section 4. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

Several domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials were very cooperative and responsive to their views.

The Government has a long tradition of hosting international legal tribunals, including the International Court of Justice, the International Criminal Tribunal for the Former Yugoslavia, and the headquarters of the International Criminal Tribunal for Rwanda.

Section 5. Discrimination Based on Race, Sex, Disability, Language, or Social Status

The Constitution prohibits discrimination on the basis of any of these factors or political preference as well as sexual orientation. Under the Equal Treatment Act, complainants may sue alleged offenders under civil law.

Women.—Societal violence against women was a problem. According to government estimates, 20 percent of women ages 20 to 60 had suffered from physical vio-

lence in a relationship at some point in their lives, and an additional 2.4 percent had suffered from very serious violence. Only about 12 percent of cases were reported to the police, and complaints were filed in approximately 6 percent of the incidents. There were approximately 75 deaths annually from domestic violence. The maximum sentence for marital rape is 8 years' imprisonment. Spousal abuse carries a one-third higher penalty than ordinary battery. Societal costs caused by violence against women were estimated at \$188 million (150 million euros) per year.

In 2002, the Government launched a 50-point action plan to reduce and prevent household violence. The measures included increased sanctions on perpetrators, more assistance to victims, and a national awareness campaign aimed particularly at ethnic minorities.

Prostitution is legal if the person is 18 years of age or older and engages in the work voluntarily; however, organizing the prostitution of another person is a crime even if done with the consent of the prostitute. It is illegal to force a person into prostitution (see Section 6.f.). The Government reasoned that decriminalizing prostitution, licensing and establishing strict standards for brothel operators, and improving working conditions and health care for prostitutes, while at the same time prohibiting the employment of minors and illegal immigrants, would make prostitution less susceptible to criminal organizations trafficking in women and children. However, trafficking for the sake of prostitution remained a problem, despite strong government efforts to prevent it (see Section 6.f.). There were approximately 25,000 prostitutes, approximately half of whom were illegal immigrants from non-EU countries.

The law requires employers to take measures to protect workers from sexual harassment; however, a 2000 Social Affairs Ministry study estimated that 10 percent of female workers were sexually intimidated in the workplace each year. The Government funded an ongoing public awareness campaign and has taken measures to counter harassment among civil servants.

The law mandates equal pay for equal work, prohibits dismissal because of marriage, pregnancy, or motherhood, and provides the basis for equality in other employment-related areas. A legislatively mandated Equal Treatment Commission actively pursued complaints of discrimination in these areas as well as allegations of pay discrimination.

Although women increasingly entered the job market, traditional cultural factors and an inadequate number of day care facilities discouraged women from working. Female unemployment was approximately 6 percent. The social welfare and national health systems provided considerable assistance to working women with families. Women were eligible for 16 weeks of maternity leave with full pay. The Parental Leave Law allows both parents to take unpaid full-time leave for 3 months and to extend that leave for more than 6 months to care for children up to 8 years old. Persons working fewer than 20 hours per week also were entitled to parental leave.

The Social Affairs Ministry reported that women often were underemployed, had less chance of promotion, and held lower level positions than men, primarily because of their part-time work status. According to the Ministry of Social Affairs and Employment, women working in the private sector on average earned 23 percent less than men, although, when adjusted for level of experience and expertise required for the jobs, this differential fell to 7 percent.

The Government provided affirmative action programs for women, and collective labor agreements usually included provisions to strengthen the position of women.

Children.—The Government worked to ensure the well being of children through numerous well-funded health, education, and public information programs. Compulsory education ends at age 16, or after at least 12 years of education. Education was free for children between 4 and 16, although schools could ask for a voluntary contribution from parents. Vocational education was also free, except for the cost of books and materials. Approximately 10 percent of students left secondary school before attaining a certificate. Government-licensed Islamic schools were obliged to follow the same curriculum requirements as other schools.

According to the Child Abuse Reporting and Advisory Center (AMK), approximately 80,000 children were victims of child abuse each year, although only 25,000 formal reports of child abuse were registered in 2002. As a result of abuse, 40 to 50 children reportedly die each year. Most reports concerned physical abuse and affective neglect. According to the AMK, increased attention to the problem led to increased reports of victims, and therefore, longer waiting lists for assistance. The Government pledged to take measures to reduce waiting lists. The Council for the Protection of Children, which operated through the Ministry of Justice, enforced child support orders, investigated cases of child abuse, and recommended remedies ranging from counseling to withdrawal of parental rights. The Government also

maintained a popular hotline for children and a network of pediatricians who tracked suspected cases of child abuse on a confidential basis.

The age of consent is 16. Sexual intercourse with minors under age 12 is a criminal offense. The Public Morality Act also allows for the prosecution of sexual abusers of children between the ages of 12 and 16 without requiring that affected parties file a complaint. The law imposes penalties on prostitution activities involving minors; maximum penalties are 6, 8, and 10 years' imprisonment for sex (in the context of prostitution) with minors under ages 18, 16, and 12, respectively. Under the law, citizens and persons having a permanent residence in the country who abused minor children in foreign countries could be tried and convicted even if the offense is not a crime in the country where it took place. In October, authorities used this law to arrest a businessman for child sexual abuse in the Gambia. By year's end, the case had not yet been brought to trial. Trafficking in girls for the purpose of prostitution was a problem (see Section 6.f.).

The maximum penalty for the distribution of child pornography is 6 years' imprisonment. The law allows for provisional arrest, house searches, and criminal financial investigations. The possession of child pornography was also punishable by law, but exemptions were made for scientific or educational use. Under the Public Morality Act, persons under the age of 18 were not allowed to perform in pornographic films. The Act also criminalizes the electronic manipulation of images of children for sexual purposes. The Government continued its campaign against child pornography on the Internet. The Child Porn Reporting Center reported 226 cases of Internet child porn to the police in 2002. In early December, police, as part of an international investigative effort, arrested two suspects for internet child pornography and confiscated hundreds of CDs, DVDs, and videos. By year's end, these cases had not yet been brought to trial.

Persons with Disabilities.—There was no discrimination against persons with disabilities in employment, education, or in the provision of other state services; however, according to the Dutch Council for Chronic Patients and the Handicapped, public buildings and public transport often were not easily accessible. Approximately 10 percent of the work force was on full or partial disability. The Equal Treatment Act of Handicapped People and the Chronically Ill, adopted in September and effective in December, requires the equal treatment of persons with disabilities and those who suffer from chronic diseases. The law bans discrimination of persons with disabilities in employment, education, and public transport.

National/Racial/Ethnic Minorities.—The traditionally homogeneous nature of society has changed in recent decades due to the influx of immigrants and asylum seekers. Approximately 20 percent of the population (3 million persons) were of foreign origin, including 1.6 million who belong to ethnic minority groups, principally Turkish, Moroccan, Surinamese, and Antillean. Government policies that were broad in scope and intent promoted the integration of minorities, and in general citizens supported integration and opposed discrimination and unequal treatment; however, integration remained a problem. Various nongovernmental organizations (NGOs), some of which were funded by the Government, monitored violations. Incidents of physical assault against minorities were rare, but minorities, particularly Muslims, frequently were confronted with verbal abuse and intimidation and were denied access to public venues, such as discotheques.

Members of immigrant groups faced some discrimination in housing and employment. The Government has worked for several years with employers' groups and unions to reduce minority unemployment levels to the national average. These actions significantly reduced the rate of unemployment among ethnic minorities to less than 10 percent; however, the minority unemployment rate remained 3 times that of the ethnically Dutch workforce. The Labor Inspectorate oversees implementation of the law. Muslims also face continuing criticism for such perceived problems as the poor integration of Muslim immigrants into society, the high level of criminal activity among Muslim youth, and the conservative views of orthodox Muslims on topics such as women and corporal punishment.

The Government pursued an active campaign to increase public awareness of racism and discrimination. Civil and criminal courts, the Equal Opportunities Committee, the National Ombudsman, the Commercial Code Council, as well as the Council for Journalism, the European Court of Justice, and the European Human Rights Court addressed complaints about racism and discrimination. The majority of criminal cases concerned racist defamation. Civil lawsuits often concern discrimination in the supply of services, such as supplemental conditions for non-ethnic Dutch to obtain a mobile phone or to gain access to clubs. The Equal Opportunities Committee primarily addresses incidents of discrimination on the labor market, in-

cluding discrimination on the work floor, unequal pay, termination of labor contracts, and preferential treatment of non-ethnic employees.

The police have a contact person for discrimination in each of the 25 regional police forces, a National Bureau of Discrimination Cases (which acts as a clearing house and database for police forces nationwide), and a national registration system of cases of racism and discrimination to provide a comprehensive database of such cases.

The Prosecutor's Office also has established a National Expertise Center on Discrimination that collects information, maintains a database on cases, and provides courses to prosecutors handling cases of discrimination. The government-sponsored National Association of Anti-Discrimination Bureaus, registered approximately 3,900 complaints in 2002, two-thirds of which were based on racial discrimination.

With the proliferation of Internet websites, the dissemination of racial and discriminatory material increased. The Discrimination on the Internet Registration Center registered 1,008 complaints in 2002. Most of the complaints concerned racist statements, and approximately one-third were anti-Semitic in nature. In many cases, the Center requested that the statements be removed from Internet, which usually happened. In more extreme cases, the Internet provider either issued a warning to the customer at the Center's request or blocked the customer's account. The most serious cases were reported to the public prosecutor, but convictions remained rare. The privately run Discrimination on the Internet Registration Center received 691 complaints in 2001, of which 370 qualified as unlawful discrimination, and 507 concerned racist statements. There have been only two convictions in the past few years for offenses committed that involved the Internet.

Section 6. Worker Rights

a. The Right of Association.—Workers are entitled to form or join unions of their own choosing without prior government authorization, and workers exercised this right. Membership in labor unions is open to all workers including armed forces personnel, the police, and civil service employees. Unions were free of control by the Government and political parties. Union members could and did participate in political activities. Approximately 25 percent of the work force was unionized; however, union-negotiated collective bargaining agreements usually were extended to cover approximately three-quarters of the work force. Membership of the white-collar unions was the fastest growing. There were three trade union federations.

Antiunion discrimination is prohibited, and there were no reports that it occurred. Union federations and employers' organizations were represented, along with independent experts, on the Social and Economic Council. The Council was the major advisory board for the Government on policies and legislation regarding national and international social and economic matters.

Unions were free to affiliate with national and international trade union federations. The three union federations were active internationally, without restriction.

b. The Right to Organize and Bargain Collectively.—The Constitution provides for the right to organize, and specific laws provide for the right to collective bargaining; workers exercised this right. Collective bargaining agreements were negotiated in the framework of the so-called Social Partnership developed between trade unions and private employers.

Representatives of the main union federations, employers' organizations, and the Government met each year to discuss labor issues, including wage levels and their relation to the state of the economy and to international competition. The discussions led to a central accord with social as well as economic goals for the coming year. Under this umbrella agreement, unions and employers in various sectors negotiated sectoral agreements, which the Government usually extended to all companies in the sector. Collective labor agreements usually had one or more provisions to strengthen the position of women (see Section 5).

All workers have the right to strike, except for most civil servants, who have other institutionalized means of protection and redress. Industrial relations were very harmonious, and strikes were infrequent. In 2002, approximately 245,000 man-days (less than 1 percent of the total man-days worked) were lost due to strikes, mostly over union demands for higher pay. The law prohibits retribution against striking workers, and the Government generally respected this prohibition in practice.

There are no export processing zones.

c. Prohibition of Forced or Bonded Labor.—The Constitution prohibits forced or bonded labor, including by children; however, there were reports that such practices occurred (see Section 6.f.).

d. Status of Child Labor Practices and Minimum Age for Employment.—The minimum age for employment is 16 years. Those in school at the age of 16 may not

work more than 8 hours per week. The law prohibits persons under the age of 18 from working overtime, at night, or in areas dangerous to their physical or mental well-being. The tripartite Labor Commission, which monitored hiring practices and conducts inspections, enforced these laws effectively.

Holiday work and after school jobs are subject to very strict rules set in the Work Time Act, the Child Labor Regulation (for children under age 16), and the Working Conditions Decree. The Social Ministry's Labor Inspection Office oversaw observance of the rules. Although child labor is banned, an increasing number of children worked for pay during holidays. Labor inspectors reported on the parents of such children, and the Public Prosecutor could prosecute the parents for violating the ban on child labor. In 2002, labor inspections found that almost half of companies violated the regulations applying to holiday work, including by employing children under the age of 13.

e. Acceptable Conditions of Work.—The minimum wage for adults is established by law and can be adjusted every 6 months to reflect changes in the cost of living index. Over the last few years, the statutory minimum wage has been pegged to the average wage in collective labor contracts. The gross minimum wage was approximately \$1,560 (1,249 euros) per month. For workers earning the minimum wage, employers paid about twice as much in premiums for social security benefits, which included medical insurance. The legislated minimum wage and social benefits available to minimum wage earners provided an adequate standard of living for a worker and family. Only 3 percent of workers earned the minimum wage because collective bargaining agreements, which normally were extended across a sector, usually set a minimum wage well above the legislated minimum.

A reduced minimum wage applies to persons under the age of 23, one of the groups with the highest rate of unemployment, which was intended to provide incentives for their employment. This wage ranged from 34.5 percent of the adult minimum wage for workers 16 years of age to 85 percent for those 22 years of age.

Although the law sets a 40-hour workweek, the average workweek for those with full-time jobs was 38.7 hours. Anyone working more than 4.5 hours per day was entitled to a 30-minute break. This workweek resulted from agreements reached in collective bargaining on shorter workweeks, often in conjunction with more flexible working hours. The law prohibits employers from treating part-time workers differently from those in full-time jobs.

Working conditions, including comprehensive occupational safety and health standards set by law and regulations, were monitored actively and enforced effectively by the tripartite Labor Commission. The Ministry of Labor and Social Affairs also monitored standards through its Labor Inspectorate. Workers could remove themselves from dangerous work conditions without jeopardizing their continued employment.

f. Trafficking in Persons.—The law specifically criminalizes alien smuggling and trafficking in persons; however, trafficking in persons was a problem.

The maximum sentence for trafficking in persons is 6 years' imprisonment. In cases involving minors, severe physical violence, or organized trafficking, the maximum sentence is 10 years. The maximum sentence for alien smuggling is 8 years. Legislation was introduced to increase these penalties to those mandated for serious crimes and in conformity with U.N. and E.U. protocols. The Prostitution Law prohibits the employment of prostitutes under age 18 and equips the Government to fight trafficking in women and children.

The Government investigated and prosecuted traffickers. In 2002, authorities prosecuted approximately 217 trafficking cases, compared with 163 in the previous year. Between February and September, the Amsterdam and military police forces arrested 46 Dutch and Romanian nationals on suspicion of participating in a network of trafficking and forced prostitution; they allegedly recruited Romanian women and girls to work as waitresses and then confiscated the victims' passports and forced them to work as prostitutes. In July, a Breda district court sentenced the female manager of a sex club to 18 months in prison; the woman was accused of having smuggled at least 14 women, including 4 underage girls, from Eastern Europe, into the country and forced them to work as prostitutes.

The Government actively combated trafficking in persons. The Ministries of Justice, Internal Affairs, Foreign Affairs, Welfare and Health, and Social Affairs were involved, and a number of local police forces established special units to deal with trafficking. A National Police team with authority over approximately 500 police focused exclusively on trafficking investigations and provided specialized training to police in how to identify and protect possible trafficking victims. The National Rapporteur on Trafficking in Persons, an independent, publicly funded agency, reported annually to the Government on the nature, extent, and mechanisms of traf-

ficking, as well as on the effects of national policies. In June, the Government gave first-stage approval to a bill expanding the definition of trafficking in persons to include all forms of modern slavery, including social-economic exploitation, and raising maximum penalties to 12 years' imprisonment in case of serious physical injury and 15 years in case of death. The bill must still be debated in Parliament. The Government also cooperated closely with other governments on trafficking, and EUROPOL, established in The Hague, provided analytical support and administrative expertise to law enforcement agencies on trafficking matters.

The country was a destination and transit point for trafficked persons. NGOs and the police estimated that the number of women and girls trafficked for the purpose of prostitution ranged from 1,000 to 3,600. The National Rapporteur estimated the number of trafficking victims at more than 3,500 in 2000. An estimated 70 to 80 percent of victims trafficked into the country came from Central and Eastern Europe; lesser numbers came from African countries, primarily Nigeria, and from South America, Thailand, the Philippines, and China. In 2002, the Rapporteur reported that 608 trafficking victims contacted organizations offering assistance to victims.

Internal trafficking was also a problem. The National Rapporteur reported that approximately 25 police investigations in 2001 concerned internal trafficking. The victims were young, mostly immigrant girls, who were recruited internally by so-called "lover boys," primarily young Moroccans or Turks living in the country, who seduced them into prostitution. Local governments initiated a school campaign to warn girls of the danger of lover boys.

The Immigration and Naturalization Service reported the disappearance of youthful asylum seekers, particularly Angolan, Nigerian, and Chinese girls, from refugee centers who were later found in the illegal prostitution business. The Government has taken measures to combat this problem through better registration of asylum seekers and by placing young female asylum seekers in special shelters, and the problem was effectively eliminated.

A 2002 report of the Foundation Against Trafficking in Women listed Bulgaria, Nigeria, Romania, and Russia as the top originating countries for women trafficked to the country in 2001. A large number of African women, particularly Nigerians, worked illegally as prostitutes. According to the authorities, the most widely used method for trafficking African women was the fraudulent use of special asylum procedures for minors, who were virtually ensured entry. Most women trafficked from Africa claimed to be under the age of 18, although not all were. Once at the asylum center, they remained for a few days and then disappeared, only to turn up later as prostitutes in the country or elsewhere in Europe.

According to the Rapporteur's report, prostitutes from Central and Eastern Europe indicated that five out of six women liberated from trafficking organizations in the country knew that they were to be employed in the sex industry when they accepted the offer of their recruiters. However, they reported that, upon their arrival, they often were treated as slaves, physically abused, intimidated, threatened, and physically confined by their captors.

Under the law, illegal residents, who may have been victims of trafficking, may not be deported before investigations are completed. Victims were allowed 3 months to consider pressing charges, and victims who did so were allowed to stay in the country until the judicial process was completed. During this period, victims received legal, financial, and psychological assistance. In special circumstances, residence permits were granted on humanitarian grounds. After completion of the judicial process, illegal prostitutes were eligible for temporary financial assistance before returning to their native countries.

The Government subsidized NGOs working with trafficking victims, including the Dutch Foundation Against Trafficking in Women, which was an independent organization offering social support, legal advice, medical aid, shelters, and counseling to victims of trafficking.

The Justice Ministry co-financed the La Strada program, aimed at preventing trafficking in women in Central and East European countries. The Government made trafficking in persons a priority issue during its 2003 chairmanship of the Organization for Security and Cooperation in Europe. Other prevention initiatives included the Travel Agents' Association distribution of warnings about trafficking and sex with minors and public awareness campaigns aimed at tourists and travel agencies meant primarily to combat sexual exploitation of children.

NORWAY

Norway is a parliamentary democracy and constitutional monarchy with King Harald V as the head of state. It is governed by a prime minister, cabinet, and a 165-seat Parliament (Storting) that is elected every 4 years and cannot be dissolved. Free and fair elections to the modified unicameral Parliament or Storting were held in September 2001. The judiciary is independent.

The national police have primary responsibility for internal security. The civilian authorities maintained effective control of the security forces. There were no reports that security forces committed human rights abuses.

The country, which is an advanced industrial state with a mixed economy combining private and public ownership that provides a high standard of living for residents, had a population of approximately 4.5 million. The key industries were oil and gas, metals, engineering, shipbuilding, fishing, and manufacturing. The economy was characterized by low unemployment and labor shortages in many sectors.

The Government generally respected the rights of its citizens, and the law and the judiciary provided effective means of addressing individual instances of abuse.

RESPECT FOR HUMAN RIGHTS

Section 1. Respect for the Integrity of the Person, Including Freedom From:

a. Arbitrary or Unlawful Deprivation of Life.—There were no reports of the arbitrary or unlawful deprivation of life committed by the Government or its agents.

b. Disappearance.—There were no reports of politically motivated disappearances.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The Constitution prohibits such practices, and there were no reports that government officials employed them.

Prison conditions generally met international standards. Men and women were held separately. Juveniles were not held separately from adults; however, it was extremely rare for juveniles to be held in prison, and social welfare authorities generally cared for them. Pretrial detainees were held separately from convicted prisoners.

The Government permits visits by independent human rights observers, although there were no such visits during the year.

d. Arbitrary Arrest, Detention, or Exile.—The Constitution prohibits arbitrary arrest and detention, and the Government generally observed these prohibitions.

The national police have primary responsibility for internal security; however, in times of crisis, such as internal disorder or natural catastrophe, the police may call on the armed forces for assistance. In such circumstances, the armed forces are under police authority.

e. Denial of Fair Public Trial.—The Constitution provides for an independent judiciary, and the Government generally respected this provision in practice.

The court system consists of the Supreme Court, the Supreme Court Appellate Court, superior courts, county courts for criminal cases, magistrate courts for civil cases, and claims courts. Special courts include the Impeachment Court (composed of parliamentarians), the labor court, trusteeship courts, fishery courts, and land ownership severance courts.

The law provides for the right to a fair trial, and an independent judiciary generally enforced this right. Courts provided counsel to indigent persons.

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home or Correspondence.—The Constitution and the law prohibit such actions, and the Government generally respected these prohibitions in practice; violations were subjected to effective legal sanction.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution provides for freedom of speech and of the press, and the Government generally respected these rights in practice. An independent press, an effective judiciary, and a functioning democratic political system combined to ensure freedom of speech and of the press, including academic freedom.

The independent media were active and expressed a wide variety of views without government restriction.

Access to the Internet was widely available and unrestricted.

b. Freedom of Peaceful Assembly and Association.—The law provides for freedom of assembly and association, and the Government generally respected these rights in practice.

c. Freedom of Religion.—The Constitution provides for freedom of religion, and the Government generally respected this right in practice.

The state church is the Evangelical Lutheran Church of Norway, which is supported financially by the State and to which 86 percent of the population nominally belongs. The Constitution requires that the King and one-half of the Cabinet belong to this church. Public debate on the relationship between church and state continued during the year. Other denominations operated freely.

A religious community is required to register with the Government only if it desires state support, which is provided to all registered denominations on a proportional basis in accordance with membership.

The law provides that the subject “religious knowledge and education in ethics” be taught in public schools. The course covers world religions and philosophy and promotes tolerance and respect for all religious beliefs; however, based on the country’s history and the importance of Christianity to society, the course devotes the most time to Christianity. All children must attend this mandatory course, and there are no exceptions for children of other faiths; students may be exempted from participating in or performing specific religious acts such as church services or prayer, but they may not forgo instruction in the subject as a whole. Organizations for atheists as well as Muslim communities have contested the legality of forced religious teaching. Schools provided a standard form to parents to request exemptions for their children from parts of the class, and some students reportedly availed themselves of the exemption. A case brought to the European Court of Human Rights by the Norwegian Humanist Association and a group of parents contesting the law remained pending at year’s end. The Norwegian Humanist Association also lodged a complaint about the law with the U.N. Human Rights Commission.

The Workers’ Protection and Working Environment Act permits prospective employers to ask applicants for employment in private or religious schools and day care centers whether they will respect and teach Christian beliefs and principles.

Muslims encountered some difficulties in obtaining local permission to build mosques in areas where they were concentrated.

For a more detailed discussion, see the 2003 International Religious Freedom Report.

d. Freedom of Movement within the Country, Foreign Travel, Emigration, and Repatriation.—The law provides for these rights, and the Government generally respected them in practice.

The law provides for the granting of refugee status or asylum to persons who meet the definition in the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. The Government provided protection against refoulement and granted refugee status or asylum. The Government cooperated with the office of the U.N. High Commissioner for Refugees and other humanitarian organizations in assisting refugees. The Government also provided protection to certain individuals who fell outside of the definition of the 1951 Convention Relating to the Status of Refugees or its 1967 Protocol. During the year, the Government granted protective residency (which entails the granting of permanent residence permits) to 2,063 persons, including political asylum for 558 persons and asylum as U.N. quota refugees for 721 persons. Immigration authorities rejected 8,395 applications for protective residency. In addition, 9,842 persons received residency status through a family reunification program.

Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government

The Constitution provides citizens with the right to change their government peacefully, and citizens exercised this right in practice through periodic, free, and fair elections held on the basis of universal suffrage. Elections to the Parliament were held in September 2001; the Labor Party won 24 percent, and three other parties each won more than 10 percent of the vote. Eight parties had representation in Parliament.

Women were increasingly well represented at all levels of government. No restrictions in law or practice hindered women’s participation in government and politics. There were 57 women in the 165-seat Parliament; women headed 8 of the 19 government ministries, chaired 5 of 15 standing committees in Parliament, and headed 2 of the 6 main political parties.

In addition to participating freely in the national political process, the Sami (formerly known as Lapps) elect their own constituent assembly, the Sameting. Under the law establishing the 39-seat body, the Sameting is a consultative group, which

meets regularly to deal with “all matters, which in [its] opinion are of special importance to the Sami people.” In practice, the Sameting has been most interested in protecting the group’s language and cultural rights and in influencing decisions on resources and lands where Sami are a majority (see Section 5). A report on the activity of the Sami Assembly is submitted to Parliament annually, and every 4 years a report on the main principles of Sami policy is presented in Parliament.

Section 4. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A number of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials were very cooperative and responsive to their views.

The Ministry of Foreign Affairs oversees the human rights portfolio. Based on the principle that each cabinet minister is responsible for promoting human rights in his or her field, the Government established a separate Committee of State Secretaries responsible for ensuring that human rights issues receive political emphasis and attention.

There is a parliamentary ombudsman for public administration who is also responsible for promoting human rights through his work on individual cases.

Section 5. Discrimination Based on Race, Sex, Disability, Language, or Social Status

The Constitution prohibits discrimination based on race, sex, disability, language, or social status, and the Government generally enforced this prohibition in practice.

Women.—Societal violence against women was a problem. In 2002, there were 653 rapes reported, with 41 convictions. The police believed that increases in reported rapes and domestic abuse were due largely to greater willingness among women to report these crimes. The police investigated and prosecuted such crimes and also have instituted special programs to prevent rape and domestic violence and to counsel victims. Public and private organizations ran several shelters. Each of the country’s 19 counties had a number of such shelters. In 2002, the country’s shelters registered 39,500 overnight stays.

Prostitution is legal, but organized prostitution or “pimping” is illegal. The number of foreign women, in particular from Russia and the Baltic states, engaged in prostitution increased during the year.

There were reports of trafficking in women for prostitution (see Section 6.f.).

The Gender Equality Ombudsman—charged with enforcing the Gender Equality Act—processed complaints of sexual discrimination. In 2002, there were 422 complaints and 442 telephone inquiries to the Ombudsman; women filed approximately 40 percent of the complaints, men filed 30 percent, organizations filed 13 percent, and the ombudsman’s office directly filed 16 percent.

An amendment to the Working Environment Act provides that “employees shall not be subjected to harassment or other unseemly behavior.” Employers that violate these provisions, including the harassment clause, are subject to fines or prison sentences of up to 2 years, depending on the seriousness of the offense.

The law protects the rights of women. According to the law, “women and men engaged in the same activity shall have equal wages for work of equal value”; however, according to the equal rights ombudsman’s office, which monitors enforcement of the law, women generally received 10 to 15 percent less pay and benefits than men for work of “equal value.”

Children.—The Government is committed strongly to children’s rights and welfare; it amply funded systems of education and medical care. The Government provides free education for children through the postsecondary level. Education is compulsory for 10 years, or through the ninth grade; most children stay in school at least until the age of 18. An independent Children’s Ombudsman Office, within the Ministry of Children and Families, is responsible for the protection of children under the law.

There were reports of child abuse. In 2002, a total of 738 sexual assaults by non-family members and 121 assaults by family members were reported.

Persons with Disabilities.—There was no discrimination against persons with disabilities in employment, education, or in the provision of other state services. The law mandates access to public buildings for persons with disabilities, and the Government generally enforced these provisions in practice.

Indigenous People.—The Government has taken steps to protect the cultural rights of the indigenous Sami by providing Sami language instruction at schools in their areas, radio and television programs broadcast or subtitled in Sami, and subsidies for newspapers and books oriented toward the Sami (see Section 3). A deputy

minister in the Ministry of Local Government and Regional Affairs deals specifically with Sami issues. The royal family supported the Sami through their interest in Sami culture and by visiting Sami areas. A working group headed by a former chief justice started to draft a Nordic Sami Convention, which it planned to complete in 2005.

Section 6. Worker Rights

a. The Right of Association.—The law provides workers with the right to associate freely, and workers exercised this right. With membership totaling approximately 60 percent of the workforce, unions played an important role in political and economic life, and the Government consulted them on important economic and social problems. Although the largest trade union federation was associated with the Labor Party, all unions and labor federations were free of party and government control.

The law prohibits antiunion discrimination. The Labor Court deals with complaints of antiunion discrimination; however, there were no such complaints during the year.

Unions were free to form federations and to affiliate internationally; unions maintained strong ties with such international bodies as the International Confederation of Free Trade Unions.

b. The Right to Organize and Bargain Collectively.—All workers, including government employees and military personnel, have and exercised the right to organize and bargain collectively. Collective bargaining was widespread, and most wage earners were covered by negotiated settlements, either directly or through understandings that extend the contract terms to workers outside the main labor federation and the employers' bargaining group.

Workers have the right to strike; however, the Government has the right, with the approval of the Parliament, to invoke compulsory arbitration under certain circumstances.

There are no export processing zones.

c. Prohibition of Forced or Bonded Labor.—The law prohibits forced or bonded labor, including by children, and there were no reports that such practices occurred. The Directorate of Labor Inspections (DLI) is responsible for compliance with the law.

d. Status of Child Labor Practices and Minimum Age for Employment.—Children 13 to 18 years of age may be employed part-time in light work that will not affect adversely their health, development, or schooling. Minimum age rules were observed in practice and enforced by the DLI.

e. Acceptable Conditions of Work.—There is no legislated or specified minimum wage, but wages normally fall within a national scale negotiated by labor, employers, and the Government at the local and company level. Wages increased this year by approximately 4 percent. The average income, not including extensive social benefits, provided a decent standard of living for a worker and family.

Normal working hours are mandated by law and limited to 37½ hours per week. The law also provides for 25 working days of paid leave per year (31 days for those over age 60). A 28-hour rest period is mandated legally on weekends and holidays.

The law provides for safe and physically acceptable working conditions for all employed persons. Specific standards are set by the DLI in consultation with non-governmental experts. According to the law, environment committees composed of management, workers, and health personnel must be established in all enterprises with 50 or more workers, and safety delegates must be elected in all organizations. Workers have the right to remove themselves from situations that endanger their health. The DLI effectively monitored compliance with labor legislation and standards.

f. Trafficking in Persons.—There were reports of some women trafficked to the country.

In June, Parliament passed legislation to add a separate provision in the Penal Code prohibiting trafficking in persons. The new provision provides for a maximum sentence of 10 years and does not preclude traffickers from also being charged with violating pimping, immigration, and other laws. There were no prosecutions for such offenses during the year. However, in November, nine persons were charged in a major trafficking investigation. The investigation focused on two ethnic Russian women trafficked to the country from Lithuania via Sweden and forced to work as prostitutes in Oslo. The case remained under investigation by Swedish and Norwegian police at year's end.

In February, the Government presented a plan of action for trafficking, outlining its strategy to eradicate human trafficking. The plan classifies trafficking as a mod-

ern form of slavery, promotes cooperation between government authorities and NGOs, and allocates \$15 million (NOK 100 million) over 3 years to prevent and prosecute trafficking and protect victims.

The Ministry of Children and Family Affairs coordinates an inter-ministerial working group that is responsible for implementing trafficking resolutions and recommendations from the U.N. and the European Council. The Government's mandatory ethical guidelines for its employees prohibit the purchase and acceptance of sexual services.

The country was a destination for an unspecified but believed to be small number of women trafficked for the purpose of prostitution, particularly from Russia, Eastern Europe, and the Baltic states. There were no reports of trafficking within the country.

Victims of trafficking in the country had the same legal rights as other foreigners to apply for residency, asylum, welfare, social aid, and emergency health care. The Government, in cooperation with public services, crisis center, and NGOs, is responsible for assisting possible victims of trafficking; however, most asylum requests by victims were denied. During the year, the Government introduced a "reflection period," during which expulsion decisions concerning victims of trafficking may be suspended for 45 days with a view to providing practical assistance and counseling to the individual concerned.

Government officials increased awareness of trafficking by raising the issue in a number of speeches and fora. NGOs conducted outreach programs to provide trafficking victims with information on their legal rights and available health and other services.

POLAND

Poland is a multiparty democracy with a bicameral parliament. Executive power is shared by the Prime Minister, the Council of Ministers, and, to a lesser extent, the President. Alexander Kwasniewski was reelected President in elections in 2000. The social democratic Democratic Left Alliance (SLD) formed a majority coalition government with the Union of Labor (UP) and the Polish Peasant Party (PSL) following parliamentary elections in 2001. The PSL withdrew from the coalition on March 1, leaving the SLD/UP in a minority coalition government. The judiciary is independent; however, it was inefficient.

Local police, a national office of investigation, and city guards (uniformed, unarmed officers) maintain internal security. The Minister of Interior oversees the internal security forces. The civilian Minister of Defense has command and control authority over the military chief of the general staff as well as oversight of military intelligence. Civilian authorities maintained effective control of the security forces. There were no reports that security forces committed human rights abuses.

The country was in transition from a centrally planned to a market economy and had a population of approximately 39 million. The primary sectors of the economy were manufactured goods, chemicals, machinery and equipment, and agricultural products.

The Government generally respected the human rights of its citizens; however, there were problems in some areas. Prison conditions remained generally poor. Lengthy pretrial detention occurred occasionally. The court system was hampered by a cumbersome legal process, poor administration, and an inadequate budget, and court decisions frequently were not implemented. The Government restricted the right to privacy, specifically through the use of wiretaps without judicial oversight. The Government maintained some restrictions in law and in practice on freedom of speech and of the press. There were incidents of desecration of graves in both Jewish and Catholic cemeteries, and anti-Semitic sentiments persisted. Women continued to experience serious discrimination in the labor market and were subject to various legal inequities. Child prostitution was a problem. There were reports of some societal discrimination and violence against ethnic minorities. Some employers violated worker rights, particularly in the growing private sector, and antiunion discrimination persisted. Trafficking in women and children was a problem.

RESPECT FOR HUMAN RIGHTS

Section 1. Respect for the Integrity of the Person Including Freedom From:

a. Arbitrary or Unlawful Deprivation of Life.—There were no reports of the arbitrary or unlawful deprivation of life committed by the Government or its agents.

A civil case against Pomeranian police in connection with the 1998 beating death of 13-year-old Przemek Czaja in Slupsk remained pending at year's end.

The retrial of former Interior Minister Czeslaw Kiszczak for his role in the 1981 killings at the Wujek mine remained pending at year's end. In February, the appellate court annulled the verdict acquitting the riot police accused of killing the miners, opening the way for a new trial.

The Warsaw District Court trial of former Communist leader Jaruzelski and five others who allegedly ordered police to shoot workers during the 1970 riots in Gdansk remained pending at year's end.

b. Disappearance.—There were no reports of politically motivated disappearances.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The law prohibits such practices, and there were no reports that government officials employed them.

The trial of four policemen for the 1997 beating of soccer fans in Gdynia remained pending at year's end.

Civil action against prison administrators in the 1996 case of a mentally retarded boy who was beaten and sodomized by inmates was dropped after the Supreme Court determined the boy had been wrongfully imprisoned and awarded his family approximately \$5,000 (20,000 PLN).

Prison conditions remained generally poor. Overcrowding, damp cells, and a lack of medical treatment were the chief problems. The prison system urgently needed additional funding. In September, the Government opened a new prison for 600 prisoners in Piotrkow Trybunalski. The Ombudsman for Human Rights continued to complain about the safety of prisoners, noting that inmates were often the victims of violent attacks by other prisoners and warders. The ratio of prisoners to rehabilitation officers was very poor. Women were held in 21 detention facilities, but only 5 were strictly for women; in 16 detention facilities, men and women were held separately. Minors (defined as 15- to 17-year-olds) sentenced for a crime were held separately from adults. Juveniles (17- to 21-year-olds) accused of serious crimes were usually sent to pretrial detention. They were not separated from adult detainees.

The Government permitted visits by independent human rights organizations. During the year, the Human Rights Ombudsmen monitored 20 detention facilities, and the Helsinki Foundation visited 7 detention centers; some visits were announced, while other visits were unannounced.

d. Arbitrary Arrest, Detention, or Exile.—The Constitution prohibits arbitrary arrest and detention, and the Government generally observed these prohibitions. Courts rather than prosecutors issue arrest warrants.

The police force, consisting of 100,000 employees, is a national body with regional and municipal units. While the public generally regarded the police positively, low-level corruption within the police force was considered widespread. Instances of corruption and serious criminal misconduct were investigated by the National Police's office of internal affairs. The personnel division handled minor disciplinary offenses. There was also concern over the extent to which political pressure was brought to bear on the police. In October, national police commander Antoni Kowalczyk resigned after it was revealed that he had changed his testimony during the investigation into the "Starachowice affair," a corruption scandal in which senior government officials tipped off suspects of an impending raid by the national police's Central Bureau of Investigation. Two senior Interior Ministry officials also were disciplined for failing to prevent leaks of this data.

The law allows a 48-hour detention period before authorities are required to bring a defendant before a court and an additional 24 hours for the court to decide whether to issue a pretrial detention order. During this period, access to a lawyer normally is limited. Once a prosecutor presents the legal basis for a formal investigation, the law provides for access to counsel. Bail was available, and most detainees were released on bail pending trial.

Detainees may be held in pretrial detention for up to 3 months and may challenge the legality of an arrest by appeal to the district court. A court may extend the pretrial detention period every 3 months for up to 18 months until the trial. Total detention time before the court issues a first sentence may not exceed 2 years. Under certain circumstances, the Supreme Court may extend the 2-year period.

The Constitution prohibits forced exile, and the Government did not employ it.

e. Denial of Fair Public Trial.—The Constitution provides for an independent judiciary, and the Government generally respected this provision in practice; however, the judiciary remained inefficient and lacked resources and public confidence.

There is a four-tiered court and prosecutorial structure. The courts consist of regional, provincial, and appellate divisions, as well as a Supreme Court. These tiers are subdivided further into five parts: Military, civil, criminal, labor, and family. Re-

gional courts try original cases, while appellate courts are charged solely with appeals. Provincial courts have a dual responsibility, handling appeals from regional courts while enjoying original jurisdiction for the most serious types of offenses. Appellate courts handle appeals tried at the provincial level; the Supreme Court only handles appeals about questions of law. The prosecutorial system mirrors the court structure with national, provincial, appellate, and regional offices. Criminal cases are tried in regional and provincial courts by a panel consisting of a professional judge and two lay assessors. The seriousness of the offense determines which court has original jurisdiction.

Judges are nominated by the National Judicial Council and appointed by the President. They are appointed for life, guaranteed complete immunity from prosecution, and can be reassigned but not dismissed, except by a court decision. The Constitutional Tribunal rules on the constitutionality of legislation. Constitutional Tribunal decisions are final and binding.

The court system remained cumbersome, poorly administered, inadequately staffed, and underfunded. The courts had numerous inefficiencies—most notably, many districts had more criminal judges than prosecutors—that contributed to a lack of public confidence. Many effective judges and prosecutors left public service for the more lucrative private sector. Court decisions frequently were not implemented. Bailiffs normally ensured the execution of civil verdicts such as damage payments and evictions; however, they were underpaid, subject to intimidation and bribery, and had a mixed record on implementing decisions. Civil and administrative rulings against public institutions such as hospitals often could not be enforced due to a lack of funds. In 2002, there were over 2 million cases pending from years prior to 2001. Simple civil cases can take as long as 2 to 3 years to resolve, and the pretrial waiting time in criminal cases could be several months. The backlog and the cost of legal action appeared to deter many citizens from using the justice system, particularly in civil matters such as divorce. The long wait for routine court decisions in commercial matters was an incentive for bribery and corruption.

The Government has introduced measures to alleviate the backlog of cases within the courts. According to the Council of Europe, the Ministry of Justice utilized budget increases to hire over 200 judicial assistants, enacted procedural changes to simplify and accelerate court proceedings, and extended judicial staff work hours in order to expedite processing of cases.

Defendants are presumed innocent until proven guilty. At the end of a trial, the court renders its decision orally and then has 7 days to prepare a written decision. A defendant has the right to appeal within 14 days of the written decision. Appeals may be made on the basis of new evidence or procedural irregularities.

Once charges are filed, a defendant is allowed to consult an attorney, who is provided at public expense if necessary. Once the defendant is prepared, a trial date is set. Defendants must be present during trial and may present evidence and confront witnesses in their defense. Prosecutors can grant witnesses anonymity if they express fear of retribution from the defendant. This law, designed to help combat organized crime, impairs defendants' right to confront their accusers. Trials are usually public; however, the courts reserve the right to close a trial to the public in some circumstances, such as divorce cases, trials in which state secrets may be disclosed, or cases whose content might offend public morality (see Section 1.f.). The courts rarely invoked this right. A two-level appeal process is available in most civil and criminal matters.

The law allows a defendant and a representative, in addition to the prosecutor, to be present for a provincial appellate court's examination of a verdict.

There were no reports of political prisoners.

The Government has not established a program for restitution or compensation for private property seized during the Communist or Nazi eras. The Treasury has estimated that there were 56,000 claims outstanding for property valued at approximately \$12.5 billion (50 billion PLN). During the year, the Government held internal discussions regarding the possible form of restitution legislation. Despite the lack of a national law, some property nationalized illegally has been restituted and compensation given. The Ministry of Economy has returned approximately 1,600 properties (mostly mills, factories, and sawmills) with an estimated total value of approximately \$350 million (1.4 billion PLN). In addition, it has paid compensation of nearly \$50 million (200 million PLN) to former owners whose property could not be given back. The City of Warsaw has returned ownership of buildings and given an 80-year lease on land in approximately 1,000 cases.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The Constitution prohibits such actions; however, the Government did not always respect these prohibitions in practice. The Constitution provides for the general right to privacy; however, there is no legislation that provides for this right.

The law prohibits arbitrary forced entry into homes, and search warrants issued by a prosecutor are required to enter private residences. In emergency cases, when a prosecutor is not immediately available, police may enter a residence with the approval of the local police commander. In the most urgent cases, police may enter a private residence after showing their official identification if there is no time to consult the police commander. There were no reports that police abused search warrant procedures.

The law prohibits the collection of information about a person's ethnic origin, religious convictions, health, political views, or membership in religious, political, or trade union organizations. However, the law allows that personal data may be released if necessary to carry out the statutory objectives of churches and other religious unions, associations, foundations, and other non-profit-seeking organizations or institutions with a political, scientific, religious, philosophical, or trade-union aim. Other exceptions include provision of information necessary for medical treatment, the establishment of legal claims, and scientific research, so long as the results are not published. All exceptions are subject to some restrictions. In practice, some private organizations have persisted in asking for information such as nationality in questionnaires; although violators are subject to prosecution, there were no known cases during the year.

The Government maintained a large number of wiretaps without judicial review or oversight. The law permits police and intelligence services to monitor private correspondence and to use wiretaps and electronic monitoring devices in cases involving serious crimes, narcotics, money laundering, or illegal firearm sales. Under the Criminal Code, the Minister of Justice and the Minister of Interior must authorize these investigative methods. In emergency cases, the police may initiate wiretaps or open private correspondence at the same time that they are seeking authorization. There were no credible estimates on the number of police wiretaps.

Parliamentarians and human rights groups expressed concern about the lack of control over wiretaps. There was no independent judicial review of surveillance activities, nor was there any control over how the information derived from them was used. A number of agencies had access to wiretap information, and the Police Code allows electronic surveillance to be used for the prevention of crime as well as for investigations.

Under the law on "lustration," designed to expose officials who collaborated with the Communist-era secret police, persons caught lying about their past may be prohibited from holding public office for 10 years. The law requires officials to provide sworn affidavits concerning their cooperation with the secret police; the public interest spokesman (lustration prosecutor) verifies the affidavits and brings cases of misrepresentation before the lustration court, a special 3-judge panel whose decisions may be appealed. In February, legislation was enacted exempting persons who cooperated with intelligence and counterintelligence agencies from this process. In June, the Constitutional Tribunal found the legislation to be unconstitutional on procedural grounds. In October, a new law was enacted with many of the same provisions as the earlier legislation.

In November, the Supreme Court returned the case of a Deputy Defense Minister who was judged to have lied in his affidavit to the appellate court, and the appellate court upheld its earlier ruling. Many similar cases were closed to the public because they involved classified documents (see Section 1.e.). Critics continued to voice concern that the vetting procedure may be unfair because secret police records were subject to loss or tampering.

Men are not permitted to marry without parental permission until the age of 21, whereas women may marry at the age of 18 (see Section 5).

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution provides for freedom of speech and of the press, and the Government generally respected these rights and provided for academic freedom; however, there were a few restrictions in law and practice. The Criminal Code states that an individual who "publicly insults or humiliates a constitutional institution" of the country is subject to a fine or imprisonment of up to 2 years, while an individual who insults a public functionary is subject to a fine or imprisonment of up to 1 year. Individual citizens and businesses may also use the Criminal Code to protect their good name.

There is no restriction on the establishment of private newspapers or distribution of journals, and there were numerous private newspapers and magazines representing a wide variety of viewpoints.

The National Radio and Television Broadcasting Council (KRRiTV) has broad power to monitor and regulate programming on radio and television, allocate broadcasting frequencies and licenses, and apportion subscription revenues to public

media. Council members are legally required to suspend their membership in political parties or public associations.

The Government owns the most widely viewed television channel and 17 regional stations. Center-right politicians, watchdog institutions, and commentators accused public television of being influenced by politicians from the ruling SLD and PSL parties, whose members also have majority seats in supervisory and management boards in public television and radio.

Private television, including satellite and cable services, was available across most of the country. Private television broadcasters operated on frequencies selected by the Ministry of Communications and auctioned by the KRRiTV. Polish Television (TVP) (two channels) was the most widely viewed television, with a 46 percent market share, but had strong competition from the private TVN and Polsat networks. Catholic TV, which presented a conservative point of view, went off the air in March. Cable television and various satellite services carried the main national channels, as well as local, regional, and foreign stations, to viewers throughout the country.

The Government owned 5 national radio networks. Private radio flourished on the local, regional, and national levels alongside public radio. Companies with shares in nationwide dailies expanded networks with local radio stations. To cut costs, small local radio stations set up several networks to facilitate advertising and programming.

The law allows for the prosecution of citizens who publish or otherwise betray state secrets.

The law provides for the protection of journalistic sources, except in cases involving national security, murder, and terrorist acts.

The law stipulates that programs should not promote activities that are illegal or against state policy, morality, or the common good and requires that all broadcasts "respect the religious feelings of the audiences and, in particular, respect the Christian system of values." The law also requires public television to provide direct media access to the main state institutions, including the presidency, to make presentations or explanations of public policy. Both public and private radio and television stations provided coverage of all ranges of political opinion.

In May, the newspaper *Zycie* appealed a Warsaw district court ruling ordering it to apologize to President Kwasniewski for publishing untrue information. The case remained pending at year's end.

In February, the Warsaw Prosecutor's Office filed charges against journalist Jerzy Urban for his article in *Nie*, which criticized the Pope for senility and made other derogatory remarks shortly before the 2002 Papal visit to Poland.

Books expressing a wide range of political and social viewpoints were widely available, as were periodicals and other publications from abroad.

Offending religious sentiment through public speech is punishable by a fine or a 3-year prison term. In July, artist Dorota Nieznalska was fined and sentenced to 6 months parole and 120 hours of community service for displaying her artistic collection, which included a picture of male genitalia attached to a cross, in Gdansk.

The Internet was widely available and was not regulated or restricted. The Government did not restrict academic freedom.

b. Freedom of Peaceful Assembly and Association.—The law provides for freedom of assembly and association, and the Government generally respected these rights in practice.

Permits are not necessary for public meetings but are required for public demonstrations; demonstration organizers must obtain permits from local authorities if a demonstration might block a public road. Organizers also are required to inform the local police of the time and place of large demonstrations and their planned route. Every gathering must have a chairperson who is required to open the demonstration, preside over it, and close it. Authorities issued permits for public gatherings on a routine basis.

Private associations need government approval to organize and must register with their district court. The procedure essentially requires the organization to sign a declaration committing them to abide by the law. In practice, the procedure is complicated and may be subject to the discretion of the judge in charge.

c. Freedom of Religion.—The Constitution provides for freedom of religion, and the Government generally respected this right in practice.

There are 15 religious groups whose relationship with the State is governed by specific legislation that outlines the internal structure of the religious groups, their activities, and procedures for property restitution, plus 139 other religious communities. Religious communities may register with the Government; however, they are not required to do so and may function freely without registration. All churches and

recognized religious groups share the same privileges, such as duty-free importation of office equipment and reduced taxes.

Although the Constitution provides for the separation of church and state, crucifixes hang in both the upper and lower houses of Parliament, as well as in many government offices. State-run radio broadcast Catholic mass on Sundays, and the Catholic Church was authorized to relicense radio and television stations to operate on frequencies assigned to the Church, the only body outside the National Radio and Television Council allowed to do so.

The law provides that offending religious sentiment through public speech is punishable by fine or prison term (see Section 2.a.).

Although the Constitution gives parents the right to bring up their children in accordance with their religious and philosophical beliefs, religious education classes continued to be taught in public schools. While children are supposed to have the choice between religious and ethics instruction, the Ombudsman's office stated that, in most schools, ethics courses were not offered due to financial constraints. The Government employed Catholic Church representatives to teach religious classes in the schools. Such classes constituted the vast majority of all religious education, since the population was approximately 95 percent Catholic. However, parents could request religious classes in any registered religion, including Protestant, Orthodox, and Jewish religions. Non-Catholic religious instruction existed but was not common. The Ministry of Education paid instructors, including priests, for teaching religion classes. In addition, Catholic Church representatives were included on a commission that determined which books qualified for school use.

The laws governing restitution of communal property allow for the return of churches and synagogues, cemeteries, and community headquarters, as well as buildings that were used for other religious, educational, or charitable activities. Of approximately 10,000 communal property claims filed, nearly 4,000 have been resolved, and over 1,000 properties have been returned.

Relations between various religious communities were generally amicable; however, sporadic incidents of harassment and violence against Jews and occasional desecration of Jewish and, more often, Catholic cemeteries continued, mostly by skinheads and other marginal elements of society. On January 22, 37 tombstones and several crosses were knocked down and destroyed at a parish cemetery in Swietochlowice. On April 22, 23 tombstones were destroyed in a memorial Jewish cemetery in Legnica, the site of similar destruction in 2002. Authorities found no indication of any sect or cult activity in either case and labeled them acts of vandalism.

There were no developments by year's end in the 2002 cases of desecration of tombstones in Czeladz and in a Jewish cemetery in Wroclaw.

The investigation by Katowice authorities into the 2001 anti-Semitic, anti-European Union (EU) demonstration by approximately 400 Polish ultra nationalists remained pending at year's end.

The National Memory Institute published a white paper and discontinued its investigation of the Jedwabne massacre after concluding that beyond those persons already brought to trial, there were no other living persons against whom charges could be filed.

There is some public concern about the growth of groups perceived to be "sects" and the influence of non-mainstream religious groups. According to the National Sect Protection Committee, a private monitoring group, more citizens were joining such groups.

For a more detailed discussion, see the 2003 International Religious Freedom Report.

d. Freedom of Movement within the Country, Foreign Travel, Emigration, and Repatriation.—The Constitution provides for these rights, and the Government generally respected them in practice.

The law provides for the granting of refugee and asylee status to persons who meet the definition of the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. In practice, the Government provided protection against refoulement and granted asylum and refugee status. Persons recognized as refugees under the Convention are granted permission to remain in the country permanently. The Government cooperated with the U.N. High Commissioner for Refugees (UNHCR) and other humanitarian organizations in assisting refugees. In 2002, the Government received 5,158 petitions for refugee status, of which 258 were approved. During the year, the Government received 7,748 petitions, of which 219 were approved.

The law provides all prospective refugees access to a procedure for adjudicating refugee status. Prospective refugees may appeal negative status decisions by the Ministry of Internal Affairs to an independent board. The Bureau of Repatriation

and Aliens (BRA) controlled the various refugee centers and agencies and had some political control over the border guards.

The BRA has 6 months in which to render a decision on an application for refugee status. An alien may appeal the denial of a petition to the BRA's refugee board within 2 weeks of delivery of the initial decision. If the board finds a claim to be "manifestly unfounded," the alien may file an appeal within three days of the initial finding. The BRA refugee board's decisions may be appealed in the country's administrative courts. While the law calls for a decision granting or denying asylum to be rendered within 6 months from the date of the initiation of the procedure, the average application processing time was 8 months, with some cases taking as long as 18 months. The length of processing time left applicants living in legal limbo, unable to work legally, while awaiting decisions on their cases. Approximately 3 percent of all applicants were granted refugee status. A slightly higher percentage of Chechens (3.4 percent) received refugee status.

In September, the country adopted a new Aliens Protection Law. The law includes provisions relating to refugee status determination, provides for the protection for unaccompanied minors and children, and also addresses asylum issues.

According to a September UNHCR report, there was a significant increase during the year in the number of persons abandoning the procedure for securing refugee status or leaving refugee centers. Between April 14 and June 6, 1,112 Chechens applied for the discontinuation of the refugee determination procedure and subsequently sought refugee status in the Czech Republic. UNHCR also expressed concern over the number of refugees leaving the country because of difficulties integrating into society.

Unlike in previous years, there were no reports of harassment of refugee camp inhabitants by local residents or mistreatment of refugees by police.

During the year, the BRA provided extensive training for its personnel. Staff responsible for conducting interviews and refugee center staff received training on issues related to unaccompanied minors and the new "tolerated status" provisions of the Aliens Protection Law. UNHCR provided training for judges at the Supreme Administrative Court adjudicating asylum cases.

Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government

The Constitution provides citizens with the right to change their government peacefully, and citizens exercised this right in practice through periodic, free, and fair elections held on the basis of universal suffrage. Citizens 18 years of age and older have the right to vote and to cast secret ballots, and voting is voluntary. Multiple candidates from various political parties participated in the elections and had access to the media. Reform of the country's political and economic structure led to an invitation in 2002 to join the EU in May 2004.

The most recent national elections took place in 2001. Average voter turnout for these parliamentary elections was 46.3 percent. The elections were regarded as free and fair. Only minor irregularities (e.g., registering of hospital patients, ballot boxes too small to hold the number of ballots cast) were reported.

There were no restrictions on the participation of women in politics or government. There were 95 women among 460 members of the Sejm and 23 women among the 100 members of the Senate. There was one woman in the 16-member Cabinet.

There were two members of the German minority party in the Parliament. The electoral law exempts ethnic minority parties from the requirement that they win 5 percent of the vote nationwide to qualify for seats in individual districts.

Section 4. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A number of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases.

Section 5. Discrimination Based on Race, Sex, Disability, Language, or Social Status

The Constitution states that "no one shall be discriminated against in political, social, or economic life for any reason whatsoever," and the Government attempted to ensure that these provisions are observed; however, violence and societal discrimination against women and ethnic minorities persisted.

Women.—Violence against women continued to be a problem. In a 2002 public opinion poll, 12 percent of women stated that they had been victims of domestic violence, while 7 percent stated that they had been beaten on multiple occasions. Additionally, 43 percent of respondents stated that they knew at least one woman who was physically abused by her husband. Police statistics indicated that approxi-

mately 74,000 women were victims of domestic violence in 2002. Women's organizations asserted that the number of women suffering from domestic abuse is probably much higher because battered women usually refused to admit abuse even to themselves. Violence against women remained hidden, particularly in small towns and villages. Physical abuse is illegal and spousal rape is treated in the same manner as other types of rape.

Police intervened in cases of domestic violence. The police, in cooperation with the State Agency for Solving Alcoholic Problems, use the "blue card," a record-keeping system designed to document incidents of spousal abuse. However, the program had limited effect due to inadequate funding. Sentences for abuse of family members range from 3 months to 5 years, or from 2 to 10 years if the victim attempts suicide as a result of the abuse. Most convictions resulted in suspended sentences. A police spokesman stated that there were 23,921 cases of family abuse reported in 2002, of which 213 involved particularly severe abuse. According to NGOs, courts often treated domestic violence as a minor crime, pronouncing lenient verdicts or dismissing cases.

In 2002, 2,345 rape cases were reported. However, women often were unwilling to report the crime and NGOs estimated that the actual number was 10 times higher than reported.

The Government had a vice-ministerial level Plenipotentiary for the Equal Rights of Women and Men. During the year, the Plenipotentiary focused on development of a National Program for Women, which the Government approved in August, and the introduction of new anti-discrimination provisions into the labor code. Parliament passed the revised labor code, which was signed by the President in December. In addition, NGOs operated 15 centers to assist victims, provide preventive treatment and counseling to perpetrators, and train personnel working with domestic violence victims. The Office of Victims' Rights Spokesman at the Ministry of Internal Affairs and Administration was responsible for ensuring that violence victims were treated with respect by law enforcement and the judicial system. The office provided legal and psychological assistance for victims and their families.

The law does not provide for restraining orders to protect battered women against further abuse. In divorce cases, courts frequently granted a divorce without issuing a property settlement, forcing women to return to abusive husbands. This problem was exacerbated by a lack of alternative housing. Women's advocacy groups also complained there were a small number of state-supported shelters for battered women.

Prostitution is legal; however, pimping or paying for sexual activity is illegal. Due to a crackdown on prostitutes who work along major thoroughfares and at truck stops, much of the prostitution industry moved to brothels, massage parlors, or agencies offering escort services. Police estimated that there were 7,000 prostitutes in the country of whom 3,000 worked in one of the 700 agencies in operation and 3,400 worked in hotels, pubs, discos, and on the streets. The remaining 600 prostitutes worked on major thoroughfares and at truck stops.

Trafficking in women for the purpose of sexual exploitation was a problem (see Sections 6.f.).

While there are no laws specifically addressing sexual harassment, social awareness of the problem continued to increase, and there are mechanisms available to deal with the problem. For example, the Criminal Code states that whoever takes advantage of a position of power in a relationship to gain sexual gratification may be sentenced to up to 3 years in prison. According to a Supreme Court advisory opinion, such a relationship can occur between employers and employees, supervisors and subordinates, or teachers and students; however, this provision can be invoked only when alleged sexual harassment occurs between a supervisor and an individual in a subordinate position.

The Constitution provides for equal rights regardless of gender and grants women equal rights with men in all areas of family, political, social, and economic life, including equal compensation for work of similar value. However, in practice women frequently were paid less for equivalent work, mainly held lower level positions, were fired more readily, and were less likely to be promoted than men. The 2003 government statistical bulletin indicated that men had a higher employment rate (50.7 percent) than women (38.1 percent) and that women had a higher unemployment rate. In July, 51.2 percent of those unemployed were women, despite the fact that they comprised a smaller share of the population actively seeking work. Despite having a generally higher level of education, women earned on average 30 percent less than men. The labor code prohibits discrimination in hiring, and the employer has the burden of proof to show that discrimination did not occur. Women are prohibited from working underground or in jobs that require heavy lifting. Apart from the Constitution, there are no laws that provide equal rights for women.

Women were employed in a wide variety of professions and occupations, and a number held high positions in government and the private sector. In agriculture, women comprised 20 percent of all principal managers of farms. Men and women had the right to take time off to care for a sick child. The pension law requires earlier retirement for women (age 60) than for men (age 65), with the result that women received approximately 60 percent of the average pension received by men. However, women may appeal forced retirement at age 60 to the labor court.

On January 14, the Sejm passed a National Development Plan that included programs to promote the equalization of women with men in all areas of work, society, and politics.

The Ombudsman for Human Rights monitored women's rights within the broader context of human rights; however, the broad scope of the office's mandate diluted its ability to function as an effective advocate of women's issues. There are several women's rights NGOs, including the Polish Foundation for Women and Family Planning and the Women's Rights Center, that were active advocates of gender equality and advanced their goals through research, monitoring, and publishing. There were also several church-sponsored women's advocacy organizations, but their cooperation with other women's NGOs was limited.

Children.—The Constitution extends some state protection to the family and children, and there is a Sejm-appointed Ombudsman for Children's Rights.

The Ombudsman—mandated to protect children from violence, cruelty, neglect, and other mistreatment—is the official point of contact for complaints about violations of human rights of children and submits requests to the appropriate law enforcement or other authorities for action. The Ombudsman submits an annual report to the Sejm on the children's rights situation and may suggest legislation to improve the human rights situation of children.

Education is universal and mandatory until age 18, and public schools are free. The Government sponsored some health programs targeted specifically at children, including a vaccination program and periodic checkups conducted in the schools; however, budget shortfalls prevented complete implementation of these programs.

Although child abuse occurred, there was no societal pattern of abuse. The law prohibits violence against children, and anyone who physically or psychologically abuses a juvenile may receive a prison sentence of 3 months to 5 years. The sentence is increased if the victim attempts suicide or the perpetrator acted with extreme cruelty. However, abuse was rarely reported, and convictions also were rare. Schools did not have procedures to protect children from abuse by teachers, and the teachers' work code provides legal immunity from prosecution for corporal punishment in the classroom.

Trafficking in children, primarily for the purpose of sexual exploitation, was a problem (see Section 6.f.). The law prohibits child prostitution; anyone who, with the purpose of obtaining a material benefit, incites a minor to prostitution or facilitates such prostitution is subject to a sentence from 1 to 10 year's imprisonment.

Men and women reach majority at the age of 18; however, a woman can reach majority at the age of 16 if she has entered into marriage with the consent of her parents and the guardianship court. Men are not permitted to marry without parental consent until the age of 21, whereas women may do so at the age of 18 (see Section 1.f.).

Persons with Disabilities.—There was no discrimination against persons with disabilities in employment, education, or in the provision of other state services. There were approximately 5.5 million persons with disabilities in the country by year's end. In 2002, approximately 20 percent of persons with disabilities but able to work were unemployed, slightly higher than the national unemployment rate. Advocacy groups claimed that the rate was much higher. The law allows individuals from certain disability groups to work without losing their disability benefits. Approximately 46 percent of the persons with disabilities had no more than an elementary education, compared with 32 percent of those without disabilities, and only 4 percent had a university education, compared with 9 percent of persons without disabilities.

The law mandates access to buildings for persons with disabilities; however, public buildings and transportation generally are not accessible to persons with disabilities. Implementation falls short of rights set forth in the legislation since the law provides only that buildings "should be accessible."

There were reports of some societal discrimination against persons with disabilities.

National/Racial/Ethnic Minorities.—There were occasional incidents of skinheads clashing with Roma and racially motivated violence directed at Roma. There were no developments in the 2001 case in which three suspects were arrested for vandalizing automobiles and other Romani vehicles at a resort camp.

Individuals of African, Asian, or Arab descent also reported isolated incidents of verbal, physical and other types of abuse. In 2002, two Polish men in Krakow shouted racial slurs and assaulted two foreigners of African descent; legal proceedings in the case were ongoing at year's end.

Instances of violence against Muslims were also reported. In Warsaw and Wroclaw, a number of Arabic restaurants were attacked; in Lodz a group of skinheads picketed a student residence and beat up an Arab student; and in Gdansk windows were shattered in a mosque.

Societal discrimination against Roma, who have been considered a national minority since 1998, was commonplace, and some local officials discriminated against Roma in the provision of social services. According to its leaders, the 30,000 Roma in the country faced disproportionately high unemployment and were hit harder by economic changes and restructuring than were ethnic Poles. Romani leaders complained of widespread discrimination in employment, housing, banking, the justice system, the media, and education.

The small Ukrainian and Belarusian minorities occasionally experienced petty harassment and discrimination.

The Open Republic Association reported that the greatest number of racist publications were anti-Semitic, anti-Ukrainian, and anti-German, with fewer anti-Roma and anti-Catholic publications.

There were a number of steps taken to improve the treatment of minority groups. In March, 3,500 students, journalists, and politicians joined in the fourth annual "Color Tolerance" day, removing vulgar and racist slogans directed against various ethnic and racial minorities from walls in the city of Lodz.

The Government continued to cooperate with local governments to develop and finance programs to assist the poorest Roma. Some local governments became more active in dealing with the problems of local Romani communities. During the year, the Government spent approximately \$770,000 (3 million PLN) on a pilot project to help the Romani community in Malopolska Province to increase the number of students completing high school, reduce unemployment, and improve health care and safety by providing books, training staff liaisons to the Romani community, and improving the educational and residential infrastructure in Romani communities. The school enrollment rate among Roma children has increased from 30 percent to 80 percent and a number of new homes are being built for Romani residents.

The law provides for the educational rights of ethnic minorities, including the right to be taught in their own language. There were an estimated 50,000 Lithuanians in the country, and Lithuanian minority rights, including language instruction, were addressed routinely during governmental talks. There were 31 Lithuanian-language textbooks in use during the year at different education levels, including textbooks on mathematics, physics and geography financed by the Government.

The German minority in Opole Province makes up one-third of the area's 1 million inhabitants. Some community members continued to complain of inadequate use of German in the province's schools. In 2001, the Government rejected the application by a 170,000-member Silesian community for official minority status. The Association of People of Silesian Nationality (ZLNS), which claimed a heritage distinct from that of both the Polish majority and German minority populations in the region, took the matter to the European Court for Human Rights (ECHR). In December 2001, the Court found that the Government had not violated freedom of association provisions and upheld the prior decision to deny official minority status. At the request of the ZLNS, the case was referred to the ECHR's Grand Chamber. The Grand Chamber heard arguments on the case in July, but had not issued a ruling by the end of the year.

Section 6. Worker Rights

a. The Right of Association.—The law provides that all workers, including civilian employees of the armed forces, police, and frontier guards, have the right to establish and join trade unions of their choosing, and workers exercised these rights. The law sets minimum size requirements for establishing a trade union: 10 persons may form a local union, and 30 may establish a national union. Unions, including interbranch national unions and national interbranch federations, must be registered with the courts. A court decision refusing registration may be taken to an appeals court. The law does not give trade unions the freedom to exercise their right to organize all workers. For example, workers on individual contracts cannot form or join a trade union. In state-owned enterprises, such as the health sector, water, and forestry, there were cases in which workers had their normal employment contract terminated and replaced by an individual contract that took away rights they formerly enjoyed as permanent employees.

There were approximately 360 registered national-level unions. There is no precise data on work force unionization; according to press reports, 14 percent of the workforce were union members.

As a rule, newly established small- and medium-sized firms were nonunion, while union activity in most cases carried over into privatized (former state-owned) enterprises. The Independent Self-Governing Trade Union (NSZZ) Solidarity had nearly 1 million members. Small spin-offs from mainstream Solidarity include the rival factions Solidarity '80, August '80, and the Christian Trade Union Solidarity.

The other principal national unions are those affiliated with the All-Poland Trade Union Alliance (OPZZ) and its affiliate, the Polish Union of Teachers. The OPZZ claimed approximately 1.3 million members, of whom 870,000 were employed; independent surveys suggested that its dues-paying membership was considerably smaller than Solidarity's.

The law prohibits antiunion discrimination; however, labor leaders reported that employers discriminated against workers who attempted to organize or join unions, particularly in the growing private sector. The law also did not prevent employer harassment of union members for trade union activity; there were unconfirmed reports that some employers sanctioned employees who tried to set up unions.

Unions have the right by law to join labor federations and confederations and to affiliate with international labor organizations. Independent labor leaders reported that these rights were observed in practice. Solidarity is a full member of the International Confederation of Free Trade Unions, the World Confederation of Labor, and the European Trade Union Confederation.

b. The Right to Organize and Bargain Collectively.—The law provides for and protects enterprise-level collective bargaining over wages and working conditions. The Tripartite Commission (unions, employers, and the Government), chaired by the Minister of Economy, Labor and Social Policy Jerzy Hausner, was the main forum that determined national-level wage and benefit increases in sensitive areas, such as the so-called budget sector (health, education, and public employees). The Commission served as an important forum for the social partners to discuss differences and grievances and often to negotiate agreements before problems erupted into conflict.

The law does not require verification of union membership in order for unions to be considered “representative” negotiating partners for management and government. Solidarity protested some unions’ (largely OPZZ affiliates) participation in negotiations with the Government on the ground that their membership figures were unsubstantiated.

Many disputes arose because of the weakness of the employer side of the union/employer/government triangle. Key state sector employers (largely in heavy industry and the budget sector) remained unable to negotiate with labor without the extensive involvement of the ministries to which they are subordinate, thereby complicating and politicizing the Government's labor relations.

The law provides for parties to take disputes first to labor courts, then to the prosecutor general, and, as a last resort, to the Supreme Court. In a typical year, Solidarity takes several thousand cases to labor courts, several hundred to the prosecutor general, and dozens to the Supreme Court for resolution. In an overwhelming majority of these cases, the courts ordered employers to correct practices or reinstate dismissed workers, or ordered unions to reimburse employers for activity found to be illegal. However, penalties were minimal and were not an effective deterrent.

Unions have the right to strike except in “essential services”—uniformed services, state administration, and local government—where they only have the right to protest. A majority of strikes were technically illegal because one or both of the sides did not follow each step exactly as required by law. Labor courts acted slowly on deciding the legality of strikes, while sanctions against unions for calling illegal strikes, or against employers for provoking them, were minimal. Arbitration is not obligatory and depends on the agreement of disputing parties. Unions alleged that laws prohibiting retribution against strikers were not enforced consistently and that fines imposed as punishment were so minimal that they were ineffective deterrents to illegal activity. Workers who strike in accordance with the law retain their right to social insurance but not to pay. However, if a court rules a strike illegal, workers may lose social benefits, and organizers are liable for damages and may face civil charges and fines. The social partners (unions, employers, and government) continued to work out ambiguities in dispute resolution mechanisms provided for in the Labor Code.

On August 16, striking employees occupied the Wagony S.A. rail car plant in Ostrow Wielkopolski to protest wage arrears. The strike ended September 2 following partial payment of back wages. In August, workers at the Tonsil electronics

plant struck to protest lack of payment and steel workers occupied the county offices in Stalowa Wola. Unionists from the Odratrans barge company blocked boat traffic on the Oder River in Szczecin and Wroclaw on September 2 to protest proposed changes to the company's supervisory board.

On September 2, approximately 10,000 Silesian miners protested mine closings in Katowice. On September 11, a similar number took part in a Warsaw march, which saw violent clashes with police and destruction of property.

In November, the Solidarity trade union organized a "Days of Protest" campaign against the Government's social policies. The campaign included protests by coal miners in Silesia and healthcare workers in Warsaw and a demonstration by persons with disabilities and pensioners in front of Parliament. The campaign ended on November 26 with an estimated 5,000 persons taking part in over 50 actions across the country.

In response to 2002 labor disturbances at the Ozarow Cable Factory, the Council of Ministers and Telefonika Cable's Industry Development Agency agreed to set up an economic zone in the Ozarow area. There was no activity on this project through the end of the year.

There are no export processing zones.

c. Prohibition of Forced or Bonded Labor.—The law prohibits forced or bonded labor, including by children; however, there were reports of child labor and trafficking in adults and children for labor (see Sections 6.d. and 6.f.).

d. Status of Child Labor Practices and Minimum Age for Employment.—The law prohibits the employment of persons under the age of 15. Persons between the ages of 15 and 18 may be employed only if they have completed primary school and the proposed employment constitutes vocational training and is not harmful to their health.

The State Labor Inspectorate (PIP) reported that increasing numbers of minors worked and that many employers violated labor rules by underpaying them or paying them late. Inspectors found violations in restaurants, on stud farms, and, in some instances, in small private sector businesses and factories. Sanctions for the illegal employment of children range from warning letters to orders to cease employing underage children. The police may enforce such orders by demanding the transfer of underage employees or shutting down all or part of the workplace, or, working through the Ministry of Labor, imposing fines ranging from approximately \$5 to \$125 (20 to 500 PLN) per offense. Cases may also be referred to an administrative tribunal, which can levy fines of up to \$1,250 (5,000 PLN). Jail sentences may be imposed for serious infractions; such cases generally involve serious injury or death. In 2002, the PIP conducted 1,450 investigations involving 6,890 possible underage employees. Fines were levied in 606 cases, amounting to approximately \$30,300 (121,210 PLN).

e. Acceptable Conditions of Work.—The Ministry of Labor, the unions, and employers' organizations negotiate a revised national minimum wage every 3 months. The national minimum monthly wage was approximately \$200 (800 PLN); it did not provide a decent standard of living for a worker and family. A large percentage of construction workers and seasonal agricultural laborers from the former Soviet Union earned less than the minimum wage. The large size of the informal economy and the small number of state labor inspectors made enforcement of the minimum wage very difficult. With unemployment high, workers often agreed to inferior working conditions and lower pay to find or keep their jobs.

The standard legal workweek is 40 hours. The law requires overtime payment for hours in excess of the standard workweek, but there were reports that this regulation is often ignored.

The Labor Code defines minimum conditions for the protection of workers' health and safety. Provisions are strict and extensive; however, enforcement was a major problem because the PIP was unable to monitor workplaces sufficiently. In 80,494 work-related accidents reported during 2002, 520 individuals were killed and 1,037 seriously injured. During the first 6 months of the year, 232 workers were killed and 460 were seriously injured. The Government reported that while most accidents were in the public sector, most serious accidents occurred in the private sector, where proportionally more deaths also occurred. Solidarity contended that the problem lies not in the law, which establishes safe standards, but in its enforcement, because sanctions for illegal behavior by employers are minimal. Employers routinely exceeded standards for exposure to chemicals, dust, and noise. In addition, there was a lack of clarity regarding which government body had responsibility for enforcing the law. The PIP may shut down workplaces where it finds unsafe conditions. Workers may remove themselves from dangerous working conditions without

losing their jobs, but there were reports that fears of employment loss prompted workers to remain on the job.

The National Unemployment Office estimated that 100,000 to 150,000 foreigners were working illegally in the country. Other estimates ranged from 250,000 to 1.5 million persons, the majority working in jobs and for wages that were unacceptable to citizens. Most illegal workers came from the former Soviet Union, Sri Lanka, and Afghanistan, although an increasingly large number were coming from Southeast Asia, particularly Vietnam. The country's relatively high wages compared to source countries and its status as an EU candidate were mainly responsible for this phenomenon.

f. Trafficking in Persons.—The law prohibits trafficking in persons; however, the country was a source, transit point, and destination for trafficked persons, primarily women and girls but also, to a lesser extent, boys.

Several Criminal Code provisions specifically address trafficking. The law prohibits trafficking in persons and pimping and imposes sentences of up to 10 years on those convicted. It also prohibits recruiting or luring persons into prostitution; penalties for this offense are also up to 10 years. The most severe sentences are for individuals trafficking in children and luring women into prostitution abroad. In September, the country ratified the U.N. protocol prohibiting and punishing acts of trafficking.

Legal authorities dealt with child traffickers more severely than traffickers in adults, in part because laws on statutory rape were easier to prosecute. As a result, the activity has been driven completely underground. Authorities did not always recognize trafficked children because traffickers used false documents identifying them as adults.

During the year, the Government sought stricter sentences and increased investigations of alleged traffickers. From April 2002 through March, police conducted 149 trafficking investigations that led to 47 arrests, 18 prosecutions, and 8 convictions and uncovered 167 trafficking victims. In January, the court sentenced 48-year old "Jerzy K." to 9 years in prison for 48 counts of criminal activity, including lying and coercing girls into prostitution, selling girls to brothels in Berlin and Belgium, and pimping. In May, a Warsaw judge sentenced three Bulgarian traffickers to 4 to 9 years in prison after a Ukrainian girl, bought and forced into prostitution, went to Warsaw police for help. The men were also charged for trafficking in two other cases, even though the females reportedly worked willingly. While child prostitution is a crime, prostitution by adults is neither prohibited nor regulated by law, making it more difficult for the police to pursue trafficking of adults.

The Ministry of Interior and the Ministry of Justice have primary responsibility for anti-trafficking efforts, with the Ministry of Foreign Affairs engaged on a bilateral and multilateral level. There were 11 agencies involved in anti-trafficking efforts. The Plenipotentiary for Equal Rights for Men and Women, who works out of the Prime Minister's office, was also involved in anti-trafficking programs.

The National Police participated in several bilateral task forces that shared information, tracked the movement of traffickers and victims across borders, and coordinated repatriations and casework. Bilateral efforts include task forces with the Czech, German, and Swedish police forces. A multilateral task force coordinated anti-trafficking with Baltic state police forces.

Individuals are trafficked to and through the country, primarily from Ukraine, Bulgaria, Romania, Belarus, and Moldova. Individuals, including citizens, were trafficked to Western Europe, including Germany, Italy, Belgium, and the Netherlands. Some internal trafficking occurred. The extent of the problem is unclear, since statistics on prostitution did not distinguish trafficking victims from those willfully engaged in prostitution and other aspects of the sex trade. The international NGO La Strada estimated that 60 percent of foreign women working as prostitutes in the country were trafficking victims. NGOs believed that the trafficking problem was likely much larger than reflected in the number of arrests and prosecutions.

Ukraine was the largest single source of foreign women trafficked in the country. Women from Bulgaria tended to be from the Turkish and Romani minorities. Of the estimated 7,000 prostitutes in the country, 2,100 (30 percent) were estimated to be of foreign origin. Women and girls who were trafficked were recruited from areas with low socioeconomic conditions, sometimes quite openly. Those from the lowest socioeconomic levels were most vulnerable to trafficking and subjected to the worst conditions. For example, Roma and ethnically Turkish Bulgarians tended to be employed as prostitutes on highways, spending a few months in the country before being trafficked further west. In contrast, women from other East European countries were trafficked into agencies run as brothels. Educated Polish and Russian women were more likely than others to be employed voluntarily by escort services.

One NGO reported that some adults and children were also trafficked into the country to provide illegal labor.

Traffickers attracted victims through such means as fake employment offers, arranged marriages, fraud, and coercive measures. Some victims believed that they were accepting employment as waitresses, maids, or nannies abroad. While en route to their purported destinations, traffickers took their passports and identity papers and exerted control over them through fear and intimidation. Traffickers threatened victims with violence, and those who resisted or tried to flee were raped, beaten or purposefully injured.

In recent years, trafficking has become increasingly organized and has been associated with a rampant growth in document fraud. As many as 90 percent of persons trafficked in the country had false travel documents, and the trafficking of a victim usually involved a network of criminals. One criminal would recruit the victim; a second would provide false travel documents and traffick her across the border; and a third would supervise her work with clients, functioning as a pimp. For example, police detained a Bulgarian woman on several occasions, each time with a new identity and passport.

La Strada and the police reported large-scale auctions of women in Warsaw and other cities. Prices for trafficked women and girls reportedly started at approximately \$1,500 (6,000 PLN). Victims usually were trafficked by nationals from the same source country; for example, Bulgarian women were trafficked by Bulgarians. Foreign traffickers systematically paid a percentage of their receipts to local traffickers operating out of the same region of the country.

Since the border guards and police could consider them to be liable for deportation due to violations of immigration laws, trafficking victims often were afraid to turn to officials for help. While the Government generally lacked resources to support victims financially, it cooperated extensively with NGOs, who provided a wide range of support services. The Government provided a public building to an NGO to use as a shelter for trafficking victims and gave another organization a grant to build a similar shelter. However, since the number of shelters remained inadequate, NGOs frequently resorted to ad hoc arrangements to shelter victims. The law allows foreign victims with illegal status to remain in the country during the investigation and trial of their traffickers. During the year, the Government provided full assistance to three victims who cooperated in prosecutions. NGOs and police cooperated on police sensitivity training to improve treatment of victims during investigations. The Government developed a pamphlet for police officers on treatment and resources for trafficking victims. NGOs reported improvement on the part of police officers in recognizing trafficking cases.

Nonetheless, victims were not always identified as such and, therefore, were not always informed of their legal status or rights. In many cases, such unrecognized victims were deported as soon as possible, preventing the Government from providing assistance. Some deported victims were met at the border by traffickers, who quickly provided them with new travel documents and returned them to the country. There was no specific assistance set aside for victims repatriated to Poland, although they were eligible for unemployment and welfare benefits. Poland cooperated fully with other countries in anti-trafficking efforts and the repatriation of victims.

Numerous NGOs were involved in anti-trafficking initiatives and victim services. NGOs and educational institutions often worked closely with local authorities to identify trafficking victims and develop training programs for local authorities. La Strada, the only NGO dealing exclusively with trafficking, cooperated with Caritas and other groups. These organizations provided a range of services, including victims' assistance hotlines, safe accommodation, therapy and psychological support, and contacts who could help victims with legal problems and reintegration into society. An increased number of trafficked women came forward for assistance; it was not clear if this was due to an increase in trafficking or because trafficking victims were more aware of or willing to seek assistance from NGOs and government offices that dealt with trafficking.

La Strada also provided training on prevention and victim support to professionals such as police, border guards, prosecutors, judges, social workers, teachers, and journalists. La Strada's "Guardian Angel" program, developed with the Helsinki Foundation, trained social workers to help victims with legal issues so they could be advocates for the victims before the courts, police, and prosecutors. La Strada also conducted various types of instruction on trafficking issues, including awareness training for police, training of Helsinki Foundation personnel, and seminars to university students. In November 2002, La Strada worked with the Government to coordinate an inter-ministerial roundtable to develop a national plan to combat trafficking. The Government adopted this plan in September.

PORTUGAL

The Portuguese Republic is a constitutional democracy with a President, a Prime Minister, and a Parliament freely elected by secret ballot in multiparty elections. National elections were held in March 2002. The judiciary is independent.

Internal security is primarily the responsibility of the Ministries of Justice and Internal Administration. The Republican National Guard (GNR) has jurisdiction outside cities, and the Public Security Police (PSP) has jurisdiction in cities. The Aliens and Borders Service (SEF) has jurisdiction on immigration and border issues. The civilian authorities maintained effective control of the security forces. Members of the security forces committed human rights abuses.

The country had a market-based economy with a population of approximately 10.4 million; during the past few years, the number of foreign immigrants quadrupled. The service sector was the leading source of employment, while employment in agriculture and industry continued to be static or declined. Manufacturing provided approximately 30 percent of total economic output.

The Government generally respected the human rights of its citizens; however, there were problems in some areas. There were isolated cases of police brutality, including three cases that resulted in deaths. Prison conditions remained poor, although there were some improvements. Lengthy pre-trial detention remained a problem. Trafficking in foreign laborers and women also was a problem.

RESPECT FOR HUMAN RIGHTS

Section 1. Respect for the Integrity of the Person, Including Freedom From:

a. Arbitrary or Unlawful Deprivation of Life.—There were no reports of political killings; however, police shot and killed three persons during the year. The Inspectorate General of Internal Administration (IGAI), under the Ministry of Internal Administration, handled disciplinary proceedings against members of the GNR, PSP, and SEF involved in violent incidents (see Section 1.d.).

In three different cases, police shot and killed three persons who refused an order to stop during apprehension. After investigating, the IGAI initiated disciplinary proceedings against GNR officers and PSP officers involved in the incidents.

b. Disappearance.—There were no reports of politically motivated disappearances.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The Constitution prohibits such practices; however, there were infrequent but credible reports that police and prison guards beat and otherwise abused detainees.

The Government investigates reports of police mistreatment (see Section 1.d.). According to its annual activity report, the IGAI investigated 320 new incidents involving law enforcement agents during 2002. Of these 320 incidents, 5 involved the death of a civilian, 3 involved suicides of detainees, and a few involved injuries from firearms. Sixty of the incidents were deemed to have sufficient grounds for an investigation, 34 of which entered the disciplinary phase. At the end of 2002, the most recent year for which figures are available, 3 of the investigations ended in punishment, 25 were pending, and the rest were dismissed for lack of any evidence of improper action by the officer.

While investigating the case of three PSP officers who allegedly beat Aizhong Lin in custody in 2002, the IGAI found there was not enough evidence to warrant sanctioning the officers, but was awaiting the result of ongoing criminal proceedings in Lisbon before closing the case. After investigating and conducting two disciplinary proceedings related to the 2002 beating of Artur da Conceicao by PSP officers in Faro, the IGAI found the officers acted inappropriately and handed down punishments. The IGAI's investigation of the 2002 partial blinding of Pedro Miranda by a PSP officer led to two ongoing disciplinary proceedings.

Prison conditions remained poor, although there were some improvements. Problems included: overcrowding, inadequate facilities, poor health conditions, drug use by inmates, violence among inmates, and prisoner mistreatment by guards. According to the General Directorate for Prison Services (DGSP), there were 13,711 persons in prison at year's end. According to the DGSP, the overcrowding rate was 13.2 percent, representing a marked improvement over the 21.2 percent in 2002. This reduction was primarily due to use of additional capacity in three prisons. Although the physical expansion of the prisons had been completed earlier, they could not be fully utilized because of a lack of guards. The Government addressed this problem by hiring and training approximately 700 guards, allowing the new spaces to be used during the year. The European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) had criticized prisons, particularly the one near Porto. In December 2002, the CPT visited the newly expanded

(three new pavilions) prison facility near Porto, noting the positive impact the expansion would have on reducing overcrowding and improving safety.

Approximately 30 percent of the prison population had Hepatitis B or C, and 14 percent were HIV-positive. According to the DGSP, 100 persons died in prisons during the year, 15 of them by suicide (compared with 97 deaths, 19 by suicide, in 2002). A study released during the year claimed that the country has the highest prisoner mortality rate in the European Union.

Men and women were held separately. Although there was one youth prison in Leiria, juveniles were at times held with adults elsewhere in the prison system. Pre-trial detainees were held with convicted criminals.

The ombudsman investigated complaints of mistreatment by the police and prison authorities. The IGAI also conducted internal investigations in cases of alleged mistreatment in police detention centers.

The Government permitted visits by independent human rights observers during the year.

d. Arbitrary Arrest, Detention, or Exile.—The Constitution prohibits arbitrary arrest and detention, and the Government generally observed these prohibitions.

Internal security is primarily the responsibility of the Ministries of Justice and Internal Administration. The primary problems with the police forces were understaffing and inconsistent or weak law enforcement. There were approximately 50,000 law enforcement officials in the country. Although the media covered a large investigation during the year into GNR traffic agents who allegedly “forgave” traffic violation fines, there were no indications that corruption was a widespread problem, and the head of the GNR’s Traffic Brigade was replaced in December.

The IGAI investigated the killings by GNR agents and PSP officers in 2002 and found that PSP officers acted appropriately in the 2002 killing of Osvaldo Vaz in Lisbon. The IGAI found that the PSP officer who killed Nuno Lucas in Porto in 2002 acted inappropriately, and recommended he be dismissed from the force. They also determined that the PSP officer who killed Antonio Tavares Pereira in Setubal in 2002 acted inappropriately, and the officer was suspended for 225 days. A criminal case against the officer for aggravated homicide in Setubal was in the final phase at year’s end.

An independent ombudsman is chosen by the Parliament and the IGAI to investigate complaints of mistreatment by the police; however, nongovernmental organizations (NGOs) have been critical of the slow pace of investigations. The law provides detailed guidelines covering all aspects of arrest and custody. During the year, police officers received extensive professional training, and the Government regulated their actions through mechanisms established by law.

Under the law, an investigating judge determines whether an arrested person should be detained, released on bail, or released outright. A person may not be held for more than 48 hours without appearing before an investigating judge. Investigative detention is limited to a maximum of 6 months for each suspected crime. If a formal charge is not filed within that period, the detainee must be released. In cases of serious crimes such as murder or armed robbery, or of more than one suspect, investigative detention may last for up to 2 years and may be extended by a judge to 3 years in extraordinary circumstances. A suspect in investigative detention must be brought to trial within 18 months of being charged formally. If a suspect is not in detention, there is no specified period for going to trial. A detainee has access to lawyers, and the State assumes the cost if necessary.

During the year, prisoners went on hunger strikes to protest, among other things, prolonged periods of preventive detention. The average number of prisoners returned to custody by court order (“remand”) was high. By year’s end, 3,778 individuals (27.6 percent of the prison population) were in “preventive detention.” Preventive detainees remained in prison under this status for an average of 26 months, and up to 6 years. Judges argued that preventive detention was justified by the high incidence (40 percent) of repeat offenders. The Government began implementing the use of an electronic monitoring device as an alternative to preventive detention, with 50 preventive detainees in Lisbon participating in the program at the end of 2002. One difficulty in expanding the program was that detainees must have a fixed residence with a telephone connection and electricity. Many preventive detainees were drug addicts who lacked these requirements.

The law prohibits forced exile, and the Government did not employ it.

e. Denial of Fair Public Trial.—The Constitution provides for an independent judiciary, and the Government generally respected this provision in practice.

The court system, provided for in the Constitution, consists of a Constitutional Court, a Supreme Court of Justice, and judicial courts of first and second instance. There is also a Supreme Court of Administration, which handles administrative and

tax disputes, and which is supported by lower administrative courts. An audit court is in the Ministry of Finance.

The Constitution provides for the right to a fair trial, and an independent judiciary generally enforced this right. All trials are public except those that may offend the dignity of the victim, such as in cases of sexual abuse of children. The accused is presumed innocent. In trials for serious crimes, a panel of three judges presides. For lesser crimes, a single judge presides. At the request of the accused, a jury may be used in trials for major crimes; in practice, requests for jury trials were extremely rare.

In the investigative and indictment phase of a high-profile pedophilia scandal, the ruling party and opposition members exchanged accusations of interference with due process (see Section 5). President Sampaio publicly criticized prosecutors for leaking privileged information to the media concerning this case.

Critics pointed to a large backlog of pending trials resulting from the inefficient functioning of the courts. Many factors contributed, including the underutilization of technology, a confusing and drawn out method of serving subpoenas, and the reluctance of the justice system to accept change. A study by the Permanent Observatory of Justice (OPJ), released in July, reported that the average length of a "first instance" judicial process was 912 days, with 14.7 percent of the processes taking over 5 years.

There were 332 courts in the country, and approximately 3,000 magistrates and judges. A law was passed in 2001 to reduce the case backlog by increasing the number of judges and by providing for a reduction in the time it takes a lawyer to become a judge. Another law provides that witnesses may testify in cases heard in distant jurisdictions via teleconference. The Ministry of Justice also implemented a plan to speed up the serving of subpoenas. Despite these reforms, staff shortages and court delays continue to be a serious problem. The President of the Judicial Workers' Union (SFJ) noted in December that courts have 1,200 vacancies (15 percent of total positions), and that although 12 new courts are scheduled to open in January 2004, they will be staffed with current employees.

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home or Correspondence.—The Constitution prohibits such actions, and the Government generally respected these prohibitions in practice. Some groups have complained about the use of wiretaps by law enforcement agencies. The Government responded to such allegations by initiating a review of related policies.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution provides for freedom of speech and of the press, and the Government generally respected these rights in practice. An independent press, an effective judiciary, and a functioning democratic political system combined to ensure freedom of speech and of the press, including academic freedom. Internet access was not restricted.

b. Freedom of Peaceful Assembly and Association.—The law provides for the freedoms of assembly and association, and the Government generally respected these rights in practice.

c. Freedom of Religion.—The Constitution provides for freedom of religion, and the Government generally respected this right in practice.

The Roman Catholic Church is the dominant religion. Although the overwhelming majority of citizens are Roman Catholic, other religions, including Islam, Protestant Christian denominations, Judaism, and Eastern Orthodox, were practiced freely.

The 2001 Religious Freedom Act created a legislative framework for religions established in the country for at least 30 years, or recognized internationally for at least 60 years. The Act provides qualifying religions with benefits previously reserved for the Catholic Church: full tax-exempt status, legal recognition for marriage and other rites, chaplain visits to prisons and hospitals, and respect for traditional holidays. In December, enabling rules were enacted for governing the commission that will supervise the country's religious freedom; however, some rules are still needed to create a registry of religious entities.

For a more detailed discussion, see the 2003 International Religious Freedom Report.

d. Freedom of Movement within the Country, Foreign Travel, Emigration, and Repatriation.—The Constitution and laws provide for these rights, and the Government generally respected them in practice.

The law provides for the granting of refugee or asylum status to those persons who meet the definition in the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. In practice, the Government provided protection against

refoulement and granted refugee status and asylum. However, the Government maintained that the majority of asylum seekers were economic refugees using the country as a gateway to other EU countries.

The Government also provides temporary protection to persons who do not qualify as refugees or asylees. The Government cooperated with the U.N. High Commissioner for Refugees and other humanitarian organizations in assisting refugees. Persons who qualified as refugees were entitled to residence permits. The total refugee population in the country was 304, including 93 from Angola and 84 from Mozambique.

During the year, 88 individuals and families, primarily from Angola, Georgia, Yugoslavia, Ukraine, Liberia, and Colombia filed asylum applications. Of the 88 applications, 2 were granted refugee status under the Geneva Convention, 11 were granted "humanitarian" residence permits, and 75 were refused. Of the 75 refusals, 16 were turned back at the border and returned to the country from which they traveled, while the rest (who were inside the country's borders when they applied) were given time to depart voluntarily before being subject to regulations governing illegal immigrants. Separately, 75 families were granted "humanitarian protection" during the year, including from Sierra Leone, Mongolia, Belarus, and Colombia.

The number of asylum applications has decreased steadily since 1998, and was at the lowest number since 1990. In 2002, there were 180 applications for asylum (primarily from Angola, Poland, and Sierra Leone), of which 14 were granted refugee status and 18 were granted "humanitarian" residence permits. The Government provides basic housing in the capital's outskirts, food, and a small amount of money for expenses for these persons. The law provides that the NGO Portuguese Refugee Council (CPR) be included in the asylum process; it provided assistance, including legal advice and temporary housing. In his visit report, the European Commissioner for Human Rights said this system worked well and praised CPR for its work.

Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government

The Constitution provides citizens with the right to change their government peacefully, and citizens exercised this right in practice through periodic, free, and fair elections on the basis of universal suffrage. The country is a multiparty parliamentary democracy.

There were 48 women in the 230-member Parliament. Four cabinet members—the Ministers of Finance, Foreign Affairs, Justice, and Science/Higher Education—were women. Six women held state-secretary positions, which were one rank below cabinet ministers. Some political parties adopted internal quotas for women.

Race was rarely an issue in politics; during the year, the U.N. Human Rights Committee commended the Government for allowing foreigners to vote and to run for office in local elections.

Section 4. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A number of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials were receptive to their views; however, most groups complained of slow investigations or remedial actions.

Section 5. Discrimination Based on Race, Sex, Disability, Language, or Social Status

The Constitution prohibits discrimination based on ancestry, sex, language, origin, political or ideological convictions, education, economic situation, or social condition; however, some discrimination against women and ethnic minorities persisted.

Women.—Domestic and other violence against women reportedly was a common but partially hidden problem for which few sought legal recourse. In the first half of the year, the Association for Victim Support (APAV), a non-profit charitable organization that provided confidential and free services to victims of any type of crime nationwide, received 5,006 requests for assistance via its toll-free hotline and at its offices in 13 cities. The individuals seeking help (more than 86 percent of whom were women) reported 9,928 crimes, 90 percent of which were a form of domestic violence. The Commission for Equality and Women's Rights ran 14 safe houses for domestic violence in the country and also had a 24-hours-a-day, 7 days-a-week phone service.

The law provides for criminal penalties in cases of violence by a spouse, and the judicial system prosecuted suspects accused of abusing women; however, traditional societal attitudes still discouraged many battered women from recourse to the judicial system. The law defines domestic violence as a public crime, which obliges the

police to follow through on reports of domestic violence. This gives police and the courts more leverage to prosecute such cases, and removes some of the burden on the abused women to file charges. The Penal Code grants any interested party the ability to file charges in domestic violence cases.

Parliament continued to address the problem of domestic violence through legislative initiatives. Under the law, perpetrators of domestic violence may be barred from contact with their victims, and in extreme cases, the police may order the immediate expulsion of a perpetrator from the victim's dwelling. The law also calls for the development of new programs to teach anger management to perpetrators and to assist victims with the professional development necessary to live independent lives. The law establishes a national support network and a system of compensation for victims of domestic violence. Another law provided for the expansion of the system of shelters for victims. The Government also strengthened educational campaigns for the public and specialized training for the police.

Neither prostitutes nor clients are punishable under the law, and prostitution was common. Under the law, only pimping, brothels, and the registration of prostitutes are illegal. Trafficking in women for the purpose of prostitution continued to be a problem (see Section 6.f.). Prostitution was linked closely to other types of organized crime, particularly international narcotics trafficking. The NGO Nest operated economic and social recovery programs for prostitutes.

Sexual harassment is defined as a sex crime if perpetrated by a superior in the workplace. The penalty is 2 to 3 years' imprisonment. As in the case of domestic violence, socially ingrained attitudes discouraged many women from taking advantage of the legal protection available. The Commission on Equality in the Workplace and in Employment, comprised of representatives of the Government, employers' organizations, and labor unions, is empowered to examine, but not adjudicate, complaints of sexual harassment; however, it received few such complaints.

The Civil Code provides for full legal equality for women. As of October, women comprised 51.6 percent of the total population and 51.7 percent of the unemployed. Out of the 396,601 students enrolled in higher education in 2002, 57 percent were women. Although women increasingly were represented in business, science, academia, and the professions, their average salaries were about 30 percent less than men's. The Commission for Equality and for Women's Rights (CIDM) continued to press for improved conditions for women.

The Commission on Equality in the Workplace and in Employment reviewed numerous complaints of discrimination by employers against pregnant workers and new mothers, who were protected by law. The law provides for 120 days of maternity leave with full pay and benefits. After return to work, a new mother (or father) may take time off every day to nurse or feed an infant. If pregnant or nursing women or new fathers are fired, they may take their complaint to the Government Equality Commission (CITE), which addresses equal opportunity complaints. If CITE finds that the employee's legal rights were violated, the employer must reinstate the worker and pay double back pay and benefits for the time at work missed due to the wrongful firing.

Children.—The Government was strongly committed to children's rights and welfare; it amply funded systems of public education and medical care. The Government provides 9 years of compulsory, free, and universal education for children through the age of 15, most of whom attend school. The Institute of Solidarity and Social Security, located within the Ministry of Labor and Solidarity, oversees implementation of the Government's programs for children. The Institute initiated a program to coordinate assistance for children of immigrant families and a program to support early childhood, which included the provision of better childcare facilities. The Government provides preschool education for children age 4 and older upon entry into primary school. Each year the number of students enrolled in preschool has increased. The Institute also improved the quantity and quality of temporary shelters for children aged 3 months to 3 years.

The Ministries of Labor and Solidarity, Justice, and Health sponsored a program in the maternity wards of hospitals to register newborns and enroll them in the social security and health programs. The Government provides free or low cost health care for all children up to the age of 15.

Abuse of children was a problem, although there was no societal pattern of such abuse. APAV reported 423 cases of crimes against minors (under 18) in the first half of the year, primarily involving domestic violence.

The law defines pedophilia to include consumers of child pornography as well as producers. Following guidelines approved by the EU, the Government has amended its legal code concerning pedophilia. Courts may request jurisdiction of cases involving resident nationals who commit pedophilia abroad, regardless of the victim's nationality or whether the act committed is considered a crime in that country.

High-profile investigations and court proceedings that began in 2002 related to a pedophilia operation at "Casa Pia," a children's home that has approximately 4,600 children in its care in Lisbon continued at year's end. Staff reported that more than 100 of the boys and girls who reside there may have been abused over several years. After conducting over 600 interviews and developing a 13,000-page investigation report, public prosecutors formally charged 10 persons on December 29. Those indicted include prominent political and media figures, as well as a Casa Pia worker who was charged with more than 1,000 acts of sexual abuse. Approximately half of the defendants remained in preventive detention at year's end, awaiting the start of the trials.

The interest in the Casa Pia case has led to increased awareness and intolerance of pedophilia throughout the country, including the autonomous regions of the Azores and Madeira. During the year, Judicial Police in the Azores carried out 50 investigations and questioned 19 persons suspected of participating in a pedophilia ring, and arrested the suspected organizer. A prominent Azorean government official resigned over the scandal. In a separate case in the Azores, a former city district president was sentenced to 5 years in prison for sexually abusing a 12-year-old boy. In Madeira, police received over 20 pedophilia complaints during the year.

In part to decrease the number of children in foster homes, in August, the Government passed a new adoption law that eliminated some bureaucratic procedures, significantly reduced wait and evaluation periods, and increased legal protection for adopting parents.

Trafficking of children for prostitution and forced labor remained a problem (see Section 6.f.).

The National Commission for the Protection of Children and Youth at Risk, a governmental organization, is charged with implementing the principles of the U.N. Convention on the Rights of the Child. The Commission organized public awareness programs and promoted legislation that protects children's rights. Along with the Institute for Social Development, the Commission distributed to students copies of the articles included in the Convention of the Rights of Children. The two organizations also produced two books geared toward educating children about their rights. The quasi-independent Institute for the Support of Children (IAC) organized a network of 48 NGOs dedicated to helping at-risk youth. It served as an information clearinghouse for NGOs working on children's issues, provided telephone and in-person counseling, intervention, and prevention services in cases of child abuse and neglect, and operated services assisting street children. IAC also organized a European Conference on the "Disappearance and Sexual Exploitation of Children" in Lisbon in October. The University of Minho's Institute for the Study of Children is a research center dedicated solely to the study of children's issues.

Persons with Disabilities.—There was no discrimination against persons with disabilities in employment, education, or the provision of other state services. The law mandates access to public buildings for such persons, and the Government enforced these provisions in practice; however, no such legislation covers private businesses or other facilities.

National/Racial/Ethnic Minorities.—The principal minority groups were immigrants, legal and illegal, from the country's former African colonies, Brazil and Eastern Europe. Approximately 500,000 legal immigrants were living in the country, representing approximately 5 percent of the population. The country also had a resident Roma population of approximately 50,000 persons.

The law permits victims and anti-racism associations to participate in race-related criminal trials by lodging criminal complaints, retaining their own lawyers, and calling witnesses. Anti-racism laws prohibit and penalize racial discrimination in housing, business, and health services, and provide for the creation of a Commission for Equality and Against Racial Discrimination (CERD) to work alongside the High Commissioner for Immigration and Ethnic Minorities.

In its 2002 report, the European Commission Against Racism and Intolerance (ECRI), acknowledged many positive steps taken by the Government to counter racism, including: adopting a law prohibiting racial discrimination; launching activities promoting the integration of immigrant and Roma communities in education and work; raising human rights awareness among police officers and judges; and giving CERD competency to examine individual applications. However, ECRI criticized the low number of racial/religious discrimination prosecutions, the lack of reliable information about the situation of minority groups, reports that some police used excessive force against immigrants and Roma, and that Roma were reportedly subjected to ill-treatment by police.

Section 6. Worker Rights

a. The Right of Association.—The Constitution provides for the right to establish unions by profession or industry. Workers in both the private and public sectors had the right to associate and to establish committees in the workplace to defend their interests, and they exercised these rights freely.

Two principal labor federations existed: The Workers' General Union (UGT) and the General Confederation of Portuguese Workers (CGTP). No restrictions limited the formation of additional labor federations. Unions functioned without hindrance by the Government and were associated closely with political parties. Trade union associations had the right to participate in the preparation of labor legislation.

The law prohibits anti-union discrimination, and the authorities generally enforced this prohibition in practice. The General Directorate of Labor promptly examined complaints.

There were no restrictions on the ability of unions to join federations or of federations to affiliate with international labor bodies.

b. The Right to Organize and Bargain Collectively.—The Constitution provides for collective bargaining, and it was practiced extensively in the public and private sectors. Collective bargaining disputes usually were resolved through negotiation. When collective bargaining fails, the Government may appoint a mediator at the request of either management or labor.

The Constitution permits strikes for any reason, including political causes; they were common and generally were resolved through direct negotiations. However, should a long strike occur in an essential sector such as health, energy, or transportation, the Government may order the strikers back to work for a specific period. The Government rarely has invoked this power, in part because most strikes lasted only 1 to 3 days. The law requires a "minimum level of service" to be provided during strikes in essential sectors, but this requirement was applied infrequently. When it was applied, minimum levels of service were established by agreement between the Government and the striking unions. Unions have complained, including to the International Labor Organization (ILO), that the minimum levels have been set too high. Police officers and members of the armed forces may not strike legally, but they did have unions and legal recourse within the justice/court system.

There are no export processing zones.

c. Prohibition of Forced or Bonded Labor.—The law prohibits forced and bonded labor, including by children; however, there were reports that such practices occurred (see Sections 6.d. and 6.f.).

d. Status of Child Labor Practices and Minimum Age for Employment.—The minimum working age is 16 years. There were instances of child labor, but the overall incidence was small and was concentrated geographically and sectorally. The greatest problems were reported in Braga, Porto, and Faro, and tended to occur in the clothing, footwear, construction, and hotel industries.

In 2001, the Government estimated that 46,717 children on the mainland engaged in some form of economic activity, of whom 40,001 were unpaid family workers and 6,716 worked for third parties. Of those children engaged in economic activity, 86.2 percent were attending school. Most children engaged in economic activity come from the northern (57.7 percent) and central (26 percent) regions of the country. The agricultural sector employed the most children, followed by commerce, manufacturing, hotel and catering, and construction. Of those children who worked, the majority worked 1 to 3 hours per day, 1 to 2 days per week. However, some commonly worked 6 to 7 days per week.

A report published during the year by the University of Minho's Children Studies Institute noted that although child laborers in factories were common 5 years ago, efforts by government and NGO programs have almost eliminated this problem. The report said that inspections of workplaces have increased, and that fewer children have been found working. Also, school attendance has increased, with dropout rates at approximately 2 percent. However, the study noted that children continued to work in family settings, seasonal agriculture, and the restaurant and tourism industries. The extensive national network designed to combat child labor shifted some of its resources toward these businesses.

The Government's principal entity addressing, monitoring, and responding to reports of child labor is the Plan for the Elimination of Exploitation of Child Labor (PEETI). While youth from Lisbon and surrounding areas only accounted for 13.5 percent of program participants, they accounted for the highest percentage of youth subject to the worst forms of child labor. Of the child labor cases handled by PEETI in 2002, 88.7 percent involved dropping out of school (seen as a risk indicator for child labor), 4.3 percent were confirmed child labor cases (an additional 5.3 percent were unconfirmed reports of child labor), and 0.3 percent were confirmed cases in-

volved the worst forms of child labor (an additional 0.9 percent were unconfirmed worst child labor reports). Of the 2002 cases, 19.8 percent were children under the age of 15, which is the age limit for compulsory education.

During the year, PEEETI launched a comprehensive website on child labor, which included a document center and a 224-page guide on legislation and resources. It has developed, in conjunction with several NGOs, an integrated program of education and training in which local teams of social workers and educators intervene in situations involving dropouts and working children. These teams develop programs of scholastic and vocational study tailored to the individual child and his community. There were 34 programs established in the country serving approximately 600 youth. Most of the programs were concentrated in the northern region of the country, where 73 percent of the youth were served.

PEEETI gave "scholarships" to help offset the loss of income to the family. Up to 800 teenagers participated in this work-study program on a rotating basis during the year. PEEETI also sponsored summer camps for at-risk youth to attend when school is not in session. The National Council Against the Exploitation of Child Labor (CNETI), a multi-agency Government body, coordinated efforts to eliminate child labor.

The Government's guaranteed minimum income program provided some families an alternative to sending their children to work. Since its inception, more than 691,897 persons have participated in this program. In 2001, 390,428 were receiving this benefit. The Government noted that this program had helped 16,492 children return to school.

e. Acceptable Conditions of Work.—In December, a new labor code took effect, consolidating various laws while providing for workers' rights. Minimum-wage legislation covers full-time workers as well as rural workers and domestic employees ages 18 and over. The monthly minimum wage during the year was approximately \$446.25 (357 euros). Along with widespread rent controls, basic food and utility subsidies, and phased implementation of an assured minimum income, the minimum wage afforded a decent standard of living for a worker and family. Most workers received higher wages, with the CGTP estimating an average monthly salary of approximately \$853 (682 euros), excluding public servants.

Employees generally received 14 months' pay for 11 months' work: The extra 3 months' pay were for a Christmas bonus, a vacation subsidy, and 22 days of annual leave. The maximum legal workday was 10 hours, and the maximum workweek was 40 hours. There was a maximum of 2 hours of paid overtime per day and 200 hours of overtime per year, with a minimum of 12 hours between workdays. The Ministry of Employment and Social Security monitored compliance through its regional inspectors.

Employers legally were responsible for accidents at work and were required by law to carry accident insurance. An existing body of legislation regulates safety and health, but labor unions continued to argue for stiffer laws. The General Directorate of Hygiene and Labor Security develops safety standards in line with EU standards, and the General Labor Inspectorate is responsible for their enforcement. However, the Inspectorate lacked sufficient funds and inspectors to combat the problem of work accidents effectively. Workers injured on the job rarely initiated lawsuits. A relatively large proportion of accidents occurred in the construction industry. Poor environmental controls in textile production also caused considerable concern. While the ability of workers to remove themselves from situations where these hazards existed was limited, it was difficult to fire workers for any reason and severance payments were high.

The law requires all contractors on a work site to accept responsibility for verifying a worker's legality, and makes every employer subject to penalties if the Government finds illegal immigrants laboring on a work site.

f. Trafficking in Persons.—The law prohibits trafficking in persons; however, trafficking in illegal workers and, to a lesser extent, in women and children for prostitution remained a problem.

The law also criminalizes the trafficking of children under 16 years of age for the purpose of sexual exploitation and the simple exhibition or distribution of pornographic materials. Each legal provision that can be applied to traffickers (such as facilitating the illegal entry of persons, employing an illegal immigrant, false documentation, extortion, fraud, and sexual exploitation) carries a penalty of between 1 and 8 years. By citing the violation of multiple provisions, judges have handed down longer sentences.

The criminal investigation of these cases was difficult, given the sophisticated methods used by the traffickers, cultural and language barriers between immigrants and citizens, and the desire of these immigrants to earn a living. Nevertheless, the

Government took an active role in investigating those involved in the trafficking of persons.

The border control agency (SEF) initiated or participated in 526 investigations during the year; 311 were in the greater Lisbon area (including the airport) and 105 were in the southern Algarve region. These operations resulted in 405 arrests or detentions involving "flagrant" violations of laws related to immigration, and these total operation/detention numbers did not include cases where the individuals were sent back to their countries of origin at the airports. Most of these 405 persons were from Africa (primarily Angola and Guinea-Bissau), Eastern Europe (primarily Ukraine, Moldova, Romania, Russia and other former-Soviet republics), Asia (primarily Pakistan and India), South America (primarily Brazil), and Portugal; the nationalities of 89 of the 405 were not recorded. According to SEF, the most serious trafficking-related crimes primarily involved individuals from Eastern Europe, but also from Brazil, parts of Africa, and China.

The individuals detained in operations involving SEF were accused of 542 crimes (compared with 510 in 2002), 357 of which involved document falsification. Other relevant charges included: Assisting illegal immigration (60), procuring illegal workers (5), sexual exploitation (7), trafficking for sexual exploitation or prostitution (2), extortion (5), physical violence (1), and kidnapping (2). SEF increased its number of liaison officers in countries of origin to help fight trafficking and illegal immigration.

In May, SEF joined six EU countries in Europol's 6-day Risk Immigration Operation IV, which took place in 6 ports (2 in the country) and resulted in the detention of 6 human traffickers, 40 cases of suspected facilitation of entry into the EU, and the denial of entry of 279 illegal immigrants.

The majority of trafficked persons originated in Moldova, Ukraine, Russia, and Belarus, for the purposes of forced and exploited labor of men. A much smaller number of women, primarily from Brazil, were trafficked into the country for prostitution. The country was also a transit point for African children, primarily from Angola, being smuggled into other European countries. Organized crime organizations, primarily of Moldovan and Ukrainian origin, were present in the country and operated largely in the transportation and extortion of Eastern European manual laborers.

Trafficked workers from Eastern Europe arrive in an organized manner. Traffickers sell "package tours" to illegal immigrants, providing them with a passport, Schengen visa, and bus transportation to the country. More than 80 percent of illegal immigrants enter the country as "tourists," having obtained Schengen visas from non-Portuguese embassies in their home countries. Along the route to the country, passengers must pay "tolls" to the traffickers. Typically upon arrival at the Spanish border, "bandits" working on behalf of the trafficking rings steal money from the trafficked persons and often steal or confiscate their passports. The victims often arrive in the country with neither money nor documents, made them easy targets for organized crime members. The SEF has cracked down on these "tourist" buses bringing illegal laborers to the country; however, the traffickers also used small vans to evade detection.

Once at their destinations, the victims lived in overcrowded, substandard "hostels." The traffickers offered them loans at very high interest rates and, for a fee, found them jobs at construction sites or other industries, e.g., textile mills, wood-working or metal shops, and marble fabrication. Generally, the traffickers' local group leader at the hostel set up the work and provided transportation. The traffickers coerced the workers into paying large portions of their salaries to them.

The trial of 20 Eastern Europeans (11 Moldovans, 5 Ukrainians, 2 Russians, 1 Georgian, and 1 Kazakhstani), arrested as part of a January 2002 operation throughout the country, began in October. They were charged with running a criminal association, running an association facilitating illegal immigration, soliciting illegal workers, sexual exploitation, issuing grave threats, and extortion (the Public Ministry was appealing the judge's decision not to include terrorism-related crimes). As a result, an alleged illegal immigration ring with ties to organized crime was dismantled.

A SEF investigation led to the detention of several individuals, including police and former SEF employees, that were accused of accepting bribes from a lawyer in exchange for granting temporary stay permits; the trial had to be re-started for technical reasons.

A revised immigration law entered into force in March, which, among other improvements, criminalized assistance given to illegal immigrants remaining in or transiting the country (the previous law only criminalized facilitating entrance into the country). The country did not have any trafficking-specific assistance programs or statistics, but APAV, many immigrant groups, and international NGOs provided

assistance to victims and raised public awareness of trafficking issues. If victims chose to remain in the country, SEF worked with NGOs to relocate them to a new area, offering residence permits to victims willing to cooperate with investigations. If victims wished to depart the country, SEF helped fund their move through the International Organization for Migration (IOM). In December, the Prime Minister and other government officials participated in the "First Congress on Immigration in Portugal."

ROMANIA

Romania is a constitutional democracy with a multiparty, bicameral parliamentary system. Prime Minister Adrian Nastase is the head of government, and President Ion Iliescu is the head of state. Nastase's Social Democratic Party (PSD) and Iliescu won elections in 2000 that were judged to be generally free and fair. The Constitution provides for an independent judiciary; however, in practice the judiciary remained subject to political influence. Widespread corruption remained a problem, although initial but only partial steps were taken to address the problem.

The National Police are primarily responsible for law enforcement, the gendarmerie for preserving public order, and the Border Police for maintaining border security. The Ministry of Administration and Interior supervises these organizations. The military has primary responsibility for protection against external threats. An internal intelligence service assesses threats to national security, but has no law enforcement powers. Civilian authorities maintained effective control of security and intelligence organizations, although some concerns were expressed regarding the possible misuse of intelligence agencies for political purposes. Some members of security forces committed serious human rights abuses.

The country was a middle-income developing country in transition from a centrally-planned to a market economy. Its population was approximately 21.7 million. Economic activity was primarily in the manufacturing, agriculture, and energy sectors. During the year, economic growth was estimated at 4.8 percent and inflation at 14.1 percent.

The Government generally respected the human rights of its citizens; however, there were problems in some areas. Police officers sometimes beat detainees and reportedly harassed and used excessive force against Roma. While some progress was made in reforming the police, cases of inhuman and degrading treatment continued to be reported. Investigations of police abuses generally were lengthy and inconclusive and rarely resulted in prosecution or punishment. While civilian courts had jurisdiction over National Police abuses, abuses by other security forces remained in the military court system, where procedures were unnecessarily lengthy and often inconclusive. Prison conditions remained harsh and overcrowding was a serious problem; however, conditions improved somewhat. At times, authorities violated the prohibition against arbitrary arrest and detention.

Government action and inaction at times restricted freedom of speech and of the press. During the year, there was a pattern of intimidation, harassment, and violence against journalists who wrote critical reports on government activities or government and ruling party officials. Religious groups not officially recognized by the Government complained of discriminatory treatment by authorities. Societal harassment of religious minorities, violence and discrimination against women, and restitution of property confiscated during the Communist regime remained problems. There were large numbers of impoverished homeless children in major cities. Discrimination and instances of societal violence against Roma continued. Child labor abuses continued. There were reports of government interference in trade union activity. Trafficking in women and girls for the purpose of prostitution was a problem, which the Government increasingly took steps to address.

RESPECT FOR HUMAN RIGHTS

Section 1. Respect for the Integrity of the Person, Including Freedom From:

a. Arbitrary or Unlawful Deprivation of Life.—There were no reports of the arbitrary or unlawful deprivation of life committed by the Government or its agents.

In the past, police at times used excessive force that led to the deaths of citizens. An autopsy established trustees and police officers beat Mihai Iorga to death in prison in 2002. Police had stated that Iorga's death was due to an alcoholic coma. No charges had been filed by year's end.

The case of two officers who were demoted and charged with criminal acts in the 2001 beating death of a detainee in Cugir remained pending at year's end.

The non-governmental organization (NGO) Romani CRISS continued to investigate the June 2002 death of 18-year-old Nelu Balasoiu, a Rom, who was found dead in Jilava prison near Bucharest. In December, the prosecutor's office decided not to begin a criminal investigation of the police officers involved in the case, ruling that according to the medical investigations, Balasoiu died because of health reasons and not as the result of the officers' behavior. The family and Romani CRISS planned to appeal the decision.

A military tribunal continued to investigate possible abuse by two police officers in the 2001 beating death of Dumitru Grigoras while in custody in Bacau county.

In October, the Supreme Court sentenced two former agents of the disbanded security service under the Communist regime to 10 years in prison for the 1985 beating death of dissident Gheorghe Ursu. Charges were reduced from murder to inciting murder, and the sentence reduced from 11 years. The two defendants, who had gone into hiding, turned themselves in after the Supreme Court verdict was announced.

b. Disappearance.—There were no reports of politically motivated disappearances.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The Constitution prohibits such practices; however, there were credible reports that police beat detainees and used excessive force. Human rights organizations have cited numerous reports of police torture and mistreatment. The Police Organization Law, which took effect in May 2002, allows the use of firearms against persons fleeing arrest.

Romani NGOs claimed that police used excessive force against Roma and subjected them to brutal treatment and harassment. In June, during a raid in Tulcea, a plainclothes officer beat Mihai Dumitru, who required hospitalization. Responding to a complaint by NGO Romani CRISS, the Ministry of Administration and Interior acknowledged the officer's guilt and announced that the county Council of Discipline of Police Inspectorate would punish him according to the Police Officer's Status Law. The Council had not announced its final determination of punishment by year's end. The case was also referred to court for criminal prosecution; however, it had not been decided by the end of the year. Other examples included: Police beat a married Roma couple in Simleul Silvaniei, Salaj county after the wife refused to sign a report for a fine and the husband went to the police to ask about her; on April 11, a drunk police officer in Parancea, Buzau county beat Lucia Lacatusu, a 19-year-old Rom; and, on June 13, police allegedly beat four Roma from one family. All three cases were under investigation at year's end.

There were no developments in the investigation of the alleged March 2002 police beating of Severius Tanase in Sacele, Brasov county.

The cases of Mugurel Soare, in which an officer was alleged to have used excessive force, and Adrian Georgescu, a gay man who was harassed, were before the European Court of Human Rights (ECHR) at year's end.

Prison conditions remained harsh. There were 45 penal units including 34 prisons, 6 prison hospitals and 3 juvenile detention facilities. Overcrowding remained a serious problem, although there was a slight improvement over 2002. As of December, 43,200 persons, including 876 minors, were in prison or juvenile detention facilities, while the legal capacity of the system is 37,372. To reduce the prison population, the law provides alternative sentences such as community service for minor offenses, which were implemented at times during the year.

Human rights organizations reported that the abuse of prisoners by other prisoners and by authorities continued to be a problem. The "cell boss" system (under which a prisoner could be designated by authorities to be in charge of other prisoners in the same cell) was replaced with an "elected representative" system. While this change improved conditions slightly, each "elected representative" had to be approved by prison authorities, making the system less democratic than expected.

Given limited space available in the prison system, detainees awaiting trial were sometimes held in the same facilities as convicted prisoners. Conditions were roughly the same for both (same food, types of cells, etc.), but detainees were usually kept segregated from the general prison population, and usually enjoyed more frequent access to visitors and generally free access to legal representatives.

Men and women, adults and juveniles, and pretrial detainees and convicted criminals were held separately.

In June, the Government issued an ordinance granting prisoners broader rights regarding information access, correspondence, telephone calls, health care, and visits.

The Government permitted prison visits by human rights observers and media representatives. According to the General Directorate for Penitentiaries, there were

6,653 individual or group visits by media and domestic and foreign NGOs to penitentiaries during the year.

d. Arbitrary Arrest, Detention, or Exile.—The Constitution prohibits arbitrary arrest and detention, and the Government generally observed these prohibitions, unlike in previous years.

The Ministry of Interior and Administration commands the Romanian Police and the Gendarmerie as well as the Border Police, Foreigners Authority, National Office for Refugees, General Direction of Information and Internal Protection (classified information management), Special Protection and Intervention Group, and the Special Aviation Unit. The police are organized into the General (i.e., National) Police Inspectorate, the General Police Directorate of Bucharest, 40 county-level police inspectorates, 8 police inspectorates for transportation, and 3 educational institutions for the training of policemen. Counties are responsible for police units located within their respective geographic areas.

While the police generally followed the law and internal procedures, corruption was a continuing problem. Low-level corruption, the omnipresent “small” bribe, was a main cause of citizens’ lack of respect for the police and contributed to a corresponding lack of police authority. Extremely low salaries (sometimes not paid on time) contributed to the susceptibility of individual law enforcement officials to bribes.

The Government addressed these problems by increasing training to create a more professional police force and by punishing corruption. During the year, 1,627 policemen (of whom 450 were officers and 1,175 were agents) were found to have engaged in misconduct, resulting in 1,715 sanctions to 491 officers and 1,224 agents. At year’s end, 30 policemen (5 officers and 25 agents) were undergoing criminal prosecution for abusive conduct and abuse of office, and 12 policemen (3 officers and 9 agents) were under criminal investigations for acts endangering life and health.

In June, 50 police officers were transferred for 6 years to the National Anti-corruption Prosecutor’s Office to strengthen the institutional framework for fighting corruption and ensure the efficient functioning of the office. The office sought to recruit 10 additional police officers.

In October, the constitutional provisions concerning arrest and detention were amended. Only judges are now permitted to issue arrest and search warrants (previously, prosecutors had this authority). A judge may order temporary detention for periods of 30 or 60 days depending upon the status of the case. The court may extend these time periods; however, pretrial detention cannot exceed 180 days. Pretrial detention counts toward sentence time if a detainee is convicted. Courts and prosecutors may be liable for unjustifiable, illegal, or abusive measures. The law requires authorities to inform those arrested of the charges against them and their legal rights. Police must notify detainees of their rights in a language they understand before obtaining a statement.

The Police Organization Law allows police to take any person who endangers the public, other persons, or the social order and whose identity cannot be established to a police station. Police often used this provision to detain persons up to 24 hours. Minors who were at least 16 years of age were subject to arrest for all offenses; minors between the ages of 14 and 16 were subject to arrest if shown to have full mental capacity; minors under the age of 14 had no penal responsibility. The confidentiality of discussions between detainees and their lawyers was generally respected in practice.

The Government detained asylum seekers indefinitely in some cases (see Section 2.d.).

The law prohibits forced exile, and the Government did not employ it.

e. Denial of Fair Public Trial.—The Constitution provides for an independent judiciary; however, in practice, the judiciary remained subject to political influence. In October, the Constitution was amended to increase the independence of the Superior Council of Magistrates (SCM), the representative body of the judiciary, by increasing its membership from 17 to 19 and diluting the role of the executive branch by, for example, removing the Justice Minister as chair of the SCM. The SCM controls the selection, promotion, transfer, and sanctioning of magistrates. However, the SCM remains vulnerable to political influence because its non-de jure members must be approved by the Senate and its rules allow the executive branch to fill vacancies on an interim basis. The president of the country may attend and chair SCM meetings. The justice minister administratively supervises prosecutors and has the power to open an investigation, but not to dismiss an ongoing investigation.

The Government has taken measures to fight systemic corruption. In April, it passed an anti-corruption package of laws that defined conflict of interest more clearly and more extensively for public officials. The National Anti-Corruption Pros-

ecutor's Office (PNA) is authorized to investigate charges of corruption by high officials or corruption that involved more than approximately \$100,000 (3.5 billion lei) or seriously disturbed the activity of public authorities. Since September 2002, the PNA reportedly investigated or prosecuted 32 judges and 12 prosecutors. Five judges and 2 prosecutors were convicted for corruption; the trials of 12 judges and 4 prosecutors were in the final phase of appeals. Thirty-four notaries and 40 court enforcement officers were also investigated, and 12 notaries and 4 court enforcement officers sent to trial.

A number of parliamentarians have maintained their private legal practices, although the law was revised to limit the kinds of cases they could accept. The media reported allegations that some may have manipulated the legislative process to benefit their private clients. Investigation of parliamentarians was complicated by a system of constitutionally mandated approvals.

The law establishes a four-tier legal system, including appellate courts. Defendants have final recourse to the High Court of Cassation and Justice or, for constitutional matters, to the Constitutional Court. A prosecutor's office is associated with each court. Under constitutional revisions adopted in October, the SCM nominates a candidate for General Prosecutor (who is appointed by the President), who has increased independence in relation to the executive branch. Another constitutional amendment provision allows for the use of the native language of minorities in courts or with authorities.

The Police Officer's Status Law provides for the investigation by civilian prosecutors of crimes by the National Police. Military prosecutors continue to try cases that involve "state security," and the gendarmerie and Border Police continue to fall under military jurisdiction. Human rights NGOs have noted that cases involving the police continue to be tried by military courts. Military court investigations of police abuse were lengthy and not followed by further court actions. Local and international human rights groups have criticized the handling of cases by the military courts, claiming that the military prosecutor's investigations were unnecessarily lengthy and often inconclusive.

The law provides for the right to a fair trial; however, the judiciary suffered from corruption. Defendants are presumed innocent. The law requires that an attorney be appointed for defendants who cannot afford legal representation or are otherwise unable to select counsel. In practice, the local bar association provided attorneys to the indigent and was compensated by the Ministry of Justice. Either a plaintiff or a defendant may appeal. The law provides that confessions extracted as a result of police brutality may be withdrawn by the accused when brought before the court; the practice of extracting confessions through beating occurred occasionally (see Section 1.c.). The judicial system tended to be inefficient and slow.

There were no reports of political prisoners.

Restitution of church, communal, and individual property remained a serious problem marked by a cumbersome administrative process and a slow return of property to owners. The Government took few steps to restore to the Greek Catholic Church properties that were given to the Orthodox Church in the Communist era, returning only 5 properties out of 2,207 requests. In the case of individual properties, the ECHR has ruled on a total of 43 property restitution cases in favor of the former owners who had either been wronged in court or denied restitution on various grounds; 19 of these rulings occurred during the year. The Government generally respected ECHR rulings.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The law prohibits such actions; however, there were some restrictions. The Constitution provides for protection against the search of residences without a warrant; however, this protection is subordinate to "national security or public order." The law defines national security very broadly and lists as threats not only crimes such as terrorism, treason, espionage, assassination, and armed insurrection, but also totalitarian, racist, and anti-Semitic actions or attempts to change the national borders. Security officials may enter residences without authorization from a prosecutor if they deem a threat to national security to be "imminent;" however, such actions were rare.

The Constitution states that the privacy of legal means of communication is inviolable. However, the law allows the security services to monitor communications on national security grounds after obtaining authorization. The law requires the Internal Intelligence Service (SRI) to obtain a warrant from the "public prosecutor specially appointed by the General Public Prosecutor" for activities involving national security threats. The SRI may legally engage in surveillance, request official documents or information, and consult with technical experts to determine whether a situation constitutes a threat to national security or to prevent a crime.

The law permits citizens access to secret police files kept by the Communist government. Any individual who was a citizen after 1945 is entitled to see his or her

file. A council approved by Parliament reviews files and releases the information unless it involves state secrets or threatens national security. The files remained in intelligence service custody. This law has been criticized for exempting files of current intelligence service employees from review and also for restricting the definition of an informer to an individual who received payment for services, making identification of individuals who collaborated with the Securitate for other reasons, such as personal advancement or ideological commitment, impossible. In addition, release of files has been impeded by the inability of the lustration body to meet with a quorum of members. The consistent absence of PSD and PRM members has given rise to speculation that neither of these parties desires to see progress in the release of files. Public criticism of the council by some officials, including the Prime Minister, has further fueled this speculation.

Under new legislation, foreign citizens of certain states, primarily third world countries, must report their presence to police if they stay in private accommodations for 10 days or longer.

Under a government program, Roma living illegally in Bucharest on public land were forced to relocate to their home counties. In April, several dozen Roma living illegally in the outskirts of Bucharest's Militari district were evicted on sanitation grounds, according to local authorities. Roma activists disputed the legal grounds for this act, but did not take legal action.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution provides for freedom of expression and of the press, and the Government generally respected these rights in practice; however, certain legal prohibitions against “defamation of the country” and “offense to authority” potentially limited these rights. While there are no legal limitations on the exercise of press freedom, frequent complaints by ruling party officials suggested that authorities might use punishments, such as heavy fines, abusively to restrict these rights.

In general, journalists and private citizens could criticize the Government and other authorities, including at senior levels, but there were a number of cases in which authorities ridiculed or reprimanded their critics rather than respond to serious issues in substance. In addition, many media outlets—electronic and print—had substantial tax arrears. Fears of government audits and punitive tax actions to collect these arrears inhibited negative coverage of leading government figures.

Independent media continued to grow in an increasingly competitive market. Several hundred daily and weekly newspapers were published. Foreign news publications may be imported and distributed freely, but high costs limited their circulation. Several private television stations broadcast nationwide, and there were numerous other private local television and radio stations. Approximately 4 million households had cable television, giving significant portions of the population access to private and foreign broadcasts. State Television (RTV), Radio Romania, and the Europa FM radio network remained the only national broadcasters able to reach the majority of the rural population. Independent stations continued to enlarge their coverage by over-the-air, cable, and satellite transmissions.

Television remained the most widely available source of information, with almost 80 percent of the population getting their information from television newscasts. A recent research report by the National Audiovisual Council (CNA) claimed that over 85 percent of households had at least one television set.

Print and electronic media coverage generally reflected the political views of owners and covered a wide range of the political spectrum. This trend was more visible in the small cities and rural areas. Private television stations tended to avoid direct criticism of the Government and ruling party, particularly on corruption or other controversial issues. Media monitoring reports suggested that this reluctance to criticize was due to owners' fears that the Government would retaliate by seeking back taxes or auditing stations. State-owned television and radio clearly allocated more broadcast time to the Government and the ruling party than to the opposition. Media NGOs such as the Media Monitoring Agency and the Center for Independent Journalism reported that the prime time newscasts of the four largest television networks (RTV, ProTV, Antena 1, and Prima TV) were generally biased in the Government's favor.

PSD parliamentarians and their political allies also purchased numerous independent media outlets in the provinces, including several British Broadcasting Company (BBC) affiliate stations that, subsequent to their purchase, cut off BBC Romanian Service news programs which had been regularly rebroadcast by several of these stations. In December, RTV cancelled a popular political talk show after Government and ruling party officials repeatedly criticized the program for featuring too many opposition party guests. However, by the end of the year, RTV had signifi-

cantly improved the accuracy and balance of its news reporting in general and, in October, was named as the television station with the most balanced newscasts by the Media Monitoring Agency (MMA). Antena 1 also changed its editorial policies in the fall and became more critical of the ruling party after its owner, the leader of a minor political party and businessman, withdrew his party from the ruling coalition.

There were reports of harassment, intimidation, various forms of pressure, and violence against journalists who were perceived as overly critical of the Government or ruling party. Some of this pressure allegedly occurred with at least tacit support by local government and party officials. According to the Center for Independent Journalism in Bucharest, there were 10 major incidents involving a total of 14 journalists who were physically attacked during the year.

In February, police officers attacked two reporters of the daily Romania Libera in the city of Sighet after one took a photo of their police car. Police beat and handcuffed one journalist and destroyed film from his camera. In September, the journalists won a lawsuit with the court ruling that the officers had to pay damages to one of the journalists as well as court-related expenses.

In May, PSD officials attempted to pressure a journalist from the respected daily Adevarul to stop his investigation of financial activities in a sector of Bucharest. According to media reports, Bucharest District 5 Mayor Marian Vanghelie told one reporter to stop his investigation or Vanghelie would have his bodyguards follow him. Vanghelie suggested the journalist would end up in a car trunk. Also in May, Tourism Minister Dan Matei Agathon reportedly told an Adevarul correspondent in Constanta that he would cut government advertising from the daily if she did not stop reporting about Agathon's activities and projects on the seaside. Under media pressure, Agathon later apologized.

In November, the Romanian service of the BBC did not renew the contract of a long-serving reporter, Traian Ungureanu. Ungureanu was respected for his political analyses and known for frequent criticisms of PSD policies. Press colleagues believed Ungureanu's removal was linked to these criticisms; the BBC responded by saying that Ungureanu, a 14-year veteran, had failed a routine voice test. Several reporters and an editor at the BBC resigned to protest the dismissal.

In early December, unknown persons severely beat a journalist from the Timisoara bureau of the influential national daily Evenimentul Zilei. While the incident was still under investigation at the end of the year, there were strong indications that the attack was related to the victim's investigative reporting. The reporter had frequently criticized ruling PSD party officials and their business activities in Timis County. The victim sued police, and local officials were critical of law enforcement authorities for lack of progress in the investigation.

Also in December, Csondy Szoltan, a journalist in Miercurea Ciuc for the Hungarian-language paper Hargita Nepe, was seriously injured when he was attacked in the hall of his apartment building. It was the second time that Szoltan was attacked during the year. The journalist was known for his investigations into the city's underworld, in particular for his series on a number of cars that were set on fire earlier during the year in which the main suspect was a local businessman. The MMA urged authorities to investigate the case and warned that police and prosecutors in Miercurea Ciuc were not capable of carrying out their investigations because of pressure exerted by local organized crime.

On December 21, an Antena 1 cameraman was beaten while filming a fire at the villa of former Health Minister Mircea Beuran in the village of Ciolpani. The cameraman suffered several contusions and his leg was put in traction. Local citizens, who were angered by his presence, beat the cameraman; some alleged that the guards at Beuran's residence began the attack. The journalist was on public property and had not broken any law; he has issued a criminal complaint against his attackers. A local policeman reportedly assisted in the beating and did not intervene to protect the cameraman.

In February, a court sentenced a reporter and the daily Gazeta de Sudto to pay damages of approximately \$18,000 (600 million lei) to the then prefect of Olt County, Marin Diaconescu of the PSD, for reporting that the prefect was "overwhelmed" by the situation in a local plant. In July, the media reported that unknown persons severely beat two journalists in the Jiu Valley. The journalists were known for their numerous reports on alleged illegal activities by local authorities and miners' leaders in the region.

Laws restricting freedom of speech continued to cause concern among the media and NGOs. While the Chamber of Deputies removed imprisonment as a legal penalty for insulting authorities in 2002, the offense may still be punished with a fine. In addition, the Government retained a prison term (2 to 24 months) for libel, which could be increased to 3 to 36 months if the libel was directed at public officials. Arti-

cle 168 of the Penal Code provides criminal penalties for spreading false information aimed at attacking national security.

There were allegations of pro-Government bias and self-censorship inside the state-owned Radio Romania. In one case, an employee accused the Director General of censoring her newscasts by ordering the removal of any story critical of the Government or the PSD and claimed she was forced to retire. The Director General maintained that the employee was from the Communist-era old guard and opposed programming reforms to make the radio more competitive and responsive to its listeners. He also claimed she had reached the mandatory retirement age of 57 and denied the censorship charge. At the private station Europa FM, three senior news department members resigned in April after accusing the owner of political manipulation of news broadcasts.

There were cases of journalists who criticized PSD leaders being forced to leave their jobs. In Targu-Jiu, Gorj County, the editor and producer at local TV station RCS left her job in March after her show was cut off in mid-broadcast while she was discussing corruption scandals involving local leaders. The RCS board told her that their editorial policy did not allow any information that might put local authorities in a negative light. The journalist sued the CNA for not taking action against RCS's censorship policies; the trial was ongoing at year's end.

The Government privatized the state-owned newspaper and magazine distribution company Rodipet in December. Prior to privatization, the company, which previously had a monopoly on newspaper and magazine distribution, was exposed to new competition from other smaller companies, including a distribution company owned by several daily newspapers. While some distribution problems persisted in remote areas, cities experienced full distribution of newspapers.

The Government did not restrict access to the Internet or academic freedom.

b. Freedom of Peaceful Assembly and Association.—The Constitution provides for freedom of assembly, and the Government generally respected that right in practice. The law provides for unarmed citizens to assemble peacefully, but states that meetings must not interfere with other economic or social activities and may not be held near locations such as hospitals, airports, or military installations. Permits are not required to assemble in some public places. However, demonstration organizers must apply for a permit in advance. Authorities may prohibit a public gathering by notifying the organizers in writing within 48 hours of receipt of a permit request. The law prohibits counter demonstrations that coincide with scheduled public gatherings. The law prohibits fascist, communist, racist, or xenophobic symbols (such as statues of war criminals on public land), ideologies, or organizations. Unauthorized demonstrators may be fined.

The Constitution provides for freedom of association, and the Government generally respected this right in practice. Political parties are required to have at least 25,000 members to have legal status, a number that some NGOs have criticized as being inordinately high.

c. Freedom of Religion.—The Constitution provides for freedom of religion, and the Government generally respected this right in practice; however, there were some restrictions, and several minority religious groups continued to claim credibly that government officials and Romanian Orthodox clergy impeded their proselytizing and interfered with other religious activities.

The Government requires religious groups to register. Representatives of religious groups that sought recognition alleged that the process was arbitrary, and that they did not receive clear instructions concerning the requirements.

The Government gives the highest level of recognition to 17 religions, which are eligible to receive state financial support. These recognized religions have the right to establish schools, receive funds to build churches, pay clergy salaries with state funds, subsidize clergy housing, broadcast religious programs on radio and television, apply for broadcasting licenses for denominational frequencies, and enjoy tax-exempt status.

In May, the Government issued an order to comply with a 2000 Supreme Court ruling mandating the highest level of recognition to the Jehovah's Witnesses. The Jehovah's Witnesses were the first group to gain this status since 1989.

The Government also registered religious groups as either religious and charitable foundations or as non-profit cultural associations. In a January decree, the Government reestablished mandatory approval by the State Secretariat for Religions for the registration of religious associations.

The law provides for peaceful religious assembly; however, several minority religious groups complained that, on various occasions, local authorities and Orthodox priests prevented religious activities from taking place, even when their organizers had been issued permits. The Evangelical Alliance reported difficulties obtaining ap-

proval to use public halls for religious activities following pressure by Orthodox priests. In some cases, Orthodox priests incited the local population against activities by the Seventh-day Adventist Church and members of Jehovah's Witnesses. The press reported several instances of Romanian Orthodox clergy harassing members of other faiths, such as pressuring non-Orthodox school children to attend Orthodox religion classes or not allowing members of religious groups to proselytize near Orthodox churches.

Government building permit regulations do not differentiate between level of registration of religions in terms of what they are allowed to build as places of worship. Although most minority religious groups declared that they had received permits to build places of worship without difficulty, some made credible complaints that permits were unduly delayed.

Several religious groups made credible complaints that low-level government officials and Romanian Orthodox clergy impeded their efforts to proselytize, interfered in religious activities, and otherwise discriminated against them during the year. In some instances, local police and administrative authorities tacitly supported societal campaigns against proselytizing that at times were violent. In some localities, legal proselytizing was perceived as being directed at adherents of established churches, and conflicts occurred. Members of Jehovah's Witnesses and the Seventh-day Adventist Church reported such cases.

Religions with the highest level of recognition have the right to teach religion in public schools; however, a number of religious groups, including the Evangelical Alliance and the Seventh-day Adventist Church, reported that they had been unable to hold classes because of the Orthodox clergy's influence. Additionally, the Seventh-day Adventist Church reported cases of Adventist children who were pressured to attend Orthodox religion classes.

Up to March 2002, religious groups submitted 7,568 property restitution claims. Before 2002, the Government returned a small number of religious and communal properties to their owners by decree. In June 2002, Parliament passed a law restituting large numbers of religious properties, but not places of worship. Religious minorities frequently did not succeed in regaining possession of these properties, since many housed state offices, schools, hospitals, or cultural institutions that would require relocation, and lawsuits and protests by occupants delayed their physical return. A national commission began operation in June to consider restitution on a case-by-case basis. This process of systematic religious property restitution resulted in the return of 200 buildings since June.

The Greek Catholic, or Uniate, Church made only limited progress in recovering properties taken by the Romanian Orthodox Church after their forced merger in 1948. The exclusion of places of worship from the June 2002 restitution law primarily affected Greek Catholics; churches of other faiths generally were not seized by the Communists. Of the approximately 2,600 Greek Catholic churches and monasteries taken, only a handful have been returned. Apparently to avoid restitution, the Orthodox Church demolished many Greek Catholic churches under various pretexts, such as being structurally unsafe.

The historical Hungarian churches, including the Hungarian Roman Catholic and the Hungarian Protestant Reformed, Evangelical, and Unitarian churches, received only a small number of their properties back. Of 1,630 buildings confiscated from these churches, approximately 20 were returned. The Jewish community received 42 buildings by government decree, but has obtained full or partial possession of only 27.

The "New Right" (Noua Dreapta) organization (a small extremist group with nationalistic, xenophobic views) continued to harass verbally, and sometimes physically, members of the Church of Jesus Christ of Latter-day Saints in cities, including Bucharest and Iasi. Many representatives of minority religions credibly complained that private and governmental organizations operating hospitals, children's homes, and shelters for the elderly often permitted only Orthodox priests to provide religious assistance in them. Charitable activities by minority churches in children's homes and shelters often were interpreted as proselytizing. Orthodox priests reportedly denied permission to the Christian Evangelical and the Seventh-day Adventist churches to bury members in several rural localities; it was not clear whether church or public cemeteries were involved.

The extremist press continued to publish anti-Semitic articles. The Legionnaires (Iron Guard), an extreme nationalist, anti-Semitic, pro-Nazi group, continued to republish inflammatory books from the interwar period. Extremist publicists made repeated attempts to deny that Holocaust activities occurred in the country or in Romanian-administered territory, a view that was also expressed by members of the extremist Greater Romania Party (PRM). Religious services to commemorate legionnaire leaders continued to be held in Orthodox churches. During the year, a Jewish

cemetery was desecrated in one locality. There were no developments in the 2000–2001 desecrations of Jewish synagogues and cemeteries.

In June, the Government denied the occurrence of the Holocaust within Romania's World War II borders in a communique, but subsequently retracted the statement and assumed responsibility for the pro-Nazi regime's crimes against Jews. Although government spokesmen claimed that the phrase containing the denial had been inserted by someone not authorized to do so, the person responsible was neither identified nor reprimanded. In July, in an interview with an Israeli newspaper, President Iliescu appeared to minimize the Holocaust by claiming that suffering and persecution was not unique to the Jewish population in Europe. He later said that his interview had been presented in an incomplete and selective way. In September, the Government released a 152-page teaching manual for schools that dealt with Holocaust denial and provided figures for the number of Jews killed, details about concentration camps, death chambers, and the persecution of Roma, homosexuals and Jehovah's Witnesses. Anecdotal information suggested that schools have only slowly started to discuss Romania's involvement in Holocaust-related atrocities. In October, the Government established an International Committee on the Holocaust in Romania to analyze and to improve public understanding of Holocaust events in the country. The Committee was charged with submitting a report on its findings in 2005.

In July, a Brasov resident was given a suspended 2½-year sentence for nationalist-chauvinistic and fascist propaganda.

For a more detailed discussion, see the 2003 International Religious Freedom Report.

d. Freedom of Movement within the Country, Foreign Travel, Emigration, and Repatriation.—The law provides for these rights, and the Government generally respected them in practice.

The law provides for the granting of asylum and refugee status to persons who meet the definition in the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. In practice, the Government provided protection against refoulement and granted refugee status or asylum. The Government cooperated with the U.N. High Commissioner for Refugees (UNHCR) and other humanitarian organizations in assisting refugees. The Government also provides temporary protection to individuals who do not qualify as asylees or refugees. Under a 2002 government emergency ordinance, foreigners may not be expelled to a country where their life is jeopardized.

During the year, the National Office for Refugees received 885 applications for asylum and 192 applications submitted for the second time. Most of the applicants came from Iraq (329), China (204), and India (157); 326 entered the country illegally. During the same period, 206 applications were approved. The Government funded programs to integrate refugees into society; refugee-focused NGOs developed similar programs. However, programs for integrating refugees developed slowly. There were two shelters that could accommodate 750 refugees in Bucharest and a 20-bed shelter at Otopeni Airport. An additional shelter that could accommodate 60 minors was completed in Bucharest during the year. Two shelters for 500 people were under construction in Galati and Timisoara. There were no voluntary repatriations during the year.

The law establishes a refugee office in the Ministry of Administration and Interior to receive, process, and house asylum seekers. The Ministry of Administration and Interior and the Labor Ministry funded programs to assist asylum seekers and refugees, although some experienced repeated administrative difficulty in obtaining regularized protected status due to Government requests for substantial documentation. Government financial support (reimbursable loans for 6 to 9 months) was minimal and usually not enough to cover basic needs. An increasing number of illegal migrants regarded the country as a transit point to other countries.

Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government

The Constitution provides citizens with the right to change their government peacefully, and citizens exercised this right in practice through periodic, free, and fair elections held on the basis of universal suffrage.

The October 18–19 referendum on proposed amendments to the Constitution was characterized by widespread efforts by government officials to ensure the minimum 50 percent voter turnout required for the referendum to be legally valid was met. Civic action groups reported some notable irregularities, including political pressure on and by locally elected leaders and special lotteries and other material incentives provided to bring out the vote. There were also reports of some ballot boxes being moved from polling stations and taken to other locations to increase voter turnout.

In 2000 elections that were judged to be generally free and fair, the center-left PSD won a near majority in the legislature and the PSD candidate, Ion Iliescu, won the presidency. The PSD formed a minority government with support from the Democratic Union of Hungarians in Romania (UDMR). The extremist, xenophobic Greater Romania Party (PRM) won the next largest share of parliamentary and presidential votes. Allegations of widespread vote fraud by the losing PRM candidate, Corneliu Vadim Tudor, were not judged by observers to be credible.

While there are no legal restrictions on women's participation in government or politics, societal attitudes were a significant barrier. In Parliament, there were 38 out of 345 deputies and 12 out of 140 senators who were women; members are elected by party lists and not directly by constituents. Three of the 25 original cabinet members and 2 of the 21 re-shuffled (June) cabinet members were women. Women in general voted in the same proportion as men. None of the 42 county prefects (appointed representatives of the central government) were women.

The Constitution and law grant each recognized ethnic minority one representative in the Chamber of Deputies, provided that the minority's political organization obtains 5 percent of the votes needed to elect a deputy outright. Organizations representing 18 minority groups were given deputies under this provision in 2000. Ethnic Hungarians, represented by the UDMR, obtained parliamentary representation through the normal electoral process. Roma were underrepresented in Parliament; low Roma voter turnout and internal divisions within the Roma community worked against the consolidation of votes for any single candidate, organization, or party. There were two Romani parliamentarians. The former Romani minority representative joined the PSD and sat in the Chamber of Deputies, while the Constitution and electoral legislation allowed an additional seat for the Roma. In 2002, the PSD signed a 2-year protocol of cooperation with the German minority. During the year, the PSD renewed protocols of cooperation with the Hungarian and Roma minorities signed in 2002.

Section 4. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A number of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials were generally cooperative and responsive to NGOs, although some offices were slow to respond to inquiries.

Domestic human rights monitoring groups included APADOR-CH, the independent Romanian Society for Human Rights (SIRDO), the League for the Defense of Human Rights (LADO), the Romanian Institute for Human Rights, and several issue-specific groups such as the Young Generation of Roma and Romani CRISS. Other groups, such as political parties and trade unions, also monitored the observance of human rights. These groups, as well as international human rights organizations, functioned freely without government interference.

An Ombudsman's Office worked to protect citizens from abuse by public officials. By September, it had received 5,400 complaints, many of which were rejected because they involved problems with the judiciary and not the administration. The office, which dealt not only with human rights, but with all facets of citizens' interaction with the Government, was only moderately effective due to its limited authority and resources.

Section 5. Discrimination Based on Race, Sex, Disability, Language, or Social Status

The Constitution forbids discrimination based on race, nationality, ethnic origin, language, sex, opinion and political allegiance, wealth, or social background; however, in practice the Government did not enforce these provisions effectively, and women, Roma, and other minorities were subject to various forms of discrimination.

An emergency ordinance passed in January 2002 prohibited discrimination based on a number of factors and established the ability to sue on the grounds of discrimination. The National Council on Combating Discrimination, the agency enforcing the ordinance, was established on July 31. In August, a new ordinance increased fines for discriminatory acts up to approximately \$1,200 (40 million lei).

According to the National Union of Organization of Persons Affected by HIV/AIDS (UNOPA), the principle of confidentiality and the right to work were sometimes disregarded in cases of persons with HIV. For example, some employees reportedly were hired and fired according to their HIV status in violation of the labor laws.

Women.—Violence against women, including rape, continued to be a serious problem. Both human and women's rights groups reported that domestic violence was common. According to a 2002 U.N. survey, 45 percent of women have been verbally abused, 30 percent physically abused, and 7 percent sexually abused. In May, a law was adopted that made police intervention possible in domestic violence cases. There

is no specific law to address spousal abuse or rape. The prosecution of rape cases was difficult because it required both a medical certificate and a witness, and a rapist could avoid punishment if he married the victim. The successful prosecution of spousal rape cases was almost impossible. A law passed in January mandated the same penalties for rape and sexual abuse without regard to the victim's gender.

There were reports of trafficking of women (see Section 6.f.).

The Constitution grants women and men equal rights; however, in practice the Government did not enforce these provisions, nor did authorities focus attention or resources on women's issues.

The law prohibits any act of gender discrimination, including sexual harassment. Few resources were available for women to deal with economic discrimination. Despite existing laws and educational equality, women had a higher rate of unemployment than men, occupied few influential positions in the private sector, and earned lower wages. A department in the Ministry of Labor and Social Protection advanced women's concerns and family policies. It organized programs for women, proposed new laws, monitored legislation for sexual bias, targeted resources to train women for skilled professions, and addressed the problems of single mothers, especially in rural areas. There is an Ombudsman in the Department for Child, Woman, and Family Protection to resolve complaints of discrimination.

Children.—The Government administered health care and public education programs for children, despite scarce resources that limited the availability of services. International agencies and NGOs supplemented government programs in these areas.

Education was free and compulsory through the eighth grade. After the eighth grade, schools charged fees for books, which discouraged attendance for lower income children, particularly Roma. During the 2001–2002 school year, approximately 96 percent of primary school-age children attended school, including kindergarten. Boys and girls generally received the same treatment in schools. The Ministry of Education reported that the dropout rate in the 2000–2001 school year was approximately 0.6 percent.

UNOPA reported that there were repeated interruptions in treatment for AIDS patients, mostly children, in the health system. The unnecessary discontinuity of treatment was more harmful than non-treatment and increased the potential of drug resistance development.

Laws to protect children from abuse and neglect were inadequate, and there were reports that abuse of children was a problem. While there are criminal penalties, there was no consistent policy or procedure for reporting child abuse and neglect and no system for treating families who abuse their children. In 2001, the National Authority for Child Protection and Adoption informally counted child abuse events reported by the Departments of Child Protection in each county and determined that there were a total of 1,770 physical abuse cases and 183 sexual abuse cases. A task force coordinated by the National Authority is developing standards, training, policies, and procedures for dealing with the problem.

Although illegal, marriages between Roma children under the age of consent were common. In October, the Government ordered a 12-year-old Roma girl and a 15 year-old Roma boy separated and all intimate relations between them halted after a highly-publicized marriage. However, human rights groups reported that such marriages continued, frequently without notice or intervention by authorities.

Trafficking in girls for the purpose of prostitution was a problem (see Section 6.f.).

The numbers of children reported in care institutions varies considerably because there is no detailed and standardized reporting system. In addition to increasing the use of foster care and care within the extended family, the National Authority for Child Protection and Adoption helped finance the creation of community alternatives to state child care institutions. The former canine spital (specialized medical placement units), which were the last to be transferred to the National Authority for Child Protection and Adoption, continued to have the worst conditions.

Living conditions have improved in most child care institutions in recent years. The EU Report for Romania released during the year noted significant progress in the reform of child protection. More than half of the 86,000 children in public care were placed with families (extended family, foster care), while 37,000 children remained in residential care (including special schools). A methodology for the closure of large residential institutions had been developed and was being implemented; 54 large institutions had been closed. By June, a total of 776 units providing alternative child-protection services had been established (mother and baby centers, family type homes, counseling services). While some 120 large institutions remained, the report noted that the majority had been restructured into family-type modules and material living conditions were generally appropriate.

The EU Report for Romania also noted that the situation of children with disabilities has also improved. The majority of the old style residential institutions had been closed or restructured, while preparations were underway to close the remaining inappropriate institutions. A growing number of services were available to support children with disabilities and their families so that children do not have to be placed out of home.

Numbers of impoverished and apparently homeless children were seen on the streets of the larger cities. While the Government did not have statistics defining the scope of the problem nationwide, police reports and social workers' estimates placed the number of street children nationwide at 1,500. However, this number was lower than had been estimated in the past and questionable, given that street children were extremely difficult to count.

Approximately half of the children remaining in the large childcare institutions were between the ages of 14 and 18. Without changes to the system, a significant number were likely to leave these institutions with no skills and employment and no ability to earn a living or obtain housing. There was no systematic provision of labor market information, skills training, or job placement services for these young persons and there was a high probability that they would gravitate to the streets, engaging in prostitution or crime. In 2002, a greater emphasis began to be placed on this group with programs being developed to aid the integration of its members into society. In March 2002, the Government passed Law 116, which mandates that the National Agency for Employment provide up to 75 percent of the median national salary to employers for hiring persons between 16 and 25 years who are at risk of social exclusion.

NGOs working with children remained particularly concerned about the number of minors in prison (see Section 1.c.). These NGOs continued to seek alternative solutions to sending juveniles to prison, such as parole. Because time served while awaiting trial counts toward prison sentences, but not toward the time to be served in a juvenile detention center, some minors actually requested prison sentences.

Persons with Disabilities.—Difficult economic conditions and serious budgetary constraints contributed to harsh living conditions for those with physical or mental disabilities. Outside of large institutions, social services for persons with disabilities were almost nonexistent. Many persons with disabilities could not make use of government-provided transportation discounts because public transport did not have facilitated access. The law does not mandate accessibility for persons with disabilities to buildings and public transportation.

National/Racial/Ethnic Minorities.—In June, the Department for Interethnic Relations and the National Office for Roma were placed under the General Secretariat of the Government. These offices were responsible for monitoring the problems of ethnic minorities, maintaining contacts with minority groups, submitting proposals for draft legislation and administrative measures, maintaining links with local authorities, and investigating complaints.

Ethnic Hungarians are the largest minority community, with 1,434,377 members according to the 2002 census. Their UDMR party was in de facto political alliance with the ruling minority PSD Government after signing a protocol of cooperation with the PSD in February.

A government decree permits students in state-funded primary and secondary schools to be taught in their own language, with the exception of secondary school courses on the history and geography of the country. In the Moldavia region, some in the Roman Catholic Csango community, who speak an archaic form of Hungarian, repeatedly complained that there was no schooling available in their language. They established two groups with Hungarian as the maternal language in schools in Pustiana and Cleja.

According to the final results of the 2002 census, the Roma population numbered 535,250, or 2.5 percent of the population. Some observers, including the European Commission, estimated that the Roma population was actually between 1.1 and 1.5 million. Roma groups complained that police brutality, including beatings and harassment, was routine (see Section 1.c.). Under a government program, Roma living illegally in Bucharest on public land were forced to relocate to their counties of origin (see Section 1.f.). According to the Government, only 27 percent of Roma had steady jobs and only half of those jobs were considered skilled. Illiteracy among Roma older than 45 years of age was approximately 30 percent.

The National Council on Combating Discrimination received 456 public complaints during the year, of which 314 were resolved. In another 61 cases, the Council decided to take action on its own initiative. Of the total number of 517 cases, 96 involved discrimination on ethnic grounds. Of these, over half of complaints involved discrimination against Roma. The Council levied and collected fines in 28

cases, the largest amounting to approximately \$600 (20 million lei). The Council set up a National Anti-Discrimination Alliance, a forum for discussion with NGOs, in March and drafted a National Anti-Discrimination Plan in September.

While the Government reported that 60 percent of the goals of the 2001 National Strategy for the Improvement of the Situation of Roma were achieved, Roma NGOs asserted that, with the exception of the establishment of bodies to implement the strategy, there were few practical achievements. The National Office for Roma maintained a database on the living conditions and needs of the Roma community. However, the National Office was understaffed and its approximately \$1.7 million (56 billion lei) budget was insufficient to fully implement the strategy.

The Roma population continued to be subject to societal discrimination. The National Council on Combating Discrimination fined two private companies approximately \$60 and \$240 (2 and 8 million lei) for denying access to Roma. Some schools, such as in Cehei, Salaj county, segregated Roma children. Following a complaint by Romani CRISS to the Ministry of Education, the situation was partially resolved by year's end.

At the end of November, the ruling PSD signed an agreement of cooperation with the Roma Party. It called for the continued monitoring of the Roma situation, the hiring of Roma in state institutions, and programs to educate the public about racism and discrimination.

A partnership protocol that sets forth cooperative measures between the Health Ministry and the Roma Party to ensure that Roma have access to health care continued during the year. The protocol helped resolve most complaints of discrimination against Roma in the health system and led to several vaccination campaigns for Roma children. Romani CRISS maintained a training program (with private funding) in cooperation with the Ministry of Health for Roma medical-social mediators, and 160 such mediators were hired by the Directorate of Public Health.

A survey by the Press Monitoring Agency in June-July showed that approximately 80 percent of the television news on Roma concerned conflict-generating events, such as illegal migration and police raids in Roma communities, and used images reflecting stereotypes.

Section 6. Worker Rights

a. The Right of Association.—All workers, except certain public employees, have the legal right to associate freely and to form and join labor unions without previous authorization, and they freely exercised this right. The new Trade Union Law, which took effect in February, improved legal guarantees of the right of association, allowing public employees and farmers to form or join unions. A minimum of 15 persons of the same profession can set up a union organization, even if they work for different employers. Ministry of Defense, Ministry of Administration and Interior, and intelligence personnel are not allowed to unionize.

The majority of workers belonged to approximately 18 national trade union confederations and smaller independent trade unions. Trade unions may acquire property, support members' exercise of their profession, establish mutual insurance funds, print publications, set up cultural, teaching, and research bodies, establish commercial enterprises and banks, and borrow money. Workers may not be forced to join or withdraw from unions, and union officials who resign elected positions and return to the regular work force are protected against employer retaliation.

The right to form unions generally was respected in practice. However, some employers created enterprise-friendly "yellow unions." Anti-union employers—usually foreign companies—could make employment conditional upon a worker agreeing not to create or join a union. Unions reported that the Government interfered in trade union activities, collective bargaining, and strikes, and alleged that union registration requirements were excessive.

The law prohibits antiunion discrimination, and the Government generally respected this prohibition in practice.

Past studies indicated that labor laws fell short of International Labor Organization (ILO) standards in areas such as election of union representatives, arbitration, liability of strike organizers, the restriction of eligibility for trade unions, and the restriction of eligibility for trade union membership and offices. Most of these issues were resolved by the new Labor Code and the Trade Union Law. Draft texts of the laws were sent to the ILO for review and comment, and the final texts included most of the ILO's recommendations.

The law stipulates that labor unions should be free from government or political party control, a provision that the Government generally respected in practice. Unions were free to engage in political activity and did so.

Labor unions may form or join federations and affiliate with international bodies. The National Confederation of Trade Unions-Fratia and the National Union Bloc

are affiliated with the International Confederation of Free Trade Unions and the European Trade Union Confederation. The Confederation of Democratic Trade Unions of Romania and Cartel Alfa are affiliated with the World Labor Confederation. Representatives of foreign and international organizations freely visited and advised domestic trade unionists.

b. The Right to Organize and Bargain Collectively.—Workers have the right to bargain collectively, but collective bargaining was hindered by state control of many industrial enterprises and the absence of independent management representatives at these entities. Although the law supports collective bargaining as an institution, resulting contracts were not consistently enforceable. Basic wage scales at state-owned enterprises were established through collective bargaining with the Government. Public employees could bargain for everything except salaries, which were set by the Government. Unions claimed that downsizing decisions resulting from agreements with international financial institutions violated labor agreements.

The collective labor dispute law establishes the conciliation, mediation, and arbitration procedures that must be followed during strikes. The law provides for establishment of tripartite arbitration panels from arbitrators approved by the Economic and Social Council, where trade unions and employers associations each have one-third of the membership. Nevertheless, mediation capability has not developed fully. Local panels were poorly trained, and unions continued to take disputes to the Government for resolution.

Neither the new Labor Code nor the new Trade Union Law changed lengthy and cumbersome requirements that make it difficult to hold strikes legally. Unions may strike only if all conciliation means have failed, and the employer is given 48 hours notice. Strikes can only be held to defend the workers' economic interest and not for political reasons. Companies can claim damages from strike initiators if a court deems a strike illegal. Unions complained that they must submit their grievances to government-sponsored conciliation before initiating a strike, and that the courts had a propensity to declare illegal the majority of strikes. Judges, prosecutors, and related Ministry of Justice staff are prohibited to strike, as are Ministry of Defense, Ministry of Administration and Interior, and intelligence service employees. As in the past, fear of job losses due to privatization motivated many strikes. The Government took unions' concerns into account in its privatization strategies.

Labor unrest continued at the Resita steel plant.

Labor legislation is applied uniformly through the country, including in the 6 free trade zones and the 31 disadvantaged zones.

c. Prohibition of Forced or Bonded Labor.—The Constitution prohibits forced or bonded labor, including by children; however, there were reports of Roma children involved in child labor and trafficking (see Sections 6.d. and 6.f.).

The Ministry of Labor, Social Solidarity and Family is responsible for enforcing the law.

d. Status of Child Labor Practices and Minimum Age for Employment.—The minimum employment age is 16 years, but children may work with the consent of parents or guardians at age 15, although only "according to their physical development, aptitude, and knowledge." Minors are prohibited from working in hazardous conditions. Violations of the child labor laws are punishable by imprisonment for periods of 2 months to 3 years. Working children under the age of 16 have the right to continue their education, and the law obliges employers to assist in this regard. The Ministry of Labor and Social Protection has authority to impose fines and close factories to ensure compliance with the law.

A department in the Office of the Prime Minister is responsible for child protection. The Government established organizations in the counties and in Bucharest to enforce child welfare laws. The roles and responsibilities of the agencies that enforce child labor laws remained ill defined, and these laws were often enforced only when a particularly grave case became public. Despite the prevalence of child labor, there were no reports of anyone being charged or convicted this year under any of the child labor laws.

There were no accurate statistics on illegally employed children. Child labor, including begging, selling trinkets on the street, or washing windshields, remained widespread in the Roma community; these children could be of any age.

There was recognition of the problem, and the country continued to show progress in eliminating the worst forms of child labor. Child labor legislation was adequate, but enforcement tended to be lax except in extreme cases, most notably those that attract media attention, such as a case in which children had been "sold" by a rural family to work on a pig farm. The case only came to light when one of the children was grievously injured and had to receive medical care.

A memorandum of understanding between the Government and the ILO on the elimination of child labor was extended for 5 years in June 2002. With ILO support, the Government began implementing a comprehensive International Program on the Elimination of Child Labor (IPEC). The program encompassed measures to: Prevent the increase of child labor in both urban and rural areas; build the capacity of government and non-government agencies to address child labor cases; research the extent and nature of the child labor problem; and raise public awareness. The program's strategy was to identify vulnerable groups and initiate measures in partnership with government agencies, trade unions, universities, and NGOs.

During the year, the National Steering Committee of the Ministry of Labor, Social Solidarity and Family developed a national action plan on child labor. Under the plan, units were established to investigate and monitor child labor, a national advisory group set up to disseminate information, and inter-sectoral teams established in Bucharest and 18 counties.

e. Acceptable Conditions of Work.—Most wage rates were established through collective bargaining at the enterprise level and based on minimum wages for specific economic sectors and categories of workers. The Government set these minimums after negotiation with industry representatives and labor confederations. Minimum wage rates generally were observed and enforced. During the year, the minimum monthly wage was raised from approximately \$53 (1,750,000 lei) to approximately \$72 (2.5 million lei). The minimum monthly wage did not provide a decent standard of living for a worker and family. Prices for utilities continued to rise, but basic food and pharmaceutical products were subsidized. Housing was priced by the market.

A new Labor Code took effect on March 1. The Code was expected to be further refined in approximately 16 subsequent special laws. The Labor Code provides for a standard workweek of 40 hours or 5 days, with overtime paid for weekend or holiday work or work in excess of 40 hours, but not to exceed 48 hours, per week. The Code requires a 24-hour rest period in the workweek, although most workers received 2 days off per week. Paid holidays range from 18 to 24 working days annually, depending on the employee's length of service. The law requires employers to pay additional benefits and allowances to workers engaged in particularly dangerous or difficult occupations.

Neither the Government nor industry, much of which is still state owned, had the resources to improve workplace health and safety conditions significantly. The Ministry of Labor, and Social Solidarity and Family established and enforced safety standards for most industries. However, it lacked trained personnel for enforcement, and employers often ignored its recommendations. Workers have the right to refuse dangerous work assignments, but seldom invoked it in practice.

After a 2001 explosion killed 10 workers in the port of Constanta, shipyard workers protested the lack of safety equipment and management violations of safety procedures. A government delegation led by Privatization Minister Musatescu mediated talks between workers and management; the situation remained unresolved at year's end. The mining industry particularly continued to be unsafe.

f. Trafficking in Persons.—The law prohibits trafficking; however, trafficking in persons continued to be a serious problem. There were some reports of police involvement in trafficking.

A 2001 law prohibiting trafficking took effect on February 6. It defines trafficking as the use of coercion to recruit, transport, harbor, or receive humans for exploitation. Coercion includes fraud or misrepresentation. Exploitation includes slavery, forced labor, prostitution, performance in pornographic films, organ theft, or other conditions that violate human rights. For minors under the age of 18, it is not necessary to prove coercion.

The law provides for 3 to 12 years' imprisonment for trafficking in minors between 15 and 18 years of age. Sentences are increased to 5 to 15 years for trafficking in minors under age 15, if there are two or more victims, or if a victim suffers serious bodily harm or health problems. The sentence for trafficking that leads to the death or suicide of the victim is 5 to 25 years. These penalties are increased by 3 years if the trafficker belongs to an organized crime group and by 2 years if coercion is applied against minors. Consent of a trafficked person does not exempt the trafficker from liability.

The Government increased its efforts against trafficking and police officers continued to pursue cases via their Human Trafficking Task Force. The police assigned 15 officers at headquarters in Bucharest and over 87 officers in 15 zonal centers across the country to investigate trafficking. Of the 87 officers assigned to zonal centers, 42 were women who had received training in anti-trafficking procedures. They continued to expand interagency and local resources assigned to trafficking, and the Government established itself as a strong participant in regional law enforcement

cooperation. During the first 6 months of the year, police identified a total of 658 trafficking crimes. A total of 488 individuals were under investigation for violations connected with trafficking, and, as of June, police had arrested 130 suspects and dismantled 184 trafficking networks. Authorities obtained 9 final convictions under the new trafficking law (for cases in 2001 and 2002) with 7 years given as the maximum sentence for each offense. This contrasted with 2002, when police identified 459 crimes and investigated 420 persons. The Government reported 50 anti-trafficking convictions during the year, compared with none the year before.

In September, press reports indicated that French police arrested 67 adults in a Roma encampment outside Paris and charged them with organizing sexual enslavement of Roma children allegedly kidnapped from the country and brought to France to steal and prostitute themselves.

Starting in 2001, the Prosecutor General's office assigned prosecutors throughout the country to prosecute trafficking and related cases. A handful of prosecutions occurred for pimping offenses. Prosecutions based on indictments under the new trafficking law continued.

During September, the Government participated in the launch of the SECI Regional Anti-Crime Center's Operation Mirage 2003. The success of Operation Mirage in the summer of 2002 led to this second effort at an aggressive and active regional operation to counter trafficking and illegal migration in the Balkans. During the operation, police in the country checked 5,920 controlled places (such as night clubs, discotheques, restaurants, and border crossing points), identified 463 victims and 595 traffickers, initiated 319 criminal procedures, and arrested or charged 207 traffickers.

The country was an origin and transit point for trafficked women and girls from Moldova, Ukraine and other parts of the former Soviet Union to Bosnia, Serbia and Montenegro (including Kosovo), Macedonia, Turkey, Albania, Greece, Cyprus, Italy, France, Germany, Hungary, the Netherlands, Poland, the United Arab Emirates, Japan, and Cambodia for sexual exploitation. Since trafficking patterns are changing, the International Organization for Migration (IOM) noted that it was not possible to estimate accurately the number of trafficked women for the year. Iasi and Timisoara remained major transit centers. Trafficking routes generally went from the border with Moldova to all Balkan countries. While victims were primarily women and girls trafficked for sexual exploitation, there were reports that men were trafficked to Greece for agricultural labor.

Often women were recruited by persons they knew or by newspaper advertisements. A friend or relative would make the initial offer, often telling the victim that she would obtain a job as a baby sitter or waitress. According to the IOM, most women were unaware that they would be forced into prostitution. A minority of trafficked women were sold into prostitution by parents or husbands or kidnapped by trafficking rings. Government officials reported that trafficking rings appeared to be operated primarily by citizens; several domestic prostitution rings were active.

The IOM reported that it assisted 159 trafficking victims, all but two of whom were female, during the year. Of those, 145 were repatriated and 14 provided with integration assistance. Since 2002, the NGO Save the Children dealt with 40 cases related to trafficking, 10 of which involved children. Save the Children noted that trafficking of persons to serve as beggars in Western Europe and the United States continued to be a problem.

The country had approximately 35,000 children in orphanages, some of which reportedly paid insufficient attention to the dangers of girls being trafficked from their facilities. Persons forced out of orphanages between the ages of 16 and 18 often had no identity documents, very little education, and few, if any, job skills. NGOs believed that many girls from orphanages were unaware of the danger and fell victim to trafficking networks.

The Government continued to recognize that corruption in the police, particularly local forces, is a problem. During the year, 2 border police officers were investigated for corruption crimes related to trafficking and removed from duty at Otopeni Airport; 13 Border Police officials (4 from the eastern border, and 9 from the western) were also under investigation for corruption crimes related to trafficking at year's end. Training and personnel changes continued, and most police acknowledged that the country is a source of trafficked victims. Police continued to investigate suspected trafficking through border crossing checks. Border Police questioned victims and attempted to identify traffickers. Organized Crime Directorate officers assigned to investigate trafficking questioned suspects that were identified by victims.

The law requires the Government to protect trafficking victims and authorizes undercover operations and electronic surveillance against traffickers. The law also eliminates criminal penalties for prostitution if the victim turns in or cooperates in the investigation of traffickers.

The Government generally provided little aid to repatriated victims. The IOM, the Ministry of Administration and Interior, and a small number of local NGOs dealt with trafficking issues. The IOM and the Ministry operated a shelter in Bucharest for up to 10 victims with the assistance of Romanian Orthodox Church social workers, NGOs in Bucharest, and the National Office for Refugees. The NGO Reaching Out operated a shelter in Pitesti and the local NGO Alternative Sociale opened a shelter in Iasi with the IOM and Greek Orthodox Church support.

During the year, numerous media stories and anti-trafficking messages on government-sponsored television raised awareness of the problem. All relevant ministries participated in an IOM-coordinated Counter Trafficking Steering Committee and the IOM, with some support from foreign governments, continued its campaign to increase awareness of the problem.

RUSSIA

The 1993 Constitution established a governmental structure with a strong head of state (President), a government headed by a prime minister, and a bicameral legislature (Federal Assembly) consisting of a lower house (State Duma) and an upper house (Federation Council). The country has a multi-party system, but the pro-presidential party that controls over two-thirds of the Duma puts majority support within reach for all presidential priorities. President Vladimir Putin was elected in March 2000. A new Duma was chosen on December 7, in an electoral process that the Organization of Security and Cooperation in Europe (OSCE) described as technically well managed but marred by widespread misuse of administrative resources by pro-government parties, systematically biased media coverage, and inequitable treatment of political parties. The Constitution provides for an independent judiciary. Although seriously impaired by a shortage of resources and by corruption, and still subject to undue influence from other branches of Government, the judiciary continued to show some increasing independence, and the criminal justice system was slowly undergoing reforms.

The Ministry of Internal Affairs (MVD), the Federal Security Service (FSB), the Procuracy, and the Federal Tax Police are responsible for law enforcement at all levels of Government. The FSB has broad law enforcement functions, including fighting crime and corruption, in addition to its core responsibilities of security, counterintelligence, and counterterrorism. The FSB operated with only limited oversight by the Procuracy and the courts. The primary mission of the armed forces is national defense, although the Government has employed them in local internal conflicts, and they were also available to control civil disturbances. The authorities increasingly dealt with security threats in parts of the country by employing militarized elements of the security services. Members of the security forces, particularly within the internal affairs apparatus, continued to commit numerous and serious human rights abuses.

The country had a population of approximately 145 million. The economy continued to grow, and the annual Gross Domestic Produce (GDP) growth was 7 percent compared with 4.5 percent in 2002; GDP was \$365 billion. Industrial production grew by 5.9 percent, and real income increased by 8.6 percent; however, approximately 27 percent of the population continued to live below the official monthly subsistence level of \$73. As of November, official unemployment was 8.6 percent, up from 7.1 percent at the end of 2002. Corruption continued to be a negative factor in the development of the economy and commercial relations.

Although the Government generally respected the human rights of its citizens in some areas, its human rights record worsened in a few areas. The Government's record remained poor in the continuing struggle with separatists in Chechnya, where federal security forces demonstrated little respect for basic human rights. There were credible reports of serious violations, including numerous reports of unlawful killings, and of abuse of civilians by both the Government and Chechen fighters in the Chechen conflict. There were reports of both government and rebel involvement in politically motivated disappearances in Chechnya. Parliamentary elections held on December 7 failed to meet international standards, although the voting process was technically well run. Criminal charges and threats of arrest or actual arrest against major financial supporters of opposition parties, and seizure of party materials from opposition parties, undermined the parties' ability to compete.

There were credible reports that law enforcement personnel frequently engaged in torture, violence, and other brutal or humiliating treatment and often did so with impunity. Hazing in the armed forces remained a problem. Prison conditions continued to be extremely harsh and frequently life-threatening. Arbitrary arrest and

lengthy pretrial detention, while significantly reduced by a new Code of Criminal Procedure, remained problems, as did police corruption. Although there were some improvements, assessments of the progress made in implementing the significant reforms in criminal procedures code enacted in 2002 were mixed at year's end. Government protection for judges from threats by organized criminal defendants was inadequate, and a series of alleged espionage cases continued during the year and caused continued concerns regarding the lack of due process and the influence of the FSB in court cases. Authorities continued to infringe on citizens' privacy rights.

Government pressure continued to weaken freedom of expression and the independence and freedom of some media, particularly major national television networks and regional media outlets; this resulted in the elimination of the last major non-state television station; however, a wide variety of views continued to be expressed in the press. Authorities, primarily at the local level, restricted freedom of assembly and imposed restrictions on some religious groups. Societal discrimination, harassment, and violence against members of some religious minorities remained problems. Local governments restricted citizens' freedom of movement, primarily by denying legal resident permits to new residents from other areas of the country. Government institutions intended to protect human rights were relatively weak but remained active and public. The Government placed restrictions on the activities of both nongovernmental organizations (NGOs) and international organizations in Chechnya. Ethnic minorities, including Roma and persons from the Caucasus and Central Asia, faced widespread governmental and societal discrimination, and, at times, violence. There were increasing limits on workers' rights, and instances of forced labor and child labor were reported. Trafficking in persons, particularly women and girls, was a serious problem.

RESPECT FOR HUMAN RIGHTS

Section 1. Respect for the Integrity of the Person, Including Freedom From:

a. Arbitrary or Unlawful Deprivation of Life.—There were no confirmed reports of political killings by government agents; however, there continued to be credible reports that the federal armed forces engaged in unlawful killings in Chechnya. There also were credible reports that the armed forces used indiscriminate force at various times in the Chechen conflict in areas with significant civilian populations, resulting in numerous deaths (see Section 1.g.). They generally conducted such actions with impunity; however, there was at least one conviction; on July 25, a military court convicted Colonel Yuriy Budanov of charges of kidnapping, murder and abuse of authority in the death of an 18-year-old Chechen woman (see Section 1.g.). Hazing in the armed forces resulted in the deaths of servicemen (see Section 1.c.).

The press and media NGOs reported that unknown parties killed a number of journalists, presumably because of the journalists' work (see Section 2.a.).

Attacks on ethnic and racial minorities resulted in at least one death (see Section 5).

There were a number of killings of government officials throughout the country, some of which may have been politically motivated, in connection with either the ongoing strife in Chechnya, or with politics. A prominent Duma Deputy and Liberal Russia party co-Chairman, Sergey Yushenkov, was shot to death on April 17. Yushenkov had been an outspoken critic of the Putin Administration on a number of issues, and he was engaged in rivalry for leadership within his own party. A number of observers charged that the professionally executed killing was politically motivated. The first court hearing on Yushenkov's case was held on December 26. The prosecutor accused six persons, including Mikhail Kodanov, co-chair of the Liberal Russia party, and a supporter of President Putin's adversary Boris Berezovskiy.

Yuri Shchekochikhin, a Member of the Duma and deputy editor of *Novaya Gazeta*, died in July under mysterious circumstances. Along with Yushenkov, he had begun to investigate charges of FSB responsibility for a series of 1999 apartment building bombings at the time of his death. In December, Yabloko launched its own investigation into Shchekochikhin's death.

On May 14, the St. Petersburg city court returned a guilty verdict for all four suspects in the 1999 killing of St. Petersburg legislative assembly Deputy Viktor Novoselov. Artur Gudkov, who had played the key role in the killing, received a life sentence; the other three received shorter sentences. Law enforcement officials were still looking for the individual or individuals who ordered the killing.

On June 26, a court acquitted all defendants charged with the 1994 murder of journalist Dimitriy Kholodov (see Section 2.a.).

Although the FSB announced in 2002 that they had arrested six unidentified suspects and charged them with the 1998 killing of Galina Starovoytova, a prominent Duma deputy, the investigation continued, and the suspects remained in detention

at year's end. Human rights activists were convinced the suspects were not the masterminds of the killing, and some claimed that the Liberal Democratic Party of Russia was behind it.

Chechen rebels killed numerous civilians and increased their killings of civilian officials and militia associated with the Federally-appointed Chechen administration (see Section 1.g.). Chechen fighters killed a number of federal soldiers whom they took prisoner (see Section 1.g.). Large numbers of individuals were kidnapped and killed in Chechnya during the year (see Sections 1.b., 1.c., and 5). Both sides, as well as criminal elements, were involved in these activities. Authorities attributed bombing incidents in Dagestan and several cities in southern areas of the country to Chechen rebels.

Government forces and Chechen fighters have used landmines extensively in Chechnya and Dagestan since August 1999; there were many civilian landmine casualties in Chechnya during the year.

b. Disappearance.—There were reports of government involvement in politically motivated disappearances in Chechnya. The NGO Memorial claimed that federal military forces have detained thousands of persons from Chechnya since the beginning of the conflict. According to Memorial, there were 472 cases of disappearances during the year. Memorial based this statistic only on the 25 to 30 percent of Chechnya to which Memorial had access, and it speculated that the actual number was at least three times higher. Of the 472, 269 disappeared without a trace, 48 were later found dead with marks of torture, and 155 were later released after a ransom was paid. According to Memorial, there was a sharp rise in disappearances during the year but a dramatic decline before the March constitutional referendum and the October presidential elections.

For example, Human Rights Watch (HRW) reported that Russian forces had “disappeared” at least 26 people between late December 2002 and late February. This was the highest rate of “disappearances” documented by HRW since 1999. HRW reported that, on June 2, security forces took five men, including Said-Magomed Imakaev and Ruslan Utsaev, from their homes in the Chechen village of Novye Atagi. Russian federal troops had detained Said-Magomed Imakaev's son, Said-Khusein Imakaev, in December 2000. There was at least one report that an NGO worker in Chechnya was kidnapped and threatened during the year (see Section 4).

The August 2002 kidnapping by unknown persons of the head of the Doctors without Borders Mission in Dagestan, which neighbors Chechnya, remained unsolved. Police and security services continued to investigate the case. This event, and overall security problems in the region, led the U.N. and many NGOs to suspend their activities temporarily, although the International Committee of the Red Cross (ICRC) resumed operations in Dagestan in November.

There were numerous investigations into kidnappings, but as of January, only 1 of the 1,178 criminal cases initiated in relation to kidnapping had resulted in the commencement of criminal proceedings against an employee of the state law enforcement agencies. In the view of many observers, Government forces were implicated in many of the kidnappings. This led Rudolf Bindig, the Council of Europe's (COE) Rapporteur, to complain of a climate of impunity for state forces in Chechnya.

There were no developments in the ongoing criminal investigation into the disappearance in 2000 of former speaker of the Chechen Parliament and former field commander Ruslan Alikhadzhiev, whom federal forces allegedly detained in Shali, and resolution of the case appeared unlikely.

Memorial estimated early in the year that the number of individuals unaccounted for in Chechnya since 1999 was somewhere between several hundred and more than 2 thousand. Russian and Chechen officials, including Chechen President Akhmed Kadyrov, acknowledged that disappearances continued but attributed many of them to separatist fighters. Memorial and other observers have said Kadyrov's security forces were also responsible for kidnappings. While many disappearances remained unresolved, the abductors released most of those taken, often after their relatives paid a bribe.

Criminal groups in the Northern Caucasus, some of which may have links to elements of the rebel forces, frequently resorted to kidnapping. The main motivation behind such cases apparently was ransom, although some cases had political or religious overtones. The hostage-takers held many of their victims in Chechnya or Dagestan.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The Constitution prohibits torture, violence, and other brutal or humiliating treatment or punishment; however, there were credible reports that law enforcement personnel frequently engaged in these practices to coerce confessions from suspects and

that the Government often did not hold officials accountable for such actions. Neither the law nor the Criminal Code defines torture; it is mentioned only in the Constitution. As a result, it was difficult to charge perpetrators. The only accusation prosecutors could bring against the police was that they exceeded their authority or committed a simple assault.

Prisoners' rights groups, as well as other human rights groups, documented numerous cases in which law enforcement and correctional officials tortured and beat detainees and suspects. Human rights groups described the practice of such abuse as widespread. Numerous press reports indicated that the police frequently beat persons with little or no provocation or used excessive force to subdue detainees.

Although there was no indication of a return to the widespread use of psychiatric methods against political prisoners, an NGO cited Sergey Volkov, whom the authorities described as a specialist in "sects," as stating that approximately 10 Jehovah's Witnesses were in the psychiatric hospital in Penza, where doctors were trying to "return to them their mental health." Human rights activists, including Yuriy Savenko, head of the Independent Psychiatric Association of Russia, charged that political considerations had influenced a psychiatric evaluation supervised by the Ministry of Health that led to the determination that Platon Obukhov, a diplomat charged with espionage, was mentally ill. At year's end, Obukhov was undergoing treatment in a psychiatric hospital near Moscow.

Physical abuse by police officers usually occurred within the first few hours or days of arrest and usually took one of four forms: Beatings with fists, batons, or other objects; asphyxiation using gas masks or bags (at times filled with mace); electric shocks; or suspension of body parts (e.g., suspending a victim from the wrists, which are tied together behind the back). Allegations of abuse were difficult to substantiate because of lack of access by medical professionals and because the techniques used often left few or no permanent physical traces. There were credible reports that government forces and Chechen fighters in Chechnya tortured detainees (see Section 1.g.).

Reports by refugees, NGOs, and the press suggested a pattern of police beatings, arrests, and extortion directed at persons with dark skin, or who appeared to be from the Caucasus, Central Asia, or Africa, as well as Roma (see Section 5). Police continued to harass defense lawyers, including through beatings and arrests, and continued to intimidate witnesses (see Section 1.e.).

Police on at least one occasion beat protesters (see Section 2.b.).

Various abuses against military servicemen, including, but not limited to, the practice of "dedovshchina" (the violent, at times fatal, hazing of new junior recruits for the armed services, MVD, and border guards), continued during the year. Press reports cited serving and former armed forces personnel, the Main Military Procurator's Office (MMPO), and NGOs monitoring conditions in the armed forces, which indicated that this mistreatment often included the use of beatings or threats of increased hazing to extort money or material goods. On September 3, the chief military prosecutor announced that approximately 2,000 hazing incidents had been reported in the military in the first half of the year, an increase of 30 percent from the same period in 2002. According to the chief military prosecutor, over 300 criminal cases were opened regarding hazing incidents in the army during the year. He estimated that 1,200 soldiers had died in non-combat situations in the first half of the year, of which at least 16 were the result of hazing. At least five other deaths of military personnel have been attributed to cases of assault and battery. Soldiers often did not report hazing to either unit officers or military procurators due to fear of reprisals, since officers in some cases reportedly tolerated or even encouraged such hazing as a means of controlling their units. There also were reports that officers used beatings to discipline soldiers whom they found to be "inattentive to their duties." Hazing reportedly was a serious problem in Chechnya, particularly where contract soldiers and conscripts served together.

Both the Union of Soldiers' Mothers Committee (USMC) and the MMPO received numerous reports about "nonstatutory relations," in which officers or sergeants physically assaulted or humiliated their subordinates. Observers have commonly attributed this tendency to stressful conditions—for example, degrading and substandard living conditions—that persisted throughout the armed forces and to the widespread placement of inexperienced reserve officers, on active duty for 2 years, as leaders of primary troop units.

Despite the acknowledged seriousness of the problem, the leadership of the armed forces made only superficial efforts to implement substantive reforms in training, education, and administration programs within units to combat abuse. The limited scale of their efforts was due at least in part to lack of funding and to the leadership's preoccupation with urgent reorganization problems and the fighting in Chechnya. Although the MMPO continued to cooperate with the USMC to inves-

tigate allegations of abuse, the USMC believed that as a result of fear of reprisals, the indifference of commanders, and deliberate efforts to cover up such activity, most hazing incidents and assaults were not reported.

Prison conditions remained extremely harsh and frequently life threatening. The Ministry of Justice administered the penitentiary system centrally from Moscow. The Ministries of Justice, Health, Defense, and Education all maintained penal facilities. There were five basic forms of custody in the criminal justice system: Police temporary detention centers, pretrial detention facilities known as Special Isolation Facilities (SIZOs), correctional labor colonies (ITKs), prisons designated for those who violate ITK rules, and educational labor colonies (VTKs) for juveniles. Responsibility for operating the country's penal facilities fell under the Ministry of Justice's Main Directorate for Execution of Sentences (GUIN). As of August, there were approximately 877,000 persons in the custody of the criminal justice system. Men were held separately from women, as were juveniles from adults. The FSB continued to run the "Lefortovo" pretrial detention center in Moscow, in keeping with a 1998 Presidential decree. The COE's rapporteurs called in 2002 for the transfer of the penitentiary system to the Ministry of Justice "without delay." Lefortovo appeared to be the only SIZO not under the control of the Ministry of Justice.

The Government did not release statistics on the number of detainees and prisoners who were killed or died in custody, or on the number of law enforcement and prison personnel disciplined. The Moscow Center for Prison Reform (PCPR) estimated that in earlier years, 10,000 to 11,000 prisoners died annually in penitentiary facilities, 2,500 of them in SIZOs. During the year, these numbers were estimated to be somewhat lower. Most died as a result of poor sanitary conditions or lack of medical care (the leading cause of death was heart disease). The press often reported on individuals who were mistreated, injured, or killed in various SIZOs; some of the reported cases indicated habitual abuse by the same officers.

Abuse of prisoners by other prisoners continued to be a problem. Violence among inmates, including beatings and rape, was common. There were elaborate inmate-enforced caste systems in which informers, homosexuals, rapists, prison rape victims, child molesters, and others were considered to be "untouchable" and were treated very harshly, with little or no protection provided by the prison authorities.

Penal institutions frequently remained overcrowded; however, there were some improvements. Mass amnesties offered immediate relief. The authorities also took longer-term and more systemic measures to reduce the size of the prison population. These included the use of alternative sentencing in some regions and revisions of both the Criminal Code and the Criminal Procedures Code that eliminate incarceration as a penalty for a large number of less serious offenses. Many penal facilities remained in urgent need of renovation and upgrading. By law, authorities must provide inmates with adequate space, food, and medical attention; with the dramatic decrease in prison populations, they were increasingly meeting these standards.

Inmates in the prison system often suffered from inadequate medical care. In 2001, President Putin described the problem of disease in the prison system as a potential "Chernobyl." According to the GUIN, as of July 1 there were approximately 77,000 tuberculosis-infected persons and 37,000 HIV-infected persons in SIZOs and correction colonies. Public health measures, funded by international aid and by the doubling of government resources for the prison system's medical budget, have effected a limited reversal of the spread of tuberculosis but have not contained the spread of HIV. Detention facilities had tuberculosis infection rates far higher than in the population at large. The Saratov Oblast administration, concerned with the tuberculosis crisis in its facilities, fully funded the tuberculosis-related medicinal needs of prisoners, according to the PCPR. The PCPR also reported that conditions in penal facilities varied among the regions. Some regions offered assistance in the form of food, clothing, and medicine. NGOs and religious groups offered other support.

ITKs held the bulk of the nation's convicts. There were 753 ITKs. Guards reportedly disciplined prisoners severely to break down resistance. At times, guards humiliated, beat, and starved prisoners. According to the PCPR, conditions in the ITKs were better than those in the SIZOs, because the ITKs had fresh air. In the timber correctional colonies, where hardened criminals served their time, beatings, torture, and rape by guards reportedly were common. The country's "prisons"—distinct from the ITKs—were penitentiary institutions for those who repeatedly violated the rules in effect in the ITKs.

Conditions in police station detention centers varied considerably but generally were harsh; however, average periods of stay in such facilities decreased, and overcrowding was greatly alleviated. Implementation in July 2002 of the new Criminal Procedures Code and the overall reduction in the use of pretrial detention for petty criminals reduced both the numbers of persons being held and the length of time

they may be held in pretrial detention. Since 2000, the pretrial population has declined by approximately 46 percent, virtually eliminating the problem of overcrowding in those institutions.

Despite these improvements, conditions in SIZOs, where suspects were confined while awaiting the completion of a criminal investigation, trial, sentencing, or appeal, remained extremely harsh and posed a serious threat to health and life. Health, nutrition, and sanitation standards remained low due to a lack of funding. Head lice, scabies, and various skin diseases were prevalent. Prisoners and detainees typically relied on families to provide them with extra food. Poor ventilation was thought to contribute to cardiac problems and lowered resistance to disease.

Because of substandard pretrial detention conditions, defendants at times claimed that they had confessed simply to be moved to comparatively less harsh prison conditions. Defendants' retractions of confessions made under these conditions generally were ignored, as were those who attempted to retract confessions they claimed they were coerced to make (see Section 1.e.).

VTKs are facilities for prisoners from 14 to 20 years of age. Male and female prisoners were held separately. In August, GUIN reported that there were 62 educational colonies, 3 of which were for girls. Conditions in the VTKs were significantly better than in the ITKs, but juveniles in the VTKs and juvenile SIZO cells reportedly also suffered from beatings, torture, and rape. The PCPR reported that such facilities had a poor psychological atmosphere and lacked educational and vocational training opportunities. Many of the juveniles were from orphanages, had no outside support, and were unaware of their rights. There also were two prisons for children in Moscow. Boys were held with adults in small, crowded, and smoky cells. Schooling in the prisons for children was sporadic at best, with students of different ages studying together when a teacher could be found.

The Government generally permitted the ICRC to work throughout the country, and the ICRC carried out regular prison visits and provided advice to authorities on how to improve prison conditions. However, there were limitations on access in the northern Caucasus where the organization was particularly active. In that region, the Government granted the organization access to some facilities where Chechen detainees were held, but the pretrial detention centers and filtration camps for suspected Chechen fighters were not always accessible to the ICRC or other human rights monitors (see Section 1.g.).

d. Arbitrary Arrest, Detention, or Exile.—The Constitution provides that individuals may be arrested, taken into custody, or detained beyond 24 hours only upon a judicial decision; however, arbitrary arrest and detention remained problems. The Chief Justice of the Russian Supreme Court was quoted in May as saying that cases where law enforcement bodies asked courts to approve arrests, 92 percent were approved and 8 percent disapproved. He added that approximately 10 percent of such court decisions were appealed, with 87 percent of the arrests upheld by higher courts. The Criminal Procedures Code gives authorities the means to implement these requirements, and progress was made toward effective judicial oversight over arrests and detentions.

The Ministry of Internal Affairs, the national police, exists on the federal, regional, and local levels. Corruption was widespread and, although regulations and national laws prohibit corrupt activities, there were few crackdowns on illegal police activity. There were reports that the Government addressed only a fraction of the crimes federal forces committed against civilians in Chechnya (see Section 1.g.). Government agencies such as the MVD have begun to educate officers about safeguarding human rights during law enforcement activities through training provided by foreign governments; however, security forces remained largely unreformed.

The Criminal Procedures Code stipulates that if the police have probable cause to believe that a suspect has committed a crime, or that the suspect is an imminent threat to others, they may detain him for not more than 24 hours. During that time, they must notify the procurator, who then has 24 hours to confirm the charge or release the suspect. The Code also requires that the Procuracy obtain a judicial order for arrest, search, or seizure.

There were credible reports that security forces regularly continued to single out persons from the Caucasus for document checks, detention, and the extortion of bribes. According to NGOs, federal forces commonly detained groups of Chechen men at checkpoints along the borders, and during "mopping-up" operations following military hostilities, or in targeted operations known as "night raids," and severely beat and tortured them.

The Criminal Procedures Code also specifies the introduction of jury trials to the rest of the country (an experiment in jury trials has been underway in 9 out of 89 regions since 1993) for crimes punishable by more than 10 years' imprisonment. By the end of the year, 83 of the 89 regions implemented jury trials. On January 1,

2004, five of the remaining six regions, including St. Petersburg, were scheduled to implement jury trials, leaving only Chechnya, which was scheduled to begin jury trials on January 1, 2007. The new Criminal Procedures Code includes a formal procedure for pleading guilty and includes incentives such as shorter sentences and shorter trials for certain classes of crimes. In the first 6 months that this provision was available, it applied only to crimes punishable by less than 3 years' imprisonment. In that period, 100,400 criminal defendants made use of the new procedure. In July, the Code was amended to simplify the procedure and expand its availability to defendants facing up to 10 years' imprisonment.

The Criminal Procedures Code limits the duration of detention without access to counsel or family members and rendered statements given in the absence of a defense attorney unusable in court; however, there were reports that these reforms were being undermined by the police practice of obtaining "friendly" defense counsel for these interviews and the overall ignorance by defense counsel of these provisions. Despite the Code, courts remained reluctant to exclude evidence allegedly obtained through coercive means (see Section 1.e.).

In June, the Criminal Procedures Code was amended to permit "witnesses" to bring their own attorneys to interviews conducted by the police. This amendment was designed to address the police practice of interrogating suspects without the presence of counsel under the fiction that they were witnesses, and then after incriminating statements were obtained, declaring the suspects to be defendants. Generally was believed that if the witness was aware that that counsel could be present, witnesses were not being denied this right. Citizens' ignorance of their new rights was a problem. The Government was engaged in a public education program to inform citizens of their rights and responsibilities under the system introduced by the Code of Criminal Procedures, such as the right to a lawyer and the obligation to serve on juries when called. The Council of Judges together with the Supreme Court of the Russian Federation and the Russian Information Agency Novosty, conducted an educational program called "Public Trust" for citizens explaining the work of the judicial system and citizens' rights.

Judges generally freed suspects whose confessions were taken without lawyers present or who were held in excess of detention limits. The Supreme Court overturned a number of cases in which lower court judges granted permission to detain individuals on what the Supreme Court considered to be inadequate grounds.

Some regional and local authorities took advantage of the system's procedural weaknesses to arrest persons on false pretexts for expressing views critical of the Government. Human rights advocates in some regions were charged with libel, contempt of court, or interference in judicial procedures in cases with distinct political overtones. Journalists, among others, have been charged with other offenses and held either in excess of normal periods of detention or for offenses that do not require detention at all (see Sections 2.a. and 4).

The law prohibits pretrial detention for crimes carrying a sentence of less than 3 years unless the defendant poses a demonstrable flight risk; detention during trial is limited to 6 months, except where particularly grave crimes are involved. The Code specifies that within 2 months of a suspect's arrest police should complete their investigation and transfer the file to the procurator for arraignment. A procurator may request the court to extend the period of criminal investigation to 6 months in "complex" cases with the authorization of a judge. With the personal approval of the Procurator General, the judge may extend that period up to 18 months. Juveniles may be detained only in cases of grave crimes.

The Code states that police may detain an individual not more than 24 hours before the case is referred to the procurator and gives the procurator 24 hours in which to open or reject the criminal case. At that point, the procurator must decide whether to seek pretrial detention from the court. Pretrial detention is limited in most cases to 6 months. The investigators have 2 months to refer the case file to the court and request more time for detention. Only in a small number of serious crimes and complex investigations can the Procuracy request an extension of detention for an additional 6 months, and only with the personal approval of the Procurator General can they apply to the court for an extension to a maximum of 18 months. During the first 6 months in which the new procedures were in place, no such 18-month extensions were requested and most cases went to trial in the allotted 6 months. According to Chief Justice Lebedev, from January until May, the courts received 37,000 applications for the extension of pretrial detention; 35,000 were granted. These procedures were generally respected; however, there were still some judges and regions that did not appear to enforce them fully.

An individual detained before January 2002 could spend up to 3 years awaiting trial in a SIZO; however, the Criminal Procedures Code gives the courts, rather than the Procuracy, the authority to review detention, and although the Supreme

Court instructed all judges to enforce strictly statutory limits on pretrial detention, insufficient time had elapsed by year's end to permit evaluation of compliance with these instructions.

By December, there were approximately 866,500 persons in corrective facilities, prisons, and detention camps, including approximately 150,000 in prisons and in pretrial detention. In December, Minister of Justice Chaika stated, "since the population of imprisoned persons reached its peak in May 2000, it has been reduced overall by 240,000 persons."

At the end of December, a court suspended the trial of Igor Sutyagin, a disarmament researcher with the U.S. and Canada Institute, with the result that Sutyagin remained in pretrial detention where he has been since 1999 on suspicion of espionage. Prosecutors accused Sutyagin of passing classified information about the country's nuclear weapons to a London-based firm, but the Kaluga regional court ruled in 2001 that the evidence presented by the procurator did not support the charges brought against him and returned the case to the procurator for further investigation.

The European Court of Human Rights (ECHR) ruled in October that authorities in Yekaterinburg had violated Tamara Nikolayevna Rakevich's international rights to liberty and security by holding her for 29 days, rather than the statutory 5 days, before providing her with an opportunity to challenge her incarceration. Psychiatrists had diagnosed Rakevich with paranoid schizophrenia.

Significant reforms occurred in law enforcement and judicial procedures, however, the apparently selective arrest and detention of prominent businessman Mikhail Khodorkovsky on the eve of parliamentary elections raised a number of concerns over the arbitrary use of the judicial system.

The Constitution prohibits forced exile, and the Government did not employ it.

e. Denial of Fair Public Trial.—The Constitution provides for an independent judiciary, and there were increasing signs of judicial independence; however, the judiciary did not act as an effective counterweight to other branches of the Government. Judges remained subject to some influence from the executive, military, and security forces, particularly in high profile or politically sensitive cases. The judiciary continued to lack sufficient resources and was subject to corruption. At times, government authorities refused to implement court decisions, including some ordering them to register certain religious groups and organizations.

The judiciary is divided into three branches. The courts of general jurisdiction, including military courts, are subordinated to the Supreme Court. These courts hear civil and criminal cases and include district courts, which serve every urban and rural district, regional courts, and the Supreme Court. Decisions of the lower trial courts can be appealed only to the immediately superior court unless a constitutional issue is involved. The arbitration (commercial) court system under the High Court of Arbitration constitutes a second branch of the judicial system. Arbitration courts hear cases involving business disputes between legal entities, and between legal entities and the state. The Constitutional Court (as well as constitutional courts in a number of administrative entities of the Russian Federation) constitutes the third branch.

The President approves judges after they have been nominated by the qualifying collegia, which were assemblies of judges. These collegia also had the authority to remove judges for misbehavior and to approve procurators' requests to prosecute judges.

Justices of the peace, introduced beginning in 1998, deal with criminal cases involving maximum sentences of less than 3 years and some civil cases. There were 5,576 justices of the peace throughout the country, although there remained many vacancies in this system. These judges handle a variety of civil cases as well as criminal cases. In those areas where the system of Justices of the peace had been implemented completely, backlogs and delays in trial proceedings decreased significantly, both among those cases referred to the justices of the peace and in the courts of general jurisdiction, because dockets were freed to accept more serious cases more rapidly. Justices of the peace were in various stages of development according to region, but were functioning nationwide, producing significant reductions in case backlogs and freeing the courts of general jurisdiction for more serious cases. In some regions, Justices of the peace assumed 65 percent of federal judges' civil cases and up to 25 percent of their criminal matters, which may have contributed to easing overcrowding in pretrial detention facilities (see Sections 1.c. and 1.d.). Justices of the peace were working in all regions except Kareliya and Chechnya.

Low salaries and lack of prestige continued to make it difficult to attract talented new judges and contributed to the vulnerability of existing judges to bribery and corruption. Working conditions for judges remained poor and lacking in physical security, and support personnel continued to be underpaid. Judges remained subject

to intimidation and bribery from officials and others, and the authorities did not provide adequate protection from intimidation or threats from powerful criminal defendants.

The Criminal Procedures Code provides for the strengthening of the role of the judiciary in relation to the Procuracy by requiring judicial approval of arrest warrants, searches, seizures, and detention (see Section 1.d.). Judicial reforms enacted in 2001 provide for public representation on the qualifying collegia that rate judicial candidates as qualified to hold the office and which impose disciplinary measures. Such public representatives began to serve in some places in 2002 and more widely during the year, and have contributed at least somewhat to a sense that these processes are more open than in the past. In addition, the Supreme Qualifying Collegium of Judges began to make public some information concerning cases in which it had removed judges from office for various kinds of malfeasance in 2002 and continued this practice during the year, thereby adding at least a degree of transparency to the judicial discipline system. According to the Russian Supreme Court, qualification commissions dismissed 68 judges and ordered disciplinary action for over 220 judges during the year.

In addition, judicial training was mandated and strengthened during the year, and the new Academy of Justice under the Supreme Court, with responsibility for training and regular re-training of judges, began operation, with 10 branches in the regions.

The Constitution provides for the right to a fair trial; however, this right was restricted in practice. Assessments of the effects of the new criminal code on this process were mixed as of year's end. Abuses of the right to a fair trial declined; however, numerous critics argued that the country remained far from having a truly adversarial criminal procedure. The domestic press reported that 9,000 persons, or 0.8 percent of defendants, were acquitted in 2002, double the number from the previous year; however, figures suggested that the courts were slow in implementing judicial reforms. One legal observer noted that higher courts overturned 40 percent of the acquittals granted by lower courts, but only .05 percent of the guilty verdicts.

As of December 2002, 69 regions used adversarial jury trials. On July 1, 14 more regions, including the City of Moscow, began jury trials. On January 1, 2004, five more regions, including St. Petersburg, are scheduled to begin using jury trials, leaving only Chechnya scheduled to begin jury trials on January 1, 2007. According to observers, a majority of defense attorneys, defendants, and the public favored jury trials and an adversarial approach to criminal justice. However, trial by jury is available for only a small number of the most serious offences. The remaining criminal cases still were tried by single judges, since the two "peoples assessors" who sat with a judge before the introduction of reforms have been removed. According to the Supreme Court, there were 492 jury trials involving approximately 1,000 defendants during the year. Approximately 15 percent of these trials resulted in acquittals (compared to 0.8 percent of bench trials). As there is no double jeopardy bar to seeking review of acquittals, approximately one-quarter of these acquittals were overturned on appeal.

Many defendants did not attempt to exercise their right to counsel, believing that such efforts would be pointless. NGOs reported that investigators found ways to deny suspects access to counsel, such as by restricting visiting hours. Suspects often were unable or unwilling to exercise their right to counsel during pretrial questioning. Many defendants recanted testimony given during pretrial questioning, stating that they were denied access to a lawyer, that they were coerced into making false confessions or statements, or that they had confessed in order to escape poor conditions in pretrial detention facilities (see Section 1.d.). In the past, human rights monitors have documented cases in which prosecutors obtained convictions on the basis of testimony that the defendant recanted in court, even in the absence of other proof of guilt; however, the Criminal Procedures Code specifically excludes such confessions from evidence.

The Criminal Procedures Code and Federal Defense Bar statute provide for the appointment of a lawyer free of charge if a suspect cannot afford one; however, this provision often was not effective in practice. Lawyers tried to avoid accepting these cases since the Government did not always pay them. In January, a Federal Russian Bar was established, and the bar undertook the obligation to design a system to provide for the representation of indigent suspects. However, the high cost of competent legal representation meant that lower-income defendants often lacked legal representation. There were no defense attorneys in remote areas of the country.

There were public centers that provided legal advice to the general public. These centers usually were run on a part-time basis by lawyers who, while they could not

afford to offer trial counsel or actual legal work, offered advice at no cost on legal rights and recourse under the law.

The Independent Council of Legal Expertise has reported that defense lawyers continued to be the targets of police harassment, including beatings and arrests. Professional associations at both the local and federal levels reported abuses throughout the country, charging that police tried to intimidate defense attorneys and cover up their own criminal activities.

The arrest and trial of Mikhail Trepashkin raised concerns about the undue influence of the FSB and arbitrary use of the judicial system. Trepashkin, an attorney and former FSB official, was arrested in October and charged with disclosing state secrets and illegal possession of a handgun and ammunition. A closed trial began on the case in December based on an indictment that was not made public. Trepashkin had served as a consultant to an independent parliamentary commission headed by then-deputies Sergei Yushenkov, who was killed in April, and Sergei Kovalyov, a prominent human rights advocate (see Section 1.a.). With Trepashkin's assistance, the commission investigated allegations of FSB responsibility for a series of apartment building bombings in 1999 that were blamed on Chechens, and which served as partial justification for the Government's resumption of the armed conflict against Chechen fighters. Trepashkin's October arrest came 1 month after his charges of FSB responsibility were cited in a book and 1 week before he was scheduled to represent the relatives of a victim of one of the apartment building bombings. After his arrest, Trepashkin wrote a letter describing extremely poor and filthy conditions in his detention cell (see Section 1.c.).

Authorities abrogated due process in continuing to pursue several "espionage" cases involving foreigners who worked with Russians and allegedly obtained information that the security services considered sensitive. The proceedings in these cases took place behind closed doors, and the defendants and their attorneys encountered difficulties in learning the details of the charges. Observers believed that the FSB was seeking to discourage Russians and foreigners from investigating problems that the security services considered sensitive, and were concerned by the apparently undue influence of the security services. On August 25, the Vladivostok court found Vladimir Shchurov, Director of the Sonar Laboratory of the Pacific Oceanographic Institute, guilty of revealing state secrets. Shchurov received a 2-year suspended sentence and was freed under amnesty. Regional FSB authorities brought the case in 2000. In June, prosecutors refused to support two of the three original FSB charges against the scientist for lack of evidence. The verdict reflected the tensions between security and scientific inquiry, as the court case pitted Shchurov and the scientific and human rights communities that supported him against the security services.

A Moscow court suspended the trial of Igor Sutyagin, a disarmament researcher with the U.S. and Canada Institute who had been detained in 1999 on suspicion of espionage. Sutyagin was serving his fifth year in prison without a trial (see Section 1.d.). Prosecutors accused Sutyagin of passing classified information about the country's nuclear weapons to a London-based firm, but the Kaluga regional court ruled in December 2001 that the evidence presented by the procurator did not support the charges brought against him and returned the case to the procurator for further investigation.

Grigoriy Pasko, a former military journalist and a former active-duty officer in the Pacific Fleet, who received a 4-year sentence in December 2001 for espionage, continued to appeal to the ECHR to have his conviction overturned. Pasko was granted parole in January 2002 after he served two-thirds (2 years and 8 months) of his sentence. The Russian Supreme Court had rejected his appeal on three occasions.

Platon Obukhov, a diplomat charged with espionage, was determined to be mentally ill and at the end of 2002 was undergoing treatment in a psychiatric hospital near Moscow. Yuriy Savenko, head of the Independent Psychiatric Association of Russia, and other human rights activists criticized Obukhov's 2001 trial, charging that political considerations and pressure from the FSB influenced the psychiatric evaluation supervised by the Ministry of Health.

In a positive development, on December 29, a jury in Krasnoyarsk acquitted physicist Valentin Danilov of charges of spying for China while working on a commercial contract. A number of observers attributed the acquittal to the fact that a jury heard the case.

There were no credible reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home or Correspondence.—The Constitution states that officials may enter a private residence only in cases prescribed by federal law or on the basis of a judicial decision; however, authorities did not always observe these provisions. The Constitution permits the Government to monitor correspondence, telephone conversations, and other means of communica-

tion only with judicial permission and prohibits the collection, storage, utilization, and dissemination of information about a person's private life without his consent. A 1999 Law on Operational Search Activity partially implemented these provisions, and the new Criminal Procedures Code implemented others; however, problems remained. Authorities continued to infringe on citizens' privacy rights. There were reports of electronic surveillance by government officials and others without judicial permission. Law enforcement officials in Moscow reportedly entered residences and other premises without warrants. There were no reports of government action against authorities who violated these safeguards.

In 1999, Internet service providers were required to install, at their own expense, a device that routes all customer traffic to an FSB terminal. Providers that do not comply with the requirements face either loss of their licenses or denial of their license renewal. While the framers of this "System for Operational Investigative Measures" (SORM-2) claimed that the regulation did not violate the Constitution or the Civil Code, because it required a court order to authorize the FSB to read the transmissions, there appeared to be no mechanism to prevent unauthorized FSB access to the traffic or private information without a warrant. In 2000, Communications Minister Leonid Reyman issued an order stating that the FSB was no longer required to provide telecommunications companies and individuals documentation on targets of interest prior to accessing information. Human rights activists suggested that this order only formalized existing practices, established since SORM was introduced, of monitoring communications without providing any information or legal justification to those being monitored. Despite the 2000 Supreme Court ruling upholding the requirements that the FSB conduct monitoring only by court order, the oversight and enforcement of these provisions were inadequate in practice.

A Doctrine of Information Security of the Russian Federation that President Putin signed in 2000, although without legal standing, indicated that law enforcement authorities should have wide discretion in carrying out SORM surveillance of telephone, cellular, and wireless communications. Human rights observers continued to allege that officers in the special services, including authorities at the highest levels of the MVD and the FSB, used their services' power to gather compromising materials on political and public figures, both as political insurance and to remove rivals. They accused persons in these agencies, both active and retired, of working with commercial or criminal organizations for the same purpose. There were credible reports that regional branches of the FSB continued to exert pressure on citizens employed by foreign firms and organizations, often with the goal of coercing them into becoming informants.

Government forces in Chechnya looted valuables and food from houses in regions that they controlled (see Section 1.g.).

g. Use of Excessive Force and Violations of Humanitarian Law in Internal and External Conflicts.—The indiscriminate use of force by government troops in the Chechen conflict has resulted in widespread civilian casualties and the displacement of hundreds of thousands of persons, the majority of whom sought refuge in the neighboring republic of Ingushetiya. President Putin announced in 2001 the successful completion of the active military phase of the struggle against separatism in Chechnya and stated that an anti-terrorist operation under the direction of the FSB would begin immediately. The security situation prevented most foreign observers from traveling to the region, and the Government enforced strict controls on both foreign and domestic media access (see Section 2.a.).

Federal authorities—both military and civilian—have limited journalists' access to war zones since the beginning of the second war in Chechnya in October 1999. Most domestic journalists and editors appeared to exercise self-censorship and avoided subjects embarrassing to the Government with regard to the conflict (see Section 2.a.). Human rights observers also faced limitations in access to the region (see Section 4). These restrictions made independent observation of conditions and verification of reports very difficult and limited the available sources of information concerning the conflict. However, human rights groups with staff in the region continued to release credible reports of human rights abuses and atrocities committed by federal forces during the year. A wide range of reports indicated that federal military operations resulted in numerous civilian casualties and the massive destruction of property and infrastructure, despite claims by federal authorities that government forces utilized precision targeting when combating rebels. There were no reliable estimates of the number of civilians killed as a result of federal military operations; estimates of the totals since 1999 varied from hundreds to thousands. It was also impossible to verify the number of civilians injured by federal forces.

Mopping up or "cleansing" operations known as "zachistki" continued periodically throughout the year, although federal forces shifted tactics toward more targeted operations. Although this change reduced large-scale abuses that often accompanied

zachistki, human rights organizations indicated that disappearances of those detained in these raids continued. Human rights activists, including Memorial, reported that federal forces continued to ignore order #80, issued in 2002, which established rules on how to carry out passport checks and mopping-up operations. That order required that the military forces have license plates on their vehicles when entering a village, that military personnel should be accompanied by a representative of the Procuracy and local officials, that they identify themselves when entering a house, and that lists be made and shared with local authorities of all persons arrested during a mopping-up operation. For example, in January, federal forces conducted a sweep in the town of Argun. According to reports, the federal forces dragged residents from their beds and took them to a quarry where they detained and tortured them. Relatives of the detained found two bodies that had been blown up in the quarry. Residents were able to identify one of the bodies as a resident whom federal forces had arrested. Only after mass protests in Argun were most of those detained released. All of them showed signs of physical abuse and required medical attention.

According to the NGO Memorial, in March, in the village of Alkhan-Yurt, armed men in armored personnel carriers arrested two Chechen police officers. Their bodies were found 8 days later riddled with bullets and showed signs of having been tortured by electric shocks.

Federal forces and police conducted security sweeps in neighboring Ingushetiya that also resulted in reported human rights violations and disappearances. In June, Federation and pro-Moscow Chechen forces conducted at least seven operations in Ingushetiya, according to HRW. As with similar operations in Chechnya, reports of beatings, arbitrary detentions, and looting usually followed these operations. In August, pro-Moscow Chechen police abducted five men from a polyclinic in Ingushetiya. According to reports, police burst into the clinic firing weapons. One of those detained was wounded. One of the policemen struck a doctor with a rifle. As of October 1, the whereabouts of the five were unknown. Ingush prosecutors opened a criminal case.

Government forces and Chechen fighters have used landmines extensively in Chechnya and Dagestan since 1999; there were many civilian landmine casualties in Chechnya during the year.

In addition to casualties attributable to indiscriminate use of force by the federal armed forces, individual federal servicemen or units committed many abuses. According to human rights observers, government forces responding to Chechen attacks at times engaged in indiscriminate reprisals against combatants and non-combatants alike. Federal forces were also believed to be responsible for the killing of Umar Zabiev, a civilian, in June near the Ingush village of Galashki. Heavy machine gun fire hit the car in which Zabiev, his brother, and his mother were riding as they were returning home. The gunfire was believed to come from a nearby column of armored vehicles. Umar Zabiev stayed with his injured mother and sent his brother to bring help. When villagers arrived a short time later, Umar was missing. His body was found the next morning bearing clear marks of torture and gunshot wounds. Police searching the area found more than 100 spent cartridges and other items that indicated the presence of Federation military personnel.

Command and control among military and special police units often appeared to be weak, and a climate of lawlessness, corruption, and impunity flourished.

Federation forces continued to use antipersonnel mines in Chechnya. Reports from hospitals operating in the region indicated that many patients were landmine or ordnance victims and that such weaponry was the primary cause of death. Government officials reported that in Chechnya there were 5,695 landmine casualties in 2002, including 125 deaths. The casualties included 938 children. By comparison, there were 2,140 landmine casualties in 2001.

There were additional discoveries of mass graves and "dumping grounds" for victims allegedly executed by government forces in Chechnya. There were no reports by year's end that the Government intended to investigate earlier cases. Memorial reported that in February, near the village of Kapustino, the bodies of seven men were found, and each showed signs of violent death; five of the deceased men were identified as having been arrested during 2002 by men believed to be Federal security officers. In August, villagers in Staryy Atagi witnessed a body thrown out of an armored vehicle and then blown up. They found body fragments at the site that were later determined to be the remains of a man arrested by Federal forces.

Large numbers of individuals were declared missing during the year, although estimates of the total number varied (see Section 1.b.). Of 267 persons declared missing during the first 6 months of the year, law enforcement agencies had solved 5 of these cases. HRW and other NGOs estimated that nearly 60 persons disappeared every month in Chechnya.

On March 15, human rights activist Imran Ezhiev, the head of the regional office of the Russian-Chechen Friendship Society and a regional representative of the Moscow Helsinki Group, was kidnapped by unidentified armed, masked men in Chechnya and held for 3 days before being released (see Section 4).

Armed forces and police units reportedly routinely abused and tortured persons held at so-called filtration camps, where federal authorities sorted out fighters or those suspected of aiding the rebels from civilians. Federal forces reportedly ransomed Chechen detainees (and, at times, their corpses) to their families for prices ranging from several hundred to thousands of dollars. According to human rights NGOs, federal troops on numerous occasions looted valuables and foodstuffs in regions they controlled. Many internally displaced persons (IDPs) reported that guards at checkpoints forced them to provide payments or harassed and pressured them. There were some reports that federal troops purposefully targeted some infrastructure essential to the survival of the civilian population, such as water facilities or hospitals. The indiscriminate use of force by federal troops resulted in a massive destruction of housing, as well as commercial and administrative structures. Gas and water supply facilities and other types of infrastructure also were damaged severely. Representatives of international organizations and NGOs who visited Chechnya reported little evidence of federal assistance for rebuilding war-torn areas.

There were widespread reports of the killing or abuse of captured fighters by federal troops, as well as by the Chechen fighters, and a policy of "no surrender" appeared to prevail in many units on both sides. Federal forces reportedly beat, raped, tortured, and killed numerous detainees.

The Government investigated and tried some members of the military for crimes against civilians in Chechnya; however, there were few convictions (see Section 1.d.). According to reports, of the 1,700 cases filed against servicemen by military prosecutors, 345 had been halted for various reasons, including amnesties, and 360 had been handed over to the courts. Human rights observers alleged that the Government addressed only a fraction of the crimes federal forces committed against civilians in Chechnya.

According to Russian Justice Minister Yuriy Chaika, from the start of the conflict through November, 54 servicemen, including 8 officers, had been found guilty of crimes against civilians in Chechnya. Four servicemen, including three officers, were on trial for murder charges over the 2002 deaths of six Chechen civilians in a court in the southern city of Rostov-on-Don.

Memorial concluded that the majority of cases opened for alleged crimes by Federation servicemen against civilians resulted in no charges. Cases were closed or investigations suspended because of the absence of the bodies or because of an inability to identify a suspect. In a trial widely regarded as a test case, a military court, on July 25, convicted Colonel Yuriy Budanov of charges of kidnapping, murder, and abuse of authority in the death of an 18-year-old Chechen woman. Budanov, the highest-ranking officer tried for crimes in Chechnya, was sentenced to 10 years in prison. The ruling represented a positive step, although the sentence was a relatively lenient punishment for murder. In 2002, the court had ruled that Budanov was temporarily insane at the time of the killing. At that time, prosecutors asked the court to drop the murder charges. Those prosecutors were later replaced, and the new prosecution team and lawyers for the girl's family successfully appealed the decision, leading to the new trial in which Budanov was convicted.

The Government announced an amnesty program as part of an effort to persuade Chechen fighters to lay down their weapons. The offer of amnesty was also extended to Federation soldiers and police accused of crimes in Chechnya. After the September 1 deadline passed, government officials announced that 195 Chechens had applied for amnesty. Officials further announced that 225 Federation servicemen and police officers had applied.

Individuals seeking accountability for abuses in Chechnya became the targets of government forces. According to Memorial, government troops in May killed Zura Bitaeva and five members of her family in the Kalinovskaya settlement. Bitaeva had actively campaigned against the Federation military and its human rights violations during the first war and at the start of the second war. Authorities arrested her in January 2000 and held her for 1 month in the filtration camp at Chernokosovo. Following her release, she filed a case with the ECHR. In February, she had been one of a group of women who demanded an investigation of a reported mass grave near the Kapustino settlement. In March, Bitieva's husband and their son were charged with possession of narcotics and put on trial shortly before they were killed.

In response to international criticism of the human rights situation in Chechnya, the Government established several federal bodies to examine alleged domestic human rights violations. An Independent Commission on Human Rights in the

Northern Caucasus headed by the Chairman of the State Duma Committee on Legislation maintained a number of offices in Chechnya and Ingushetiya. A Special Presidential Representative for Human Rights in Chechnya appointed by President Putin had branches in Moscow and in Chechnya to take complaints about alleged human rights violations. These two organizations heard hundreds of complaints from citizens, ranging from destruction or theft of property to rape and murder; however, neither organization was empowered to investigate or prosecute alleged offenses and had to refer complaints to the military or civil procurators. Almost all complainants alleged violations of military discipline and other common crimes.

Chechen rebel fighters also committed serious human rights abuses. According to various reports, they killed civilians who would not assist them, used civilians as human shields, forced civilians to build fortifications, and prevented refugees from fleeing Chechnya. In several cases, Chechen fighters killed elderly Russian civilians for no apparent reason other than their ethnicity. As with the many reported violations by federal troops, there were difficulties in verifying or investigating these incidents.

During the year, Chechen rebels carried out several bombings, and terrorist acts, including suicide bombings, increased. In May, a truck bomb outside the regional government building in Znamenskoye, Chechnya, killed 59 persons. Terrorist Shamil Basayev, a Chechen commander, claimed responsibility. Two days later, a woman blew herself up at an Islamic festival in Chechnya attended by then-Head of Administration Kadyrov. The blast killed 16 people. In June, a woman detonated explosives next to a bus shuttling Russian military and civilian personnel to an air base in North Ossetia. In July, 2 women detonated explosives while standing at the gates of a rock festival, killing 16 others. In August, suicide bombers drove a truck laden with explosives into a military hospital in Mozdok, killing 50 people, including wounded soldiers. In September, a car bomb exploded outside the headquarters of the Ingush branch of the FSB, killing three people. In Moscow, a bomb disposal expert died when a bomb outside a restaurant went off as he approached. Police had found the bomb when they detained a woman from Chechnya as she tried to enter a downtown restaurant. Chechen fighters planted landmines or used improvised explosives that killed or injured federal forces and often provoked federal counterattacks on civilian areas. On December 9, a woman believed to be from Chechnya, blew herself up in front of the National Hotel, killing 6 and wounding 14 persons. The bomber reportedly asked where the State Duma was located before detonating her explosives in front of the hotel; the National Hotel is located 170 yards from the Kremlin.

In other incidents, rebels took up positions in populated areas and fired on federal forces, thereby exposing the civilians to federal counterattacks. When villagers protested, the rebels sometimes beat them or fired upon them. Chechen fighters also targeted civilian officials working for the pro-Moscow Chechen Administration. In October, they killed the mayor of Shali, Musa Dakayev, and his son when they fired upon their car. The media reported that Dakayev was the fourth mayor of a Chechen town killed within 6 months. Chechen fighters also reportedly abused, tortured, and killed captured soldiers from federal forces. Rebels continued a concerted campaign, begun in 2001, to kill civilian officials of the Government-supported Chechen administration. According to Chechen sources, rebel factions also used violence to eliminate their economic rivals in illegal activities or to settle personal accounts.

Chechen fighters launched numerous attacks on government forces and police in Ingushetiya during the year.

Individual rebel field commanders reportedly were responsible for funding their units, and some allegedly resorted to drug smuggling and kidnapping to raise funds. As a result, it often was difficult, if not impossible, to make a distinction between rebel units and criminal gangs. Some rebels allegedly received financial and other forms of assistance from foreign supporters of international terrorism. Officials continued to maintain that there were 200 to 300 foreign fighters in Chechnya.

According to a December 2002 report by the U.N. special representative for children and armed conflict, Chechen rebels used children to plant landmines and explosives (see Section 5).

International organizations estimated that the number of IDPs and refugees who left Chechnya as a result of the conflict reached a high of approximately 280,000 in the spring of 2000 (see Section 2.d.). At various times during the conflict, authorities restricted the movement of persons fleeing Chechnya and exerted pressure on them to return to Chechnya (see Section 2.d.). As of September, the United Nations High Commission for Refugees (UNHCR) estimated that 75,651 displaced persons remained in Ingushetiya and 141,000 IDPs.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution provides for freedom of speech and of the press; however, government pressure on the media persisted, resulting in numerous infringements of these rights. Faced with continuing financial difficulties as well as increased pressure from the Government and large private companies with links to the Government, many media organizations saw their autonomy weakened further during the year. By a variety of means, the Government continued to exert influence over national television and radio, the most widespread sources of information for the public, particularly in television coverage of the parliamentary elections during the year. The public continued to have access to a broad spectrum of viewpoints in the print media and, for those with access, on the Internet.

While the Government generally respected freedom of expression, this did not always extend to sensitive issues such as the conduct of Russian forces in Chechnya or to discussions of religion. For example, the August reorganization of VTsIOM, an independent, commercially-viable, state-owned, polling agency, was widely seen as an attempt to eliminate an independent source of information about issues such as political party ratings and public opinion on the war in Chechnya. The Government depicted the reorganization as part of its program to privatize State enterprises, but the new board of directors was comprised of officials from the ministries and the presidential administration. However, the original VTsIOM reorganized under the name of VTsIOM–A and continued to conduct polls and publish their results. In October, a Moscow movie theater cancelled an independent film festival on Chechnya, reportedly out of concern that the films would offend the Kremlin. The Sakharov Center Director, one of the film festival’s organizers, accused Russian authorities of pressuring the movie theater into canceling the event.

Following the vandalism of an exhibit on religious art at the Sakharov Center in Moscow in January, prosecutors launched criminal proceedings against two senior officials of the Center and three of the exhibit’s artists. On December 25, prosecutors formally charged the Center’s Director with inciting religious and ethnic hatred. Although police detained the six vandals responsible for defacing the art exhibit, they pressed charges against only two. A Moscow court dismissed the charges, ruling that the vandals had the right to express their disgust at the exhibit.

At times, the authorities exerted pressure in a number of ways on journalists, particularly those who reported on corruption or Chechnya, or criticized officials.

Five of the six national, and more than 20 percent of the 35,000 registered local, newspapers and periodicals remained in private hands; however, the Government attempted to influence the reporting of independent publications. Only approximately one-fourth of the 750 television stations in the country remained in private hands, and the Government indirectly influenced most private media companies through partial government ownership of federal and local-level commercial structures, including the gas monopoly Gazprom and the oil company Lukoil, which in turn owned large shares of media companies.

Of the three national television stations, the State owned the Rossiya Channel (RTR) and a majority of First Channel (ORT). The Government owned a 38 percent controlling stake of Gazprom, which in turn had a controlling ownership stake in the third national television station, the prominent, privately owned NTV. It also maintained ownership of the largest radio stations, Radio Mayak and Radio Rossii and news agencies ITAR–TASS and RIA–Novosti.

The Government exerted its influence most directly on state-owned media. As in 2002, the senior staff of RTR, one of the country’s two largest networks, reported that managers offered “guidance” to program announcers and selected reporters, indicating which politicians they should support and which they should criticize. Criticism of presidential policies was strongly discouraged and even prohibited. Correspondents claimed that senior management at times asked them to obtain senior management approval for reports on sensitive political matters prior to broadcasting, and that “negative” language was occasionally edited out. At times, high-level Presidential Administration officials reportedly complained to RTR executives about reporting they viewed as critical of the President.

OSCE election observers noted that during the parliamentary election campaign, state-owned television networks actively promoted candidates from United Russia, the political party of the presidential administration, without providing comparable coverage for candidates from other parties.

Of the regional print media monitored by the OSCE observers, 19 of 24 were described as giving clear support to United Russia.

During the year, the Government enhanced its influence over NTV, once owned by Vladimir Gusinskiy but taken over in 2001 by Gazprom Media, the media arm of government-owned gas monopoly, Gazprom. Although NTV lost a number of popular shows and announcers following the Gazprom Media takeover, and viewership

declined, the network remained among the four leading television stations. Under a new Chief Executive Officer (CEO), financier Boris Jordan, NTV continued its coverage of controversial topics, and Jordan undertook measures that made it possible for NTV to break even in 2002 for the first time since the station was established in 1993. However, in January, Gazprom abruptly fired Jordan as head of Gazprom Media, a move some media analysts attributed to NTV's coverage of the Moscow theater hostage crisis in November 2002. Shortly afterward, Jordan resigned as the head of NTV. Media analysts said that Aleksandr Dybal, who was endorsed by the Kremlin to replace Jordan as head of Gazprom Media, took steps to ensure NTV's loyalty to the Government. Although NTV has preserved its relatively balanced approach to news reporting, analysts claimed that the change in the network's top management made it more susceptible to government pressure.

In June, the Press Ministry took TV Spektrum (TVS), the only remaining nationwide non-state affiliated channel, off the air and assigned the frequency on a temporary basis to the state-owned Sports Channel. In spite of the initial high public interest in TVS, many of whose personnel had originally been associated with NTV before the Government takeover, the network was unable to compete with first-tier networks, and its ratings plummeted. Unable to challenge the monopoly of the advertising giant Video International (VI), reportedly controlled by Media Minister Mikhail Lesin, TVS managed to raise only a fraction of the anticipated advertising revenues. Disputes among the shareholders over editorial and business issues aggravated TVS' problems. In May, TVS was disconnected from the Moscow cable network in a debt dispute, thereby losing the most valuable segment of the advertising market. By June, unpaid wages and growing debts to program producers led to the departure of many popular journalists and highly rated shows. In an official statement, the Press Ministry said TVS was taken off the air because of financial problems and to protect viewers' interests. Observers interpreted the move as an attempt to destroy the last remaining non-state national broadcaster, although some media analysts said that Lesin wanted to take TVS off the air so that he could control the sixth frequency and monopolize the lucrative advertising for VI.

A number of journalists were beaten, killed, or reported missing for reasons that may have been associated with their journalistic activities. The journalists had published critical information about local governments and influential businesses or reported on crime and other sensitive issues. According to the Moscow-based Glasnost Defense Foundation, 10 journalists were killed during the year under mysterious circumstances, and 96 were physically attacked. An Agence France-Presse correspondent was kidnapped in Ingushetiya and had not been freed by year's end. The Glasnost Defense Foundation, together with Journalists without Borders and the Committee to Protect Journalists (CPJ), also documented numerous cases of censorship and police intimidation of media personnel. In most cases where assailants attacked journalists physically, authorities and observers were unable to establish a direct link between the assault and those who reportedly had taken offense at the reporting in question. As in 2002, independent media NGOs characterized beatings by unknown assailants of journalists as "routine," noting that those who pursued investigative stories on corruption and organized crime found themselves at greatest risk.

On January 4, two off-duty policemen in Moscow beat Vladimir Sukhomlin to death in what was apparently a contract killing. Sukhomlin was a computer programmer, who had founded the Military History Forum website, Serbia.ru, and Chechnya.ru. The accused faced a maximum punishment of 15 years in prison for activities resulting in "the death of the victim because of negligence." The police did not explain why the charges had been downgraded from murder. Sukhomlin's friends and relatives believed that the murder was related to Sukhomlin's journalistic activities.

On April 18, Dmitry Shvets, deputy head of TV-21 in Murmansk, was shot dead outside the station's offices. Media reports quoted anonymous sources saying the killing was politically motivated. Media defense advocates noted that the channel had previously received threats from unknown sources, specifically against another TV-21 journalist, Oleg Motsokin.

On July 18, journalist Alikhan Guliyev was shot and killed in Moscow. Since arriving in Moscow from Ingushetiya in the summer of 2002, Guliyev had worked as a freelance journalist covering Chechnya for TV Tsentral and the daily newspaper Kommersant. While in Ingushetiya, Guliyev had worked for the public television station Groznyy State Television and Radio (GTRK). In early 2002, Guliyev had filed a complaint against Ingushetiya's Interior Minister, Khamsat Gutseriyev, who was running for President of the Ingush Republic. Guliyev claimed Gutseriyev was ineligible to run while holding the office of minister of interior. The Supreme Court of Ingushetiya upheld the complaint and disqualified Gutseriyev as a candidate. In

March 2002, unknown assailants fired upon Gulieyev's car. A criminal investigation was initiated.

On October 9, two unknown assailants stabbed to death Aleksey Sidorov, editor-in-chief of the daily newspaper Tolyattinskoye Obozreniye published in Tolyatti, Samara region, near the entrance to his apartment building. Local police said that the assailants did not rob the victim. Sidorov succeeded Valeriy Ivanov, also killed in an apparent contract assassination in 2002. Local media and media advocacy organizations linked his death to his newspaper's investigative reporting on Tolyatti authorities' connections with the city's criminal groups, whose activities center on the Tolyatti-based VAZ automobile plant. Police subsequently arrested and charged a factory worker with the crime, but a number of observers, including media experts and a lawyer representing Sidorov's family, were skeptical about the Government's case.

High profile cases of murdered or kidnapped journalists from earlier years remained unsolved. The cases of missing or murdered journalists from 2002 include: Natalya Skryl, correspondent for the Taganrog newspaper Nashe Vremya; Sergey Kalinovskiy, editor-in-chief of the newspaper Moskovskiy Komsomolets-Smolensk; Valeriy Ivanov, editor-in-chief of Tolyattinskoye Obozreniye; Aleksandr Plotnikov, founder of the newspaper Gostinyi Dvor; Chuvash reporter Nikolay Vasilyev; Igor Salikov, head of information security for Moskovskiy Komsomolets-Penza; Yuriy Frolov, deputy director of Propaganda Publishing; and Ilyas Magomedov, head of the independent station, Groznyy Television. The cases of murdered journalists from 2001 include: Vladimir Kirsanov, a local newspaper editor from Kurgan, and Eduard Markevich, editor of Novyye Reft in Reftinskiy.

As a result of consistent pressure applied by authorities over the years to control reporting on Chechnya and corruption among officials, an overall tendency by media to censor their own reports on these issues continued during the year, particularly among state-controlled television. Authorities selectively denied journalists access to information, including, for example, filming opportunities and statistics theoretically available to the public. They withheld financial support from government media operations that exercised independent editorial judgment and attempted to influence the appointment of senior editors at regional and local newspapers and broadcast media organizations. On occasion, they removed reporters from their jobs, brought libel suits against journalists, and intimidated and harassed journalists.

The North Caucasus region continued to be one of the most dangerous regions for journalists. Kidnapping and assaults remained serious threats. On July 4, in Ingushetiya, Ali Astamirov, a Chechen correspondent for AFP, was kidnapped by unknown armed assailants and has not been heard from since. Astamirov was based in Nazran, the capital of Ingushetiya, and had been reporting on Chechnya and Chechen refugees. He previously worked for Groznyy Television in Chechnya. In October, the media defense organization Reporters Without Borders called on the COE and the OSCE to intercede with the Russian authorities to intensify their efforts to find Astamirov.

The financial dependence of most major media organizations on the Government or on one or more of several major financial-industrial groups continued to undermine editorial independence and journalistic integrity in both the print and broadcast media. The concentration of ownership of major media organizations, including media outlets owned by the federal, regional, and local governments, remained largely intact and posed a continued threat to editorial independence. Government structures, banking interests, and the state-controlled energy giants United Energy Systems and Gazprom continued to dominate the Moscow media market and extend their influence into the regions. The continuing financial difficulties during the year of most news organizations exacerbated this problem, thereby sustaining their dependence on financial sponsors and, in some cases, the federal and regional governments. As a result of this dependence, the autonomy of the media, and its ability to act as a watchdog, remained weak.

During the year, private media organizations and journalists across the country often remained dependent on the Government for transmission facilities and access to property, printing and distribution services. As in 2002, the media advocacy group Glasnost Defense Foundation (GDF) reported that approximately 90 percent of print media organizations relied on State-controlled organizations for paper, printing, or distribution, while many television stations were forced to rely on the Government (in particular, regional committees for the management of state property) for access to the airwaves and office space. The GDF also reported that officials continued to manipulate a variety of other "instruments of leverage" (including the price of printing at state-controlled publishing houses) in an effort to apply pressure on private media rivals. The GDF noted that this practice continued to be more common outside the Moscow area.

In August, a state-owned printing plant in the Ryazan region refused to print the local newspaper *Meshcherskaya Nov*, citing an order of the regional administration. *Meshcherskaya Nov* journalists linked the administration's move to the paper's frequent criticism of the administration's performance.

Private print and broadcast media, like other enterprises, were vulnerable to arbitrary changes in the policy and practice of tax collection. Although media routinely continued to receive tax breaks on high-cost items such as paper, the GDF and other media NGOs documented numerous instances of government use of taxation mechanisms to pressure media across the country. The Government also occasionally sought to limit reporting on tax matters. Journalists continued to depend on local authorities for accreditation to major news events. There were widespread reports that authorities showed favoritism toward reporters associated or aligned with the federal or local administration and denied access to journalists representing independent media organizations. In Velikiy Novgorod, in April, the only invitee to a meeting with Nikolai Krasilnikov, head of the Natural Resources and Environmental Protection Division in the Russian Natural Resources Ministry, was Lyudmila Petrishchyova, editor-in-chief of the municipal newspaper, *Velikiy Novgorod*. Krasilnikov refused to talk with correspondents of the independent newspapers *Russkiy Karavan* and *Novyi Obyvatel'*, pleading lack of time. The media advocacy group Center for Journalism in Extreme Situations believes the independent publications were kept out of the meeting because of previous reporting that had revealed widespread violations of federal and local environmental protection legislation.

In September, State Duma deputies and journalists petitioned the Constitutional Court to overturn a series of clauses in the voters' rights law that restrict the media's ability to carry out objective reporting during the Duma campaign. The Duma Deputies and journalists argued that the legislation was limiting their ability to fulfill their professional duties. At the end of October, a court decision struck down one clause of the controversial law "on basic guarantees of voters' rights," which was followed 2 days later by a statement from President Putin in support of the Court's ruling. The impact of the decision, issued only 1 month before the election, was minimal—journalists engaged in self-censorship throughout the campaign.

Authorities on the federal and local levels continued to bring lawsuits and other legal actions against journalists and journalistic organizations during the year, the majority of them in response to unfavorable coverage of government policy or operations. The GDF estimated that nearly 300 hundred such cases were brought during the year. In June, Konstantin Sterledev and Konstantin Bakharev, two reporters for the Perm daily newspaper *Zvezda*, went on trial, accused of revealing state secrets. In 2002, the reporters had published articles regarding methods allegedly used by the regional office of the FSB. Freimut Duve, the media representative for the OSCE, wrote a letter to Foreign Minister Igor Ivanov and Presidential Envoy to the Volga Federal District Sergey Kiriyyenko asking their views on the trial. Members of the British PEN organization asked President Putin and Justice Minister Yuriy Chaika to have the case thrown out, because they believed that the trial contradicted international freedom of speech standards. In July, the Perm regional court acquitted Sterledev and Bakharev. The regional prosecutor's office appealed the acquittal to the Supreme Court that upheld the acquittal in a November ruling.

Some regional and local authorities took advantage of the judicial system's procedural weaknesses to arrest persons on false pretenses for expressing views critical of the Government. With some exceptions, judges appeared unwilling to challenge powerful federal and local officials who sought to prosecute journalists. These proceedings often resulted in stiff fines and occasionally in jail terms. In August, a Chelyabinsk district court sentenced German Galkin, deputy editor of *Vecherniy Chelyabinsk* daily, to one year in a hard labor camp as a result of a libel suit filed in June 2002 by Vice Governors of Chelyabinsk region, Konstantin Bochkaryov and Andrey Kosilov. Three articles published in *Rabochaya Gazeta* in 2002 accused the officials of corruption and links to organized crime, but Galkin was not listed in bylines for the articles and denied having written them. According to GDF, Galkin was the first journalist in the post-Soviet era to be jailed for libel. International media defense representatives from Reporters Without Borders, the CPJ, the COE, and the OSCE expressed their concerns about the severity of the sentence, which they believed could have a chilling effect on freedom of expression and information and freedom of the media. At Galkin's appeal, on October 6, the Kalininskiy District Court of Chelyabinsk upheld the sentence, but Galkin planned an appeal to a higher court. The sentence was upheld, but suspended on appeal, and Galkin was released.

GDF reported that in June, the Kyzyl city court in the Republic of Tuva upheld an earlier ruling by a Kyzyl district court, which had sentenced Stanislav Pivovarov to a suspended 1-year prison term for insulting Tuva Prime Minister Sherig-Oola

Oordzhak. Pivovarov, a local politician who contributed articles to the Stolitsa newspaper, appealed the ruling to the Tuva Supreme Court. According to the Glasnost Foundation, no revision of the court's decision was expected.

In August, the Supreme Court acquitted Olga Kitova of libel charges and upheld charges of assaulting a police officer. Kitova was a correspondent for Belgorodskaya Pravda and a member of the Belgorod regional parliament. Authorities harassed her for her reporting on regional government officials. Police arrested her twice in 2001, and she suffered a heart attack while being held in pretrial detention. Previously she had received a 2½-year suspended sentence on libel charges, and, in July 2002, the Supreme Court reduced her extended jail time by 5 months. Kitova was living in Moscow and employed by the daily newspaper Russkiy Kuryer at year's end.

In May the Military Collegium of the Supreme Court overturned the 2002 acquittal of six men accused of organizing the 1994 murder of Dimitriy Kholodov, military affairs correspondent for the news daily Moskovskiy Komsomolets. The Supreme Court ruled that the Moscow Circuit Military Court had "failed to take all available evidence into account," in particular, testimony of one defendant, who stated that then-Minister of Defense Pavel Grachev asked him to "deal with Kholodov" because of the journalist's coverage of corruption in the military.

Novaya Gazeta reporter Anna Politkovskaya, who gained international recognition and received death threats because of her reporting on Chechnya, was forced into hiding in 2001. In October 2002, she received e-mail death threats signed "Kadet," the nickname for Sergey Lapin, a member of the OMON (special forces unit of the Ministry of Interior). On March 4, the prosecutor's office in Nizhnevartovsk dropped the criminal charges against Lapin, citing evidence that Viktor Didenko, who died in 2002, had sent the e-mail threats to Politkovskaya and had signed them with Lapin's nickname.

In September, in Krasnoyarsk, police detained Valeriy Zabolotskiy, a photographer from the local daily Krasnoyarskiy Rabochiy, who was taking pictures for his newspaper. Police claimed that Zabolotskiy was taking photos of police. The journalist was released later that day.

On April 8, a Media Industrial Committee composed of heads of major media organizations adopted an Anti-terrorist Convention, a set of self-imposed rules of reporting on terrorist acts. The Convention established a priority of human life over press freedom, required journalists to report sensitive information to authorities, obliged journalists to seek approval from authorities to interview terrorists, and prohibited live broadcasts of terrorists.

In June, the Press Ministry extended for an additional 5 years Radio Free Europe/Radio Liberty's (RFE/RL) broadcasting license, which was due to expire July 3. In October 2002, President Putin revoked a 1991 presidential decree that authorized RFE/RL to open a permanent bureau in Moscow and instructed the Ministry of Foreign Affairs to accredit RFE/RL. According to press reports at the time, President Putin attributed the decision to revoke the 1991 decree to a desire to put all foreign bureaus on the same legal footing and to the belief that the 1994 law on mass media has made then-President Yeltsin's 1991 decree obsolete. Some media advocacy groups associated President Putin's revocation with RFE/RL broadcasts to Chechnya.

On October 30, the Russian Constitutional Court struck down a controversial provision of the law "On Basic Guarantees of Electoral Rights." The provision would have made it possible to close media organizations for campaigning for or against candidates, for disseminating information about candidates not related to their professional duties, and for any activity "forming positive or negative attitudes towards a candidate." The court drew a distinction between the concepts of election canvassing and information. Under the amended version of the law, only those statements published in the media that have been proven by court to be aimed at supporting a certain candidate constitute election canvassing. The court ruled that a positive or negative opinion of a candidate or the expression of preference for a candidate does not in itself constitute election canvassing. Although the Constitutional Court demonstrated relative independence in this decision, the damage had already been done. With only 1 month left in the election campaign at the time of the ruling, journalists continued to practice self-censorship through the end of the campaign (see Section 3).

There were no discernible repercussions on the press from the Security Council's June 2000 Information Security Doctrine, which outlines "threats to Russian national security" in the fields of "mass media, means of mass communication, and information technology" (see Section 1.f.). However, many observers continued to view it as an indication that the Kremlin considered the media to be subject to the administration and control of the Government.

The Duma made no further attempts at passing an amendment introduced after the October 2002 Dubrovka theater seizure that would have restricted reporting on anti-terrorist operations. In response to widespread criticism from the media and other organizations, President Putin had vetoed an earlier amendment passed by the Duma in November 2002.

Government efforts to limit critical coverage of its attempt to subdue what it regarded as a security threat posed by the rebellion in Chechnya were widely seen as a major impetus for its pressure on the media. Confiscations of records and equipment and efforts by federal and regional authorities—both military and civilian—to limit journalists' access to war zones continued. On September 3, Akmed Kadyrov, the Kremlin-appointed head of Chechnya, combined the nationalities ministry with the press ministry, fired his press minister, Bislan Gantamirov, and appointed his campaign manager, Taus Dzhabraïlov, as the head of the newly combined ministry. The next day, Kadyrov's security forces surrounded the headquarters of GTRK, a station created in March by Gantamirov, and prevented journalists from leaving the building with microphones, cameras, and other equipment needed to conduct television interviews. Kadyrov's forces told the journalists that they would not be allowed to leave the building with equipment that belonged to the State. Press reports quoted GTRK deputy director Islam Musaev as saying all the radio journalists had resigned, while other reports said a majority of the television journalists had resigned. The reorganization and management change occurred after Gantamirov publicly endorsed Kadyrov's rival in the presidential race.

Internet access appeared to be unrestricted, but the Government required Internet service providers to provide dedicated lines to the security establishment so that police could track private e-mail communications and monitor Internet activity. SORM-2 continued during the year to limit the electronic privacy of both citizens and foreigners (see Section 1.f.).

The Government did not restrict academic freedom; however, during the year human rights activists questioned whether the Sutyagin case and others discouraged academic freedom and contact with foreigners on issues that might be deemed sensitive (see Section 1.e.).

b. Freedom of Peaceful Assembly and Association.—The Constitution provides for freedom of assembly and the Government generally respected this right in practice; however, at times local Governments restricted this right.

Organizations were required to obtain permits in order to hold public meetings, and the application process had to be initiated between 5 and 10 days before the scheduled event. Although religious gatherings and assemblies did not require permits, in at least one case the Jehovah's Witnesses organization in Yuzhno-Sakhalinsk was fined for meeting without a permit. While the Ministry of Justice readily granted permits to demonstrate to both opponents and supporters of the government, some groups were either denied permission to assemble or had their permission withdrawn by local officials after Ministry of Justice officials had issued them.

On April 15, police beat participants from an ultra-nationalist organization who were engaged in an unsanctioned demonstration to protest the celebration of St. Petersburg's 300th anniversary. Three of the protesters were beaten so seriously that they had to be hospitalized (see Section 1.c.).

The Constitution provides for freedom of association, and the Government generally respected this right in practice. Public organizations must register their by-laws and the names of their leaders with the Ministry of Justice.

By law, political parties must have 10,000 members in order to be registered and function legally, with no less than 100 members in a majority of the country's 89 regions (see Section 3).

In February, the authorities banned the Islamist party Hizb ut-Tahrir for having terrorist connections and seeking to overthrow the Government. In April, the authorities launched a crackdown on the party, rounding up 55 leaders and members of the group in the capital by year's end. Party members denied the charges against the organization and called the raids an example of persecution. The FSB announced that the raid had resulted in the discovery of extensive munitions.

c. Freedom of Religion.—The Constitution provides for freedom of religion, and the Government generally respected this right in practice; however, in some cases the authorities imposed restrictions on some groups. Although the Constitution provides for the equality of all religions before the law and the separation of church and state, the Government did not always respect this provision in practice.

There were continuing indications that the security services were treating the leadership of some minority religious groups, particularly Muslims and Roman Catholics, as security threats (see Section 2.b.).

Many religious minority groups and NGOs complained of what they believed was collusion between the Russian Orthodox Church and the state. Neither the Constitution nor the 1997 law accords explicit privileges or advantages to “traditional religions;” however, many politicians and public figures argued for closer cooperation with them, above all with the Russian Orthodox Church’s Moscow Patriarchate. Public statements by some government officials, including President Putin, and anecdotal evidence from religious minority groups, suggested that the Russian Orthodox Church increasingly enjoyed a status that approached official. The Church has entered into a number of agreements with government ministries giving it special access to institutions such as schools, hospitals, prisons, the police, the FSB, and the army. The Russian Orthodox Church appears to have had greater success reclaiming pre-revolutionary property than other groups, and many religious workers believed that the Russian Orthodox Church played a role in the cancellation of visas held by non-Orthodox foreign religious workers.

A 1997 law regulating religious practice limits the rights, activities, and status of religious “groups” existing in the country for less than 15 years and requires that religious groups exist for 15 years before they can qualify for “organization” status, which conveys juridical status. All religious organizations were required to register or reregister by the end of 2000 or face liquidation (deprivation of juridical status). Groups that were unregistered previously, including groups new to the country, were severely hindered in their ability to practice their faith. The Ministry of the Justice reported that, as of January, 20,448 organizations were registered. While isolated difficulties with registration continued to appear in different regions around the country, human rights lawyers and representatives of religious minorities reported that such difficulties related to the 1997 law decreased during the year. Local courts have upheld the right of non-traditional groups to register or reregister in a number of cases.

Treatment of religious organizations, particularly minority denominations, varied widely in the regions, depending on the attitude of local offices of the Ministry of Justice. In some areas such as Moscow, Khabarovsk, and Chelyabinsk, local authorities prevented minority religious denominations from reregistering as local religious organizations, as required by law, subjecting them to campaigns of legal harassment.

On April 7, a community of Jehovah’s Witnesses was able to register after a local court overturned the authorities’ earlier refusal. However, the Jehovah’s Witnesses have been denied registration in Cheboksary (a city in Chuvashiya) and Tver. A lawyer for the Jehovah’s Witnesses noted that registration issues were not the real problem—the real problem was the Moscow community case. In Moscow, efforts to ban Jehovah’s Witnesses have led to continuous litigation in several Moscow district courts. Pending the outcome of a court-ordered study to determine the potential negative effects of Jehovah’s Witnesses literature on society and a random survey to further evaluate these effects and assess the public’s attitudes towards the religion, Jehovah’s Witnesses in Moscow were not allowed to reregister. Lawyers for the Jehovah’s Witnesses organization appealed to the ECHR, which in turn requested a response by September. As a result, they continued to experience problems in leasing space.

Many other religious groups continued to contest administrative actions against them in the courts. While such cases were often successful in court, administrative authorities were at times unwilling to enforce court decisions. While the Moscow authorities have not yet permitted the Salvation Army to reregister, the group continued to operate at year’s end.

The Moscow branch of the Church of Scientology has not been permitted by the Moscow authorities to reregister and was threatened with liquidation. The Scientologists filed a suit with the European Court of Human Rights (ECHR) against the liquidation order and has continued to avoid liquidation.

The Church of Jesus Christ of Latter-day Saints (Mormons) had succeeded in registering more than 45 local religious organizations as of June 30; however, in several regions local officials impeded registration. For example, the Mormons have attempted unsuccessfully to register a local religious organization in Kazan, Tatarstan, since 1998.

Although media, NGO reports, and government officials reported that many local Muslim religious organizations were unable to reregister before the December 2000 deadline, spokespersons for the country’s two most prominent muftis stated that most Muslim religious organizations that wanted to register were able to do so.

Human rights groups and religious minority groups have criticized the Procurator General for encouraging legal action against some minority religions and for giving an imprimatur of authority to materials that were biased against Jehovah’s Witnesses, Mormons, and others. The FSB, the Procurator, and other official agencies

have conducted campaigns of harassment against Catholics, some Protestant groups, and newer religious movements. Churches faced investigations for purported criminal activity, landlords were pressured to renege on contracts, and in some cases the security services were thought to have influenced the Ministry of Justice to reject registration applications.

Mainstream politicians, such as Duma Deputy and leader of the Communist Party of the Russian Federation Gennadiy Zyuganov, also made anti-Semitic comments in the press. Communist Duma deputy Vasilii Shandybin has often made derogatory public references to Jews. Anti-Semitic themes also figured in local election campaigns.

Contradictions between federal and local law in some regions and varying interpretations of the law gave some regional officials pretexts to restrict the activities of religious minorities. Discriminatory practices at the local level were attributable to the relatively greater susceptibility of local governments to lobbying by majority religions, as well as to discriminatory attitudes that were widely held in society. For example, articles heavily biased against religions considered “nontraditional” appeared regularly in both local and national press. There were reports of harassment of members of religious minority groups. Several religious communities were forced to defend themselves in court against charges by local authorities that they were engaging in harmful activities. The director of the Dianetics Center in Khabarovsk was convicted on criminal charges of the illegal practice of medicine and received a suspended 6-year sentence; however, at times local courts demonstrated their independence by dismissing frivolous cases or ruling in favor of the religious organizations. In other cases, authorities at times were slow to carry out, or refused to carry out, such rulings and in many cases appealed the rulings.

Sergey Volkov, whom the authorities described as a specialist in “sects,” stated that approximately 10 Jehovah’s Witnesses were in the psychiatric hospital in Penza, where doctors were trying to “return to them their mental health.”

Pentecostal representatives reported that the head of the Khabarovsk administration’s Department of Religion continued to engage in a campaign of harassment, hindering the church’s registration efforts and imposing extensive bureaucratic requirements on visiting missionaries. Harassment by officials included an organized roundtable to discuss the negative effects of the religion.

During the year, the Government was more active in preventing or reversing discriminatory actions taken at the local level, by more actively disseminating information to the regions and, when necessary, reprimanding the officials at fault. President Putin also has sought stricter and more consistent application of federal laws in the many regions of the country.

Some local and municipal governments prevented religious groups, including congregations of Jehovah’s Witnesses, Protestants, Catholics, Mormons, and Hare Krishnas from using venues suitable for large gatherings and from acquiring property for religious uses. Representatives of Jehovah’s Witnesses reported that in July, despite agreements reached with local authorities for large events in local stadiums in Pyatigorsk and Nizhny Novgorod, police intervened to prevent the meetings, blocking the entrances to several thousand persons in both cases. The authorities cited security concerns. Jehovah’s Witnesses reported continuing difficulties obtaining permission to build. Local officials in Sakhalin continued a campaign to deprive Jehovah’s Witnesses use of their existing prayer house. The matter remained in the courts as of year’s end; meanwhile, the congregation was fined for using the premises. A “temporary ban” on the Catholic Church’s attempts to build a church in Pskov remained in effect.

There were instances in which local officials detained individuals engaged in the public discussion of their religious views, but the individuals were released quickly.

The Government also continued to deny foreign missionaries visas to return to the country, reportedly as a result of earlier conflicts with authorities. During the year, religious organizations, particularly Roman Catholics and Protestants, experienced difficulties obtaining long-term visas for their employees and missionaries. These difficulties appeared to have commenced in late 2002, when a “Law on Foreigners” transferred some responsibilities for issuance from the Ministry of Foreign Affairs to the Ministry of the Interior. While most such groups had been able to obtain year-long visas in earlier years, many were only able to obtain 3-month visas during the year, obliging many longer-term foreign employees to make frequent trips abroad to renew their visas.

In March, a Moscow court rejected contentions that a textbook published for use in public schools violated the law against inciting ethnic hatred. Bearing the title, *The Fundamentals of Orthodox Culture*, the textbook was released in 2002 for use in a government-sponsored course on religion in public schools. The course was not mandatory, but few took the step of opting out. Those who challenged the book said

that it stereotyped Jews and was critical of other faiths. The authors had earlier indicated willingness to remove material offensive to Jews.

Continuing tensions between the Russian Orthodox Church and the Vatican often involved the Government. The Russian Orthodox Church denied involvement in the subsequent cancellation of the visas of five Catholic priests, including one bishop, but heatedly defended the cancellations as a government prerogative and an appropriate response to Catholic "encroachment." After Bishop Jerzy Mazur was replaced in the spring, Bishop Kirill Klimovich was officially appointed on April 17; he arrived in Irkutsk in May and was enthroned on June 15. Authorities no longer appeared to deny priests visas as a matter of policy but rather preferred to issue short, 3-month, visas in many cases, requiring a diocese to have two priests in order to maintain ongoing operations.

A law in Belgorod Oblast, affirmed by the Supreme Court, restricts missionary activity in the Oblast. Missionary activity is restricted in Belgorod oblast. The law also restricts the missionaries' use of local venues for religious meetings, and foreigners visiting the region were forbidden to engage in missionary activity or to preach unless the conduct of missionary activity had been stated in their visas. The Office of the Human Rights Ombudsman reported its disagreement with the law and attempted to convince the Belgorod court to reverse the decision. No cases were brought under this law during the year.

Representative offices of foreign religious organizations were required to register with state authorities. They were barred from conducting liturgical services and other religious activity unless they had acquired the status of a group or organization. Although the law officially requires all foreign religious organizations to register, in practice foreign religious representatives' offices (those not registered under law) have opened without registering or have been accredited to a registered religious organization. However, those offices were not permitted to conduct religious activities and did not have the status of a religious "organization."

While religious matters were not a source of societal hostility for most citizens, relations between different religious organizations frequently were tense, particularly at the leadership level, and members of individual minority religions continued to encounter prejudice and societal discrimination, and in some cases violence. Authorities usually investigated incidents of vandalism and violence, but arrests of suspects were extremely infrequent, and convictions were rare. Hostility toward "nontraditional" religious groups reportedly sparked occasional harassment and even physical attacks.

The number of underground nationalist-extremist organizations (as distinguished from such quasi public groups as Russian National Unity (RNE) appeared to be growing. According to the Ministry of the Interior, there were approximately 50,000 skinheads in the country, including 2,500 in Moscow. The primary targets of skinheads were foreigners and individuals from the Northern Caucasus, but they expressed anti-Muslim and anti-Semitic sentiments as well.

In May, Jehovah's Witnesses in St. Petersburg organized a meeting of 15,000 followers. After they heard that "anti-cult" activists might try to disrupt the event, Group leaders sought, but did not receive, added police support. Instead, the police tried to cancel the event, claiming the group lacked documentation, but ultimately permitted it to take place.

The restitution of religious property seized by the Communist regime remained an issue. In accordance with a presidential decree, some synagogues, churches, and mosques have been returned to communities to be used for religious services. According to the Presidential Administration, since a 1993 decree on property restitution went into effect, 4,000 buildings have been returned to religious groups (of which approximately 3,500 were returned to the Russian Orthodox Church). According to the Government, requests for restitution may be considered by the official entities responsible for the properties in question.

In June, the city of Orel approved the restitution of a synagogue in that city for which the local Jewish community had petitioned for a number of years. However, Krasnodar officials reportedly officially refused to return a city synagogue to the Jewish community. Instead, the head of the city Duma, Aleksandr Kiryushin, offered to sell the property to the community. A number of other religious communities continued to seek restitution of properties seized by the Communist Government.

Muslims, Catholics, Jews, and members of other minority religions continued to encounter prejudice and societal discrimination. In the case of Muslims and Jews, it was difficult to separate religious from ethnic motivations. Muslims, who form the largest religious minority, continued to face societal discrimination and antagonism in some areas. Discriminatory attitudes have become stronger since a group of Chechen rebels took 750 hostages in a Moscow theater in November 2002, and an

explosion, blamed by the authorities on two Chechen women, killed 15 in a suicide attack on July 5. Women wearing Muslim headscarves were often stopped in the streets for document checks for no apparent reason. The authorities, the media, and the public have been quick to label Muslims or Muslim organizations “Wahhabists,” a term that has become synonymous with “extremists.” Human rights NGOs accused the authorities of cracking down on Muslim believers and others of traditionally Muslim ethnicity.

Numerous press reports documented anti-Islamic sentiment. At the end of July, the Russian Council of Muftis reportedly demanded action from the authorities to end the harassment and incitement of ethnic hatred against Muslims. According to press reports, on September 8, arsonists set fire to a mosque in Bratsk (Irkutsk region). Wooden planks were reportedly doused in flammable liquid and set against the building; nobody was injured. According to Rakhim Nabotov, Chair of Bratsk Muslim Community, there were two fire incidents during the year. After the second incident, the local police refused to investigate the site. Nabotov claimed he did not expect any help from the Bratsk local authorities and would be happy if they did not get in the way. Nabotov noted that the Muslim community in Bratsk was rather large—there were 18,000 Muslims in Bratsk out of a population of 450,000. According to him, ethnic hatred was a serious problem—Bratsk Muslims were being blamed for problems in Chechnya.

Although Jewish leaders have stated publicly that the State-sponsored anti-Semitism of the Soviet era no longer existed, Jews continued to face prejudice, social discrimination, and some acts of violence. The NCSJ reported that there were attacks on, and threats toward, Jews, Jewish leaders, and Jewish property, citing instances in Moscow, Ulyanovsk, Samara, and Voronezh. According to a press report, at the end of July, police successfully defused a bomb wired to an anti-Semitic placard by the side of a highway south of Moscow. There were similar incidents in 2002.

During the year, unknown persons vandalized synagogues, Jewish cemeteries, and memorials. Vandals desecrated tombstones in cemeteries dominated by religious and ethnic minorities in numerous cases. These attacks usually were accompanied by swastikas and other ultra-nationalist symbols. For example, a human rights NGO reported that on August 5, vandals smashed windows and painted swastikas and anti-Semitic slogans on the Yaroslavl synagogue. This was the fourth attack on the synagogue during the year. According to the Jewish Cultural Center in Yaroslavl, there were two more attacks at the complex in May and June. On June 22, vandals celebrating the day when the Great Patriotic War began, smashed windows and painted anti-Semitic slogans. The Mayor of Yaroslavl allotted approximately \$3,000 (90,000 rubles) for reparations. According to a Jewish Cultural Center representative, the investigation classified these cases as hooliganism, but they could not confirm whether any of these cases were brought to a court.

Responses to anti-Semitic violence were mixed. Authorities often provided strong words of condemnation, but with a few exceptions, have preferred to label the perpetrators as terrorists or hooligans. Occasionally, the Government has redesignated these events as criminal acts resulting from ethnic hatred.

A large number of small, radical-nationalist newspapers are distributed throughout the country. They carry anti-Semitic, as well as anti-Muslim and xenophobic leaflets. Anti-Semitic themes continued to figure in some local publications around the country, unchallenged by local authorities. Some NGOs claimed that many of these publications are owned or managed by the same authorities.

The Office of Human Rights Ombudsman Mironov includes a department dedicated to religious freedom issues. Mironov continued to criticize the 1997 Law on Freedom of Conscience and to recommend changes to bring it into conformity with international standards and with the Constitution.

As a consequence of beatings of an African-born Pentecostal pastor and the displacement of his congregation resulting from the burning of the church building in 2001 by unknown assailants, who were never apprehended, the congregation in the Moscow suburb of Checkov disbanded at mid-year (see Section 5).

Although the Constitution mandates the availability of alternative military service to those who refuse to bear arms for religious or other reasons of conscience, in practice, no such alternative exists. The Slavic Law Center handled several cases of persons who refused to perform military duty based on their religious convictions. According to the Jehovah’s Witnesses lawyer in St. Petersburg, Jehovah’s Witnesses were aware of 70 court cases where conscripts defended their rights not to serve in the military. Of these 70 cases, 29 were adjudicated in favor of the objector, 17 against, and 23 cases were still ongoing. Also, there were 10 (out of these 70 cases) criminal cases initiated against Jehovah’s Witnesses who refused military service. Of these, 2 were convicted, 5 were acquitted, and 3 cases were ongoing at year’s end.

For a more detailed discussion, see the 2003 International Religious Freedom Report.

d. Freedom of Movement within the Country, Foreign Travel, Emigration, and Repatriation.—The Constitution provides for these rights; however, the Government placed restrictions on freedom of movement within the country and migration, and there were some bureaucratic obstacles to foreign travel.

The Government has long had registration requirements on domestic travel. All adults are issued internal passports, which they must carry while traveling and must register with local authorities for visits of more than 3 days (in Moscow for visits more than 24 hours); however, travelers not staying in hotels usually ignored this requirement. These internal passports also are required for obtaining many governmental services. There have been several disputes between the central authorities and regional governments regarding the internal passports.

The Constitution provides citizens with the right to choose their place of residence freely; however, some regional governments continued to restrict this right through residential registration rules that closely resembled the Soviet-era “propiska” (pass) regulations. Although authorities justified the rules as a notification device rather than a control system, their application produced many of the same restrictive results as the “propiska” system. Citizens must register to live and work in a specific area within 7 days of moving there. Citizens changing residence within the country as well as persons with a legal claim to citizenship, who decide to move to the country from other former Soviet Republics, often faced great difficulties or simply were not permitted to register in some cities. Corruption in the registration process in local police precincts remained a problem. Police demanded bribes when processing registration applications and during spot checks for registration documentation. The fees for permanent and temporary registration remained low. The Government and city governments of Moscow and other large cities defended registration as necessary in order to control crime, keep crowded urban areas from attracting even more inhabitants, and earn revenue. Despite nearly 4 years of litigation, Moscow’s registration requirement remained in effect, and the practice—which police reportedly used mainly as a means to extort money—continued at year’s end.

Federal authorities restricted the entry of foreigners into the northern cities of Norilsk and Novoye Urengoy. While the federal constitution permits entry restrictions for reasons of state security, these cities requested the restrictions because of perceived economic benefits.

While federal law provides for education for all children in the country, regional authorities frequently denied access to schools to children of unregistered persons, asylum seekers, and migrants because they lacked residential registration (see Section 5).

According to NGOs, the city of Moscow and some other jurisdictions frequently violated the rights of nonresidents and ethnic minorities, as well as the rights of those legitimately seeking asylum. Moscow police, particularly special OMON units, conducted frequent document checks, particularly of persons who were dark-skinned or appeared to be from the Caucasus. There were many credible reports that police imposed fines on unregistered persons in excess of legal requirements and did not provide proper receipts or documentation of the fine. According to HRW and church ministries tracking interethnic violence, it was not unusual for darker-skinned persons to be stopped at random and for officers to demand bribes from those without residence permits (see Section 1.c.).

According to the Moscow Helsinki Group’s 2001 human rights report, during 1989–90, approximately 90,000 Meskhetian Turks, an ethnic group many of whose members had been deported from the Soviet Republic of Georgia during World War II, were forced by ethnic conflicts to leave the Soviet Republic of Uzbekistan where they had settled. At the end of 2002, an estimated 60,000 Meskhetian Turks remained in the country. Of these, more than 15,000 had settled in Krasnodar Kray, and approximately 700 had settled in the Kabardino-Balkariya Republic. Authorities in Krasnodar Kray and the Karbardino-Balkariya Republic continued to deny the Meskhetian Turks the right to register, which deprived them of all rights of citizenship, despite provisions of the Constitution that entitle them to citizenship. Meskhetian Turks living in Krasnodar, like other ethnic minorities, were subject to special registration restrictions; for example, they were required to register as “guests” every 45 days. The administration of Krasnodar Governor Tkachev appeared to be attempting to use economic measures to force the Meskhetians to leave the territory. According to Memorial, in the winter of 2001–02, the authorities prohibited them from leasing land and cancelled existing leases for the 2002 crop season. Other measures imposed on them included a prohibition on employment or commercial activity in local markets. According to Memorial, during the year,

Meskhethian Turks police continued to subject them to document checks, detentions, and other harassment.

The Constitution provides all citizens with the right to emigrate. The Government imposed nominal emigration taxes, fees, and duties. On average, it took 3 months to process a passport application, although it could take much longer if documentation was needed from another country of the former Soviet Union.

According to a report from the UNHCR, emigration increased by 50 percent since 2002. In the first 6 months of the year, 12,700 citizens appealed to foreign embassies with requests for refugee status, compared with 20,000 appeals in 2002.

Memorial attributed the rise in emigration to the new citizenship law enacted in 2002. Because of the new law, many citizens of the former Soviet Union (those permanently living in Russia without Russian citizenship) found themselves reclassified as illegal immigrants. In addition, many persons fleeing Chechnya also applied for refugee status. A Soviet requirement that citizens receive a stamp permitting "permanent residence abroad" (PMZh) in order to emigrate—essentially a propiska for those living outside the country—was formally abolished in 1996; however, implementation of the change (which had been scheduled to take place early in 1997) remained incomplete. According to the International Organization for Migration (IOM), border guards continued to require a PMZh-like stamp of all emigrants, and the local authorities continued to issue it to citizens with valid external passports.

If a citizen has had access to classified material, police and FSB clearances were necessary in order to receive an external passport. Persons denied travel documents on secrecy grounds could appeal the decision to an Interagency Commission on Secrecy chaired by the First Deputy Foreign Minister. The Commission may not rule on whether the material should be classified, but it may rule on the legality of travel restrictions imposed and on whether the traveler actually had access to materials requiring a travel restriction. During the year, the Commission granted travel permission to approximately 78 percent of those applicants who had had access to classified information. The 1996 law states that access to classified material may occur only with the consent of the citizen, established in the form of a written contract, which states that the signatory understands that he has been given access to state secrets and that his ability to travel abroad may be restricted. The law envisions a maximum period of delay under normal circumstances of 5 years, and it grants the interagency Commission on Secrecy the right to add an additional 5-year term to the period of delay if the Commission finds that a person had access to particularly sensitive materials. This latter provision raised serious concerns among human rights advocates who monitor government restrictions on foreign travel; however, there were no reports that the provision was applied during the year.

Other grounds for denial of the right to travel abroad were an unfulfilled military conscription obligation, assignment to civilian alternative service, being under criminal investigation, serving a sentence for a crime, evasion of a court-ordered obligation, or providing false information on a passport application.

Emigrants who resettled permanently abroad but were traveling on Russian passports generally were able to visit or repatriate without hindrance; however, visiting emigrants who departed without first obtaining a PMZh stamp have been stopped at the border and prevented from departing the country again (although they may enter without difficulty), since they could present neither a nonimmigrant visa to another country nor evidence of permission to reside abroad legally.

In June 2002, the State Duma adopted a federal law on the legal status of foreign citizens. Critics of the law pointed out that the 3-month deadline facing noncitizen residents for obtaining visas or long-term resident status was very short, that the law did not include an exhaustive list of documents required for official registration, and that the law left many matters to the MVD's discretion. The law also required that a foreigner prove, even after receiving the permit, that he or she was able to provide for himself and his family at a certain level. Under this law, an AIDS-infected foreign worker should be fired from his job immediately. An AIDS-infected person is prohibited from receiving permanent residence status. According to human rights observers, this law, and the new citizenship law, could further increase the difficulties facing groups such as Meskhethian Turks in Krasnodar and other regions who have been denied citizenship documentation in contradiction to the laws governing citizenship.

International organizations estimated that the number of IDPs and refugees who left Chechnya because of the conflict reached a high of approximately 280,000 in the spring of 2000. At the end of the year, an estimated 70,000 IDPs from Chechnya were residing in Ingushetiya, many of them in camps, and 140,000 IDPs in various parts of Chechnya. There were reports of approximately 8,000 Chechen IDPs in Dagestan, 2,500 in North Ossetia, and 4,000 in Georgia. Approximately 20,000 Chechen IDPs reportedly went to other regions of the country. In addition to ethnic

Chechen IDPs, almost the entire population of ethnic Russians, Armenians, and Jews left Chechnya as a result of both the conflict that began in 1999 and the war of 1994–96.

Government officials stated publicly that they would not pressure or compel IDPs to return to Chechnya; however, at the same time, federal and local authorities consistently stated their determination to repatriate all IDPs back to Chechnya as soon as possible. Representatives of the Chechen administration visited camps in Ingushetiya to encourage IDPs to return to Chechnya, usually to temporary IDP facilities; some who did so quickly returned to Ingushetiya because of a lack of facilities and a lack of security in the temporary facilities for IDPs in Chechnya. UNHCR officials reported that 12,727 IDPs returned to Chechnya from Ingushetiya between January 1 and September 31.

Authorities announced at various times during the year that the IDP tent camps, which housed 20,000 IDPs, would be closed. However, following domestic and international protests, federal and local authorities repeatedly offered assurances that no one would be repatriated to Chechnya involuntarily. At times, the border between Chechnya and Ingushetiya was closed because of military operations. Federal border guards and police officers on the border between Chechnya and neighboring regions—and at checkpoints within the country—frequently required travelers to pay bribes. Some Chechens also had trouble traveling because their documents were lost, stolen, or confiscated by government authorities. Officials stopped registering IDPs in Ingushetiya in spring 2001, depriving new arrivals of the possibility of regularizing their status in the republic. Local authorities also frequently removed IDPs from the registration lists if they were not physically present when the authorities visited their tents. There were frequent interruptions in gas and electricity to IDP camps in Ingushetiya, events that IDPs often viewed as pressure to return to Chechnya.

In 2002, the Government appointed a commission to review complaints about treatment of Chechen IDPs in Ingushetiya. According to its report, the majority of the commission members found that IDPs were being pressured to return to Chechnya and that their right to choose their place of residence, to housing, and to inviolability and compensation for damage to their property were being violated to varying degrees. For the fourth year, the Federal Government did not comply with a 2001 U.N. Commission on Human Rights resolution calling for a broad-based independent commission of inquiry to investigate alleged human rights violations and breaches of international humanitarian law. The Government refused to renew the mandate of the Chechnya mission of the OSCE that was charged with “promoting respect for human rights and fundamental freedoms” in the territory, which expired on December 31, 2002 (see Section 4).

The law provides for the granting of refugee status or asylum to persons who meet the definition in the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 protocol. In practice, the Government provided some protection against refoulement, but rarely granted refugee or asylum status. It cooperated to a limited extent with the UNHCR and the IOM; both organizations assisted the Government in trying to develop a more humane migration management system, including more effective and fair refugee status determination procedures. At year’s end, UNHCR had registered 42,931 asylum seekers who originated from outside the territories of the former Soviet Union since 1992. The UNHCR reported that only 2,962 of these were active cases, i.e., 5,793 total persons still seeking asylum or receiving UNHCR assistance. The remainder integrated into society, left the country, resettled, or repatriated. The Government acted more expeditiously and with greater leniency in cases involving applicants who had been citizens of the former Soviet Union. There continued to be widespread ignorance of refugee law both on the part of officials and would-be applicants.

A number of workers and students from Africa and Asia who came to work or study in accordance with treaties between their countries and the former Soviet Union remained in the country. The Government did not deport them but continued to encourage their return home. The number of persons from these countries increased in recent years due to the arrival of individuals seeking refugee status. During the year, the UNHCR resettled a total of 457 persons, of whom 268 were Afghans and 157 were Africans.

A group of approximately 1,400 to 2,000 Armenian refugees evacuated from Azerbaijan in the late 1980s, due to ethnic violence, remained housed in “temporary quarters,” usually in Moscow hotels or workers’ dormitories. They were unable to return to Azerbaijan, and conditions in Armenia made emigration to that country practically impossible; they also lacked residency permits for Moscow. Representatives of the community have stated that they were not interested in Russian citizenship, which would entitle them to the benefits accorded to forced migrants, because

they did not believe such a step would improve their material situation. They also rejected offers of relocation to other regions, alleging that the alternative housing that they were offered frequently was not suitable or available. Their situation remained precarious because the formerly state-owned hotels in which many resided were being privatized; a number of eviction orders were served in such cases during the year. Despite official promises, their status and permanent housing had yet to be resolved by year's end.

The UNHCR continued to be concerned about the situation of asylum seekers and refugees at Moscow's Sheremetyevo-2 airport. The authorities systematically deported improperly documented passengers, including persons who demonstrated a well-founded fear of persecution in their countries of origin. If a passenger requested asylum, Aeroflot provided telephone numbers for the UNHCR, but these numbers were not posted publicly anywhere in the transit zone. Despite repeated UNHCR recommendations, there were no signs in the transit area to advise asylum seekers about the refugee status determination process at the airport. Undocumented travelers were not allowed to leave the transit zone and often were returned to the carrier on which they entered the country. Legally bound to provide food and emergency medical care for undocumented travelers, the airlines returned them to their point of departure as quickly as possible; airlines were fined if an undocumented passenger was admitted to the country but not if the passenger was returned to the country of origin. The treatment of asylum seekers in the transit zone reportedly was harsh. The UNHCR has received reports of physical and verbal abuse of transit passengers by police officers and Aeroflot employees. Authorities rarely released passengers from the transit zone unless there was a medical emergency. During the year, at least four persons were stranded in the transit zone of Sheremetyevo-2 airport for more than 3 months. In addition, at least five other persons were held at the airport's transit hotel/detention facility, managed by Aeroflot, for more than 3 months, including a pregnant asylum-seeker from Iraq who, together with her husband, was eventually resettled by UNHCR in Canada.

In August, airport officials, border guards, and migration officials discussed the issue of stranded passengers (including refugees and asylum-seekers) living in the transit zone. The establishment of a temporary accommodation center for the airport was put forward; however, by year's end, no other concrete steps had been undertaken.

There were 114 Points of Immigration Control (PICs) at border crossings and international airports, which were staffed by members of the former Ministry of Federation Affairs, Nationalities, and Migration Policy who were subsequently employed by the Ministry of the Interior. Most of the cases referred to them dealt with labor migrants both entering and leaving the country. A few were asylum seekers. According to the UNHCR, the PICs have never accepted any of the asylum seekers. Those who were interviewed (and refused) by the PIC at Sheremetyevo-2 generally were referred to the UNHCR, which received numerous such cases during the year. The UNHCR examined each case and sought resettlement on an emergency basis for those that it accepted.

The Constitution does not permit the extradition to other states of persons who would be persecuted there for political beliefs or for actions (or inactions) that are not considered a crime in the Federation; however, in the past there were instances in which opposition figures were deported to countries of the former Soviet Union to face charges that were political in nature.

Under the 1993 Commonwealth of Independent States Convention on Legal Assistance in Civil, Family, and Criminal Affairs, persons with outstanding warrants from other former Soviet states may be detained for periods of up to 1 month while the Procurator General investigates the nature of outstanding charges against the detainee. This system was reinforced informally, but effectively, by collegial links among senior law enforcement and security officials in the various republics of the former Soviet Union. Human rights groups continued to allege that this network was employed to detain opposition figures from the other former Soviet republics without actual legal grounds.

Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government

The Constitution provides citizens with the right to change their Government peacefully; while citizens generally have exercised this right in practice, the December 7 Parliamentary elections failed to meet international standards in a number of areas.

The Constitution establishes four branches of Government: The Presidency; the Federal Assembly made up of two houses (the State Duma and Federation Council); the Government and Council of Ministers headed by the Prime Minister; and the

Judiciary. The Constitution gives predominance to the Presidency, and the President utilized his many powers to set national priorities and establish individual policies.

Parliamentary elections, held on December 7, were observed by the OSCE, which offered a positive evaluation of the technical conduct of the balloting but concluded that the overall election process, marred by widespread misuse of administrative resources, systematically biased campaign coverage, and inequitable treatment of political parties, failed to meet OSCE standards. This was the most critical assessment of an election issued by the OSCE since the Russian Federation became an independent country.

The OSCE described the legal framework for the elections as providing the potential for genuine democratic elections and concluded that the Central Election Commission had functioned in an efficient and open manner. The OSCE noted some problems with vote counting; in addition, the Communist Party of the Russian Federation (KPRF), using an alternative vote-counting strategy that totaled the observations of over 300,000 KPRF observers and 200,000 observers from other parties, claimed that United Russia, the main pro-Government party, had manipulated the computer system used for vote counting to steal 3 percent of the vote from the two liberal parties, the Union of Right Forces and Yabloko, depriving them of the necessary 5 percent of the party list votes to attain representation in the Duma (the KPRF did not claim that its own vote totals were manipulated). The OSCE noted in its final report that the authorities should have investigated the complaint.

The most serious shortcomings involved the pre-electoral campaign. Although the legal requirements for televised political debates and free time for party candidates to present their views were observed, the Government used its increasing influence over the media, particularly the electronic media, to promote favored candidates in newscasts and other programming, resulting in coverage that was heavily biased in favor of the main government party, United Russia, and other favored parties, and against the main opposition party, the KPRF (see Section 2.a.). In addition, the media operated for most of the year under the terms of a 2002 law that was intended to prevent sensational and negative campaigning. Concern about how the law would be interpreted greatly restricted pre-election media coverage of political candidates. On October 31, the most restrictive elements of this law were overturned by the Constitutional Court (see Section 2.a.).

Opposition parties, particularly those receiving funding from some so-called oligarchs, were seriously hampered by the investigation and arrest of Yukos President Mikhail Khodorkovsky, a step widely believed to have been prompted, at least in part, by the considerable financial support he provided to opposition groups. Other wealthy benefactors of opposition parties appeared to have responded to what they regarded as an implied threat by reducing their own involvement in political giving. The pro-Government forces, in contrast, drew heavily on "administrative" resources, using the power and influence of regional and local officials to maximize media coverage and campaign financing, and in some instances local electoral commissions appeared to bend the law to disqualify local opposition Duma candidates, leading to a small number of questionable disqualifications.

Insufficient transparency in the post-election period was also a serious concern. The OSCE reported that 14 percent of the polling stations observed failed to provide certified copies of the results to domestic observers. This lack of transparency eliminated an important means of verifying the accuracy of the election results and constituted "a serious breach" of the legislative requirements."

In Chechnya, the authorities held a referendum on March 23 in which voters were asked to approve a new constitution and procedures for the election of a President and parliament for Chechnya. The authorities described the referendum as the first step toward ending the region's military conflict. The authorities declared that the draft constitution, which called for the republic to be an "integral and inseparable" part of Russia, had been approved by a wide margin. Some human rights observers were critical of the process, asserting that the serious security situation in Chechnya and the inability of supporters of Chechen independence to mount a campaign against the referendum deprived it of validity. The OSCE Office for Democratic Institutions and Human Rights (OSCE/ODIHR) did not deploy a full-scale observer mission, rather it sent a small technical assessment team. According to team leader Hrair Balian, "the organization and conduct of the referendum were not without shortcomings." Following approval of the referendum, a presidential election took place in Chechnya on October 5. Although international monitoring was limited, the reports of local monitors and press reports suggested that it did not meet the standards for democratic elections. The main candidates had been the acting head of the Chechen administration, Akhmed Kadyrov, who was the candidate of the central authorities; Aslanbek Aslakhanov, who represented Chechnya in the

Duma; and Malik Saidulayev. Before the elections, Aslakhonov dropped out to accept a position in the Kremlin, and Saidulayev was disqualified when the Chechen Supreme Court ruled that he had not been properly registered. The official Russian media coverage of the election campaign was strongly supportive of Kadyrov.

President Vladimir Putin assumed the post of acting President upon the resignation of Boris Yeltsin in 1999. He was elected to the office in the March 2000 election. While some among the opposition and the media claimed widespread election fraud, most international observers concluded that the election generally was free and fair and that the results were valid. There were credible reports of election fraud in some locations, particularly in the Republic of Dagestan and a few other regions with a long history of falsifying votes, but there was no evidence that such abuses were systematic or that they affected the choice of the new President. Many observers pointed to problems with biased media coverage of the presidential election campaign.

Competitive elections for other regional and local offices were held throughout the year. Most observers viewed these elections as generally free and fair, although there were problems in some regions involving unequal access to the media, non-compliance with financial disclosure requirements, and use of "administrative resources" (such as government staff and official media) by incumbents to support their candidacies. Challengers were able to defeat incumbents in some of the races for regional executive positions, and losing candidates generally accepted the legitimacy of the voting results. There were reports that incumbent governors in some regions pressured local press organizations to support their candidacies or deny support to their challengers (see Section 2.a.). The counting of the votes in most locations was professionally done; however, incumbents, particularly those with connections to the Kremlin, enjoyed significant advantages in media access and financing during their campaigns (see Section 2.a.).

In a number of regions, including Chechnya, there were apparent incidents of candidates being pressured by central or regional officials to withdraw from elections, disqualification of candidates through apparently prejudiced application of elections laws, and other forms of electoral manipulation.

The July 2002 Law on Basic Guarantees of Electoral Rights and Citizen Participation in Referendums and the July 2001 Law on Political Parties significantly enlarge the role played by political parties in the electoral system by simplifying candidate nomination by parties at all levels of government and by requiring that half of the seats in regional legislatures be determined by party-list voting, as in the State Duma. These laws, in conjunction with the December 2002 Law on Elections of State Duma Deputies, expand campaign spending limits and public financing of political parties, shorten the official campaign period, limited the conditions under which candidates could be removed from the ballot, and impose restrictions on media coverage. An additional effect of the laws was the expansion of the Central Elections Commission's authority over subordinate regional elections commissions. In September 2002, the President signed into law an amendment to the Law on Referenda that prohibits national referenda in the year prior to federal elections.

Political parties historically have been organizationally weak. The July 2001 law on political parties requires parties to have 10,000 members in order to be registered and function legally, with no fewer than 100 members in a majority of the country's 89 regions (see Section 2.b.). The law grants political parties a partial monopoly on running candidates for legislative office, creates serious hurdles for the registration of new political parties, and gives the executive branch and Procuracy broad powers to regulate, investigate, and close down parties.

In May, the Ministry of Justice revoked the registration of an ultra-nationalist party, the National Power Party of Russia, which had been registered in September 2002. The revocation, which took place only after considerable criticism of the initial registration, prevented the party from participating in the December parliamentary elections. Also in May, the Supreme Court of Tatarstan upheld the efforts of the Republic branch of the Ministry of Justice to ban the activities of the ultra-Nationalist RNE in that Republic. The authorities continued to take measures against the skin-head-related National Bolshevik Party.

During the year, the Government took a number of measures to consolidate the levers of political power in the hands of President Putin. The October 25 arrest of Khodorkovsky removed a powerful and wealthy critic of the administration of President Putin who had become increasingly active in providing financial assistance to opposition political parties, as well as to NGOs (see Section 4). Khodorkovsky, who was charged with fraud in connection with privatization of industrial assets in the 1990s, was the latest of a number of wealthy "oligarchs" who represented centers of potential political and media opposition to the President. In the view of many human rights observers, Khodorkovsky's arrest was intended as a warning to other

oligarchs against involvement in political affairs and independent financial support of civil society. Whatever circumstances led the authorities to move against magnates such as Khodorkovsky, Boris Berezovskiy and Vladimir Gusinskiy—the latter two now in exile—their removal is widely seen as a warning to other potential opponents among the economic elite against direct political involvement or support of independent media.

A prominent Duma Deputy and Liberal Russia party co-Chairman, Sergei Yushenkov, was shot to death on April 17 (see Section 1.a.).

Yuri Shchekochikhin, a prominent Duma deputy and deputy editor of *Novaya Gazeta*, died in July under mysterious circumstances (see Section 1.a.).

In the December elections, 45 female deputies were elected to the 450-member Duma, 10 more than were elected in 1999. A woman, Lyubov Sliska, served as Speaker of the Duma. One woman, Galina Karelova, served as a Deputy Prime Minister, while another woman, Valentina Matviyenko, served as Presidential Representative to the Northwest Federal District prior to her election this year as Governor of St. Petersburg.

Legal provisions have allowed national minorities to take an active part in political life; however, ethnic Russians dominated the political system, particularly at the federal level, and national minorities generally were underrepresented in many areas of public life.

Section 4. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

Many domestic and international human rights groups generally operated without hindrance in the country, and most investigated and publicly commented on human rights problems, generally without government interference or restrictions. However, three of the most well-known NGOs in Moscow were harassed this year. In November, tax police began an audit of Otkrytaya Rossiya, the NGO established by former Yukos CEO, Mikhail Khodorkovskiy, which observers feared represented the first step toward disbanding the organization.

On November 7, dozens of men in camouflage raided the Moscow offices of the Soros Foundation's Open Society Institute. The press reported that the men hauled away documents and computer data covering 15 years. Private security forces carried out the operation; they were allegedly hired by a businessman with whom the foundation had been having a legal dispute, but some observers regarded the action as government-inspired. A court ruling on the property dispute is expected in early Spring 2004, which would decide the future of the Soros Foundation in the country. The Soros Foundation continued to plan on splitting the Open Society Institute/Russia into 12 separate foundations that would be jointly financed by Soros and Russian donors for the next 3 years with an eventual turnover to all-Russian financing.

On December 25, the Director of the Sakharov Center in Moscow was served notice that a long-pending case against him for organizing a provocative exhibit of religious art at the Sakharov center in January would go on trial. The case exemplified the increasing power of the Russian Orthodox Church, and highlighted the hostile atmosphere civil society faced. Overall, NGOs dealing with Chechnya, human rights, and the environment faced the most government harassment.

In the regions, some local officials harassed human rights monitors (see Section 1.d.), and the Government in December 2002 refused to renew an agreement with the OSCE Assistance Group that would have permitted it to continue its human rights monitoring in Chechnya. Some governmental officials viewed the activities of some NGOs in regard to Chechnya with great suspicion. The press reported that the President's Special Representative for Human Rights in Chechnya accused NGOs and Western media of publishing accounts of mass killings in Chechnya as part of a "planned action" aimed to justify efforts among some Europeans to establish an international tribunal for Chechnya.

Several NGOs reported increased difficulties in their relations with local authorities. These ranged from visa and registration problems to delays in permission to enter Chechnya to denial of permission to enter IDP camps in order to provide assistance. The Government's attitude towards human rights NGOs varied; the level of cooperation tended to depend on the perceived threat to national security or level of opposition that an NGO might pose. For example, NGOs monitoring prison conditions enjoyed an excellent relationship with government authorities, while those monitoring Chechnya had a more tense relationship. Officials, such as human rights Ombudsman Oleg Mironov, regularly interacted and cooperated with NGOs.

On the other hand, authorities continued to put pressure on the NGO, School for Peace, because of its activities in support of Meskhetians in the Krasnodar region (see Section 2.d.). On July 14, in a meeting with the head of School for Peace, a Krasnodar representative of the Ministry of Justice stated that the organization

would be disbanded because it had listed only one founder rather than the statutorily required three. In the course of the conversation, the Ministry official strongly criticized School for Peace for its activities on behalf of Meskhetians and the director's contacts with foreigners. In December, a district court in Krasnodar ruled that the School for Peace should be disbanded; the NGO was appealing the decision at year's end. Most of the NGO's work was being carried out through a sister organization, the Novorossiysk Committee for Human Rights.

Several NGOs were headquartered in Moscow and had branches throughout the country. Some of the more prominent human rights organizations were the Public Center for Prison Reform, the Society for the Guardianship of Penitentiary Institutions, the Glasnost Public and Defense Funds, Memorial, the Moscow Research Center for Human Rights, USMC, the Mothers' Rights Foundation, and the Moscow Helsinki Group. Several of these groups were recognized and consulted by government and legislative officials for their expertise in certain fields, and such groups participated, with varying degrees of success, in the process of drafting legislation and decrees. Memorial worked with the offices of the Presidential Human Rights Envoy for Chechnya, and the Government provided security for Memorial's trips to the regions. In July, the Moscow Helsinki Group announced the release of its fourth annual survey of human rights conditions in the country. The extensive and detailed report covered human rights problems in all 89 of the country's principal administrative divisions.

A variety of regionally based human rights groups operated during the year. Socioeconomic rights groups were the most numerous; they monitored issues such as unpaid wages and benefits. There were fewer civil-political rights groups, but they included "generalist" organizations that covered the range of human rights issues and "specialist" organizations that covered only one issue. There were also public centers that provided legal advice to the general public (see Section 1.e.). These centers usually were run on a part-time basis by lawyers who, while they could not afford to offer trial counsel or actual legal work, offered advice at no cost on legal rights and recourse under the law. Resources for human rights work were scarce; most groups relied on foreign support in the form of grants to maintain operations.

Two developments late in the year appeared to have negative implications for NGOs and their relationship with the Government. On October 25, authorities arrested Mikhail Khordokovskiy, Chairman of the oil company Yukos and chief impetus for the creation in 2001 of Yukos' own NGO Open Russia (see Section 3). In November, authorities opened a tax investigation against Khodorkovskiy's NGO, Otkrytaya Rossiya. At year's end, the NGO continued to function with a reduced budget and more narrow strategic priorities.

Regional human rights groups generally received little, if any, international support, or attention. Although at times they reported that local authorities obstructed their work, criticism of the Government and regional authorities usually was permitted without hindrance. The authorities were reportedly less tolerant of criticism of a specific political leader in the region (usually the governor or a senior law enforcement official). Local human rights groups had far fewer opportunities than their Moscow counterparts to interact with legislators to develop legislation; local authorities excluded some from the process entirely.

During the year, many domestic and international NGOs continued their work in Chechnya, despite the threats posed by the ongoing military conflict. Within Chechnya some international NGOs maintained small branch offices staffed by local employees; however, all international NGOs had their bases outside of Chechnya (see Sections 1.b. and 1.g.).

On March 15, according to HRW and NGO activists, masked men in Chechnya kidnapped Imran Ezhiev, who had been engaged in the preparation of the Moscow Helsinki Group's annual report on human rights in Chechnya, questioned him intensively about his work, confined him in an extremely small enclosure, leaving him temporarily unable to walk without assistance, and threatened him with torture and execution. Following domestic and international protests, the abductors subsequently dumped him on the roadside in the middle of the night on March 18. There were no indications of any effort by the authorities to apprehend the perpetrators.

The August 2002 kidnapping by unknown persons of the head of the Doctors without Borders Mission in the Province of Dagestan, adjacent to Chechnya, remained unsolved at year's end (see Section 1.b.). This event and overall security problems led many NGOs to limit their activities in the north Caucasus region.

In December 2002, the mandate of the OSCE's Chechnya Assistance Group, which had been established in 2001, expired and the Government has continued to refuse to renew it. The mission had frequently criticized the actions of military forces. Foreign Minister Ivanov stated that the OSCE mission had failed to understand Chechen realities. Other officials stated that the country wished to continue co-

operation with the OSCE but that corrections were required in its operations in Chechnya.

Every person within the jurisdiction of the Federation may file appeals to the ECHR about alleged human rights violations that occurred after May 1998, when the European Convention on Human Rights entered into force. Complainants were not required to exhaust all appeals in domestic courts before they could turn to the ECHR, but they must have exhausted “effective and ordinary” appeals, which usually include two appeals (first and cassation) in courts of ordinary jurisdiction and three (first, appeal, and cassation) in the commercial court system. As of September, the Court had received about 14,000 complaints against Russia. Of those, about 6,500 were declared inadmissible, and about 4000 were registered as ready for decision. More than 150 complaints were communicated to the Russian Government. The Court found 15 complaints to be admissible, and there were five findings of violations based on the merits. Many applications were rejected at the first stage of proceedings as being clearly incompatible with the formal requirements of the European Convention. Some cases were put on the Court’s calendar for fuller consideration.

The Government placed restrictions on the activities of both NGOs and international organizations in Chechnya (see Section 1.c.).

The Government’s human rights institutions continued to lack independence, but some of them did make efforts to promote human rights. The Office of the Human Rights Ombudsman, headed by Oleg Mironov, commented on a broad range of human rights issues. Mironov’s office had more than 150 employees and had several specialized sections responsible for investigating complaints of human rights abuses, including a section on religious freedom and a section on human rights education. During the year, the office published various reports on human rights problems. Mironov’s role remained primarily consultative and investigatory, without powers of enforcement. By year’s end, there were regional human rights ombudsmen with responsibilities similar to Mironov’s in 20 of the 89 regions. Human rights committees and ombudsmen existed in other regions as well; however, the effectiveness of the regional ombudsmen and committees varied significantly from region to region.

The President’s Human Rights Commission, headed by Ella Pamfilova and including a number of human rights activists, organized a “Russian Forum” to bring together NGOs from all across the country to a conference in October and held a much smaller meeting with President Putin following the December elections to discuss democracy and human rights issues. Although no concrete measures were taken at either meeting, these meetings produced some results. For example, following a meeting with the President where activist members successfully appealed to President Putin, a December 2002 fact-finding mission of the Commission to the Caucasus region and its January report succeeded in limiting involuntary returns of IDPs to Grozny.

Section 5. Discrimination Based on Race, Sex, Disability, Language, or Social Status

The Constitution prohibits discrimination based on race, sex, language, social status, or other circumstances; however, both governmental and societal discrimination persisted.

Women.—Domestic violence remained a major problem, and victims rarely had recourse to the authorities for protection. Police were reluctant, and at times unwilling, to intervene in what they regarded as purely domestic disputes. Many women were deterred from reporting such crimes, not only because of social and family pressure but also because the tight housing market made it difficult either to find housing outside the family dwelling or to expel an abusive spouse, even after a final divorce action. Much of society, including some leaders in the human rights community, did not acknowledge domestic violence as a problem or did not believe that it was an area for concern outside of the family. There was a general lack of understanding of these problems in the legal community, and there was no legal definition of domestic violence. Some forms of battering are addressed in the Criminal Code but are defined too narrowly to apply to most cases. There also was no national political will to consider these problems seriously. Several NGOs expressed serious concern about guidance provided to the new justices of peace—to whom most such cases are expected to be referred—which instructs the justices to reconcile the battered and the batterer and return the victim to the home as soon as possible.

No reliable statistics existed to permit evaluation of the true extent of the problem nationwide, and individual jurisdictions varied in their statistical methodology. Amnesty International (AI) cited reports by domestic NGOs indicating that over 1 million women a year suffered from domestic violence. According to Alexandra Kareva, a lawyer for Stop Violence, an association of women’s crisis centers, nearly 100,000 persons called the group’s hotlines in 2002.

Official estimates indicated that, on average, there were more than 250,000 violent crimes against women annually; however, government officials and NGOs agreed that such crimes usually were not reported. In 2002, police recorded more than 8,100 crimes of rape (in 2001, over 7,000 rape cases were registered for the entire year). The Government provided no support services to victims of rape or other sexual violence; however, victims could act as full legal parties to criminal cases brought against alleged assailants and could seek legal compensation as part of the verdict without seeking a separate civil action. Hospitals, crisis centers, and members of the medical profession assisted women who were assaulted; however, to avoid spending long periods in court, some doctors were reluctant to ascertain the details of a sexual assault or collect physical evidence.

Organization and operation of a prostitution business is a crime, but the selling of sexual services remains only an administrative offense (see Section 6.f.). Such violations carry financial penalties in the form of fines calculated in multiples of weekly minimum wages. Prostitution carries a penalty of 5 times the minimum wage, or approximately \$100 (3,000 rubles).

Trafficking of women for sexual exploitation or forced labor was a serious problem (see Section 6.f.).

Despite serious difficulties, many groups continued to address violence against women. NGOs, alone or in cooperation with local governments, operated more than 120 women's crisis centers throughout the country, and their numbers continued to grow. The Duma took up legislation in April that promoted equal rights for women. In addition, the crisis centers have formed an association in order to coordinate their efforts better. Several NGOs provided training on combating trafficking to police, procurators, justices of the peace, and others in government.

No law that prohibits sexual harassment, and women have no recourse when sexually harassed. Anecdotal information suggests that many potential employers sought female employees who were receptive to sexual relations. Some firms asked applicants for employment to complete a form including the abbreviation "VBO," a Russian-language abbreviation for "possibility of close relations," to which the applicant was expected to reply "yes" or "no." Alternatively, advertisements could request applicants "without complexes," which is taken to mean someone who was not opposed to relations with the potential boss as part of the job.

The Constitution states that men and women have equal rights and opportunities to pursue those rights; however, credible evidence suggested that women encountered considerable discrimination in employment. Job advertisements often specified sex and age groups and at times physical appearance as well. NGOs continued to accuse the Government of condoning discrimination against women, contending that the Government seldom enforced employment laws concerning women. Employers preferred to hire men, thereby saving on maternity and childcare costs and avoiding the perceived unreliability that accompanies the hiring of women with small children. Employers also tried to avoid the entitlement to a 3-year maternity leave for childcare, which could be used in full or in parts by the mother, father, relative, or trustee providing the actual childcare. During this time, the employer must retain an employee's place of work and continue to fund applicable social benefits. Moscow human resources managers privately admitted that discrimination against women in hiring was common. There also was a trend toward firing women rather than men when employees were laid off. Women also were subject to age-based discrimination. While no official statistics were available, government officials estimated that of the 7.5 percent of the workforce unemployed in late August, at least 70 percent were women. Women continued to report cases in which employers paid them less for the same work that male colleagues performed. According to a 2001 report by the International Labor Organization (ILO), women accounted for about 47 percent of the working-age population but on average earned only two-thirds of the salaries of their male counterparts. Professions dominated by women were much more poorly paid than those dominated by men. Women also tended to work in industries where market reforms remained weak and wages low, such as the textile and defense sectors, while men increasingly took jobs in the fast-growing, more profitable, financial and credit sectors where wages were substantially higher.

Children.—The Constitution assigns the Government some responsibility for safeguarding the rights of children, and the State endeavored to provide, within its limited means, for the welfare of children. A Family Code regulates children's rights and marriage and divorce issues. The educational system includes both private and public institutions. Children have the right to free education until grade 11 (or approximately 17 years of age), and school was compulsory until the ninth grade. Boys and girls were treated equally in the school system. While federal law provides for education for all children in the country, regional authorities frequently denied

school access to the children of unregistered persons, asylum seekers, and migrants because they lacked residential registration (see Section 2.d.).

Under the law, health care for children is free; however, the quality varied, and individuals incurred significant out-of-pocket expenses. According to a 2000 UNICEF survey, IDP children from the Chechen conflict suffered disproportionately from chronic anemia and had a low rate of vaccinations due to the collapse of local health and education systems as a result of the conflict.

No reliable statistics existed on the extent of child abuse; however, anecdotal evidence indicated that child abuse was a problem.

The status of many children has deteriorated since the collapse of communism because of falling living standards, an increase in the number of broken homes, and domestic violence. Authorities cited 253,000 parents in 2001 for leaving children on the street unattended, up from 248,000 in 2000. In Moscow, approximately 6,000 children per year were brought to the Center of Temporary Isolation of Minor Delinquents (COVINA). These children stayed in COVINA for no more than 30 days. During this period, the child's case was investigated, and his or her guardian was located; however, in 90 to 95 percent of these cases, the police simply returned the children to their families or to the institution from which the children ran away. Many officials considered domestic problems private affairs and preferred not to interfere.

Trafficking in children was a problem (see Section 6.f.).

Troops in Chechnya reportedly placed Chechen boys ages 13 and older in filtration camps where some reportedly were beaten and raped by guards, soldiers, or other inmates. The women's action group "White Kerchief" (Belyy Platok) reported that some federal forces engaged in kidnapping children in Chechnya for ransom.

According to a December 2002 report by the U.N. special representative for children and armed conflict, Chechen rebels used children to plant landmines and explosives.

Figures for homeless children were unreliable. According to the Ministry of Labor, there were estimates from 100,000 to 5 million neglected children in Russia. In 2002, about 681,000 vagrant children were detained by law enforcement agencies, 2.5 times the 2001 rate. About 50,000 adolescents were on the local and federal wanted lists in 2002, 13.5 percent more than in 2001. The Russian Children's Fund estimated in 2001 that there were approximately 2.5 million children living on the street, although other estimates reached as high as 4 million; scientific studies used differing methodologies to count street children. During the year, Moscow authorities indicated that 40,000 working street children lived in the capital but claimed 80 percent were from places other than Moscow. In addition, there were approximately 3,000 young persons aged 18 to 24 in Leningrad Oblast, most of them discharged from state institutions and given state housing, who had difficulty maintaining a residence and adapting to non-institutional life in general. Homeless children often engaged in criminal activities, received no education, and were vulnerable to drug and alcohol abuse. Some young girls on the street turned, to or were forced into, prostitution in order to survive.

In the St. Petersburg region, local government and police ran various programs for homeless children and cooperated with local NGOs; however, resources were few and overall coordination remained poor. Local and international NGOs provided a variety of services for the homeless. Many Moscow charitable organizations have established productive relations with the city government to address the needs of children with disabilities, as well as other vulnerable groups. In St. Petersburg, the ILO opened a drop-in center for runaways and homeless children that continued to operate; Road to Light has a shelter there for abused girls and an independent living program for children in institutions to train them in life skills. The St. Petersburg NGO Citizens' Watch conducted seminars on legal and social aspects of the problem.

Special institutions existed for children with various disabilities but did not serve their needs adequately due to a lack of finances. Being a child with disabilities remained a serious social stigma, an attitude that profoundly influenced how institutionalized children were treated. Many children with physical or mental disabilities, even those with only minor birth defects, were considered ineducable. Parents wishing to enroll a child in ordinary secondary schools in Moscow were obliged to produce a medical certificate affirming that the child was in perfect health. Families with children with disabilities received extremely low state subsidies that have not changed to reflect inflation since the Soviet era.

The Rights of the Child Program called for the establishment of an ombudsman for the rights of children with the power to enter and inspect children's facilities at any time of day or night without advance notification. The Ministry of Labor and Social Development continued to work with UNICEF on a pilot program to establish regional children's rights ombudsmen. According to the Ministry and the Rights of

the Child NGO, there were 15 Ombudsmen, including in the cities of Yekaterinburg, St. Petersburg, and Arzamas Volkskiy, and in the regions of Velikiy Novgorod, Chechnya, Ivanovo, Kaluga, and Volgograd. An Ombudsman may only write a letter requesting an inquiry by law enforcement authorities, assist those whose rights have been violated to understand their legal rights, and make suggestions to legislators (local, regional, and federal) on ways to improve legislation.

Conditions for children in prisons and pretrial detention were problems (see Sections 1.c. and 1.d.).

Persons with Disabilities.—The Constitution does not address directly the issue of discrimination against persons with disabilities. Although there are laws prohibiting discrimination, the Government did not enforce them. The meager resources that the Government devoted to assisting persons with disabilities were provided primarily to veterans of World War II and other conflicts, although a few local governments, in response to interventions by NGOs, earmarked funds to facilitate access to schools by persons with disabilities.

The law requires that firms with more than 30 employees either reserve 3 percent of their positions for persons with disabilities or contribute to a government fund to create job opportunities for them. The law also removed language defining an “invalid” as a person unable to work; however, the Government has not implemented this law. Some persons with disabilities found work within factories run by the All-Russian Society for Persons With Disabilities; however, the majority were unable to find employment. Local authorities, private employers, and tradition continued to discourage persons with disabilities from working, and they were usually forced to subsist on social benefits.

Attention continued to focus on the status of orphans and those children with disabilities who have been removed from mainstream society and isolated in state institutions. Statistics on the number of orphans, institutionalized children, and adoptions during the year were not available. A complex and cumbersome system has developed to manage the institutionalization of some children until adulthood; three different ministries (Education, Health, and Labor and Social Development) assumed responsibility for different age groups and categories of orphans. Observers concluded that rather than focus on the needs of the children, the system revolved around the institutions. The welfare of the children was lost within the bureaucracy, and little clear recourse existed in instances of abuse by the system. Human rights groups alleged that children in state institutions were provided for poorly (often because funds were lacking) and in some cases were abused physically by staff. Life after institutionalization also posed serious problems, as children often lacked the necessary social, educational, and vocational skills to function in society. While there were no comprehensive studies of the effects of the orphanage system, its costs, and the extent of its problems, several groups compiled some important information.

Although comprehensive statistics were not available, the prospects for children and orphans who had physical or mental disabilities remained extremely bleak. The most likely future for severely disabled children was a lifetime in state institutions. The label of imbecile or idiot, which was assigned by a commission that assesses children with developmental problems at the age of 3 and which signified ineducable, almost always was irrevocable, and even the label of debil—lightly retarded—followed a person throughout life on official documents, creating barriers to employment and housing after graduation from state institutions. A study conducted by the Rights of the Child program of the Moscow Research Center for Human Rights found that upon graduation at the age of 18 from a state institution for the lightly retarded, 30 percent of orphans became vagrants, 10 percent became involved in crime, and 10 percent committed suicide. The existing system provided little oversight and no formal recourse for orphans who had been misdiagnosed as mentally ill or retarded or who were abused or neglected while in state institutions. Facilities to which such children were remanded frequently used unprescribed narcotics to keep children under control. While this study is 10 years old, private conversations with the Right of the Child Program representatives indicated that directors of such institutions continued to give very pessimistic assessments of the situation.

The Government did not mandate special access to buildings for persons with disabilities, and access to buildings was a problem. The NGO Society for the Defense of Invalids continued to work to broaden public awareness and understanding of problems concerning persons with disabilities by conducting workshops, roundtables with public officials, and training programs for persons with disabilities.

Indigenous People.—The law provides for the support of indigenous ethnic communities, permits the creation of self-governing bodies, and permits them to seek compensation if economic development threatens their lands. In some areas, local com-

munities have organized to study and make recommendations regarding the preservation of the culture of indigenous people. Groups such as the Buryats in Siberia and ethnic groups of the North (including the Enver, Tatarli, Chukchi, and others) continued to work actively to preserve and defend their cultures as well as the economic resources of their regions. Most affirmed that they received the same treatment as ethnic Russians, although some groups believed that they were not represented or were underrepresented in regional governments. The principal problems of indigenous people remained the distribution of necessary supplies and services, particularly in the winter months for those who lived in the far north, and disputed claims to profits from exploitation of natural resources.

Some groups in the far eastern part of the country criticized the Government for not developing an overall concept for the development of indigenous people. Responsibility for government policy toward indigenous people has been transferred between government agencies several times in earlier years.

National/Racial/Ethnic Minorities.—The Constitution prohibits discrimination based on nationality; however, Roma, persons from the Caucasus and Central Asia, and dark skinned persons faced widespread governmental and societal discrimination, which often was reflected in official attitudes and actions. Muslims and Jews continued to encounter prejudice and societal discrimination; it was often difficult to separate religious from ethnic motivations. Human rights observers noted that there was considerable legislation that prohibits racist propaganda and racially motivated violence, but complained that it was invoked infrequently. There were some efforts to counter extremist groups during the year (see Section 2.b.).

New federal and local measures to combat crime continued to be applied disproportionately to persons appearing to be from the Caucasus and Central Asia. Police reportedly beat, harassed, and demanded bribes from persons with dark skin, or who appeared to be from the Caucasus, Central Asia, or Africa. Azerbaijani vendors alleged police frequently used violence against them during document checks at markets in St. Petersburg. Authorities in Moscow subjected dark-skinned persons to far more frequent document checks than others and frequently detained them or fined them amounts in excess of permissible penalties. Police often failed to record infractions by minorities or issue a written record to the alleged perpetrators. Law enforcement authorities also targeted such persons for deportation from urban centers. In the autumn of 2001, more than 100 Roma were expelled forcibly from the Krasnodar region to Voronezh. Chechen IDPs and the Civic Assistance Committee for Migrants reported that Chechens continued to face great difficulty in finding lodging in Moscow and frequently were forced to pay at least twice the usual rent for an apartment. Although Moscow Mayor Luzhkov ruled out a crackdown on the Chechen population in the city following mass hostage seizures at a Moscow theater in October 2002 (see Section 1.g.), human rights monitors reported that in the wake of the seizure hundreds of ethnic Chechens were detained in sweeps across Moscow and that acts of discrimination against them increased.

There was also evidence of societal hostility on ethnic and racial grounds. Despite appeals for tolerance during the year by the President and other senior officials, who recalled the multiethnic nature of the country (the population includes more than 100 national groups), violence and societal prejudice against ethnic and national minorities, as well as against foreigners, persisted. During the year, there were numerous racially motivated attacks on members of minority groups, particularly Asians and Africans. The approximately 1,000 African students in Moscow were routinely subject to assaults and abuse. A 2002 survey of Africans, mostly students and refugees, indicated that two-thirds reported hearing racist comments almost daily. The 180 students questioned reported experiencing 204 attacks, 160 of them reported to the police, resulting in 2 convictions. Attacks generally appeared to be random, and were carried out by private individuals or small groups inspired by racial hatred. Law enforcement authorities knew the identity of some of the attackers based on their racial intolerance or criminal records. For example, during the year, members of ethnic or racial minorities were the victims of beatings, extortion, and harassment by skinheads and members of other racist and extremist groups. Police made few arrests, although many such cases were reported by human rights organizations. Many victims, particularly migrants and asylum seekers who lacked residence documents recognized by the police, chose not to report such attacks or to report indifference on the part of police.

Several incidents of crimes against foreigners, including diplomats, suggested that this remained a serious problem in St. Petersburg. St. Petersburg's Special Militia Service claimed in May that it solved roughly half of cases pertaining to attacks on foreigners.

Alleged skinheads attacked a group of Kurdish and Turkish children from Germany in a St. Petersburg subway station in April. The militia initiated an investiga-

tion only after public pressure and the insistence of then regional Federation representative Valentina Matviyenko.

Skinhead groups, which began in the country in the early 1990's, numbered 50,000 in over 50 organizations at year's end, according to the Ministry of the Interior. The Ministry reported that there were approximately 2,500 skinheads in Moscow. Not all of the authorities appeared willing to acknowledge the racial motivation behind anti-social brutality. For example, in St. Petersburg law enforcement officials often characterize perpetrators of hate crimes as spontaneous "hooligans," denying the existence of organized skinhead groups there. In the case of St. Petersburg, there was some indication that this attitude might be changing. In April, Valentina Matviyenko, then-Presidential Representative, who subsequently became governor of St. Petersburg, voiced concern over the growing number of neo-Nazi groups, although she did not specifically mention St. Petersburg. However, after a group of skinheads armed with an axe, a knife, and a metal rod attacked a Roma camp in a southern suburb of St Petersburg, resulting in the death of a child, criminal cases were opened against the perpetrators. On November 14, local police opened an investigation. They subsequently detained three attackers (ages 17 to 18) for 10 days. By year's end, however, no one had been brought to trial, and law enforcement officers were searching for the other suspects in the attack.

In the summer, the congregation of Pentecostals led by Pastor Zinsu Kozm Tossa, a Russian citizen of African origin, finally disbanded. The Pastor was beaten on two occasions in 2001. One beating required several days of treatment in intensive care. Later that year his church was burned down. Efforts were made to continue using apartments, but gradually his congregation dwindled as a result of this pressure. Other African ministers of non-Orthodox Christian Churches also experienced prejudicial treatment based, apparently, on a combination of religious and racial prejudice.

In 2002, the authorities initiated a case under Article 282, part 1 (Inflaming Ethnic Hatred) against Pavel Ivanov, editor of the *Velikiy Novgorod* newspaper *Russkoye Veche*, for anti-minority articles his newspaper had printed. The case was brought to court and the hearing began in July; on September 9, the *Velikiy Novgorod* City Court acquitted Ivanov.

Human rights observers reported that the resurgence of the Cossack movement and the hostility of the authorities continued to promote insecurity among certain minority groups in the Province of Krasnodar Kray. The Kray has been home to large numbers of ethnic minorities for decades but has experienced considerable immigration and domestic migration in recent years (see Section 2.d.). According to Memorial, Krasnodar Governor Aleksandr Tkachev, in a March 2002 speech, promised a group of regional and municipal officials that he would create "unbearable conditions" for "illegal migrants" (see Section 2.d.), and there were unconfirmed reports that the Krasnodar government provided funding to paramilitary Cossack groups, some of which were said to be brutally repressive toward such groups.

The Constitution makes provision for the use of national languages in the various sub-divisions alongside the official Russian language and states that each citizen shall have the right to define his or her own national identity and that no citizen shall be required to state officially his or her nationality.

Section 6. Worker Rights

a. The Right of Association.—The law provides workers with the right to form and join trade unions; however, in practice government policy and the dominant position of the Federation of Independent Trade Unions of Russia (FNPR) limited the exercise of this right. Approximately 60 percent of the work force (an estimated 67 million workers) was unionized, and approximately 10 percent of union members belonged to independent free trade unions. Union membership overall has fallen in recent years as a result of economic restructuring, including the closing of some enterprises and a resistance by some domestic and foreign companies to trade union activities.

The FNPR claimed that approximately 60 percent of all workers belonged to the FNPR, although approximately 50 percent appeared to be a more accurate estimate. The FNPR largely dominated the union movement, and this dominance constituted a practical constraint on the right to freedom of association. The FNPR inherited the bulk of the property of its Soviet predecessors, including office and recreational property. The majority of its income came from sources other than dues, such as rental income, sale of real estate, and fees for member services. Its unions frequently included management as part of the bargaining unit or elected management as delegates to its congresses. The FNPR and other trade union federations acted independently on the national political level, but in some cases FNPR unions were

affiliated closely with local political structures. Political parties often cooperated with unions, for example, in calling for a national day of protest.

Earlier trade union control over the distribution of social benefits at the federal level effectively ended in 1991, but the FNPR, as the owner of many service facilities and the largest grouping of unions, continued to play a significant role at the municipal and regional level in setting priorities for the distribution of social benefits, such as child subsidies and vacations, based on union affiliation and politics. Such practices discouraged the formation of new unions. Trade unions maintained that the consolidation of social security assets in the federal budget and the additional layer of bureaucracy in the distribution of social benefits have led to reduced benefits for workers and the public in general.

Approximately half of the court cases on the right of association were decided in favor of employees, although delays and enforcement of court decisions remained a problem in many cases. Fewer than 50 percent of cases were decided within a year. Employees tended to win their cases in court but only if they were prepared to appeal, normally a time-consuming and lengthy process. Many remained reluctant to do so. Most workers did not understand or have faith in the legal structure and feared possible retaliation. Lengthy delays were common.

There were incidents of company management and FNPR local unions working together to discourage the establishment of new unions. Many of these cases remained unresolved. In practice, many trade unions remained unregistered despite provisions in the Law on Trade Unions which specify that registration requires a simple "notification" and submission of documents. Local departments of the Ministry of Justice throughout the country continued to ignore the procedures set out by the Law on Trade Unions and refused to register new unions without changes in charter documents or confirmation of attendance at founding conferences. Such practices prevented the registration of new unions or the reregistration of existing ones. Local Ministry of Justice officials demanded additional documents, including protocols from union meetings and lists of meeting participants, which are not required by law.

The Labor Code includes references to the Russian word "pervichnaya" (local or grass root), to designate organizations or trade unions that can represent workers' rights at the enterprise level (see Section 6.b.). According to labor experts, "pervichnaya" is a term that refers to the lowest part or grass roots level of a structure. Such organizations were structurally dependent on a higher union body. By restricting the authority to represent workers at the enterprise level to entities that are structurally dependent on higher union bodies, the new Labor Code restricts the ability of workers to determine their own union structures. Labor experts viewed this as a clear violation of freedom of association principles (ILO Convention No. 87).

The Labor Code and Trade Union Law specifically prohibit anti-union discrimination; however, anti-union discrimination remained a problem. Union leaders have been followed by the security services, detained for questioning by police, and subjected to heavy fines, losses of bonuses, and demotions. Unions may freely form federations and affiliate with international bodies. There were several national and regional free trade union structures, including the Russian Confederation of Labor (KTR) and the All-Russian Confederation of Labor (VKT). The KTR, the VKT, and the FNPR were members of the International Confederation of Free Trade Unions.

b. The Right to Organize and Bargain Collectively.—The 2002 Labor Code gives employers more flexibility in dealing with labor relations. Under the Code, collective bargaining agreements remain mandatory if either the employer or employees request them. Both sides are obligated to enter into such negotiations within 7 days of receiving a request, and the law set a time limit of 3 months for concluding such agreements. Any unresolved issues are to be included in a protocol of disagreement, which may be used for initiating a collective labor dispute.

Despite these requirements, employers continued to ignore trade union requests to negotiate collective bargaining agreements. At year's end, negotiations continued for an independent trade union at School No. 26 in Petropavlovsk-Kamchatskiy to elect delegates to a collective bargaining negotiating team.

The Government's role in setting and enforcing labor standards was diminished under the 2002 Labor Code, and trade unions were expected to play a balancing role in representing workers' interests. However, observers criticized what they considered to be weaknesses in the proposed regime, including the absence of clear enforcement mechanisms to ensure that an employer engages in good faith collective bargaining and other obligations, and provisions that favor the designation of a majority union as the exclusive bargaining agent. For example, if more than one trade union is represented at an enterprise, the Code calls for the formation of a joint body based on proportional representation to select a single representative body for

workers during the collective bargaining negotiations. If the unions fail to agree on such a body within 5 days, the trade union representing the majority of workers at the enterprise has the right to represent all workers during these negotiations. While minority unions retained their seats at the negotiating table with the right to join the negotiations up until the actual signing of an agreement, labor experts stated that in many cases, particularly outside of Moscow and St. Petersburg, the above measures have encouraged larger trade unions to obstruct the formation of a negotiating team to ensure their designation as exclusive bargaining agents.

Labor experts also were concerned about a number of other provisions of the Code. The stipulation that there may be only one collective agreement per enterprise, covering all employees, limits the ability of professional or "craft" unions (the majority of new unions in the country) to represent their members' interests. In some regions, existing unions were under increasing pressure from employers under the new labor relations scheme.

Collective bargaining agreements had been registered officially by an estimated 16 to 18 percent of enterprises; however, the FNPR claimed that approximately 80 percent of its enterprises had concluded such agreements. This apparent discrepancy appeared to be due in part to agreements that were concluded but not registered with the Ministry of Labor. Under the 2002 Labor Code, all parties to the agreement must register collective bargaining and wage agreements within 7 days of signature; however, there are no sanctions in the event that a collective agreement is not registered. The Code states that collective agreements become effective upon signature, regardless of whether they are registered or not. As in the case of the previous code, ambiguity concerning the employer's legal identity made some collective agreements ineffective. This lack of clear identification under the law made tripartite wage agreements (with labor, management, and government participation) non-binding at the municipal, regional, national, and industrial levels and brought their legal validity into question. Even after an agreement was signed, employers often claimed that the "employer representative" was not authorized to represent the factory involved.

The Moscow Labor Arbitration Court handled an increasing number of labor violations and disputes each year. Ministry of Labor officials estimated that there were slightly more than 2 million labor violations in 2001. The court is a pilot project and was expected to lead to a system of similar arbitration courts in various regions. However, a shortage of resources limited the creation of additional courts.

The law provides for the right to strike; however, this right remained difficult to exercise. Most strikes were considered technically illegal, because the procedures for disputes were exceedingly complex and required the coordination of information from both sides, even before courts became involved, and civil courts could review strikes to establish their legality. The 2002 Labor Code further limited workers' and trade unions' ability to conduct strikes. Approval by a majority of participants to a conference composed of at least two-thirds of all workers at an enterprise, including management, is needed, whereas previous legislation only required a quorum of workers.

The law specifies that a minimum level of essential services must be provided if a strike could affect the safety or health of citizens. Under this definition, most public sector employees could not strike. After a trade union declares a strike, the trade union, management, and local executive authority have 5 days to agree on the required level of essential services. If no agreement was reached—which was often the case—the local executive authority simply decreed the minimal services, and often set them at approximately the same level as the average workload. The civil court has the right to order the confiscation of union property to settle damages and losses to an employer if a strike is found to be illegal and not discontinued before the decision goes into effect. As a result, an increasing number of strikes were organized by strike committees rather than by unions. There were no prolonged strikes during the year. Overall strike activity remained relatively low, with only 60 strikes officially registered through September. Court rulings have established the principle that nonpayment of wages—still by far the predominant grievance—is an individual dispute and cannot be addressed collectively by unions. As a result, a collective action based on nonpayment of wages was not recognized as a strike. The labor law does not protect individuals against being fired while on strike. Ministry of Labor officials estimated that nonpayment of wages was the cause of 90 percent of labor disputes.

The law prohibits strikes in the railway and air traffic sectors, at nuclear power stations, and by members of the military, militia, government agencies, and disaster assistance organizations. As a result, workers in these professions at times resorted to other forms of protest such as rallies, days of action, or hunger strikes. The law prohibits reprisals for strikes; however, reprisals were common. In December 2002,

the labor union at Norilsk Nickel initiated a collective labor dispute, a legal step towards eventually declaring a strike. Norilsk Nickel management threatened workers with night shifts and denial of benefits, forcing some to sign pre-prepared statements denouncing the labor dispute. In September, Chelyabinsk Coal Company fired 35 activists from the Independent Coal Miners' Union for protesting over working hours exceeding the legal limit. The company also refused to pay salaries to union members.

Company management has sought to break up unions that conducted strikes by reorganizing enterprise operations. In June, the ILO Freedom of Association Committee noted the Government's "total lack of cooperation" in investigating such a case. It involved a labor dispute dating back to 1997 between a local independent union of dockworkers and management at the Kaliningrad port. Following an unsuccessful strike, the management restructured the port, creating a second legal entity and transferring all cargo movement to it. Workers who agreed to leave, or did not join, the union were transferred to the new unit, which provided improved conditions, and most of the remaining union members were subsequently fired. The management had refused to implement Court rulings in favor of the union, which has filed a case with the ILO. The ILO strongly supported the union and sent four statements to the Federation government urging it to resolve the case; at year's end, there was no reply from the authorities.

In April, a court in Norilsk disqualified Vyacheslav Melnikov, head of the Federation of Norilsk Nickel Unions, from a runoff mayoral election, on the grounds that he had exceeded spending limits, although his opponent had spent even more. Melnikov, the Chairman of the Federation of Norilsk Nickel Unions, who had led a hunger strike in February, finished first in the primary election and was heavily favored to win the runoff. He was reinstated as a candidate, and in October he won a second election. This victory was also challenged in the courts, but no ruling was issued by year's end.

The Government did not rescind its December 2002 refusal to permit the longtime director of the Solidarity Center, an NGO that provides technical assistance and training to workers and promotes cooperation among labor, management, and government, to reenter the country, despite lobbying by NGOs in Russia, some members of the Duma, and some in the international community. The refusal apparently was related to her activities in support of worker rights.

There are no export processing zones. Worker rights in the special economic zones and free trade zones are covered fully by the Labor Code and are the same as in other parts of the country.

c. Prohibition of Forced or Bonded Labor.—The new Labor Code prohibits forced or bonded labor, including late or incomplete wage payments; however, there were instances of the use of forced or bonded labor. There continued to be credible reports that significant numbers of foreign workers from other countries of the former Soviet Union were forced to work without pay because their passports were held by firms that brought them into the country (see Section 6.f.) According to an ILO study, most forced labor was connected with illegal migration, i.e. people who entered the country voluntarily, but illegally. Because they were there illegally, they were subject to exploitation. According to the study, employers withheld passports in 20 percent of forced labor cases.

There were reports that approximately 4,000 North Koreans were brought into the country to work in the construction and timber industries in the Far East, with salaries remitted directly to their Government. AI charged that a 1995 bilateral agreement with North Korea allows the exchange of free labor for debt repayment, although the Government claimed that a 1999 intergovernmental agreement gave North Korean citizens working in the country the same legal protections as citizens. Military officers reportedly sent soldiers under their charge to work on farms to gather food for their units or perform work for private citizens or organizations. The USMC reported that the practice by officers and sergeants of "selling" soldiers to other officers with a military need for personnel or to perform such private activities as building private dachas constituted forced labor. Such abuses were often linked to units in the Northern Caucasus military district. The largest single group of such complaints the USMC received between January and September 2001 concerned the MVD.

The Labor Code prohibits forced or bonded labor by children; however, there were reports that such practices occurred (see Sections 6.d. and 6.f.). Parents who begged in underpasses and railway stations of larger cities often had their children approach passersby. ILO reports on working street children in St. Petersburg, Moscow, and Leningrad Oblast indicated that some of these children gave their parents the proceeds from their begging.

d. Status of Child Labor Practices and Minimum Age for Employment.—The new Labor Code retains prohibitions against the regular employment of children under the age of 16 and also regulates the working conditions of children under the age of 18, including banning dangerous, nighttime, and overtime work; however, the Ministries of Labor and the Interior, which are responsible for child labor matters, did not enforce these laws effectively. Children were permitted, under certain specific conditions and with the approval of a parent or guardian, to work at the ages of 14 and 15. Such programs must not pose any threat to the health or welfare of children. The Federal Labor Inspectorate, under the auspices of the Ministry of Labor, was responsible for routinely checking enterprises and organizations for violations of labor and occupational health standards for minors. In 2001, the Labor Inspectorate reported approximately 12,000 cases of child labor violations. There was no reliable information on the number of cases in which an employer or organization was prosecuted for violating laws on child labor. Local police authorities were responsible for conducting inspections of organizations or businesses suspected of violating child labor laws; however, in practice investigations only occurred in response to complaints.

Accepted social prohibitions against the employment of children and the availability of adult workers at low wages generally prevented widespread abuse of child labor. Nonetheless, the transition from a planned to a market economy has been accompanied by drastic economic, political, and social changes, including an increase in the number of children working and living on the streets. This was largely due to deterioration in the social service infrastructure, including access to education and health care (see Section 5). In some cases, economic hardship undermined traditions and social customs and eroded the protection families traditionally provided to children. Parents often used their children to lend credence to their poverty when begging. Homeless children were at heightened risk for exploitation in prostitution or criminal activities (see Section 6.f.).

The country completed ratification of ILO Convention 182 on the worst forms of child labor, and the ILO officially registered the country's ratification on March 25.

e. Acceptable Conditions of Work.—The Labor Code states that the monthly minimum wage, which was approximately \$20 (600 rubles), should not be less than the monthly official subsistence level of \$67 (2,010 rubles), which was not sufficient to provide a decent standard of living for a worker and family. Average wages rose to \$182 (5,460 rubles) per month, compared with \$141 (4,230 rubles) per month in 2002. Separate legislation was needed to determine the timeframe for raising the monthly minimum wage to the monthly subsistence level. Approximately 26 percent of the population had incomes below the official subsistence minimum; however, most workers received several times the monthly minimum wage, and the monthly minimum wage was essentially an accounting reference for calculating university stipends, pensions, civil service wages, and social benefits; it was not a number used for real salaries. Enterprises often used this number to avoid taxation by reporting the number of employees paid at the monthly minimum wage instead of reporting actual salaries. Studies have shown that over 30 percent of private sector employees earned more than their registered wage and that 10 percent of this group actually earned at least 6 times the official wage level. In addition, much of the population continued to reside in low-rent or subsidized housing and received various social services from enterprises or municipalities.

The Labor Code retains a standard workweek of 40 hours, with at least one 24-hour rest period, and requires premium pay for overtime work or work on holidays; however, workers have complained of being required to work in excess of the standard workweek (10- to 12-hour days are common), of abrogated negotiated labor agreements, and of forced transfers.

Although the incidence of nonpayment of wages declined, it continued to be the most widespread abuse of labor legislation, particularly for workers in education, research, and medicine. The Labor Code imposes penalties on employers who pay their employees late or make partial payments and requires them to pay two-thirds of a worker's salary if the worker remains idle by some fault of the employer. Proving that an employer is at fault, however, was difficult. Wage arrears through March totaled \$1.2 billion (34.7 billion rubles). Although some enterprises still forced their employees to take wages in barter, the practice continued to decrease.

An increasing number of workers who were owed back wages sought relief through the court system, but the process was lengthy. Courts often were willing to rule in favor of employees seeking the payment of back wages, but collection remained difficult. Courts often insisted that cases be filed individually, in contradiction to the Law on Trade Unions, thereby undercutting union attempts to include the entire membership in one case. This insistence also made the process lengthier and more difficult for the affected workers and exposed them to possible retaliation

(see Section 6.b.). The practice continued of removing the names of workers who won judgments for back wages, but did not yet receive the wages, from the list of those permitted to buy food on credit from the company store.

A lack of labor mobility continued to be a problem. For various reasons, many workers were not able to move to other areas of the country in search of work. Many were constrained economically because past inflation and the nonpayment of wages had destroyed their savings. Freedom to move in search of new employment was limited further by the system of residency permits which, although unconstitutional, was still in use in cities such as Moscow and St. Petersburg (see Section 1.d.). Other workers effectively were tied to enterprises that could only give them credits at the company cafeteria and grocery and the hope of future salary payments. The knowledge that workers could not easily move across regions and find employment has made managers in some one-factory towns reluctant to lay off workers. Because of the inability of local employment agencies to provide benefits or to absorb laid-off employees from some factory towns, local governors and mayors often overturned the enterprises' decisions to lay off workers who were not really working. Other factors, such as the availability of subsidized housing and cultural ties to locations, also inhibited the movement of workers.

The law establishes minimum conditions for workplace safety and worker health; however, the Federal Labor Inspectorate within the Ministry of Labor lacked the financial and human resources to enforce these standards effectively. Workers wore little protective equipment in factories, enterprises stored hazardous materials in open areas, and smoking was permitted near containers of flammable substances. Funds remained limited for safety and health in the workplace.

The Labor Code provides workers with the right to remove themselves from hazardous or life-threatening work situations without jeopardy to their continued employment; however, labor inspectorate resources to enforce this right remained limited. In addition, workers were entitled to such compensations as shorter hours, increased vacations, extra pay, and pension benefits for working under such conditions; however, the pressure for survival often displaced concern for safety, and the risk of industrial accidents or death for workers remained high, although reliable statistics on accident and death rates at the workplace were not available. Miners were known to remove the supports from mineshafts and sell them for scrap metal, while doctors and nurses sold health and safety equipment at hospitals to patients' families in order to supplement salaries that often remained below the minimum subsistence level.

Mine inspections were ineffective because sanctions for safety violations were weak. Even fatal workplace accidents due to unsafe work conditions often went unpunished. In October, in the Rostov region, flooding trapped 69 coal miners underground, over 30 of them for 5 days. All but one miner was eventually rescued. The mine owed workers over \$1 million (approximately 30 million rubles) in back wages. Some miners had not received wages since February. One month after the accident, only the workers who had been trapped in the mine for 5 days had received back wages. The mine had previously been cited for safety violations. In June, a methane explosion killed eleven coal miners in the Kemerovo region. The governor of the region had noted in 2002 that obsolete technology was in use in the mine where the accident occurred to extract coal from very deep pits.

The law entitles foreign workers residing and working legally in the country to the same rights and protections provided to citizens under the law, and the Labor Code prohibits forced or compulsory labor; however there were reports that foreign workers were brought into the country to perform such work (see section 6.c.). Foreign workers residing and working illegally in the country may be subject to deportation but may seek recourse through the court system. There were credible reports that hundreds of thousands of Ukrainians, Belarussians, Moldovans and Central Asians were living and working illegally in Moscow and other larger cities for significantly lower wages than citizens and under generally poor conditions.

f. Trafficking in Persons.—The law prohibits trafficking in persons; however, trafficking in women and children was a problem. There were no reliable estimates of its scope, but observers believed that trafficking was widespread. There were reports that the corruption of government officials facilitated trafficking.

In December, the Government enacted amendments to the Criminal Code criminalizing human trafficking and the use of forced labor and expanding criminal liability for recruitment into prostitution, organization of a prostitution business and the distribution of child pornography. Pursuant to these articles, if certain aggravating factors are established, trafficking and use of slave labor are each punishable by a maximum of 15 years in prison, recruitment into prostitution is punishable by a maximum of 8 years, organization of a prostitution business is punishable by a maximum of 10 years, and the manufacture and distribution of child pornography

is punishable by a maximum of 8 years. The amendments to the Criminal Code were the culmination of a year-long effort by legislators, anti-trafficking activists, and government and law enforcement officials to enact effective anti-trafficking legislation.

In addition to the recently passed amendments, other articles of the Criminal Code may also be used to prosecute traffickers. These include: Article 322, which provides for up to 5 years imprisonment for unlawful violations of borders by a "group of persons in prior arrangement or by an organized group either using violence or the threat of violence"; Article 133, which prohibits compulsion of a person into sexual activity by blackmail, threat, damage, or dependence; Article 126, which prohibits the kidnapping of persons; Article 132, which prohibits forced actions of a sexual nature; Article 135, which prohibits perverse actions with Children under 14; and Article 134, which prohibits sexual intercourse with a person under 14. Articles 159, 165, and 182 all prohibit various kinds of fraudulent activity and could potentially be used to prosecute traffickers engaged in fraudulent recruitment efforts. Prostitution itself is not a crime anywhere in the country, but an administrative offense carrying a fine of \$40 (1,200 rubles). Recruitment for prostitution, domestically or abroad, is not a crime, but an administrative offense with a maximum penalty of incarceration for 14 days.

The most common bases for trafficking prosecutions have been anti-fraud statutes and the statute prohibiting trafficking in minors (which has now been subsumed by the general anti-trafficking provision enacted in December). Traditionally, laws relating to the organization and maintenance of prostitution businesses have not been well enforced and all indications are that the MVD, itself, controls prostitution throughout the country. However, newspaper reports indicated that the Moscow police began cracking down on brothels.

Law enforcement assisted in a number of significant investigations and prosecutions by foreign law enforcement, including cases in France, the United States, and Turkey. In conjunction with the passage of the amendments to the Criminal Code discussed above, in November, the Ministry of Internal Affairs hosted a major international conference designed to promote operational cooperation among several former Soviet republics. Connections established at the conference resulted in requests for joint operational measures and have facilitated the investigation of already existing cases.

The country was a country of origin and transit for victims of trafficking. There were no reliable statistics, reports from domestic law enforcement agencies; however, NGOs, academic researchers, and law enforcement agencies in destination countries indicated that the country was a country of origin for a significant number of victims of trafficking. Children were also trafficked, but more rarely. The virtual trafficking of pornographic images of children over the Internet was also a growing problem, with Russia becoming a major producer and distributor of child pornography in the last few years. This has led to confirmed cases both of sex trafficking of children and of its inverse, child sex tourism to the country. There were also extensive reports of human trafficking within Chechnya. Specifically, government and law enforcement sources reported that Chechen rebels frequently captured Russian soldiers during combat and then enslaved them, traded them among themselves and ultimately sold them back to their families.

According to the IOM, Russian women have been trafficked to almost 50 countries, including every West European country, the United States, Canada, former Soviet republics, such as Georgia, Middle Eastern countries, such as Turkey and Israel, and Asian countries, including Japan and Thailand. There were also reports of Russian women being trafficked to Australia and New Zealand. Victims often agreed to be transported to one location, only to be diverted to, and forcibly held in, another. Sometimes they were "sold" enroute, particularly when transiting the Balkans.

Reports also indicated that internal trafficking was also becoming an increasing problem, with women and children being recruited and transported from rural areas to urban centers and from one region to another. Sources reported that the migration of young women from the provinces to the major cities to work in sex industries such as stripping and prostitution was sometimes facilitated by traffickers. The young women who went annually into Moscow sometimes ended up in prostitution, and, once there, found themselves trapped. Smaller numbers of men were also reported to be trafficked internally for manual labor.

There were also reports that children were kidnapped or purchased from parents, relatives, or orphanages for sexual abuse, child pornography, and the harvesting of body parts. When police investigated such cases, they sometimes found that these children were adopted legally by families abroad; however, there were confirmed cases of children trafficked for sexual exploitation. National law enforcement au-

thorities believed that there was a brisk business in body parts, but international law enforcement and other organizations found no evidence to support this claim.

Reliable statistical estimates with regard to all of these forms of trafficking were extremely hard to develop. Few women who have been trafficked and returned to Russia reported their experiences to the police and continued to be fearful of retaliation by the traffickers. Statistics were also complicated by the fact that some trafficked women were of Russian ethnic origin but citizens of other former Soviet countries, such as Ukraine. Women from such countries as Tajikistan migrated illegally to Russia to seek work, and some may have been victims of traffickers. Some migrants became victims of forced labor once they arrived. According to another IOM Report, women aged 15 to 25, particularly those interested in working overseas, were the most likely to be trafficked.

Targets of traffickers were usually female, between the ages of 14 and 45, with females between the ages of 15 and 25 the prime target. Some surveys indicated that the profile of female trafficking victims in the country was similar to that of the female population at large. Women who were educated and had job skills also were trafficked. Traffickers offered enough economic hope to persuade even well educated, mature women to become risk-takers and entrust traffickers with their money, documents, and persons. Almost all returned trafficked women reported that they traveled to better their lives through work or marriage abroad. Some knowingly agreed to work in sex industries. But all victims insisted that they never suspected the severity of the conditions, the slavery, or the abuse they would be subjected to. None suspected that they would be deprived of their wages.

According to credible media reports, some employers forced workers from countries of the former Soviet Union—such as Uzbekistan—to work without pay. Employers or the individuals who brought the workers into the country withheld the workers' passports or other documentation and threatened them with exposure to law enforcement agencies or immigration authorities if they demanded payment. At times, the recruiter demanded part or all of the worker's wages to avoid deportation.

The rise in trafficking correlated with the socioeconomic dislocation that occurred following the collapse of the Soviet Union. Formerly, rigid controls on the movement of persons within and across borders discouraged migration of any kind, and the extensive involvement of the State in social services provided minimal levels of support for women and children. That state support was gone, and there was no replacement. Most single parent families were headed by women, who were now both more dependent on earned income for family support and less likely to find employment than during the Soviet welfare state. Unemployment was approximately 9 percent but ranged from 15 to 40 percent in the most hard-pressed regions. According to the Ministry of Labor, 70 percent of the registered unemployed were women. Law enforcement reported that at least half of trafficked women were unemployed. NGOs reported that many women were desperate to find a better level of support. Children also were at a greater risk of trafficking.

According to surveys of law enforcement officials and NGOs, unlicensed front companies and agents of legitimate companies with ties to criminal organizations appeared to be the main channels for human trafficking. Many placed advertisements in newspapers or public places for overseas employment, some employed women to pose as returned workers to recruit victims, some placed Internet or other advertisements for mail-order brides, and some victims were recruited by partners or friends. During the tourist season, many fly-by-night firms were created especially to provide particular channels for the smuggling of women. There were also purely criminal firms that found work abroad for prostitutes and intentionally sold young women into slavery.

Information from foreign prosecutions, academic researchers, and law enforcement sources suggested that trafficking was primarily carried out by small criminal groups with the assistance of front companies and more established organized crime groups. Typically, the traffickers use a front company—frequently an employment agency, travel agency or modeling company—to recruit victims with promises of high-paying work overseas. Once they reached the destination country, the traffickers typically confiscated the victims' travel documents, locked the victims in a remote location, and forced them to work in the sex industry.

Traffickers often used their ties to organized crime to threaten the victims with harm to their families should they try to leave. They also relied on ties to organized crime in the destination countries to prevent the victims from leaving and to find employment for the victims in the local sex industry. Trafficking organizations typically paid Russian organized crime a percentage of their profits in return for "protection" and for assistance in identifying victims, procuring false documents, and corrupting law enforcement. They also sometimes pay "protection" money to local organized crime groups in destination countries.

There were reports that individual government officials took bribes from individuals and organized trafficking rings to assist in issuing documents and facilitating visa fraud. Law enforcement sources agreed that often some form of document fraud was committed in the process of obtaining external passports and visas, but they were uncertain to what extent this involved official corruption rather than individual or organized criminal forgery and fraud. There were reports of prosecutions of officials involved in such corruption. The penalty for violating border laws with fraudulent documents was up to 3 years. The penalty for taking bribes was 3 to 7 years. Those who were charged with more than one crime received heavier sentences.

Journalists, politicians, and academic experts all stated that trafficking was facilitated and, in many cases, controlled by corrupt elements within the MVD and other law enforcement bodies. Substantial evidence, including information derived from victims, NGOs, foreign law enforcement and criminal prosecutions in Russia, suggested that corrupt elements within the Ministry of Internal Affairs protected trafficking organizations and, in many cases, directly operated trafficking and prostitution businesses themselves.

NGOs claimed that consular officials abroad refused to help trafficked women. The Foreign Ministry confirmed that it had no policy on assistance to victims of trafficking and was working to create appropriate guidance. Victims rarely filed complaints against the agencies that recruited them once they returned to the country, reporting that fear of reprisals often exceeded their hope of police assistance. Law enforcement authorities acknowledged that they rarely opened a case following such complaints because often no domestic law was broken, and law enforcement authorities were evaluated according to the number of cases they close.

There were no government initiatives to bring trafficking victims back to the country. Unless deported by the host country, women had to pay their own way home or turn to international NGOs for assistance. Women reported that without their documentation, which was often withheld by traffickers, they received no assistance from Russian consulates abroad. The Government did not provide direct assistance to trafficking victims.

Victims of trafficking could turn to a crisis center or other NGOs that render assistance to female victims of sexual and other kinds of abuse. Many of the more than 55 crisis centers and anti-trafficking NGOs throughout the country provided information on trafficking, and some provided assistance. Various NGOs rescued victims and helped them to reintegrate upon return to the country. These NGOs received varying degrees of support from regional and local governments. Some were invited to brief local officials and law enforcement personnel, and some provided training to local crisis centers and hospital staff. Significantly, the Duma Committee on Legislation involved a variety of NGOs in the development of the draft anti-trafficking law. Some foreign-funded crisis centers, such as the Anna Crisis Center in Moscow and the Women's Center in the Republic of Kareliya, provided psychological consultations for trafficking victims. NGOs also continued their activities in the areas of public education and victim support. For example, during the year, Winrock International continued to provide economic empowerment training to NGOs in a variety of cities in the Russian Far East. According to Winrock, approximately 900 women in 12 different cities benefited from such training every year.

At year's end, a draft law "On the Status of Trafficking Victims" was pending before the Duma. This draft law would provide for a system of measures to protect trafficking victims, including the establishment of shelters and support centers. It would also mandate cooperation between government agencies and anti-trafficking NGOs, and define procedures for the social rehabilitation of trafficking victims.

The Government did not sponsor any official victim protection and assistance programs. However, a broader witness protection law that would create a wide variety of witness protection measures was pending before the Duma at year's end. The draft witness protection law passed the Duma in first reading in the fall Session, and was scheduled for a second reading in early 2004. If passed, the law would apply to all organized crime cases in which a witness' life or physical safety is in danger and would aid law enforcement's efforts to investigate and prosecute trafficking cases.

The Government has no official prevention program, but has sponsored a number of events designed to raise public awareness of the dangers of trafficking. For example, during the year, the Duma Committee on Legislation and the Presidential Administration held a number of public legislative drafting sessions designed to draft comprehensive anti-trafficking legislation. These were all accompanied by substantial publicity arranged by the Duma. In addition, in May, the Duma Committee on Legislation sponsored a public showing of the film "Lilya Forever" at the Duma. The film, using the fictional story of a young female trafficking victim, dramatically de-

picts the horrors of trafficking from the former Soviet Union to Western Europe. In addition, the Presidential Administration was organizing a major conference of Russian anti-trafficking NGOs to take place in Moscow on January 27, 2004.

SAN MARINO

San Marino is a democratic, multiparty republic. The popularly elected Parliament (the Great and General Council—GGC) selects two of its members to serve as the Captains Regent (co-Heads of State). Captains Regent preside over meetings of the GGC and of the Cabinet (Congress of State), which has 10 other members (Secretaries of State) also selected by the GGC. The Secretary of State for Foreign Affairs has some of the prerogatives of a prime minister. The judiciary is independent.

The civilian authorities maintained effective control of the security forces. There were no reports that security forces committed human rights abuses.

The country had a total population of approximately 25,000. The principal economic activities were tourism, farming, light manufacturing, and banking. In addition to revenue from taxes and customs, the Government also derived revenue from an annual budget subsidy provided by the Italian Government under the terms of the Basic Treaty with Italy.

The Government generally respected the human rights of its citizens, and the law and judiciary provided effective means of dealing with individual instances of abuse. Some remnants of legal and societal discrimination against women remained, particularly with regard to the transmission of citizenship.

RESPECT FOR HUMAN RIGHTS

Section 1. Respect for the Integrity of the Person, Including Freedom From:

a. Arbitrary or Unlawful Deprivation of Life.—There were no reports of the arbitrary or unlawful deprivation of life committed by the Government or its agents.

b. Disappearance.—There were no reports of politically motivated disappearances.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The law prohibits such practices, and there were no reports that government officials employed them.

Prison conditions generally met international standards. Male prisoners were held separately from female prisoners, as were juveniles from adults and pretrial detainees from convicted prisoners. The Government permits visits by independent human rights monitors.

d. Arbitrary Arrest, Detention, or Exile.—The law prohibits arbitrary arrest and detention, and the Government generally observed these prohibitions. The security forces included: The centralized police organization (the Civil Police), responsible for internal security and civil defense; the Gendarmerie, a military group responsible for internal security and public order; and the Guardie di Rocca, a military group responsible for external defense which occasionally assisted the Gendarmerie in criminal investigations.

The law prohibits forced exile, and the Government did not employ it.

e. Denial of Fair Public Trial.—The law provides for an independent judiciary, and the Government generally respected this provision in practice.

The judicial system requires that the country's lower court judges be noncitizens, with the aim of assuring impartiality; most lower court judges are Italian. A local conciliation judge handles cases of minor importance. Other cases are handled by the non-Sammarinese judges who serve under contract to the Government. The final court of review is the Council of Twelve, a group of judges chosen for 6-year terms (four of whom are replaced every 2 years) from among the members of the GGC.

The law provides for the right to a fair trial, and an independent judiciary generally enforced this right.

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home or Correspondence.—The law prohibits such actions, and the Government generally respected these prohibitions in practice.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The law provides for freedom of speech and of the press, and the Government generally respected these rights in practice. An independent press, an effective judiciary, and a functioning democratic political system

combined to ensure freedom of speech and of the press, including academic freedom. Access to the Internet was unrestricted.

b. Freedom of Peaceful Assembly and Association.—The law provides for freedom of assembly and association, and the Government generally respected these rights in practice.

c. Freedom of Religion.—The law provides for freedom of religion, and the Government generally respected this right in practice.

Roman Catholicism is not a state religion but it was dominant in society. The Catholic Church received direct benefits from the State through income tax revenues.

For a more detailed discussion, see the 2003 International Religious Freedom Report.

d. Freedom of Movement within the Country, Foreign Travel, Emigration, and Repatriation.—The law provides for these rights, and the Government generally respected them in practice.

The law does not provide for the granting of refugee status or asylum to persons who meet the definition in the 1951 U.N. Convention or its 1967 protocol. Asylum or refugee status is granted by an act of the Congress of State. In practice, the Government provided protection against refoulement; however, the Government did not formally offer asylum or refugee status. The Government provides temporary protection to those who are not considered refugees or asylees. The Government has permitted a few individuals to reside and work in the country, and the Government cooperated with the Office of the U.N. High Commissioner for Refugees and other humanitarian organizations in assisting refugees.

Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government

The Constitution provides citizens with the right to change their government peacefully, and citizens exercised this right in practice through periodic, free, and fair elections held on the basis of universal suffrage. Elections were last held in June 2001, resulting in a substantial plurality for the Christian Democratic Party.

There were no legal impediments to the participation of women in politics. Women held positions in the mainstream party organizations, and one cabinet position.

Section 4. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

There were no domestic human rights organizations, although the Government did not impede their formation. The Government declared itself open to investigations of alleged abuses by international NGOs, but there have been no requests for such investigations.

Section 5. Discrimination Based on Race, Sex, Disability, Language, or Social Status

The law prohibits discrimination based on race, disability, language, or social status. The law also prohibits some forms of discrimination based on sex; however, vestiges of legal as well as societal discrimination against women remained.

Women.—The law provides for the protection of women from violence, and occurrences of such violence, including spousal abuse, were rare. Rape, including spousal rape, is explicitly a crime under the law.

Several laws provide specifically for the equality of women in the workplace and elsewhere. In practice, there was no discrimination in pay or working conditions. All careers were open to women, including careers in the military and police as well as the highest public offices.

The citizenship law provides that both men and women may transmit citizenship either through birth or naturalization. The children of male citizens only need to state their intent to retain citizenship whereas the children of female citizens must state their “desire” to retain citizenship. That is, the child of a male citizen need only declare that he/she “maintains” his/her citizenship within 12 months following his/her 18th birthday in order to definitively acquire such nationality. The child of a female citizen must “declare the wish” for citizenship within 12 months from his/her 18th birthday in order legally to acquire it. It was not clear how much effect this had on the transmission of citizenship in practice.

Children.—The Government was committed to children’s rights and welfare; it amply funded systems of public education and medical care. Education was free until grade 13 (usually age 18), and compulsory until age 16. Most students continued in school until age 18. No differences were apparent in the treatment of girls and boys in education or health care, nor was there any societal pattern of abuse directed against children.

Persons with Disabilities.—There was no discrimination against persons with disabilities in employment, education, or in the provision of other state services.

The law provides guidelines for easier access to public buildings, but it never has been implemented fully.

Section 6. Worker Rights

a. The Right of Association.—By law all workers (except the armed forces but including the police) are free to form and join unions, and workers exercised this right in practice. The law sets the conditions for the establishment of labor unions. Union members constituted approximately half of the country's work force (which numbered approximately 10,300 citizens plus 4,000 resident Italians).

Trade unions were formally independent of the Government and the political parties; however, trade unions had close informal ties with the political parties, which exercised strong influence over them. Unions may freely form or join federations and affiliate with international bodies.

b. The Right to Organize and Bargain Collectively.—The law gives collective bargaining agreements the force of law and prohibits antiunion discrimination by employers, and workers exercised these rights. Effective mechanisms existed to resolve complaints. Negotiations were conducted freely, often in the presence of government officials (usually from the Labor and Industry Departments) by invitation from both the unions and the employers' association. Complaints generally were resolved amicably by a "conciliatory committee" composed of labor union and business association representatives and government officials.

Workers in all nonmilitary occupations have the right to strike. Early in the year, the signing of new contracts in the public administration and industrial sector ended a short period of labor unrest which had culminated in 2002 in the first general strike in fifteen years.

There are no export processing zones.

c. Prohibition of Forced or Bonded Labor.—The law prohibits forced or bonded labor, including by children, and there were no reports that such practices occurred.

d. Status of Child Labor Practices and Minimum Age for Employment.—The minimum working age and compulsory education age ceiling is 16 years. The Ministry of Labor and Cooperation permits no exceptions. The law does not limit children between the ages of 16 and 18 from any type of legal work activity.

e. Acceptable Conditions of Work.—The legal minimum wage during the year was approximately \$1,596 (1,277 euros) per month, which afforded a decent standard of living for a worker and family. Wages generally were higher than the minimum.

The law sets the workweek at 36 hours in public administration and 37½ hours in industry and private business, with 24 consecutive hours of rest per week mandated for workers in either category.

The law stipulates safety and health standards, and the judicial system monitors these standards. Most workplaces implemented the standards effectively, but there were some exceptions, notably in the construction industry, where not all workers, particularly foreign workers hired for a specific contract, consistently abided by safety regulations such as work hour limitations. Workers have the right to remove themselves from situations that endanger their health or safety. The Government monitored closely the implementation of safety regulations in the construction industry, but improvement has been slow.

Two laws treat foreign workers differently from citizens of the country: The first prohibits indefinite employment status for foreign workers with nonresident status; and the second requires non-Italian foreign workers to obtain an Italian residence permit before they can apply for employment. In practice, these provisions limited the application of unemployment benefits to foreigners because such benefits were granted for a period of 12 months.

f. Trafficking in Persons.—The law does not prohibit trafficking in persons; however, there were no reports that persons were trafficked to, from, or within the country.

SERBIA AND MONTENEGRO

Serbia and Montenegro (SaM) is a constitutional republic consisting of the relatively large Republic of Serbia and the much smaller Republic of Montenegro.¹ In March 2002, the two republics, with European Union (EU) mediation, negotiated the Belgrade Agreement, in which they agreed to redefine the joint state. On February 4, the Yugoslav Parliament adopted the Constitutional Charter and Implementation Law, marking the end of the Federal Republic of Yugoslavia (FRY) and the beginning of the state union of Serbia and Montenegro. In the new state, almost all authority devolved to the two republics. The state union Government has responsibilities essentially limited to the Foreign Ministry, the military (VSCG, formerly the VJ), human and minority rights, and foreign economic and commercial relations. The SaM judiciary was constituted by year's end.

The military reports through the Defense Minister to the Supreme Defense Council (VSO), whose voting members are the Presidents of SaM, Serbia, and Montenegro. The military was largely depoliticized, and underwent sweeping reform after the Djindjic assassination. The VSO dismissed 26 of the approximately 65 flag officers and subordinated the General Staff to the civilian Defense Minister. (Previously, the Defense Ministry had acted only as an administrative appendage of the General Staff.) The Defense Minister replaced the heads of the two military intelligence services, refocused the Military Security Service (VSB) on its formal mission of crime fighting and counterintelligence and away from politics, and subordinated the VSB service to his office. (Previously, the VSB had reported informally to only the most senior political leaders.) Following the Djindjic assassination, the Government disbanded the Red Berets (Special Operations Unit or JSO); this paramilitary unit of the old secret police, the State Security Service (RDB), was implicated in the assassination.

The economy was in transition from a system based on social ownership to a market-based environment with a mix of industry, agriculture, and services. The population in the Republic of Serbia was 7.5 million, excluding Kosovo. Real SaM gross domestic product (GDP) grew by 4 percent in 2002; the International Monetary Fund projected 3 percent GDP growth during the year. Income distribution and economic opportunity were uneven. Poverty and unemployment were highest in southern Serbia and among the refugees from the wars in Croatia and Bosnia and internally displaced persons (IDPs) from Kosovo.

Serbia has a parliamentary system of government run by Prime Minister Zoran Zivkovic, who assumed the position in March following the assassination of Prime Minister Zoran Djindjic. Parliamentary elections held on December 28 were deemed generally free and fair by the Organization for Security and Cooperation in Europe (OSCE); the new, multiparty parliament had not met by year's end. The Serbian Constitution provides for an independent judiciary; however, the judiciary was often subject to political influence and corruption, and was inefficient.

While civilian authorities generally maintained effective control of security forces, there were some instances in which elements of the security forces acted independently of government authority. The Ministry of Interior (MUP) controls the Serbian police, who are responsible for internal security. The Security Intelligence Agency (BIA) is under the control of the Government as a whole, effectively giving control to the Prime Minister. Some members of security forces committed human rights abuses.

The Government generally respected the human rights of its citizens; however, there were problems in some areas, which were aggravated by the March assassination of Prime Minister Djindjic and subsequent 42-day State of Emergency. Police at times beat detainees and harassed citizens. Police produced results in investigations of high-level killings committed during and after the Milosevic era. There were incidents of arbitrary arrest and detention. The judiciary continued to be susceptible to political influence. Poor cooperation between the judiciary and other government branches slowed the implementation of legislative reforms. Courts remained administratively paralyzed, and lengthy trials persisted. Legislation creating a special domestic war crimes court was passed and a special prosecutor was appointed. Media independence was a problem; private libel suits, including from individuals active in politics, and indirect political manipulation contributed to self-censorship among journalists.

¹The report on Serbia and Montenegro—formerly the Federal Republic of Yugoslavia—is divided into three separate sections addressing the human rights situations in Serbia, Kosovo, and Montenegro. Discussion of SaM activities and institutions affecting human rights is included in the Serbia section.

The SaM Parliament amended its Law on International Criminal Tribunal for the former Yugoslavia (ICTY) Cooperation, which resulted in four voluntary surrenders of indictees and the arrest and transfer of another five indictees to The Hague. The Government transferred many documents to the ICTY and gave waivers for witnesses to testify; however, the ICTY remained dissatisfied with overall SaM cooperation, in particular because it believed that key indictee General Ratko Mladic was at large in Serbia.

There were several incidents of societal violence and discrimination against religious minorities. Violence and discrimination against women, Roma and other ethnic minorities were problems. Trafficking in women and children remained a problem which the Government took steps to address by adding trafficking in persons to the criminal code.

Considerable evidence indicated that on March 12 a group of nationalist paramilitaries and organized criminals assassinated Serbian Prime Minister Zoran Djindjic as the first step in a failed attempt to topple the Government. In accordance with the Constitution and laws, Djindjic's successors quickly declared a State of Emergency and launched a sweeping attack against the paramilitary unit and the organized crime gangs that allegedly killed the Prime Minister. The Government's imposition of a State of Emergency, which lasted 6 weeks, had broad support among the population and some international organizations, including the OSCE. On December 22, the trial of most of the conspirators responsible for the assassination, including the actual triggerman, began in the Belgrade Special Court for Fighting Organized Crime.

Over 10,000 individuals were detained during the State of Emergency. When it was lifted on April 22, approximately 4,500 remained in custody; at year's end, approximately 2,000 remained in custody. After the lifting of the State of Emergency, there were numerous allegations of police brutality and mistreatment, including the use of torture to extract confessions. The Government, which held most detainees in incommunicado detention without access to a lawyer or without being brought before a judge, has denied these allegations. The Government also increased restrictions on the media, the right to privacy, and the right of association during this period.

RESPECT FOR HUMAN RIGHTS

Section 1. Respect for the Integrity of the Person, Including Freedom From:

a. Arbitrary or Unlawful Deprivation of Life.—There were no reports of political killings committed by the Government or its agents; however, security forces killed nine individuals.

On March 7, police shot and killed two members of the so-called Albanian National Army (AKSh) during a failed attempt to place a bomb near the Kosovo Administrative Boundary Line. Authorities ruled that these shootings were justified because the suspects resisted arrest with arms.

On March 12, members of the Red Beretsacting—an autonomous state security police unit from the era of former FRY President Slobodan Milosevic—assassinated Prime Minister Djindjic, in collusion with the Zemun organized crime clan. The trial of the 44 people indicted in the assassination began on December 22.

On March 27, authorities killed Dusan "Siptar" Spasojevic and Milan Lukovic—both implicated in the Djindjic assassination—during a shootout with police while the pair was resisting arrest. However, there were allegations that police executed the two after they were already in custody.

On September 30, a Kosovo veteran of the BIA in Nis allegedly shot to death four colleagues, wounding three others. He was arrested and awaiting trial at year's end.

There were some developments in police investigations of political killings from previous years. On September 16, the Belgrade Special Court for Fighting Organized Crime began the trial of two former police officers and five others (including two who remained at large) for the 2002 killing of former Belgrade police chief Bosko Buha. The December 17 testimony by a former Belgrade police inspector raised credible allegations that police framed those on trial for the Buha murder to cover for other crime figures who had connections to the Government at the time of the murder, including Milorad "Legija" Lukovic, accused of organizing the Djindjic assassination.

On March 28, the Government located the body of former Serbian President Ivan Stambolic, who disappeared in 2000. The Special Prosecutor for Organized Crime filed charges in September with the new Belgrade Special Court for Fighting Organized Crime in this case and in the 2000 attempted murder of Serbian Renewal Movement leader Vuk Draskovic (see Section 1.e.). Indictees include Milorad "Legija" Lukovic, Slobodan Milosevic, former RDB chief Radomir Markovic, former

VJ Chief of Staff Nebojsa Pavkovic, and former Deputy RDB Chief Milorad Bracanovic.

On January 30, former RDB chief Radomir Markovic was sentenced to 7 years' imprisonment for the 1999 attempted murder of Vuk Draskovic, which resulted in the deaths of four persons. However, on September 30, after evidence emerged that additional people were involved in the attack, the Supreme Court set aside the District Court verdict, allowing for a re-trial that would include the additional defendants.

Domestic courts and the ICTY continued to adjudicate cases arising from crimes committed during the 1991–99 conflicts in Kosovo, Croatia and Bosnia, including the ICTY prosecution of former FRY and Serbian President Slobodan Milosevic (see Sections 1.e. and 4).

There were no deaths from landmine incidents during the year.

b. Disappearance.—There were no reports of politically motivated disappearances. During the year, SaM and Serbian Government authorities continued cooperation with neighboring countries and international organizations seeking to identify missing persons and investigating graves discovered in Serbia.

There were no exhumations during the year because the SaM Commission on Missing Persons, which replaced the FRY commission, was not established until November; however, Government authorities continued to make progress in identifying exhumed bodies. In 2002, the Serbian Government exhumed the last of the bodies from mass graves found in 2001; the graves contained bodies presumed to be those of ethnic Albanians killed in Kosovo and transferred to Serbia in 1999. Following identification of remains, Serbian authorities repatriated approximately 186 bodies to Kosovo during the year. The Serbian Government, in cooperation with international organizations and the International Commission on Missing Persons (ICMP), had not completed identification and repatriation of the remains by year's end.

Searching began for bodies thought to be located at the bottom of Lake Perucac in eastern Serbia. Another search revealed that there were no bodies under a highway near Vranje, a suspected gravesite.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—SaM and Serbian laws prohibit such practices; however, police at times abused citizens and detainees, particularly during the State of Emergency from March 12 to April 22.

Some people detained during the State of Emergency later claimed that they were beaten and tortured by police during their detention in an attempt to coerce statements. Reported forms of torture included: Asphyxiation with a plastic bag, electric shock, and mock executions. The London-based Institute for War and Peace Reporting (IWPR) alleged that on March 13 police arrested restaurant owner Milan Vukovic and took him to the "29 November" police station in Belgrade. Vukovic later testified that twice during his 1-month detention masked policemen placed a plastic bag over his head, puncturing the bag only after it was obvious that he was suffocating. According to Vukovic, the police demanded that he admit he was a drug dealer, racketeer and gun runner, and that he had traded illegally in oil, cigarettes, and foreign currency. Vukovic was later released without charges.

Sandra Petrovic informed Amnesty International that her husband, Goran Petrovic, and brother, Igor Gajic, were arrested in Krusevac on March 14 and kept in incommunicado detention until May 13. During this period, police allegedly tortured them to extract confessions of extortion. Mrs. Petrovic reported that after 15 days in detention in Krusevac, Goran Petrovic was transferred to Cuprija Prison, from where police took him to a nearby forest, taped a bag over his head and beat him so severely that he still had difficulty walking when she saw him on May 13. Also according to Mrs. Petrovic, police tortured Igor Gajic with electric shocks after dousing him with water, as well as taking him to a forest, taping a bag over his head, and beating him. Police have claimed that they have not verified cases of abuse, which were alleged to have occurred during the State of Emergency. At year's end, prosecutors had not yet acted on lawsuits filed by NGOs on behalf of individuals who claimed they were tortured as detainees during the State of Emergency.

Because detentions during the State of Emergency were generally incommunicado, human rights monitors witnessed little direct evidence of torture. The primary exception to the incommunicado nature of the detentions was the April 14–15 visit by the OSCE and the UN Office of the High Commissioner for Human Rights (OHCHR) to detainees at the three major detention sites (Belgrade Central Police Station at 29 November Street and Belgrade Central and Military Prisons). The OSCE/OHCHR reported that during the visit to two prisons holding detainees, all those interviewed gave consistent statements of having been treated fairly by prison

staff. However, the report also noted that, “the Delegation heard allegations or saw indications of torture or ill-treatment during arrest during the visit concerning two detainees.”

Beatings and other physical abuse by police most often occurred during the arrest or initial detention period, and low-level criminals were most often the victims of such abuse. There were a few reports that police used beatings and threats to deter detainees from filing claims of abuse on prior occasions. In August, a man reported to the Humanitarian Law Center (HLC) that police beat him every day during a 30-day detention to pressure him to withdraw a previous claim of police brutality.

Police also reportedly used beatings to coerce confessions. The HLC filed a criminal complaint against unidentified officers of the Cacak Police Department claiming that on May 21, in an attempt to coerce a confession of robbery, the officers threatened Zeljko Popovic, slapped him, and struck him in the mouth, causing him to lose three teeth.

As in 2002, there were few reported instances of police harassment of ethnic Albanians in southern Serbia. The improvement can be credited largely to the deployment of the 400-member Multi-Ethnic Police Force throughout the area (see Section 1.d.).

In August 2002, police in Vranje severely beat Nenad Tasic, who sustained broken ribs, a punctured lung, and severe brain damage. The HLC filed a civil suit seeking compensation; the case was heard, but the judgment had not been announced at year’s end. A separate criminal suit was ongoing at year’s end.

During the year, the Leskovac-based Human Rights Committee reported that there were more than 100 cases of alleged police abuse in Leskovac. In March 2002, Leskovac police reportedly clubbed a handcuffed Roma man, Nebojsa Majlic, causing him to lose consciousness; afterwards, the police filed criminal charges against Majlic for interfering with police performance of duty. At year’s end, the trial of Majlic had not begun.

Prison conditions generally met international standards; however, conditions varied greatly from one facility to another. The Helsinki Committee for Human Rights in Serbia (HCS) noted that some prisons offered clean, secure environments for inmates; however, in others—most notably the Belgrade Reformatory Hospital housing psychiatric prisoners—inmates were forced to live in filthy, inhumane conditions. The quality of food varied from poor to minimally acceptable, and health care was often inadequate. Basic educational and vocational training programs were in place at most prisons; however, they were limited by lack of resources. The level of training for guards was inadequate.

Men and women were held separately. Juveniles were supposed to be held separately from adults; however, in practice, this did not always happen. Pretrial detainees were held separately from convicted prisoners. Some inmates complained that they were subjected to intimidation and occasional assaults by other inmates. Inmates could report such problems to prison staff or to district court; authorities generally responded by placing inmates in separate cells and at times taking disciplinary measures such as placing offenders in solitary confinement. There were some deaths in prison due to murders between inmates, natural causes, and at least one suicide.

The Government permitted the International Committee of the Red Cross (ICRC) and local independent human rights monitors, including HCS, to visit prisons throughout the country and to speak with prisoners without the presence of a warden. The Government suspended prison visits by local human rights monitors during the State of Emergency; however, the OSCE and OHCHR visited two detention centers in Belgrade during that period.

There were reports that witnesses and potential witnesses cooperating with the ICTY experienced threats or intimidation in Serbia (see Section 4).

d. Arbitrary Arrest, Detention, or Exile.—The Constitution prohibits arbitrary arrest and detention, and the Government generally observed these prohibitions, except during the State of Emergency.

The approximately 23,000 police officers are part of the Sector for Public Security of the Ministry of Internal Affairs (MUP). The Sector is divided into seven directorates: Uniformed Police (including traffic and patrol officers), Criminal Investigations, Organized Crime, Analysis, Special Operations Units (including gendarmes and the Special Anti-Terrorist Unit, or SAJ), Human Resources and Training, and Border Police. The police are divided regionally into 33 secretariats. All municipal and rural units are branches of the Republic police. Effectiveness of the police is uneven and generally limited because of poor training, poor forensics, and the low education level of many officers. Although the MUP leadership changed after the October 2000 revolution, many police personnel, including some high-level officials, are holdovers from the Milosevic regime. While most police officers were Serbs, the

force included Bosniaks (Bosnian Muslims), ethnic Albanians, and other ethnic minorities. The Multi-Ethnic Police Force in southern Serbia was composed primarily of ethnic Albanians and Serbs.

There were only limited institutional means of overseeing and controlling police behavior. In September, an Inspector General with enforcement authority was installed in the MUP; however, at year's end, he still had little ability to conduct investigations. In April, the SaM Minister for Human and Minority Rights established an "SOS" hotline, which sought action on police abuse and other cases. The hotline had received more than 2,000 calls by year's end. The Serbian Government offered no other forms of assistance for citizens with complaints about police behavior; however, citizens could seek redress through the courts.

According to MUP figures, from January through June the MUP initiated 762 disciplinary proceedings, resulting in 17 arrests of policemen, 271 criminal complaints filed against 158 officers, and 123 suspensions. Included in these figures were four cases of illegal use of force, three in Sremska Mitrovica and one in Užice. The three officers in Sremska Mitrovica were suspended during the ongoing disciplinary proceedings. Punishment for police officers rarely exceeded 6 months' imprisonment, a sentence that often allowed police officers found guilty of abusing human rights to rejoin the force. During the year, the MUP instituted an ethics code for police, but no sanctions were prescribed for violations.

Courts occasionally ordered the Government to pay compensation for police abuses. In March, Belgrade's First Municipal Court ordered the Republic of Serbia to pay approximately \$1,780 (100,000 dinars) to Bojan Aleksov as compensation for his unlawful detention and torture in 2000.

Community policing was instituted during the year. The OSCE's Mission to SaM trained Serbian police cadets in modern police tactics at an international police training center in Mitrovo Polje.

The Criminal Procedure Code provides for strong regulations designed to protect the rights of detained and accused persons, including prohibitions against excessive delays by authorities in filing formal charges against suspects and in opening investigations; however, such delays continued regularly (see Section 1.e.).

The law restricts the time from indictment to the conclusion of first instance trial to 2 years; appeals to second instance courts must be completed within 1 additional year. A person wrongfully detained could demand rehabilitation and compensation from the Government. Bail was allowed but rarely used; detainees facing charges that carried possible sentences of less than 5 years could be released on their own recognizance. Due to the inefficiency of the courts, cases often took an excessively long time to come to trial; and, once started, trials often an excessively long time to conclude.

The police were authorized to make an arrest without a judge-authorized warrant in certain circumstances, including well-founded grounds of suspicion that the person committed a capital crime. An investigating judge must approve any detention of more than 48 hours, and arrested persons must be informed immediately of their rights, including the right to confidential conferences with a lawyer. Family members were normally able to visit detainees. No suspect could be detained for more than 3 months without a decision of an investigating judge, and no one could be detained for more than a total of 6 months. The law prohibits the use of force, threats, deception, and coercion, as well as use in court of evidence acquired by such means. During the State of Emergency, many false or unrealized promises of granting witness collaborator status—which would include the dropping of some charges—were made to encourage statements by detainees. Suspects' statements are valid in court only if they are made in the presence of counsel; an investigating judge or prosecutor must also be present. During the State of Emergency, appointed attorneys unfamiliar to detainees sometimes appeared solely for the taking of statements.

Among the special measures the Government included with the declaration of a State of Emergency was the suspension of the right to an attorney and permission for police to detain, for up to 30 days, any person "who is jeopardizing the safety of other citizens or the safety of the Republic." On April 11, as 30-day detentions made early in the State of Emergency were about to expire, the Parliament passed new measures permitting detentions on MUP authority of up to 90 days; however, the Constitutional Court declared the law unconstitutional on June 5 and on July 1 it was repealed by the Parliament. In practice, the 10,000 State of Emergency detainees were largely held incommunicado, without access to attorneys or family. Additionally, many of the detainees during the State of Emergency were never brought before a judge; however, those who later remained in jail were taken before a judge.

There were several reports of police detaining journalists for "informative talks" (see Section 2.a.).

The Constitution prohibits forced exile, and the Government did not employ it.

e. Denial of Fair Public Trial.—The Constitution provides for an independent judiciary; however, the courts remained susceptible to corruption and political influence, although to a far lesser degree than under the former Milosevic regime.

The court system is made up of municipal and district courts, a supreme court, a constitutional court, and special courts for war crimes and organized crime. The Constitutional Court rules on the constitutionality of laws and regulations and relies on the authorities to enforce its rulings. The Law on Courts mandates the establishment of an administrative appeals court and a second instance appeals court to lighten the burden of the Supreme Court; however, these courts had not been established by year's end.

The courts were highly inefficient—cases could take years to resolve—and there were no official channels for alternative dispute resolution. However, the Government and judiciary made some progress in implementing the extensive organizational reforms mandated in the 2001 laws on courts, judges, and public prosecutors.

A Lustration Law, passed in June, prohibits anyone who has committed human rights violations since 1976 from holding public office for the next 2 to 5 years, depending on the gravity of the offense; however, the law had not been implemented by year's end.

In accordance with the Law on Courts, two new judicial bodies began functioning during the year: The High Judicial Council, which is staffed by Supreme Court justices and appoints judges, and the High Personnel Council, which disciplines and dismisses judges. The High Personnel Council, with approval of the Parliament, dismissed or forcibly retired 35 judges, mostly after the Djindjic assassination; however, there were no trials of former court presidents or judges who committed abuses during the Milosevic regime.

The Supreme Court President, under pressure from the Government, resigned in April; however, a majority of judges on the Supreme Court remained Milosevic appointees, and the Constitutional Court remained staffed by some judges appointed during the Milosevic regime. The Law on Judges mandates that judges have lifetime tenure with mandatory retirement at age 65.

The Judges' Training Center organized educational programs offered throughout the country. International organizations and local NGOs, including the HLC and the Belgrade Center for Human Rights (BCHR), also conducted training for judges during the year.

The law provides that defendants are presumed innocent and have the right to have an attorney represent them at public expense, if needed, and to be present at their trials. The courts also must provide interpreters, if required. Both the defense and the prosecution have the right to appeal a verdict. Defendants have a right to access government-held evidence and question witnesses; these rights were generally respected in practice.

In 2002, the Republic Prosecutor (Attorney General) submitted all public prosecutors, deputy prosecutors, and staff to review for general competency and previous conduct, including during the Milosevic era. As a result, approximately one-third of Public Prosecution personnel were dismissed or forced into retirement by the end of 2002. In April, the Republic Prosecutor himself was forced to resign, and six district prosecutors (including the Belgrade District Prosecutor) and a large number of lower-level prosecutors were dismissed or forced to resign during the year. Deputy Public Prosecutor Milan Sarajlic, who faced charges that he was paid by the Zemun organized crime clan, was released from jail due to poor health; at year's end, his trial had not yet been scheduled.

The SaM military court system, inherited from the Tito era, presents little transparency in its operations. In accordance with the Constitutional Charter, this system was phasing out operations, and military courts had no ongoing investigations or trials at year's end. The military court system retained one espionage case, which had been investigated but not yet taken to trial at year's end. Special departments in the Belgrade and Podgorica (Montenegro) District Courts, which would take on all new cases, had not been constituted at year's end. On October 20, the Supreme Military Court sentenced battalion commander Dragisa Petrovic to 9 years in prison and army reservists Nenad Stamenkovic and Tomica Jovic to 7 years each for the murder of an elderly Kosovo Albanian couple, Feriz and Rukija Drasnici, in 1999. The Court nearly doubled the sentences previously handed down by the Nis Military Court in 2002, following the revision of the indictments from murder charges to charges of war crimes against civilians. In addition to the nearly defunct military court system, the only other SaM court, the Court of the State Union of Serbia and Montenegro, had not been constituted at year's end. This court is expected to rule on disputes between the constituent republics or between the union and the republics, as well as on conformity of SaM or republic laws with the Constitutional Char-

ter; it is also expected to respond to petitions of citizens whose rights or freedoms were violated by the Constitutional Charter.

There were no developments in the case of 24 Bosniaks whose 1993 political convictions of crimes against the state were returned for review by the Supreme Court in 1996.

Domestic war crimes indictments and trials began in the regular courts in 2002. On January 20, the trial began of one former member of the Bosnian Serb "Avengers" paramilitary and three members of the Bosnian Serb Army for abducting, torturing, and killing 16 Muslims from the Serbian town of Sjeverin in 1992. On September 29, the court sentenced Djordje Sevic to 15 years in prison, and Dragutin Dragicevic, Oliver Krsmanovic and ICTY indictee Milan Lukic—the last two remain at large—to 20-year prison sentences; this was the maximum term of imprisonment possible at the time.

In October 2002, Aleksandar "Sasa" Cvjetan went on trial in Prokuplje District Court for killing 19 ethnic Albanians in Podujevo, Kosovo, in March 1999. The Prokuplje Court also tried in absentia SAJ squad member Dejan Demirovic for cooperating with Cvjetan in the massacre. The Government had requested extradition of Demirovic from Canada, which had him in custody. In November 2002, citing concerns about security, fairness of proceedings, and access to ethnic Albanian witnesses, the Supreme Court transferred the trial from Prokuplje to Belgrade District Court, where proceedings resumed early in the year and were ongoing at year's end.

The Law on Suppression of Organized Crime created a semi-independent special prosecutor, a special police investigative unit, specialized court chambers, and a dedicated detention unit. Some human rights activists have expressed concern that the special police force's expanded powers to investigate and detain suspects could lead to abuse. The court's inaugural trial was held on September 16, when the Special Prosecutor for Organized Crime began presenting the case against the suspected killers of senior police officer Bosko Buha (see Section 1.a.). The trial was ongoing at year's end.

In July, the Parliament passed a law on domestic war crimes prosecutions, which established a special court for this purpose; however, the court had not begun functioning by year's end. It was scheduled to begin trials in March 2004. On July 22, Parliament appointed Vladimir Vukcevic as the special prosecutor for war crimes. The special court will be a branch of the Belgrade District Court; however, for security reasons it will use the facilities of the Belgrade Special Court for Fighting Organized Crime.

The ICTY was preparing to turn over to the Government prosecution of lower-level figures involved in the Vukovar massacre and has provided evidence in the case to the Justice Minister and the Special Prosecutor for War Crimes, who also began gathering evidence in the case.

Defendants can be tried in absentia. The Belgrade Special Court for Fighting Organized Crime was trying, in absentia, Slobodan Milosovic, on trial before the ICTY, and Milorad "Legija" Lukovic, a fugitive, for the murder of former Serbian President Ivan Stambolic and the attempted murder of Vuk Draskovic in 2000 (see Section 1.a.). The same court was trying Legija in absentia for the Djindjic assassination. There were no imprisonments based on trials in absentia.

f. Arbitrary Interference with Privacy, Family, Home or Correspondence.—The Constitution prohibits such actions; however, the Government at times infringed upon these rights in practice, particularly during the State of Emergency. The law gives the MUP control over the decision to monitor potential criminal activities. The Constitution includes restrictions on searches of persons and of premises; police must enter premises with a warrant, except to "save people and property." The Government generally respected these provisions in practice, with occasional exceptions. During the State of Emergency, the Government authorized searches without warrants in cases of suspected organized crime activity.

Most observers believed that the authorities selectively monitored communications and eavesdropped on conversations, read mail and e-mail, and wiretapped telephones. Members of political factions, presenting no direct evidence, accused other factions of using secret police and intelligence units to eavesdrop on them to gain political advantage. There were no reports during the year that the post office registered and tracked suspicious mail from abroad, as some believe occurred in the past; however, during the State of Emergency, the Government suspended rules on the secrecy of letters and other forms of communication.

The Government did not fulfill its promise to open to the public all secret files on persons collected under former regimes. The few files actually delivered to individuals who requested them had been cleansed of documents that might have contained sensitive reporting on the individuals.

During the year, the authorities evicted a number of Roma, including children, from two squatter settlements (see Section 5).

Section 2. Respect for Civil Liberties, including:

a. Freedom of Speech and Press.—SaM and Serbian law provide for freedom of speech and of the press; however, political pressure from various factions, an uncertain regulatory environment, and vulnerability to libel suits placed constraints on free expression by journalists, editors, and other media. There were some high-profile instances of apparent pressure on the media by senior government officials. The Government imposed substantial media restrictions during the State of Emergency.

Media independence remained a problem. Some observers believed that the continued lack of clear guidelines created an atmosphere unfriendly to free expression. Some media outlets clearly attempted to curry favor with the Government in hopes of receiving favorable treatment once new media reform laws are fully implemented; however, media outlets generally provided equal access to parties campaigning for the December parliamentary elections. Some media outlets practiced self-censorship and were reluctant to report on crimes perpetrated during the wars in Bosnia, Croatia, and Kosovo. Television coverage of the Milosevic trial at the ICTY tended to be incomplete or defensive, with the notable exception of Radio/TV B-92 (RTV B-92), which broadcast the proceedings live.

Selective privatization of media during the Milosevic era has left the country with a mixture of privately owned and fully or partially government-owned media outlets. The Government owned Borba, one of the most important printing houses in the country, and published the dailies Borba, Sport, and Vecernje Novosti. The oldest nationwide daily, Politika, was run by several state-run companies and was influenced by the Government, although German media giant WAZ became a co-owner during the year. Print media also included the independent daily Danas, weeklies Vreme and Nin, high-circulation tabloids Blic and Glas Javnosti, and other newspapers.

The Government funded a Hungarian language newspaper, and state-owned media outlet Radio Television of Serbia (RTS) provided some Hungarian language programming. Tanjug was a state-owned news agency that many television stations rely on for their news information.

The 2002 Law on Broadcasting created a regulatory framework designed to foster free and independent media. This law mandated formation of an independent Broadcast Council to transform RTS into a public broadcasting service and to allot radio and TV frequencies. The Broadcast Council was established during the year, but the Parliament's violation of provisions for appointing candidates damaged the Council's legitimacy and led to the resignation of two members. The Council began limited functioning during the year.

State-controlled RTS was a major presence in television and radio. Aside from the three RTS channels, the Government had considerable influence, although not formal control, over some other major television stations, including: TV Politika, TV Novi Sad, and YU INFO (phasing out operations due to bankruptcy), as well as Radio Belgrade's three stations. RTS's coverage was generally objective; however, it occasionally demonstrated some bias in favor of the ruling Democratic Opposition of Serbia (DOS) coalition. Management personnel could be politically influenced, since the Government appointed editors-in-chief.

Two major private TV stations, BK and TV Pink, which received advantageous treatment, including frequencies, under the Milosevic regime, had widespread coverage. TV Pink, the most widely watched station in the country, has shown editorial bias in favor of the Government since 2000. After the Government granted RTV B-92 a temporary license to broadcast republic-wide pending the final allocation of frequencies in 2002, the media outlet set up new transmitters to make itself a national channel that could compete with TV Pink and BK. However, Editor-in-Chief of RTV B-92 Veran Matic reported that Deputy Prime Minister Cedomir Jovanovic warned him that his media outlet would never get radio or television frequencies if it did not change its reporting. Approximately 300 TV stations and 700 radio stations that operated independently had to work under temporary licenses or without any legal basis.

During the State of Emergency, the Government prohibited the publication, broadcast or dissemination of information about the reasons for declaring the State of Emergency and implementation of the State of Emergency, except for the carrying of official statements. Sanctions established for violating the prohibition were fines of \$915 to \$9,150 (50,000 to 500,000 dinars) for the offending legal entities and \$183 to \$1,830 (10,000 to 100,000 dinars) for the responsible person within an offending entity, as well as possible temporary prohibition of publication of newspapers or broadcast of offending radio or television programs. No appeal was per-

mitted. Television Leskovac was fined \$5,490 (300,000 dinars) for violating the media decree under the State of Emergency. The Government also temporarily banned and fined a local television station, RTV Mars \$9,150 (500,000 dinars) for the station, \$1,830 (100,000 dinars) for the director. Distribution in Serbia of the Montenegrin weekly Dan was banned during the State of Emergency.

Some other sanctions went beyond those included in media decrees. During the State of Emergency, the Government permanently banned two newspapers. One of these was the weekly *Identitet*, believed to be financed in part by Milorad "Legija" Lukovic, the organized crime figure and former Red Beret commander suspected of organizing the Djindjic assassination. The Government permanently banned the daily *Nacional* (which later reopened as *Balkan*), arguing that its anti-Djindjic campaign had created an "atmosphere of lynching" which "facilitated the assassination." After the State of Emergency, the Government banned one edition of the weekly *Svedok* because it ran excerpts of a Macedonian newspaper interview glorifying "Legija."

In a joint April 24 letter, editors-in-chief of major media called on the Government to discuss with them sources of tension, which were exacerbated during the State of Emergency. The letter cited as issues of concern: Restrictions on reporting during the State of Emergency, threats by some government officials against editors, and other forms of government interference. At a meeting in early May, editors-in-chief and Government representatives exchanged views on the State of Emergency; the Government also agreed to repeal a 20 percent tax on printed media.

Radio stations owned or organized by municipalities pressured local journalists not to report on municipal government problems.

There were several instances of police calling in journalists for "informative talks." Police called in Veselin Simonovic, Editor-in-Chief of *Blic*, and asked him to identify a source. Similarly, *Blic* News Editor-in-Chief Jovica Krtinic was called in and asked to tell the police who had given him a police document from an ongoing investigation. As was the case with Simonovic, when Krtinic declined to comply, the police took no further action.

There were no reports of extremist groups targeting journalists during the year. According to Belgrade's Association of Independent Electronic Media (ANEM), police did not attempt to find the source of the threats against *Blic* News editor Zeljko Cvijanovic in 2002.

Libel remained a criminal offense. Although no suits were filed directly by the Government, the low threshold defining libel enabled individual government officials, as well as former members of the Milosevic regime, to win private cases against media outlets that criticized them. Libel can result in jail terms, and courts have the power to issue "conditional sentences" that silence offending journalists with the threat that any further offense will lead to immediate imprisonment. However, there were no reports of "conditional sentences" being issued to journalists.

In November, Internal Affairs Minister Dusan Mihajlovic filed defamation charges against Mladjan Dinkic of the G-17 Plus political party, which alleged that Mihajlovic had secured a lucrative government contract with his ministry for one of his companies; Mihajlovic filed similar charges against Verica Barac, head of the Government's Anti-Corruption Council, and editors-in-chief of TV B-92 and dailies *Glas Javnosti* and *Kurir*, for discussing or covering the allegation. At year's end, the prosecutor had taken no action on the lawsuits.

During the State of Emergency, Government communications director Vladimir "Beba" Popovic filed libel suits seeking approximately \$18,300 to \$54,900 (1 to 3 million dinars) for emotional harm against five media outlets which had questioned his status as the Government's communications director—daily newspapers *Vecernje Novosti* and *Blic* News, weekly news magazines *Nin* and *Vreme*, and television station B-92. *Vecernje Novosti* paid a judgement of \$18,300 (1 million dinars). *Blic* News paid a judgment of \$915 (50,000 dinars) and court costs of \$92 (5000 dinars). The other cases remained ongoing at year's end.

In 2002, businessman Dragan Tomic began libel proceedings against RTS reporter Dragana Vasiljevic for the offense of reading on the air Tomic's official bank statements; Tomic later withdrew the charges. In 2002, Democratic Party member Radisav Ljubisavljevic initiated libel proceedings against B-92 for broadcasting public statements made by various political parties about him; at year's end, he was discussing with B-92 possibly withdrawing the charges.

According to the HLC and the BCHR, journalists practiced self-censorship because of possible libel suits and fear of offending public opinion, particularly on subjects relating to wars in the former Yugoslavia.

On April 22, Parliament adopted the Public Information Law, which covers both rights and responsibilities of the media. Topics in the Law include: Freedom of the media, a ban on censorship, a ban on media monopolies, a due diligence require-

ment in reporting, a reduced right to privacy for public officials, and the rights of persons referred to in disseminated information. Immediately before adoption, the Parliament added articles authorizing the banning of dissemination of information if necessary to prevent: Calls for violent overthrow of the constitutional order; undermining of the territorial integrity of the Republic; war propaganda; or incitement to violence, hatred or discrimination.

The Government did not restrict publishing or import of published materials. Jehovah's Witnesses reported that they no longer experienced problems importing their religious literature.

The Government did not restrict access to the Internet; however, there were reports that Government selectively monitored e-mail correspondence (see Section 1.f.).

The Government did not restrict academic freedom. The 2002 Law on Universities, designed to protect universities from political interference, restricted police entry onto university campuses and restored the Education Council (Prosvetni Savet) abolished by Milosevic in 1998. The Republic-level Council was under the control of the Parliament, set general university policy, made some administrative decisions, and determined general curricular goals. In accordance with the Law on Universities, the Scientific-Educational Council (Naucno-Nastavno Vece) selected university rectors and faculty deans without interference from the Ministry of Education. The Law also provides for participation of student organizations in determining certain aspects of university policy; at year's end, these organizations were still defining their policy role.

b. Freedom of Peaceful Assembly and Association.—The Constitution provides for freedom of assembly, and the Government generally respected this right in practice, except during the State of Emergency. During the State of Emergency, the Government prohibited the calling and holding of public gatherings. Also prohibited were political, union, and other actions intended to disrupt and prevent the realization of measures taken during the State of Emergency.

The Constitution provides for freedom of association, and the Government generally respected this right in practice; however, on June 9, Belgrade police, acting on a municipal court order, closed the campaign office of a citizen's organization that was conducting a petition drive in favor of property restitution legislation. Two of the organization's leaders, who refused to leave the premises, were arrested and later released without charge. The citizen's organization had been a vocal opponent of the Belgrade Municipality's practice of auctioning property that was subject to potential claims by the original owners and their heirs.

The Government required private organizations to register; however, no problems with registration were reported during the year.

c. Freedom of Religion.—The SaM and Serbian constitutions and laws provide for freedom of religion, and the state union and republican Governments generally respected this right in practice. There is no state religion in SaM; however, the Serbian Orthodox Church received some preferential treatment.

The status of respect for religious freedom in the SaM and Serbian Governments improved during the year, and the Federal Secretariat for Religious Affairs was disbanded. In addition to including freedom of conscience and religious practice in its founding documents, in March the SaM Government set up an office dedicated to religious affairs within the Ministry for Human and Minority Rights. The office focused on outreach to minority religious communities, and representatives of these communities reported good relations with this office.

While there is no formal registration requirement for religions, religious groups and all other groups planning to hold gatherings are required to register with local police. Religious groups also could register as citizen groups with the MUP to gain the status of juridical person necessary for real estate and other administrative transactions. The Government rescinded the citizen group registration of one religious group—The Sanatan Society for Spiritual Science—claiming that Sanatan documents included tenets promoting criminality.

The Belgrade Islamic community reported continued difficulties in acquiring land and government approval for an Islamic cemetery near the city. Representatives of the Islamic Community of Novi Pazar, in contrast, continued to report good relations with the Government.

The Government did not grant special visas to missionaries, who had to obtain residence permits or to leave the country every 3 months to renew their status.

The armed forces continued to offer only Serbian Orthodox services; however, members of other faiths may attend religious services outside their posts.

Religious education in primary and secondary schools continued during the year. Students were required either to attend classes from one of the seven "traditional

religious communities” or to substitute a class in civic education. The proportion of students registering for religious education grew during the year; however, registrations for civic education courses continued to predominate. Some Protestant leaders and NGOs continued their objection to the teaching of religion in public schools, as well as to proposals to classify some of the Republic’s religions as traditional.

There was no progress noted during the year on restitution of previously seized church property.

Religion and ethnicity are intertwined closely throughout SaM; thus, in many cases it was difficult to identify discriminatory acts as primarily religious or primarily ethnic in origin.

Propaganda against sects continued in the press, and religious leaders noted that instances of vandalism often occurred soon after such press reports (see Section 5). According to some sources, the situation was further complicated because one of Serbia’s leading experts on sects was a police captain whose works were used in military and police academies.

In April, an Adventist pastor in Zrenjanin, Josip Tikvicki, responded to the sound of his church windows breaking and was subsequently severely beaten. According to church sources, the same church had been the scene of a number of attacks the previous year, but the vandals had never been caught. Following this attack, a representative of the SaM Ministry of Human and Minority Rights visited the hospitalized cleric and publicly condemned the incident. Three persons were sentenced to several months in jail for the attack.

A representative of Belgrade’s Islamic community claimed that two individuals were killed in March because of their Islamic identity. One of the victims was the grandson of a former Belgrade Imam, while the other was a Muslim Roma inmate in prison in Pozarevac who reportedly was killed by other inmates.

Novi Sad police failed to respond to repeated complaints by members of the Muslim Gujak family that over a period of 3 years they had been threatened, insulted, and on one occasion assaulted by their Serb neighbor. The HLC filed a criminal complaint against the neighbor, Vujic, for abusing the Gujaks on ethnic grounds; at year’s end the trial had not begun.

Minority religious communities reported continued problems with vandalism of church buildings, cemeteries and other religious premises. Many of the attacks involved spray-painted graffiti, rock throwing, or the defacing of tombstones; however, a number of cases involved much more extensive damage. In May, a Molotov cocktail was thrown at a Sanatan residence outside Belgrade. There were approximately 10 incidents in which gravestones were desecrated, including those in Jewish, Catholic, Islamic and Lutheran cemeteries. One of the largest instances of desecration occurred in September when youths defaced an estimated 80 graves in a Catholic cemetery in Vojvodina. Suspects were apprehended shortly after the incident; however, no judicial proceedings were initiated during the year.

Jewish leaders reported an increase in anti-Semitism, both in the media and in acts of vandalism, such as the destruction of gravestones. According to representatives of the Union of Jewish Communities of SaM, anti-Semitic hate speech often appeared in small-circulation books (see Section 5). The release of new books (or reprints of translations of anti-Semitic foreign literature) often led to a spike in hate mail and other expressions of anti-Semitism.

There have been a number of continuances in the Savic case, in which an author of anti-Semitic literature was tried for spreading racial or national hatred. The latest continuance, granted to allow for a psychiatric examination of the defendant, was ongoing at year’s end.

While in previous years Jehovah’s Witnesses reported that their members were serving sentences for conscientious objection to the draft, they reported no such detainees during the year. Moreover, the SaM Government began to implement civilian service as an alternative to mandatory army service. Civilian service options complement the non-lethal options already present for conscripts who object to military service for reasons of conscience. Some journalists questioned whether conscientious objector regulations will extend to adult converts who wish to leave the ready reserve.

For a more detailed discussion, see the 2003 International Religious Freedom Report.

d. Freedom of Movement within the Country, Foreign Travel, Emigration, and Repatriation.—The Constitution provides for these rights, and the Government generally respected them in practice.

Bosniaks crossing into Serbia from Bosnia no longer reported being subjected to lengthy searches by border police.

On October 6, Bosnian Minister for Human Rights and Refugees, Mirsad Kebo, and SaM Minister for Human and Minority Rights, Rasim Ljajic, signed an agree-

ment and protocol on the return of refugees; the agreement creates a mechanism to exchange information through announcements of returns, provides for joint projects, and creates a Working Group as a consultative body.

The conflicts that occurred in Bosnia, Croatia, and Kosovo led to widespread displacement of persons. There were approximately 216,000 IDPs from Kosovo in Serbia, mainly Serbs, Roma, and Bosniaks. Most Serb IDPs from Kosovo rented inadequate lodgings or were housed with host families or relatives; however, approximately 9,000 remained in collective centers which foreign observers found to be inadequate for any purpose other than emergency shelter. Collective centers were a drain on government resources. It was impossible to estimate unemployment figures among IDPs; most families have moved three times or more in search of better schooling or employment opportunities. It is probable that many of them were employed either fully or part-time in the informal sector, such as working in one of the many gray economy firms manufacturing clothes, furniture and other products. The Government, with support of the U.N. High Commissioner for Refugees (UNHCR), worked on closing 115 collective centers housing refugees (not IDPs) from Bosnia and Croatia by setting qualifications to remain housed in collective centers and seeking alternate housing for others.

The great majority of the approximately 10,000 IDPs who fled into Kosovo during the 2001 crisis in southern Serbia returned to their homes in Bujanovac, Presevo, and Medvedja municipalities following the implementation of the 2001 Covic plan.

The UNHCR estimated that there were 40,000 to 45,000 displaced Roma living in Serbia proper, as many Kosovar Roma were perceived as Serb collaborators during the Kosovo conflict and so could not safely return there. Living conditions for Roma in Serbia were, on the whole, extremely poor. Local municipalities often were reluctant to accommodate them, hoping that if they failed to provide shelter, the Roma would not remain in the community (see Section 5). If Roma did settle, it was most often in official collective centers with minimum amenities or, more often, in makeshift camps on the periphery of major cities or towns.

The SaM and Serbian Constitutions provide for the granting of refugee status (at the Republic level) or asylum status (at the SaM level) to persons who meet the definition in the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. In practice, the Government provided protection against refoulement and provided refugees status and asylum. The Government cooperated with the UNHCR and other humanitarian organizations assisting refugees. There were approximately 317,000 refugees in Serbia from other successor nations of the Socialist Federal Republic of Yugoslavia. Of these refugees, most (212,000) were from Croatia. The great majority of the several thousand ethnic Albanians who fled into Serbia in 2001 to escape the conflict in Macedonia have returned to their homes in Macedonia.

The Government also provides temporary protection to certain individuals who do not qualify as refugees or asylees.

Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government

The SaM Constitutional Charter provides citizens with the right to change their government peacefully, and citizens exercised this right in practice through periodic, free, and fair elections held on the basis of universal suffrage. SaM and the Serbian Republic each have a parliamentary system of government. In SaM, the president is elected by the SaM Parliament; in Serbia, the president is elected by direct vote.

On November 17, Serbian presidential elections failed because turnout did not meet the required 50 percent threshold; this was the third failed attempt to elect a President since 2002. Nonetheless, the OSCE concluded that the elections were generally free and fair; however, significant challenges remained, particularly with regard to the legislative framework for elections.

On November 13, acting on a Government proposal, Natasa Micic, the Speaker of Parliament and acting President of Serbia, dissolved Parliament in the face of legislative gridlock and pending votes of confidence on her performance and on the Government. Parliamentary elections held on December 28 were generally free and fair, despite some legislative shortcomings. The Serbian Radical Party—whose leader Vojislav Seselj faced war crimes charges before the ICTY—won a plurality (82 of 250 seats); however, democratic parties together controlled more than half of the seats. At year's end, the new parliament had not met, and the new government had not been formed.

There were irregularities in one parliamentary vote. In December, Boris Tadic, a leader of the Democratic Party (DS), admitted that a vote was cast on behalf of a DS Member of Parliament who was not in fact present when Parliament approved the nomination of Kori Udovicki as National Bank Governor on July 22. Votes may also have been cast on behalf of two absent members of another political party when

Udovicki was approved. In May, the Constitutional Court ruled that Members of Parliament who left their parties were entitled to retain their parliamentary seats. The parliament did not implement this decision by year's end, leading the Court to reprimand the Parliament several times.

At the local level, there were a few by-elections during the year; these were generally free and fair. The 2002 Law on Local Self-Government instituted direct election of mayors and enlarged competencies for municipal and city governments, including greater flexibility in recapturing tax revenue for local needs. The law also increased citizens' ability to participate directly in local government by giving them the right to undertake civil initiatives and organize local referendums.

There were 10 women in the 126-seat SaM Parliament and 27 women in the 250-seat Serbian Parliament. There were three women in the Serbian Cabinet. Women were very active in political organizations; however, they only held approximately 10 percent of ministerial-level and parliamentary positions in the Serbian and SaM Governments. Prominent positions held by women during the year included: Speaker of the Serbian Parliament (who was also Acting President of Serbia); the deputy Speaker, Serbian Ministers for Social Welfare, for Transportation and Telecommunication, and for Environment; President of the Serbian Supreme Court; Central Bank Governor; and Mayor of Belgrade.

There were no legal restrictions on minority participation in political life. There were 20 minorities in the 250-seat Serbian Parliament. There was one minority in the Serbian cabinet, and two minorities in the SaM cabinet. The two largest ethnic groups, Serbs and Montenegrins, dominated the country's political leadership. A coalition of ethnic parties was unable to enter parliament because it did not meet the 5 percent threshold of votes in the December Parliamentary elections; however, members of minority groups were on slates of non-ethnically based parties, and some of these individuals were likely to enter parliament when parties allotted seats to individuals on their slates. Some minorities, such as Hungarians and Bosniaks, turned out to vote in parliamentary elections in percentages roughly equal to or greater than the general population; however, Roma continued their historical pattern of low voter turnout, and very few ethnic Albanians participated in the December 28 parliamentary election.

In Vojvodina, where the Hungarian minority constituted approximately 15 percent of the population, many regional political offices were held by Hungarians. Jozsef Kasza, a Hungarian minority party leader, was a Deputy Prime Minister of Serbia. Ethnic Hungarians led municipal governments in Subotica and six other municipalities in northern Vojvodina. Few members of other ethnic groups were involved at the top levels of government or the economy; however, two Sandzak Muslims served in the 5-person SaM Cabinet. In the Sandzak, Bosniaks controlled the municipal governments of Novi Pazar, Tutin, and Sjenica. Roma had the right to vote, and there were two small Romani parties in Serbia. One of the four deputy mayors in Kragujevac was Roma.

The 2002 Law on Local Elections instituted a proportional system of voting guaranteeing multi-ethnic representation in government. These legislative changes led to the election, in July 2002, of ethnic Albanian mayors and Albanian-led multi-ethnic municipal assemblies in the municipalities of Bujanovac and Presevo. However, the direct election of mayors was not instituted in some subsequent municipal by-elections in other areas, which followed earlier law. The Serbian Republic's 2002 Omnibus Bill on Vojvodina granted increased powers of self-government to the historically distinct Vojvodina region of Serbia, although the law stopped far short of restoring the full autonomy that Vojvodina Province enjoyed until 1989.

Ethnic groups established 10 minority councils, in accordance with the February 2002 FRY Law on Protection of the Rights and Liberties of National Minorities (see section 5).

Section 4. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A number of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials generally were cooperative and responsive to their views; however, during the State of Emergency, the Government suspended HCS visits to inmates. Some NGOs, such as the G-17 Institute, Lex, Otpor, and the Center for Free and Democratic Elections (CeSID) contributed to the Government's reform strategies at the highest level. NGOs such as the HLC, Yugoslav Lawyer's Committee for Human Rights (YUCOM), and HCS frequently offered citizens their only chance for redress when government institutions failed to protect basic human rights. Human rights NGOs were highly independent in their assessments of government actions. HLC, YUCOM, BCHR, the Leskovac Human Rights Committee,

and the Center for Antiwar Action researched human rights abuses throughout the country. HCS and BCHR published annual surveys on human rights issues in SaM. In the Sandzak region, two committees monitored abuses against the local Muslim population. Most of these organizations offered advice and help to victims of abuse.

There were a few incidents of government interference with the HLC. Vladimir "Beba" Popovic filed a libel suit against the HLC for questioning the legitimacy of his status as the Government's communications director (see Section 2.a.). Additionally, police at a rally for missing persons failed to protect the HLC director from repeated pushing by a small group of opponents, and the MUP threatened to file assault charges against the HLC director for slapping one of the individuals who was pushing her to the ground.

The Government worked in partnership with international and local NGOs in a number of areas affecting human rights during the year, including monitoring of elections (CeSID), monitoring of official corruption (Otpor), legal and judicial reform (YUCOM, HLC, HCS), the drafting of the new criminal code (BCHR), judicial education (HLC, BCHR), return of refugees and IDPs (Serbian Democratic Forum, HCS), identification of missing persons (ICMP), and the fight against human trafficking (Astra, Counseling Center against Family Violence).

The SaM and Serbian Governments made progress in their cooperation with the ICTY; however, the ICTY remained dissatisfied with overall SaM cooperation, in particular because it believed that key indictee General Ratko Mladic was at large in Serbia. The ICTY issued indictments against four additional Serb nationals during the year. At year's end, approximately 16 ICTY indictees with ties to the country remained at large. The ICTY stated its disappointment that the Government had not been able to arrest such persons, in particular former Bosnian Serb leader Ratko Mladic.

On April 14, the SaM Parliament strengthened the legal framework for cooperation with the ICTY by amending the 2002 Federal Law on Cooperation with the ICTY. The principal amendment was the removal of Article 39, which held that the law applied only to existing indictments. A number of indictees were transferred to ICTY custody, some following arrests and some following their surrender to authorities. Serbian President Milan Milutinovic surrendered to the ICTY at the conclusion of his mandate in January. Radical Party leader Vojislav Seselj surrendered when his indictment was made public in February. Cooperation on indictees improved markedly after the March assassination of Prime Minister Djindjic. Secret Police chief Jovica Stanisic and Red Beret founder Franko "Frenki" Simatovic, both arrested during the State of Emergency, were indicted by the ICTY and transferred to The Hague in June. Miroslav Radic and Veselin Sljivancanin—the remaining members of the "Vukovar Three" still at large—were transferred in May and July, respectively. (Sljivancanin's arrest sparked a day of public protest. During the year, the ICTY began trying the Vukovar defendants for the killing of more than 200 civilians and POWs who were patients in a hospital in Croatia in 1991. Zeljko Meakic and Mitar Rasevic surrendered and were transferred to the ICTY in the summer. Serbian police arrested Vladimir "Rambo" Kovacevic in September; he was transferred to the ICTY on October 23.

The ICTY continued trials against Serb defendants for war crimes and crimes against humanity committed during the 1991–99 conflicts in Kosovo, Croatia, and Bosnia, including against former FRY President Slobodan Milosevic.

In October, the ICTY made public indictments against four Serbian generals. One of these indictees, General Djordjevic, was believed to be in Russia. The three other indictees remained at large in Serbia at year's end. Although government officials were believed to have made private overtures to the generals to surrender themselves to the ICTY, there was no government effort to arrest and transfer these indictees to the ICTY.

SaM and Serbian Governments have made progress in compliance with document requests from the ICTY and in facilitation of the testimony of witnesses. SaM's National Cooperation Council (NCC) transferred hundreds of pages of documents to the ICTY's Office of the Prosecutor, including minutes of meetings of the FRY Supreme Defense Council from 1991–99, as well as minutes from closed sessions of the Serbian Parliament. However, a number of requests from the ICTY remained outstanding at year's end. The NCC enabled the testimony of numerous witnesses through the granting of waivers that freed potential witnesses from local prosecution under state secrets laws. However, there were threats and intimidation in Serbia against potential ICTY witnesses.

During the year, domestic war crimes indictments and trials continued in Serbia (see Section 1.e.).

There was no autonomous human rights ombudsman at either the SaM or the Republic level; however, the Vojvodina Province established an ombudsman position,

and the Vojvodina Parliament approved Petar Teofilovic as ombudsman in September.

The Truth and Reconciliation Commission (TRC) founded by President Kostunica in 2001 was dissolved, along with many other federal institutions, when the FRY ceased to exist in February. Prior to its dissolution, it organized several public events, including an exhibit of photography from the Yugoslav wars of the 1990s.

Section 5. Discrimination Based on Race, Sex, Disability, Language, or Social Status

SaM and Serbian laws provide for equal rights for all citizens, regardless of ethnic group, language, or social status, and prohibit discrimination against women; however, in practice, the legal system provided little protection for such groups.

Women.—Violence against women was a problem, and high levels of domestic violence persisted. By one estimate, half of all women suffered physical or emotional abuse. The few official agencies dedicated to coping with family violence had inadequate resources; however, public recognition of the problem has increased. In 2002, the Federal Criminal Code was amended to make spousal rape a criminal offense. Few victims of spousal abuse filed complaints with the authorities. Victim accusations are not required for prosecution of domestic violence cases, and prosecutions of such cases did occur during the year. According to a victim's rights advocate, police response to domestic violence improved markedly; a number of police officers provided assistance to female victims of violence and detained offenders to protect victims.

The Center for Autonomous Women's Rights in Belgrade offered a rape and spousal abuse hotline, and sponsored a number of self-help groups. The Center also offered assistance to refugee women (mostly Serb), many of who experienced extreme abuse or rape during the conflicts in the former Yugoslavia. The Counseling Center Against Family Violence operated a domestic violence shelter.

Trafficking in women for the purpose of sexual exploitation remained a problem (see Section 6.f.).

While women's social status was not equal to men's, women served, in significant positions and numbers, in government, politics and professional occupations, though they were not well represented in commerce. In urban areas, such as Belgrade, Nis, and Novi Sad, women were represented widely in many professions including law, academia, and medicine. Women were also active in journalism, politics, and human rights organizations. Since changing regulations to allow women to serve as police officers in 2001, the police hired increasing numbers of women officers. Women legally were entitled to equal pay for equal work; however, according to the International Helsinki Federation for Human Rights, women's average wage was 11 percent lower than the average wage of men. Women were granted paid maternity leave for 1 year, with an additional 6 months of unpaid leave available.

Traditional patriarchal ideas of gender roles, particularly in rural areas, subjected women to discrimination in many homes. In remote rural areas, particularly among some minority communities, women effectively lacked the ability to exercise their right to control property. In rural areas and some minority communities, it was common for husbands to direct the voting of wives.

Children.—The Government attempted to meet the health and educational needs of children. The educational system provided 9 years of free, mandatory schooling. However, economic distress affected children adversely in both the education and health care systems, particularly Roma children, who rarely attended kindergarten. Many Roma children never attended primary school, either for family reasons, because they were judged to be unqualified, or because of societal prejudice. Due to this lack of primary schooling, many Roma children did not learn to speak Serbian. Some Roma children were placed mistakenly in schools for children with emotional disabilities because Roma language and cultural norms made it difficult for them to succeed on standardized tests in Serbian. During the year, 29 elementary and secondary schools offered weekly Roma language and culture classes, and the SaM Ministry for Human and Minority Rights provided free textbooks to Roma children; however, there were reports that not all Roma children received a complete set of textbooks.

It was estimated that approximately 30 percent of children were abused. While teachers were instructed to report suspected child abuse cases, they often did not do so. Police were generally responsive to complaints, and prosecutions of child abuse cases occurred during the year. Psychological and legal assistance was available for victims and there was an incest trauma center. Also, victims who were with their mothers could stay in the domestic violence shelter.

Trafficking of children for the purpose of sexual exploitation remained a problem (see Section 6.f.). There were reports that some Roma children were trafficked with-

in the Roma community in Serbia and to other Roma abroad to be used in begging and theft rings.

Persons with Disabilities.—The law prohibits discrimination against persons with disabilities in employment, education, or in the provision of other state services; however, in practice, facilities for persons with mental or physical disabilities were inadequate, and addressing this problem was not a priority for the Government. There were specialized schools for persons with disabilities, but no special facilities or assistance was available for higher education. There was no widespread employment discrimination against persons with disabilities; however, a high unemployment rate and lack of accommodations for persons with disabilities made employment difficult. The law mandates access for persons with disabilities to new official buildings, and the Government generally enforced this provision in practice. As sidewalks were replaced, the Government installed wheelchair ramps at intersections. The Government did not provide mobile voting for handicapped or ill voters incapable of coming to polling stations, and in Serbian presidential and parliamentary elections absentee ballots were not allowed, effectively disenfranchising many persons with disabilities.

National/Racial/Ethnic Minorities.—Minorities constituted 25 to 30 percent of Serbia's population, and included Hungarians, Bosniaks, Roma, Slovaks, Romanians, Vlachs, Bulgarians, Croats, Albanians, and others.

Although some problems persisted, the SaM and Serbian governments' policies toward minorities improved greatly since Milosevic's removal from office. SaM and Hungary signed a bilateral agreement designed to protect national minorities on both sides of the border. SaM Minister for Human and Minority Rights, Rasim Ljajic, led a public education campaign for ethnic tolerance, and his "Tolerancija" organization hosted a seminar of youths from around the former FRY. His ministry ran an "SOS" hotline for minorities and others concerned about human rights problems.

Sporadic, ethnically motivated attacks continued in southern Serbia. This region, which encompasses the municipalities of Presevo, Bujanovac, and Medvedja, has the largest concentration of ethnic Albanians in Serbia proper and had been an area of significant ethnic unrest in 2000–01. A strong police presence remained in southern Serbia due, in part, to credible threats of violent acts by radical elements of the ethnic Albanian community. There were few reports of police harassment against the ethnic Albanian population, and there were no reports of physical abuse or brutality; however, police killed two ethnic Albanians during an attempted arrest (see Section 1.a.).

The trial of four persons for the 1992 Sjeverin killings was the first trial concerning past government abuses of Muslim citizens of the Sandzak and yielded three 20-year sentences and one 15-year sentence (see Section 1.e.).

There were no reports of violence or harassment against ethnic Hungarians in Vojvodina during the year. However, on September 27, graves were desecrated in a predominantly Hungarian Catholic cemetery (see Section 2.c.). Some members of the Vlach community in Bor complained about the Serbian Orthodox Church's refusal to conduct religious services in the Vlach language rather than in Serbian.

Roma continued to be targets of numerous incidents of police violence, verbal and physical harassment from ordinary citizens, and societal discrimination. Police often did not investigate cases of societal violence against Roma. In September, police briefly detained two persons for beatings of Roma. HLC filed a criminal complaint in the case; however, the case did not go to court by year's end.

The Federal Minorities Law recognizes the Roma as a national minority. It explicitly bans discrimination and calls for government measures to improve Roma's conditions. The SaM Human and Minority Rights Ministry has a four-person section, currently funded by the OSCE, dedicated to Roma issues. Many Roma lived illegally in squatter settlements that lacked basic services such as schools, medical care, water, and sewage facilities. Some of these settlements were located on valuable industrial or commercial sites where private owners wanted to resume control; others were on the premises of socially owned enterprises due to be privatized. There was one report of demolition of a Roma settlement during the year. According to HLC, 52 Roma families were evicted from an illegal settlement in Belgrade on May 19, and bulldozers destroyed their homes. The building inspectors of Cukarica municipality ordered the demolition of the settlement in which approximately 250 Roma, mostly displaced from Kosovo, lived. According to the Human and Minority Rights Ministry, after the Ministry's intervention, the Roma in the Cukarica settlement were allowed to relocate their settlement several hundred meters away from the original site. In the Betonjerka settlement in Belgrade, 29 families (approximately 175 people) were forced to move when the land on which the settlement was located

was transferred to an investor. Municipal authorities, in cooperation with the NGO Children's Roma Center, provided alternate housing for the families in several different locations; 13 of the families accepted offers of housing in a building that reportedly had an asbestos problem. Minister Ljajic blocked demolition of a separate settlement in an industrial zone during the year. In July, a Roma family of eight, including an infant, was left homeless when the building residents' committee evicted them from their apartment after it received control of the building from the Stari Grad Municipality.

The Belgrade Municipal Assembly adopted a plan to construct 58 small settlements for socially vulnerable persons, with the objective of resettling some of the Roma from illegal settlements. The Belgrade Municipal Government has obtained the bulk of the funds for the \$15,625,000 (853,750,000 dinars) project, which generated societal resentment due to the perception that Roma were being favored over other homeless populations. The Belgrade Government halted construction of one such settlement after a demonstration by neighbors of the site; the case was in court at year's end. The housing situation for Roma is expected to be aggravated by the return of approximately 50,000 Roma to Serbia, most originally from Kosovo, who were being deported from Germany and Switzerland under bilateral readmission agreements.

In Leskovac and the town of Pozega, Roma reportedly have been refused social welfare services for arbitrary reasons. Roma IDPs from Kosovo were particularly subject to discrimination and abuse; most of them lacked identity documents, making it difficult for them to gain access to social services and state-provided health care. The Roma Educational Center reported that some Roma IDPs in Nis were mistaken for Kosovo Albanians and subjected to discrimination on that basis.

Some non-Roma refugees and IDPs suffered from discrimination. The HLC reported that the Government did not allow some Kosovo IDPs to redesignate their official places of residence as Kragujevac; this deprived them of health insurance, social welfare, and normal access to schools. The Nis Council for Human Rights reported that the approximately 20,000 refugees and IDPs in the Nis area suffered from "quiet discrimination" in areas such as housing and employment.

Roma education remained a problem, and lack of official documents hindered Roma's ability to receive services available to all other citizens. The UNHCR, with government support, began health education programs for Roma, and catch-up and head-start programs for Roma children. The SaM Government put an emphasis on increasing enrollment of Roma children in school; in November, the SaM Human and Minority Rights Ministry provided scholarships to high-achieving Roma middle school students. During the year, there were 42 Roma children in secondary schools and 41 Roma in universities, compared to 52 for the "history of Yugoslavia," according to SaM Federal Minorities and Human Rights Minister Rasim Ljajic. During the year, the Serbian Government provided scholarships to the Roma university students.

Ethnic Albanian leaders of the southern Serbian municipalities of Presevo, Bujanovac, and Medvedja continued to complain of the under representation of ethnic Albanians in state structures (see Section 3). Implementation of the Covic plan gave southern Serbia's ethnic Albanians proportional representation in the police and control of local governments in municipalities where they constituted a majority. There were no Albanians enrolled in Serbian universities during the year; applicants for the affirmative action program were required to take (not pass) the entrance exam, but none did so because they did not speak Serbian.

Minister Ljajic, a Bosniak, was one of the more visible and influential members of the SaM Government during the year. Bosniaks led local governments in the three majority-Muslim municipalities in the Sandzak region. In Novi Pazar, the municipal government in 2002 gave the Bosnian language official status, as allowed under the Serbian Law on Local Self-Government. All seven Sandzak municipalities—Novi Pazar, Tutin, Sjenica, Pribor, Prijepolje, and Nova Varos—had multi-ethnic municipal assemblies.

Incitement to Acts of Discrimination.—Although SaM and Serbian law provide for freedom of the press, political pressure from various factions restricted the independence of the media (see Section 2.a.). In April, Parliament approved the Public Information Law, which bans dissemination of information that incites violence, hatred, or discrimination (see Section 2.a.). Propaganda against "sects" (religions other than the seven "traditional" religions) continued in the press, and religious leaders noted that instances of vandalism often occurred soon after such press reports. According to some sources, the situation was further complicated because one of Serbia's leading experts on sects was a police captain whose works were used in military and police academies. Jewish leaders reported an increase in anti-Semitism in

the media. Anti-Semitic hate speech often appeared in small-circulation books (see Section 2.c.).

Section 6. Worker Rights

a. The Right of Association.—The law provides for the right of association; all workers, except military and police personnel, have the legal right to join or form unions, and workers did so in practice. In the socially owned state sector, 60 to 70 percent of workers belonged to unions. In the private sector, only 4 to 6 percent were unionized, and in agriculture up to 3 percent. The Alliance of Independent Labor Unions (Savez Samostalnih Sindikata Srbije, or SSSS), formerly affiliated with Milosevic's regime, claimed 1.8 million members, although this number was estimated to be closer to 800,000 in practice. The largest independent union was the United Branch Independent Labor Unions (Nezavisnost), which had approximately 600,000 members. The third largest union was the Association of Free and Independent Trade Unions (ASNS), which had approximately 300,000 members; the ASNS is a member of the ruling coalition, and its leader is Minister of Labor in the Government. Most other independent unions were sector specific and had approximately 130,000 members. The largest among them is the union of the Electric Power Company of Serbia (EPS), with over 20,000 members.

The Criminal Code does not prohibit anti-union discrimination; the trade union Nezavisnost reported a number of cases in which its members were harassed either by employers or by representatives of other trade unions. The Labor Law guarantees freedom of trade union association and activities and stipulates that a trade union can be established without any approval and inscribed in the trade union register kept by the Labor Ministry.

The Social-Economic Council was established in August 2001 on the basis of a tripartite agreement among the Government, representative trade unions, and an employers' association; during the year, unions suspended participation in the Council, demanding that it be made a more representative Council (inclusion of additional ministries and employer associations) before they return.

Unions could affiliate internationally; however, only Nezavisnost was recognized by the international labor community as completely independent from the Government. Nezavisnost was a member of the International Confederation of Free Trade Unions (ICFTU) and other international unions.

b. The Right to Organize and Bargain Collectively.—The signing of collective agreements was not mandatory for employers, a situation which unions complained diminished their role in the system. A union must have 15 percent of employees as members to be eligible to negotiate with an employer, or 10 percent of all employees to negotiate with the Government.

Collective bargaining remained at a rudimentary level of development. Individual unions continued to be narrow in their aims and did not join with unions in other sectors to bargain for common purposes. The history of trade unionism in the country centered not on bargaining for the collective needs of all workers but rather for the specific needs of a given group of workers. Thus, coal workers, teachers, health workers, and electric power industry employees have been ineffective in finding common denominators (for example, job security protection, minimum safety standards, or universal workers' benefits) on which to negotiate. This highly fragmented labor structure resulted in few improvements in wages or working conditions.

The law provides for the right to strike; however, during the State of Emergency, all strikes, protests, and public gatherings were forbidden. The Law on Strikes restricted the right to strike for employees in "essential service production enterprises," such as education, electric power, and postal services—approximately 50 percent of all employees. These employees must announce their strikes at least 15 days in advance and must ensure that a "minimum level of work" is provided. Security forces did not disrupt any strikes or arrest union leaders during the year.

The independent unions, while active in recruiting new members, did not reach the size needed to mount Republic-wide strikes; however, unions held several strikes during the year. In January, between 4,000 and 5,000 workers of a copper mining and processing company (RTB Bor) protested in their factory and on the streets of Bor, requesting unpaid salaries, better working conditions, and new management capable of providing new contracts. The protest lasted 1 week and was resolved with the visit of Prime Minister Djindjic and Finance Minister Djelic, who showed respect for workers' requests and promised full assistance. Outstanding salaries were paid from the Republic budget and by the company, but sustainable functioning of the company remained a problem. In March, Customs officers, legally restricted from striking, twice stepped up inspections at border crossings, creating 6-kilometer lines at the border to protest for higher wages. The Customs officers' work actions were intended to put pressure on their new superiors in the Government during the tran-

sition of services from the federal to republican level. The Government did not agree to the demands, but Finance Minister Djelic managed to moderate the protest.

During the summer, there were a number of major protests. Employees of several republican institutions protested—including employees from some former federal bodies that devolved to the republic level—mostly seeking higher salaries.

The EPS union launched the biggest protest of the summer by withholding certain services from the public; the protest escalated to a 4-day blockade of a major thoroughfare in front of the Parliament, and ended with an agreement between union leaders and the Ministry of Energy.

In August, farmers, farm unions, and some workers caused traffic chaos in several parts of Serbia by blocking roads in protest over various issues, ranging from privatization to overdue crop payments. At the same time, workers of a small agricultural company in Erdevik, in Serbia's northern province of Vojvodina, repeatedly blocked the main highway with tractors and trucks to protest the way the company was privatized.

Public workers, including teachers, health workers, and court assistants, held strikes during the year to seek job security, higher pay, and the regular payment of wages. In general, job security fears due to high unemployment, along with disorganization of private sector trade unions, limited workers' willingness to strike.

There are no export processing zones.

c. Prohibition of Forced or Bonded Labor.—The law prohibits forced and bonded labor, including by children; however, there were reports that such practices occurred (see Sections 6.d. and 6.f.).

d. Status of Child Labor Practices and Minimum Age for Employment.—The minimum age for employment is 16 years, although in villages and farming communities it was common to find younger children at work assisting their families. Children—particularly Roma—also could be found in a variety of unofficial retail jobs, typically washing car windows or selling small items such as newspapers; however, in recent years, this type of labor has been less widespread because adults, lacking other options for employment, have taken many of these jobs. Roma children were often forced by their families into manual labor, compelled to beg, or trafficked abroad to work in begging or theft rings (see Section 6.f.). The Labor Ministry's Labor Inspectorate checked for child labor during its inspections, and the Social Welfare Ministry included prevention of child labor in its regular child and family protection programs.

In January, the SaM Parliament ratified the ILO Convention 182 on the Worst Forms of Child Labor.

e. Acceptable Conditions of Work.—Large government enterprises, including all the major banks and industrial and trading companies, generally observed the minimum wage standard of approximately \$75 (4,400 dinars) per month. This figure was roughly comparable to unemployment benefits and, at least theoretically, was paid to workers who had been placed in mandatory leave status. The minimum wage was insufficient to provide a decent standard of living for a worker and family. For example, the cost of food and utilities for a family of four was estimated to be \$200 (12,000 dinars) per month. Private enterprises used the minimum wage as a guide, but tended to pay slightly more than the minimum wage.

Reports of sweatshops operating in the country were rare, although some privately owned textile factories operated under very poor conditions. According to Nezavisnost member Ranislav Canak, most of these factories were located in private houses in rural parts of Sandzak, making detection and enforcement difficult.

The official workweek of 40 hours was generally respected in state-owned enterprises but not in privately owned companies. According to the Labor Law, an employee may not work overtime for more than 4 hours in 1 day or for more than 240 hours within 1 calendar year. Payment of overtime was regulated by collective agreements.

In February, the Labor Ministry reorganized the Labor Inspection Department and announced openings for 500 new inspectors. It was mandatory for each company to establish a Safety and Security Unit in charge of implementing safety and security regulations; however, in practice, these units were often focused on rudimentary aspects of safety, such as purchase of soaps and detergents, rather than on providing safety equipment for workers. By some estimates, there were 20,000 workplace injuries annually in Serbia, with approximately 100 fatalities. Because of the competition for employment and the high degree of government control over the economy, workers who left hazardous work situations risked unemployment.

f. Trafficking in Persons.—The law prohibits trafficking in persons; however, trafficking in persons remained a problem. On April 11, the criminal code was amended to include trafficking in persons as a criminal offense. Previously, authorities used

laws against kidnapping, slavery, smuggling, and mediating prostitution to apprehend traffickers. The penalty for the new offense of trafficking is imprisonment of 1 to 10 years for a single offense, 3 to 40 years for multiple offenses, and 5 to 40 years if a minor is involved or if a victim is killed.

The Government reported having arrested an estimated 30 persons running trafficking operations during the year, almost all during the State of Emergency. No cases brought under the new trafficking law had reached trial phase by October 1; however, convictions were obtained on related charges during the year. Police officers were instructed how to distinguish trafficking victims from prostitutes and illegal migrants, and when police believed that a possible trafficking victim had arrived at the detention center for foreigners, they summoned the International Organization for Migration (IOM) to make a formal identification. The Government reported that 200 police officers had received anti-trafficking in persons training, which has been incorporated into the regular syllabus for officers. Police assisted in international investigations of human trafficking.

The country served as a transit country, and to a lesser extent a country of origin and a destination country, for trafficking in women and girls for the purpose of sexual exploitation. Serbia was primarily a transit country for internationally trafficked women going to Kosovo, Bosnia and Herzegovina, and Western Europe. The primary source countries for trafficking in persons were Moldova, Romania, Ukraine, Russia, and Bulgaria. In 2002, the IOM estimated that between 6,000 and 7,000 women were trafficked through Serbia. Since January, the IOM has seen far fewer trafficked women in Serbia, but it is not clear to what extent this trend reflected a decline in trafficking and to what extent it was due to other factors, such as better concealment after regional anti-trafficking operations in 2002. No reliable estimate existed on the number of women controlled by human traffickers in the country. Serbia did not traditionally serve as a major source country for trafficked women, but poor economic conditions have increased Serbian women's vulnerability to traffickers, particularly for Roma. Trafficking in children for use in begging or in theft rings was a problem among Roma.

Recruitment devices included advertisements for escort services, marriage offers, and offers of employment. Often women knowingly went to work as prostitutes and later, once they left their country of origin and were in the hands of traffickers, discovered that they were prisoners. There was anecdotal evidence that after anti-trafficking operations in 2002 some traffickers began treating trafficked women slightly better, providing a small amount of money and permitting some freedom of movement and contact with family. Women were recruited, transported, sold, and controlled by international organized crime networks. The central point in Serbia for holding and transferring trafficked women was Belgrade.

There were no reports of government officials condoning or participating in trafficking in Serbia, but trafficking in Serbia could not take place without the cooperation of at least some police, border guards, and minor officials. No police, including border guards, were arrested for facilitating trafficking during the year; however, in 2002, 12 police officers who were providing security at venues where trafficked women were present were arrested during raids. Criminal charges were filed against one of the officers, and the others were fined, suspended, or fired.

With the dissolution of the FRY, the position of Anti-Trafficking Coordinator moved from the federal level to the republic level and was held by the Deputy Head of the Department of Border Police. The Coordinator leads a multidisciplinary anti-trafficking team, which included many Serbian Government ministries (MUP, Social Welfare, Health, Justice, Labor, Finance), the IOM, the OSCE, and two local NGO's—Astra, which was dedicated exclusively to the fight against trafficking and ran a trafficking victim's hotline and carried out extensive public awareness campaigns to prevent trafficking, and the Counseling Center Against Family Violence, which ran a shelter for trafficking victims. NGOs and volunteers provided legal, medical, psychological, and other assistance to victims. The IOM managed repatriation of victims and repatriated 36 women determined to be victims of trafficking during the year. The IOM also assisted in the reintegration of 10 local victims during the year. In 2002, the IOM opened a regional clearing center for information on trafficking victims, which operated in Government-donated offices in Belgrade. An anti-trafficking police team was established for each police district.

KOSOVO

Kosovo is administered under the civil authority of the U.N. Interim Administrative Mission in Kosovo (UNMIK), pursuant to U.N. Security Council (UNSC) Resolution 1244. UNMIK and its chief administrator, the Special Representative of the Secretary General (SRSG), established a civil administration in 1999, following the

conclusion of the NATO military campaign that forced the withdrawal of Yugoslav and Serb forces. In 2001, UNMIK promulgated the Constitutional Framework for Provisional Self-Government in Kosovo (the Constitutional Framework), which defined the Provisional Institutions of Self Government (PISG). The PISG is made up of the 120-member Kosovo Assembly, which in 2002 selected Ibrahim Rugova as President of Kosovo and Bajram Rexhepi as Prime Minister, as well as other government officials. Kosovo has a multi-party system with three dominant mono-ethnic Albanian parties and several minority parties and coalitions. In 2002, municipal elections were held which were well organized, peaceful, and met international standards.

UNMIK has issued regulations to address the civil and legal responsibilities of governmental entities and private individuals, and promulgated laws passed by the Kosovo Assembly. UNMIK regulations bind all public officials, including judges, to respect international human rights law. The Constitutional Framework provides for an independent judiciary; however, both the international and local judiciary continued to be, at times, subjected to bias and outside influence, particularly in inter-ethnic cases.

The U.N.-authorized, NATO-led peacekeeping force for Kosovo, known as the Kosovo Force or KFOR, continued to carry out its mandate to maintain internal security and defend against external threats. Policing was done by UNMIK Civilian Police (CIVPOL), which continued to transfer basic police authority and functions to the Kosovo Police Service (KPS), while maintaining oversight. The Kosovo Protection Corps (KPC), a civilian emergency preparedness service agency that incorporated disarmed former fighters of the Kosovo Liberation Army (KLA), continued to train and develop its disaster response skills, and undertook humanitarian projects. While the UNMIK international civilian authorities and KFOR generally maintained effective control over security forces, there were instances in which elements of the security forces acted independently of their respective authority. Some members of security forces committed human rights abuses.

The economy, in transition from a centrally directed to a market-based economy, was based primarily on agriculture, mining industries, and construction services, with a heavy dependence on foreign remittances. Kosovo had an estimated population of 1.7 million. Gross domestic product grew by 2 percent during the year and almost 60 percent since 2000. Major industries had not reopened and the economy remained stagnant; UNMIK began a privatization program that experienced setbacks during the year. There was significant criminal economic activity. Unemployment estimates ranged from 50 to 60 percent among ethnic Albanians and higher among Kosovo Serbs and other ethnic communities.

UNMIK and the PISG generally respected the human rights of Kosovo's residents; however, there were serious problems in some areas. Several killings resulted from attacks that appeared to be politically motivated. There were some deaths and injuries resulting from landmines and particularly unexploded ordnance, but fewer than in previous years. There were some kidnappings. UNMIK's efforts to continue exhumation of gravesites and to pursue identification of remains improved during the year. There were allegations that KFOR and CIVPOL, at times, used excessive force. Twelve KPC members were suspended after an UNMIK-KFOR investigation found that they materially supported criminal activities. Lengthy pretrial detention was a problem; it continued to be used routinely in criminal cases, although the measure was intended to be used only in extraordinary circumstances. The judiciary did not always provide due process.

Media organizations criticized UNMIK regulations prohibiting articles that might encourage criminal activity or violence as an infringement on freedom of speech and of the press. UNMIK occasionally limited freedom of assembly and forcibly disrupted some violent demonstrations. Religious and ethnic tensions and violence persisted. Freedom of movement for ethnic minorities, particularly Kosovo Serbs, continued to be a serious problem; many of the approximately 100,000 Kosovo Serbs who remained in Kosovo continued to live in the north or in enclaves under the protection of KFOR. Of the more than 225,000 members of ethnic communities (including approximately 170,000 Kosovo Serbs and 25,000 Roma) displaced after June 1999, few returned to Kosovo due to concerns about security, freedom of movement, and lack of employment opportunities. Despite this, efforts to facilitate internally displaced person (IDP) returns improved during the year. Some international agencies and nongovernmental organizations (NGOs) continued to organize small-scale return projects.

Violence and discrimination against women remained serious problems. Persons with mental and physical disabilities faced considerable social discrimination and lacked access to adequate social and health services, despite some efforts to improve facilities and security. The level of violence against Kosovo Serbs remained largely

constant with several prominent and brutal incidents receiving widespread attention. None of the perpetrators of Serb killings with a presumed ethnic motivation were arrested during the year, causing considerable concern within the Serb community. Child labor increased as more poor rural families moved to cities. Trafficking in persons, particularly women for forced prostitution, remained a serious problem.

RESPECT FOR HUMAN RIGHTS

Section 1. Respect for the Integrity of the Person:

a. Arbitrary or Unlawful Deprivation of Life.—There were no reports of the arbitrary or unlawful deprivation of life committed by UNMIK, the PISG, KFOR, or their agents.

On February 1, Pristina District Court sentenced an UNMIK police officer, John Atanga, to 1 year in prison for negligent homicide after running over two persons with his vehicle in 1999.

During the year, police recorded 72 killings; 2 more than in 2002 (see Section 5). Some killings may have been politically motivated, particularly because some of the victims were either political party officials or connected with high-profile political activity; however, such cases significantly decreased from 2002.

On August 19, UNMIK CIVPOL officer, Satish Menon, was killed when a sniper fired on his vehicle with an automatic weapon. The case remained unsolved at year's end. On September 9, KPS officer, Hajdar Ahmeti, was killed in an ambush by unknown persons while returning home from duty near Erenik river. Police conducted a raid at a residence of the village of Berjahe, Gjakova and arrested three suspects for Ahmeti's murder; however, the trial had not begun at year's end. On September 10, an attempt to kill KPS serious crimes investigator, Fadil Syleviqi, failed; however, his associate, Agim Makolli, was killed in the ambush. Syleviqi testified on June 17 in the trial of Rustem Mustafa, or "Commander Rremi," that resulted in the war crimes convictions and sentencing of a total of 45 years of imprisonment for four former KLA members, including Mustafa, who was also a former KPC zone commander (see Section 1.e.). On November 24, unknown assailants killed two KPS members, Sebahate Tolaj and Isuf Haklaj, of the Peje/Pec Regional Serious Crimes Unit while driving to work; both were subordinates of Tahir Zemaj during the war, and were officially investigating Zemaj's case.

Several witnesses in high profile cases were killed or attacked during the year, underscoring the lack of an adequate witness protection program. Two witnesses in the Dukagjini group case were killed, Tahir Zemaj on January 4 and Ilir Selimaj on April 14. Additionally, several witnesses survived attempted killings, including Dukagjini group witness Ramiz Muriqi, and KPS member and Rremi group witness Fadil Sylevic. It was widely speculated that several KPS officers were murdered as a result of their investigative work in some unsolved high profile crimes, including KPS officer Hajdar Ahmeti on September 7, and two KPS officers from Peja Regional Serious Crimes Unit, Isuf Haklaj and Sebahate Tolaj, on November 24.

On March 24, the 2002 trial of former KLA officer Sali Veseli and three other suspects for the 2000 murder of former KLA commander Ekrem Rexha, known as "Commander Drini," concluded. The court found Sali Veseli guilty of inciting the murder and sentenced him to 10 years' imprisonment; the court sentenced, Xhemajl Beqiraj to 1 year in prison, Halil Cadraku to 2 years and 6 months in prison for possession of arms without permission, and released Abit Haziraj.

Following the 2002 convictions of five former senior members of the KLA, two key witnesses in their trial were killed in two separate incidents. Tahir Zemaj, a former commander of the now-defunct guerilla army and KLA rival Armed Forces of the Republic of Kosovo (FARK), his son and his nephew were killed on January 4. Ilir Selimaj, a former member of the defendant's KLA unit, and his pregnant sister-in-law were killed on April 14.

No arrests were made by year's end for the 2002 killing of Smajl Hajdaraj, an LDK member of the Kosovo Assembly. In the 2002 killing of Uke Bytyci, LDK Mayor of Suhareke/Suva Reka municipality, in which his two bodyguards, Bajram Bytyci and Bahtir Bajrami were also shot, the Court of Prizren found Jetullah Kryeziu guilty and sentenced him to 20 years and 6 months in prison; the court sentenced Mentor Kryeziu to 5 months in prison for hiding the weapon. By year's end, no charges had been filed against the several suspects that were arrested in 2002 for the 2001 killing of Bekim Kastrati, a journalist with the LDK-linked newspaper, Bota Sot, and LDK bodyguard Besim Dajaku.

There were no developments in several murders from previous years, including the following from 2001: The murder of Ismet Rraci, LDK branch president and president of Kline/Klina Municipal Assembly; the killing of Ahmet Balaj, an LDK

committee member in Mitrovica; the killing of Qerim Ismaili of the Kosovo Democratic Initiative; and the shooting of two brothers, one of whom was a bodyguard of the mayor of Istog/Istok municipality.

There were a number of assaults and killings of ethnic Serbs during the year, including those perpetrated by other Serbs (see Section 5).

Land mines and unexploded ordnance (UXO) from the 1999 conflict remained a problem, particularly in rural areas; however, fatalities decreased from previous years. During the year, UXO or mines killed 3 persons and injured 16, compared with 8 fatalities and 8 injuries in 2002. UXO, particularly the remains of NATO cluster bombs, was the main threat; KFOR patrols continued to find UXO almost daily basis.

Domestic Courts and the International Criminal Tribunal for the former Yugoslavia (ICTY) continued to adjudicate cases arising from crimes committed during the 1998–99 conflict (see Sections 1.e. and 4).

b. Disappearance.—There were no reports of politically motivated disappearances. However, there were accusations of inter-ethnic, politically motivated kidnappings and attempted kidnappings.

On August 6, four armed persons kidnapped 11 Kosovo Albanians at a picnic in the mountains of Istog and asked for an explanation as to why the sale of Serb property was being impeded in the Istog municipality. A ransom was initially demanded, but they were later released. In September, a 12-year-old Serb girl in the village of Dobratin claimed that several ethnic Albanians attempted to kidnap her, and several days later a 23-year-old Serb woman made a similar claim; however, subsequent investigations by KFOR, CIVPOL, and KPS concluded that these two incidents were staged or fabricated.

The UNMIK Office of Missing Persons and Forensics (OMPF) developed a more unified, coordinated effort on missing persons in Kosovo. Despite some frictions, OMPF signed a memorandum of understanding with the International Commission for Missing Persons (ICMP) defining technical procedures for DNA analysis, coordinated with the CIVPOL Missing Persons Unit on investigations and exhumations. OMPF also made considerable progress in reforming the forensic system in Kosovo, creating and equipping a new forensic facility. OMPF created an outreach office in Belgrade to facilitate close cooperation with Serb authorities and increase transparency. On May 8, 37 bodies composed the first group of human remains transferred from Serbia, followed by further transfers of 22 on June 12, 43 on July 23, 40 on October 16, and 44 on December 5. On January 9, the PISG established the Government Commission on Missing Persons, which increased in prominence at year's end as it assembled the Pristina delegation for direct talks on missing persons with the Government of Serbia and Montenegro.

There were approximately 3,600 missing persons at year's end, of whom approximately 75 percent were Albanian and approximately 25 percent were Serb or from other ethnic groups. From 1999 through year's end, 4,638 remains of individuals were exhumed or re-exhumed for identification, including 619 during the year. At year's end, there were no remaining forensic examinations to be performed; however, there may be additional sites. During the year, OMPF received 365 DNA results, including 277 positive matches; 114 corroborated previous presumptive identifications through traditional methods, 48 were negative results, and 40 were duplicates. OMPF identified, returned to families, and issued death certificates for 387 mortal remains, of which 331 were Albanians and 56 were of other ethnicities, including Serbs. In some cases, this process was slowed by disagreements with family members over characterization of the time and cause of death. The Serbian Authorities returned 187 identified bodies for which OMPF performed forensic inspections.

c. Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.—The law prohibits such practices; however, there were reports that CIVPOL, KPS, and KPC, at times, used excessive force or harassed persons.

On June 19, CIVPOL was accused of using excessive force against the Serb medical staff, patients, and surrounding population, while trying to take over the Medical Clinic in Fushe Kosove/Kosovo Polje, vacated by KFOR. Also in June, Pristina Hospital medical staff accused CIVPOL members of mistreating mental patients from Dubrava Prison. On August 6, at the warden's request, the Kosovo Ombudsperson (OI) visited these patients to establish whether there was any abuse of their rights. The OI sent letters to the UNMIK Police Commissioner and to the head of UNMIK Police and Justice (Pillar I) but was not satisfied with their responses.

On October 7, a former CIVPOL officer, Martin Almer, was sentenced to 3 years in prison, and two former KPS officers, Feriz Thaqi and Isa Olluri, were sentenced to 6 months in prison for causing minor injuries, forcing Gezim Curri from Gjakova

to give a false statement, and for physical abuse. Almer returned to his home country immediately after the incident in February 2002 and was later sentenced in absentia.

Some KPC members were responsible for incidents of intimidation and extortion, and in several zones such misconduct may have been organized and condoned by the local KPC leadership. Some KPC members were directly involved with the violent criminal activities of the so-called Albanian National Army (AKSh). Most notably, on April 12, a KPC member was one of two persons killed when a bomb they were placing on the Loziste railway bridge in Zvecan Municipality detonated prematurely. Following this incident, in May UNMIK cancelled all KPC activities and trainings outside of Kosovo, and KPC Commander Agim Ceku suspended several KPC members suspected of involvement in illegal activities; however, the decision was later revoked. In December, 12 KPC members were suspended with pay for 6 months after an UNMIK-KFOR investigation found involvement in criminal activities; investigations into their alleged wrongdoing continued at year's end.

In June, UNMIK Police detained two KPC members, Beqir Prokshi and Sami Kodra, suspected of harassing a civilian on June 17; the two were later released. A number of KPC members were arrested for crimes against other Kosovo Albanians, resulting in charges that former KLA members were being targeted. Despite these incidents, in general KPC discipline improved and reports of intimidation were less common.

There were some reports of attempted intimidation of UNMIK, OSCE, KPC officers, and KFOR officials. In July 2002, six explosions took place in Klokot and one in Balance, injuring two KFOR soldiers. The investigations into both incidents continued at year's end.

Early in the year, UNMIK disbanded the Kosovo Serb paramilitary group known as the "Bridgewatchers"; however, Albanians in Mitrovica claimed its members continued to operate on and around the boundary between north and south Mitrovica as part of other organizations (see Section 5). Former members of the Bridgewatchers were allegedly involved in inter-ethnic violence in Mitrovica. There were reports that a group of Serb extremists in north Mitrovica called "Pit Bulls" were linked with the former Bridgewatchers, and may have coordinated the December attack on Prime Minister Rexhepi and the World Bank delegation (see Section 5). Other reports alleged that the group was led by Marjan Ilincic, a former leader of the Bridgewatchers, who was wanted by police for an attack against Polish police and other persons (see Section 5).

Prison conditions generally met international standards; however, overcrowding, lack of adequate recreation facilities, and the need for repairs remained problems. UNMIK administered six low and medium security prisons in Kosovo: Pristina, Prizren, Mitrovica, Peja, and Gjilan. There were approximately 1,250 persons in prison at year's end. In September, a new correction center opened in Lipjan with a capacity of 140 inmates, most of whom were juveniles, persons with mental disabilities, and women. There were a few allegations of mistreatment by prison guards.

Prisoners conducted hunger strikes during the year, mostly protesting conditions in the facilities. On September 4, prisoners at Dubrava Prison rioted and barricaded the doors of one prison block in protest of poor living conditions. After prison guards attempted to enter the block, the prisoners started a fire, which led to 5 deaths, 17 injuries, and loss of 400 spaces for prisoners. UNMIK established an independent commission and criminal investigation into the incident, which concluded that the riot was caused primarily by low morale and frustration resulting from insufficient training of local correctional staff, inadequate hygienic facilities, intermittent water supplies, and a lack of educational and recreational activities in the prison. The Commission also pointed to procedural flaws in response to the fire and structural deficiencies in the prison building, lack of adequate contingency planning, ill-defined command responsibility, and inadequate training and equipment for fire-fighting and evacuation, which increased the damage of the incident.

The OI criticized the treatment of prisoners with mental disabilities guarded by the UNMIK police in Pristina hospital. UNMIK built separate detachments for these prisoners in hospitals in Peje and Prizren; however, Pristina hospital authorities had not permitted the same facilities to be constructed.

Male and female prisoners were held separately. Debrova prison held youth offenders between the ages of 17 and 21; they were separated from adult inmates. There was one medium security prison referred to as a "correctional and educational institution" that held juveniles under the age of 18, and women. Pretrial detainees were generally held separately from convicted criminals.

KFOR dismantled its detention facility at Camp Bondsteel previously used for persons accused of war crimes, serious ethnic offenses, and political violence, includ-

ing armed extremism, but maintained the ability to detain such prisoners. The KFOR Commander (COMKFOR) issued an extrajudicial executive detention order for Shefket Musliu, who was awaiting trial at year's end. The SRSG also had this authority, but did not exercise it during the year.

Prison officials consistently permitted visits by independent human rights observers. Prisons and detention centers permitted the International Committee for the Red Cross (ICRC) full access to prisoners and detainees; however, the OI was the only institution entitled to unimpeded and unannounced access to all detention centers and prisons, without prior 24-hour notice, and there were no reports that the OI was denied this right during the year.

d. Arbitrary Arrest, Detention, or Exile.—UNMIK regulations prohibit arbitrary arrest and detention; however, these prohibitions were not always observed in practice. Police may detain criminal suspects for up to 72 hours without charging them; however, there were reports that CIVPOL used the 72-hour investigation detention authority as a means of minor punishment with no intention of filing charges, particularly in the case of petty offenders. Some judges also complained that CIVPOL did not always bring detainees before them by the expiration of the 72-hour period even when they intended to charge them, and such cases were dismissed.

A Commissioner of Police, part of the UNMIK Police and Justice Pillar 1, directed both the CIVPOL and the KPS. The combined force was generally effective, and CIVPOL continued to gradually transfer authority to KPS; KPS tended to be more effective at the station level than at the regional level. Minority membership in the KPS has improved considerably, partly due to the hire of former Serb Minister of Interior officers in the Serb-majority northern municipalities. However, minority membership in the KPC continued to be a problem despite KPC efforts to recruit members from non-Albanian ethnic communities. Approximately 132 of the 3,000 active duty (approximately 4 percent) KPC members were from ethnic minority communities, including 32 Serbs (approximately 1 percent).

Corruption within the security forces was a problem, particularly among KPS border police. However, structures were in place to deal with corruption, including a Professional Standards Unit that monitored KPS and CIVPOL, a U.N. Office of Oversight that investigated corruption in the U.N., and a criminal justice system that effectively prosecuted criminal offenses by police. On September 12, two Ukrainian KFOR soldiers and two Albanians were caught smuggling approximately \$36,000,000 (28 million euros) worth of cigarettes across the border. On October 20, six customs officers were suspended as the result of police investigations conducted at several customs points. In November, two Serb KPS members were arrested on bribery charges for taking money from a villager in Verboc, Viti municipality, to illegally cut wood in the nearby forest. There were no specific plans to reform the police beyond the training programs already in place, and the transfer of authority to KPS continued to be monitored closely. KFOR also provided extra security on the border with Macedonia, Albania, and the administrative boundary line between Kosovo and Serbia.

Arrest warrants were issued and executed in an open manner by civilian authorities. KFOR did not require arrest warrants; however, the detention process by KFOR was transparent. Under the Criminal Code, detainees have the right to be informed of charges against them, to a lawyer of their choosing during the full course of criminal proceedings, access to family members, and the use of bail. Detainees were only provided an attorney for the most serious offenses for which a "mandatory defense" is required, and may be provided an attorney for some charges that could result in prison sentences exceeding 3 years.

UNMIK regulations permit pretrial investigative detention of 6 months, with extensions in serious cases of up to 1 year. Although pretrial detention was intended to be used as an extraordinary measure, it has been ordered routinely in almost all serious criminal cases; however, the application of this measure decreased during the year. Approximately 550 persons were in pretrial detention (45 percent of the total prisoners in Kosovo facilities) at year's end. Judges often ordered pretrial detention at the beginning of the investigation, when little evidence had been developed. This authority was available to judges only if the identity of the defendant could not be determined, if there was a risk that the defendant would tamper with evidence or intimidate witnesses, if the defendant is likely to repeat the criminal act, or if the criminal act is punishable by 10 or more years' imprisonment. The main reason for its use was a lack of civil documents with correct addresses. Police unable to verify the identity of suspects were obliged to detain them. The more frequent use of bail reduced the number of pretrial detainees. UNMIK established a commission to compensate persons held in detention who were later found not guilty.

In some instances, the COMKFOR intervened to continue the detention of persons not charged with a crime or ordered released by the courts, but deemed an ongoing security threat; however, no abuses of this power were reported. COMKFOR may extend the period of detention in increments of 30 days.

There were no reports of political detainees, although some Kosovo Serb defendants in war crimes cases and some former KLA members asserted that they were being held for political reasons.

The law prohibits forced exile, and there were no reported instances of its use.

e. Denial of Fair Public Trial.—The Constitutional Framework provides for an independent judiciary; however, the judiciary was at times subject to bias and outside influence, particularly in inter-ethnic cases, and did not always provide due process. Some local judges also lacked basic legal skills needed to conduct investigations or trials. Courts suffered from lack of supplies, equipment, and administrative management. Foreign governments and the Organization for Security and Cooperation in Europe (OSCE) organized numerous training programs for prosecutors and defense counsel to improve advocacy skills during the year.

The court system includes a Supreme Court, 5 District Courts, 24 Municipal Courts, and a Commercial Court. At year's end, there were 323 judges in Kosovo, of which 6 percent were Serbs and 5 percent were from other minority ethnic groups. There were 53 Prosecutors at year's end, of which 4 percent were Serbs and 6 percent were from other minority ethnic groups. The Minor Offenses Courts structure includes a High Court of Minor Offenses and 25 Municipal Minor Offenses Courts. The 24 Minor Offenses Courts are separate from the Municipal Courts, and primarily handle cases that involve public safety and order violations and mandatory traffic offenses. The judicial corps in the Minor Offenses court structure includes 108 judges. Out of 293 judges, 250 were Kosovo Albanian, 23 were Kosovo Serbs, and 20 were from other ethnicities.

International judges and prosecutors, appointed by UNMIK, handled inter-ethnic and other sensitive cases, through each of the five district courts of Kosovo. International judges were also assigned to the Kosovo Supreme Court; there were 17 international judges and 10 international prosecutors at year's end. The international judiciary reported to and was managed by the UNMIK Department of Justice, which was under the authority of the SRSG. The local judiciary reported to the local Supreme Court and Chief Prosecutor of Kosovo. However, the international prosecutors could hear any case they deemed appropriate.

Legal experts and human rights observers continued to express concern that a fair trial was unlikely in criminal cases involving ethnic minorities, and prosecuted or tried by Kosovo Albanian judicial personnel. As a result, such cases were routinely assigned to international judicial personnel. The judicial system faced the problem of a lack of staff; for example, the Pristina district prosecutor's office only had 5 prosecutors for all of Pristina.

Approximately 12 UNMIK-appointed international judges and 5 international prosecutors worked in the District and Supreme Courts. UNMIK regulation authorizes the SRSG to assign international judges and/or prosecutors to any case where there is doubt about the independence or impartiality of the judiciary or the proper administration of justice. International judges and/or prosecutors have handled approximately 3 percent of all judicial cases, including some of the most sensitive cases relating to organized crime, inter-ethnic violence, and war crimes. In some instances, local judges refused to sit on panels with a majority of international judges for fear the community would hold them accountable for unpopular verdicts and subject to intimidation.

Under an agreement between UNMIK and the Government of Serbia, when filling vacant judge and prosecutor positions in the local Kosovo justice system, Serbs and all other ethnic minorities were to be given preference if otherwise equally qualified. In consultation with the Kosovo Judicial and Prosecutorial Council (KPJC), the SRSG continued to appoint candidates during the year; however, there were some difficulties. The Kosovo Judicial and Prosecutorial Council submitted a list of 42 recommended judicial candidates to the Kosovo Assembly (19 Albanians, 21 Serbs, 1 Bosniak, and 1 Gorani); however, the Kosovo Assembly failed to submit its list of recommended candidates to the SRSG, so the SRSG appointed the 42 candidates without the Assembly's endorsement.

Courts in Serbia and "shadow" courts operating in some Serb enclaves in Kosovo continued to handle cases; personnel in these parallel courts were paid by the Serbian Justice Ministry. A 2002 agreement between UNMIK and the Serbian Government was supposed to end the practice of double salaries for Serb personnel in Kosovo courts; however, personnel within the parallel courts continued to receive double wages.

Trials are public, and the law provides for the right of defendants to be present at their trials, to confront witnesses, to see evidence, and to have legal representation, at public expense if necessary. Defendants are presumed innocent until proven guilty and have the right of appeal. There is no jury; cases are heard by professional and lay judges. During the first half of the year, courts had provided legal representation free of charge to over 250 defendants in criminal cases. There were approximately 300 licensed attorneys in Kosovo.

UNMIK, through the OSCE, maintained several organizations to increase the professionalism of the judicial corps. The Kosovo Judicial Institute (KJI) continued to train judges and prosecutors and have focused training efforts on continuing legal education. The Judicial Inspection Unit (JIU) continued to monitor judicial performance and make recommendations on both discipline and training; the KJPC was responsible for cases of judicial misconduct.

UNMIK regulation defines applicable law in Kosovo to include both UNMIK regulations and legal codes in effect as of March 1989, when Kosovo lost its autonomy. Local legal and judicial personnel are required to first apply the Kosovo code in effect in 1989, then to use sections of the Yugoslav and Serbian codes that are deemed nondiscriminatory to the extent the first code was incomplete. On July 6, the SRSG adopted a new Criminal Code and a new Criminal Procedure Code; however, in order to leave time for training of judges, prosecutors, attorneys and other legal staff, the codes were not expected to be implemented until April 2004.

UNMIK regulations bind all public officials to respect international human rights laws and conventions; however, they were initially unacquainted with these laws. To enhance the familiarity of judges and prosecutors with applicable law in Kosovo, international organizations and NGOs implemented programs to increase awareness and application of international human rights laws and conventions. UNMIK, through the OSCE, established the Kosovo Legal Center in 2000 to cultivate the professional skills of the legal community. In addition to publishing four compilations of applicable law to facilitate access to legislation, the Center worked with the law faculties to improve curriculum and teaching standards and held seminars and workshops for the legal community.

The defense bar, the Kosovo Chamber of Advocates, was weak and disorganized, but efforts by the international community brought some improvement. The OSCE established a local NGO, the Criminal Defense Resource Center (CDRC), to assist the defense bar in capacity-building. NGOs and international donors conducted trainings on advocacy, practical skills, and international human rights law. The Kosovo Chamber of Advocates, funded by the European Agency for Reconstruction, conducted a legal aid program, primarily for civil and administrative law matters. Some Kosovo Serb lawyers participated in the judicial system; the Serbian Bar Association continued to provide free legal assistance for Kosovo Serb defendants in Kosovo. In addition, the OSCE provided logistical support such as transportation to Serb attorneys that represented Serb defendants in Kosovo courts due to security concerns. There was no denial of legal representation for Serb defendants during the year.

The lack of a tracking mechanism to identify cases from arrest through closure was an obstacle to determining which police investigations the District Prosecutor pursued. Substantial case backlogs from previous years continued to affect the criminal system. At year's end, the criminal caseload in Kosovo Municipal courts included 187,982 new cases, with 61,713 cases pending from 2002, and District courts received 14,292 new cases, with 5,905 cases pending from 2002. Kosovo Municipal courts completed 167,795 criminal cases, the vast majority of which were petty crimes and crimes against property; most resulted in fines or prison sentences under 6 months. District courts completed 11,151 cases.

Kosovo's investigative, judicial, and penal systems, in addition to the ICTY (see Section 4), continued work to identify and punish perpetrators of war crimes from the 1999 conflict; however, many cases remained unresolved. There were no significant problems with domestic war crimes trials, which are presided over by international judges and prosecutors in local venues; however, the lack of witness protection was a consistent problem in many trials (see Section 1.a.).

Proceedings continued in Kosovo courts to adjudicate approximately 32 cases of alleged war crimes and genocide arising from the conflict. The courts tried four cases of war crimes during the year. The Prizren District Court tried the Kolasinac case, found the defendant guilty of war crimes, and sentenced him to 8 years in prison; the defense filed an appeal. The Gjilan District Court tried the Trajkovic case and found the defendant not guilty of war crimes, but guilty of murder, attempted murder, and illegal possession of weapons. He was sentenced to 3 years and 3 months in prison; however, his 3 years of pretrial detention virtually cancelled out the sentence. The Peja District Court found Milorad Besovic not guilty

of war crimes, but guilty of murder, and sentenced him to 7 years in prison. The Pristina District Court tried the Lapi Group in which four people were found guilty of war crimes, including Rrustem Mustafa (Rremi) and Latif Gashi, who were sentenced to 17 years and 10 years in prison respectively. On October 27, UNMIK police arrested five former KLA members on war crimes charges. An international investigative judge was conducting the investigations while the suspects remained in pretrial detention at year's end.

There was evidence that Kosovo Albanians in several ethnically mixed areas used violence, intimidation, and offers to purchase at inflated prices in order to break up and erode Kosovo Serb neighborhoods through strategically targeted property purchases. A number of the cases of violence against Serbs may have been attempts to force persons to sell their property (see Section 5). There were also reports that the Coordination Center for Kosovo (CCK), funded by the Government of Serbia and Montenegro, funded the purchase of homes in Albanian enclaves in North Mitrovica.

An UNMIK regulation prevents the wholesale buy-out of Kosovo Serb communities and combats the intimidation of minority property owners in certain geographic areas; however, it was rarely implemented in practice. The regulation mandates that Municipal Administrators approve every proposed sale of property (excluding agricultural land) between Kosovo Serbs and other minority groups to Kosovar Albanians. UNMIK did not fully implement this law during the year, since the evaluation of each case was time consuming and many Kosovo Serb owners were unable or unwilling to cooperate. Some municipalities were excluded from this regulation at their request. The OI and human rights groups criticized the regulation as limiting the ability of Kosovo Serbs to exercise their property rights.

During the year, the Housing and Property Directorate (HPD) shifted its focus to incorporate returns into its previously exclusive focus on property law implementation, evicting illegal occupants and returning property to the rightful occupants. Since the arrival of a new director in October, HPD significantly improved its ability to process claims. The reorganized HPD received and adjudicated property claims, produced legally binding decisions, evicted illegal occupants, restored property to the rightful occupants, and administered property on behalf of owners not in Kosovo. During the year, the HPD resolved approximately 227 claims per week and carried out an average of 12 evictions of illegal occupants per week, for a total of approximately 600 evictions. During the year, the HPD established a call center for notifying successful claimants, and used it to notify approximately 1,500 claimants. By year's end, the HPD had collected 28,832 of an estimated 70,000 claims and adjudicated 12,178 of these claims.

f. Arbitrary Interference with Privacy, Family, Home or Correspondence.—The law prohibits such actions, and UNMIK authorities generally respected these prohibitions in practice; however, a few individuals and local NGOs accused KFOR of using excessive force in executing searches in private homes.

In November, the OI wrote to the Deputy SRS for Police and Justice to complain about the behavior of the police when searching houses, persons and premises, and when confiscating personal property as evidence in legal proceedings without search warrants.

An UNMIK regulation on Covert and Technical Measures of Surveillance and Investigation permits police to conduct covert operations with the prior written approval of an investigative judge or public prosecutor; no abuses were reported during the year.

Respect for private property rights continued to be problematic, and inter-ethnic property disputes stemming from the 1999 conflict continued to be among the most serious obstacles to ethnic reconciliation (see Section 1.e.). In Mitrovica, Kosovo Serbs in the northern part of the city continued to illegally occupy Kosovo Albanian properties, while Kosovo Albanians in the southern part of Mitrovica also denied Kosovo Serbs access to their property. A local initiative to allow access to property on both sides of the Ibar River in Mitrovica resulted in little progress. There were 13 evictions of illegal occupants in the southern or Albanian side; 1 on the northern or Serbian side when another Serb IDP replaced the evicted IDP.

Section 2. Respect for Civil Liberties:

a. Freedom of Speech and Press.—UNMIK regulations provide a framework for recognition of the rights to freedom of speech and of the press, and UNMIK and the PISG generally respected these rights in practice.

UNMIK regulations prohibit hate speech and speech that incites ethnic violence, as well as newspaper articles that might encourage criminal activity or violence; some local and international media observers criticized this as an infringement of freedom of the press. Otherwise, individuals were not prevented from publicly or privately criticizing the UNMIK administration or the PISG.

Most print and electronic media were independent but regulated by UNMIK. In general, print media did not have a large circulation, so the influence of electronic media on the population was far greater. Although the numbers of daily and periodic newspapers varied depending on available financing, there were six or seven of each during most of the year. Most of the main dailies were aligned with different political parties, although there were three independent daily newspapers. There were six daily newspapers in Albanian, all published regularly and locally. An economic-themed Albanian weekly started but was published in Switzerland. Two Serbian language magazines, *Jedinstvo* and *Glas Juga*, were published in Kosovo. The Bosniak weekly *Alem* was printed in Kosovo.

At year's end, there were 88 radio and 23 television stations in Kosovo. Of these, 46 radio and 15 television stations broadcast only in Albanian, 33 radio and television stations broadcast in Serbian, 2 radio stations broadcast in Turkish, 3 radio stations broadcast in Bosniak, and 1 radio station broadcast in a combination of Gorani and Bosniak. There were 3 multi-ethnic radio stations and 1 television station, while there were 14 radio stations and 1 television station broadcasting in more than one language. In total, four radio and three television stations broadcast Kosovo-wide.

One Albanian language electronic media outlet, Radio Television of Kosovo (RTK), was partially publicly funded. Additionally, the Government of Serbia funded two independent broadcast stations and several publications for Kosovo's minority communities. Neither UNMIK, PISG, nor donor countries exercised editorial control over these media outlets.

UNMIK controlled broadcasting infrastructure through the Department of Post and Telecommunications, while the OSCE oversaw the Department of Media Affairs. UNMIK also regulated the conduct and organization of both broadcast and print media and established the office of the Temporary Media Commissioner (TMC) and the Media Appeals Board. The TMC was responsible for publishing a broadcast code of conduct, issuing licenses, and imposing sanctions up to and including closing down offending media organs in the event of violations of UNMIK regulations or published codes of conduct; however, the TMC believed the codes need to be updated because they were hastily drawn up more than 3 years ago and have not been updated to reflect changing conditions in Kosovo. Also, they fail to adequately protect the privacy of children and crime victims.

The Constitutional Framework provides for an Independent Media Commission (IMC) and a Board of the Public Broadcaster independent of the PISG. UNMIK worked with the PISG to establish and IMC, laying the groundwork to transition the TMC to an IMC and the establishment of a Board of Public Broadcasters. However, the agreement establishing an IMC was not finalized by year's end. In the interim, appointments to the TMC Media Appeals Board continued. In 2002, the Kosovo Assembly announced the formation of a "Committee on the Media"; however, it was not yet active by year's end and had unclear responsibilities. There were three associations of journalists in Kosovo, but only one, the Association of Professional Journalists of Kosovo, claimed Serbs among its members.

The TMC Media Appeals board received 27 complaints during the year, and held 2 Media Hearing Board sessions. While most print and broadcast media followed accepted journalistic principles, there were some exceptions.

The TMC received no complaints of threats or attacks against journalists; however, there was one reported case. On September 5, two journalists with Radio Television Kosovo engaged in a conflict with KPS officers, resulting in lacerations to the face of one of the officers. The journalists were not injured and were released with their equipment after being briefly detained. There was no official investigation; however, the TMC concluded that the RTK journalists were unnecessarily confrontational in their efforts to pursue a story.

On January 21, as a result of threats made against the daily newspaper *24 Ore*, the paper suspended operations. The daily never restarted, although anecdotal evidence suggested that this was due to financial problems.

UNMIK regulations prohibit the publication in both the print and broadcast media of personal information that would pose a threat to the life, property, or security of persons through vigilante justice or otherwise; however, these regulations were not used to stifle criticism of UNMIK, the PISG, or political figures. Complaints of libel were addressed by the TMC; however, the TMC expressed concern that libel should not be included in the new Criminal Code; rather, defamation law should be confined to the Civil Code.

In September, the TMC publicly reprimanded the daily newspaper *Bota Sot* for its failure to correct "baseless speculation" in its coverage of the attack on Serb children at Gorazhdevac (see Section 5). In another case, *Bota Sot* also revealed the name of a father who assaulted his child, thereby indirectly revealing the name of

the child, despite laws protecting minors in such circumstances. Bota Sot was fined twice during the year, on March 6 for publishing an article against Peja businessman Ekrem Lluka and Minseter Et'hem Ceku, and on September 26, for publishing a misleading photograph and related allegations regarding Baton Haxhiu, the head of the Association of Professional Journalists of Kosovo. Despite repeated requests over a period of 9 months, the newspaper failed to publish a correction or apology for its misleading information. The TMC, Robert Gillette, said in a statement that he "remains very concerned about a pattern of behavior by Bota Sot, in which the newspaper appears systematically to attack representatives of civil society in Kosovo."

The Government did not restrict access to the Internet or academic freedom.

b. Freedom of Peaceful Assembly and Association.—UNMIK regulations provide for freedom of assembly; however, UNMIK authorities occasionally limited this right based on security concerns. No written permit was needed to hold a demonstration; however, organizers were required to notify UNMIK 48 hours in advance with the purpose, time, place, route, and contact person for demonstrations for police coordination purposes. UNMIK police estimated there were 70 demonstrations involving 134,000 participants during the year. In granting permits for organized demonstrations, regional UNMIK civilian police chiefs made a determination based on the potential for violence and the current security situation. The UNMIK representative in Mitrovica banned the May 6 celebration of the fourth anniversary of the death of KLA fighter Artim Jashari in Mitrovica's House of Culture on the grounds that the public venue could not be used for private and political activities.

Civilian UNMIK police and KFOR units occasionally forcibly dispersed demonstrations that became violent or otherwise unmanageable. On May 7, KFOR soldiers used tear gas to disperse protesters and clear the road to the Northern Kosovo village of Suhodoll blocked by Serb protesters, who threw stones at the KFOR soldiers. Within days, police arrested five persons suspected of inciting the violence, but after brief detentions, no charges were filed. In most instances, UNMIK and KFOR authorities dispersed hostile protesters with minimal injuries; police generally responded more appropriately than in previous years.

UNMIK regulations provided for freedom of association, and the Government generally respected this right in practice. In its regulations governing definitions and registration requirements for political parties and NGOs, UNMIK stated that such regulations did not affect the right to association.

c. Freedom of Religion.—The Constitutional Framework and UNMIK regulations provide for freedom of religion, and UNMIK and PISG generally respected this right in practice. Kosovo is a secular society with no state religion. Religious groups were registered as NGOs.

The majority of the population was Muslim with significant numbers of Serbian Orthodox and Roman Catholics. Ethnic tensions between Kosovo's Albanian and Serb population remained the basis of political conflict. Religion and ethnicity were closely intertwined; the political identities of the ethnic groups in Kosovo have been influenced by religion, and some instances of ethnic discrimination or tension may have had religious roots. Kosovo Serbs identified themselves with the Serbian Orthodox Church, which defined not only their religious but also their cultural, historical, and political affiliation. Differences between Muslim and Catholic communities tended to be overshadowed by their common ethnic Albanian heritage. Although the political role of the clergy diminished in favor of Kosovo Serb political parties and civil leaders, significant parts of the Kosovo Albanian community continued to view the Serbian Orthodox Church with hostility and suspicion.

During the year, the rate of violent crime involving Kosovo Serbs increased slightly but remained low, punctuated by a few dramatic acts such as the shooting of six youths swimming in a river in Gorazdevac, Pec/Peje municipality, in August (see Section 5). Two of these youths died as a result of the injuries they sustained in the shooting. While some members of the Kosovo Serb community presumed an ethnic or religious motive, no perpetrator had been arrested by year's end.

Attacks on Serbian Orthodox churches and cemeteries during the year continued; however, the frequency and seriousness of the attacks diminished. No Orthodox churches were seriously damaged or destroyed during the year. There were incidents of vandalism at religious sites, including damage to the Orthodox cemetery in Decani/Decan. Several Orthodox churches were burglarized.

Security concerns restricted freedom of movement within the Kosovo Serb community, which also affected their freedom to worship (see Section 2.d.). Monks and nuns at some monasteries were unable to use parts of monastery properties due to safety concerns. Serb families with relatives living in both Kosovo and Serbia were restricted by security concerns from traveling to join their relatives for religious

holidays or ceremonies, including weddings and funerals. Bishop Artemije Radosavljevic, head of the Serbian Orthodox Church in Kosovo, remained in a monastery in the Kosovo Serb enclave of Gracanica rather than return to the diocesan seat in Prizren. During the year, UNMIK police and KFOR provided security to improve mobility, and the OSCE reported some improvement in freedom of movement, particularly in the eastern region.

KFOR removed static checkpoints from most churches and religious sites during the year, relying instead on patrols by the local KPS. In most cases, such changes in security measures did not affect safety of or access to the religious sites, although the head priest at the Pristina Orthodox Church reported that the situation deteriorated and that there were incidents of rock-throwing after the switch from static KFOR checkpoints to mobile KPS patrols. On May 31, a hand grenade was thrown at the KFOR checkpoint protecting the St. Czar Uros Church in Ferizaj, southern Kosovo, injuring five people. On December 12, a hand grenade was thrown into the Urosevac St. Uros churchyard, slightly damaging a KFOR vehicle parked outside of the church, but causing no injuries or damage to the church.

Members of the small Protestant minority reported violence and discrimination. Some Protestant leaders alleged mistreatment by "Islamic fundamentalists," whom they claimed attended Protestant services in order to identify participants for later harassment. In May in Gjilan/Gnjilane, persons badly beat a member of a Protestant Evangelical church on his way home from church. Religious leaders claimed that the police failed to conduct a proper investigation. Protestants have also complained of vandalism of churches and theft of church property. Despite a number of incidents, including the break-in at the Evangelical Fellowship of the Messiah on Christmas Eve, violence and property destruction against Protestants decreased during the year; the KPS was more responsive to complaints although no arrests were made.

Members of the PISG and some political leaders reached out to Serbian Orthodox officials and expressed a public commitment to assist in the reconstruction of some damaged and destroyed churches, such as the visit by Prime Minister Rexhepi and PDK leader Hashim Thaqi to Zociste Monastery in 2002; however, no action was taken to help reconstruct damaged churches by year's end.

For a more detailed discussion, see the 2003 International Religious Freedom Report.

d. Freedom of Movement within the Country, Foreign Travel, Emigration, and Repatriation.—Applicable law provides for freedom of movement and no special documents were required for internal movement; however, inter-ethnic tensions and security concerns widely restricted freedom of movement in practice. Kosovo Serbs, and to a lesser extent other minority communities, found it difficult to move about safely without an international security escort. While freedom of movement increased in many areas during the year, freedom of movement for Kosovo Serbs varied greatly depending on location. In some areas, Kosovo Serbs moved about Albanian-majority communities without incident; in others, they required a KFOR or CIVPOL escort. On July 4, in Gorazdevac Village, a 43-year-old Kosovo Serb man was stabbed during an attack; police later arrested a 22-year-old Kosovo Albanian man for the crime. Serb media reported on April 21 that unknown assailants threw stones at a van belonging to Zvonko Dimitrijevic, a Kosovo Serb, of Pasjane near Gnjilane on the Presevo-Gnjilane road in the village of Mucibaba. The windows on the vehicle were smashed but no one was injured. A convoy of buses returning Serb children to their homes in Gorazdevac after a visit to Belgrade was stoned on September 22 in the village of Rudnik near Srbica, on the Kosovska Mitrovica-Pec road.

On a November 13 "go and see visit" to Musutiste village, Suha Reka municipality, seven displaced Kosovo Serbs encountered a group of 100 Kosovo Albanians demonstrating against the visit. After an apparent grenade explosion, some demonstrators threw rocks at a KFOR-escorted U.N. High Commission for Refugees (UNHCR) vehicle, injuring one UNHCR staff member. KFOR fired warning shots into the air, and an UNMIK Special Police Unit and other police restored order. A similar incident occurred on December 11, when 11 Serbs attempted to return to Klina municipality, but were not allowed to do so by Albanian residents; police intervened to disperse protestors, and 1 CIVPOL officer was injured.

In Mitrovica, there were restrictions on freedom of movement for both Albanians and Serbs due to ethnically based harassment (see Section 5). Ethnic Serbs stationed near the bridges monitored those who crossed the Ibar River from south Mitrovica into the northern part of the town. Some ethnic Albanians reported harassment, but this monitoring activity was generally less intense than in previous years. Since May 5, KFOR restricted nonresidents from passing through the village of Suhodoll i Eperm for security reasons, which caused dissatisfaction among the Albanian population in the area. On May 28, UNMIK police reported that in the

Mitrovica North village of Gusevac, approximately 150 to 200 people took part in a demonstration to express their discontent over the alleged lack of freedom of movement in the Sudhodoll area.

In order to improve freedom of movement by rendering Serb and Albanian vehicles indistinguishable from each other, UNMIK continued to offer Kosovo license plates to Kosovo Serbs for no fee if they had already paid for vehicle registration in Serbia. The Government of Serbia did not endorse the program and did not sign the memorandum of understanding. Kosovo Serbs reported that they did not feel secure traveling to municipal centers to register for the program. Other minorities asked that UNMIK issue them free Kosovo plates as well, but their request was denied. On September 4, the deadline for registering vehicles with Kosovo plates in Mitrovica north and north Kosovo was postponed for the fourth time and had not passed by year's end.

UNMIK provided identity cards and travel documents to those whose citizen identification documents were confiscated during the war. UNMIK regulations provide that the Central Civil Registry may issue travel documents to any person registered as a habitual resident of Kosovo. UNMIK issued approximately 1.3 million identity documents, 406,000 travel documents, and 182,000 drivers licenses since 2000. Although there were more than 103,000 minorities, including 71,000 Serbs, in the civil registry, fewer than 1,000 (less than 1 percent) applied for UNMIK travel documents. Twenty-nine countries recognized UNMIK travel documents, primarily the European Union, the U.S., and Balkan nations excluding Serbia, and negotiations continued with Eastern European and Middle Eastern countries, although no progress was made during the year. SRSG issued individual travel letters in limited cases, but such documents were not widely recognized. Kosovo Serbs often qualified for and received Serbian identity and travel documents, in addition to UNMIK-issued Kosovo identity documents. Many Kosovo Albanians also obtained Serbian documents to enable travel beyond the countries that recognized the UNMIK travel documents.

UNMIK and the PISG did not restrict or otherwise prohibit emigration, nor did they obstruct repatriation. Since Kosovo did not have national status, revocation of citizenship was not an issue.

While precise figures were unavailable, substantial numbers of Kosovo Serbs and Roma fled Kosovo following the conflict. Since 1999, just over 910,000 IDPs and refugees have returned or been repatriated, mostly ethnic Albanians. Of the more than 225,000 members of ethnic minority communities displaced after June 1999 (including approximately 170,000 Kosovo Serbs and 25,000 Roma), few had returned to Kosovo by year's end. Nonetheless, minority departures from Kosovo decreased and overall returns rose steadily during the year from 2,756 in 2002 to 3,629, an increase of approximately 30 percent. However, much work remained to be done to ensure that these returns were sustainable.

Efforts to promote refugee and IDP returns improved during the year. International agencies and NGOs initiated small-scale organized return projects and some small group organized returns, such as 35 households to Belopolje village in Peja/Pec, 30 households to Sivi Lukavac, others to Novake in Prizren, and Albanian returnees to Bitinje, a predominately Serb enclave in Strpce.

Most of the Kosovo Serbs and Roma who fled when Yugoslav forces withdrew had not returned by year's end. Their concerns centered on physical safety, lack of freedom of movement, property adjudication, and lack of employment opportunities. Many IDPs and refugees outside Kosovo also lacked accurate information on conditions in Kosovo and on the constitutional framework or civil structure. Many Kosovo Serbs who were previously employed in the public sector or in social enterprises continued to receive at least a portion of their salaries from the Government of Serbia and feared a return would put these benefits and protections at risk.

On July 1, the leaders of major Kosovo Albanian and non-Serb minority political parties published an open letter to IDPs in Serbia, Montenegro, and Macedonia urging them to return to Kosovo. This was followed on July 10 by Kosovo Assembly approval of 10 recommendations to create an environment more favorable to returns. Prominent Kosovo Albanian politicians, including former KLA political leader, Hashim Thaci, began to publicly voice support for minority returns. During the year, there were also joint PISG-UNMIK visits to return sites, such as the March 5 visit of Prime Minister Rexhepi and SRSG Michael Steiner to the village of Srecka/Sredska, and the July 10 visit of Kosovo President Ibrahim Rugova to the town of Urosevac/Ferizaj. In September, the PISG agreed to allocate \$8.75 million (7 million euros) from the Kosovo Consolidated Budget surplus to projects that support the return of IDPs.

The prospect for returns varied considerably according to region and among different ethnic groups. Ability to speak the language of the majority community as

well as the level of contact between IDPs and their neighbors prior to the conflict greatly affected the returnees' chances for reintegration. In general, interaction at the grassroots level between different communities increased during the year. Although this has helped to build inter-ethnic tolerance, it did not necessarily lead to a reconciliation process or acceptance of returns. Although some progress was made, Roma, Ashkali, and Egyptian returns continued to be limited and many Roma returnees were dependent on humanitarian aid.

UNMIK, UNHCR, and the international community continued a minority stabilization program to address some of the assistance needs of prospective returnees. On March 3, UNHCR announced that it had allocated \$6.25 million (5 million euros) for the return of IDPs. In addition, many NGOs and governments provided assistance in resettlement and repatriation efforts.

The UNMIK Office of Returns and Communities (ORC), UNDP, and UNHCR established the Rapid Response Returns Facility (RRRF) during the year to provide a rapid, flexible, and coordinated response for small-scale individual returns of minority displaced persons to their place of origin in Kosovo. This fund partially addressed the needs of approximately 130 returnee families to Kosovo during the year. The RRRF provides housing repair and reconstruction and socio-economic assistance. The UNHCR minority returns statistics indicated that 9,744 persons from nonmajority ethnic communities have returned since 2000; UNHCR estimated that 4,958 of these returnees were ethnic Serbs and that 4,786 came from other minority groups.

The law does not provide for the granting of refugee status or asylum to persons who meet the definition in the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol; however, UNMIK provided protection against refoulement and granted individuals status as "persons with temporary protection in Kosovo." Of the 12,000 individuals who arrived in Kosovo in 2001, 1,400 persons with temporary protection remained in Kosovo at year's end. UNMIK cooperated with the office of the UNHCR and other humanitarian organizations in assisting this caseload.

Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government

Kosovo continued to be administered under the civil authority of UNMIK, but as noted in UNSC Resolution 1244, UNMIK seeks to provide "substantial autonomy and meaningful self-administration" for the persons of Kosovo. Since the withdrawal of Yugoslav forces in 1999, a series of elections have yielded locally elected leadership; however, Kosovo's leaders criticized UNMIK for the slow pace of transfer of powers to the PISG institutions. The capacity of local institutions to undertake additional administrative responsibilities slowed the process; nonetheless, UNMIK completed the formal transfer of all nonreserved competencies to local institutions on December 31 and announced plans to fully implement this transfer in 2004.

Despite difficulties due to Yugoslav "identity cleansing" (see Section 2.d.), UNMIK and OSCE registered 1.3 million voters for the October 2002 municipal elections; the elections attracted participation by all ethnic communities, although Serb participation varied significantly by municipality, with a near-boycott in north Mitrovica. International and domestic observers determined that the 2002 municipal elections were well-organized, efficient, and generally met international standards. Of the 68 political entities that participated in the elections, 40 won at least one local assembly seat. Only residents of Kosovo and those who lived abroad at the time of the election, but who were residents of Kosovo on January 1, 1998, are eligible to vote, a requirement that excluded most of the Kosovo Albanian diaspora community abroad but included most of the Kosovo Serb IDPs who left during the war.

The November 2001 general election led to the establishment in March 2002 of the 120-member Kosovo Central Assembly, which elected Ibrahim Rugova as President of Kosovo, approved Bajram Rexhepi as Prime Minister, and appointed 10 ministers in the PISG.

Kosovo has a multi-party system with three dominant mono-ethnic Albanian parties and several minority parties and coalitions. The Democratic League of Kosovo (LDK) led by Ibrahim Rugova continued to be the most popular political party in Kosovo, garnering more than 45 percent of total votes cast in all three elections since 2001, and gaining control of 18 municipalities, but falling short of the majority required to form the central government on its own.

The other leading parties are the Democratic Party of Kosovo (PDK), led by Hashim Thaci, the Serb Coalition "Povratnik" (Return), led by caucus head Dragisa Krstovic, and the Alliance for the Future of Kosovo (AAK), led by Ramush Haradinaj. All major parties and many of the smaller parties have youth wings.

There are 30 municipalities in Kosovo. Depending on the size of the municipality, 17 to 51 Municipal Assembly members were elected for 4-year terms through a pro-

portional system with closed lists. Each municipality elected its President (Mayor) and a Deputy President, with a second Deputy President required in the event of a large minority community in that municipality. Each Municipal Assembly is obliged to establish three Assembly committees: Policy and Finance, Communities, and Mediation, while the establishment of other committees is left to the discretion of each Municipal Assembly. Each municipality had a professional CEO and Board of Directors proposed to the Assembly by the President; depending on the size of municipalities the Board of Directors varied. Relations between municipal governments and central structures were disorganized due in part to the division of powers in the central structures between UNMIK and the PISG. The Ministry of Public Services primarily dealt with the municipal issues, while UNMIK had a Municipal Representative and staff in each municipality, and a Regional Representative each in the five UNMIK/KFOR-established regions.

There were a number of reports of attacks on and threats against Kosovo Albanian political figures. Bota Sot reported that some unidentified gangs appeared in the village of Kodrali, Decan municipality, and harassed several LDK supporters. UNMIK police reported a telephone threat against President Rugova warning him that his life would be in danger if he attended an April 12 event in Peja. The media reported on May 13 that Pristina Mayor Ismet Beqiri received a threatening letter claiming to be from the AKSh similar to the one Member of Parliament Fatmir Rexhepi (LDK) received a few days before. On September 26, a former Armed Forces of Republic of Kosovo (FARK) commander and one of the witnesses of last year's trial against the so-called Dukagjini Group of high profile former KLA members, survived a bomb attack on his vehicle in Peje, the third attempt on his life. In most cases, no suspects were identified; however, local observers often blamed these attacks on rival political party members. Nonpolitical motives, including clan rivalry and common criminality, were also suspected in some cases.

In 2002, the OSCE set up the Elections Working Group (EWG) to reform the electoral system, including the local Central Election Commission, in preparation for the 2004 Kosovo Assembly elections. At year's end, the EWG was working to submit to the SRSG a list of recommendations for implementation as an UNMIK regulation. Many Kosovars would prefer election reform through an Assembly law, but an Assembly proposal directing the Kosovo Government to draft an elections law was declared by the SRSG to have overstepped the Assembly's authority. Kosovo Serbs and other minority communities participated in the election reform process through representatives on the EWG.

In order to address concerns raised by PISG leaders about the slow pace of the transfer of powers to local institutions, the SRSG created the joint UNMIK-PISG Council for the Transfer of Competencies. At its first meeting in April, the Council determined those powers transferable to the PISG under the Constitutional Framework, and in May the Council identified certain competencies that were "immediately transferable" and others that warranted further consideration. After some difficulties, UNMIK announced in December that the transfer of all nonreserved competencies to local institutions would take effect as of the beginning of 2004.

No legal restrictions existed on participation by ethnic minorities in government and politics. There were 34 women in the 120-seat Assembly. One woman (an ethnic Turk) served on the eight-member Assembly Presidency and another woman (also an ethnic Turk) served in Prime Minister Rexhepi's Cabinet. In response to previous elections when women resigned their seats post-election, since 2001 UNMIK has required that any seat vacated by a woman be filled by a female replacement. Following the 2002 election, women represented 28 percent of the elected municipal representatives. An effort by women parliamentarians to create a women's caucus was not successful; however, a Committee on Gender Equality held regular meetings during the year.

There were 35 ethnic minority members in the 120-seat Assembly, including 22 Serbs (10 serving in reserved seats, the remainder elected at large). There were two ethnic minority PISG ministers (one Serb, one Turk), one Serb inter-ministerial coordinator with the rank of minister, and two Serb members and one Turkish member of the Assembly Presidency. While ethnic minorities were underrepresented at the municipal level in some parts of Kosovo, the Constitutional Framework requires that the Assembly include 10 reserved seats for Serbs and 10 for members of other minorities.

Section 4. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A wide variety of domestic and international human rights groups generally operated without restriction, investigating and publishing findings on human rights cases. UNMIK was generally cooperative and responsive to their views. UNMIK and

the OSCE continued to encourage the development of civil society, including local NGOs.

In accordance with UNMIK resolutions, UNMIK has registered more than 2,300 NGOs, including approximately 1,900 domestic and 390 international NGOs. While these figures were just higher than the number registered in 2002, the overall number of applications for registration declined. An increase in the number of local NGOs compensated for the international NGOs that left or localized their programs. UNMIK also suspended the Public Benefit Status (tax exemption) of 145 NGOs, largely due to their failure to provide annual reports, including financial information.

NGO efforts included assistance to hundreds of thousands of returning refugees, support for the search for the missing, and social services to ameliorate the effects of post-war trauma (see Sections 1.b. and 2.d.). The International Organization for Migration (IOM) coordinated training and projects for the KPC, often in collaboration with NGOs. Human rights observers, including those of the OSCE and some local NGOs, were active in documenting ethnically or politically motivated killings, disappearances, attacks, and incidents of intimidation (see Sections 1.a., 1.b., and 1.c.). UNSC Resolution 1244 gave the OSCE the mandate for human rights monitoring.

UNMIK, KFOR, and the PISG generally cooperated with the ICTY regarding crimes committed during the 1998–99 conflict. On February 17, KFOR detained Haradin Bala (“Shala”), Isak Musliu (“Qerqiz”), and Agim Murtezi (“Murrizi”), who were under indictment for war crimes by the ICTY. Agim Murtezi was later released by the ICTY, as he was arrested as a result of a mistaken identity. Fatmir Limaj, PDK caucus leader, was arrested in Slovenia as part of the same case and handed over to the ICTY. The ICTY announced its intention to issue two more war crimes indictments of Kosovo Albanians; however, it had not done so by year’s end. These were the only such operations conducted by KFOR following the ICTY’s indictments of individuals residing in Kosovo. In addition to the Limaj group trial, which was still in the investigative stage, the only other case before the ICTY was the continuing trial of Slobodan Milosevic for war crimes and crimes against humanity committed in Kosovo, Bosnia, and Croatia during the wars in the 1990s.

The OI continued to investigate allegations of government abuses of international human rights laws. The OI was generally respected within UNMIK, had a multi-ethnic staff, and was active in issuing reports and recommendations; however, the OI alleged that its recommendations were rarely followed by UNMIK or KFOR. During the year, the OI registered 1,187 complaints, plus 30 cases initiated by the OI. Of these, 121 (about 10 percent) were made by Kosovo Serbs, and 22 by other ethnic minorities. UNMIK was most frequently listed as the respondent party, followed by the Housing and Property Directorate, the PISG, and KFOR.

The OI had no authority to intervene in cases against KFOR, and UNMIK extended broad immunities to its employees. Since 2001, the OI has maintained that Regulation 2000/47 on UNMIK and KFOR Status, Privileges, and Immunities was in violation of internationally recognized human rights. Nonetheless, the OI exercised an important advisory role both in individual cases and through special reports and general opinions. COMKFOR agreed to work closely with the OI and stated that KFOR would not make any illegal arrests.

Section 5. Discrimination Based on Race, Sex, Disability, Language, or Social Status

UNMIK regulations specifically prohibit discrimination on the basis of gender, race, or ethnic origin; however, violence and discrimination against women, persons with disabilities, and ethnic minorities persisted.

Women.—Violence against women, including rape and a high level of domestic violence, remained a serious and persistent problem. The Center for Protection of Women and Children (CPWC), a local NGO, estimated that it received approximately 5,400 requests for assistance from victims of violence during the year. Domestic violence is illegal, and applicable penalties include incarceration for periods of 6 months to 5 years. In May, UNMIK passed a regulation on Protection Against Domestic Violence which prohibits all kinds of threats and acts of domestic violence, while setting up conditions for victim’s protection, such as a prohibition on the approaching distance to the victim, and the legislation and procedure on the regular and emergency court protection orders. The regulation also deals with the authority in charge of implementing the protection order and its responsibilities, including arrests, while setting up protection order violation limits of fines from \$250 to \$2,500 (200 to 2,000 euros) or imprisonment of up to 6 months. This change in the law led to several successful court cases and resulted in court-ordered protection for several families at risk of domestic violence. Formal complaints to authorities alleging domestic violence increased significantly during the year, as did prosecutions. How-

ever, due to the traditionally male-dominated society, domestic abuse of women was not uncommon, and few victims of spousal abuse filed complaints with the authorities. The KPS School included special training segments on domestic violence and rape in its curriculum.

Rape was underreported significantly due to the cultural stigma attached to victims and their families. Spousal rape was not specifically addressed by law. Tradition generally prevented discussion of the topic of rape among ethnic Albanians, since, in some communities, the act is seen as dishonorable to the entire family. During the year, police registered 82 cases of rape and 45 cases of sexual assault, representing an increase in the number of reported cases in 2002.

The law prohibits prostitution; it is a misdemeanor subject to a 30-day sentence. Prostitutes who were not trafficking victims were released with a warning if it was their first contact with the police.

Kosovo served increasingly as a transit point and destination for trafficking in women for the purpose of prostitution (see Section 6.f.).

There were no governmental agencies dedicated to dealing with family violence; however, there were four shelters to assist victims of domestic violence and trafficking, two were run by local NGOs and two were run by international NGOs (see Section 6.f.). Several domestic and international NGOs pursued activities to assist women; however, they were constrained by a tradition of silence about domestic violence, sexual abuse, and rape.

Women have the same legal rights as men, but traditionally not the same social status, which affected their treatment within the legal system. On October 23, the Kosovo Assembly approved in principle a law of gender equality, which was the first law initiated by an Assembly committee, the Committee on Gender Affairs, rather than by the Government.

UNMIK's Office of Gender Affairs coordinated gender issues throughout all UNMIK offices. It appointed Municipal Gender Officers (MGOs) in each municipality to act as public advisors on gender affairs; 26 of the MGOs were Albanian and four were Serbs. Gender focal points, individuals appointed to coordinate among ministries on gender issues, were also established in six ministries, while the process was underway for the rest. There was also an office of gender issues in the Office of the Prime Minister.

Relatively few women obtained upper-level management positions in commerce or government, although there was no legal restriction on their doing so. There was no specific law against sexual harassment. Traditional patriarchal ideas of gender roles continued to subject women to discrimination. In some rural areas, women often had little effective ability to make decisions involving their children or to exercise control over property. While women and men legally have equal rights to inherit property, family property customarily passes only to men. Albanian widows, particularly in rural areas, risked losing custody of their children due to a custom requiring children and property to pass to the deceased father's family, while the widow returns to her birth family.

The presence of international organizations made many jobs available to women. UNMIK police and the OSCE continued an aggressive campaign to recruit women for the KPS, in which they made up about 15 percent. Approximately 210 out of 3,000 active duty KPC members were women (7 percent). Women were increasingly active in politics. Several women also served as heads of domestic NGOs. Nonetheless, while more women than before had jobs, very few had risen to senior levels. Few women occupied decision-making positions in the KPS or other government organizations. Unemployment, estimated at 60 percent, was higher for women; approximately 70 percent of women in Kosovo were registered as unemployed.

Children.—UNMIK and the PISG were generally committed to the welfare and rights of children. The Ministry of Education, Science, and Technology and the Ministry of Health shared responsibility for issues related to children's education and health; however, there was no one in the government who dealt specifically with the issue of children's rights and no juvenile justice code.

UNMIK regulations made enrollment in public school mandatory for children between the ages of 6 and 15, with some exceptions. The regulation made no provision for a waiver of school attendance based on safety concerns; however, authorities did not enforce it where there were ethnically based security concerns. Primary education was compulsory, free, and universal. The vast majority of school-aged children under 15 attended school. Forty-six percent of children attended the nonobligatory secondary school, 43 percent of whom were female. There was no difference in the treatment between girls and boys. UNMIK regulations require equal conditions for school children of all communities and accommodated minority populations by providing the right to native-language public education through the secondary level. Schools teaching Serbian, Bosnian, and Turkish languages operated during the year.

On May 5, the law on higher (university) education was promulgated by the SRSG. This law also licensed the Serb-run North Mitrovica University, and provided funding from the SRSG reserved portion of the Kosovo Consolidated Budget, together with financing from Serbia.

Extensive damage to many school buildings, a lack of educational materials, and persistent electrical power outages continued to hinder the full functioning of the education system; however, there have been improvements in infrastructure during the year. NGOs shifted their focus to promote training of pre-school and primary school teachers and the inclusion of children with special needs. By year's end, there were separate classrooms for children with disabilities in every municipality. A lack of freedom of movement and reluctance to depart from a Belgrade-based curriculum led Kosovo Serb children to attend neighborhood schools that were sometimes housed in inadequate facilities and lacked basic equipment. Enrollment for both Serb and Albanian children at the primary level was almost universal; however, at the secondary level, there was a marked gender and ethnic disparity, with lower rates of attendance and completion for Kosovo Albanian girls than for Kosovo Albanian boys or girls from the Kosovo Serb community. In rural areas, lack of transportation led families to prioritize sending boys to school.

Roma, Ashkali, and Egyptian children attended mixed schools with ethnic Albanian children but reportedly faced intimidation in some majority Albanian areas. Roma children tended to be disadvantaged by their community's poverty, leading many to start work at an early age to contribute to the family income. Bosniak children were able to obtain some primary education in their own language, but faced a lack of trained Bosniak teachers. The Ministry of Education continued a catch-up program for minority children, primarily Roma-Ashkali-Egyptians, who often missed schooling due to frequent moves associated with the conflict. The Ministry also provided an expedited registration process for displaced minority children at the secondary level and at the higher education level.

There was a report that, in September, recently-returned Albanian IDP children were not allowed access to the Strpce village of Biti local school because of their ethnicity; however, this was later resolved within the municipality.

Economic problems and the aftermath of the conflict also affected the health care system, with adverse consequences for children, particularly minority children. Humanitarian aid officials primarily blamed the high rate of infant and childhood mortality, as well as increasing epidemics of preventable diseases, on poverty that led to malnutrition, poor hygiene, and the deterioration of public sanitation. Observers believed that the high levels of air and water pollution, as well as the environmental effects of the uncontrolled release of toxic substances, including lead and other chemicals at the Trepca industrial complex, contributed to poor health conditions.

There were reports of child abuse, although it was not widespread. According to the Education Center, in Albanian speaking areas there was more abuse of children in the schools than in the family, while in the Serb areas there was more child abuse in the family than in school.

The OSCE issued a report during the year on the Centers for Social Work (CSW), which has offices in every municipality supervised by the PISG Ministry of Labor and Social Welfare. The report discussed 38 cases involving child victims of crime, 14 cases involving victims of sexual violence, 7 cases of victims of trafficking, 8 cases of abandonment, and 9 cases of educational neglect. For example, four girls aged 12 to 16 and a 2-year-old boy were living without adult care in an abandoned house in Prizren where men from the neighborhood visited the house and allegedly raped one of the girls; the CSW eventually appointed a caretaker who lacked adequate training.

High unemployment and family dislocation after the conflict resulted in a higher rate of child abandonment. Since the domestic adoption rate and foster family programs did not keep pace with the rate of abandonment, infants and children were often housed in group homes with few caretakers. Children with disabilities were often hidden away without proper care, particularly in rural areas.

Children were trafficked to and through Kosovo for the purpose of prostitution (see Section 6.f.). There was also one case of a UNMIK CIVPOL officer who was arrested along with three Kosovo residents for suspected involvement in a child trafficking and prostitution ring.

NGOs began to focus more on developing awareness of children's rights and training of social workers, such as Save the Children, which trained municipal level children's rights coordinators. NGOs reported that television programming for children, rare in 2002, was common, and media reporting on children's issues increased dramatically.

Persons with Disabilities.—There is no comprehensive law that specifically prohibits discrimination against persons with disabilities in employment, education, or

in the provision of state services, and there was considerable discrimination in these areas in practice. However, some laws addressed aspects of disability issues, such as a law on pensions for persons with disabilities over the age of 18, and on education that provides separate classrooms for persons with disabilities. High unemployment placed particular burdens on job seekers with disabilities, and UNMIK and the PISG offered no direct services for persons with disabilities. The law mandates access to official buildings; however, it was not enforced in practice. There were specially marked parking spaces for persons with disabilities, but there was no law preventing others from using them. Progress was made in the area of education for persons with disabilities during the year; there were separate classrooms available in every school for those children whose disabilities required separate facilities, as well as joint classes for children with special needs to involve students with disabilities in regular classroom activities where possible, and 800 children with special needs used this resource during the year.

In the absence of UNMIK and PISG social services for persons with disabilities, the local NGO Handikos was the only provider of extensive services for persons with physical disabilities in Kosovo; however, Handikos had no presence in the Serb-dominated northern municipalities or Novo Brdo, so most minority communities completely lacked services for persons with disabilities.

Consistent with the generally low level of medical care in Kosovo, specialist healthcare for persons with disabilities was not widely available and, for most persons, prohibitively expensive.

There was a complete lack of social understanding about persons with disabilities, and there were no social welfare provisions for the estimated 14,000 persons with mental disabilities in Kosovo. The guardianship law in place did not meet international standards and there was no expertise on the issue of disability rights. For instance, the law does not recognize the placement of individuals in institutions and the treatment against their will (involuntary treatment) as two different legal issues. The law also makes no provision for social welfare assistance for persons on the basis of mental disability.

There were dedicated mental health facilities in Kosovo, including Shtimje, the home for the aged in Pristina, and two facilities for children, one in Shtimje and another in Pristina. The World Health Organization established Community Mental Health Programs in each municipality, but their coverage was inadequate. Kosovo generally lacked mental health facilities with adequate capacity and services. There were psychology wards in hospitals such as in Pristina, which had a capacity of 56, but the conditions were far below acceptable standards for long-term mental healthcare.

The NGO Mental Disability Rights International (MDRI) has been active in promoting rights for persons with mental disabilities following its August 2002 report which found extensive and credible evidence of neglect, physical violence, sexual assault, and arbitrary detention at the main mental health care facilities. Staff and patients at the Shtimje Institute, the Pristina Elderly Home, and the Pristina University Hospital, reportedly committed these crimes, and criminal investigations were underway at year's end. The programs were a product of policies established by UNMIK; however, UNMIK has largely transferred responsibilities on persons with disabilities to local personnel.

In response to MDRI's report, UNMIK established "Boards of Visitors" to provide oversight of conditions and secure funding to build group homes for persons with disabilities. UNMIK spent approximately \$2.5 million (2 million euros) during the year to rebuild the Shtimje institution. On July 17, MDRI issued a 1-year follow-on report alleging that, despite improvements in facilities, UNMIK failed to protect patients' rights and create safe alternatives to institutional care in the community, which UNMIK strongly denied. MDRI reported that resources went almost exclusively to facility improvements rather than to improvement in services and treatment for persons with mental disabilities, which remained inadequate. For instance, Shtimje's 199 residents filled the facility well above its target capacity of 100 residents. Medical staff were not trained to deal with persons with mental disabilities and were insensitive to the special needs of women who had experienced sexual violence or other trauma. MDRI alleged that patients were detained with no legal basis, as no regulation was promulgated by UNMIK to regulate the process of commitment to psychiatric or social care facilities or to protect rights within institutions.

UNMIK lacked a plan for adequate community-support services to allow for integration into the community. In the absence of a community support system, persons with mental disabilities invariably ended up in the criminal justice system, often due to petty crimes, ignorance on the part of police, or inadequate facilities. On occasion, individuals in need of mental health treatment were convicted of fabricated

or petty crimes and ended up in the prison system, which lacked resources for adequate treatment; however, MDRI trained some KPS officers to help prevent this. Additionally, despite documented abuses, no one in Kosovo has been punished for mistreatment of persons with mental disabilities.

National/Racial/Ethnic Minorities.—Although the high level of revenge-based violence that followed Yugoslavia's 1999 withdrawal continued to decline significantly, violence and crime continued to affect minorities. There were killings, kidnappings, and assaults committed against Kosovo Serbs, Roma, and other minorities, and property crimes such as arson continued to occur. Overall the level of violent crime remained about the same as in 2002. There were 72 killings during the year, up slightly from 70 in 2002 (see Section 1.a.). Of these, 17 involved victims from minority communities (24 percent). There were 13 killings of ethnic Serbs during the year, 7 of which were widely believed to be ethnically motivated. Increased violence, particularly during the summer, may have been politically motivated, as evidenced by its correlation with an increase in political activity. The high-profile violent crimes against Serbs were allegedly ethnically motivated, but there was no clear evidence to confirm this because no one was convicted by year's end. Kosovo Serbs and Roma continued to report that they were afraid to leave their enclaves due to fear of intimidation and attack by ethnic Albanians (see Section 2.d.).

On May 17, one Serb, Zoran Mikic, was killed in Vrbovc village of Viti, while another that had gone missing on May 12 was found dead in Gazivode of Zubin Potok municipality. On June 3, a Serb family of three in Obilic was brutally killed, including the 80-year-old Slobodan Stolic, his wife, and son. On August 13, two Serb youths were killed and four wounded by automatic rifle fire while swimming in a river in Gorazdevac. On August 26, a Serb farmer was shot in the stomach by a sniper in Bica, but survived. On August 31, a grenade attack on a shop in Cernica killed one and injured four. No suspects had been arrested in any of these cases, causing considerable concern within the Serb community. On November 16, Viti/Vitina police station was informed of a dead body of a 21-year-old Kosovo Serb male, found in the fields near Klokot village, with a single gunshot wound. Police arrested two Kosovo Serb male suspects who had a land ownership dispute with the victim, but they were later released; the case remained unsolved at year's end.

There were several instances of Serb violence against Kosovo Albanians, but no reported fatalities. On February 12, a group of Serbs from Zubin Potok physically attacked a five-member Albanian family traveling to the Albanian enclave of Caber. On May 4, 62-year-old Albanian Shaip Zhilivoda was beaten by a group of Serbs in North Mitrovica, sustaining serious injuries that left him in a coma for several days; UNMIK police arrested a Serb in connection with this case. On March 3, unknown persons threw a grenade into an Albanian/Bosniak enclave in northern Mitrovica. On April 9, several Serbs threw stones at Bekim Shala, an Albanian, in the Serb enclave of Gorazhdec/Gorazdevac, in Peje/Pec municipality, causing serious injuries. There were several instances of apparent retaliation for the August 13 Gorazdec killings. For 4 days in a row ending on August 18, Albanian neighborhoods in Mitrovica north were the targets of grenade attacks. On August 17, a group of Serbs from Gracanica beat five Albanians, including two children, who were traveling to Gjilan. On August 20, Ramadan Krasniqi was ambushed while driving through the Serb-inhabited village of Raniluk, on Gjilan-Kamenica road, but he escaped unharmed. On September 9, Albanian inhabitants of the northern Mitrovica neighborhood Kodra e Minatoreve complained that Serb "bridgewatchers" were guarding the entrance to their zone under the pretext of protecting Serb homes, while impeding access for Albanians to the local medical clinic and school. In November, five Serbs assaulted the family of Bedri Beka in Mitrovica north while they slept, attacked Beka several times, and threw an explosive device at his house; CIVPOL identified those involved and arrested one suspect.

On December 6, 150 demonstrators surrounded a lunch meeting in north Mitrovica between a delegation of World Bank officials and Kosovo Prime Minister Bajram Rexhepi. The crowd threw stones at the restaurant, damaging the windows. The Prime Minister fled and was not injured, but one member of the international delegation suffered minor injuries.

Members of non-Serb minority communities, including Bosniaks, Egyptians, Ashkali, Gorani, and some Roma, reported that their security situation improved during the year, although incidents of violence and harassment continued to occur and their freedom of movement was restricted in some areas (see Section 2.d.). On July 20, a hand grenade exploded in the garden of an Ashkali family. The head of the family claimed that this was the ninth time his family had been attacked. Bosniak leaders continued to complain that thousands of their community members had left because of discrimination and a lack of economic opportunity.

Civilians were responsible for the destruction, often through arson, of private property. There were 524 cases of arson recorded during the year, up from 489 cases in 2002. Police believed that 26 of these arsons were ethnically motivated. The reported phenomenon of “strategic sales” of property persisted and grew; violence, intimidation, and attractive price offers were used to convince Kosovo Serbs to sell properties at key locations, leading to the erosion of Kosovo Serb neighborhoods and a consequent increase in isolation of those remaining. Property disputes and illegal occupation of homes continued to be a source of inter-ethnic friction (see Section 1.e.). These disputes were rooted in the forced migration and displacement resulting from the 1999 conflict. Kosovo Serbs and Roma live primarily in enclaves, except for the Kosovo Serbs in the north of Kosovo, where Serbs and Albanians partitioned Mitrovica. Serbs lived largely in the northern Kosovo municipalities of Leposaviq/Leposavic, Zubin Potok, and Zvecan, in the northern part of Mitrovica, and in scattered enclaves under KFOR protection elsewhere. KFOR and police provided security to these enclaves, and escorts for those travel, but began to scale back their patrols and escorts.

In Mitrovica, ethnic Serbs and Albanians harassed each other and restricted freedom of movement (see Section 2.d.). Many Kosovo Albanians in South Mitrovica wanted to return to their homes in north Mitrovica, and approximately 1,500 Kosovo Albanians who lived in the northern section of town were subjected to repeated harassment. In predominately ethnic Albanian south Mitrovica, Kosovo Albanians illegally occupied Serb-owned properties. After UNMIK extended its authority to north Mitrovica last year, the Government of Serbia established a branch office of the Kosovo Coordination Centers (CCK), where Kosovo Serbs from the city could apply for Yugoslav documents processed in Serbia. While there remained concern over other “parallel structures” in the area, including the Serb Ministry of Health-funded North Mitrovica Hospital, many of the employees of the former Serbian-funded municipal administration were employed by UNMIK. After Kosovo Serbs in north Mitrovica largely boycotted the 2002 municipal elections, UNMIK appointed a multi-ethnic Advisory Board for north Mitrovica to represent residents of the northern sector of the municipality.

Despite some improvement over previous years, ethnic minorities, particularly Serbs, suffered from widespread social discrimination, particularly in employment, education, and health services. Physical security and freedom of movement continued to be serious concerns for Kosovo Serbs, as evidenced by the continuing residence of the vast majority of Kosovo Serbs in enclaves. Kosovo Serbs also experienced social discrimination in education and health care, but these services continue to be supplemented by funding from Serbia through the CCK and parallel institutions, such as the hospital in North Mitrovica. Minority membership in the KPC continued to be a problem (see Section 1.d.).

The Turkish community was more closely integrated with Kosovo Albanians and felt the impact of social discrimination less than other minorities. Roma were heavily dependent on humanitarian aid. Although there were some successful efforts to resettle Roma, Ashkali, and Egyptians in their prior homes, security concerns persisted (see Section 2.d.).

Section 6. Worker Rights

a. The Right of Association.—UNMIK regulation provides for fundamental rights at work, including the employment relationship, terms of employment, and the right to form and belong to unions and other organizations without employer interference, but no explicit right of association, and workers exercised these rights in practice. Anti-union discrimination is prohibited and did not occur in practice. The Confederation of Independent Trade Unions of Kosovo (BSPK), the largest of the few unions active in Kosovo, reported that the regulation was respected by only a small number of firms. They claimed that worker rights were abused in every sector, including the international organizations, where staff did not have access to security insurance or pensions. The PISG Ministry of Labor and Social Welfare has responsibility for policy recommendations on labor practices and worker rights.

After the war, labor organizations redirected their focus from members’ welfare to traditional labor issues. The dominant union organization, BSPK, was founded in 1990 and its membership reached a high point of about 260,000 members in the mid-1990s. During the year, it had 16 active branches and 4 with observer status. BSPK’s membership was approximately 100,600 persons, of whom half were unemployed. BSPK’s president sat on the board of the Kosovo Trust Agency, which managed the privatization process, and a BSPK member sat on each committee in the Kosovo Assembly. BSPK continued to work with international entities, including the International Labor Organization (ILO), gained full membership to the International Confederation of Free Trade Unions, and observer status to the European

Trade Union Confederation. BSPK had good access to state owned enterprises, but not to private enterprises, so labor rights tended to be limited in private firms. BSPK had a branch for small enterprises and artisans, but it represented owners rather than employees. Another active trade union organization was the Union of Education, Science, and Culture of Kosovo, which was registered as an NGO.

Although legislation expressly permits international affiliations and there were no legal impediments to their activities, in practice, a lack of international travel and exchange constrained the ability of unions to affiliate internationally.

b. The Right to Organize and Bargain Collectively.—UNMIK regulation provides for the right to organize and bargain collectively; however, collective bargaining rarely took place. Trade unions tended to focus on the needs of specific groups, rather than the collective needs of all workers. Workers in various sectors were ineffective at finding common interests for which to negotiate, such as job security, minimum safety standards, and universal benefits. The weak economy and high unemployment rate limited the leverage of labor organizations.

The law does not recognize the right to strike; however, strikes were not prohibited. BSPK believed the right to strike was recognized indirectly when it forwarded its statutes for registration, which contain this right. Nothing in the law addresses labor disputes; however, in 2001, UNMIK, the BSPK, and the Chamber of Commerce concluded a Tripartite Agreement, which BSPK reported was functioning well to help resolve labor disputes.

Workers engaged in strikes and protests, some on a large scale, which tended to be directed against the Government and state-owned enterprises rather than private enterprises. In September, teachers throughout Kosovo held strikes that corresponded with the start of the school year. BSPK called upon teachers to avoid strikes, as did its subsidiary Trade Unions of Primary and Secondary schools in Kosovo, but the SBASHK supported the strikes. Parallel to the teachers, strikes were also organized by more than 700 Trepca miners, demanding employment, and pensioners, who demanded restoration of their status and payment of pensions owed by Serbia. The strikes were resolved through meetings with the Government, which agreed to increase wages for education and health staff by 20 percent immediately and 5 percent starting in 2004, granted immediate assistance to the miners of \$187,500 (150,000 euros), and included miners over 50 years of age, as opposed to 65, in the pensions scheme. There were several other smaller-scale strikes and protests, including an August rally by hundreds of police officers and administrative workers who were dismissed by force during 1987–89.

There are no export processing zones.

c. Prohibition of Forced or Bonded Labor.—The law prohibits forced or bonded labor, including by children; however, there were reports that such practices occurred (see Sections 6.d. and 6.f).

d. Status of Child Labor Practices and Minimum Age for Employment.—The pre-1989 labor laws set the minimum age for employment at age 16 and age 18 for any work likely to jeopardize the health, safety or morals of a young person, but permit children to work at age 15 provided such work is not harmful to the child nor prejudicial to school attendance. In villages and farming communities, younger children typically worked to assist their families. Urban children often worked in a variety of unofficial retail jobs, typically washing car windows or selling newspapers, cigarettes and phone cards on the street; some also engaged in physical labor, such as transporting goods. The number of these children working on the streets rose sharply since 1999, when rural families resettled to cities in large numbers after the war. According to one study, almost half of the children who worked such street jobs lived in rural villages before the 1999 conflict, and one-fifth commuted from villages to work in the cities. Almost 90 percent of these children said they were forced into such work by poverty, and over 80 percent said they worked up to 9 hours a day to support unemployed parents, often preventing school attendance. According to a report published in September by a local NGO, Human Rights and Legal Initiative Professional Center, primarily male children between the ages of 8 and 14 worked on the streets, but they also recorded children as young as age 6. There were no real employment opportunities for children in the formal sector, and institutions lacked a strategy to address this problem or an office focused exclusively on children's rights.

Reports of sweatshops were rare, although some privately operated factories operated under poor conditions. Many families depended on wages earned by children, often by selling cigarettes or groceries on the streets for long hours.

e. Acceptable Conditions of Work.—The Kosovo Office of Statistics estimated that the unemployment rate was 60 percent, and the average wage paid to those who were employed full-time was insufficient to provide a decent standard of living for

a worker and family. The labor legislation provides for a minimum wage, but did not set its level. While the public sector wage, paid out of the Kosovo Consolidated Budget, was \$189 (151 euros), the private sector wage was an average of \$260 (208 euros). Employers did not implement the official 40-hour workweek under conditions of high underemployment and unemployment. Night work was eligible for overtime pay, and the laws prohibited overtime work exceeding 20 hours per week and 40 hours per month.

While many international agencies and NGOs paid adequate wages, UNMIK decided that wages for all jobs that will eventually fall under Kosovo's governmental structure should be set according to the level affordable under the consolidated budget, even though such salaries were barely sufficient to support a worker and a family. This situation precipitated teachers' strikes in October and in September 2002.

Labor inspectors began work at the end of 2001, and the Kosovo Assembly passed a Law on Labor Inspectorate in February, but its implementation was difficult due to high unemployment that made employers and workers less concerned with enforcement of established occupational safety and health standards. The law does not permit employees to remove themselves from dangerous workplaces without fear of losing their jobs.

f. Trafficking in Persons.—UNMIK regulations specifically prohibit all forms of trafficking in persons; however, trafficking of women and children remained a serious problem. During the year, one international police officer was arrested for suspicion of child prostitution and slavery; however, there was no known evidence of official involvement in trafficking.

Trafficking in persons is a crime punishable by 2 to 20 years in prison under UNMIK regulations, which also provide for victim assistance. A client engaging in sex with a victim of trafficking may be sentenced for up to 5 years in prison, while sex with a trafficked minor is a criminal offense carrying penalties of up to 10 years in prison.

UNMIK actively investigated cases of trafficking during the year, and police raided several brothels and nightclubs on almost a weekly basis. The Trafficking and Prostitution Investigation Unit (TPIU) of UNMIK CIVPOL provided a coordinated law enforcement response against trafficking through investigations and counter-trafficking police operations, such as raids against suspected brothels, while local KPS officers provided most of the undercover police work. Since its creation in 2000, TPIU has carried out several thousand counter-trafficking operations, brought over 140 charges on trafficking in human beings, closed 83 premises, and created a database of 1,848 women and 510 men who were suspected of involvement in trafficking. During the year, TPIU conducted 2,047 raids or checks and assisted 70 victims of trafficking. At year's end, there were 200 establishments on UNMIK's list of off limits premises, with 70 percent of those in Prizren and Gnjilane, both close to the border with Macedonia and Albania.

According to TPIU, of 60 trafficking cases in the courts during the year, 26 were ongoing at year's end. Of those completed, the courts acquitted 18 and convicted 17, only one of which resulted in the maximum sentence of 5 years, while all others resulted in sentences of 3 to 6 months. There were also arrests for trafficking-related offenses, including 33 for prostitution, 19 for solicitation of prostitution, 11 for pimping, and 6 for possession of false documents. UNMIK lacked bilateral extradition treaties, so there was no such cooperation with other countries.

A significant problem in anti-trafficking efforts was the low number of prosecutions and convictions, and short sentences for traffickers; this resulted in a lack of cooperation from victims. Victims' rights groups often successfully persuaded victims to return to their homes without waiting to testify against their traffickers, which undermined effective prosecutions. Other factors that contributed to the low number of prosecutions included the increasing sophistication of organized crime efforts to avoid direct links between the victims and senior crime figures, lack of a witness protection program, and inadequate training for judicial personnel.

The numbers of reported trafficking victims increased since last year. However, statistics were often imprecise and unreliable, since CPWC, the IOM, and TPIU relied upon different definitions of trafficking, employed uneven statistical analysis, and overlapped in data collection. CPWC estimated that it responded to approximately 180 cases of trafficking during the year, 80 percent of which were internally trafficked. The IOM assisted 58 victims, including 17 locals. TPIU worked with both of these organizations and others to assist a combined total of 70 local and international victims.

Kosovo was a source, transit point, and destination for trafficked persons; internal trafficking was a problem as well. As in previous years, the vast majority of trafficked women and children in Kosovo were from Eastern Europe. According to the

IOM, over 50 percent of victims trafficked into Kosovo from abroad were from Moldova, 22 percent from Romania, 13 percent from Ukraine, and the rest from Bulgaria, Albania, Russia, and Serbia, while just under 5 percent were originally from Kosovo. Evidence suggested that trafficking was often the result of a coordinated effort between Kosovo Serb and Kosovo Albanian organized crime elements, with Serbia acting as a particularly active transit hub for the transfer of trafficked victims from Eastern Europe into and through Kosovo. Serbia was the entry point into Kosovo for 59 percent of trafficking victims, Macedonia for 21 percent, and Albania for 5 percent. Women from Moldova have also been trafficked into Kosovo through Austria and Switzerland. Some women were trafficked through Kosovo to Macedonia, Albania, Italy, and other Western European destinations. Less than half of the victims traveled with passports, and 70 percent reported crossing borders illegally at least once.

The number of Kosovo victims of trafficking assisted by the IOM Counter Trafficking Unit has consistently increased since 2000, leading to an average of three cases reported per month. This was partly due to increased awareness as well as increased willingness to report the cases to the referral system. The cases of local victims of trafficking assisted in the past 2 years by IOM Kosovo indicated that a large number of the victims were minors (62 percent), particularly young girls between the ages of 13 and 15; the youngest reported victim was 12 years old. The overall number of cases involving minors was increasing; local children and young girls from rural areas were particularly at risk of being trafficked, as were those from urban areas plagued with a high level of poverty, unemployment, and illiteracy (61 percent).

Based on interviews with 271 trafficking victims over the past 3 years, approximately 80 percent of the clients of women trafficked for prostitution were locals, while approximately 20 percent were internationals; however, there were no comprehensive figures on this issue. According to the IOM, the presence of a large international community in Kosovo contributed to an increase in the number of brothels involved in trafficking; however, women rescued from the brothels often reported that the majority of their clientele were locals. While there have been cases of internationals involved in trafficking they were few in number; the international community presence supported trafficking more indirectly than directly, by bringing money into the economy that was spent by locals on prostitution.

Most trafficking in Kosovo was conducted for the purpose of sexual exploitation, but some victims were also subjected to forced labor. Approximately 90 percent of victims were lured into migrating illegally with false job promises or false invitations abroad, while 9 percent were initially forced or kidnapped. According to an IOM report released in September, prior abuse in the family and financial hardship were the strongest determining factors for potential victims of trafficking. Among victims of trafficking, 70 percent were poor and over 80 percent lacked a high school education. Trafficked victims worked in the sex industry, primarily in brothels and nightclubs, and increasingly in private residences. Less than 5 percent reported that they were aware that they would be working in the sex industry when they accepted employment offers. Methods of trafficking increased in sophistication and complexity. Women were less likely to be held by force or physically threatened, but often were paid more after they were trafficked to Kosovo than they could make in their country of origin. Prostitution no longer took place in the bars and brothels, but at the separate premises, such as private apartments. Many trafficking victims were able to make enough money, often approximately \$375 to \$500 (300 to 400 euros) per month, to send remittances to their families in their countries of origin. Many women who were initially victims of trafficking claimed they were engaged in consensual prostitution and refused assistance. They were then either released by police or convicted on prostitution charges with minimal sentences.

Commercial sexual exploitation of children was not a widespread problem in the past; however, there were cases of trafficking victims as young as 12 years old during the year. On June 9, UNMIK police arrested four suspects, three Kosovo Albanians and one international police officer, in Peje/Pec municipality on suspicion of involvement in a child prostitution and slavery conspiracy. One of the Kosovo Albanians involved in the case committed suicide, and the CIVPOL officer was released pending trial. Almost 60 percent of victims were between the ages 18 and 24, and 12 percent were minors. During the year, the IOM assisted a 15-year-old boy who was being trafficked through Kosovo. While the IOM has never directly come into contact with cases of trafficking in children for organs, it believes this practice may have occurred.

Trafficking victims reported that they were regularly subjected to physical violence, rape, denial of access to health care, and confiscation of their travel and identity documents. Victims were often found in poor health and psychological condition,

with as many as 80 percent exhibiting health problems directly resulting from sexual exploitation. Victims reported being physically abused in 78 percent of cases examined by the IOM.

Internationals caught involved in prostitution or entering bars on an UNMIK's list of off-limits premises were returned to their host countries. There were no cases of internationals caught in the act of soliciting or engaging in prostitution, but several were found in suspected premises and sent home, including five KFOR soldiers in Mitrovica, and a CIVPOL police commander sent home from Pristina in March.

There was no evidence of corruption or bribery in trafficking prosecutions; witness cooperation and threats were more significant factors. Some local prosecutors reported instances in which the same lawyer represented an accused trafficker and the victim. The Kosovo Judicial and Prosecutorial Council, which hears disciplinary complaints against local judges and prosecutors, brought 14 disciplinary procedures since 2000, but only 5 during the year, mostly for ethics violations and neglect of responsibilities; corruption charges were not common.

UNMIK and the OSCE, PISG ministries, international organizations, and NGOs shared responsibility for combating trafficking and assisting victims. The UNMIK Victims' Advocacy and Assistance Unit (VAAU) worked with victims of trafficking and other crimes to assist them in accessing the criminal justice system and coordinated victim support. Victims of trafficking who chose assistance were referred by TPIU through OSCE regional officers to one of two organizations. International victims were referred to the IOM, which runs a shelter through the NGO United Methodist Committee on Relief. Domestic victims were referred to the CPWC, which ran a shelter and provided a variety of services for victims, such as counseling and job training. There was also an Interim Secure Facility open to all victims of trafficking and domestic violence while they waited to testify in court or considered whether to seek additional assistance.

Several international agencies and NGOs established programs to assist the victims of trafficking with material support to return to their countries of origin or homes. While UNMIK, the OSCE, and the IOM did not directly provide shelter for domestic victims, they worked with local and international NGOs, such as UMCOR and CPWC to provide these services. In addition, CPWC conducted awareness programs in schools and communities. In early January, CPWC's offices were burglarized and computers with confidential information were taken, potentially putting victims at risk; the crime had not been solved by year's end.

Protection for victims of trafficking made considerable progress in recent years. Since prostitution is illegal and many of the trafficked women were in the country without documentation, victims often failed to report their traffickers due to fear of arrest. However, UNMIK regulation provides a defense for victims of trafficking against criminal charges of prostitution and illegal entry, while the law provides a prohibition against deportation of trafficked persons due to a conviction of prostitution or illegal entry. UNMIK did not provide any official residency status to victims. Those who did not accept assistance from the IOM were released, but if they continued to work as prostitutes, they were subject to re-arrest, short jail sentences, and deportation.

There was significant success in disseminating the view that women who were the victims of trafficking should not be prosecuted for prostitution nor subjected to deportation orders. However, a few local judges sometimes incorrectly sentenced trafficking victims to jail, contrary to the law, which provides for their partial immunity. Judges issued deportation orders against some women for lack of proper documentation.

During the year, the IOM worked closely with the PISG, particularly the Office of the Prime Minister, the Ministry of Labor and Social Welfare, and the Ministry of Health to increase local awareness of the phenomenon of trafficking, and to encourage engagement in counteracting the problem. The IOM also offered training on trafficking to instructors engaged in rule of law development programs. The IOM continued an awareness campaign directed at Kosovo NGOs involved in human rights and women's issues, and a public campaign to discourage the use of commercial sex services by Kosovo men and international staff. The IOM also released a report on psychological support and services for victims of trafficking.

MONTENEGRO

Montenegro was a constituent republic of the Federal Republic of Yugoslavia (FRY) until February when the FRY was dissolved and Montenegro became a constituent republic of the state union of Serbia and Montenegro (SaM). Like Serbia, Montenegro has a president and a parliamentary system of government. On May 11, Filip Vujanovic was elected President in general elections that were deemed free

and fair. The political scene in Montenegro was dominated by two major coalitions, one led by Prime Minister Milo Djukanovic of the Democratic Party of Socialists (DPS), and another by opposition leader Predrag Bulatovic of the Socialist People's Party. The Montenegrin Government continued to act largely independently from the Republic of Serbia on most issues. Montenegro has a separate customs regime, a separate visa regime, its own central bank, and uses the euro rather than the Yugoslav dinar as its currency. The Constitution provides for an independent judiciary; however, courts often were subject to political influence and corruption and remained inefficient.

The Republic's police, under the authority of the Ministry of Internal Affairs (MUP), have responsibility for internal security. The Montenegrin State Security Service (SDB), also located within the MUP, has authority to conduct surveillance of citizens. A detachment of the SaM Army was stationed in Montenegro and cooperated with Montenegrin police to arrest traffickers. While civilian authorities generally maintained effective control of the security services, there were some instances in which elements of the security forces acted independently of government authority. Some members of security forces committed human rights abuses.

Montenegro has a population of approximately 686,000, including refugees and displaced persons from Kosovo. The economy, more market-based than state-owned, was mixed agricultural, industrial, and tourist-oriented. Real gross domestic product growth for the year was approximately 2.5 percent, and annual inflation was approximately 7.8 percent. Wages have not kept pace with inflation due to slow growth of the economy. Low per capita income, and the tolerance for corruption it fostered, combined with a high cost of living to create conditions ripe for crime.

The Government generally respected the human rights of its citizens; however, there were problems in some areas. Police at times beat and abused citizens, although human rights groups noted that there were fewer reports of police abuse than during previous years. Police arbitrarily arrested and detained civilians. Media independence was a problem; however, the Government exercised slightly less influence over the media than in previous years. Pressure from politicians sometimes resulted in distorted coverage of events by state and some private media. Domestic violence and discrimination against women continued to be problems. Some discrimination persisted, particularly with regard to Roma. Trafficking in women and children for sexual exploitation continued to be a problem.

RESPECT FOR HUMAN RIGHTS

Section 1. Respect for the Integrity of the Person, Including Freedom From:

a. Arbitrary or Unlawful Deprivation of Life.—There were no reports of the arbitrary or unlawful deprivation of life committed by the Government or its agents.

There were no developments in the investigations of the 2001 killing of Darko Raspopovic, chief of the Montenegrin police anti-terrorism unit, or the 2000 assassination of Goran Zugic, advisor for security issues to the President of Montenegro.

b. Disappearance.—There were no reports of politically motivated disappearances.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The law prohibits such practices; however, police occasionally beat suspects during arrest or while suspects were detained for questioning.

On May 17, five police inspectors reportedly physically and verbally abused Igor Zindovic in the port city of Bar. According to a criminal complaint filed by the Humanitarian Law Center (HLC), the inspectors detained Zindovic and held him for several days. During this time, they forced a confession of robbery from him by hitting him on the head, stomach, and back and threatening to kill him and throw his body into the sea. Zindovic was taken before the police chief, who said he was to sign everything or he would be "wrapped in a fishing net and thrown in the Bojana River." On May 20, Zindovic was taken to a prison, and the next day he told an investigating judge that his confession had been coerced. On June 10, Zindovic was released when the prosecutor dismissed the case against him.

On August 21, police inspector Dobrasin Vulic and three other unidentified officers reportedly physically abused Nikola Popovic. According to the HLC, which filed a criminal complaint in the case, Popovic, hearing that his son had been detained, went to the police station in the Zabjelo neighborhood of Podgorica. At the station, an unidentified officer punched him, and Vulic kicked him repeatedly in the mouth and nose and threatened to beat him with his nightstick whenever he saw him. Popovic was detained for 3 days. At year's end, judicial authorities had taken no action on the HLC complaint; however, an investigation into charges that Popovic attacked an officer performing a security-related duty was ongoing.

In October, HLC filed a criminal complaint against two police officers for mistreating Izet Korac of Rozaje early that month. According to HLC, Korac was slightly wounded during the incident. An investigation was ongoing at year's end.

Three Bijelo Polje police officers, Mevludin Hasanovic, Vladimir Siljak, and Ljubodrag Žugic, beat student Darko Knezevic and held him for several hours without medical attention in 2002. In accordance with the MUP Department for Internal Control and Control of Legal Usage of Authority, Hasanovic was fined 50 percent of his salary for 2 months and the other two officers were fined 50 percent of their salaries 3 months. The three police officers were also indicted on charges of "mistreatment while on duty"; their trials were ongoing at year's end. At the same time, police agreed not to pursue criminal charges against Knezevic.

In December, the Basic Prosecutor issued an indictment against six police officers in Berane for "exceeding authority" for their involvement in beating five Muslim men in Petnjica in 2002. The victims, considering the indictment too mild, brought private charges against the police officers. The prosecutor also issued an indictment against one of these plaintiffs for "threatening by dangerous arms during a fight or quarrel."

According to the MUP Department for Internal Control and Control of Legal Usage of Authority, police involved in the beating of two Roma internally displaced persons (IDP) boys in 2002 were fined 30 percent of 1 month's salary.

The Municipal Court in Pljevlja ordered the Republic of Montenegro to pay \$11,375 (9,100 euros) to Bojan Tosic in compensation for his unlawful arrest and torture by police in 1999; however, by year's end, the compensation had not been paid. At year's end, a criminal case was ongoing against Police Inspector Zeljko Golubovic for inciting the abuse of Tosic to extract a confession that Tosic had planted an explosive device under an automobile.

Prison conditions generally met international standards; however, some problems remained. Prison facilities were antiquated, overcrowded and poorly maintained. Women were held separately from men. The law mandates that juveniles be held separately from adults and pretrial detainees be held separately from convicted criminals; however, in practice, this did not always occur due to overcrowding. Due to inadequate prison budgets, prisoners often had to obtain hygienic supplies from their families, although the prisons provided basic supplies to those who could not obtain them otherwise.

The Government permitted prison visits by human rights observers, including the International Committee of the Red Cross and local NGOs. The Ombudsman, elected by Parliament in October, had the right to visit detainees and prisoners at any time, without prior notice. After the Ombudsman's office became functional on December 10, the Ombudsman visited one detainee and one inmate.

d. Arbitrary Arrest, Detention, or Exile.—The law prohibits arbitrary arrest and detention; however, at times the police arbitrarily arrested and detained persons.

The MUP controls both National and Border Police. These two services were generally effective in maintaining basic law and order; however, their effectiveness in fighting organized crime was limited. A sizable percentage of the police force was made up of Bosnian Muslims, also referred to as Bosniaks, many of whom were deployed in a predominantly Muslim area in the north commonly referred to as Sandzak. During the year, the Border Police took over from the SaM army responsibility for policing Montenegro's borders. The Government investigated some police abuses; however, criminal procedures and sentences against police were rare. When they were initiated, criminal procedures against police were often of long duration with convictions resulting in only minor penalties.

Low wages and socialist-era habits contributed to an environment in which some corruption was tolerated; the small, close-knit society discouraged reporting of corruption and provided criminals access to law enforcement officers. However, strong international and domestic pressure resulted in some progress.

The international community provided substantial financial and technical assistance to upgrade the quality of training and facilities for the Border Police, with a special focus on combating trafficking in persons. Assistance was also provided to train the police to better combat organized crime.

In December, Parliament adopted the Criminal Procedure Act; it was expected to take effect in April 2004 and to supercede all previous criminal procedure laws. The Act defines the authority of police in pretrial processes and permits police involvement in these processes only with the approval of a judge. It also contains new measures for combating organized crime and for in-court witness protection. The Organization for Security and Cooperation in Europe (OSCE) expects the Act to strengthen protection of human rights and freedoms of citizens while giving more power to police, prosecutors, and courts to combat the most serious criminal offenses.

Arrests require a judicial warrant or “high suspicion that the suspect committed an offense.” A suspect could be detained for up to 72 hours without access to an attorney. It is within this initial detention period that most abuses occurred (see Section 1.c.). Under the new Criminal Procedure Act, expected to take effect in 2004, a suspect may only be detained for up to 48 hours before being taken before a judge. The Act includes a legal requirement to provide access to a lawyer during the pre-trial detention period. There is no general requirement for a juvenile suspect to have an adult present during police interrogation; however, if a juvenile faces a sentence of 5 years or more, an attorney must be present. If a criminal case goes to trial for a crime with a possible sentence greater than 5 years, a lawyer will be appointed if the defendant cannot afford one. There is a system of bail; however, it was not widely used because citizens could rarely raise money for bail. Remanded prisoners were permitted visits by family members and friends, and this was confirmed by an October survey of Montenegrin detention procedures by the Committee of Experts of the European Committee on Crime Problems.

The Montenegrin Helsinki Committee (HCM) did not record any incidents of arbitrary arrest or detention during the year. There were some cases of arrest in which subsequent investigation did not lead to prosecution; however, unlike in previous years, the HCM did not find any political, ethnic, or religious motivation in these cases. The HCM believed the police sometimes made arrests before collecting sufficient evidence and that some police officers at times formulated records in a manner that made it appear that preliminary investigations were concluded when they had not been.

The law prohibits forced exile, and the Government did not employ it.

e. Denial of Fair Public Trial.—The Constitution provides for an independent judiciary; however, a historical lack of cooperation between police and prosecutors, a backlog of cases, often primitive courtroom facilities, and corruption remained problems. The Government may have at times influenced prosecutors for political reasons. Although judges were poorly paid, some received free housing, which to some extent offset their low salaries. The failure to bring indictments in a trafficking case involving a deputy state prosecutor raised concerns of possible political influence on the justice system (see Section 6.f.).

The court system consists of municipal, higher (or district), and supreme courts at the republic level.

In accordance with the 2002 Law on Courts, a Judicial Council was established and began functioning during the year. The Supreme Court President chairs the Council, and other members include judges, lawyers, and academics; no Executive Branch members are included. The Judicial Council selects and disciplines judges and handles court administration, such as preparation of the judiciary’s budget request. The law also requires that cases be assigned to judges by rotation and dictates formation of an Appeals Court and an Administrative Court to reduce the burden on the Supreme Court; however, these new courts had not been formed by year’s end due to lack of facilities.

The law provides for the right to a fair trial, the presumption of innocence, access to a lawyer, and the right of appeal.

There were no war crimes trials in Montenegro during the year, although cases for compensation for damages during the conflict in the 1990s were heard.

In 2002, the Bijelo Polje District Court sentenced former “Avengers” paramilitary unit member Nebojsa Ranisavljevic to 15 years in prison for war crimes committed in Serbia and Bosnia during the Bosnian war. The Supreme Court held a hearing on Ranisavljevic’s appeal, but at year’s end the court had not issued a ruling. Victims’ families pressed criminal charges, seeking to have the Ranisavljevic investigation extended to additional individuals, including Dobrica Cosic and high officials in office when the alleged crimes were committed. The families also initiated 19 lawsuits seeking compensation for non-material damages (e.g., pain and suffering) in courts in Montenegro (Bar, Berane, Bijelo Polje, Rozaje) and Serbia (Prijepolje). These cases were pending at year’s end. In February, the HCM requested an investigation of Dobrica Cosic.

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The Constitution prohibits such actions; however, the law allows the SDB to eavesdrop on citizens without court authorization. Some observers believed that police used wiretapping and surveillance against opposition parties and other groups on a selective basis. Many individuals and organizations operated on the assumption that they were, or could be, under surveillance.

Citizens could inspect secret files kept on them by the SDB from 1945 to 1989; however, they did not have access to post-1989 files.

There were reports that membership in the appropriate political party was a prerequisite for obtaining positions or advancing within certain parts of the Government.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution and laws provide for freedom of speech and of the press, and the Government generally respected these rights in practice; however, officials brought or threatened libel suits when accused of wrongdoing. Despite some steps to move away from state control of the media, certain private media, such as the daily *Publika*, retained close ties to the Government.

The Government tried to move away from state-run media towards true public broadcasting (PBS) and privatization. The Media Law mandates regulatory structures designed to insulate state-owned media from direct party control, including a Radio and Television Council (RTVCG) to take over from the Government editorial oversight of PBS radio and television stations. The Council was formed during the year, with members selected by a variety of NGOs and professional groups; however, some observers noted that many Council members had close ties to the Government. The state-owned print media were slated for privatization, so they were not placed under the purview of RTVCG. Despite an obligation imposed by the 2002 media laws to privatize by November, the state-owned daily newspaper *Pobjeda* had not begun the process at year's end. Only two out of a dozen local, state-owned newspapers began the privatization process by year's end.

The print media consisted of a mixture of state-owned and private news outlets, which published a wide variety of domestic and foreign articles. Domestic radio and television stations regularly broadcast programs from Belgrade's B-92, Croatian State Television, Italian television, the British Broadcasting Corporation, the Voice of America, and Radio Free Europe.

Domestic radio and television stations needed licenses from the Government to broadcast. The regulatory Broadcasting Agency was established during the year; however, it had not begun allocating licenses by year's end. YU-INFO TV news no longer broadcast from military bases in the Republic; the broadcasts had violated the law. The Serbian television station TV Pink, highly partial to the Montenegrin Government, continued to broadcast in Montenegro under temporary licenses received in a non-transparent procedure from the Agency for Telecommunications. The more financially and technically powerful TV Pink began to edge out Montenegrin independent stations from the market.

Many private media outlets lost guaranteed financial backing from supporters and had to rely on circulation and advertising for revenue; this increased competition for audience share and resulted in the closure of two dailies. A tacit government requirement that ministries place their listings, such as government job vacancies, in the pro-government *Publika* newspaper provided extra revenue for this relatively low-circulation daily.

In 2002, the parties then in opposition voted in favor of media reform laws that ultimately led to cancellation of the state-run television's gavel-to-gavel coverage of Parliament. However, when the RTVCG Council ordered that full coverage cease, the opposition began a boycott of Parliament, arguing that government domination of the media made it necessary for citizens to see unedited parliamentary coverage. Although the RTVCG and many other actors offered various compromises that would provide near-complete coverage, the boycott was ongoing at year's end.

There were no publicized cases of direct government censorship of state-owned media. However, officials continued to bring libel suits against some media outlets, the newspaper *Dan* in particular, for relatively harmless offenses. The fear of being sued for libel, which carried criminal penalties of up to 3 years' imprisonment, continued to inhibit free expression in the press. However, in December, Parliament adopted a new criminal code that eliminated jail sentences for libel (including insult and defamation), imposing only fines ranging from \$750 to \$12,500 (600 to 10,000 euros). In September, after *Dan* printed an opinion piece asserting that Prime Minister Djukanovic used the services of trafficked women, the Prime Minister filed a libel lawsuit against the editor-in-chief of *Dan* and his deputy, and against the NGO activist who wrote the article; the cases had not gone to court by year's end. Despite the continued risk of libel suits, a modest increase in the willingness of the media to criticize the Government was noticeable.

In November 2002, the Podgorica Higher Court sentenced former editor-in-chief of opposition daily *Dan*, Vladislav Asanin, to 30 days in jail for libeling businessman Stanko Subotic and to a 3-month jail term for libeling then President Djukanovic after Asanin reprinted in *Dan* an allegation that Subotic and Djukanovic were involved in cigarette smuggling. By year's end, the Government had not jailed Asanin for either conviction; however, the Supreme Court denied his appeal in the Subotic

case on October 13. His appeal in the Djukanovic case remained pending at year's end.

The Government did not restrict access to the Internet or academic freedom.

b. Freedom of Peaceful Assembly and Association.—The Constitution provides for freedom of assembly and association, and the Government generally respected these rights in practice.

c. Freedom of Religion.—The law provides for freedom of religion, and the Government generally respected this right in practice. There was no state religion, although the Montenegrin Constitution mentions the Orthodox Church, Islamic Religious Community, and Roman Catholic Church as equal and separate from the state, and the Serbian Orthodox Church received some preferential treatment in practice. The Ministry of Religion was abolished early in the year.

While there was no formal registration requirement for religions, religious groups had to register as citizen groups with the Montenegrin MUP in order to gain status as a legal entity, which is necessary for real estate and other administrative transactions. The Diocese of Montenegro and the Littoral-Serbian Orthodox Church, even though not formally registered, enjoyed the status of legal entity.

A human rights organization claimed that the Government discriminated against a member of the Jehovah's Witnesses from Berane who received a 1-year sentence for use of a counterfeit banknote. These human rights activists questioned the strength of the evidence presented in the case and noted that the defendant's membership in the Jehovah's Witnesses was included in the court decision.

There was no progress noted during the year on restitution of previously seized church property. The Government challenged a decision by the SaM Ministry of Defense to transfer military property into the hands of the Serbian Orthodox Church. Officials claimed the transfer was an illegal attempt to prevent the Republic Government from obtaining the property when the federal state was dissolved.

Religion and ethnicity were intertwined closely and in many cases it was difficult to identify discriminatory acts as primarily religious or primarily ethnic in origin. Minority religious communities reported some continued problems with vandalism of church buildings, cemeteries, and other religious premises.

Catholic, Orthodox, and Muslim communities coexisted within the same towns and often used the same municipal-owned properties for worship services. Tensions continued between the canonically unrecognized Montenegrin Orthodox Church and the Serbian Orthodox Church, but these tensions were largely political. Pro-Serbian political parties strongly supported moves to establish the Serbian Orthodox Church as the official state religion, while pro-independence parties pushed for the recognition of the Montenegrin Orthodox Church. The two churches continued to compete for adherents and made conflicting property claims; however, the contention was not marked by the violence seen in previous years.

For a more detailed discussion, see the 2003 International Religious Freedom Report.

d. Freedom of Movement within the Country, Foreign Travel, Emigration, and Repatriation.—The Constitution provides for these rights, and the Government generally respected them in practice.

There were approximately 18,019 IDPs from Kosovo. The majority of IDPs were ethnically Montenegrins (5,816) and Serbs (4,515); however, there were also Roma (3,118) and others. Eviction of Roma from illegal settlements and, sometimes, legal residences, was a serious problem (see Section 5).

The law provides for the granting of refugee status to persons who meet the definition in the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. There is no law that provides for asylum. In practice, the Government provided some protection against refoulement and granted refugee status. Such cases were referred to the office of the U.N. High Commissioner for Refugees (UNHCR) in Belgrade for determination. Refugees that the UNHCR determined had legitimate fears of persecution could then be resettled elsewhere. People who entered Montenegro illegally claiming fear of persecution were sent to Belgrade, where they were detained for up to 3 weeks in a special jail. In these cases, the UNHCR was also requested to determine the legitimacy of persecution claims.

The Government generally cooperated with the UNHCR and other humanitarian organizations in assisting refugees. According to the UNHCR, there were 13,299 refugees from the former Yugoslavia in the Republic (9,716 from Bosnia and Herzegovina, 3,560 from Croatia). Only refugees who were leaving the country permanently were issued travel documents. Conditions for refugees varied; those with relatives or property in the country were able to find housing and, in some cases, employment. Many Roma refugees lived in collective centers, with only limited access to health care and education. One of the major problems for Roma children was

their lack of knowledge of the Serbian language; Albanian is the first language for most Roma in Montenegro, particularly IDPs.

The 2002 Law on Employment treated refugees as economic migrants and deprived them of the right to register with the Montenegrin Employment Bureau, a right IDPs lacked. The May 5 Decree on Employment of Non-Resident Physical Persons was designed to limit economic migration; however, a \$3.13 (2.5 euros) per-day surcharge it levied on employment of non-residents also applied to refugees and IDPs, making their labor more expensive than comparable labor of Montenegrin citizens.

Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government

The Constitution provides citizens with the right to change their government peacefully, and citizens exercised this right in practice through periodic, free, and fair elections held on the basis of universal suffrage.

In February, a presidential election failed due to low turnout (46.1 percent), with the mainstream opposition parties boycotting. Parliament then removed the 50 percent turnout requirement, and acting president Filip Vujanovic was elected President on May 11, with 64 percent of the vote in a free and fair election, which had a turnout of 48.3 percent.

In an October 2002 election, President Djukanovic's coalition, Democratic List for a European Montenegro, obtained a majority in Parliament, with 39 out of the total 75 parliamentary seats. After resigning the presidency in late 2002, Djukanovic formed his Government on January 8 and was confirmed as Prime Minister. Djukanovic has been in power as President or Prime Minister almost all of the previous 12 years.

The Croatian minority's political party, Croatian Civic Initiative, won four seats in the Tivat municipal assembly in 2002. According to a survey by the Ministry for Protection of Rights of Minorities and Ethnic Groups, there were no Roma in the state administration, and only 0.15 percent of local administration employees were Roma.

There were no legal restrictions on women's participation in government and women voted in large numbers. There were 8 women in the 75-seat legislature, and 2 women in the cabinet (Ministers of Culture and Foreign Economic Relations). Vesna Medenica, a female judge, was appointed State Prosecutor when her predecessor resigned under pressure from critics who accused him of corruption and possible collusion in a highly visible human trafficking case. At year's end, there was one female mayor in Montenegro's 21 municipalities. (Two female mayors resigned during the year.)

There were no legal restrictions on political participation by ethnic minorities, although ethnic Montenegrins and Serbs dominated the Republic's political leadership. There were 11 ethnic minorities in the 75-seat legislature, and 3 in the Cabinet. Ethnic Albanians and Bosniaks participated in the political process, and their parties, candidates, and voters participated in all elections. Four parliamentary seats are allocated to ethnic Albanians; two of these seats were held by members of Albanian parties and the other two were held by members of Prime Minister Djukanovic's DPS.

Section 4. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A number of domestic and international human rights groups generally operated without government restriction, and officials were somewhat cooperative and responsive to their views. There were a substantial number of NGOs investigating and publishing their findings on human rights cases; these included HLC, HCM, and the Center for Democracy and Human Rights. NGOs have been credited with helping to bring about an overall decline in police brutality and other abuses.

There was a committee on human rights in the Parliament; however, in December, HLC and HCM stated that the committee was inactive.

The Government cooperated with the International Criminal Tribunal for the former Yugoslavia (ICTY) in allowing access to witnesses and in responding quickly to reports that indictments might have been in Montenegro. Prime Minister Djukanovic declined the ICTY Prosecutor's request that he testify in the trial of Slobodan Milosevic in September.

In July, Parliament adopted the Law on the Protector of Human Rights and Freedoms (the Ombudsman Law). In October, Parliament elected former Constitutional Court Judge Sefko Crnovrsanin as the first Ombudsman and the Ombudsman office was functioning by year's end. According to the Law, the Ombudsman protects human rights and freedoms guaranteed by the Constitution, laws, ratified inter-

national human rights agreements, and generally accepted principles of international law, when these rights are violated by actions or omissions of state bodies, local governments, or public services. The Ombudsman does not have authority over the work of the courts, except in cases of prolonged procedure, obvious abuses of procedure, and failure to execute court decisions. Anyone can appeal to the Ombudsman, and the procedure is free of charge. If the Ombudsman finds a violation of human rights or freedoms, he may initiate disciplinary procedures or dismissal of the violator. Failure to comply with the Ombudsman's request for access to official data, documents, or premises, or to the Ombudsman's request to testify at a hearing, is sanctioned by fines of 10 to 20 times the minimum monthly wage. The Ombudsman must submit to Parliament an annual report, which is a public document.

Section 5. Discrimination Based on Race, Sex, Disability, Language, or Social Status

The law provides for equal rights for all citizens, regardless of ethnicity, social status, or gender; however, in practice, the Government provided little protection against discrimination.

Women.—High levels of domestic violence persisted, particularly in rural areas. The few official agencies dedicated to coping with family violence had inadequate resources and were limited by social pressure to keep families together. In 2002, the Government introduced provisions against domestic violence in its criminal legislation. Prescribed sanctions are: For arrogant behavior that threatens the tranquility, physical integrity, or mental condition of a family member, a fine or up to 1 year in prison; if dangerous weapons are used, 3 months to 5 years in prison; if damage to health or serious injury results, or if directed against a minor, 1 to 5 years in prison; and if death results, 3 to 12 years in prison. Victims of domestic violence rarely filed complaints with the authorities. According to a survey by the NGO SOS Hotline for Women and Child Victims of Violence-Podgorica (SOS Hotline), only 30 percent of victims reported domestic violence incidents to police. In the 2 districts for which SOS Hotline had statistics, approximately 180 domestic violence criminal complaints were filed with police, and police forwarded about 85 of these to prosecutors. In the remaining cases, police usually issued warnings. The judiciary prosecuted a number of domestic violence cases; however, NGOs reported that courts were insufficiently active on domestic violence cases due to lack of understanding of the issue. Seniors from the MUP High School in Danilovgrad were trained to deal with domestic violence.

Punishment for spousal rape is 1 to 10 years in prison; however, the crime can only be prosecuted if the victim brings the charges. According to SOS Hotline, although nearly one-fourth of married women are victims of spousal rape, no charges were filed during the year.

Punishment for rape is 1 to 10 years in prison. According to the Montenegrin Women's Lobby (MWL), victims rarely filed criminal complaints for rape. Of the two women MWL assisted to file criminal charges against their alleged rapists during the year, neither ultimately pursued a prosecution.

Trafficking in women for prostitution was a problem (see Section 6.f.). A lack of female police at police stations resulted in long delays in investigating rapes, assaults, and offenses against women.

Sexual harassment was a problem. Women did not enjoy equal status with men, and few women held upper-level management positions in government or commerce; however, increasing numbers of women served as judges, and there were many women in professional fields such as law, science, and medicine. Legally, women were entitled to equal pay for equal work; however, in practice, they did not always receive it. Women were allowed 12 to 18 months of maternity leave.

Traditional patriarchal ideas of gender roles, which hold that women should be subservient to male members of their families, continued to subject women to discrimination in the home. In rural areas, particularly among minority communities, women did not always have the ability to exercise their right to control property, and husbands commonly directed wives' voting. Divorce occurred, although infrequently. Women were active in human rights organizations.

Children.—The Government attempted to meet the health and educational needs of children; however, insufficient resources impeded this goal. The educational system provided 8 years of mandatory schooling. Although ethnic Albanian children had access to instruction in their native language, some Albanians criticized the Government for not developing a curriculum in which Albanians could learn about their ethnic culture and history. Most Roma children received little or no education beyond the primary school level.

There were some reports that abuse against children was a problem, although there was no societal pattern of such abuse. The law does not allow a juvenile to

make an allegation of a crime without a parent or guardian present; consequently, there was almost no reporting of child abuse or incest.

Trafficking in girls for the purpose of prostitution was a problem (see Section 6.f.).

Persons with Disabilities.—The law prohibits discrimination against persons with disabilities in employment, education, or in the provision of state services. The law mandates access to new official buildings, and the Government enforced these provisions in practice; however, facilities for persons with disabilities were inadequate, including at polling stations. Mobile voting existed for handicapped or ill voters who could not come to polling stations. There was societal discrimination against persons with disabilities.

National/Racial/Ethnic Minorities.—Societal discrimination against ethnic minorities persisted. While there was no officially sanctioned discrimination against the Roma population, prejudice against them was widespread. Local authorities often ignored or tacitly condoned societal intimidation or ill treatment of Roma, many of whom were IDPs from Kosovo. The HLC reported that a Roma woman, Radmila Selimovic, was discharged from the hospital following a July 16 hit-and-run accident with no follow-up treatment arranged in spite of serious injuries she had received, including a broken pelvis that left her unable to walk. The police had not taken a statement from her by year's end. On June 19, the Montenegrin Government agreed to pay \$1,231,250 (985,000 euros) to 74 Roma whose neighborhood was destroyed by a mob in 1995—as police stood by—following the alleged rape of a non-Roma girl by two Roma youths.

Roma IDPs, who lived primarily in collective centers and scattered settlements throughout the country, often lacked identity documents and access to basic human services (see Section 2.d.). Eviction from illegal settlements and, sometimes, legal residences, was a serious problem.

HLC reported that the local population exerted pressure on three Roma families to move out of Niksic and organized protests against the Roma in front of the City Council. In response, police provided stronger security for the Roma families concerned.

Some Bosniaks complained that the division of the Sandzak region between Montenegro and Serbia created some problems for residents. The majority of Montenegrin Bosniaks supported the Djukanovic Government and were integrated into national political parties (see Section 3).

Section 6. Worker Rights

a. The Right of Association.—The law provides for the right of association for all workers; however, military personnel may not form unions. Most, if not all, of the workforce in the official economy was organized. Both official, government-affiliated unions and independent unions existed. Because the independent labor movement largely was fragmented, there was little improvement in working conditions or wages. A general lack of resources within the economy also acted as a restraint.

The Constitution, laws, and the General Collective Agreement prohibit anti-union discrimination. Anti-union discrimination was not generally a problem, although workers were involuntarily transferred to lower-paid positions discriminatorily. Unions could affiliate with international labor organizations; however, access to international labor unions was limited.

b. The Right to Organize and Bargain Collectively.—The law provides for the right of collective bargaining; however, collective bargaining remained at a rudimentary level of development. Instead of attempting to make progress on the collective needs of all workers, negotiations generally centered on advancing the needs of a specific group of workers. The high unemployment rate limited unions' bargaining power and willingness to take action.

The law only prohibits strikes by military and police personnel. Strikes were frequent during the year, primarily caused by the economic situation, unpaid salaries, allegations of manipulation and fraud in the privatization process, and denial of union rights. A strike of education workers during the year lasted nearly 11 months. There were also strikes in shipping and hotel/tourism companies, timber- and wood-processing plants, a home appliance plant, and a construction equipment company—all state-owned.

There are no export processing zones.

c. Prohibition of Forced or Bonded Labor.—The law prohibits forced and bonded labor, including by children; however, there were reports that such practices occurred (see Sections 6.d. and 6.f.).

d. Status of Child Labor Practices and Minimum Age for Employment.—The official minimum age for employment is 15 years, although in farming communities it was common to find younger children assisting their families. Children could also

be found in a variety of unofficial retail jobs, typically washing car windows or selling small items such as newspapers. The high unemployment rate ensured that there was little demand for child labor in the formal sector.

Some children worked in the “gray zone” between voluntary and forced labor; however, there were no reports that such practices occurred systematically.

e. Acceptable Conditions of Work.—The minimum wage was \$62.50 (50 euros) per month, and large government enterprises, including all of the major banks and industrial and trading companies, generally observed this wage. The minimum wage was comparable to unemployment benefits or wages paid to those on mandatory leave. The gross average wage for 2002 was \$231 per month (185 euros), with a disposable average wage (after social contributions and payroll taxes) of approximately \$106 (85 euros) per month; this amount was insufficient to provide a decent standard of living for a worker and family. Prices increased faster than wages, with inflation as of October at 6.7 percent. The latest available data suggest that households spent almost all of their resources on basic needs, such as food, clothing, and housing.

The official workweek is 40 hours and payment of overtime is prescribed by the GCA. The Government did not give high priority to the enforcement of established occupational safety and health regulations. In view of the competition for employment, workers were not free to leave hazardous work situations without risking loss of employment.

f. Trafficking in Persons.—The law prohibits trafficking in persons; however, trafficking in persons remained a serious problem. There were reports that police and other officials were involved in trafficking.

The Criminal Code provides for up to 8 years’ imprisonment for trafficking and up to 10 years’ imprisonment if a person under age 14 is involved. The new Criminal Code, which is expected to take effect in April 2004, sets the punishment for all trafficking in persons at up to 10 years’ imprisonment. Only three cases under the new trafficking charge had come to trial by October, and only one resulted in a conviction. NGOs and international organizations suspected that the small number of arrests did not reflect the full extent of the trafficking problem.

A controversial case involving the rape and torture of a trafficked woman from Moldova, identified by the initials S.C., arose when authorities arrested Montenegrin Deputy State Prosecutor Zoran Piperovic in November 2002. Government officials were alleged to be directly involved in the purchase, sale, rape, and torture of S.C. Piperovic and two other suspects were charged with mediation of prostitution, and a fourth person was charged with trafficking in persons and mediation of prostitution. After Ana Vukovic, the Podgorica Municipal Court Investigative Judge assigned to the case, conducted a 4-month investigation, including interviews with about 50 witnesses, she recommended that indictments be issued against all four suspects. On June 2, after reviewing Vukovic’s report, Podgorica Prosecutor Zoran Radonjic dismissed charges against all the suspects, citing insufficient evidence. Judge Vukovic criticized Radonjic’s decision, stating publicly that she believed her investigation had turned up sufficient evidence to indict Piperovic and the other suspects (see Section 1.e.). Foreign governments, the European Union, and the OSCE strongly criticized the decision not to try the case.

S.C., who was residing abroad, decided not to pursue the case further through an optional procedure known as a private prosecution, and Judge Vukovic officially closed the case on September 2, noting that it could be reopened if new evidence emerged. In November, Judge Vukovic claimed that she was wiretapped and placed under surveillance; the SDB and police denied the charges. At year’s end, State Prosecutor Vesna Medenica was investigating Vukovic’s allegations.

In July, at the invitation of the Montenegrin Government, the Council of Europe and the OSCE performed a joint investigation of the handling of the S.C. case and provided a copy of their report and recommendations to the Government at the end of September. The Government provided its response on October 20, and both the report and response were made public by year’s end.

The Government and ruling party (DPS) denounced the case, and in late January when Prime Minister Djukanovic formed a new government, he did not renew the mandate of the incumbent Minister of Internal Affairs, Andrija Jovicevic. This move was widely interpreted as retaliation for Jovicevic’s authorization of Piperovic’s arrest. Government actions, such as disbanding the special anti-trafficking police unit that arrested Piperovic and the other suspects, and transferring the police’s anti-trafficking chief to a new department, raised concerns about the Government’s commitment to fighting trafficking. However, the Government did fire Deputy State Prosecutor Zoran Piperovic; his boss, State Prosecutor Bozidar Vukcevic; and Podgorica Prosecutor Zoran Radonjic.

Since 2001, a National Coordinator appointed by the MUP has chaired the Anti-Trafficking Working Group composed of relevant ministries, social services, the OSCE, the International Organization for Migration (IOM), and NGOs. Until the Piperovic case arose, there had been good cooperation among the board's members; however, the scandal appeared to damage trust within the group, and cooperation reportedly neared a standstill. One source of tension was the coordinator's admitted close friendship with one of the accused. The Anti-Trafficking Working Group convened several times in the second half of the year to develop an anti-trafficking strategy. In November, the Government approved the strategy and established a new inter-ministerial working group tasked with supervising implementation; the group began its work in December.

Available data suggested that Montenegro remained primarily a transit point for trafficked women and children and, to a lesser extent, a destination. According to local NGOs, victims likely originated from Romania, Ukraine, Moldova, Bulgaria, and Russia, often passing through Belgrade and on to Kosovo or Albania, where they continued on to Italy and other western European countries. Trafficking had increased steadily since 1999; however, since January, there was a decline in the reports of trafficked persons to NGOs and international organizations such as the IOM. The Podgorica shelter, Safe Women's House, accommodated approximately 49 women between its opening in 2001 and the end of 2002; however, in the first 9 months of the year, it housed only 9 women. Precise figures on the number of women and children trafficked through Montenegro were not available.

Information regarding the latest methods of recruitment or entrapment of trafficked women was not readily available; however, NGOs reported that, as in the past, victims often responded to employment advertisements for jobs abroad as babysitters, hairdressers, maids, waitresses, models, or dancers. According to the International Helsinki Federation, although some women may have been aware that they were going to work in the sex industry, they often were unaware of the slavery-like conditions they might face. Many women were sold several times in different countries to different nightclub owners. Their passports often were confiscated. Women reported being beaten and raped by their traffickers. There were allegations that some authorities have colluded in trafficking by taking bribes, although the Government denied such allegations.

The highly publicized S.C. case and police crackdowns on nightclubs and brothels may have forced the sex industry into a lower profile. Women's organizations reported a decline in requests for help by trafficked women, which they attributed to the removal of women from bars and nightclubs to brothels set up in private residences, where they had less opportunity to escape or be discovered.

A protocol signed by the MUP and two local NGOs in 2002 provides procedures for protecting trafficking victims by distinguishing them from prostitutes and illegal migrants, as well as procedures for referring victims to appropriate social services; however, according to local NGOs, law enforcement authorities continued to mishandle some cases involving potential victims. In February, authorities transferred a Romanian woman found in Bar to a detention center in Belgrade. She was later found to be a victim of trafficking and transferred to the shelter in Belgrade. The Government repatriates victims; a number of international donors funded repatriation through the IOM.

International organizations sponsored police training in methods of dealing with human trafficking. Local NGOs, with the support of international donor funding, opened a shelter for trafficking victims and a 24-hour hotline in Podgorica. General awareness of the problem improved following internationally sponsored public awareness campaigns conducted throughout the country.

SLOVAK REPUBLIC

The Slovak Republic is a multiparty parliamentary democracy, led by a prime minister and a 150-member parliament. In September 2002, a reform-oriented government, led by Prime Minister Mikulas Dzurinda, was elected. President Rudolph Schuster serves as head of state and was elected for a 5-year term in the country's first direct presidential elections in May 1999. Both elections were declared free and fair by the Organization for Security and Cooperation in Europe (OSCE). The Constitution provides for an independent judiciary; however, corruption and inefficiency were serious problems.

The national police have sole responsibility for internal and border security. With the exception of the Slovak Information Service (SIS), which reports directly to the Prime Minister, all security forces are under the Ministry of the Interior. A par-

liamentary commission composed of legislators from ruling and opposition parties oversee the SIS. Civilian authorities maintained effective control of the security forces. Some members of the police and SIS forces committed human rights abuses.

The country had a population of approximately 5.4 million and an industrialized market economy. Industry and the banking sector were almost completely privatized. The gross domestic product (GDP) rose 4 percent during the first 9 months of the year. The private sector generated approximately 90 percent of the GDP in the first three quarters. The year-end inflation rate was 9.3 percent. The unemployment rate decreased to less than 15 percent nationwide but approached 30 percent in some regions.

The Government generally respected the human rights of its citizens; however, there were problems in some areas. Police officers allegedly beat and abused persons, particularly Roma. The performance of the security forces, particularly the police, continued to improve during the year. Investigation and prosecution of racially motivated crimes improved, although sentences imposed by some judges appeared lenient, leading some nongovernmental organizations (NGOs) to claim that perpetrators were not adequately punished. There were reports of sterilizations that were coerced or without informed consent, particularly of Romani women, which the Government did not promote or approve but did investigate and took some steps to address. Societal violence against women and children remained problems. Skinhead attacks on Roma and other minorities continued. Minorities, particularly Roma, faced considerable societal discrimination. Trafficking in women also remained a problem.

RESPECT FOR HUMAN RIGHTS

Section 1. Respect for the Integrity of the Person, Including Freedom From:

a. Arbitrary or Unlawful Deprivation of Life.—There were no reports of the arbitrary or unlawful deprivation of life committed by the Government or its agents during the year.

The case of seven police officers, who were charged with inhuman and degrading treatment in the 2001 death of a Rom while in police custody, was returned to the prosecutors for further investigation. The prosecutor appealed the decision to the Supreme Court. The remaining four officers were released from pretrial detention, while an investigation into the alleged involvement of the mayor of Magnezitovce was reopened after a judgment from the Supreme Court.

A complaint filed by the European Roma Rights Center (ERRC) in the case of a Rom killed during an interrogation in 1999 remained pending before the European Court of Human Rights (ECHR) at year's end.

b. Disappearance.—There were no reports of politically motivated disappearances.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The Constitution prohibits such practices; however, on occasion, police allegedly beat suspects in custody, primarily Roma.

There continued to be reports of police brutality against Roma (see Section 5). According to Roma legal rights NGOs, Roma were frequently subjected to abusive raids on Romani settlements, the use of excessive force against suspects, and officials' failure to investigate thoroughly crimes against Roma. There were 165 complaints of police brutality reported in the first 6 months of this year, compared with 102 complaints in the same period of 2002. The suspected officers went to trial in only 3 percent of the cases. From October 2002 through June, Minister of the Interior Vladimir Palko dismissed 236 officers, of whom 6 percent left the force for committing physical abuse or threats. A supervisor who witnessed a racially motivated crime and did not act was also released from duty.

Police reportedly used pressure and threats to discourage Roma from pressing charges (see Section 1.d.). There were credible reports that, at times, police contributed to the problem of violence against Roma by not investigating attacks against them in a timely and thorough manner or by coercing Roma not to submit potentially incriminating evidence (see Sections 1.d. and 5).

The Supreme Court ruled early in the year that previous amnesties prevented criminal prosecution of Ivan Lexa, the former SIS director, for the 1995 abduction of the son of former President Michal Kovac; he was released from pretrial detention but charges remained in the death of a key witness in the kidnapping case and for many other crimes.

Prison conditions generally met international standards; however, overcrowding among pre-trial detainees increased from 115 to 128 percent. Men and women were held separately, as were juveniles from adults, and pretrial detainees from convicted criminals.

The Government permitted visits by independent human rights observers. The Slovak Helsinki Committee negotiated a formal agreement with the General Management of Prisons to monitor conditions in all jails holding convicted prisoners.

d. Arbitrary Arrest, Detention, or Exile.—The Constitution prohibits arbitrary arrest and detention, and the Government generally observed these prohibitions.

The national police, which has sole responsibility for internal and border security, reports to the Ministry of Interior (MOI). Police operated under severe constraints, including insufficient resources, training, and equipment. Amendments to the Police Act were approved during the year to improve communication and the timeliness of investigations. Improvements, such as the use of cooperating witnesses and reorganization of police ranks, further contributed to accountability and effectiveness. Since September, civil servants have replaced police officers and political appointees in many MOI positions to professionalize the ministry and place more police on the streets. In addition, MOI Minister Vladimir Palko strictly enforced disciplinary measures, and many police officers were forced to resign during the year; several left because of problems with alcohol, corruption, or disorderly conduct.

Human rights observers continued to charge that police investigators were reluctant to take the testimony of witnesses, particularly Roma, regarding skinhead attacks on Roma. They also contended that on occasion, police failed to investigate cases of skinhead violence when the skinheads did not admit to the crime, although they were increasingly responsive in their efforts to monitor and control the skinhead movement (see Section 5). The Police Center for Monitoring Extremist Activities organized raids on meeting places of extremist groups and continued to cooperate on factfinding investigations with NGOs. Lawyers often were reluctant to represent Roma for fear that it would have a negative effect on their law practices.

Some MOI officials stated that police needed to develop different community policing strategies and increase training on human rights and the treatment of victims (see Section 5). The NGO Citizens and Democracy provided training on human rights and advised the police on improving interaction with citizens. The Romani populations living in settlements have very low trust in the police. NGOs complained that police pressured Romani women who brought forward complaints that they were sterilized by threatening to bring countercharges against them (see Section 1.f.). The Ministry of Interior responded to the complaints by forming a specialized investigative team considered more culturally sensitive and led by a woman.

A person accused or suspected of a crime must be given a hearing within 48 hours (or a maximum of 72 hours in serious cases) and either be released or remanded by the court. Detainees have the right to see an attorney immediately and must be notified of this right. If remanded by a court, the accused is entitled to an additional hearing within 48 hours, at which time the judge must either release the accused or issue a written order placing the accused in custody.

Attorney visits were allowed as frequently as necessary, and consular visits were allowed upon request by a judge. The law allows monthly family visits upon request and receipt by detainees of a package of up to 10 pounds every 2 weeks. There was a bail system.

Pretrial detention may last up to 6 months; a judge may extend this period to 1 year; a panel of judges may extend the period to 2 years; the Supreme Court may extend the period to 3 years, which occurred in 1.5 percent of all 2002 cases. If a person is deemed to constitute a serious danger to society, the Supreme Court may extend the detention period to a maximum of 5 years. Delays in court procedures and investigations frequently led to lengthy pretrial detentions. In 2002, the average length of pretrial detention in district courts was 100 days and in regional courts 240 days. Prosecutors must release a detainee if the maximum period for detention expires before the date of the trial. In some instances, criminals were released from detention allegedly due to the influence of organized crime elements, personal connections, or bribery of judiciary officials. Illegal migrants may be held up to 6 months for identification purposes in detention facilities (see Section 2.d.).

The Constitution prohibits forced exile, and the Government did not employ it.

e. Denial of Fair Public Trial.—The Constitution provides for courts that are independent, impartial, and separate from the other branches of government; however, problems with corruption and inefficiency in the judiciary continued, despite government efforts to overcome them. According to judicial experts, the first instance courts for both criminal and civil law were ineffective, and judges were severely overburdened by rapidly changing legislation without adequate training.

Many observers credibly alleged that some judges were corrupt. Justice Minister Daniel Lipsic introduced several anti-corruption initiatives and publicly criticized inappropriate decisions and behaviors by court officials, particularly expressing concern about personal connections influencing criminal prosecution at the local and re-

gional levels. In February, Minister Lipsic lodged a complaint against a decision to release on probation Mikulas Cernak, a well-known organized crime figure. Cernak fled to the Czech Republic and was later extradited to serve out the remainder of his sentence. In a similar case, a disciplinary panel ruled in June that the chairman of a regional court should be removed from the bench for procedural errors after he released organized crime figures from pretrial detention.

In September, Parliament overrode a presidential veto to pass an amendment to the Law on Judges, which strengthened the responsibility of judges, introduced severe disciplinary measures, and mandated disclosure of disciplinary decisions and judges' property. Parliament also approved a law on a special prosecutor and court to fight corruption and granted the extended use of undercover operations in investigating corruption charges against politicians and judges.

The court system consists of 55 district courts and 8 regional courts, with the Supreme Court, consisting of 75 judges, as the highest court of appeals. There is a separate Constitutional Court with no ties to the Ministry of Justice that considers constitutional issues. In addition, there is a separate military court system; its decisions may be appealed to the Supreme Court and the Constitutional Court. The Constitution provides that the President appoint the 13 Constitutional Court judges to 12-year terms based upon parliamentary nominations.

The Judicial Council, a constitutionally recognized independent body of lawyers and judges, represents the judiciary and provides decisions regarding disciplinary proceedings, administrative issues, and appointments to the Justice Ministry.

After the Constitutional Court nullified the reelection of former Supreme Court President Stefan Harabin in December 2002, the Judicial Council elected Milan Karabin as the new Supreme Court President in September. Although the prosecutor cancelled an investigation into Harabin's alleged corrupt activities, a fellow Supreme Court justice filed two criminal charges against Harabin for abuse of power. The investigation resulted in no new charges.

Under the law, persons charged with criminal offenses are entitled to fair and open public trials, although in practice observers stated that corruption among judges could infringe on a person's right to a fair trial. Individuals have the right to be informed of the charges against them and of their legal rights, to retain and consult with counsel sufficiently in advance to prepare a defense, and to confront witnesses. However, a defendant, unless handicapped or a minor, is not guaranteed free representation during a trial if the maximum criminal sentence is less than 5 years. Defendants enjoy a presumption of innocence, have the right to refuse to incriminate themselves, and may appeal any adverse judgment. According to existing legislation, suspects are also presumed innocent during the appeal process. Occasionally, judges were required to release defendants from prison because they did not have a complete trial within the 3-year time limit. In 2002, the average length of trial detention in district court was 141 days and in regional courts 375 days.

Credible sources stated that it was difficult for indigent citizens and marginalized groups, such as minorities and persons with disabilities, to obtain non-criminal legal representation. Plaintiffs are required to pay a court fee of 5 percent of possible damages in advance. The fee is returned if the case is won, and the presiding judge may waive the advance payment. The Ministry of Justice stated that 30,000 citizens took advantage of a free legal and counseling and basic legal orientation service that it offered in 7 cities for 5 hours each week. The Slovak Bar Association may ask lawyers to accept indigent cases under certain conditions but identified only 8 out of 150 requests that met their criteria.

There were no reports of political prisoners. In July, Parliament approved \$7 million (86 million SKK) to compensate former political prisoners under the communist regime, with individual payments ranging from \$650 (20,750 SKK) to \$2,220 (83,740 SKK), depending on the total time incarcerated; over 4,000 persons applied for remuneration.

In October, Parliament approved a law on property restitution providing citizens a second opportunity to apply for the return of land confiscated by the state between 1948 and 1990. The citizenship requirement was criticized for violating international standards on restitution. The Central Union of Jewish Religious Communities in the Slovak Republic (UZZNO) stated that up to 30 percent of the unclaimed land might have been confiscated from Jewish owners between 1938 and 1945 and sought monetary compensation from the state.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The law prohibits such actions; however, at times, the authorities infringed on these rights in practice. The Criminal Code requires police to obtain a search warrant in order to enter a home. The court may issue such a warrant only if there is a well-founded suspicion that important evidence or persons accused of criminal activity are present inside, with few exceptions. Police must present the warrant before con-

ducting the search or within 24 hours afterwards. Some Romani activists alleged that occasionally local police entered Romani homes without a search warrant. This was reportedly most common in the eastern part of the country.

The law regulates wiretapping and mail surveillance for the purposes of criminal investigation, which may be conducted by order of a regional court judge. A prosecutor may order a wiretap in an emergency, in which case a judge must give a ruling within 24 hours about the admissibility of any evidence collected. Emergency situations include serious premeditated crimes, corruption, or crimes involving international treaty obligations or misuse of power.

Military investigators looking into the 2002 wiretapping complaint of Pavol Rusko, chairman of the political party Alliance of New Citizens (ANO), themselves complained of intimidation and surveillance by the SIS throughout the investigation. In July, the underlying case was closed for lack of evidence and then reopened after these allegations arose. The military investigator concluded that the wiretap targeted a major national newspaper rather than the political leader (see section 2.a.).

In January, the NGO Poradna and the Center for Reproductive Rights released a study that allegedly documented over 100 cases of coerced or forced sterilizations of Romani women, many dating back to the 1980s (see Section 4). Police investigators completed a criminal investigation in October that identified two cases in which minors were sterilized without proper parental consent; however, the criminal investigation found these cases to be violations of administrative procedure rather than criminal offenses. The Ministry of Health also completed an independent investigation, but found no evidence to support the charges of coerced or forced sterilizations.

International and local human rights groups, including Human Rights Watch, the ERRC, the International Helsinki Federation for Human Rights, and the Slovak Helsinki Commission, found the claims of the Romani women to be credible and questioned the findings of the Government's investigation. They noted particularly the investigation's failure to determine whether the consent to be sterilized was informed and government officials reaching hasty conclusions before investigating all relevant allegations. In October, the Council of Europe's (COE's) Commissioner for Human Rights concluded that an intimidating atmosphere created by law enforcement officials threatening victims with countercharges during the criminal investigation made it "unlikely" that the Government's investigation "would shed full light on the sterilization practices."

Regulations governing the consent of a patient were ill-defined and "informed consent" had not been included into statutory law. Inspectors from the COE investigating these allegations concluded "it can reasonably be assumed that Romani women in Slovakia were sterilized without their informed consent."

In November, the Government adopted a resolution ordering reforms recommended by the COE and NGOs to strengthen patients' rights. At year's end, the Health Ministry was preparing a new amendment to the law on health care, clarifying regulations on sterilization and reproductive rights and implementing the principle of free and informed consent into all practices. Pilot projects began to train Romani health assistants and open new gynecological facilities in areas with compact Romani populations during the year.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution provides for freedom of speech and of the press, including academic freedom, and the Government generally respected these rights in practice.

The media generally was free and uncensored, and individuals reported that they were able to criticize the Government without fear of reprisal. Independent newspapers and magazines regularly published a wide range of opinion and news articles that were distributed nationwide.

Three boards appointed by a majority vote of Parliament supervised radio and television broadcasting, established broadcasting policy for state-owned television and radio, issued broadcast licenses, and administered advertising laws and other regulations. The European Journalism Center recently noted that the appointment process subjected the boards to undue political influence. In March, the Antitrust Office ruled in favor of a private news agency, the Slovak Press Agency (SITA), in its complaint that the state-funded TASR news agency was acting in a noncompetitive manner. Observers believed that these boards and the state funded information service should be restructured to secure their independence from the Government and political parties.

ANO's chairman and Minister of Economy, Pavol Rusko, continued to influence Markiza's editorial policies despite having divested his ownership interest.

In April, Parliament repealed a controversial section in the Penal Code that allowed public officials to press criminal charges for defamation, which ended an ongoing case against a journalist.

Journalists were generally free from harassment or intimidation; however, several news and international organizations, including the International Press Institute (IPI) and the International Federation of Journalists, expressed concern about reports that the SIS illegally tapped the communications of one of the leading news dailies, SME. In July, the Chief Military Prosecutor announced that SIS agents had tapped phones illegally at SME and that military investigators had their own phones tapped. A military prosecutor charged three officers of the SIS with abusing the powers of public authority, and the investigation remained pending at year's end.

In August, a member of the Defense and Security Parliamentary Committee released information that Prime Minister Dzurinda named members of the press, including well-known editor Milan Simecka from the daily SME, as co-conspirators in a group seeking to destabilize the state. This case remained under investigation at year's end.

The Government did not limit access to the Internet or restrict academic freedom.

b. Freedom of Peaceful Assembly and Association.—The Constitution provides for freedom of assembly and association, and the Government generally respected these rights in practice.

c. Freedom of Religion.—The Constitution provides for freedom of religion, and the Government generally respected this right in practice. No official state religion exists; however, the Catholic Church, the dominant faith in terms of membership, received significant state subsidies.

Registration of churches is not required, but, under existing law, only registered churches and religious organizations had the explicit right to conduct public worship services and other activities. However, no religions were banned or discouraged by the authorities in practice. Government subsidies for clergy and office expenses were provided in a nondiscriminatory way to registered religions that sought it. The law provides that funding is based on the number of clergy, not the number of adherents, with the result that some religions with fewer members received more funding than those with more.

To register, a religious group must submit a list of 20,000 permanent residents who adhere to that religion. Leaders of a number of minority religious communities, in particular Muslims, smaller Protestant churches, the Hare Krishna community, and the Church of Scientology, complained about the numerical requirement, which effectively barred them from obtaining registered status.

The Government monitored, although it did not interfere with, religious “cults” and “sects.” The Ministry of Interior monitored the Church of Scientology and its members. Some Scientologists complained of harassment by the SIS.

Anti-Semitism persisted among some elements of the population. Despite protests by the Federation of Jewish Communities, the Slovak National Party (SNS) and Matica Slovenska (an official cultural organization not supported politically by the Government) continued efforts to rehabilitate the historical reputation of Jozef Tiso, leader of the Nazi-collaborationist wartime Slovak State. An SIS list of persons allegedly harming the country's interests, which was leaked to the press in mid-year, identified individuals as Jewish. The media and politicians criticized the practice of categorizing citizens by religious affiliation.

Anti-Semitism was manifested occasionally in incidents of violence and vandalism. Incidents of desecration and vandalism of Jewish cemeteries by skinheads continued, and authorities responded promptly and appropriately. In January, a Jewish cemetery in Banovce nad Bebravou was desecrated, and 35 tombs were destroyed. Some of the vandals were immediately taken into custody and received suspended sentences of 4 to 7 months in prison and a fine of up to \$4,230 (135,000 SKK) because they were minors. In late October, vandals damaged tombstones at the Jewish cemeteries in Nove Mesto nad Vahom, Puchov, and Humenne. The vandalism caused irreversible damage at the Humenne cemetery, which is listed as a national cultural monument. In one instance, police were able quickly to catch the perpetrators, but the other investigations remained pending at year's end.

In July, the Government approved an agreement pursuant to the 2001 framework treaty with the Vatican, obliging students to take either a religion or an ethics class at the elementary level.

Some property restitution cases remained unresolved. However, in July, the Government and the UZZNO concluded negotiations on compensation of \$22.2 million (707 million SKK) for heirless property owned by Jewish families before the Holocaust.

For a more detailed discussion, see the 2003 International Religious Freedom Report.

d. Freedom of Movement within the Country, Foreign Travel, Emigration, and Repatriation.—The Constitution provides for these rights; however, there were some limits on these rights for Roma.

According to a legal rights NGO, although the law requires state administrators to register all citizens, some local officials refused to give registration documents to Roma citizens, which in turn prevented them from receiving social benefits and housing (see Section 5).

The numbers of Roma seeking asylum in European countries decreased from previous years, although the Czech Republic reported an increase in both Romani asylum seekers and illegal migrants from the country. The Czech and Slovak governments formed a committee in October to study increased migration and its effects. Many human rights organizations claimed that asylum seekers migrated due to the lack of available economic opportunities in the country; however, one Slovak Rom received asylum in a European Union (EU) country after successive skinhead attacks.

The law provides for the granting of refugee status or asylum to persons who meet the definition in the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. In practice, the Government provided protection against refoulement but did not routinely grant refugee status or asylum. The Government cooperated with the U.N. High Commissioner for Refugees (UNHCR) and other humanitarian organizations in assisting refugees.

The law provides for “tolerated residence”—temporary protection—which allows refugees to remain in the country for a designated period of time if their lives would be threatened by a forced return to their home country. The Government occasionally adopted specific resolutions in response to a crisis, allowing for the temporary acceptance of refugees who did not wish to enter the asylum process.

According to National Migration Office statistics, through November, 7 persons received asylum out of a total of 8,991 applications. Out of all applications reviewed from the beginning of the year, 8,951 cases were terminated because asylum seekers disappeared from refugee camps or left the country.

In July, a task force was convened to review the country’s asylum system, with broad membership that included the UNHCR, the International Organization of Migration (IOM), the Alien and Border Police, the Slovak Helsinki Committee, the Ministry of Interior, and the Migration Office.

Illegal migrants may be held up to 6 months for identification purposes in detention facilities (see Section 1.d.), but many illegal entrants simply applied for asylum and were released. NGOs contracted by the UNHCR periodically monitored detention facilities and offered legal counsel. After detainees applied for asylum, the Government transferred them to a quarantined refugee reception center for 30 days and then to longer-stay refugee centers; however, many asylum-seekers left the country before completing the application procedure. The refugee centers offer benefits such as meals, pocket money, schooling for children, and language classes for adults.

Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government

The Constitution provides citizens with the right to change their government peacefully, and citizens exercised this right through periodic, free, and fair elections held on the basis of universal suffrage. All citizens over the age of 18 were eligible to vote by secret ballot; however, there was no system of absentee voting for those outside of the country during elections. The Constitution reserves certain powers for the President as chief of state (directly elected by citizens), but executive power largely rests with the Prime Minister. Legislative power is vested in the Parliament. Reform of the country’s political and economic structure led to an invitation in 2002 to join the EU in May 2004.

The head of Government was Prime Minister Mikulas Dzurinda, who took office for a second term in 2002. The country was a multiparty, multiethnic parliamentary democracy. The Government did not restrict the functioning of political opponents, including their right to publicize political opinions.

The OSCE declared the most recent national elections, held in September 2002, to be free and fair.

There were 29 women parliamentarians in the 150-member Parliament; however, there were no women in the cabinet. There were 604 women among the 2,618 candidates in the parliamentary elections (23.1 percent), of whom 4.8 percent were elected. Of the country’s 2,915 mayors, 428 (15 percent) were women.

The ethnic Hungarian minority party won 20 seats in Parliament in the 2002 election and was well represented in the Government. The Slovak Hungarian Coali-

tion (SMK) chairman served as a deputy speaker in Parliament. The SMK also controlled three ministries and held the deputy prime ministership for Nationalities, Human Rights, and European Integration. Many political parties promised to place Roma on their candidate lists; however, only five received positions on a total of three lists, and none was elected to Parliament. Some ethnic Romani parties were successful at winning representation at the local level; however, Roma were consistently underrepresented in government service.

Section 4. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A number of domestic and international human rights groups generally operated without government restriction, and the Government was generally cooperative and responsive to their views; however, the Deputy Prime Minister for Nationalities, Human Rights and European Integration threatened to pursue criminal charges against the authors of a human rights report regarding coerced sterilizations of Slovak Romani women (see Section 1.f.). The Government later withdrew the threat to prosecute the authors. During their investigation into the authors' allegations, the police asked the authors to reveal the names of the women used in their research, and they refused. Other researchers encountered problems accessing medical records in hospitals to collect information for criminal or civil proceedings.

The law requires foundations to register and to have substantial financial resources in order to operate; however, no organization was denied registration or faced any other limitations on its operations.

Parliament amended the law on the Slovak National Center for Human Rights, which sponsored conferences, released publications, and received a \$225,700 (7.2 million SKK) budget allocation in 2002. The law established a board of trustees and empowered the Supreme Audit Office to audit the accounts of the center. The former director refused any government oversight, claiming that it would interfere with the independence of the center. The President, Speaker of the Parliament, the Ombudsman for Human Rights, the Ministry of Labor, and the Prime Minister may each appoint one board member based on recommendations of NGOs; law school deans may appoint four other board members. A new director was elected; however, the former director lodged a complaint at the Constitutional Court and blocked access to the Center's building on a number of occasions.

The country's first Human Rights Ombudsman was elected in 2002. The law provides that the Ombudsman should assist in protecting the fundamental rights and freedoms in cases where public administration bodies have violated the law. The Ombudsman has a budget of approximately \$72,000 (2.3 million SKK) and publishes an annual report of activities. Between the creation of the office and March, the Ombudsman had received 2,061 complaints; however, many of these were outside the office's jurisdiction. In four cases, the office found violations of rights: One instance for the right of education and three for court delays. In comments on the country's second periodic report, the Committee for Human Rights welcomed new legislation protecting human rights, recommended more crisis centers for victims of domestic violence, and recommended that police harassment and racist attacks against the Roma minority be addressed (see Section 5). The Committee also stated that more information about the activities of the Ombudsman was needed. The NGO Citizen and Democracy also criticized the Ombudsman, stating that communication with the public was poor.

The well-developed NGO sector and international organizations in the country did not report any undue government inference or obstructive laws.

Inspectors from the COE investigated allegations of forced sterilization of women (see Section 1.f.).

Section 5. Discrimination Based on Race, Sex, Disability, Language, or Social Status

The law prohibits discrimination and provides for the equality of all citizens; however, enforcement of the law was inconsistent, and some minority groups reported that their members often received no government assistance with complaints about discrimination. The Romani minority, immigrants, and homosexuals were victims of societal violence. In some cases, police were found to be unwilling to investigate them fully (see Sections 1.c. and 1.d.).

Women.—The Criminal Code specifically prohibits rape, sexual abuse, domestic violence, and trafficking in women. Police treated spousal abuse, other violence against women, and child abuse in the same way as other criminal offenses. Some activists claimed that more specialists working with women and child victims were needed, particularly with increasing caseloads. There were 418 cases of violence reported in the first 6 months of the year, 8 times the rate reported in 2000. Police estimated that two-thirds of female rape victims failed to report their cases. In Jan-

uary, new domestic violence laws that strengthen victims' rights took effect. The law expands the definition of possible perpetrators of domestic violence to include people other than spouses, defines specific acts of violence that are prosecutable, and increases sentences for perpetrators. NGOs continued to advocate an additional amendment that would permit police physically to remove and ban the offender from the victim's place of residence. As supported by the U.N. Committee for Human Rights in its response to the country's second periodic report, NGOs continued to press for more funding and space in safe houses for victims of domestic violence (see section 4).

Prostitution is legal; however, the Criminal Code prohibits activities related to prostitution such as renting apartments for prostitution, spreading sexually transmitted diseases, or trafficking in women for the purpose of prostitution. Trafficking in women was a problem (see Section 6.f.).

There were reports of coerced or forced sterilization, particularly of Romani women (see Sections 1.f. and 4).

Women are equal under the law. They have the same rights as men to property and inheritance; however, discrimination against women remained a problem in practice. According to studies, women earned approximately 30 percent less than men; experts claimed that this was due to large numbers of women working in low-paid occupations, such as the education or social services sectors.

The Gender Center for Equal Treatment of Men and Women, an independent NGO that cooperated with the U.N. Development Program and the Government, dealt primarily with claims of unfair treatment of women in the workplace but also focused on mobilization and job creation for women.

Children.—The Government was committed to children's rights and welfare; it maintained a system of public education and health care. The Ministry of Labor oversaw implementation of the Government's programs for children. The Constitution, the Law on Education, and the Labor Code each addressed part of the issue of children's rights. There also was a system of financial assistance for families with children. Education was universal, free, and compulsory for 9 years, or until the age of 15; parents may be prosecuted for not sending their children to school. The Ministry of Education states that primary school enrollment was nearly 100 percent. While most ethnic Slovak and Hungarian children attended school on a regular basis, a high percentage of Romani children failed to attend school regularly.

Child abuse remained a problem and was underreported. Experts from various state institutions dealing with child abuse claimed that there were significant discrepancies between official figures on violence against children and the actual situation. Among the most frequent crimes committed against children were sexual abuse, beatings, and nonpayment of child support. In October, the media reported that over the previous 6 months, six children died as a result of physical abuse.

UNICEF operated a hotline for children, which assisted in approximately 12,000 calls during the year. Most of the calls came from girls between the ages of 11 to 14 and were about family relations, problems with relationships, or sexuality. The project funding came primarily from domestic foundations and grants. Several foundations supported educational campaigns and projects for abused or disabled children.

Child prostitution is not addressed specifically in the Criminal Code but is covered by more general provisions in the law. The Penal Code contains a provision outlawing child pornography. As of October, there were 13 cases related to child pornography: 5 of production, 6 of dissemination, and 2 of possession.

Activists claimed that children were increasingly born into poverty and that this phenomenon affected the Romani minority in particular. It has resulted in an increased number of Romani children being abandoned, either at the hospital, immediately after birth, or during infancy. These children became wards of the state and were sent to orphanages. Roma constituted the majority of the population in state institutions for children.

Persons with Disabilities.—The Constitution and law provide for health protection and special working conditions for persons with mental and physical disabilities, including special protection in employment relations and special assistance in training. The Law on Employment Services, passed during the year, provides for the creation of sheltered workplaces (where a certain percentage of jobs are set aside for persons with disabilities) and the employment of special assistants. The law also prohibits discrimination against persons with physical disabilities in employment, education, and the provision of other state services; however, experts reported that accessibility of premises and access to education, particularly higher education, remained a problem.

Several new government initiatives for persons with disabilities were implemented during the year, including three laws governing construction with handicap access that came into effect and included sanctions for violations. An NGO dealing with persons with disabilities stated that pressure from a number of NGOs and the cooperation of the Government resulted in improved accessibility, particularly regarding new construction and public buildings. The Ministry of Transportation purchased a number of buses, which were accessible for persons with disabilities. A Council for Citizens with Disabilities served as a governmental advisory body regarding persons with disabilities.

The 2002 election of a member of the Association of Organizations of Disabled People to Parliament highlighted the situation of persons with disabilities and helped to reverse the communist-era attitude that such persons should be hidden from view. The Parliament building underwent reconstruction to improve access.

National/Racial/Ethnic Minorities.—The Constitution provides minorities with the right to develop their own culture, learn and be educated in their mother tongue, use their language in official communication, and participate in the administration of public affairs related to them.

Police investigated the nationalist political party SNS, which employed strongly nationalist rhetoric, for its use of discriminatory images in 2002 campaign commercials. Authorities closed with no criminal charges the investigation of former SNS deputy Vitazoslav Moric, who, at a press conference nearly 3 years ago, stated that Roma should live on reservations. Another controversial SNS leader, Jan Slota, publicly stated that the Government should offer Roma \$627 (20,000 SKK) to undergo sterilization.

In March, the Army district law court charged two army officers with spreading racial hatred after making racist public statements at a conference on minorities in society. The officers each received 2 months in jail and a fine of \$157 (5,000 SKK.)

Skinhead violence against Roma continued to be a serious problem. The NGO People Against Racism reported that although police were increasingly responsive in their efforts to monitor and control the skinhead movement, the problem persisted (see Section 1.d.). They also reported that the skinhead movement continued to grow and became more organized. They estimated that there were approximately 500 to 800 skinheads and 3,000 to 5,000 skinhead sympathizers. They also stated that skinheads had been targeting members of other ethnic and national groups as well as Roma.

A special police unit to monitor extremist activities has operated at the police presidium since 2002, and there was one regional advisor for the Bratislava region. The police recorded 113 cases of racially motivated crime and reported solving 73 cases. Roma were the most frequent targets of these attacks. The police arrested 24 skinheads, including one of the major neo-Nazi organizers, at a large meeting. This monitoring unit and its NGO advisory board strengthened police capabilities to identify neo-Nazi members and be more informed about their activities.

In 2002, a Romani family fled the country following repeated physical and verbal attacks by skinheads, including a serious assault on the father at the Zilina railroad station. The family, which had been attacked in their home by skinheads who killed the mother in 2000, continued to be targeted even after the original assailants had been convicted. The family received asylum abroad during the year.

The investigation was closed and no perpetrators were charged for a February 2002 attack by 15 unknown men on residents in the village of Ganovce; the attack injured numerous Roma. The case was taken to the European Court of Human Rights.

In September, seven masked men reportedly beat several Roma in Zahorske Ves on their property. In December, there were reports of another attack on several more victims in which three homes were set on fire.

Discrimination against minorities, particularly Roma, continued in the spheres of education, healthcare, and employment. Members of the Romani minority were victims of societal violence and frequently were unable to seek adequate reparation through the justice system. Activists also claimed that Roma received lengthier jail sentences than the majority population for comparable offenses.

In 2001, the country ratified the European Charter on the Use of Minority Languages to protect minority rights. The law provides that in municipalities with a minority that constitutes at least 20 percent of the population, the minority language is an official language. Thirty additional municipalities were added to the list during the year; however, NGOs reported that language laws had conflicting provisions and that low public awareness about the laws sometimes led to improper implementation. Hungarian is an official language in nearly 500 towns, Romany in 53, Ruthenian in 91, Ukrainian in 6, and German in 1 village.

In May, the Government approved the creation of a 24-member government advisory council for national minorities and ethnic groups, which includes 7 Hungarians, 3 Roma, and government officials.

There were complaints that the media failed to represent minorities in a balanced manner. The Ministry of Culture continued to provide money for cultural activities and media in minority languages, in addition to cultural and educational activities. However, financial difficulties continued as a growing number of publications competed for funds. Organizations also stated that finding advertisers for minority publications, particularly Romani, was difficult.

Roma constituted the second largest ethnic minority, reported by the 2001 census to number 90,000, although experts estimated the population to be up to 375,000 (nearly 7 percent of the population). NGOs maintained that Roma continued to be reluctant to identify themselves as Roma because they feared discrimination.

There were reports of coerced or forced sterilizations, particularly of Romani women, which the Government investigated (see Sections 1.f. and 4).

Several anti-discrimination public awareness campaigns occurred throughout the year sponsored by the EU and the Office of the Government; however, public perception of minorities remained very negative. According to a newspaper survey, 50 percent claimed that they did not want to have a Romani neighbor; a 2001 study by the Institute for Public Questions and UNDP reported that 70.9 percent of the majority population believed that relations with Roma were to some degree conflict-ridden or unpleasant, while only 31.5 percent of Roma held the same view.

There were several reports that Roma were discriminated against in the health care system. Two COE reports issued during the year recommended improvements in the healthcare system to ensure equal access to services. The mortality rate for Romani children was three times that of the majority population, and the life expectancy for Roma was lower by almost 17 years. Allegations of segregated hospital wards and that Roma were more likely to be sterilized continued. The Ministry of Health denied charges of discrimination or segregation in health care.

Many NGOs alleged that segregation in schools continued. Roma children were disproportionately placed in special schools for the mentally handicapped, in many cases only due to their insufficient knowledge of the Slovak language.

The Government enacted a 10-year strategy for the development of Roma, which included elements of positive discrimination or affirmative action.

The Government's Plenipotentiary for Roma Communities, with a budget of approximately \$1.57 million (50 million SKK) supervises social workers, provides project funds for infrastructure development, and cooperates with municipalities and villages to improve interaction between Roma and non-Roma. NGOs claimed that the lack of a statutory basis limited the office's authority. In December, the Government approved changes to the organizational structure that included the creation of several new offices with increased staff and regional presence under the direction of the Plenipotentiary with an operations budget funded by both the Government and the EU.

In October, the Government approved the founding of a Hungarian university in Southern Slovakia, where most Hungarians reside. Hungarians were considered disadvantaged in higher education opportunities, since approximately 2 percent of ethnic Hungarians in the country attended university, compared with 4.8 percent of Slovaks.

Section 6. Worker Rights

a. The Right of Association.—The Constitution provides for the right to form and join unions, except in the armed forces, and workers exercised this right. Approximately 30 percent of the work force was unionized, with 600,000 trade union members registered. Unions were independent of the Government and political parties; however, they continued to lobby those entities in order to gain support for union positions on key labor issues. In July, a new labor code acceptable to both employers and employees became effective.

The Law on Citizens' Associations prohibits discrimination by employers against union members and organizers. Complaints may be resolved either in collective negotiations or in court. If a court rules that an employer dismissed a worker for union activities or for any reason other than certain grounds for dismissal listed in the Labor Code, the employer must reinstate the worker. There were no reports of abuses targeted against unions or workers.

Unions were free to form or join federations or confederations and to affiliate with and participate in international bodies, and they did so in practice.

b. The Right to Organize and Bargain Collectively.—The law provides for the right to organize. The Slovak Trade Unions Confederation (KOZ) includes nearly 90 percent of all trade unions in the country. Unions may leave KOZ at any time.

The law provides for collective bargaining. The KOZ was an active partner in the tripartite process, which also included representatives of employers and the Government.

The Constitution provides for the right to strike and specifies two types of strikes: When no agreement is reached while bargaining or to support the demands of other employees on strike (solidarity strike). A solidarity strike requires the affirmative vote of a majority of those voting, with at least 50 percent of eligible employees voting. A strike and the list of members on the strike committee must be announced in advance. Relevant legislation on collective bargaining prohibits the dismissal of workers legally participating in strikes; however, if a strike is not considered official, strikers are not ensured protection.

There were several national strikes during the year. In May, the Customs Directorate closed border crossings for 4 hours to protest delays in tripartite talks, and in June, teachers held a 1-day strike to draw attention to their low wages. In January, railroad workers went on strike to protest the reduction of local routes and proposed lay-offs. The Bratislava District Court issued an injunction to halt the 3-day strike until the lawsuit initiated by the Government on whether the strike was legal could be evaluated. In October, a regional court ruled in favor of the railway trade union's appeal. The strike was not rescheduled.

The law regulates free customs zones and customs warehouses. Firms operating in such zones must comply with the labor code; there have been no reports of special involvement by the trade unions to date. No special legislation governs labor relations in free trade zones.

c. Prohibition of Forced or Bonded Labor.—Both the Constitution and the Employment Act prohibit forced or bonded labor, including by children; however, there were reports of trafficking of women (see Section 6.f.).

d. Status of Child Labor Practices and Minimum Age for Employment.—There are laws to protect children from exploitation in the workplace, which were effectively implemented and enforced, and problems with child labor were nearly nonexistent.

Although the minimum age for employment is 15, children under 15 may perform light work in cultural or artistic performances, so long as the work does not affect their health, safety, or schooling. Children under 16 are not allowed to work underground or perform work that is inappropriate for their age or health. Children under 15 may not work more than 30 hours per week, and children under the age of 16 are limited to 33 hours per week. Conditions and protections for children between the ages of 16 and 18 are less stringent. The law that relates to child labor applies to all sectors of employment; however, the more stringent regulations apply only to certain sectors. For example, the minimum age for mining was 21. The revised labor code requires that the National Labor Inspector's Office approve employment of children younger than 15 in artistic professions, including modeling and acting.

The country had adequate laws and regulations for the implementation and enforcement of measures to prohibit the worst forms of child labor. Civil fines were the legal remedy available to government agencies. A first offender may be fined up to \$15,674 (500,000 SKK), while a repeat offender may be required to pay up to \$22,989 (1 million SKK). The enforcement remedies have proven adequate to deter violation to date. The country has established formal institutional mechanisms to investigate and address complaints relating to allegations of child labor. Child labor complaints were received and investigated by district inspection units. The National Labor Inspectorate inspected 35 percent of all registered companies and reported no case of illegal child labor. The Inspectorate maintained a database of working children ages 14 to 17, who have an approval to work, in occupations such as models or other artistic trades. Upon receipt of a complaint, an inspector visited the worksite and inspected the contract. If it was determined that a child labor law or regulation had been broken, the case was turned over to the national inspection unit of the Ministry of Labor.

e. Acceptable Conditions of Work.—The minimum wage was \$191 (6,080 SKK) per month and \$1.09 (35 SKK) per hour, which alone did not provide a decent standard of living for a worker and family in many areas of the country. A May amendment to the Labor Code reduced the maximum weekly work hours from 58 to 48 (including overtime), permits workers to hold multiple jobs, and allows employers to hire part-time workers for up to 20 hours per week. The new labor law stipulates a maximum of 400 hours annual overtime, pending agreement between the employee and the employer. The trade unions, the Ministry of Labor, and local employment offices monitored observance of these laws, and authorities effectively enforced them.

The Labor Code establishes health and safety standards that the Office of Labor Safety generally enforced effectively. For hazardous employment, workers undergo medical screening under the supervision of a physician. They have the right to

refuse to work in situations that endanger their health and safety and may file complaints against employers in such situations. Employees working under conditions endangering their health and safety for a certain period of time are entitled to paid "relaxation" leave in addition to their standard leave.

f. Trafficking in Persons.—The law specifically prohibits all forms of trafficking in persons; however, there were instances of trafficking in women for prostitution from and within the country.

The Law Against Trafficking in Persons provides that an individual involved in the trafficking of persons can receive a sentence of 3 to 10 years. However, if the offender is a member of a crime syndicate, the sentence is 12 to 15 years. As of the end of October, the police had investigated 28 cases involving trafficking. Police did not keep statistics on victims of trafficking and described difficulties in identifying the total number of victims, since many were unwilling to come forward or cooperate with police.

During the year, police, with assistance from German police, arrested seven members of a trafficking gang from the southwestern part of the country. According to a press report, police suspected the involvement of a low-level government employee. Over the course of 8 years, the gang procured at least 60 young women, some of whom claimed to be sold for \$255 (10,000 SKK) abroad. The traffickers lured some victims into prostitution by promising a good salary or debt forgiveness, and others were forced through violence. The women were sent to Germany, Poland, Switzerland, and France. The head of the gang was previously prosecuted for sex trafficking in France and had been banned from the EU for 5 years. In total, the gang made an estimated profit of \$156,740 (5 million SKK).

Throughout the year, police succeeded in breaking trafficking rings and clamping down on illegal prostitution. On one occasion, the vice president of the police stated that traffickers used violence to confine women in apartments, where they beat them and forced them to take drugs. In March, police charged and issued international warrants for 10 people, 1 of whom was a Slovak woman who managed erotic clubs abroad. In July, Salzburg police arrested traffickers whose victims in part came from, or were trafficked through, the country. The accused Austrians paid approximately \$1,309 (41,760 SKK) for Slovak women and in turn forced them to pay for their transportation.

A police sexual crimes and trafficking unit, staffed by six senior police officers, coordinates nationwide the investigation of trafficking in persons. The office cooperated with local NGOs and the International Organization for Migration (IOM). U.N. Office for Drug Control and Crime Prevention's technical cooperation project seeks to improve legal enforcement and strengthen international cooperation. Police received training to identify and handle cases of victims of trafficking.

The Criminal and Financial Police Administration and the IOM reported that the country was an origin and transit point for victims of trafficking. The major trafficking routes for Slovak victims are through the Czech Republic or Austria to Western Europe but also to Japan. Victims, who usually traveled by car or plane, were typically between the age of 18 and 25 from various social backgrounds but particularly from areas with a high unemployment rate. Another high-risk group included men and women who looked for work abroad, sometimes illegally, and were ill-informed of the potential risks.

Experts believed that victims may work in the country for a short period of time before being transferred to Western Europe. Activists who worked with the few victims in the country said that most victims were forced to work as prostitutes or dancers in exotic clubs. To assure compliance of the victims, their documents were taken, and their captors closely monitored them. According to women's groups, women—mostly Ukrainians and Russians—were lured to the country with offers of possible employment. Although some victims came knowing they would work in the sex industry, they are not aware that they would be denied their freedoms upon arrival.

The Act on Protection of Witnesses and the Act on Compensation of Damages allows the Government to assist victims of trafficking. There was a special unit for the protection of witnesses within the Police Presidium, and an inter-ministerial committee may authorize protection. Deportation of foreigners may be postponed if a person is in the witness protection program. NGOs and the IOM reported that victims feared returning to their home countries because of the stigma attached to trafficking victims. According to NGO activists, government agencies such as customs and police officers treated victims poorly, as many law enforcement officials believed that victims were not forced, but rather chose their fate.

There were no national organizations in the country focused solely on the issue of trafficking. However, local organizations successfully repatriated victims of trafficking and carried out public awareness campaigns on regional and municipal lev-

els. In mid-year, the NGO Victim Support Slovakia started a hotline for trafficking victims and those seeking work abroad. A public awareness campaign significantly increased the hotline's call volume, and, from May to June, the organization handled 400 calls, several of which were inquiries about organizations offering work abroad. Victim Support Slovakia assisted one trafficking victim returned from Spain. The Government cooperated with the NGO Dafne to provide counseling services for victims in the northern part of the country.

An IOM survey revealed a general lack of awareness among the public and in the school system about trafficking and the need to strengthen victim assistance. The IOM launched a public awareness campaign with television announcements and information packets about working abroad. According to an IOM study, 44 percent of the young women surveyed would accept an offer of illegal work abroad.

SLOVENIA

Slovenia is a parliamentary democracy and constitutional republic. Power is shared between a directly elected president, a prime minister, and a bicameral legislature. In 2002, Janez Drnovsek was elected President in free, fair, and open elections. The judiciary is independent.

The Ministry of Interior, which was responsible for internal security, maintained effective control of the police. By law, the armed forces did not exercise civil police functions. Members of the security forces occasionally committed human rights abuses.

The country continued its transition from a centrally planned to a market economy. The population was approximately 2 million. Manufacturing accounted for most employment, with machinery and other manufactured products constituting the major exports. GDP growth was estimated at 3.2 percent and inflation at 5.5 percent for the year.

The Government generally respected the human rights of its citizens; although there were a few problems in some areas, the law and the judiciary provided effective means of dealing with individual instances of abuse. Police in several cases allegedly used excessive force against detainees. Credible sources alleged that media self-censorship existed as a result of indirect political and economic pressures. Violence against women was a problem. National minorities (including former Yugoslav residents without legal status) reported some governmental and societal discrimination. Trafficking in women through and to the country for sexual exploitation was a problem.

RESPECT FOR HUMAN RIGHTS

Section 1. Respect for the Integrity of the Person, Including Freedom From:

a. Arbitrary or Unlawful Deprivation of Life.—There were no reports of the arbitrary or unlawful deprivation of life committed by the Government or its agents.

b. Disappearance.—There were no reports of politically motivated disappearances.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The Constitution prohibits such practices; however, human rights observers alleged that police in several cases used excessive force against detainees. The Criminal Code does not separate out torture as a criminal act, but such crimes are prosecuted based on the nature of each incident (i.e., severe physical injury, extreme injury, or extortion of a statement).

The report of the European Committee for the Prevention of Torture (CPT) on its September 2001 visit to the country noted that it received some allegations of physical ill-treatment by police, relating essentially to the disproportionate use of force at the time of apprehension. In a few isolated cases, the physical ill-treatment was alleged to have occurred while the person concerned was being transferred in a police vehicle or during questioning by police officers. The alleged ill-treatment consisted primarily of slaps, punches, and kicks. The report noted that the majority of persons met by the CPT delegation who were, or recently had been, detained by police indicated that they had been treated correctly at both time of arrest and during questioning.

Prison conditions generally met international standards; however, jails were overcrowded. Male and female prisoners were held separately, juvenile offenders were held separately from adults, and convicted criminals were held separately from pre-trial detainees.

The Government permitted prison visits by independent human rights observers and the media, and such visits took place during the year. The Human Rights Ombudsman and his staff also conducted periodic prison visits.

d. Arbitrary Arrest, Detention, or Exile.—The Constitution prohibits arbitrary arrest and detention, and the Government generally observed these prohibitions.

Police are centrally organized under the supervision of the Police and Security Bureau of the Ministry of Interior. The Bureau oversees the drafting of basic guidelines, security policy, and regulations governing the work of the police and exercises special inspectorial authority in monitoring police performance, with an emphasis on the protection of human rights and fundamental freedoms. Police duties include protection of life, personal safety, and property; prevention and investigation of criminal offenses and detection and arrest of perpetrators; maintenance of public order; management and control of traffic on public roads; protection of national borders and border crossings; enforcement of immigration law; protection of certain state structures, individuals, and facilities; and, protection of classified data. The General Police Administration, headed by the General Director of the Police, has overall responsibility for the execution of police duties and directly oversees activities at the national level. Regional police duties are under the jurisdiction of Police Administration Units, whose Directors report to the General Director. Local police tasks fall to individual Police Stations, whose Commanders report to the Director of the relevant Police Administration.

Police corruption and abuse initially were investigated internally. If there was evidence of wrongdoing, the officers involved could be referred to the Ministry of Interior or the prosecutor's office, depending on the severity of the breach. There was anecdotal evidence to suggest that police officers were sometimes subject to informal sanction, such as being transferred to a new, less desirable, assignment, in lieu of being formally disciplined.

The authorities must advise detainees in writing within 24 hours, in their own language, of the reasons for the arrest. Until charges are brought, detention may last up to 6 months; once charges are brought, detention may be prolonged for a maximum of 2 years. Persons detained in excess of 2 years while awaiting trial or while their trial is ongoing must be released pending conclusion of their trial (see Section 1.e.). During the year, there were 1,158 persons in pretrial detention. The problem of lengthy pretrial detention was not widespread, and defendants generally were released on bail, except in the most serious criminal cases. The law also provides safeguards against self-incrimination.

On September 9, Koper Mayor Boris Popovic was arrested on a series of white collar crime-related charges. Popovic was placed in pretrial detention, a decision that was considered highly unusual for any case involving similar charges for a sitting mayor, prompting allegations that the arrest and detention were politically motivated. On October 7, the Supreme Court ruled Popovic's detention unjustified and he was immediately released. Trial procedures were continuing at year's end.

The Constitution prohibits forced exile, and the Government did not employ it.

e. Denial of Fair Public Trial.—The Constitution provides for an independent judiciary, and the Government generally respected this provision in practice. The judiciary generally provided citizens with a fair and efficient judicial process.

The judicial system consists of district courts, regional courts, courts of appeals, an administrative court, and the Supreme Court. A nine-member Constitutional Court rules on the constitutionality of legislation, treaties, and international agreements and is the highest level of appeal for administrative procedures. The speed with which the Constitutional Court considered various cases during the year caused some to question its impartiality. Judges, elected by the National Assembly (Parliament) upon the nomination of the Judicial Council, are constitutionally independent and serve indefinitely, subject to an age limit. The Judicial Council is composed of six sitting judges elected by their peers and five presidential nominees elected by the Parliament.

The Constitution provides for the right to a fair trial, and an independent judiciary generally enforced this right. Constitutional provisions include equality before the law, presumption of innocence, due process, open court proceedings, the right of appeal, and a prohibition against double jeopardy. Defendants by law have the right to counsel, and the Government provides counsel for the indigent. These rights were generally respected in practice, although the judicial system was overburdened and as a result, the judicial process frequently was protracted. In some cases, criminal trials reportedly have taken from 2 to 5 years to conclude (see Section 1.d.).

Eligibility to file a denationalization claim depends on the citizenship of the claimant at the time the property was nationalized; however, current citizenship is not a factor in how the claims are processed. The Government did not track the claims

of non-citizens separately from those of citizens. Claims filed by individuals who were not resident in the country took longer to resolve because they commonly did not have local legal representation actively engaged in monitoring their cases and because it took longer for them to gather and submit required supporting documentation. Court backlogs also contributed to delays in resolving claims for denationalization of property.

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The Constitution provides for the protection of privacy, “personal data rights,” and the inviolability of the home, mail, and other means of communication, and the Government generally respected these rights and protections in practice.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution provides for freedom of speech and of the press, and the Government generally respected these rights in practice; however, there were reports that indirect political and economic pressures continued to influence the media, resulting in occasional self-censorship. There were credible reports that advertisers pressured media outlets to present various issues in certain ways, which resulted in little separation of marketing and editorial decision-making.

The press was active and independent; however, major media did not represent a broad range of political or ethnic interests. The major print media were supported through private investment and advertising, although cultural publications and book publishing received government subsidies. Numerous foreign broadcasts were accessible via satellite and cable. All major towns had radio stations and cable television. A newspaper was published for the ethnic Italian minority living on the Adriatic coast. Bosnian refugees and the Albanian community had newsletters in their own languages. Foreign newspapers, magazines, and journals were widely available. Minority language television and radio broadcasts were available.

Six national television channels were available. Three were part of the government-subsidized RTV Slovenia network, and three were independent, private stations.

The election law requires the media to offer free space and broadcasting time to political parties at election time. Television networks routinely provided public figures and opinion makers from across the political spectrum access to a broad range of programming and advertising opportunities.

Under the direction of the Maribor Prosecutor’s office, nine individuals were arrested in mid-September in connection with the 2001 beating of investigative journalist Miro Petek. A special Parliamentary Commission continued to examine whether government officials properly executed their responsibilities in relation to the case.

On February 25, the National Assembly adopted the Law on the Access to Information of Public Character to provide free public access to all such information controlled by state or local institutions and their agents.

The Government did not restrict access to the Internet or academic freedom.

b. Freedom of Peaceful Assembly and Association.—The Constitution provides for freedom of assembly and association, and the Government generally respected these rights in practice. These rights may be restricted only by an act of Parliament in circumstances involving national security, public safety, or protection against infectious diseases.

c. Freedom of Religion.—The Constitution provides for freedom of religion, and the Government generally respected this right in practice.

There were no formal requirements for recognition as a religion by the Government. Religious communities must register with the Government’s Office for Religious Communities if they wish to be legal entities, and registration entitles such groups to value-added tax rebates. In response to complaints from several groups that the Office had failed to act on their registration applications, the Secretary General of the Government clarified registration procedures and instructed the Office to process outstanding applications. As of September, the Office had approved 3 out of 10 pending applications.

The appropriate role for religious instruction in schools continued to be an issue of debate. The Constitution states that parents are entitled to give their children “a moral and religious upbringing.” Only those schools supported by religious bodies taught religion.

The law provides for denationalization (restitution or compensation) of church property—church buildings and support buildings, residences, businesses, and forests—nationalized after World War II by the Socialist Federal Republic of Yugoslavia. By the end of September, the Government had finalized 32,614 (86 percent)

of the 38,156 denationalization claims filed. During the year, the Government reallocated existing resources, including judges, to reduce the backlog.

Societal attitudes toward the minority Muslim and Serb Orthodox communities generally were tolerant; however, some persons feared the possible emergence of Muslim fundamentalism.

Interfaith relations were generally amicable, although there was little warmth between the majority Catholic Church and foreign missionary groups that were viewed as aggressive proselytizers.

While there are no governmental restrictions on the Muslim community's freedom of worship, services commonly were held in private homes under cramped conditions. On December 8, 34 years after the project was originally proposed, the Ljubljana Municipality Council approved zoning changes that would permit construction of a mosque and cultural center. This decision met with considerable controversy on a variety of grounds, provoking intolerant statements from a number of local politicians and city officials. On December 23, opponents of the project registered their intention to pursue a referendum on the Council decision; collection of signatures was expected to begin in January 2004. Several other religious communities expressed concern over excessive delays and lack of transparency in municipal building permits.

For a more detailed discussion, see the 2003 International Religious Freedom Report.

d. Freedom of Movement within the Country, Foreign Travel, Emigration, and Repatriation.—The Constitution provides for these rights, and the Government generally respected them in practice. Limitations on these rights may be made only by statute and only where necessary in criminal cases, to control infectious disease, or in wartime.

The Constitution provides for the granting of asylum and refugee status to persons who meet the definition in the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. In practice, the Government provided protection against refoulement and granted refugee status or asylum, although there was some concern that border police did not consistently inform individuals of their rights as potential refugees. The Government cooperated with the office of the U.N. High Commissioner for Refugees and other humanitarian organizations in assisting refugees. Since potential refugees viewed the country as a transit point rather than a destination, few stayed long enough to be processed as refugees. As a result, the Government provided refuge or temporary protection to only a small number of persons fleeing persecution or civil conflict refugees. During the year, the country granted refugee status to 17 persons and humanitarian refugee status to an additional 20 persons. The issue of the provision of temporary protection did not arise during the year.

Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government

The Constitution provides citizens with the right to change their government peacefully, and citizens generally exercised this right in practice through periodic, free, and fair elections held on the basis of universal suffrage. The November–December 2002 presidential elections were the most recent elections at the national level. Reform of the country's political and economic structure led to an invitation in 2002 to join the European Union (EU) in May 2004.

There were no restrictions on the participation of women or minorities in politics. There were 12 women in the 90-seat Parliament and 3 women in the 40-seat National Council. A total of 3 of 16 cabinet ministers were female.

The Constitution provides the "autochthonous" (indigenous) Italian and Hungarian minorities the right, as a community, to have at least one representative in the Parliament. However, the Constitution and law do not provide any other minority group, autochthonous or otherwise, the right to be represented as a community in Parliament. On June 2, the U.N. Committee on the Elimination of Racial Discrimination (CERD) issued a report recommending that the Government consider taking further measures to ensure that all groups of minorities are represented in Parliament.

Twenty distinct Roma communities, each designated autochthonous at the local level, are entitled to a seat on their local municipal councils. At year's end, all but one municipality (Grosuplje) was in compliance with the law in this regard.

Section 4. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A number of domestic and international independent human rights groups generally operated without government restriction, investigating and publishing their

findings on human rights cases. Government officials generally were cooperative and responsive to their views.

Section 5. Discrimination Based on Race, Sex, Disability, Language, or Social Status

The Constitution provides for equality before the law regardless of race, sex, disability, language, or social status. The Constitution provides special rights for the autochthonous Italian and Hungarian ethnic communities, and for the small Roma community; these provisions were generally respected in practice.

Women.—Violence against women occurred and was underreported; however, awareness of spousal abuse and violence against women increased. SOS Phone, a nongovernmental organization (NGO) that provided anonymous emergency counseling and services to domestic violence victims, received thousands of calls throughout the year. The Government partially funded 3 shelters for battered women, which operated at capacity (approximately 40 beds combined) and turned away numerous women. In cases of reported spousal abuse or violence, the police actively intervened and prosecuted offenders.

Prostitution is illegal but decriminalized. Anti-trafficking authorities and NGOs informally estimated that as many as 80 bars and clubs across the country could be engaged in prostitution. Trafficking in women for the purpose of sexual exploitation was a problem (see Section 6.f.).

The law does not explicitly prohibit sexual harassment; however, it may be prosecuted under sections of the Criminal Code that prohibit sexual abuse. Sexual harassment and violence remained serious problems.

Government policy provides for equal rights for women and there was no official discrimination against women or minorities in housing, jobs, or education. Under the Constitution, marriage is based on the equality of both spouses, and the Constitution stipulates that the State shall protect the family, motherhood, and fatherhood.

In rural areas, women, even those employed outside the home, bore a disproportionate share of household work and family care, because of a generally conservative social tradition. However, women frequently were active in business and in government executive departments. Although both sexes had the same average period of unemployment, women frequently held lower paying jobs. On average, women's earnings were 89 percent of those of men.

Children.—The Constitution stipulates that children “enjoy human rights and fundamental freedoms consistent with their age and level of maturity,” and the Government is committed to protecting children's rights and welfare.

The Government provided compulsory, free, and universal primary school education for children through grade 9 (ages 14 and 15). Ministry of Education statistics showed an attendance rate of nearly 100 percent of school-aged children. The Government provided universal health care for all citizens, including children.

During the year, police investigated 198 counts of criminal sexual attacks on minors; however, there was no societal pattern of abuse of children. The law provides special protection for children from exploitation and mistreatment. Social workers visited schools regularly to monitor any incidents of mistreatment or abuse of children.

Trafficking in girls for the purpose of sexual exploitation was a problem (see Section 6.f.).

Persons with Disabilities.—The law prohibits discrimination against persons with disabilities, and in practice the Government generally did not discriminate against persons with disabilities in employment, education, or the provision of other state services.

The law mandates access to buildings for persons with disabilities, and the Government generally enforced these provisions in practice. Modifications of public and private structures to ease access by persons with disabilities continued, although at a slow pace.

National/Racial/Ethnic Minorities.—According to the 2002 census, minorities made up approximately 17 percent of the population and included 35,642 Croats, 38,964 Serbs, 21,542 Bosniaks (Bosnian Muslims), 10,467 Muslims, 6,243 Hungarians, 6,186 Albanians, 3,246 Roma, and 2,258 Italians.

The Constitution provides for the protection of the fundamental rights and freedoms of all persons “irrespective of national origin, race, sex, language, religion, political or other beliefs, financial status, birth, education, social status, or whatever other personal circumstance.”

The Constitution provides special rights and protections to autochthonous Italian and Hungarian minorities, including the right to use their own national symbols and have bilingual education and the right for each to be represented as a commu-

nity in Parliament (see Section 3). The Roma minority does not have comparable special rights and protections. The Constitution provides that “the status and special rights of Gypsy communities living in Slovenia shall be such as are determined by statute.” By year’s end, Parliament had not enacted laws to establish such rights for the Roma community; however, the Government and Roma representatives have discussed possible legislation for several years. A study on measures to combat discrimination in the country, released in May and funded by the European Community (EC) action program to combat discrimination, estimated that 40 percent of Roma in the country were autochthonous.

Ethnic Serbs, Croats, Bosnians, Kosovar Albanians, and Roma from Kosovo and Albania were considered “new” minorities; they were not protected by the special constitutional provisions for autochthonous minorities and faced some governmental and societal discrimination. In its June 2 report on Slovenia, the CERD expressed concern that discriminatory attitudes and practices against the Roma may persist and that the distinction between “indigenous” Roma and “new” Roma may give rise to new discrimination.

Regularization of status for non-Slovenian former Yugoslav citizens remained an issue. The Ministry of Interior (MOI) reported that of the 211,830 applications for citizenship received since independence, as of September, 194,507 were approved, 6,542 were refused, 3,825 were being processed, 3,659 were awaiting processing, and 3,297 were rejected for technical reasons such as insufficient documentation. The MOI reported that 12,991 applications for permanent residence have been received since 1999. Of these, 10,980 were approved, 303 were refused, 518 were being processed, 1,069 were stopped while in process, and 121 were rejected for technical reasons.

Approximately 2,300 persons granted “temporary refugee” status after fleeing the 1992–95 conflict in Bosnia normalized their status by applying for permanent residency during a 6-month window in 2002–2003 (see Section 2.d.). Some Yugoslavs residing in Slovenia at the time of independence opted not to apply for citizenship in a 6-month window in 1991–92. Subsequently, their records were “erased” from the population register in a move characterized by some as administrative and by others as ethnically motivated. In April, the Constitutional Court ruled unconstitutional portions of the 1999 law governing the legal status of former Yugoslav citizens, because the law does not recognize the full period in which these “erased” persons resided in the country, nor does it provide them the opportunity to apply for permanent residency. At year’s end, Government efforts to resolve the Court’s concerns through new legislation remained in progress, despite considerable controversy.

The NGO European Roma Rights Center (ERRC) reported that Roma frequently lived in settlements apart from other communities that were characterized by lack of basic utilities such as electricity, running water, sanitation, and access to transportation. The ERRC also reported that some local authorities developed segregated substandard housing facilities to which Romani communities were forcibly relocated. The ERRC reported that Roma children frequently attended segregated classes or schools and that, in some instances, Roma children were segregated in schools for children with mental disabilities. In its June 2 report, the CERD expressed concern over the practice of educating some Roma children at vocational centers for adults and others in special classes; the Committee encouraged the Government to promote the integration of Roma children into mainstream schools. The May report funded by the EC action program to combat discrimination noted that the enrollment of Roma children to primary schools for children with special needs was ten times higher than the average for the country, reportedly because of their inadequate knowledge of the Slovenian language. The Government attempted to expand education of Roma children both through enrichment programs and their inclusion in public kindergartens.

Roma also reported discrimination in employment, which in turn complicated their housing situation, and they were subject disproportionately to poverty and unemployment. The May report funded by the EC action program to combat discrimination noted that the unemployment rate among Roma was 87 percent.

Section 6. Worker Rights

a. The Right of Association.—The Constitution stipulates that trade unions, their operation, and their membership shall be free, and workers exercised these rights. All workers, except police and military personnel, were eligible to form and join labor organizations.

Unions formally and in practice were independent of the Government and political parties, although individual union members held positions in the legislature.

The law prohibits anti-union discrimination and there were no reports that it occurred.

There were no restrictions on unions joining or forming federations and affiliating with international union organizations.

b. The Right to Organize and Bargain Collectively.—The Government exercised a dominant role in setting the minimum wage and conditions of work; however, in the private sector, wages and working conditions were agreed upon in the 2003–2005 general collective agreement between the labor unions and the Chamber of Economy. This “Social Agreement” included provisions on issues such as wage policy, employment, training, social dialogue, equal opportunity, and taxation. Collective bargaining remained limited.

The Economic and Social Council, comprised of government officials, managers, and union representatives, negotiated public sector wages, collective bargaining rules, and major regulatory changes. Of the 40 members of the upper chamber of Parliament—the National Council—4 represented employers, 4 represented employees, and 4 represented farmers, small business persons, and independent professional persons. If a labor dispute is not resolved, it initially is heard by district-level administrative courts and may be appealed to the Supreme or Constitutional Court, depending on the nature of the complaint.

The Constitution provides for the right to strike, and workers exercised this right. The law restricts strikes by some public sector employees, primarily the police and members of the military services. Other public sector professionals, such as judges, doctors, and educators, continued to be active in labor issues.

Export processing zones (EPZs) exist in Koper, Maribor, and Nova Gorica. Worker rights in the EPZs are the same as in the rest of the country.

c. Prohibition of Forced or Bonded Labor.—The law prohibits forced or bonded labor, including by children; however, there were reports that such practices occurred (see Section 6.f.).

d. Status of Child Labor Practices and Minimum Age for Employment.—The minimum age for employment was 16, although during the harvest season or for other farm chores, younger children did work. Urban employers generally respected the age limits.

e. Acceptable Conditions of Work.—The monthly minimum wage was approximately \$456 (103,643 tolar), which provided a decent standard of living for a worker and family. A new labor law took effect in January, which reduced the workweek to 40 hours and increased the minimum annual leave to 20 days. The Ministry of Labor is responsible for monitoring labor practices and has inspection authority; police are responsible for investigating any violation of the law.

Special commissions controlled by the Ministries of Health and Labor set and enforced standards for occupational health and safety. Workers had the right to remove themselves from dangerous work situations without jeopardy to their continued employment.

Laws and regulations governing worker rights, wages, and working conditions did not generally differentiate between citizens and non-citizens.

f. Trafficking in Persons.—The law does not specifically prohibit trafficking in persons, and trafficking of women through and to the country was a problem. In the absence of a law against trafficking, the Government continued to investigate and prosecute traffickers under laws against pimping, procurement of sexual acts, inducement into prostitution, rape, sexual assault, bringing a person in slavery or similar conditions, and the transportation of slaves. Enslavement convictions carry sentences of 1 to 10 years’ imprisonment. Persons also can be prosecuted for rape, pimping, procurement of sexual acts, inducement into prostitution, sexual assault, and other related offenses. The penalty ranges from 3 months’ to 5 years’ imprisonment or, in cases involving minors or forced prostitution, 1 to 10 years’ imprisonment. Regional police directorates had departments that investigated trafficking and organized crime.

The country was primarily a transit, and secondarily a destination, country for women and teenage girls trafficked from Southeastern, Eastern, and Central Europe to Western Europe, the United States, and Canada. The country was also a country of origin for a small number of women and teenaged girls trafficked to Western Europe. Victims were trafficked for purposes of sexual exploitation.

Government officials generally were not involved in trafficking, although there was anecdotal evidence that some tolerated trafficking at the local level.

The Government has not fully established a system of shelter and protection for victims and witnesses. There is a National Coordinator for Trafficking in Persons and an interagency anti-trafficking working group that based its activities on the national strategy to combat trafficking. The working group, which included par-

liamentary, NGO, and media representatives, established standard operating procedures for first-responders to ensure that victims receive information about the options and assistance available to them. During the year, a cabinet-level decision enhanced the working group's status and authority.

A study conducted during the year by the International Organization for Migration office identified five common deceptive practices used to recruit women trafficked to the country from Eastern Europe and the Balkans: (1) through offers of employment with no indication of work in the sex industry; (2) through media advertisements promising high wages; (3) through offers of employment in entertainment and dancing; (4) through offers of marriage; and, (5) regarding the conditions under which women will undertake prostitution. Women who were victims of trafficking reportedly were subjected to violence. Organized crime was responsible for some of the trafficking. In general, victims trafficked into the country were not treated as criminals; however, they usually were voluntarily deported either immediately upon apprehension or following their testimony in court.

In September, the domestic NGO Kljuc, in cooperation with the EU and several ministries, established the first shelter devoted to trafficking victims. Kljuc signed a memorandum of understanding with the Ministry of Interior that provided victims immunity from prosecution and temporary legal status, including work permits and access to social services. Kljuc also worked to raise public awareness of the trafficking problem, provide legal assistance, counseling, and other services to trafficked women, and improve cooperation among NGOs in the region.

To deter trafficking, the Ministry of Interior produced pamphlets and other informational materials for NGO-run awareness programs to sensitize potential target populations to the dangers of and approaches used by traffickers. The Ministry also worked with NGOs to provide specialized training to police and to assist the small number of victims with reintegration.

SPAIN

Spain is a democracy with a Constitutional monarch. The Parliament consists of two chambers, the Congress of Deputies and the Senate. Since 1996, Jose Maria Aznar of the Popular Party has been Prime Minister, with the title President of the Government. Elections were free and fair. The next national elections were scheduled for March 14, 2004. The judiciary is independent.

Internal security responsibilities are divided among the National Police, which are responsible for security in urban areas; the Civil Guard, which police rural areas and control borders and highways; and police forces under the authority of the autonomous communities of Catalonia and the Basque Country. Civilian authorities maintained effective control of the security forces. There were allegations that some members of the security forces committed isolated human rights abuses.

The market-based economy, with primary reliance on private enterprise, provided the population of over 40 million with a high standard of living. The economy grew during the third quarter at a 2.4 percent annual rate. The annual inflation rate was 3 percent at year's end. Unemployment decreased to 11.0 percent by November. Wages generally kept pace with inflation.

The Government generally respected the human rights of its citizens; although there were a few problems in some areas, the law and judiciary provide effective means of addressing individual instances of abuse. There were allegations that a few members of the security forces abused detainees and mistreated foreigners and illegal immigrants. According to Amnesty International (AI), government investigations of such alleged abuses often were lengthy and punishments were light. Lengthy pretrial detention and delays in trials were sometimes problems. Violence against women was a problem, which the Government took steps to address. Societal discrimination against Roma and immigrants remained a problem, as did occasional violence against immigrants. Trafficking in women and teenage girls for the purpose of prostitution was a problem, which the Government took steps to address.

The terrorist group ETA (Basque Fatherland and Liberty) continued its campaign of shootings and bombings, killing three persons during the year. ETA sympathizers also continued a campaign of street violence and vandalism in the Basque region intended to intimidate politicians, academics, and journalists. Judicial proceedings against members of ETA continued, and Spanish and French police arrested 126 suspected ETA members and collaborators.

RESPECT FOR HUMAN RIGHTS

Section 1. Respect for the Integrity of the Person, Including Freedom From:

a. Arbitrary or Unlawful Deprivation of Life.—There were no reports of the arbitrary or unlawful deprivation of life committed by the Government or its agents.

ETA, whose declared goal is to establish an independent Basque state, continued its terrorist campaign of bombings and shootings, killing three persons as of September. ETA publicly claimed responsibility for its attacks. On February 8, ETA shot and killed a municipal policeman in Andoaín (Guipuzcoa), and on May 30, a car bomb killed two national policemen in Sanguesa.

The Government continued to pursue legal actions against ETA members. By October, police had arrested 126 ETA members and collaborators, and had dismantled 5 ETA operational cells and 2 support cells. Authorities in France, Mexico, the Netherlands, Switzerland, Venezuela and Germany have arrested, and in some cases extradited to Spain, ETA members.

b. Disappearance.—There were no reports of politically motivated disappearances.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The law prohibits such practices; however, suspects charged with terrorism at times asserted that they were abused during detention, as did suspects in other types of detention. An AI report stated that torture was not present in a systematic form in the country, but certain practices could facilitate mistreatment. They urged an end to legal provisions that allow police to hold suspects of certain terror-related crimes for up to 5 days with access only to a public lawyer. AI stated that giving suspects access to a lawyer of their choice would make for better observations of treatment in police custody. AI was also concerned about continuing reports of mistreatment of detainees in immigration detention centers, and urged the Government to broaden its definition of torture to include rape by authorities while in custody, as some authorities have been convicted of sexual abuse against immigrant women in previous years. However, there were no reports of sexual abuse by authorities against immigrant women during the year.

The Council of Europe's Committee for the Prevention of Torture made public a report in March of the July 2001 inspection that indicated that the Government had not complied with some of its recommendations in order to avoid mistreatment in jails. The Committee reiterated its recommendations that the Government reduce from 5 days to 2 the maximum period allowed for authorities to notify relatives or other persons of the fact and place of a subject's detention; that persons held in incommunicado detention be allowed a medical examination by a doctor of their own choice and receive written information regarding this proposed right; and that detainees be provided with more immediate access to a lawyer.

In the province of Girona, four Catalan policemen were sentenced to 1 year in prison and 8 years in rehabilitation for the torture of two young men who they thought were drug traffickers. In 2002, AI reported that police had abused undocumented Moroccan minors, particularly in the Spanish North African enclaves of Ceuta and Melilla, and that some undocumented minors were returned to Morocco without sufficient concern for their welfare (see Section 2.d.). No reports of abuse were received during the year; however, AI continued to express concerns about the adequacy of placement services for undocumented minors returned to Morocco.

In addition to killings, ETA bombings and attempted bombings caused numerous injuries and property damage. Several of these attempts were directed at the tourist industry, including bombings in July in Pamplona, Alicante, Benidorm and Santander. In addition to attacks aimed at tourist zones, in February, ETA set off a bomb close to the residence of a police officer in Bilbao. Between June and August, ETA planted two car bombs in Bilbao, and a total of five bombs in Vizcaya, Guipuzcoa, and Estella, Navarra. The latter one was placed near the entrance of the local Court.

Prison conditions generally met international standards. In the prison system, women were held separately from men; juveniles were held separately from adults; and pretrial detainees were held separately from convicted criminals.

The Government permits visits by independent human rights observers. In October, the U.N. special rapporteur Theo van Boven visited the country on behalf of the U.N. Commission on Human Rights, investigating allegations of torture made by ETA suspects.

d. Arbitrary Arrest, Detention, or Exile.—The Constitution prohibits arbitrary arrest and detention, and the Government generally observed these prohibitions.

Police forces include the National Police, Municipal Police, the Civil Guard, and police forces under the authority of the autonomous communities of Catalonia and the Basque Country. All police forces operated effectively with no reports of systemic

corruption. The Constitution provides for an ombudsman, called the People's Defender (Defensor del Pueblo), who investigated claims of police abuse (see Section 4). Police internal investigators have 15 days to respond to Ombudsman inquiries, and the Ombudsman's Office issues findings on the results of the investigation and can impose sanctions. The Ombudsman can execute unannounced inspections of police facilities.

Arrest warrants were based on sufficient evidence and issued by a duly authorized official. Persons were apprehended openly and brought before an independent judiciary. A suspect may not be held for more than 72 hours without a hearing except in cases involving terrorism, in which case the law permits holding a suspect an additional 2 days—or a total of 5 days—without a hearing. A judge may authorize semi-incommunicado detention for terrorism suspects, in which suspects have access only to a court-appointed lawyer.

At times pretrial detention was lengthy. By law, suspects may not be confined for more than 2 years before being brought to trial, unless a further delay is authorized by a judge, who may extend pretrial custody to 4 years. In practice pretrial custody usually was less than 1 year. By September, approximately 22.7 percent of the prison population was in pretrial detention (12,540 out of 55,223 inmates), although that number included convicted prisoners whose cases were on appeal. Pretrial delays are a feature of the legal system, and do not appear to be the result of corruption, judicial inefficiency, financial constraints, or staff shortages.

The law on aliens permits the detention of a person for up to 40 days prior to deportation but specifies that it must not take place in a prison-like setting (see Section 2.d.).

The Constitution prohibits forced exile, and the Government did not employ it.

e. Denial of Fair Public Trial.—The Constitution provides for an independent judiciary, and the Government generally respected this provision in practice.

The judicial structure consists of local, provincial, regional, and national courts with the Supreme Court at its apex. The Constitutional Court has the authority to return a case to the court in which it was adjudicated if it can be determined that constitutional rights were violated during the course of the proceedings. The National High Court handles crimes such as terrorism and drug trafficking. The European Court of Human Rights (ECHR) is the final arbiter in cases concerning human rights.

The Constitution provides for the right to a fair public trial, and an independent judiciary generally enforced this right. There was a nine-person jury system. Defendants enjoy the presumption of innocence and have the right to be represented by an attorney (at state expense for the indigent), to confront witnesses and to present witnesses on their behalf, and to have access to government-held evidence. Defendants were released on bail unless the court believed that they might flee or be a threat to public safety. Following a conviction, defendants may appeal to the next higher court.

The law calls for an expeditious judicial hearing following arrest; however, the judicial process often was lengthy (see Section 1.d.). Since April 28, the courts have set a goal of resolving petty crimes cases (those with possible punishments of less than 5 years) in a maximum of 15 days.

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home or Correspondence.—The Constitution prohibits such actions, and the Government generally respected these prohibitions in practice. Under the Criminal Code, the authorities must obtain court approval before searching private property, wiretapping, or interfering with private correspondence. However, the antiterrorist law gives discretionary authority to the Minister of the Interior to act prior to obtaining court approval in "cases of emergency."

The parents or legal guardians of a person with mental disabilities may petition a judge for sterilization of that person (see Section 5).

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution provides for freedom of speech and of the press, and the Government generally respected these rights in practice.

Opposition viewpoints, both from political parties and nonpartisan organizations, were reflected freely and widely in the active and independent media. TVE (TV-1 and TV-2) and Radio Nacional were state media. The autonomous regions' TV stations (TV Catalunya, Canal Sur, et al) were affiliated with their respective regional governments. The news agency EFE was also state-owned. International media operated freely.

On February 20, the Government closed the Basque newspaper, Euskalunon Egunkaria, because of its links to ETA. ETA and its sympathizers continued their

violent campaign of intimidation against political, press, and academic professionals and organizations in the Basque country (see Sections 1.a. and 1.c.). At the beginning of the year, the police dismantled a massive operation in which ETA was preparing to send letter bombs to journalists, judges, politicians, and prison workers. An International Press Institute report issued in March indicated that journalists worked under the threat of terrorism. One of ETA's tactics was the distribution of their style guides, which threatens reporters who do not cover ETA actions and goals in a favorable manner.

The trade union Comisiones Obreras (Working Commissions) took Spanish national television (TVE) to court for what it claimed was the unfair treatment of the 2002 general strike received on that network. In June, the court ordered TVE to air further coverage regarding the strike.

The Government did not restrict access to the Internet or academic freedom. ETA and elements of radical Basque nationalism continued to intimidate and pressure unsympathetic academics to leave the region.

b. Freedom of Peaceful Assembly and Association.—The Constitution provides for freedom of assembly and association, and the Government generally respected these rights in practice.

c. Freedom of Religion.—The Constitution provides for freedom of religion, and the Government generally respected this right in practice.

The Constitution declares the country to be a secular state, and various laws provide that no religion should have the character of a state religion; however, Catholicism was the dominant religion and enjoyed the closest official relationship with the Government. Among the various benefits enjoyed by the Catholic Church was financing through the tax system. Judaism, Islam, and many Protestant denominations had official status through bilateral agreements but enjoyed fewer privileges. Other recognized religions, such as Jehovah's Witnesses and the Church of Jesus Christ of Latter-day Saints (Mormons), were covered by constitutional protections but had no special agreements with the Government.

The law establishes a legal regime and certain privileges for religious organizations to benefit from this regime. Religions not recognized officially, such as the Church of Scientology, were treated as cultural associations. Leaders of the Protestant, Muslim, and Jewish communities reported that they continued to press the Government for privileges comparable to those enjoyed by the Catholic Church. Protestant and Muslim leaders wanted like their communities to receive government support through an income tax allocation or other designation. Protests against the construction of mosques continued in various parts of Catalonia, according to community sources.

For a more detailed discussion, see the 2003 International Religious Freedom Report.

d. Freedom of Movement within the Country, Foreign Travel, Emigration, and Repatriation.—The Constitution and law provide for these rights, and the Government generally respected them in practice.

The law provides for the granting of asylum and refugee status to persons who meet the definition in the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. In practice, the Government provided protection against refoulement and granted refugee status and asylum. The Government cooperated with the office of the U.N. High Commissioner for Refugees (UNHCR) and other humanitarian organizations, including the Spanish Committee for Assistance to Refugees (CEAR), in assisting refugees and asylum-seekers. Under the law, asylum requests are adjudicated in a two-stage process, with the Office of Asylum and Refugees (OAR) making an initial decision on the admissibility of the application for processing. The Interministerial Committee for Asylum and Refuge (CIAR) examines the applications accepted for processing and included representatives from the Ministries of Interior, Justice, Labor, Foreign Affairs, and a non-voting member of the UNHCR. The Minister of the Interior must approve the decision of the CIAR in each case. According to provisional statistics, as of August 30 there were 3,564 applications for asylum, of which the Government granted 159 asylum status and admitted 59 others for humanitarian or other reasons. The largest number of applicants came from Nigeria, Cuba, and Colombia.

The UNHCR advised authorities throughout the asylum process. Applicants for asylum have the right to have their applications sent immediately to the local office of the UNHCR. The authorities were not bound by the judgment of the UNHCR in individual cases, but they often reevaluated decisions with which the UNHCR did not agree. Appeals of rejection at either stage may be made to the National High Court, and appeals of the National High Court's decisions may be made to the Supreme Court.

Asylum requests may be made from outside, as well as within the country. Individuals at ports of entry who lack visas or permission to enter the country are allowed to apply for asylum; the applicant in such cases may be detained until a decision is made regarding the admissibility for processing of the application. In cases where persons apply inside the country, a decision must be reached within 2 months, but in cases where persons have applied at a port of entry, this period is reduced to 72 hours. The period for filing an appeal in such cases is 24 hours.

The Government also provides temporary protection to persons who do not qualify as refugees or asylees. Regulatory changes in 2001 redefined the basis for admission on humanitarian grounds for certain applicants who do not meet the requirements of the 1951 Convention. Those granted admission for humanitarian reasons must renew their status annually. The law allows the applicant a 15-day grace period in which to leave the country if refugee status or asylum is denied. Within that time frame, the applicant may appeal the decision, and the court of appeal has the authority to prevent the initiation of expulsion procedures, which normally begins after 15 days.

In April, the Ministry of Interior and the International Organization for Migration signed an agreement to promote volunteer return of illegal immigrants, as well as of asylum and refugee seekers who so desire, to their countries of origin.

AI called for more in-depth, case-by-case reviews of the welfare of minors being returned to Morocco before their expulsion. The law prohibits the repatriation of minors without social services' knowing where the child will be returned and authorities generally respected that provision. The Government was seeking more cooperation from Morocco in getting reinsertion information to facilitate the transfer of illegal minors, and this issue was raised at the Spain-Morocco summit in December.

Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government

The Constitution provides citizens with the right to change their government peacefully, and citizens exercised this right in practice through periodic, free, and fair elections held on the basis of universal suffrage. The country has a multiparty democracy with open elections in which all citizens 18 years of age and over have the right to vote by secret ballot. At all levels of government, elections are held at least every 4 years. In 2000, Jose Maria Aznar of the Popular Party was reelected Prime Minister, with the title President of the Government. The next national elections are scheduled to take place on March 14, 2004.

Governmental power was shared between the central Government and 17 regional "autonomous communities." Local nationalist parties gave political expression to regional linguistic and cultural identities.

On March 17, the Spanish Supreme Court unanimously decided to declare Batasuna to be the political arm of ETA, a terrorist organization, and therefore illegal. The de-legalization means that Batasuna, Euskal Herriarrok and Herri Batasuna were erased from the registry of political parties; that they will not be able to participate in any elections; that none of their activities (meetings, publication, propaganda, electoral process) will be permitted; and that their patrimonial assets will be sold off and the proceeds used for social or humanitarian activities.

In September, the Basque Government initiated a claim against the Spanish Government at the ECHR. The claim alleges that the Law of Political Parties, used as a base to de-legalize Batasuna, violates fundamental rights. In November, the ECHR officially received the cases of 221 Batasuna candidates who were not allowed to stand for office, but made no rulings on them by year's end. During the year, the European Parliament released a human rights report stating that the Law of Political Parties is "in accordance with the principles of freedom, democracy, and respect for human rights and fundamental liberties, as well as being in accordance with the Rule of Law."

Women participated actively in government and politics. Of 15 Cabinet Ministers, 5 were women, including the Foreign Minister. The Speaker of the Chamber of Deputies was a woman. Of the 350 members of the lower house, 110 were women. Of 259 Senators, 65 were women. One of the country's two European Union (EU) Commissioners was a woman. At year's end, 21 of the 64 Spanish members of the European Parliament were women.

The Government did not keep statistics on the ethnic composition of the national parliament. The Spanish city enclaves of Ceuta and Melilla in North Africa had Muslim political parties.

Section 4. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A wide variety of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials were cooperative and responsive to their views.

The Constitution provides for an ombudsman, called the People's Defender, whose duties include actively investigating complaints of human rights abuses by the authorities (see Section 1.d.). The Ombudsman operated independently from any party or government ministry, was elected every 5 years by a three-fifths majority of the Congress of Deputies, and was immune from prosecution. He had complete access to government institutions and to all documents other than those classified for national security reasons, and could refer cases to the courts on his own authority. The Ombudsman had a staff of approximately 150 persons and received approximately 15,000 complaints as of September. The majority of the complaints pertained to health and social services, integration and shelter services for immigrants, moving of imprisoned persons from one penitentiary to another, and lack of adequate facilities in such penitentiaries. Government agencies were responsive to the Ombudsman's recommendations. Several of the autonomous communities had their own ombudsman, and there were ombudsmen dedicated to the rights of specific groups, such as women, children, and persons with disabilities.

Section 5. Discrimination Based on Race, Sex, Disability, Language, or Social Status

The Constitution provides for equal rights for all citizens, and discrimination on the basis of sex, race, ethnicity, nationality, disability, or ideology is illegal; however, social discrimination against Roma and immigrants continued to be problems.

Women.—Violence against women, particularly domestic violence, remained a problem. According to the Government, as of November, 64 women and 35 men had been killed as a result of domestic violence, and women had filed 13,016 criminal complaints and 32,996 misdemeanor complaints against their husbands or male partners. The Government continued to take steps to reduce violence against women.

The law prohibits rape and spousal abuse. As of November, 1,514 reports of rape had been received. There were 54 Civil Guard units that assisted battered women and 43 similar units in the National Police. There were 53 offices that provided legal assistance to victims of domestic violence and approximately 225 shelters for battered women. A 24-hour free national hotline that advised women or where to find local assistance or shelter operated during the year. The Ministry of Labor and Social Affairs also operates the Women's Institute, dedicated to women's issues.

The Government of Catalonia and the Chief Public Prosecutor signed an agreement providing that a doctor should examine female immigrants in Catalonia in danger of suffering from female genital mutilation (FGM) "ablation" when traveling to their countries of origin and again upon return. If they were victims of FGM, the parents could lose custody of the child. Also, in the province of Girona, a protocol prohibiting FGM prevented six such cases from being performed on young girls during the year.

Prostitution is not itself illegal, but forcing others into involuntary prostitution and organizing prostitution rings are illegal. Trafficking in women and minors for the purpose of prostitution was a problem (see Section 6.f.). An NGO, Proyecto Esperanza (Project Hope), was contracted by the Government to provide protection, housing, and counseling support to women who were the victims of trafficking or other abuse.

The law prohibits sexual harassment in the workplace; however, as of November, the Women's Institute reported 283 complaints of sexual harassment. Although prohibited by law, discrimination in the workplace and in hiring practices persisted.

Discriminatory wage differentials continued to exist. A report during the year by the General Workers' Union showed that the average hourly income of women was 86 percent of the average hourly income of men. In addition, the Minister of Social Affairs reported that while as of June 30, women constituted 38.33 percent of the work force, they held only 16.13 percent of senior management positions. By June 30, the female unemployment rate was 15.79 percent, almost twice the 7.95 percent rate for males on the same date. Women outnumbered men in the legal, journalism and health care professions, but still played minor roles in many other fields. In June, the Ministry of Labor presented the National Action Plan to eradicate wage discrimination. Any accusation of salary discrimination must be investigated within 24 hours, and the final report from the Labor Inspection Office must be completed within 2 months (down from 9 months, previously).

Employers were exempted from paying social security benefits to temporary workers who substituted for workers on leave for maternity, child adoption, or similar circumstances. A ministerial order to increase women's presence in sectors in which they are underrepresented provided a 2-year reprieve from paying social security taxes to employers who hired women in these sectors.

Children.—The Government was strongly committed to children's rights and welfare; it amply funded a system of public education and health care. Education was compulsory until age 16 and free until age 18. However, many Romani children did not attend school on a regular basis and some complained of harassment in schools.

The Constitution obligates both the State and parents to protect children. In March, the Council of Ministers authorized the signing of the Hague Agreement of 1996 regarding competences, applicable law, and cooperation for parental protection of children. The Ministries of Health and Social Affairs were responsible for the welfare of children and have created numerous programs to aid needy children. Numerous NGOs promoted children's rights and welfare, often through government-funded projects. Several of the Autonomous Communities had an office of the Defender of Children, an independent, nonpartisan agency charged with defending children's rights. Under the Penal Code, children under the age of 18 are not considered responsible for their actions and cannot be sent to prison.

Access to the national health care system was equal for girls and boys.

There were isolated reports of violence against children, although there appeared to be no societal pattern of abuse of children.

Trafficking in teenage girls for prostitution was a problem (see Section 6.f.).

Law enforcement and social service agencies reported an increasing number of undocumented immigrant children living on the streets.

Persons with Disabilities.—The Constitution calls for the State to provide for the adequate treatment and care of persons with disabilities, ensuring that they are not deprived of the basic rights that apply to all citizens. The law aims to ensure fair access to public employment, prevent discrimination, and facilitate access to public facilities and transportation. The national law serves as a guide for regional laws; however, levels of assistance and accessibility differed from region to region. According to documentation from the Spanish Center for Disability Documentation, regional regulations on access for persons with disabilities were most lacking in Murcia, Ceuta and Melilla. Nevertheless there were no reports of discrimination against persons with disabilities in employment, education, or the provision of other state services.

The law continued to permit parents or legal representatives of a person with mental disabilities to petition a judge to obtain permission for the sterilization of that person. The Constitutional Court has held that sterilization of persons with mental disabilities did not constitute a violation of the Constitution, and many courts in the past have authorized such surgery. This applies equally to both sexes. There were no reports of such sterilizations being performed in during the year.

The Government subsidized companies that employed persons with disabilities, mandating that all businesses that employed more than 50 persons either hire persons with disabilities for at least 2 percent of their workforce, or subcontract a portion of their work to special centers that employed persons with disabilities. According to an NGO that advocates on behalf of persons with disabilities, not all companies complied with this regulation, primarily because they did not know the law. New regulatory legislation for companies that want to have access to public contracts is expected to make companies aware of their obligations under this law.

National/Racial/Ethnic Minorities.—Public opinion surveys indicated the continued presence of racism and xenophobia, which resulted in discrimination and, at times, violence against minorities. The NGO "SOS Racism" has denounced the growing number of Neo-Nazi groups in Catalonia.

In July, Barcelona police arrested the owner of a bookstore that was selling books that fomented racism and condoned genocide. The police seized more than 10,000 books, videotapes, magazines and swastikas on sale to young people with a Nazi ethos.

The growth of the country's immigrant population at times led to social friction, which in isolated instances had a religious component. Muslim community representatives stated that there were significant anti-Moroccan immigrant feelings. In May, a group of skinheads attacked some members of the Moroccan community in the Catalonian town of Terrassa, but this attack was apparently more racially motivated than religious. Authorities have not taken action against the unidentified perpetrators.

Roma continued to face marginalization and discrimination in access to employment, housing, and education. The Romani community, whose size was estimated

by NGOs at several hundred thousand, suffered from substantially higher rates of poverty and illiteracy than the population as a whole. Roma also had higher rates of unemployment and underemployment. According to the national NGO Secretariado General Gitano, approximately 46 percent of Roma adults were unemployed. Roma occupied the majority of the country's sub-standard housing units. Several NGOs dedicated to improving the condition of Roma received federal, regional, and local government funding.

According to a 2000 study of primary education by the Gypsy General Secretariat Association (ASGG), an NGO, Roma children lagged significantly behind the general population in several areas, including integration into school routines and social interaction with other children, and lacked family support for education. Roma truancy and dropout rates remained significantly above average. However, the study showed improvements over the results of a similar study done in 1994, especially in early school access (94 percent entered school at age 6) and academic achievement (44 percent finished secondary level).

Languages or dialects other than Castilian Spanish are used in 6 of the 17 autonomous communities. The Constitution stipulates that citizens have "the duty to know" Castilian, which is the "official language of the state;" however, it also provides that other languages also may be official under regional statutes and that the "different language variations of Spain are a cultural heritage which shall . . . be protected." Laws in the Autonomous Communities of the Basque Country, Galicia, and Valencia require the community governments to promote their respective regional languages in schools and at official functions.

The Law of the Catalan Language stipulated the use of Catalan as the official language in local government and administrative offices, regional courts, publicly owned corporations, and private companies subsidized by the Catalan regional Government. Spanish-speaking citizens had the right to be addressed in Spanish by public officials. The legislation also established minimum quotas for Catalan-language radio and television programming.

During the year, the Catalan regional government signed an agreement with various socio-economic institutions to increase the use of the Catalan language in public places. The Catalan Government also rejected the Government's decree mandating a specific number of Castilian Spanish language classes in all autonomous regions, calling it an "invasion" of autonomous responsibilities. Critics contended that efforts to promote the use of non-Castilian languages made it more difficult for Castilian speakers to live and work in those areas.

Section 6. Worker Rights

a. The Right of Association.—The Constitution and laws ensure that all workers, except those in the military services, judges, magistrates, and prosecutors, are entitled to form or join unions of their own choosing, and workers exercised this right in practice. Approximately 15 to 20 percent of the workforce was unionized. Under the Constitution, trade unions are free to choose their representatives, determine their policies, and represent their members' interests. Unions were not restricted or harassed by the Government and were independent of political parties. The two main labor federations were the Workers' Committees (Comisiones Obreras) and the General Union of Workers (Union General de Trabajadores).

The law prohibits discrimination by employers against trade union members and organizers. Discrimination cases have priority in the labor courts. The law gives unions a role in controlling temporary work contracts to prevent the abuse of such contracts and of termination actions. Unions nonetheless contended that employers practiced discrimination in many cases by refusing to renew the temporary contracts of workers engaging in union organizing. As of June 30, approximately 31 percent of all employees were under temporary contracts.

Unions are free to form or join federations and affiliate with international bodies and did so without hindrance.

b. The Right to Organize and Bargain Collectively.—The law provides for the right to organize and bargain collectively, including for all workers in the public sector except military personnel, and unions exercised this right in practice. Public sector collective bargaining includes salaries and employment levels, but the Government retained the right to set these if negotiations failed. Collective bargaining agreements were widespread in both the public and private sectors; in the latter they covered 85 to 90 percent of workers, even though only approximately 15 to 20 percent of workers were union members.

The Constitution provides for the right to strike and workers exercised this right. A strike in non-essential services was legal if its sponsors gave 5 days' notice. Any striking union must respect minimum service requirements negotiated with the respective employer. The Constitutional Court has interpreted the right to strike to

include general strikes called to protest government policy. According to the National Business Association, as of June 30, there had been 275 strikes, with approximately 381,000 participants and 1 million lost workdays. The law prohibits retaliation against strikers, and there were no general strikes during the year.

Labor regulations and practices in free trade zones and export processing zones are the same as in the rest of the country. Union membership in these zones reportedly is higher than the average throughout the country.

c. Prohibition of Forced or Bonded Labor.—The law prohibits forced or bonded labor, including by children; however, there were reports that such practices occurred (see Sections 6.d and 6.f.).

d. Status of Child Labor Practices and Minimum Age for Employment.—Child labor was generally not a problem. The statutory minimum age for the employment of children is 16 years old. The law also prohibits the employment of persons under the age of 18 at night, for overtime work, or in sectors considered hazardous. The Ministry of Labor and Social Affairs primarily was responsible for enforcement, and the minimum age was enforced effectively in major industries and in the service sector. It was more difficult to enforce the law on small farms and in family-owned businesses, where some child labor persisted. Legislation prohibiting child labor was enforced effectively in the special economic zones.

Law enforcement and social service agencies reported an increasing number of undocumented immigrant children living on the streets. These children cannot legally work; as a result, many survived through petty crime.

There were reports that persons were trafficked for forced and bonded labor (see Section 6.f.).

e. Acceptable Conditions of Work.—Each year the Government revises its minimum wage for workers over age 18, in line with the consumer price index. The Government raised the minimum wage for this year by 2 percent, to \$564 (451.20 euros) monthly or \$19 (15.04 euros) daily. The national minimum wage generally provided a decent standard of living for a worker and family; however, this was not the case in all areas of the country. The Ministry of Labor effectively enforced the minimum wage. The law set a 40-hour workweek with an unbroken rest period of 36 hours after each 40 hours worked. Workers received 12 paid holidays a year and 1 month's paid vacation.

The National Institute of Safety and Health in the Ministry of Labor and Social Security had technical responsibility for developing labor standards, but the Inspectorate of Labor had responsibility for enforcing the legislation through judicial action when infractions were found. Unions have criticized the Government for devoting insufficient resources to inspection and enforcement. Workers have firm legal protection for filing complaints about hazardous conditions.

Unions and NGOs concerned with immigrant rights reported that illegal immigrants often worked for sub-standard pay and in sub-standard conditions, mainly in agriculture. Illegal aliens, estimated by the Government at between 500,000 and 700,000, do not have the right to join unions or to strike.

f. Trafficking in Persons.—The law prohibits trafficking in persons; however, trafficking in women and teenage girls remained a problem. There were a few reports of trafficking of younger minors.

The law defines trafficking as a criminal offense. The penalty for trafficking is 2 to 4 years' imprisonment and a fine, or 6 to 12 years if a public official commits the crime. The exploitation of prostitutes through coercion or fraud and the exploitation of workers in general also are illegal, although prostitution itself is not illegal. Trafficking in workers was punishable by 2 to 5 years' imprisonment and a fine. During the year, law enforcement agencies arrested 242 individuals for labor exploitation and 761 individuals for sexual exploitation.

The Government specifically targets trafficking as part of its broader plan to control immigration; for example, the police actively pursued and prosecuted organized crime groups who used false identity documentation for immigrant smuggling of all kinds, including trafficking. Within the Interior Ministry, the National Police Corps had primary responsibility for all matters pertaining to immigration, including trafficking. Regional authorities also participated in fighting organized criminal activity, including trafficking. In addition, the Interior Ministry chaired an interagency committee on all immigration issues, including trafficking. The Ministries of Foreign Affairs, Health, Education, Treasury, and Labor also were members of the committee. The main police school gave courses on trafficking issues, such as the recognition of fake documents and the best ways to identify traffickers.

In July, the Government signed an agreement with Mauritania to return illegal immigrants to that country even if they were citizens of another country. This is

not limited to victims of trafficking, but applies to all illegal immigrants in the country.

The country was both a destination and transit country for trafficked persons for the purpose of sexual exploitation, and to a lesser degree forced labor (see Section 6.d.). Women were trafficked primarily from Latin America (Colombia and Ecuador), East European countries (Romania and Bulgaria), sub-Saharan Africa (Nigeria, Guinea, Sierra Leone), and, to a lesser extent, North Africa. Asians, including Chinese, were trafficked to a much lesser degree, and more often for work other than prostitution. Trafficking involved almost exclusively the importation of women for prostitution, although there were reports of occasional cases in which victims were employed in other work, including agriculture and sweatshops. Trafficked women were usually 18 to 30 years of age, but some girls were as young as age 16.

Traffickers used coercion, including confiscation of documents, violence, and threats against family members to keep victims working in prostitution. As a group, women from Eastern Europe reportedly were subjected to more severe violence and threats by traffickers. Traffickers lured some victims from other regions with false promises of employment in service industries and agriculture and then forced them into prostitution upon their arrival in the country.

The law allows for trafficked persons to remain in the country if they agree to testify against the perpetrators. After legal proceedings conclude, the individual is given the option of remaining in the country or returning to the country of origin. Victims were encouraged to help police investigate trafficking cases and to testify against traffickers. The Government worked with and funded NGOs that provided assistance to trafficking victims. In addition, regional and local governments provided assistance either directly or through NGOs.

Project Hope, a program backed by the Catholic NGO Las Adoratrices and government agencies, specifically was designed to assist trafficking victims. The project operated shelters in Madrid and provided assistance with medical and legal services and acted as liaison with law enforcement for victims who chose to testify against traffickers. Project Hope received many of its referrals directly from police.

SWEDEN

Sweden is a constitutional monarchy with a multiparty parliamentary form of government. The King is head of state, and the Prime Minister, who heads the Cabinet, exercises executive authority. The judiciary is independent.

The Government maintained effective control of the security forces and armed forces. Police provided internal security and the military provided external security. There were no reports that security forces committed human rights abuses.

The country had an advanced industrial economy, mainly market based, with a total population of approximately 8.96 million. Citizens enjoyed a high standard of living, with extensive social welfare services.

The Government generally respected the human rights of its citizens, and the law and judiciary provided effective means of dealing with individual instances of abuse. Societal violence against women was a problem. Anti-Semitic crimes and threats against the Muslim community were problems, which the Government took steps to address. Trafficking in women and children was a problem. The Government actively took steps to address these problems.

RESPECT FOR HUMAN RIGHTS

Section 1. Respect for the Integrity of the Person, Including Freedom From:

a. Arbitrary or Unlawful Deprivation of Life.—There were no reports of the arbitrary or unlawful deprivation of life committed by the Government or its agents.

The Chief Prosecutor's investigation into the 2000 death of Peter Andersson, who died after his arrest in Orebro, was closed; no one was charged in connection with the death.

b. Disappearance.—There were no reports of politically motivated disappearances.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The law prohibits such practices, and there were no reports that government officials employed them.

Following an investigation of the 2001 police shooting and wounding of three protesters at the European Union (EU) summit in Gothenburg, the police officer in charge of the police authority in Gothenburg was charged with breach of duty and unlawful deprivation of freedom. The case remained pending at year's end.

Prison conditions generally met international standards. Men and women prisoners were held separately. Juveniles were held separately from adults, and convicted criminals and pretrial detainees were held separately.

The Government permitted visits by independent human rights observers, although there were no such visits during the year. In January, the Council of Europe's Committee for the Prevention of Torture made a regular visit as prescribed by the European Convention Against Torture.

d. Arbitrary Arrest, Detention, or Exile.—The Constitution prohibits arbitrary arrest and detention, and the Government generally observed these prohibitions. The law requires warrants for arrests. Police must file charges within 6 hours against persons detained for disturbing the public order or considered dangerous and within 12 hours against those detained on other grounds. Police may hold a person for questioning for 6 hours, although the period may be extended to 12 hours if necessary for the investigation. If the person is a suspect, police must decide whether to arrest or release the person; if the suspect is arrested, the prosecutor has 24 hours (or 3 days in exceptional circumstances) to request detention, and the suspect must then be arraigned within 48 hours. Prosecution begins within 2 weeks, unless extenuating circumstances exist. Detainees routinely were released pending trial unless they were considered dangerous.

The Constitution prohibits forced exile, and the Government did not employ it.

e. Denial of Fair Public Trial.—The Constitution provides for an independent judiciary, and the Government generally respected this provision in practice.

The judicial system is composed of three levels of judicial examination: District courts; a court of appeals; and a Supreme Court. All criminal and civil cases are heard first in district court regardless of the severity of the alleged crime. For some areas there are specialized courts, such as labor, water, real estate, and market courts. These courts usually are the second and last instance for trial after the district court.

The Constitution provides for the right to a fair trial, and an independent judiciary generally enforced this right. Trials are public. Defendants have the right to appeal and are presumed innocent until proven guilty.

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The Constitution prohibits such actions, and the Government generally respected these prohibitions in practice. The law limits home searches to investigations of major crimes punishable by at least 2 years' imprisonment. In general, the police must obtain court approval for a wiretap and a prosecutor's permission for a search; however, a senior police official may approve a search if time is a critical factor or the case involves a threat to life. The national police and the Prosecutor General's Office submit a report to Parliament each year detailing all of the electronic monitoring done during the previous year.

A proposal for closer regulation of existing methods of investigation and an expansion of those methods was submitted to the Ministry of Justice in August. The proposal aims to facilitate police investigations of more serious crimes and would be used to conduct sting operations, undercover operations, and more extensive searches.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution provides for freedom of speech and of the press, and the Government generally respected these rights in practice. However, there is a law against hate speech that makes "agitation against ethnic groups" a crime. Under this law, neo-Nazi groups were not permitted to display signs and banners with provocative symbols at their rallies (see Section 5).

An independent press, an effective judiciary, and a functioning democratic political system combined to ensure freedom of speech and of the press, including academic freedom.

The independent media were active and expressed a wide variety of views without government restriction. A quasi-governmental body excised extremely graphic violence from films, television programs, and videos.

The law prohibits the possession and handling of child pornography. It also is illegal to publish or distribute such material.

Internet access was available widely and unrestricted.

b. Freedom of Peaceful Assembly and Association.—The Constitution provides for freedom of assembly and association, and the Government generally respected these rights in practice. Police require a permit for public demonstrations, but the authorities routinely granted such permits. In the rare instances when permits were de-

nied, the decision was made either to prevent clashes between antagonistic groups or because there were insufficient police resources to patrol an event adequately.

c. Freedom of Religion.—The Constitution provides for freedom of religion, and the Government generally respected this right in practice. The Government did not prohibit the practice or teaching of any faith. There is no state church.

Citizens are tolerant of diverse religions practiced in the country; however, the numbers of reported anti-Semitic crimes and tendencies have increased over the past several years. There is also a very small, but sporadically active, fascist and neo-Nazi movement. In April, there was an attempted arson at the purification room of the Jewish cemetery in Malmo. The Government continued to take steps to combat anti-Semitism by increasing awareness of Nazi crimes and the Holocaust.

Since 2001, threats against the Muslim community have increased. In April, the Islamic school and large parts of the Islamic Center in Malmo were destroyed in a fire that police later determined was arson; the police investigation continued at year's end.

In June, the Ombudsman against Ethnic Discrimination brought a case to court of the denial of employment to a woman because she wore a head covering for religious reasons. The case was pending at year's end.

For a more detailed discussion, see the 2003 International Religious Freedom Report.

d. Freedom of Movement within the Country, Foreign Travel, Emigration, and Repatriation.—The law provides for these rights, and the Government generally respected them in practice.

The law provides for the granting of refugee status or asylum to persons who meet the definition in the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. In practice, the Government provided protection against refoulement and granted refugee status or asylum. The Government cooperated with the U.N. High Commissioner for Refugees (UNHCR) and other humanitarian organizations in assisting refugees. The Government also provides temporary protection to some persons who do not qualify as asylees or refugees. The number of asylum seekers decreased slightly: 31,355 persons sought asylum, compared with 33,016 in 2002. Of the total number of asylum seekers, 5,305 were from Serbia and Montenegro, 3,069 from Somalia, and 2,700 from Iraq. The Government approved 5,518 applications during the year. Applications could remain under consideration for long periods of time with applicants in uncertain status. The appeals process in the courts may extend cases for several years, although there were few such cases.

The U.N. Committee Against Torture received 11 new cases against the Government during the year, all of which concerned denial of entry to the country. During the year, the Committee ruled on five cases and found that, in each case, the country had not violated the rights of the petitioners.

The Government expeditiously returned asylum seekers from EU countries or from countries with which there were reciprocal return agreements. In most cases, persons who were returned expeditiously had passed through or had asylum determinations pending in other EU countries. In many cases, asylum seekers were deported within 72 hours of arrival. The Government experimented with pilot programs at selected border crossings to provide expeditious legal assistance, a concern raised by some NGOs.

Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government

The Constitution provides citizens with the right to change their government peacefully, and citizens exercised this right in practice through periodic, free, and fair elections held on the basis of universal suffrage. Elections to the 349-member unicameral Parliament are held every 4 years; the last elections were held in September 2002.

Women participated actively in the political process and Government. Women constituted 45 percent of the Parliament and 41 percent of the Cabinet. The Parliament included representatives of the principal religious, ethnic, and immigrant groups.

Section 4. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A number of domestic and international human rights groups generally operated without government restrictions, investigating and publishing their findings. Government officials were very cooperative and responsive to their views. Several private organizations actively monitored issues such as the effect of social legislation, anti-immigrant or racist activities, and the condition of the indigenous Sami population. Government agencies maintained close contact with a variety of local and

international groups working in the country and abroad to improve human rights observance.

The official government ombudsmen may publicize abuses of state authority and initiate actions to rectify such abuses.

Section 5. Discrimination Based on Race, Sex, Disability, Language, or Social Status

The Constitution provides for equal rights for all citizens. In July, a law entered into force prohibiting discrimination based on disability, ethnicity, religion, or sexual preference.

Women.—Violence against women remained a problem. During the year, 16,758 cases of assault against women (excluding rape) were reported, compared with 21,420 in 2002. Most involved spousal abuse. An average of 30 murders of women and girls are reported each year, half of them by men closely related to the victim. Rape is illegal, and the law does not differentiate between spousal and non-spousal rape. The number of reported rapes of persons over age 14 was 1,851, compared with 1,791 in 2002. The law provides that rape may be prosecuted as sexual assault instead of the more serious crime of rape, based on a determination of the level of resistance offered by the victim. At year's end, the Government was working on legislation that would expand the criminal definition of rape.

The law provides complainants with protection from contact with their abusers. In some cases, authorities helped women obtain new identities and homes. The Government provided electronic alarms or bodyguards for women in extreme danger of assault. Both national and local governments helped fund volunteer groups that provided shelter and other assistance to abused women, and both private and public organizations ran shelters. There was a hot line for victims of crime, and police were trained to deal with violence against women. Authorities apprehended and prosecuted abusers. The typical sentence for abuse is a prison term—14 months on average—or psychiatric treatment. However, women's organizations complained about short sentences and early release of offenders.

In June, the Government allocated approximately \$16 million (128 million SEK) over a 3-year period to provide protected housing for young women vulnerable to honor-related violence from family members. This action was part of the Government's increased focus on honor killings after the 2002 killing of Fadime Sahindal by her father because she refused an arranged marriage. The killing received international attention because Sahindal had publicly charged her father and brother with threatening her life in a 1998 court case in which her father ultimately received a suspended sentence and her brother received probation.

The law specifically prohibits the purchase or attempted purchase of sexual services. Trafficking in women for purposes of sexual exploitation was a problem (see Section 6.f.).

The law prohibits sexual harassment and specifies clearly employers' responsibilities to prevent and, if applicable, to investigate sexual harassment in the workplace and to formulate and post a specific policy and guidelines for the workplace. Employers who do not investigate and intervene against harassment at work may be obliged to pay damages to the victim. As with other forms of discrimination, women and men may file complaints with the courts or their unions.

The law requires employers to treat men and women alike in hiring, promotion, and pay, including equal pay for comparable work. Some sectors of the labor market showed significant gender disparities, many with a strong preponderance of either men or women. In 2001, women's salaries averaged 90 percent of men's salaries, adjusting for age, education, and occupational differences. To combat gender discrimination in the long term, the Equal Opportunities Act requires employers, in both public and private sectors, actively to promote equal opportunities for women and men in the workplace. The Equal Opportunity Ombudsman, a public official, investigates complaints of gender discrimination in the labor market. Complaints may also be filed with the courts or with the employer, with mediation by the employee's labor union. During the year, 146 cases were registered: Women filed approximately 90 percent, and 50 percent concerned salary issues. The number of discrimination complaints related to pregnancy rose to 30, compared with 10 in 2002.

All employers with more than 10 employees must prepare an annual equality plan, including a survey of pay differences between male and female employees. The equal opportunity Ombudsman reviews these plans. The law requires from every employer a survey made with a union representative analyzing wage differences. If gender is found to be the cause for a difference in salary, pay must be equalized within 3 years.

Children.—The Government was strongly committed to children's rights and welfare; it amply funded systems of public education and medical care. An official children's Ombudsman monitored the Government's programs. The Government pro-

vided compulsory, free, and universal primary school education for children 9 to 16 years of age. It also provided free medical and dental care for all children up to the age of 16 (19 for dental care). Parents received approximately \$1,300 (10,400 SEK) per year for each child under 16 years of age; the per-child amount increases when there are three children or more.

Public and authorities remained concerned by data indicating an increase in cases of abuse of children over the past several years, although the physical abuse of children appeared relatively uncommon. During the year, there were 7,355 reported cases of abuse of children under the age of 15. In addition to 332 reported cases of rape, there were 1,043 reported cases of sexual abuse of children, compared with 2,700 reported cases of child sexual abuse and 374 reported cases of rape in 2002.

The law prohibits parents or other caretakers from abusing children mentally or physically in any way. Parents, teachers, and other adults are subject to prosecution if they physically punish a child, including slapping or spanking. Children have the right to report such abuses to the police. The usual sentence for such an offense is a fine combined with counseling and monitoring by social workers. However, authorities may remove children from their homes and place them in foster care. Foster parents virtually never received permission to adopt long-term foster children, even in cases where the biological parents were seen as unfit or sought no contact with the child. Critics charged that this policy placed the rights of biological parents over the needs of children for security in permanent family situations.

The Government allocated funds to private organizations concerned with children's rights. An NGO, Children's Rights in Society, offered counseling to troubled youngsters. The Government continued to be active internationally in efforts to prevent child abuse.

Persons with Disabilities.—The law prohibits discrimination by employers against persons with disabilities in hiring decisions and prohibits universities from discriminating against students with disabilities in making admission decisions. No other specific laws prohibit discrimination against persons with disabilities, although considerable efforts were made to ensure that persons with disabilities enjoyed equal opportunities. There was an Ombudsman for Disability Issues.

The Government provides for freedom of access and social support as basic rights for citizens with disabilities. At government direction, a parliamentary committee studied means to improve legal protection against discrimination for persons with disabilities; its report is due in 2004. Regulations for new buildings require full accessibility, but there is no such requirement for existing public buildings, except for certain public entities that are obliged to make their facilities accessible. Many buildings and some public transportation remained inaccessible. Deaf children have the right to education in sign language. The parents of children with disabilities and workers with disabilities under the age of 65 received financial assistance every 7 years to buy a car adapted to the person's disability.

Indigenous People.—There were at least 17,000 Sami (formerly known as Lapps and officially recognized in 2000 as a national minority) in the country; Sami organizations placed that number at 25,000 to 30,000. The Sametinget (Sami Parliament) acts as an advisory body to the Government. The Government allocated funding to the Sametinget for the establishment of a national information center for Sami issues to be completed by 2004.

Some Sami stated that they continued to face societal discrimination, especially in the areas of housing and employment and particularly in the southern mountain regions.

National/Racial/Ethnic Minorities.—Approximately 11 percent of the population is foreign born, with the largest groups from Finland, Iraq, Iran, and the former Yugoslavia. In 2002, there were 2,260 reports of xenophobic crimes, of which 300 were related to neo-Nazism; more recent statistics were unavailable.

Most estimates placed the number of active neo-Nazis, or white supremacists, at fewer than 3,000, and there appeared to be little popular support for their activities or sentiments. The Government investigated and prosecuted race-related crimes, although in many clashes between Swedish and immigrant youth gangs, authorities judged both sides to be at fault. Neo-Nazi groups operated legally, but courts have held that it is illegal to wear xenophobic symbols or racist paraphernalia or to display signs and banners with provocative symbols at rallies.

During the year, several demonstrations against violence and racism were organized throughout the country. The Government supported volunteer groups that opposed racism and xenophobia and allocated funding for projects supporting those who have left neo-Nazi organizations.

The Ombudsman for ethnic discrimination reported 349 complaints of ethnic discrimination in the labor market, compared with 305 such complaints in 2002.

The law recognizes the Sami people, Swedish Finns, Tornedal-Finns, Roma, and Jews as national minorities. The Government supported and protected minority languages. The Council of Europe issued a report during the year that criticized the Government's efforts to protect minority languages. The report expressed particular concern about insufficient education, as well as inadequate translation of laws and other public information.

On June 1, the Living History Forum was established, with a commission from the Government to promote democracy, tolerance, and human rights, with the Holocaust as a starting point. The activity had a budget of \$3.75 million (30 million SEK) for the year.

Section 6. Worker Rights

a. The Right of Association.—The law entitles workers to form and join unions of their choice, and workers exercised this right. The work force consisted of approximately 4.3 million persons, of which approximately 80 percent were unionized. Unions and employer organizations operated independently of the Government and political parties (although the largest federation of unions has always been linked with the largest political party, the Social Democrats).

The law protects union officials and members from dismissal or reprisals for official union activities.

Unions have the right to affiliate with international bodies. Most unions were affiliated with the International Confederation of Free Trade Unions and the European Trade Union Confederation.

b. The Right to Organize and Bargain Collectively.—The law provides for collective bargaining, and workers exercised this right. Framework negotiations between management and labor tend to be productive and nonconfrontational and occur every 2 to 3 years. Framework agreements are signed every year between the parties on the labor market to regulate the wage increase. Most agreements with labor unions provided for a degree of individualized pay, including merit bonuses. A government agency, the National Mediation office, mediated labor disputes to promote an efficient wage formation process.

The law provides both workers and employers with effective mechanisms for resolving complaints. The vast majority of complaints were resolved informally.

The law provides for the right to strike, as well as for employers to organize and to conduct lockouts. During the year, 9 legal and no illegal strikes were reported, involving 80,333 employees and 626,397 workdays. Within limits protecting the public's immediate health and security, public employees also enjoy the right to strike.

There are no export processing zones.

c. Prohibition of Forced or Bonded Labor.—The law prohibits forced or bonded labor, including by children; however, there were reports that such practices occurred (see Section 6.f.).

d. Status of Child Labor Practices and Minimum Age for Employment.—The law permits full-time employment at age 16 under the supervision of local authorities. Employees under age 18 may work only during the daytime and under supervision. Children as young as 13 years may work parttime or in "light" work with parental permission. Union representatives, police, and public prosecutors effectively enforced these restrictions.

e. Acceptable Conditions of Work.—There is no national minimum wage law. Wages were set by collective bargaining contracts every year, which nonunion establishments usually observed as well. Even the lowest-paid workers were able to maintain a decent standard of living for themselves and their families through substantial benefits (such as housing or daycare support) provided by social welfare entitlement programs.

The legal standard workweek is 40 hours or less. Both the law and collective bargaining agreements regulate overtime and rest periods. The law also requires a minimum period of 36 consecutive hours of rest, preferably on weekends, during a period of 7 days. The law also provides employees with a minimum 5 weeks' paid annual leave; labor contracts often provided more, particularly for higher-ranking private sector employees and older public service workers.

Occupational health and safety rules were set by a government-appointed board, the Work Environment Authority, and monitored by trained union stewards, safety ombudsmen, and, occasionally government inspectors. These standards were very high, making workplaces both safe and healthy in general. Safety ombudsmen have the authority to stop unsafe activity immediately and to call in an inspector. An individual also has the right to halt work in dangerous situations to consult a supervisor or safety representative without endangering continued employment.

Unions played an important role in preventing discrimination in the labor market. The same minimum terms of employment apply to foreign and domestic workers.

f. Trafficking in Persons.—A 2002 law prohibits the trafficking of persons for sexual purposes, provides for sentences of 2 to 10 years in prison for persons convicted of trafficking, and criminalizes attempting to traffic, conspiracy to traffic, and the failure to report such crimes; however, trafficking in women and children continued to be a problem.

To prosecute traffickers, law enforcement primarily continued to use laws against procurement and an offense called “placing in distress,” which can be used in cases where traffickers lure women from other countries under false pretenses. There were 48 cases of procurement prosecuted during the year, many involving trafficking victims. Traffickers sentenced for procurement faced up to 6 years in prison, but most sentences were for 2 to 3 years.

In October, a court in Gothenburg announced the first convictions under the 2002 law: A woman and her accomplice were sentenced to respective prison terms of 4 years and 2 years for luring two girls, ages 17 and 19, to Copenhagen with promises of work but then forcing them into prostitution.

According to the police, the country remained primarily a trafficking destination, although it also served increasingly as a transit point for women and children. Trafficked women, numbering 200 to 500 per year, came principally from the Baltic countries, Central and Eastern Europe, and Russia; those transiting came primarily from the Baltic region, and the principal destination countries were Spain, Germany, Denmark, and Norway. There have been occasional cases of trafficked women from South America. There were anecdotal police reports that trafficking in children increased during the year.

Women typically were recruited in their own countries to work as cleaners, babysitters, or in similar employment. Once in the country, victims were isolated and intimidated by traffickers and forced to work as prostitutes in hotels, restaurants, massage parlors, or private apartments. Some reportedly were “purchased” from other traffickers and brought into the country. There were reports that traffickers locked women up and confiscated their passports. National Criminal Investigation Department reports indicated that younger women, many of them minors, were subjected to trafficking.

Trafficking victims in general did not receive temporary residence permits; in most cases, they were deported immediately. Victims of trafficking rarely were detained. The Government allocated funds to NGOs for providing shelter to victims and rehabilitation; the police and social services also provided funding. A new legislative proposal will enable trafficking victims to receive temporary residence permits to allow better care for victims and to facilitate police investigations.

The Government did not have a specific program to assist victims. However, the police often worked with private organizations like The Young Women’s Shelter to provide housing and treatment to victims. The Government also provided funding to two domestic NGOs, Women’s Forum and Women to Women.

The Government has allocated \$3.75 million (30 million SEK) during a 3-year period to enhance anti-trafficking efforts and provided funding to NGOs and international organizations that combat trafficking worldwide. In April, a new strategy was launched within country’s international development cooperation programs to combat trafficking. The goal was to address the causes of trafficking by combating poverty and lack of equality in countries that often served as points of origin for trafficking victims.

SWITZERLAND

Switzerland is a constitutional democracy with a federal structure. The bicameral Parliament elects the seven members of the “Federal Council” (Swiss cabinet), the highest executive body, whose presidency rotates annually. Due to the nation’s linguistic and religious diversity, the political system emphasizes local and national political consensus and grants considerable autonomy to the 26 individual cantons (states). The Parliament was elected on October 19, allowing the Government to remain a grand coalition of the four major parties. A new Constitution took effect in 2000. The judiciary is independent.

The armed forces were a civilian-controlled militia based on universal military service for able-bodied males. There was virtually no standing army apart from training cadres and a few essential headquarters staff. Police duties were primarily a responsibility of the individual cantons, which had their own police forces that

were under effective civilian control. There were allegations that a few members of the police forces committed human rights abuses.

A highly developed free enterprise, industrial, and service economy strongly dependent on international trade allowed for a high standard of living for the country's 7.3 million residents.

The Government generally respected the human rights of its citizens; although there were some problems, the law and judiciary provide effective means of dealing with individual instances of abuse. Cantonal police were involved in at least one death during the year. Police occasionally used excessive force, particularly against foreigners and asylum seekers. There continued to be reports of discrimination against foreigners. Trafficking of women and children for prostitution continued to be a problem, which the Government took steps to address.

RESPECT FOR HUMAN RIGHTS

Section 1. Respect for the Integrity of the Person, Including Freedom From:

a. Arbitrary or Unlawful Deprivation of Life.—There were no political killings. In October, a 30-year-old citizen with mental disabilities died in the Canton of Lucerne after a fight with police who were taking him into preventive custody. He allegedly became unconscious after a physician gave him a tranquilizer shot. Local authorities continued the investigation at year's end.

On May 30, a Bern criminal court judge acquitted four Bernese police officials, two charged with negligent manslaughter and two charged with attempted grievous bodily harm, for their role in the violent death of Cemal Gomec in 2001. The judge ruled that at the moment of his apprehension by police, Gomec constituted a threat to both himself and others and that police action was circumspect and proportionate. The Bern cantonal prosecutor-general has decided to appeal the acquittal of the two officials charged with negligent manslaughter but dropped charges against the other two.

In June, a Zurich policeman was sentenced to a 3-month suspended prison sentence for negligent manslaughter for killing a 72-year-old pedestrian in 2002 while maneuvering a police car.

Authorities have concluded their investigation into two police officers from Basel who shot and killed Michael Hercouet in 2001 just over the border in France. One officer was scheduled to appear in court in early 2004.

On July 2, a Geneva court sentenced a Geneva policeman who fired at two French men driving a stolen car in 2000 to an 8-month suspended jail sentence. The court said that the use of the weapon was disproportionate and that the life of the policeman had not been put at risk.

b. Disappearance.—There were no reports of politically motivated disappearances.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The Constitution prohibits such practices; however, nongovernmental organizations (NGOs) reported that police occasionally used excessive force, particularly against foreigners. During the year, the NGO Eyes Open (Augen auf) filed a complaint against police officers in Glarus canton over alleged police brutality during nighttime raids in July on asylum seekers in their homes. The group alleged that heavily armed police stormed the buildings, bound the residents' hands and feet, and made them wait for hours before photographing them naked. In response to Amnesty International (AI) and the Swiss Red Cross's requests for an investigation, Glarus police filed a self-accusation for alleged misconduct. In December, an out-of-canton prosecutor-general, contracted by Glarus judicial authorities, concluded that some police action was disproportionate, but the criminal investigation against the head of the Glarus criminal police for alleged brutality was discontinued.

In 1999, the Canton of Geneva stated there were 715 reported cases of the use of force by police, 33 of which resulted in formal complaints. A 2001 U.N. Human Rights Committee report cited concern and called for effective responses to reported instances of police brutality during arrests and detentions, particularly of foreigners.

In June, a Zurich district attorney dropped the charges of deliberate physical injury against a Zurich police officer who trapped Kurt von Allmen with his car, causing injuries and the amputation of his leg in 2002, but allowed his prosecution for acting negligently. Von Allmen appealed the district attorney's decision; a court ruling remained pending at year's end.

The investigation into a 2002 incident where Zurich police shot and seriously wounded an unarmed passerby while pursuing a burglar remained ongoing at year's end.

AI has called for a probe into suspected human rights violations by police during the violent anti-G8 protests in June (see Section 2.b.). The organization said it was concerned about reports of alleged police brutality against demonstrators.

Prison conditions generally met international standards. In response to past claims by NGOs that prisons were overcrowded, the Government has taken measures to improve prison conditions and addressed overcrowding by expanding the number of detention facilities. However, prison overcrowding in some areas remained a concern. Male and female prisoners were held separately and juveniles were held separately from adults. Pretrial detainees also were held separately from convicted criminals.

The Government permits prison visits by independent human rights observers and human rights groups regularly monitored prison conditions.

d. Arbitrary Arrest, Detention, or Exile.—The Constitution prohibits arbitrary arrest and detention, and the Government generally observed these prohibitions; however, some NGOs alleged that the authorities arbitrarily detained asylum seekers (see Section 2.d.).

The cantons are responsible for handling most criminal matters, and procedures vary from canton to canton. The Swiss Federal Police Office has a coordinating role and relies on the cantons for actual law enforcement. The Federal Attorney General in Bern oversees inter-cantonal and international crimes.

In major cities such as Zurich, Bern, and Basel as well as in some cantons, an ombudsman heard citizen's complaints about wrongful government action. Not every ombudsman could proactively investigate alleged abuses of government authority, but all accepted complaints from third parties. No ombudsman existed at the federal level. On July 9, the Zurich city council took note of a parliamentary commission report reviewing certain cases of alleged abuse of human rights by local police. The report concluded that the vast majority of law enforcement agents surveyed acted correctly, but that in five cases an excessive use of force occurred. The report included a list of approximately 40 recommendations to political authorities and local police.

In May, 24 cantonal police officers attended a 1-week special training program in Zurich designed to prevent suffocation accidents while deporting immigrants who resist deportation. The training program involved legal, psychological, and practical tools when undertaking a forceful deportation.

In general, a suspect may not be held longer than 48 hours without a warrant of arrest issued by an investigative magistrate; however, asylum seekers and foreigners without valid documents may be held for up to 96 hours without an arrest warrant. A suspect may be denied legal counsel at the time of detention but has the right to choose and contact an attorney by the time an arrest warrant is issued. The State provides free legal assistance for indigents who may be jailed pending trial.

Investigations generally were prompt; however, in some cases investigative detention may exceed the length of sentence. Release on personal recognizance or bail is granted unless the magistrate believes the person is dangerous or will not appear for trial. Any lengthy detention is subject to review by higher judicial authorities. During the year, approximately one-third of all prisoners were in pretrial detention, and the average length of such detention was 50 days.

The Constitution prohibits forced exile, and the Government did not employ it.

e. Denial of Fair Public Trial.—The Constitution provides for an independent judiciary, and the Government generally respected this provision in practice.

All courts of first instance are local or cantonal courts. Citizens have the right to appeal, ultimately to the Supreme Court. Trials involving minor offenses are heard by a single judge, more serious or complex cases by a panel of judges, and the most serious cases (including murder) by a jury.

The Military Penal Code (MPC) requires that all war crimes or violations of the Geneva Convention be prosecuted and tried in the country, regardless of where a crime was committed and whether the defendant was a member of an army or a civilian. Normal civilian rules of evidence and procedure apply in military trials. The MPC allows the appeal of any case. The highest level of appeal is to the Military Supreme Court. In most cases, the accused used defense attorneys assigned by the courts. Any licensed attorney may serve as a military defense counselor. Under military law, the Government pays for defense costs.

The Constitution provides for the right to a fair trial, and an independent judiciary generally enforced this right. Trials usually were expeditious. The Constitution provides for public trials, including the right to challenge and to present witnesses or evidence.

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home or Correspondence.—Cantonal laws regulate police entry into private premises. These regulations differ wide-

ly from canton to canton, but all prohibit such practices without a warrant, and all government authorities generally respected these provisions in practice.

The law on telecommunication surveillance restricts wiretapping and the monitoring of emails to persons suspected of serious crimes. The legislation includes a list of offenses deemed serious enough to permit wiretapping, including money laundering, terrorism, and corporate crime. In the past, wiretapping could be used to monitor relatively minor crimes.

Instances of forced sterilization of women continued to be the subject of public debate during the year. There is no comprehensive law against forced sterilization of women at the federal level because medical treatment is a cantonal matter. A draft bill was discussed in Parliament during the year; if passed, the law would allow sterilization only under strict conditions. The Government rejected proposals that it should pay financial compensation to victims of forced sterilizations and castrations. Such practices were used up to the 1970s primarily on young women of low social standing or with mental illnesses.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution provides for freedom of speech and of the press, and the Government generally respected this right in practice; however, some municipalities restricted the public distribution of pamphlets, particularly by Scientologists (see Section 2.c.). An independent press, an effective judiciary, and a functioning democratic political system combined to ensure freedom of speech and of the press, including academic freedom. The authorities legally may restrict these freedoms for groups deemed to be a threat to the State, but no groups were restricted during the year. In addition, the Penal Code criminalizes racist or anti-Semitic expression, whether in public speech or in printed material.

The press operated independently and was free from government intervention. The Federal Government subsidized the press indirectly by paying \$74 million (100 million Swiss francs) yearly to lower the postal rates for newspaper distribution.

The nationwide broadcast media were government-funded but had editorial autonomy. Private and foreign broadcast media operated freely.

On September 1, the Zurich prosecutor's office charged Frank Lubke, president of the David Centre Against Anti-Semitism in Zurich, with violating the anti-racism law. Lubke wrote an open letter to government officials and the press in November 2002 following the terrorist attacks in Mombasa, Kenya, which contained harsh words against the Islamic religion. The trial originally scheduled for December was postponed.

The Zurich public prosecutor closed a 2002 investigation initiated by the Swiss Federal Police against the Kosovo-Albanian newspaper Bota Sot for an alleged violation of the anti-racism law without bringing charges.

Internet access was available and unrestricted. In January, the Federal Office for Police set up a Coordination Unit for Cybercrime Control (Cycos) in an effort to combat child pornography on the Internet (see Section 5).

On February 5, the Geneva Cantonal Government confirmed its decision to dismiss public school teacher Hani Ramadan, a Muslim cleric, after a closed hearing. Ramadan had already been suspended from teaching since October 2002 after he expressed support for the stoning of adulterers as set out in Shari'a law in an interview with a French newspaper. The president of the Geneva canton publicly stated that the justification of stoning was against the values of the Geneva canton, adding that Ramadan had already been warned twice in writing during the previous years.

b. Freedom of Peaceful Assembly and Association.—The Constitution provides for the freedoms of assembly and association, and the Government generally respected these rights in practice.

In April, the police commander in Geneva was forced to resign after a paint ball injured a demonstrator during a violent protest against the World Trade Organization. The Geneva cantonal authorities, which later banned the use of paint bullets, said the commander's position had become untenable after it took police days to address the incident. A set of administrative inquiries cleared two policemen implicated in the incident from blame, but the cantonal government in November called for additional investigations. Geneva prosecuting authorities have launched a parallel criminal investigation of the case and were pressing charges for negligent bodily harm against one police officer.

AI has called for a probe into suspected human rights violations by police during the violent anti-G8 protests in June. The organization said it was concerned about reports of alleged police brutality against demonstrators. AI also alleged that several protesters have been denied basic rights while in detention.

c. Freedom of Religion.—The Constitution provides for freedom of religion, and the Government generally respected this right in practice.

There is no official state church; however, all of the cantons financially support at least one of three traditional denominations—Roman Catholic, Old Catholic, or Protestant—with funds collected through taxation. Each canton has its own regulations regarding the relationship between church and state. In November, voters in Zurich rejected an amendment to the cantonal constitution that would have provided for the recognition of nontraditional religious communities and allowed them to levy a tax on their members and to receive public funds.

On April 28, the Swiss Federal Court (Supreme Court) ruled that it was constitutional to refuse a license to run a private school to a body affiliated with the Church of Scientology, because of the latter's controversial nature, a stance the Court had already taken previously in 1993 and 1996. The Federal Court thus upheld a decision of the Lucerne cantonal government to close a private primary school run by a woman formally associated with the Church of Scientology.

Groups of foreign origin are free to proselytize. Foreign missionaries must obtain a religious worker visa to work in the country. Such permits were granted routinely and without any bias against any particular religion. In May, the Valais cantonal government upheld the 2002 rejection of a residency permit for Macedonian Imam Sevgani Asanoski, on the grounds that his religious education was too radical and potentially endangered the religious peace among different Muslim communities in the country.

According to the 2001 Swiss National Security Report, as of December 2001, there had been 183 cases brought to court under the 1995 anti-racism law, with 83 convictions. Of those, 43 persons were convicted for racist oral or written slurs, 19 for anti-Semitism, 17 for revisionism, and 4 for other reasons. Government officials have spoken frequently and publicly against anti-Semitism.

For a more detailed discussion, see the 2003 International Religious Freedom Report.

d. Freedom of Movement within the Country, Foreign Travel, Emigration, and Repatriation.—The Constitution provides for these rights for citizens, and the Government generally respected them in practice. However, non-citizens convicted of crimes may receive sentences that include denial of reentry for a specific period following the completion of a prison sentence.

The law contains provisions for the granting of refugee and asylum status to persons who meet the definition in the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. In practice, the Government provided some protection against refoulement and granted refugee status and asylum. The Federal Office for Refugees estimated the total number of asylum applicants and temporary residents living in the country during the year to be 90,468, a decrease of 3.5 percent from 93,741 in 2002. This number included recognized refugees and persons granted temporary asylum, as well as persons who had an asylum application pending, had appealed a rejection, or were awaiting repatriation. New applications for asylum dropped by 20.4 percent, from 26,125 in 2002 to 20,806 during the year. The Government cooperated with the office of the U.N. High Commissioner for Refugees and other humanitarian organizations in assisting refugees.

The Federal Office for Refugees reported 5,110 cases of forced repatriations during the year, while 3,436 refugees left on a voluntary basis. The Government denied having forced persons to return to countries where they had a well-founded fear of persecution and insisted that each case be examined carefully; however, NGOs accused the Government of expelling rejected asylum seekers in some cases when conditions in their native countries remained unfavorable. Refugees whose applications were rejected were allowed to stay temporarily if their lives were likely to be exposed to political repression, or because of a war situation in their country or origin.

The 1999 asylum law provides for the collective admission of victims of violence and authorizes the Swiss Cabinet to grant them temporary protective status. It also simplifies and accelerates the process of applying for asylum. At the same time, the law is designed to curtail the misuse of asylum regulations and enable the more rapid repatriation of uncooperative refugees or those who enter the country without identity papers. The Government may refuse to process the application of an asylum seeker who is unable to credibly justify a lack of identity papers. In such a case, the applicant must submit an appeal to reactivate consideration of the application within 24 hours. NGOs contended that such a short time period did not constitute an effective remedy and therefore violated the European Convention on Human Rights.

In June, the Federal Refugee Office published a list of approximately 40 “safe countries” of origin, which will serve as a basis to limit increasing asylum requests. Beginning August 1, asylum applicants from countries now deemed “safe” in terms of human rights no longer enjoyed refugee status. The Federal Refugee Office said that the list, which is expected to be updated regularly, is aimed at shortening the

time to process asylum requests, and that a decision would then be possible within a matter of days. In 2002, nationals from these “safe countries” filed 11 percent of all recorded asylum requests. The authorities have stated they hope this will prevent more influx of groups like Roma, who illegally entered Switzerland from France during the second half of 2002 before being sent back to Romania. The Refugee Office responded to NGOs’ concerns that the “safe country” criteria was arbitrary by publicly stating that some applicants from the “safe countries” would be allowed to remain in the country if they are “threatened by the mafia, if their home country cannot protect them, or if a woman was the victim of rape.”

The Government agreed to slow the flow of repatriations during the winter of 2000–2001 after former U.N. Special Representative to Kosovo Bernard Kouchner claimed that some areas of Kosovo were then unsafe. Approximately 740 Kosovars nevertheless were repatriated during the year. In 2002, the Federal Department for Refugees initiated voluntary repatriations for Macedonians.

After the Federal Office of Refugees declared the situation in the southern part of Sri Lanka safe, they initiated repatriation of 130,000 Sri Lankan refugees. The NGO Swiss Association for Refugees stated that it regretted the decision and feared some refugees would be sent back to areas in which war was ongoing. During the year, there were 51 forced repatriations, while 104 refugees left voluntarily. In total, there were 7,019 asylum seekers from Sri Lanka living in the country during the year.

In October 2002, federal authorities rejected the asylum applications of dozens of Roma from Romania who arrived in the country during the year. On October 9 and 10, 2002, the authorities deported 211 Roma to Romania. Roma asylum applications increased from 33 in 2001, to 968 in 2002.

Some human rights NGOs charged the authorities with abuses in connection with the implementation of a 1995 amendment to the Law on Foreigners. The amendment is aimed at asylum seekers or foreigners who live illegally in the country and who are suspected of disturbing the public order or avoiding repatriation. In particular, these groups have alleged instances of abuse by police, including arbitrary detention as well as denial of access to established asylum procedures at the country’s two main airports (see Section 1.c.).

NGOs also alleged that police officers used the law to detain or harass asylum seekers who were not suspected of having disturbed public order. Under the law, police actions are subject to judicial oversight, and the Federal Court overturned many cases in which it believed that there was insufficient regard for the rights of asylum seekers and foreigners. NGOs also acknowledged that asylum seekers had better access to legal counseling at the airport, but not to legal representation. Without legal representation, would-be asylum seekers often were unable to appeal a rejection of their asylum request within the 24-hour time limit.

Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government

The Constitution provides citizens with the right to change their government peacefully, and citizens exercised this right in practice through periodic, free, and fair elections held on the basis of universal suffrage. Initiative and referendum procedures provide unusually intense popular involvement in the legislative process. A new Constitution took effect in January 2000. In October, the electorate chose a new federal parliament. Elections were free and fair, and parties and candidates could nominate themselves freely.

In the run up to the October elections, UNHCR expressed concern about anti-asylum advertisements by a major political party; the Swiss People’s Party, campaigning on a right-populist, law and order platform, received nearly 27 percent of the vote.

In the October federal elections, women won 61 seats in the 246-seat Federal Parliament, a slight increase over the 55 seats in 1999. Two ministers in the 7-seat Swiss cabinet were women. However, in new cabinet elections held on December 10, the Federal Parliament did not re-elect the Justice Minister, whose party had shrunk in size, leaving the executive with only one woman, the Foreign Minister. At the cantonal level, the proportion of women representatives in legislatures has been steady at around 24 percent in recent years. Women held approximately one-fifth of the seats in cantonal executive bodies. In April, voters in Zurich elected a majority of women into the cantonal executive. Quotas existed at the Federal level and ensured that males or females were not underrepresented in extra-parliamentary commissions; the minimum level of representation for women was 30 percent.

Section 4. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A large number of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials were cooperative and responsive to their views.

In 2002, the European Court for Human Rights (ECHR) handed down four rulings involving the Government. In two cases, the ECHR established a violation of the European Convention for Human Rights: One concerned an excessively long judicial procedure before the Federal Court, the other the right of a defendant to obtain a record of all depositions made before court.

Section 5. Discrimination Based on Race, Sex, Disability, Language, or Social Status

The Constitution and laws prohibit discrimination on the basis of race, sex, language, or social status, and the Government generally enforced these prohibitions effectively, although some laws tend to discriminate against women. The Constitution includes provisions for equal rights for persons with disabilities and for minorities.

Women.—Violence against women was a problem. The law prohibits domestic violence but does not differentiate between acts of violence committed against men and women. According to a 1997 government-funded study on domestic violence, one-fifth of all women suffered at least once in their lifetimes from physical or sexual violence, and approximately 40 percent suffered from psychological or verbal abuse. A 1998 study estimated that over 100,000 cases of domestic violence occurred each year.

A 2002 report of the U.N. Committee on the Elimination of Discrimination against Women welcomed a series of legal amendments over the previous years, but urged the Swiss cabinet to take steps against the rigid perceptions of men and women, and to increase the awareness of the U.N. convention among jurists, judges, and members of parliament so that they can better serve women's interests in court. The Committee then recommended that the Government intensify its efforts to address the issue of violence against women, including domestic violence, as an infringement of their human rights. In particular, it urged the Government to adopt laws and implement policies in order to prevent violence against women, provide protection, support and services to the victims, and punish and rehabilitate the offenders.

Spousal rape is a crime. The difficulty in gathering information about the number of persons prosecuted, convicted, or otherwise punished for spousal abuse stems in part from the fact that legal cases were handled by each canton, and data often were not up-to-date. However, some cantonal or district police forces have specially trained units to deal with violence against women. A total of 372 men were prosecuted for 484 rape offenses involving 471 victims during 2002.

Victims of domestic violence may obtain help, counseling, and legal assistance from specialized government and NGO agencies or from nearly a dozen hotlines sponsored privately or by local, cantonal, and national authorities. There were 989 women in 17 women's shelters across the country during 2002. Those in charge of the shelters estimated that nearly as many women were denied access due to a lack of space and limited funding. The Federation of Women's Organizations and numerous other women's NGOs continued their activities to heighten public awareness of the problem of violence against women.

In October, Parliament adopted a revision of the Penal Code making grievous forms of domestic violence, including sexual assault and rape, a statutory offense. Experts welcomed this revision since battered women were often unlikely to pursue a case through the courts because of the emotional and psychological ties they have to an abusive partner, and the fear of reprisals. The revision is scheduled to take effect in 2004. Police said they deal with approximately 10,000 incidents of domestic violence each year, but only 10 percent of cases ever reach the courts. In May, a new special unit dealing with violence against women started operating within the Interior Ministry's Federal Office for Equality Between Women and Men.

In two cantons, Sankt Gallen and Appenzell, police have the authority to temporarily ban abusive men from reentering the family premises. In April, authorities launched a zero-tolerance campaign to encourage more victims and witnesses of abuse to seek help more quickly. The Crime Prevention Center, which brings together all of the countries' cantonal police forces, also aims to teach officers the best ways of intervening in cases of domestic violence. The project has already provided a domestic violence "checklist" for cantonal police, which sets out a list of best practice guidelines.

Prostitution is legal for citizens if the practitioners are registered with police and comply with taxation and other cantonal requirements. However, street prostitution

remains illegal, except in certain areas specifically designated by local authorities. Every major city has such designated areas. In 2002, 467 new prostitutes were registered in Zurich, an increase of more than a third on the previous year, bringing the total number of legal prostitutes up to approximately 3,000. Prostitution by foreigners is illegal. The number of unregistered prostitutes is difficult to estimate, but police arrested more than 300 women in 2002.

The Penal Code criminalizes sexual exploitation and trafficking in women; however, trafficking in women remained a problem (see Section 6.f.).

Instances of forced sterilization of women continued to be the subject of public debate during the year (see Section 1.f.).

Sexual harassment in the workplace occurred, but was limited. The law includes provisions aimed at eliminating sexual harassment and facilitating access to legal remedies for those who claim discrimination or harassment in the workplace.

Although the Constitution prohibits all types of discrimination, and the law provides for equal rights, equal treatment, and equivalent wages for men and women, some laws continued to discriminate against women. A federal marriage law provides that in the event of a divorce, assets accumulated during the marriage will be divided equally; however, the Supreme Court ruled that the primary wage earner must be left with sufficient income to remain above the poverty level. Since the man was the primary wage earner in most marriages, when the income was too low to support both parties, it was usually the wife (and children) who was forced to survive on public assistance. Statistics from 1999 showed that nearly 70 percent of women who did not work outside the home while married fell below the poverty line immediately after a divorce. Although mandated by a constitutional amendment in 1945, no federal law on maternity insurance exists.

The U.N. Committee on the Elimination of Discrimination against Women expressed concern in a 2002 report that there is no definition in domestic law of discrimination against women and that differentiated treatment of women and men is permissible in cases where equality of treatment is ruled out by biological or "functional" differences. As a result, the Swiss cabinet has mandated the Interior Ministry to translate these recommendations into facts.

Immigrant women who marry Swiss husbands, but live in the country for less than 5 years risk deportation if they divorce their spouse. The 5-year residency requirement may be reduced to 3 years under exceptional circumstances. NGOs argued that this prevented women with marital problems from being able to seek help or leave their husbands without serious consequences. Varying police practices in different cantons sometimes took into consideration such factors as the country of origin, education, and income levels of the immigrant women. Their registered purpose for being in the country was to stay with spouse until they received their own long-term residency permits.

The law includes a general prohibition on gender-based discrimination and incorporates the principle of equal wages for equal work; however, professional differences between men and women were evident. Women less often occupied jobs with significant responsibilities, and women's professional stature overall was lower than men's. Women also were promoted less than men. According to a government study, women's gross salaries were 20.7 percent lower than men's in 2002.

The labor law prohibits women from working in the first 8 weeks after giving birth, but no federal provision for maternity leave exists. The law does not provide for compensation; however, between 70 and 80 percent of working women have negotiated maternity benefits with their employers. Many private sector and most public sector employers voluntarily grant new mothers a paid leave of absence, commonly between 3 and 16 weeks. In October, Parliament adopted new legislation granting working mothers a 14-week maternity leave at 80 percent of their salaries. In November, a group of fiscally conservative parliamentarians launched a referendum campaign against the law, which must be approved in a national vote scheduled for 2004.

The Federal Office for Equality Between Women and Men and the Federal Commission on Women work to eliminate all forms of direct and indirect discrimination. A federal-level interdepartmental working group continues to implement a 1999 action plan to improve the situation of women that includes measures that address poverty, decision-making, education, health, violence against women, the economy, human rights, the media, and the environment. To achieve its mission, the Federal Office for Equality Between Men and Women allocated \$2.5 million (3.4 million Swiss francs) to 25 different projects. The office now employs about 20 persons. The Federal Office for Equality Between Women and Men started advertising campaigns this year to increase the representation of women in companies (known as "Fairplay-at-Work"), and promote better understanding between men and women in the family circle (known as "Fairplay-at-Home"). According to government statistics,

women represent 53 percent of voters, but their political representation in both cantonal and federal governments and parliaments lagged behind at 25 percent.

Many cantons and some large cities have equality services mandated to handle gender issues. More than half of the cantons have an office in charge of promoting equality, but funding and personnel levels remained uneven. The majority of the cantons had commissions that reported to the cantonal government.

Children.—The Government has no special programs for children, and there is no special governmental office for children's matters; however, the Government was strongly committed to children's rights and welfare. It amply funded a system of public education and need-based subsidies of health insurance. Education was free and compulsory for 9 years, from age 6 or 7 through age 16 or 17, depending on the canton. Some cantons offered a 10th school year. Almost all children attended school. The Government subsidized the health insurance premiums of low-income families.

There was some abuse of children, although there was no societal pattern of such abuse. The federal and cantonal governments, as well as approximately 80 NGOs that defend children's rights, have devoted considerable attention in the last few years to child abuse, particularly sexual abuse. For convicted child sexual abusers, the law provides for imprisonment of up to 15 years. In 2002, new regulations of the statute of limitations for all crimes went into effect. For cases of child abuse, the statute of limitations has been extended to 15 years. In cases of severe sexual abuse, the statute does not take effect before the victim turns 25. If a court of first instance hands down a sentence before the stipulated time, the statute of limitations is suspended indefinitely.

With respect to the prosecution of child sexual abuse abroad, the law provides for prosecution in Switzerland only if the act is considered a crime in the country in which it took place. However, as part of the ongoing revision of the Penal Code, Parliament adopted a clause in December 2002 making such acts punishable regardless of where the crime took place. The revision is scheduled to take effect in 2004.

Under the law, the production, possession, distribution, or downloading of hardcore pornography from the Internet carries heavy fines or a maximum sentence of 1 year in prison. Any pornography involving children falls into this category; however, viewing child pornography on the Internet is not a criminal offense. During 2002, the police participated in large anti-pedophile operations called Operation Genesis, which involved the law enforcement agencies of several countries. Police authorities from all over the country investigated more than 1,000 allegations, questioned as many individuals, and confiscated many personal computers. By the end of July, Operation Genesis had produced over 600 first-instance court cases, resulting in 63 suspended prison sentences and 163 fines; over 400 cases remained pending. With tips from foreign law enforcement agencies, federal and cantonal police in September launched another coordinated campaign, searching the premises of 15 persons suspected of the possession and distribution of child pornography on the Internet.

In an effort to more effectively combat child pornography on the Internet, the Federal Police in January established the Cycos. Individuals who found pornographic material involving children were asked to contact the Federal Office via e-mail and, starting in April, Cycos began actively searching the Internet for suspicious content. According to police, Cycos handles approximately 500 complaints per month; by the end of July, 41 cases had been forwarded to cantonal prosecuting authorities. Half of the complaints related to pornographic content, mostly hardcore pornography involving children, animals, or violence. The police were able to take off certain content from some sites, but nevertheless failed to shut down any offending website.

In 2002, the Government signed a mutual legal assistance treaty in criminal matters with the Philippines that allows Philippine victims of Swiss pedophiles to give anonymous tips to Swiss authorities. The MLAT provides for the voluntary exchange of information short of a legal assistance request as well as the questioning of witnesses and experts by videoconference. Children of migrant seasonal workers were not permitted automatically to join their parents. Children of foreigners who worked as migrant laborers only were permitted to visit on tourist visas for a period of 3 months at a time. After 3 months, they must return to their home country for 1 month.

Persons with Disabilities.—The law prohibits discrimination directed at persons with disabilities in employment, education, and the provision of other state services. The total number of persons with disabilities was estimated to be 700,000 (10 percent of the population). Most cantons already had implemented some provisions for persons with disabilities, but there was no countrywide standard. Advocates for persons with disabilities have called for new measures to ensure greater protection for

their rights. The Constitution provides for equal opportunities for persons with disabilities. However, experts estimated that only approximately 20 to 30 percent of public buildings were wheelchair accessible.

In Basel, cantonal authorities have established an office promoting the independence and integration of people with disabilities, the first of its kind in the country. A new Equal Rights for People with Disabilities law is scheduled to take effect in 2004 that would also establish a new federal office to promote equal opportunities. A popular initiative calling for even greater access to public buildings and transport for the 700,000 handicapped was defeated by 62 percent of votes in a referendum on May 18.

National/Racial/Ethnic Minorities.—According to statistics gathered by the Foundation Against Racism and Anti-Semitism, the total number of reported incidents directed against foreigners or minorities was 110 in 2002, 9 fewer than in either of the previous 2 years. These figures include instances of verbal and written attacks, which were much more common than physical assaults. Investigations of such attacks generally were conducted effectively and led, in most cases, to the arrest of the persons responsible. Persons convicted of racist crimes commonly were sentenced to between 3 days' and 3 years' imprisonment and a fine of up to \$30,000 (40,000 Swiss francs). In 2001, 37 persons were convicted of racial discrimination.

Neo-Nazi, skinhead, and other extremist organizations attracted greater police and government attention during the year because of such groups' increasing organization at international levels, the violence they commit, and the youth of the group members. In June 2001, the Swiss Cabinet granted \$3 million (4 million Swiss francs) to the National Science Foundation to undertake research on right-wing extremist groups. The country's central location makes it a convenient meeting place for groups from around the continent, and police frequently monitored large gatherings of neo-Nazis and skinheads. During the year, the Federal Police estimated that the number of members involved in right-wing extremist groups was approximately 1,000, an increase from 900 in 2000. Police estimated there were approximately 1,000 skinheads living in the country.

The number of incidents involving skin-heads increased slightly from approximately 100 incidents in 2001 to 120 in 2002. These incidents involved more violence and were more frequently directed against foreigners rather than property.

There were a few reported cases during the year of violent confrontations between skinheads and young foreigners. In October, a center for asylum seekers in the Aargau canton was damaged as a result of racist violence against asylum seekers but nobody was physically hurt in the incident.

According to the Director of the Federal Commission against Racism, many extremist groups strive to create political parties to have more political influence. One such party, the Party of Nationality-Oriented Swiss (PNOS), was founded in canton Basel Country. Under the Constitution, such political parties have a legal right to voice their opinions as long as they are not linked to criminal activity. The Government and private organizations have invested considerable resources to combat such groups and stem their growth. In November, a Basel court sentenced the 25-year-old founder and ex-president of PNOS to a 16-month suspended prison sentence for a series of violent attacks.

The neo-Nazis accused of killing 19-year-old Marcel von Allmen in 2001 were scheduled to be prosecuted for homicide in a Bern court in March 2004. The trial was delayed because of the psychiatric evaluations the three adult defendants had to undergo. The fourth defendant involved in the killing has already been tried and sentenced as a juvenile.

Federal penal law prohibits racial discrimination, and police have used this law to monitor and close racist web sites. Cycos tracked down extremist or racist content, as well as hackers, copyright violators, and child pornography on the Internet.

The Federal Service for the Combating of Racism of the Department of the Interior, established in 2001, began operation in January 2002. It manages the Federal Government's "Fund Projects against Racism and for Human Rights" with a budget of \$11.2 million (15 million Swiss francs) for the 2001–2005 period. The amount of \$372,000 (500,000 Swiss francs) per year has been earmarked for the establishment of new local consultation centers where victims of racial or religious discrimination may seek assistance. Approximately 130 consultation centers or contact points existed in the country. In addition, the Federal Service for the Combating of Racism sponsored a variety of educational and awareness-building projects to combat racism, xenophobia, and anti-Semitism. Over \$743,000 (1 million Swiss francs) was spent to support youth projects.

In March, Parliament approved a government proposal to allow victims of racial discrimination to file individual complaints before the U.N. Committee on the Elimination of Racial Discrimination (CERD). Cases first must be litigated before na-

tional courts. Victims of racial discrimination may already appeal a national court ruling to the ECHR. Citizens will have the choice of appealing a national court ruling to either the CERD or the ECHR but may not appeal a U.N. decision to the ECHR or vice versa.

Swiss Roma groups who claimed they were victims of racial prejudice received assistance during the year from the Department of the Interior. Roma complaints included their exclusion from camping sites, which do not allow or limit the number of Roma allowed on the site. The Department continued its \$111,000 (150,000 Swiss francs) annual endowment program to Future for Swiss Itinerants, a foundation that worked to improve living conditions for the Roma.

On July 9, the Federal Court ruled that cantonal practices of holding secret ballots to decide individual applications for citizenship were unconstitutional. In two separate unanimous rulings, the court decided that naturalization decisions must neither be arbitrary nor discriminatory, which precluded secret balloting. The two rulings triggered a national debate. As a consequence, the six cantons concerned have discontinued the practice of secret balloting, and examining bodies of citizenship applications across the country are now obligated to justify a rejection. The rulings produced some confusion, as the Federal Court did not pronounce on the constitutionality of town hall meetings deciding citizenship applications by a show of hands, a common practice. In October, Parliament approved a constitutional amendment to facilitate the naturalization of second-generation immigrants and automatically grant citizenship to the third-generation. The amendment was scheduled to be submitted to the mandatory national referendum in May 2004. The number of Swiss naturalizations rose from 26,860 in 2001 to 35,754 in 2002.

Section 6. Worker Rights

a. The Right of Association.—All workers, including foreigners, have the freedom to associate freely, to join unions of their choice, and to select their own representatives, and workers exercised these rights in practice. Approximately one-quarter of the work force was unionized.

Unions were independent of the Government and political parties. The law protects workers from acts of antiunion discrimination, and the Government generally respected this provision in practice.

Unions associated freely with international organizations.

b. The Right to Organize and Bargain Collectively.—The Constitution provides for the right to organize and bargain collectively, and unions exercised this right. Periodic negotiations between employer and worker organizations determine wages and settle other labor issues at the local, or infrequently, at the industry sector level.

Nonunion firms generally adopt the terms and conditions fixed in the unions' collective bargaining. However, the Swiss Federation of Trade Unions reported that employers were increasingly trying to avoid collective bargaining. Some employers left their Federation to avoid the collective agreement for their industry. For example, only 37 of the 270 Swiss textile employers adhered to the collective agreement in 2000.

Labor appeal courts existed at both the cantonal and district levels.

The Federal Act on Public Servants permits the Government to curtail or suspend the right to strike for certain categories of government employees only for reasons of national security, safeguarding national foreign policy interests, or providing the population with essential goods and services. The Federal Act on Public Servants only applies at the federal level. In some cantons and many communes, public servants were still denied the right to strike.

The Constitution provides specific protection for the right to strike; however, effective and informal agreement between unions and employers in the past have resulted in fewer than 10 strikes per year since 1975. The law prohibits retribution against strikers or their leaders. However, the number of strikes increased during the year, as uncertainties over job security and under-funded pension funds became more apparent. In March, Orange employees went on strike for approximately 1 week to protest against 225 job cuts, a plan which was later abandoned. Other strikes hit Swiss manufacturing industries, consumer goods such as Coca-Cola, the Swiss Post and the new Swiss Airline. As a result, trade union membership increased, most notably in the services sector.

There are no export processing zones.

c. Prohibition of Forced or Bonded Labor.—The Constitution implicitly prohibits forced or bonded labor; Article 27 provides for economic freedom and explicitly guarantees the right to choose freely one's profession as well as unrestrained access to and unencumbered exercise of a gainful occupation, and there were no reports that such practices occurred. Article 30 of the 1964 Labor Act prohibits forced or bonded labor by children, and there were no reports that such practices occurred.

d. Status of Child Labor Practices and Minimum Age for Employment.—The minimum age for the full-time employment of children is 15 years, and children generally remained in school until this age. Children over 13 years of age may be employed in light duties for not more than 9 hours per week during the school year and 15 hours otherwise. The employment of youths between the ages of 15 and 20 was regulated strictly; they were not allowed to work at night, on Sundays, or in hazardous or dangerous conditions. The State Secretariat for Economic Affairs effectively enforced the law on working conditions. Government officials inspected companies that allegedly employed children illegally. During the year, no employers were fined or received conditional sentences for violations of the law.

e. Acceptable Conditions of Work.—Government regulations cover maximum work hours, minimum length of holidays, sick leave, and compulsory military service, contract termination, and other requirements. However, there was no national minimum wage, which resulted in low wage structures for unskilled and service industry workers. Employees in the retail sectors, in cooperation with other interests, have been successful in slowing reform of the restrictive federal and cantonal laws governing opening hours; however, these restrictions were easing at year's end.

The law sets a maximum 45-hour workweek for blue- and white-collar workers in industry, services, and retail trades, and a 50-hour workweek for all other workers. The law prescribes a rest period of 35 consecutive hours plus an additional half-day per week. Annual overtime is limited by law to 170 hours for those working 45 hours per week and to 140 hours for those working 50 hours per week. On July 1, the Government reduced the unemployment benefit period from 520 to 400 days for workers under 55 years of age.

The Labor Act and the Federal Code of Obligations contain extensive regulations to protect worker health and safety. There were no reports of lapses in the enforcement of these regulations, but the degree to which enforcement is effective was unclear. Workers have the right to remove themselves from work situations that endanger health or safety without jeopardy to their continued employment.

The law generally protects legal and illegal foreign workers; however, some employers did not always respect the rights of illegal foreign workers in practice. Illegal foreign workers are not covered by mandatory health insurance because health insurance contracts are a private matter under the law. Although legal workers are required by law to subscribe to a private insurance scheme, there is no obligation for employers to ensure that their employees are adequately covered. The insurance covering accidents at work is paid in full by the employer, and as a result applies to both legal and illegal workers; however, illegal workers were not entitled to unemployment benefits.

Wage discrimination against foreign workers was not permitted, but according to a 2000 study by a domestic think tank, foreign worker's salaries were on average 16 percent lower than citizens. According to an NGO, 100,000 to 300,000 foreign workers were vulnerable to abuse of their rights during their participation in the underground economy for long periods. Late in 2002, many of these workers demonstrated for legal status and more worker rights by occupying churches in major cities for several days in cooperation with religious and human rights groups. According to the Swiss statistical office, 10.9 percent of foreign workers were considered working poor and earned less than \$22,000 (30,000 Swiss francs) per year. The percentage of citizens working poor was estimated at 5.2 percent of the citizen working population.

On May 1, the Federal Department for Home Affairs organized a workshop with employers, federations, and trade unions to discuss racial discrimination at work, and at the same time initiated a public invitation to tender for projects aimed at identifying racism at work, increasing control and training, and providing assistance and counseling to the victims.

These programs were part of a wider strategy already undertaken by the Swiss cabinet in 2001, which provides \$11.2 million (15 million Swiss francs) over 4 years to promote the Government's efforts against racial discrimination.

f. Trafficking in Persons.—The Penal Code criminalizes sexual exploitation and trafficking in persons; however, trafficking in women for prostitution increased.

The Penal Code has two articles specifically prohibiting trafficking in persons, both of which focus on sexual exploitation and prostitution, but not labor trafficking. Trafficking in persons may result in prison sentences of up to 20 years; coercing a person into prostitution or restricting a prostitute's personal freedom can carry a sentence of up to 10 years in prison.

A 2002 Federal Court decision held that hiring young women from abroad to engage in prostitution generally constitutes human trafficking. In particular, the Federal Court ruled that a woman's consent to prostitute herself was invalid, if it was

obtained in a situation of distress. The charge of human trafficking only applies if the victims engage in prostitution against their will. Under the new ruling, the charge still applies even if on the face of it the women were prostituting themselves voluntarily but their traffickers exploited a situation of distress or dependency.

The prosecution of illegal prostitution and trafficking of persons normally falls under the jurisdiction of cantonal police authorities. However, since 2001, more complex cases that involve several cantons or are linked to organized crime are under the authority of the federal agencies to investigate and prosecute. The conviction rate for traffickers remained low. Of an estimated 1,500 to 3,000 potential victims of human trafficking in the country, between 20 and 40 cases of human trafficking and between 50 and 80 cases of forced prostitution are reported to police annually, leading to approximately 5 and 25 convictions respectively. However, considering that each case involves several instances of trafficking, the number of victims whose tormentors were brought to justice was much higher.

In December 2002, the Parliament amended the Penal Code to allow jurisdiction in domestic courts over perpetrators of crimes such as trafficking regardless of the location of the crime. Under the Swiss Victim's Assistance Law, individuals identified as trafficking victims may seek help from centers providing counseling and material and legal aid to abuse victims. This law also safeguards victims' rights in criminal prosecutions with special rules for trial procedures and for compensation and redress.

The Swiss Cabinet mandated the Federal Department of Justice and Police in 2000 with setting up an interdepartmental working group to assess the need for additional government action, namely new legal provisions, to combat human trafficking. According to the working group, immigration legislation, which criminalizes the victims of human trafficking (because they reside or work illegally in the country) and normally leads to their rapid deportation upon detection, served as a disincentive for victims to turn against their traffickers. The working group made several recommendations on how to combat human trafficking: Broaden the definition of human trafficking in the Penal Code to include exploitation of labor force and organ snatching; run awareness campaigns both in Switzerland and the countries of origin, grant (temporary) residency to victims of human trafficking, and improve local cooperation among the police, judicial authorities and victim assistance centers. The Swiss Cabinet tasked the departments concerned to assess these proposals and to make recommendations as to their implementation.

The Government has an office to combat the trafficking of young women for the purpose of commercial sexual exploitation. The human trafficking office existed as part of the Federal Office of Police (BAP) until the latter's reorganization in 2000. Since then, two separate BAP divisions handle trafficking problems in the broader context of organized crime: The Federal Criminal Police handles international cooperation and investigations of organized crime, including human trafficking, and the Service for Analysis and Prevention (DAP) does strategic analyses of information.

During the year, the Federal Department of Police's Central Coordination Office for Human Trade and Human Smuggling began operations. The Government was particularly active in international cooperation and investigations including: In 2002 it worked jointly with foreign law enforcement agents to dismantle an Asian crime ring trafficking Chinese women into prostitution abroad and signed a legal assistance treaty in criminal matters with the Philippines.

Switzerland is primarily a country of destination, and secondarily transit, for mostly women trafficked for the purposes of sexual exploitation and domestic servitude. Federal police estimated that between 1,500 and 3,000 potential victims of human trafficking were in the country. However, since Swiss federalism dictates that alien registration and enforcement be handled at the cantonal level, there were few reliable statistics on the extent of the trafficking problem. According to authorities, most persons trafficked originated in Thailand, parts of Africa, or South America. An increasing number of trafficked women arrived from Eastern Europe, particularly Hungary, Russia, Ukraine, or other states of the former Soviet Union. Police figures indicated that approximately 14,000 prostitutes worked in the country both legally and illegally. More than half worked in Basel, Bern, Zurich, Lucerne, Geneva, and Ticino.

Since the late 1990s, a growing number of salons and clubs have appeared in which women registered as artists engaged in illegal prostitution. Authorities suspected that traffickers were bringing some of these "artists" into the country. Police monitoring was difficult because the artist visas (also called the "L" residency permits, which is only valid 8 months) include an allowance for a short work period during which individuals may engage in some form of self-employed activity. During the month of April, approximately 1,340 women stayed in the country on "L" resi-

gency permits spread across about 400 cabarets, of which 244 came from Romania, 348 from Ukraine, 143 from Russia, and 177 from the Dominican Republic. In the past, L Permits issued to Ukrainian women increased from 88 in 1995 to 407 in May 2001, an increase of 360 percent in 6 years. Permits to Romanian and Moldavian women increased by 650 percent and 800 percent, respectively, over the same period. According to the Chief of the Geneva vice squad, the police had no legal means of preventing cabaret dancers from prostituting themselves after work hours but tried to prevent physical abuses against prostitutes. Smaller prostitution networks also existed and often involved relatives of foreign families established in the country, or members of the same ethnic groups.

Traffickers often forced victims into prostitution and in many cases subjected them to physical and sexual violence, threatened them or their families, encouraged drug addiction, withheld their documents, and incarcerated them. Many victims were forced to work in salons or clubs to pay for the cost of their travel and forged documents and found themselves dependent on the traffickers. Generally the victims were unable to read, write, or speak the country's languages, and were afraid to seek help from the authorities.

Under the Victim's Assistance Law, trafficking victims may seek help from centers providing assistance to abuse victims. These centers/shelters typically provided counseling as well as material and legal aid but in some cases may also provide travel vouchers and emergency lodging. In penal proceedings, trafficking victims who are testifying enjoy special protection of their identity and may request the trial to take place behind closed doors and a confrontation with the defendant to be avoided. Women's shelters and NGOs that provided services to victims received federal and cantonal government funding.

In some regions, NGOs complained of working at odds with cantonal police authorities that tended to favor rapid deportation of possible trafficking victims and were inclined to treat the latter as criminals. NGOs particularly criticized the lack of a designated person of contact within cantonal police authorities. To address the problem, the Zurich-based Women's Information Center (FIZ) initiated working groups to improve cooperation between NGOs and cantonal justice and police authorities. In Zurich representatives of the police, the immigration office, the prosecutor's office, the Government's Equal Opportunity Office, and FIZ regularly convened to improve cooperation between the different parties to provide better assistance to victims of trafficking.

Federal and cantonal governments provide funding to NGOs and women's shelters that provide services to victims, and cantonal authorities may grant temporary residency permits on a case-by-case basis to victims willing to assist in investigations and testify in court. In cases of serious hardship, a federal ordinance allows cantonal police to grant a residency permit to victims of sexual exploitation or forced labor, and while practice in this area was reportedly spotty, such permits were provided in several dozens of cases. Despite the range of protections, some victims were summarily deported to their country of origin. With regard to expedited deportation, the foreign ministry was encouraging cantons to increase cooperation with local NGOs that work with trafficking victims to identify victims who might be able to qualify for exceptional treatment (and to finger traffickers).

The Department of Foreign Affairs (DFA) helps fund programs intended to combat trafficking from Eastern Europe, having spent approximately \$89,000 (120,000 Swiss francs) in 2002 on anti-human trafficking programs. In addition, DFA's Development Cooperation Office (DEZA) funded half a dozen programs intended to combat human trafficking mainly from Eastern Europe and the former Soviet Union with approximately \$223,000 (300,000 Swiss francs) in 2002. An information campaign launched in 2002 by the Swiss Embassy in Moscow to prevent women from being drawn into Switzerland's sex industry has led to a dramatic decrease in fraudulent visa applications during the year. The Swiss Embassy, in cooperation with a local NGO, held awareness raising seminars for its staff and tightened visa regulations for applicants aged between 18 and 25. Staff at Swiss missions in Ukraine and Colombia were undergoing similar trafficking awareness raising programs. The Department of Foreign Affairs has established a set of guidelines on effective international measures to prevent human trafficking and protect victims, which was forwarded to all Swiss Embassies and Development Coordination Offices.

The Interior Ministry's Office for Equality between Women and Men initiated a program to train Swiss consular officials to educate visa applicants in their home countries on the risks of falling victim to human traffickers and methods used to lure women into vulnerable situations. The Government provided funding to the Stability Pact for South Eastern Europe's Anti-Trafficking Task Force and sup-

ported the OSCE's Office for Democratic Institutions and Human Rights Anti-Trafficking Project Fund.

TAJIKISTAN

Tajikistan is ruled by an authoritarian regime that has established some nominally democratic institutions, including a Constitution adopted in 1994. President Emomali Rahmonov and an inner circle of fellow natives of the Kulyab region continued to dominate the Government. Rahmonov won reelection in a 1999 election that was seriously flawed and was neither free nor fair. Some opposition figures held seats in the Parliament and positions in the Government. Rahmonov's supporters overwhelmingly won the February 2000 parliamentary elections that were neither free nor fair but in which several opposition parties participated. A June referendum allowed voters the opportunity to approve 56 amendments to the Constitution by voting on only 1 overall question. In addition to widespread proxy voting and other irregularities, the most significant amendment permits the President to serve two more 7-year terms. The Constitution provides for an independent judiciary; however, it was subject to political and paramilitary pressure.

Stability throughout the country has increased significantly since the 1992–97 civil war, but regional divisions within the security forces themselves persisted. The Ministries of Interior, Security, and Defense share responsibility for internal security, although in practice the Government relied on a handful of commanders who used their forces for internal security. In a few regions, local commanders exercised a degree of autonomy from the Government. Members of government security forces and government-aligned militias committed serious human rights abuses.

The economy was a state-controlled system in the process of a transition to a market-based system. The country had a population of approximately 6.5 million. Most of the work force was engaged in agriculture, which remained partly collectivized. Per capita gross national product was approximately \$180, and gross domestic product grew approximately 7 percent during the year. Official unemployment was estimated at 10 percent; however, employment in the informal sector was approximately 40 percent. The continued influence of narcotics trafficking and other forms of corruption led to clear disparities of income between the vast majority of the population and a small number of former pro-government and opposition warlords, who controlled many of the legal and most of the criminal sectors of the economy.

The Government's human rights record remained poor and worsened in a few areas, although there were improvements in a few areas, it continued to commit numerous, serious abuses. The citizens' right to change their government remained restricted. The Government made progress in investigating some political killings that occurred in previous years. Security forces tortured, beat, and abused detainees and other persons, and they were responsible for threats, extortion, and abuse of civilians. Prison conditions remained harsh and life threatening, but the Government agreed to permit the International Red Cross (ICRC) to make prison visits. The Government continued to use arbitrary arrest and detention and arrested persons for political reasons, including two top officials of the main opposition party. Impunity and lengthy pretrial detention remained problems. Law enforcement officers used torture to obtain confessions, which were used in trial without qualification. Authorities infringed on citizens' right to privacy. The Government further restricted freedom of speech and reinstated restrictions on the press after it had initially relaxed such restrictions. Journalists practiced self-censorship. The Government restricted freedom of assembly and association by exercising strict control over political organizations and by intimidating demonstrators. The Government imposed some restrictions on freedom of religion and freedom of movement within the country. Violence against women and discrimination against women, persons with disabilities, and religious minorities were problems. Child labor was a problem, and there were some instances of forced labor, including by children. Trafficking in women and children was a serious problem, which the Government took some steps to address.

RESPECT FOR HUMAN RIGHTS

Section 1. Respect for the Integrity of the Person, Including Freedom From:

a. Arbitrary or Unlawful Deprivation of Life.—There were no reports of the arbitrary or unlawful deprivation of life committed by the Government or its agents; however, in May, a family reported that they found their son's body hanging in their

barn with signs of torture after police had detained him. There was no confirmation of the details or further information on the case.

Government officials claimed progress in investigating a number of political killings in recent years. The murderers of British Broadcasting Company correspondent Muhiddin Olimpur in 1995, Viktor Nikulin, correspondent of the Russian TV ORT in 1996, and Sayf Rahimov, Chairman of the State Television and Radio Committee in 2000 were convicted and sentenced in July. The Government formed a special investigative unit to look into crimes committed against journalists during the civil war and announced that a number of arrests had been made and charges filed by year's end; however, the Government indicated that some of those under investigation were being detained without formal charges. Some of these individuals were held incommunicado (see Section 1.d.). Local and international observers questioned the objectivity of the investigations. These included investigations of the killings of: Former Chairman of the Gharm District, Sirojiddin Davlatov, in 2000; former Deputy Prime Minister Moyonsho Nazarshoyev, in 1998; and former Chairman of the Parliamentary Committee on Legislation and Human Rights, Safarali Kenjayev, in 1998. Suspects were arrested for the killings of the brother of the head of a collective farm in Isfara, and the trial began in November; however, there was a mistrial because of divergent evidence presented, and a new trial was pending at year's end.

The Government routinely sentenced criminal defendants to death in trials that violated norms of due process and human rights. During pretrial detention, the police often beat and otherwise coerced suspects into making confessions, which were introduced into trial without qualification (see Sections 1.c., 1.d., and 1.e.). Amnesty International reported that 33 persons were sentenced to death in the first 6 months of the year, that none of them received a fair trial, and that executions often were conducted in secrecy.

Both the Government and the opposition used landmines during the civil war. Landmine explosions in some unmarked mine fields in the Karetegin Valley reportedly killed civilians during the year. Landmines were laid along the northern segment of the border with Uzbekistan, which included some populated areas, and were not demarcated clearly in most places. The State Border Protection Committee reported that landmine explosions killed 16 persons along the Uzbek border during the year. The media estimated that there were 57 landmine deaths and that over 16,000 mines remained spread over 770 square miles.

The Government Drug Control Agency reported instances in which Tajik border guards were killed on the Afghanistan border in gun battles with narcotics traffickers. International observers and Russian and Tajik border forces also alleged that Tajik and Afghan criminal groups that were engaged in narcotics smuggling killed members of the border area populations.

In 2002, the Government filed charges against a "criminal group" of 35 persons for killings dating back to 1994, including the 2001 killings of two Baha'i residents of Dushanbe (see Section 2.c.), and, during the year, a closed trial found this "criminal group" guilty of the crimes.

b. Disappearance.—There were no reports of politically motivated disappearances, and, unlike in the previous year, there were no reports of kidnappings. Political pressures and a lack of professional resources hampered police efforts to investigate disappearances from previous years.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The law prohibits torture; however, there were reports that security officials, particularly those in the Ministry of Interior, used systematic beatings to extort confessions and used sexual abuse and electric shock during interrogations. Beatings and mistreatment were common in pretrial detention facilities. Impunity remained a serious problem, and the Government prosecuted few of the persons who committed these abuses (see Section 1.d.). Several alleged Hizb ut-Tahir members claimed that they were tortured while in police custody (see Section 1.e.).

Law enforcement officers allegedly used electric shock and beat Shamsiddin Shamsiddinov, the deputy chair of the opposition Islamic Revival Party, after detaining him on May 30 (see Section 1.d.).

In the southern regions of the country, many border guards were involved in the drug trade, and the local population made numerous complaints of harassment and abuses committed by them. There were also complaints of Border Protection officers confiscating the passports of citizens in airports and railway stations and returning the passports only after the citizens paid "fines" directly to the officers.

Law enforcement authorities mistreated members of the country's diminishing Afghan refugee population. There were widespread claims of petty harassment of Afghan refugees: Although in some ways, their treatment improved, they were fre-

quently harassed by illegal registration fines, intimidation to coerce paying bribes, and police summons on unsubstantiated accusations of having Taliban affiliations.

Investigations continued into several 2001 cases of shootings, bombings, and terrorist attacks that resulted in injuries, serious property damage, and deaths (see Section 1.a.).

According to credible counternarcotics law enforcement authorities, Tajik and Afghan criminal groups that were engaged in narcotics smuggling across the country's border with Afghanistan threatened, harassed, and committed abuses against the border area populations (see Section 1.a.).

Conditions in the country's seven prisons remained harsh and life threatening. Prisons generally were overcrowded, unsanitary, and disease-ridden. Some prisoners died of hunger. Family members were allowed access to prisoners only after a guilty verdict, in accordance with the law. However, family members of prisoners sentenced to capital punishment were not informed of the date of the execution and were not allowed access to the prisoner's effects or remains after the sentence was carried out. There was one prison specifically for members of "power ministries" (police, KGB, military personnel). Men and women were held separately; there was one women's prison. Separate juvenile reform facilities held juveniles. Pretrial detainees were held separately from those convicted.

The Government permitted some prison visits by international human rights observers. In December, the Government agreed to permit ICRC prison visits in a manner consistent with the ICRC's standard modalities, and the ICRC was granted such access.

d. Arbitrary Arrest, Detention, or Exile.—The Criminal Code inherited from Soviet times allows for lengthy pretrial detention and provides few checks on the power of procurators and police to arrest persons, and the Government continued to arrest and detain citizens arbitrarily.

The Ministries of Interior, Security, and Defense share responsibility for internal security, although, in practice, the Government relied on a handful of commanders who used their forces for internal security.

Impunity remained a serious problem, and the Government prosecuted few of the persons who committed these abuses. The Government acknowledged that the security forces were corrupt and that most citizens choose to keep silent when subjected to mistreatment rather than risk retaliation by the police.

The soldiers of some commanders were involved in crime and corruption. Reports indicated that low-level government authorities working in customs, border control, immigration, police, and tourism received bribes from traffickers. In a few regions, local commanders exercised a degree of autonomy from the Government, although the Government's 2001 military operations against Rahmon Sanginov discouraged many former local opposition commanders from attempting to assert independence from government authority.

Police legally may detain persons without a warrant for a period of 72 hours, and the procurator's office may do so for a period of 10 days, after which the accused must be charged officially. At that point, the Criminal Code permits pretrial detention for up to 15 months. The first 3 months of detention are at the discretion of the local procurator, the second 3 months must be approved at the regional level, and the Procurator General must sanction any remaining detention time. The Criminal Code specifies that all investigations must be completed 1 month before the 15-month maximum to allow time for the defense to examine government evidence. There is no requirement for judicial approval or for a preliminary judicial hearing on the charge or detention. In criminal cases, detainees may be released and restricted to their place of residence pending trial. Officials regularly refused detainees access to counsel and family members. Many of those arrested were held incommunicado for long periods of time and were still in police custody without being formally charged at year's end. There is no provision for bail, and lengthy pretrial detention was a problem, with detention reaching, in some cases, 15 months.

In most cases, the security officers, principally personnel from the Ministry of Internal Affairs or the Ministry of Security, did not obtain arrest warrants and did not bring charges. Those released often claimed that they were mistreated and beaten during detention (see Section 1.c.).

The Government made politically motivated arrests, and there were credible allegations of illegal government detention of members of rival political factions. Since the law precludes visits to persons in pretrial detention, and, until December, the Government had denied the ICRC or other observers access to these persons, the number of political detainees was unknown.

On May 30, authorities arrested Shamsiddin Shamsiddinov, the deputy chair of the opposition Islamic Renaissance Party (IRPT), on charges of murder and other "grave crimes" and allegedly abused him and denied him access to counsel (see Sec-

tion 1.c.). In December, Shamsiddinov was sentenced in a completely closed trial to 16 years in prison for organizing an armed group and illegally crossing the border, both crimes that were covered under the post-war amnesties. The IRPT maintained that the trial and sentencing were politically motivated, rather than a campaign against religion.

On July 13, authorities arrested another top IRPT official, Qosim Rakhimov, on charges of statutory rape, which some observers considered politically motivated. At year's end, the trial remained ongoing at the Dushanbe City Court.

According to media reports, 160 members of Hizb ut-Tahrir, an extremist Islamic organization, were arrested, and, during the year, 34 of them were sentenced in connection with various crimes related to their party membership (see Section 2.c.).

The Constitution states that no one can be exiled without a legal basis, and no laws establish a legal basis for exile. There were no reports of forced exile; however, some opponents of the Government remained in self-imposed exile.

e. Denial of Fair Public Trial.—The Constitution provides for an independent judiciary; however, in practice, the judicial system was subject to the influence of executive authorities. Criminal groups directly influenced judicial officials at all levels. Public order improved during the year; however, the erosion of judicial integrity that took place during the civil war, largely as a result of the virtual immunity from prosecution of armed militia groups, has yet to be overcome. Bribery of prosecutors and judges was a common practice.

Under the Constitution, the President has the right, with confirmation by the Parliament, both to appoint and to dismiss judges and prosecutors. Judges at the local, regional, and national level for the most part were poorly trained and lacked understanding of the concept of an independent judiciary. The Government made some progress in this respect by using regular examinations to screen unqualified candidates for judgeships. Judges at all levels had extremely poor access to legal reference materials.

The court system includes city, district, regional, and national levels, with a parallel military court system. Higher courts serve as appellate courts for the lower ones. The Constitution establishes additional courts, including the Constitutional Court. The law provides for the right to appeal, but the populace generally did not trust the court system, and there were few reports of appeals.

According to the law, trials are public, except in cases involving national security or the protection of minors. In December, Shamsiddin Shamsiddinov, the deputy chair of the IRPT, was sentenced in a completely closed trial (see Section 1.d.). The law provides that a case must be brought before a judge within 28 days after it is entered for trial; however, it was common for cases to be delayed for many months before trial began (see Section 1.d.). The court appoints an attorney for those who do not have one. Defendants may choose their own attorney but may not necessarily choose among court-appointed defenders. In practice, arrested persons often were denied prompt, sometimes any, access to an attorney.

The procurator's office is responsible for conducting all investigations of alleged criminal conduct. According to the law, both defendant and counsel have the right to review all government evidence, to confront witnesses, and to present evidence and testimony. No groups are barred from testifying, and all testimony theoretically is given equal consideration. Ministry of Justice officials maintained that defendants benefit from the presumption of innocence, despite the unmodified Soviet legal statute that presumes the guilt of all persons brought to trial. However, in practice, bringing charges tended to suggest guilt, and Government officials routinely made public pretrial statements proclaiming a suspect's guilt.

Law enforcement officials often used torture and beatings to coerce evidence, including confessions (see Section 1.c.). Such evidence routinely was used in trial without qualification. Several alleged Hizb ut-Tahrir members claimed that they were tortured while in police custody and that a man using the pseudonym Arobidin died while in the custody of the Ministry of Interior.

Military courts try civilians only in extremely rare circumstances. A military judge and two officers drawn from the service ranks hear such cases.

Some factions of the Government allegedly used the investigations of high profile cases to carry out political attacks on other factions of the Government. In November, the Prosecutor General opened a criminal case against the Chairman of Tajikgas and Chairman of the Democratic Party of Tajikistan, Mahmadrusi Iskandarov. Iskandarov was dismissed from his position and was in self-exile in Rasht Valley at year's end. Given the low level of available information regarding the pretrial, investigation, and trial phases of the criminal process, the number of such political prisoners was unknown. In December, the Government approved ICRC prison visits, agreeing to regular access to all types of prisons and pretrial detention centers, with no time limits or restrictions on access.

f. Arbitrary Interference with Privacy, Family, Home or Correspondence.—The Constitution provides for the inviolability of the home and prohibits interference with correspondence, telephone conversations, and postal and communication rights, except “in cases prescribed by law”; however, authorities continued to infringe on citizens’ right to privacy. Except for special circumstances, the law prohibits police from entering and searching a private home without the approval of the procurator. When police do enter and search without prior approval, they must inform the procurator within 24 hours; however, police frequently ignored these requirements. There is no independent judicial review of police searches conducted without a warrant. Police also may enter and search homes without permission if they have compelling reason to believe that a delay in obtaining a warrant would impair national security.

Police and Ministry of Interior officials often harassed the families of suspects in pretrial detention or threatened to do so in order to elicit confessions (see Section 1.c.).

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution provides for freedom of speech and of the press; however, the Government restricted these rights in practice. Journalists, broadcasters, and individual citizens who disagreed with government policies on occasion were discouraged from speaking freely or critically. By using its monopolistic power over the printing industry, delivering “warnings” via the telephone, inviting persons to the prosecutor’s office, visiting editorial offices to talk with editors, restrictive licensing, selective tax inspections, increasing scrutiny of the relatively independent press and regulations of the television stations, the Government was able to place restrictions on nongovernmental media in favor of government-controlled outlets.

The law affirms the right to free speech and criminalizes interference with journalists’ work; however, journalists reported that government officials improperly limited their access to information or provided “friendly advice” on what news should not be covered. Editors and journalists, fearful of reprisals, often exercised self-censorship; however, a number of publications published articles highly critical of the Government.

The Government controlled the printing presses and the supply of newsprint and broadcasting facilities and subsidized the large majority of publications and productions. The number of independent and local newspapers continued to increase during the year. Although only a small number of newspapers attempted to cover serious news, several focused on news and analysis. Several newspapers were organs of political parties or blocs.

After some initial progress, the Government reversed moves to develop a free press. Two independent political and social newspapers, Nerui Sukhan (Power of the Word) and Ruzi Nav (New Day) began publishing during the year; however, in November, a state-controlled printing house refused to continue publishing Ruzi Nav, which international observers believed was, at least in part, politically motivated. Nerui Sukhan also faced difficulties in finding a publishing house willing to print the paper, and, in December, representatives of the Ministry of Revenues and Duties confiscated 4,000 copies of Nerui Sukhan.

Compulsory subscriptions were reported from all areas of the country and, particularly, in the Sugd region where the regional government urged local enterprises and farms to subscribe to government newspapers. In one instance, the Khujand city government attempted to force the OSCE to subscribe to the government paper.

There was one government-run television network; its several local stations covered regional and local issues from an official point of view. Opposition politicians had little access to it; however, it continued to broadcast a series of political party debates organized by the International Foundation for Electoral Systems. There were 17 nongovernmental television stations—not all of which operated at any one time and only a handful of which were genuinely independent. Some of these independent stations had independent studio facilities and broadcast equipment but most depended on government-owned transmission equipment.

Independent radio and television stations continued to experience administrative and legal harassment. To obtain licenses, independent television stations must apply to the Ministry of Communications and the State Television and Radio Committee. At every stage of the bureaucratic process, there were high official and unofficial fees. The process of obtaining licenses was lengthy, sometimes taking years, and was made more lengthy during the year with the creation of a new licensing body within the State Television and Radio Committee and by granting the re-established Tajikistan National Association of Independent Mass Media (TajANESMI) review and recommendation authority over all license applications. There was signifi-

cant overlap between the directors of TajANESMI and the State Television and Radio Committee. Those who were denied licenses were allowed to reapply; however, there was no formal appeals process. During the year, the Government granted one new license to radio station Vatan, which began broadcasting in May, but denied a radio license to Jakhon and a television license to Asia Plus, which already operated a radio station.

Journalists on occasion were subject to harassment and intimidation, sometimes perpetrated by government authorities. At the beginning of the year, Safargul Olimova, head of the governmental Dushanbe city radio Sadoi Voice (Voice of Dushanbe) and one station correspondent were fired for an interview in which they criticized government officials, including the President.

There were five Internet service providers—one completely state-owned and four privately owned. High fees and limited capacity put access to the Internet out of reach for most citizens. On May 27, the Government began blocking access to the only opposition website, which journalist Dodojoni Atovullo organized from abroad, after it sharply criticized government policy and accused the President of nepotism and regionalism. The site was briefly unblocked then blocked again.

The Government did not restrict academic freedom.

b. Freedom of Peaceful Assembly and Association.—The Constitution provides for freedom of assembly; however, the Government restricted this right in practice. Registered organizations must apply for a permit from the local executive committee to organize legally any public assembly or demonstration. At times, permits were granted; however, on occasion, the Government took reprisals against organizers. Fear of reprisal was so widespread that public assemblies or demonstrations of a political nature were rare. At the beginning of the year and again in June, teachers in the Panjakent district went on strike because they had not been paid. In August, approximately 300 dissatisfied business investors carried out a protest demonstration near the Prosecutor General's Office and in front of the President's house.

The Constitution provides for freedom of association; however, the Government restricted this right in practice by exercising strict control over organizations and activities of a political nature. Although freedom of association is permitted for non-political associations, including trade unions, this right is circumscribed by the requirement in the Law on Nongovernmental Associations that all organizations first must register with the Ministry of Justice—a process often slowed by the requirement to submit documents in both Russian and Tajik. The Ministry of Justice's verification of the text inevitably delayed the granting of registration. There were reports of delays in the process if organizations failed to pay bribes to working-level officials.

There were six political parties and five “movements” registered with the Government. The Adolatkoh Party, the Party of Popular Unity, the Agrarian Party, and the Tehran platform faction of the Democratic Party continued to be banned. The Unity Party, whose application initially was denied for “membership irregularities,” re-applied but had not received approval by year's end; they were told to “wait for a better time.” A new party, the Progress Party of Tajikistan, submitted registration documents in December but had no response by year's end. The law prohibits political parties from receiving support from religious institutions. Parties of religious character are permitted to register; one such party—the IRPT—has done so.

c. Freedom of Religion.—The Constitution provides for freedom of religion, and the Government generally respected this right in practice; however, there were some restrictions. There is no state religion. The Government monitored the activities of religious institutions to control their political activity. Hizb ut-Tahrir members were subject to arrest and imprisonment for subversion and faced long prison sentences. President Rahmonov defended secularism aggressively and described Islamic extremists as a threat to national security.

The Law on Religion and Religious Organizations requires religious communities to be registered by the State Committee on Religious Affairs (SCRA). Officially, registration was justified as a means to ensure that religious groups act in accordance with the law; however, a practical purpose was to control their political activity. The Government did not explicitly ban, prohibit, or discourage specific religions; however, local authorities in some cases used the registration requirement in attempts to prevent the activity of some groups. In April, local authorities prosecuted and fined two members of the community of Jehovah's Witnesses in Tursunzoda for teaching religion without a license and for meeting in an unlicensed location. Although the Jehovah's Witnesses were registered with the State Committee on Religious Affairs, the court ruled that they were also required to register at the local level as a religious community.

In July, the SCRA and Sughd government officials carried out “training” for all imams of the region. Two imams were removed, compared with 15 in 2002, and 2 mosques were closed for improper registration. Local observers alleged that the Government used the testing process as a means to silence certain politically outspoken religious figures. In May, two mosques and two houses of imams of these mosques were burnt in Chorkuh village of the Isfara district, an area that has thousands of Islamic Party members. Local authorities reportedly instructed one of the imams to tell any inquiring journalists that the fire in his house was due to an electrical short circuit. Investigators had not found the arsonists by year’s end.

Government policies reflect a pervasive fear of Islamic fundamentalism among the Muslim population. The Government banned specifically the activity of Hizb ut-Tahrir, which had a significant following among the ethnic Uzbek population in the north. The Government continued arrests and trials of Hizb ut-Tahrir members on charges of subversion. A Ministry of Security official said that 50 activists of Hizb ut-Tahrir had been arrested in the first half of the year, with 20 of them sentenced to varying terms in jail. Media reports indicated that, over the course of the year, 160 were arrested, and 34 were convicted. In October, a court in Isfara sentenced three Hizb ut-Tahrir activists to prison terms ranging from 8½ to 10 years, for distributing Hizb ut-Tahrir leaflets in the market. During the year, the Government arrested two top officials of the opposition IRPT (see Sections 1.c. and 1.d.).

The Government did not impose restrictions on the number of pilgrims allowed to undertake the hajj; however, regional quotas were imposed, which led to corruption in selling quota allotments.

Government officials at times restricted other religious activities by Muslims as well. Government printing houses reportedly were prohibited from publishing texts in Arabic and as a rule did not publish religious literature. There were no restrictions on private Arabic language schools; however, restrictions on home-based Islamic instruction remained in place. These restrictions reportedly were based on political concerns, but affected religious instruction. Missionaries were not restricted legally and proselytized openly; however, the Government’s fear of Islamic terrorists prompted it to restrict visas for Muslim missionaries.

Baha’i groups experienced some harassment at local levels. The Government arrested approximately 40 persons in connection with the 2001 killings of 2 Baha’i residents of Dushanbe; in November, the Government formally charged 3 of these individuals with the murders, and, in December, they were found guilty.

For a more detailed discussion, see the 2003 International Religious Freedom Report.

d. Freedom of Movement within the Country, Foreign Travel, Emigration, and Repatriation.—The Constitution provides for these rights; however, the Government imposed some restrictions on them. Both citizens and foreigners are prohibited from traveling within a 15-mile zone along the country’s borders with China and Afghanistan without permission from the Ministry of Foreign Affairs. This restriction was not always enforced along the western part of the border with Afghanistan, but a special visa was required for travelers—including international workers and diplomats—to Gorno-Badakhshan. Travel to border areas near Uzbekistan in the southwest was not restricted significantly, except occasionally at the border, which was closed intermittently by Uzbekistan during the year. Diplomats and international aid workers could travel to the Afghanistan border region without prior authorization, although 48-hour prior notice to the Ministry of Security was required; personnel from the Russian Border Forces guarding the Tajik-Afghan border occasionally restricted border crossings.

There were reports that border guards in the northern regions routinely subjected travelers to degrading searches for narcotics, particularly in the case of women (see Section 1.c.).

Foreign travelers wishing to remain in the country longer than 3 days were required to register with central authorities, and regulations required registration at the local Ministry of Interior office upon arrival and departure from a city. However, these regulations largely were ignored in practice.

There is no law on emigration. Persons who wish to emigrate to the former Soviet Union must notify the Ministry of Interior prior to their departure. Persons who wish to emigrate beyond the borders of the former Soviet Union must receive an immigrant visa from the relevant country’s embassy to obtain their passport. Persons who settle abroad are required to inform the Tajikistan Embassy or Tajikistan interests section of the nearest Russian Embassy or consulate. Labor migration was an important economic factor, and a local research organization reported that, during the year, more than 600,000 persons left the country looking for a job.

There was no indication that persons who left the country, other than those who fled the country for political reasons after the civil war, were not permitted to re-

turn freely. Some persons active with the Tajik opposition with expired travel documents occasionally had difficulty obtaining new documents permitting them to return. The Government provided protection and modest assistance and cooperated with international organizations to resettle them voluntarily.

Following the signing of the 1997 peace accords, all Tajik refugees from northern Afghanistan who wished to return home, as well as thousands from the former Soviet Union, returned to the country. Nearly all occupied houses were returned to their original UTO-fighter owners (approximately 15,000 to 16,000 persons), although a small number of disputes remained to be settled.

The Constitution provides for the granting of asylum or refugee status to persons who meet the definition in the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. In practice, the Government provided some protection against refoulement and granted refugee status or asylum. Under the law, a person granted refugee status has the right to work and to move freely throughout the country. The Government cooperated with the U.N. High Commission for Refugees (UNHCR) and other humanitarian organizations in assisting refugees.

According to the UNHCR, 109 asylum seekers were granted refugee status, and 32 cases representing approximately 56 persons were denied status. Court challenges to these denials were ongoing at year's end.

The Government did not provide temporary protection to those persons who did not qualify as refugees or asylees, as there is no provision in the law for providing such protection. During the year, 89 refugees were resettled to third countries, and the UNHCR repatriated approximately 143 Afghans. The State Migration Service estimated that 3,195 Afghan refugees remained in the country, not including Afghans who had permanently resettled in the country.

Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government

The Constitution provides citizens with the right to change their Government peacefully and freely through elections of the President and members of Parliament; however, the Government restricted this right in practice. The country made little progress in its transition from a Soviet-model system to a more open and competitive one, and President Rahmonov and his inner circle from the Kulyab region continued to dominate the Government.

An opposition party won a district-level by-election in November, the results of which were appealed by the President's party. The court upheld the appeal and annulled the result in a decision that local legal experts considered incorrect and politically manipulated.

The President's control was further consolidated in a June 22 referendum that was criticized by the international community as neither free nor fair. Voters, many of whom never received their voting registration and thus were unable to cast ballots, were given the sole option of answering yes or no to a single question: Did they want 56 amendments added to the Constitution? The most significant amendment was to Article 67 and permits the President to have two more 7-year terms beyond 2006. As a result, President Rahmonov could serve until 2020.

The 1999 presidential election was seriously flawed. A cumbersome registration process required candidates to obtain large numbers of signatures during a short period of time. Only President Rahmonov, who used his political apparatus throughout the country for this purpose, obtained the signatures by the deadline. Prospective opposition candidates complained that local pro-government administrators prevented them from gathering signatures. Only President Rahmonov qualified as a candidate until a Supreme Court decision days before the election permitted a single opposition candidate to register. President Rahmonov exercised a virtual monopoly over mass media access, and there were obvious irregularities in the operation of polling places, such as multiple voting by pro-Rahmonov supporters. The Government claimed that 98 percent of the electorate voted and that 96 percent of those voting supported Rahmonov; however, most observers agreed that these claims lacked credibility.

President Rahmonov's highly centralized PDPT controlled an overwhelming majority of seats in both houses of Parliament. This control, combined with a lack of democratic culture, resulted in a legislative branch that was not genuinely independent of the executive branch.

A joint U.N. and OSCE mission that observed the February 2000 parliamentary elections to the Lower House of the new bicameral national Parliament noted improvements in the process compared with previous elections. Six parties, including two former segments of the disbanded UTO, were allowed to participate in the electoral process, and voters elected two members of an openly Islamic political party. However, the joint observation mission concluded that the elections failed to meet

the minimum standards for equal, fair, free, secret, transparent, and accountable elections. State organs, particularly regional and local administration officials, interfered in the preparations for and conduct of the elections. At least one prospective independent candidate for the Lower House of Parliament was prevented from registering for apparently political reasons. While state television provided free broadcast time to parties competing in the election, it failed to provide balanced news and editorial coverage of the campaign. The independence of election observers and counting and tabulation of results were also particular problems.

Opposition parties, including unregistered parties, generally were free to operate but faced difficulty in obtaining access to the mass media. Two new parties were unable to achieve registration (see Section 2.b.). Two prominent members of the IRPT were arrested, one of whom was convicted of crimes in December (see Section 1.d.).

There were 12 women in the 97-seat legislature and 1 woman deputy chairperson in each of the 2 houses of Parliament. A woman served as Minister of Labor and Social Issues.

Ethnic Uzbeks were represented in the Government, although not in direct policy-making roles, and there were four ethnic Uzbek members of Parliament.

Section 4. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A number of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights abuses; however, fear of harassment and abuse by government or paramilitary elements tended to discourage citizens from forming their own human rights organizations, although the Government did not block the registration of local NGOs addressing human rights. Several such domestic organizations existed. NGO taxation and registration problems remained (see Section 2.b.). The Government prevented some citizens, particularly government officials, from participating in international and local seminars sponsored by the OSCE, the ICRC, U.N. agencies, NGOs, and foreign governments on such topics as the rule of law, an independent judiciary, and international humanitarian law. Discussion at such seminars, including those held in the country, frequently was critical of the Government. Government officials were somewhat responsive to the views of human rights groups.

The Government permitted international NGOs to operate in the country on a regular basis. The OSCE mission in Dushanbe continued to monitor human rights issues with the help of its five field offices, which experienced varying levels of cooperation with local authorities. The ICRC also maintained an office in the country under its delegation in Uzbekistan.

The Government's Office for Constitutional Guarantees of Citizens' Rights under the President continued its work of investigating and answering citizens' complaints; however, the office was understaffed and received uneven cooperation from other government institutions.

In 2002, the Government established a Commission on Fulfillment of International Human Rights Commitments chaired by the Deputy Prime Minister with responsibility for security and law enforcement affairs. The Commission was charged with preparing reports mandated by the Government's ratification of international human rights treaties, although its Chairman indicated that the Commission would accept complaints from private citizens and planned to work with the international community to address human rights concerns. The Commission served as the primary collection point for citizen complaints by citizens and forwarded the complaints to the responsible ministries.

Within the Parliament, the Committee on Legislation and Human Rights is charged with monitoring human rights violations; however, like the rest of the Parliament, it was not independent in practice. During the year, the Committee was not very active and issued no reports.

Section 5. Discrimination Based on Race, Sex, Disability, Language, or Social Status

The Constitution provides for the rights and freedoms of every person regardless of nationality, race, sex, language, political persuasion, or social status and also explicitly states that men and women have the same rights; however, in practice there was some discrimination against women.

Women.—Violence against women, including spousal abuse, was a widespread problem. In both urban and rural areas, many cases of wife beating went unreported, and many reported cases were not investigated. Unofficial figures compiled by four NGOs, reported at least 71 discrete cases of wife beating in a small sample of 21 villages, which indicated a much larger problem throughout the country. There was widespread reluctance to discuss the issue or provide assistance to women in

abusive situations. In addition, there were widespread reports of the abduction of young women who were raped or forced to marry their abductors.

Many domestic and international NGOs sponsored women's resource centers that address the concerns of victims of rape and domestic abuse; however, the Government's funding for such centers was extremely limited.

The Criminal Code prohibits rape (although not specifically spousal rape), which is punishable by up to 20 years in prison or, in certain circumstances, the death penalty; however, it was widely believed that most cases were unreported and that the problem was growing, particularly in urban areas. The threat of rape often was used to intimidate women. There were no special police units for handling rape cases. There were no statistics on the number of rapists prosecuted, convicted, or punished each year.

Prostitution is illegal; however, in practice, prostitutes were not tried in court but instead were given a cursory fine and released. Procurers and madams were prosecuted regularly. The law prohibits keeping brothels, procuring, making, or selling pornography, infecting another person with a venereal disease, and the sexual exploitation of women; however, prostitutes operated openly at night in some urban areas.

Trafficking of women for the purposes of sexual exploitation and forced labor was a serious problem (see Section 6.f.).

The law accords women equal rights with men; however, discrimination against women remained a problem. Traditionally there has been a high level of female participation in the work force and in institutes of higher learning. There was no formal discrimination against women in employment, education, or housing; in urban areas, women were employed throughout government, academic institutes, and enterprises. However, women faced diminishing educational opportunities and increasing poverty. Women legally are entitled to receive equal pay for equal work; however, this regulation was not always enforced in practice.

The Criminal Code protects women's rights in marriage and family matters; however, girls often were pressured to marry men that they did not choose themselves, and polygyny, although illegal, was increasingly common. Women are provided 3 years of maternity leave and monthly subsidies for each child. In rural areas, women tended to marry younger, have larger families, and receive less university education than women in cities. In rural and traditional areas, women received less education in general, often leaving school after the eighth year. Due to the prevalence of large families, women in rural areas also were much less likely to work outside the home. Inheritance laws do not discriminate against women; however, in practice some inheritances passed disproportionately to sons.

There were many local women's groups and NGOs headed by women that worked to improve the status of women. Many international organizations also focused their programs on women. The Government has a specific committee for women's and family affairs.

Children.—The Government was committed to children's rights and welfare; however, it did not devote adequate financial resources to maintain the social security network for child welfare. Education is compulsory until age 16; however, the law was not enforced. Public education is intended to be free and universal; however, due to a lack of resources, the public school system has deteriorated to the point where it barely functioned. Parents who could afford to do so sent their children to private schools or joined together and hired teachers to give their children lessons. While most children were enrolled in school up to the completion of the secondary level, actual attendance was estimated to be lower because children supplemented family income by working in the home or in informal activities (see Section 6.d.). A significant number of school-age children—as many as one in eight, according to World Bank data—worked instead of attending school. The illegal Soviet practice of closing high schools at cotton harvest time and putting the students to work in the field continued in some areas (see Section 6.c.).

As a result of a new amendment to the Constitution, health care is no longer free. However, the first visit or initial assistance remained free, but the quality and quantity of medical services remain limited. The Action Against Hunger's national nutrition survey estimated that one child in three was malnourished. UNICEF reported that the under 5 mortality rate was 72 per 1,000 and that 15 percent of infants had low birthweight. The Government acknowledged that malnutrition was a severe problem and worked with international humanitarian organizations and foreign governments to support school feeding programs.

The press reported a very few, unconfirmed instances of violence against children, although there was no societal pattern of abuse of children.

Trafficking of children was a problem (see Section 6.f.).

Persons with Disabilities.—The law stipulates the right of persons with disabilities to employment and adequate medical care; however, in practice, the Government did not require employers to provide physical access for persons with disabilities. Persons with disabilities suffered from high unemployment and widespread discrimination as a result of financial constraints and the absence of basic technology to assist them.

There is no law mandating accessibility for persons with disabilities. There were facilities for persons with disabilities; however, funding was limited and the facilities were in poor condition. Several international NGOs provided limited assistance to persons with disabilities.

Section 6. Worker Rights

a. The Right of Association.—The law provides all citizens with the right of association, including the right to form and join associations without prior authorization, to organize territorially, and to form and join federations. According to official figures, approximately 90 percent of the labor force was organized. The Federation of Trade Unions remained the dominant labor organization. The Federation consisted of 19 professional trade unions and claimed 1.5 million members—virtually all non-agricultural workers. The separate, independent Trade Union of Non-State Enterprises had registered unions in more than 3,000 small and medium-sized enterprises, with approximately 40,000 employees. Many of the enterprises in which these two organizations nominally were present were not functioning because of the general economic crisis, and the membership of both declined as a result. The Council of Ministers formally consulted both organizations during the drafting of social welfare and worker rights legislation.

The law prohibits anti-union discrimination, the use of sanctions to dissuade union membership, and the firing of a worker solely for union activity. Any complaints of discrimination against a labor union or labor union activist were considered first by a local labor union committee and, if necessary, raised to the level of the Supreme Court and investigated by the Ministry of Justice. The law compels an employer found guilty of firing an employee based on union activity to reinstate the employee.

The law provides citizens, but not unions, with the right to affiliate freely with international organizations, including international labor organizations. Unions may affiliate with international bodies; however, no unions had international affiliations.

b. The Right to Organize and Bargain Collectively.—Various laws provide for the right to organize and bargain collectively. Employees, members of the trade unions, and management participated in collective bargaining at the company level. Negotiations involving an industrial sector included officials from the relevant ministry and members of the union's steering committee for that particular sector. As the economic situation worsened, it became more difficult for enterprises to engage in effective collective bargaining.

The law mandates arbitration before a union legally may call a strike. Depending on the scale of the labor disagreement, arbitration may take place at the company, sectoral, or governmental level. In the event that arbitration fails, unions have the right to strike, but both labor unions disavowed publicly the utility of strikes in the current economic crisis and advocated compromises between management and workers. In May and September, teachers in the northwest city of Panjakent went on a union-declared strike, claiming that they had not been paid; although they returned to work, they had not been paid at year's end.

There are no export processing zones.

c. Prohibition of Forced or Bonded Labor.—The Constitution prohibits forced or bonded labor, including by children, except in cases defined in the law; however, forced or bonded labor occurred in some cases (see Sections 6.d. and 6.f.). University and secondary school students regularly were compelled to participate in the cotton harvest, which was justified in terms of "helping the family" and was permitted under the law. Persons who formerly had worked on state or collective farms could be required to pick cotton, although wages usually were not paid, and the farms did not provide the services they once did.

d. Status of Child Labor Practices and Minimum Age for Employment.—Child labor was a problem; the Government did not effectively regulate acceptable working conditions for children, and there were no governmental or judicial initiatives to strengthen or enforce child labor legislation or regulations.

Labor laws establish the minimum age for the employment of children at 16, the age at which children also may leave school legally (see Section 5). With the concurrence of the local trade union, employment may begin at the age of 15. By law, workers under the age of 18 may work no more than 6 hours a day and 36 hours

per week. However, children as young as 7 years of age may perform household-based labor and participate in agricultural work, which is classified as family assistance. Many children under 10 years of age worked in the bazaars or sold goods on the street. Trade unions were responsible for reporting any violations in the employment of minors. Cases not resolved between the union and the employer may be brought before the Procurator General, who may investigate and charge the manager of the enterprise with violations of the Labor Code.

The Government does not have a comprehensive policy for the elimination of the worst forms of child labor. The Government has signed the International Labor Organization (ILO) Convention 182 on the worst forms of child labor, but the ratification instrument has not been deposited with the ILO.

e. Acceptable Conditions of Work.—The President, on the advice of the Ministry of Labor and in consultation with trade unions, sets the minimum monthly wage, which officially was \$1.20 (4 Somoni). The minimum wage did not provide a decent standard of living for a worker and family. The Government recognized this problem and provided certain subsidies for workers and their families at the minimum wage. Some establishments, both governmental and private, compensated their employees in kind with food commodities or with the products produced by the enterprise, which the employee could sell or barter in local private markets.

The legal workweek for adults (over age 18) is 40 hours. Overtime payment is mandated by law, with the first 2 hours of overtime to be paid at 1.5 times the normal rate and the rest of the overtime hours paid at double the rate. Payment of overtime was inconsistent in all sectors. The Ministry of Finance enforces financial aspects of the labor law, and the Agency of the Financial Control of the Presidential Administration oversees other aspects of the law.

The Government has established occupational health and safety standards, but these fall far below accepted international norms, and the Government did not enforce them in practice. The enforcement of work standards is the responsibility of the State Technical Supervision Committee under the Council of Ministers. Statistics in 1993 (the latest available) indicated that over one-fifth of the population worked under substandard conditions—an estimate that most observers considered much too low. The law permits workers to leave their jobs with 2 months' notice and to remove themselves from hazardous conditions without risking loss of employment; however, due to the poor employment situation, few did so.

Foreign workers are protected under the labor laws.

f. Trafficking in Persons.—The law prohibits trafficking in persons; however, trafficking primarily from and, to a lesser extent, through the country was a significant problem.

In August, Parliament approved amendments to the Criminal Code that make trafficking in persons punishable by a term of imprisonment of 5 to 15 years and the confiscation of one's property. The more general amendment defines trafficking in persons broadly, while a second amendment specifically criminalizes trafficking in teenagers, defined as "the buying or selling of a minor with or without means and forms of coercion." A working group prepared a draft of a new anti-trafficking law, which was under review by the relevant government agencies at year's end.

Traffickers may also be prosecuted under other laws prohibiting exploitation of prostitution, rape, kidnapping, buying and selling of minors, illegal limitations on arrival and departure in and out of the country, document fraud, and immigration violations. The penalties for these offenses are in most cases fines or imprisonment of 5 to 15 years, although certain immigration violations carry a sentence of up to 10 years, and rape is punishable by up to 20 years in prison or, in certain circumstances, a death sentence.

In November, law enforcement officials arrested six persons associated with a criminal ring engaged in trafficking women to the Gulf states and elsewhere; the trial was pending at year's end. In October, a husband and wife were apprehended in the Sogh region for trafficking: The wife allegedly recruited the victims (girls and women), and the husband organized the documents; the investigation continued at year's end. In August, two women were detained at Dushanbe airport after attempting to transport underage girls to the United Arab Emirates using counterfeit documents. The investigation uncovered evidence that the women were engaged in trafficking, and, at year's end, they were being held pending trial.

In December, the Dushanbe City Court completed the hearings in Sabohat Shukurova's case. She was sentenced to 14 years in prison and property confiscation in accordance with the new amendments to the criminal code. The Supreme Court started a hearing on an 11-person criminal ring accused of trafficking in persons, including minors; the case was pending at year's end. A member of the IRPT was

implicated for recruiting children and trafficking them to the Gulf countries and to Turkey.

The Government set up a commission to fight trafficking, headed by a deputy prime minister. The Commission took several steps towards increasing the severity of punishment for trafficking. The Commission also set up a Working Group to prepare a new anti-trafficking law, which was under review at year's end.

The Ministry of the Interior formed a unit under the Criminal Investigation Department to deal with cases of trafficking, particularly, to focus on fact-finding and investigation in cases of sexual exploitation. The unit reported that there were at least a dozen criminal rings in the country involved in trafficking young girls to Gulf countries.

The country was a source and, to a lesser extent, a transit point for trafficked persons, primarily women. Trafficking within the country was also a problem. Media reports estimated that over 1,000 persons were victims of trafficking during the year. During the year, intermediaries trafficked 10 Tajik women. The Ministry of the Interior's Criminal Investigation Unit, as well as calls to hotlines, indicated that victims came primarily from Khojand or Dushanbe and most commonly were trafficked to Russia, Central Asia, and the Persian Gulf states, including the United Arab Emirates, Yemen, Iran, and Saudi Arabia. Other trafficking destinations were Russia, other former Soviet Union countries, Turkey, Syria, and Pakistan. There also were reports of the sale of infants. The majority of victims were female, ethnically Tajik, single, aged 20 to 26, usually with at least one child (the children typically came under the care of extended family), and were new arrivals to Dushanbe or Khojand from a rural upbringing with little education. Ethnic minorities were over-represented among victims, particularly those of Slavic origin.

Victims commonly were recruited through false promises of employment. "Advertising" often was done through social contacts, because traffickers employed their local status and prestige to help recruit victims. There also were cases of false weddings and, more rarely, kidnappings (usually in rural areas). Traffickers generally transported victims by air to the Middle East and by train to Russia and other former Soviet Union countries. Traffickers tightly controlled arrangements for travel and lodging and employed contacts among tourism agencies. They sometimes employed document falsification services to evade entry restrictions in destination countries. Victims commonly were not separated from their travel documents until arrival in the destination country. Debt bondage was a common form of control. There were also reports of Tajik medical professionals—both male and female—trafficked to Yemen to work at medical clinics for substandard wages; traffickers reportedly seized their travel documents and forced female medical personnel into prostitution.

Traffickers included individuals who rose to positions of power and wealth as field commanders—so-called "warlords"—during the civil war. Others, including women, were powerful local figures who used their wealth to cultivate patron-client relationships throughout their community; this created a network that communicated supply and demand for trafficking victims.

Corruption was endemic in the country, and reports indicated that low-level government authorities working in customs, border control, immigration, police, and tourism received bribes from traffickers. Further, there was reason to believe that certain figures in the Government acted as patrons or protectors of individuals who were involved directly in trafficking. However, there was no indication of widespread institutional involvement in trafficking by the Government.

The Government did not prosecute any reported victims of trafficking. There were few resources available to victims of trafficking and none from the Government. Blackmail was employed commonly in the country's conservative society—nearly half of the trafficked women in the International Organization of Migration's survey reported extortion by local officials upon return to the country. Victims usually did not pursue legal recourse against traffickers due to the social stigma attached to the problem. However, the Government endorsed efforts by international and domestic NGOs to prevent trafficking and provide services to victims.

Several NGOs provided a number of services to victims of trafficking and carried out a wide range of informational programs in conjunction with local authorities throughout the country. The NGO Modar in the Sughd region provided a number of services to victims of trafficking and carried out a wide range of informational programs in conjunction with local authorities in Sughd. Modar also worked to direct trafficking victims to other NGOs providing social services that could be of benefit, such as those targeted at abused women. The NGO Women Scientists ran a crisis center for abused women, which also provided services to trafficked women. In September, the NGO Gamkhori in the southern city of Kurgan-Teppe began operating a crisis center and hotline for victims of trafficking and other abused women.

Some NGO programs intended to increase awareness of the existence of trafficking, with support from international organizations. The NGO Gamkhori in the southern city of Kurgan-Teppe worked with local government officials throughout Khatlon oblast to conduct training and awareness seminars for officials and the public. The Khujand-based NGO Chashmai Hayot (Spring of Life) conducted a seminar on trafficking along with representatives from two other NGOs. The Government did not directly fund any public service announcements but did promote such announcements as well as informational materials that national and international organizations produced and distributed. There were 20 NGOs involved in anti-trafficking activities operating throughout the country.

TURKEY

Turkey is a constitutional republic with a multiparty parliamentary system and a president with limited powers elected by the single-chamber parliament, the Turkish Grand National Assembly. In the November 2002 parliamentary elections, the Justice and Development (AK) Party won the majority of seats in a free and fair election and formed a one-party government. In March, AK Chairman Recep Tayyip Erdogan was named Prime Minister. In 2000, Parliament elected Ahmet Necdet Sezer as President for a 7-year term. The military exercised indirect influence over government policy and actions in the belief that it was the constitutional protector of the State. The Constitution provides for an independent judiciary, and the general law courts acted under a declared policy of independence; however, the judiciary was sometimes subject to outside influences.

The Turkish National Police (TNP), under Interior Ministry control, has primary responsibility for security in urban areas, while the Jandarma, paramilitary forces under joint Interior Ministry and military control, carries out this function in the countryside. Although the Government completed the phased lifting of the state of emergency in the southeast in November 2002, it continued to maintain a heavy security presence in the region. There was a civil defense force known as the village guards, mostly concentrated in the southeast, which were regarded as less professional and disciplined than other security forces. Civilian and military authorities generally maintained effective control of the security forces. Some members of the security forces committed serious human rights abuses.

The country had a market economy and a population of approximately 67.8 million. Industry and services dominated the economy, but agriculture remained important. During the year, the economy grew by an estimated 5 percent and inflation fell to around 20 percent. Unemployment remained above 10 percent and there was significant underemployment. Wages and benefits did not keep pace with inflation, particularly in the public sector. There were major disparities in income, particularly between the relatively developed west and the less developed east.

The Government generally respected the human rights of its citizens; although there were improvements in a number of areas, several serious problems remained. Security forces reportedly killed 43 persons during the year; torture, beatings, and other abuses by security forces remained widespread. Prison conditions remained poor. Security forces continued to use arbitrary arrest and detention, although the number of such incidents declined. Lengthy trials remained a problem. The rarity of convictions and the light sentences imposed on police and other security officials for killings and torture continued to foster a climate of impunity. Prosecutions brought by the Government in State Security Courts (SSCs) reflected a legal structure that favored government interests over individual rights. The Government continued to limit freedom of speech and press; harassment of journalists and others for controversial speech remained a serious problem. At times, the Government restricted freedom of assembly and association. Police beat, abused, detained, and harassed some demonstrators.

The Government maintained some restrictions on religious minorities and on some forms of religious expression. At times, the Government restricted freedom of movement. The Government restricted the activities of some political parties and leaders, closed the pro-Kurdish People's Democracy Party (HADEP), and sought to close the closely related Democratic People's Party (DEHAP). The Government continued to harass, indict, and imprison human rights monitors, journalists, and lawyers for the views they expressed in public. Violence against women remained a serious problem, and discrimination against women persisted. Child labor was widespread. Trafficking in persons, particularly women, remained a problem.

In January and July, Parliament passed extensive human rights-related reforms intended to meet the Government's democratization goals and requirements for Eu-

ropean Union (EU) membership. The reforms applied to areas such as torture, religious freedom, free expression, the role of the military in government, and freedom of association and included: prohibiting courts from suspending sentences or converting prison sentences to fines in torture cases; prohibiting trials in torture cases from recessing for the summer; providing all detainees the right to immediate attorney access; permitting private media outlets to broadcast in Kurdish and other traditional non-Turkish languages; and allowing for a civilian to serve as head of the National Security Council. However, many of the reforms were not implemented by year's end, and some reforms adopted in 2002 were still not implemented.

RESPECT FOR HUMAN RIGHTS

Section 1. Respect for the Integrity of the Person, Including Freedom From:

a. Arbitrary or Unlawful Deprivation of Life.—There were no known political killings; however, there were credible reports that security forces committed a number of unlawful killings. Police, Jandarma, and soldiers killed a number of people, particularly in the southeast, for allegedly failing to obey stop warnings. The Human Rights Foundation (HRF) estimated that there were 43 killings by security forces during the year, including shootings by village guards and border patrols. In July, for example, soldiers in Mardin shot and killed Kazim Ozgan, allegedly for failing to heed a stop warning. HRF estimated there were 33 killings by security forces in 2002.

The courts investigated most alleged unlawful killings by security forces; however, the number of arrests and prosecutions in such cases remained low compared with the number of incidents, and convictions remained rare (see Section 1.d.).

According to the Interior Ministry, three persons died in police custody during the year; two died of heart attacks and the other committed suicide.

According to the HRF and press reports, 6 ongoing trials in cases of past alleged killings by security officials ended during the year, resulting in 36 acquittals and 13 convictions.

In April, an Istanbul court issued a verdict in the death in detention case of trade unionist Suleyman Yeter. The court sentenced one policeman to 4 years and 2 months imprisonment, acquitted another, and separated the case of a third defendant, who was being tried in absentia. The verdict was under appeal at year's end.

A Diyarbakir court continued to try the case of 10 village guards arrested in connection with the September 2002 killing of 3 internally displaced persons (IDPs) returning to their homes in Ugrak village with official permission.

During the year, the European Court of Human Rights (ECHR) ruled against the country in one case involving the unlawful deprivation of life.

As of October, landmine explosions in the southeast killed two civilians. In addition, another civilian was killed by an unattended hand grenade. Both security forces and the Kurdistan Workers Party (PKK), a terrorist organization that changed its name to the Kurdistan Freedom and Democracy Congress (KADEK) and, in November, changed its name to the Kurdistan Peoples Congress (KHK), used landmines; it was not possible to verify which side was responsible for the mines involved in the incidents.

The Government, as well as the PKK/KADEK/KHK, continued to commit human rights abuses against noncombatants in the southeast. According to the military, 12 civilians, 19 members of the security forces, and 71 terrorists died during the year as a result of armed clashes. In September, the PKK/KADEK announced an end to its unilateral ceasefire.

In November, in two separate suicide car bomb attacks, 50 persons were killed and 750 wounded in Istanbul. The attacks targeted two synagogues, the British Consulate, and the HSBC Bank Istanbul headquarters. The Government stated that the perpetrators were linked to al-Qa'ida.

In July, the PKK/KADEK attacked a convoy in Tunceli Province that included the provincial governor, killing two soldiers.

b. Disappearance.—There were no reports of politically motivated disappearances. There were no developments in the 2002 disappearance of Coskun Dogan or the 2001 disappearance of HADEP officials Serdar Tanis and Ebubekir Deniz.

The Government continued to make efforts to investigate and explain some reported disappearances. The Ministry of Interior operated the Bureau for the Investigation of Missing Persons, which was open 24 hours a day. According to the Government, eight persons were reported missing during the year due to suspected terrorist activities. Four missing persons were located during the year; three were found alive, and one dead.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The Constitution prohibits such practices; however, some members of the security

forces continued to torture, beat, and otherwise abuse persons regularly. Leftists and Kurdish rights activists were more likely than others to suffer torture. Despite the Government's cooperation with unscheduled foreign inspection teams, public pledges by successive governments to end the practice, and initiatives to address the problem, widespread reports of torture continued, particularly in the southeast.

HRF estimated there were approximately 920 credible applications by torture victims at its 5 national treatment centers during the year, compared with 965 in 2002. These figures did not necessarily reflect trends in the use of torture. The reports included complaints stemming from previous years' incidents. Human rights advocates claimed that hundreds of detainees were tortured during the year in the southeast, where the problem was particularly serious, but that only 5 to 20 percent reported torture because they feared retaliation or believed that complaining was futile.

In June, Gulbahar Gunduz, member of the DEHAP Women's Wing in Istanbul, said she was tortured and raped by four men identifying themselves as police officers. The case was under investigation at year's end. In April, Ruhsel Demirbas, Ugur Atilgan and Senol Budak held a press conference in Istanbul in which they claimed police beat them, deprived them of sleep, and repeatedly threatened to kill them after arresting them for hanging anti-war placards.

Human rights observers said that, because of reduced detention periods, security officials mostly used torture methods that did not leave physical traces, including repeated slapping; exposure to cold; stripping and blindfolding; food and sleep deprivation; threats to detainees or family members; dripping water on the head; squeezing of the testicles; and mock executions. They reported a significant reduction over past years in methods such as electric shocks, high-pressure cold water hoses, beatings on the soles of the feet (falaka) and genitalia, hanging by the arms, and burns. The Human Rights Association (HRA) reported that women detainees were sometimes subject to rape, including vaginal and anal rape with truncheons, and sexual harassment.

Female detainees sometimes faced sexual humiliation and, less frequently, more severe forms of sexual torture. After being forced to strip in front of male officers, female detainees were sometimes touched, insulted, and threatened with rape.

Human rights attorneys and physicians who treated torture victims said torture generally occurred during police or Jandarma detention before detainees appeared in court. Because the arresting officer was responsible for interrogating a suspect, officers sometimes resorted to torture to obtain a confession that would justify the arrest. In one example, the European Roma Rights Center reported that, in February, police in Edirne beat and tortured with electric shocks a 14-year-old Romani boy suspected of stealing a wallet (see Section 5).

Although the law prohibits evidence obtained under torture from being used in court, in practice prosecutors rarely followed up on detainees' allegations of torture. When prosecutors did follow up on such allegations, the detainee's trial often proceeded, and was sometimes completed, before the start of the torture trial. Treatment of those arrested for ordinary crimes (who were sometimes beaten until they gave a confession) and those arrested for "political" crimes reportedly differed. Observers said that security officials often tortured political detainees to intimidate them and send a warning to people with certain political views.

State-employed doctors administered all medical examinations of detainees. Examinations occurred once during detention and a second time before either arraignment or release; however, the examinations generally were brief and informal. According to the Society of Forensic Medicine Specialists, only approximately 250 of 80,000 doctors in the country were forensic specialists, and most detainees were examined by general practitioners and specialists not qualified to detect signs of torture. Some former detainees asserted that doctors did not conduct proper examinations and that authorities denied their requests for a second examination.

Unlike in past years, the Turkish Medical Association recorded no cases of doctors being harassed, charged with a crime, or reassigned for reporting torture. However, in June, Izmir police raided a Medical Association training seminar in which doctors were being trained in the detection of latent signs of torture. Police told participants they would be investigated, but the Governor canceled the case, according to the Association.

In September, the parliamentary Human Rights Committee reported that doctors in Izmir were signing reports indicating detainees had not been tortured without examining the detainees. The Committee stated that, in some cases, the same detainees were later taken to a hospital where doctors reported signs of torture.

A Justice Ministry regulation requires doctor-patient privacy during the examination of suspects, except in cases where the doctor or suspect requests police presence for security reasons. However, the Society of Forensic Medicine Specialists reported

that security officials often remained in the room despite objections, although this occurred less often than in past years. According to the Medical Association and human rights observers, the presence of a security officer could lead physicians to refrain from examining detainees, perform cursory examinations and not report findings, or to report physical findings but not draw reasonable medical inferences that torture occurred. In October, the Council of State annulled a provision requiring that copies of detainees' medical examinations be sent to police authorities.

The law mandates heavy jail sentences and fines for medical personnel who falsify reports to hide torture, those who knowingly used such reports, and those who coerce doctors into making them. The highest penalties are for doctors who supply false reports for money. In practice, there were few prosecutions for violation of these laws. The Medical Association had the authority to levy fines and suspend for up to 6 months the licenses of doctors who falsified reports. However, Association officials said they were unable to enforce these sanctions because most doctors worked at least partly for the Government, which protected the doctors from sanctions.

The investigation, prosecution, and punishment of members of the security forces for torture or other mistreatment was rare, and accused officers usually remained on duty pending a decision, which could take years (see Section 1.d.).

A Prime Ministry directive requires prosecutors to make unscheduled inspections of detention facilities to look for torture and other maltreatment and to report inspection results to the Prime Minister. Although the Ministry of Interior reported that thousands of such inspections took place, human rights advocates and some prosecutors termed the inspections cursory and unlikely to lead to criminal charges against the police.

By the end of October, authorities had initiated judicial proceedings in 8 cases involving torture allegations and 107 involving maltreatment allegations against police (see Section 1.d.). Of these, courts ruled for conviction in one case and for acquittal in two cases. Authorities dropped 64 cases and continued to try 48 cases.

During the year, 93 police officers received administrative punishments, such as short suspensions, for torture or maltreatment.

In September, an Interior Ministry commission dismissed Adil Serdar Sacan as chief of the Organized Crime Department of the Istanbul Security Directorate because of complaints filed against him by alleged torture victims.

In April, an appeals court unanimously upheld the October 2002 Manisa Penal Court conviction of 10 police officers for torture. By July, all of the officers had turned themselves in to authorities. The officers were sentenced to prison terms ranging from 60 to 130 months; according to the Prosecution Law, under which convicts serve a portion of their sentences, they were expected to spend from 24 months to 52 months in prison. The high-profile case involved 16 youths tortured in police detention in 1996.

During the year, the case of five police officers convicted in 2002 for the 1996 torture of nine detainees, including journalists from the leftist newspaper "Atilim," was closed without a verdict when the case, which was being appealed, expired under the statute of limitations.

The trial continued in the case of 10 police officers charged for the death in detention of Birtan Altinbas, who died in police custody in Ankara in 1991. The trial had been subject to repeated procedural delays, including due to the court's inability to locate some of the defendants. The statute of limitations for the charges is scheduled to expire in February 2006, at which time the case will be dropped if there is no verdict.

During the year, the ECHR ruled against the country in one case involving torture and eight cases involving inhuman or degrading treatment.

Police harassed, beat, and abused demonstrators (see section 2.b.).

Due to the conflict with the PKK/KADEK/KHK, the Government continued to organize, arm, and pay a civil defense force of about 60,000, mostly in the southeast region. This force, known as the village guards, was reputed to be the least disciplined of the security forces and continued to be accused repeatedly of drug trafficking, rape, corruption, theft, and human rights abuses. Inadequate oversight and compensation contributed to this problem, and in some cases Jandarma allegedly protected village guards from prosecution. In addition to the village guards, Jandarma and police "special teams" were viewed as those most responsible for abuses. DEHAP officials claimed that security forces in July publicly displayed the bodies of two slain PKK/KADEK militants in the town of Baskale in Van Province. However, the incidence of credible allegations of serious abuses by security forces in operations against the PKK/KADEK/KHK was low.

Prison conditions remained poor. Underfunding and poor administration of penal facilities remained problems. HRF maintained that the Government provided insuf-

ficient funding for prison food, resulting in poor-quality meals. According to HRF, food sold at prison shops was too expensive for most inmates, and there was a lack of potable water.

There were reports that prison guards beat children in detention. In September, the parliamentary Human Rights Committee reported that Committee members investigated conditions at the children's ward of Aydin Prison and found that all the children had visible injuries and many claimed to have been tortured. A child held in solitary confinement told the Committee he had requested an isolation cell because some of the children in the ward were raping others.

At year's end, a court decision had not been reached in the case of 38 employees of Bakirkoy Prison for Women and Children who were indicted in December 2002 for mistreating prisoners and official misconduct.

The Government maintained that prisons were staffed with doctors, dentists, psychologists, and teachers, although there were shortages in some areas. According to the Medical Association, there were insufficient doctors, and psychologists were only available at the largest prisons. Some inmates claimed they were denied appropriate medical treatment for serious illness.

Inmates in high-security F-type prisons were permitted to socialize in groups of 10 for up to 5 hours per week. In addition, they were able to participate in communal activities. According to HRF, as of October, one prisoner continued a hunger strike to protest F-type prisons. The Government reported that the President pardoned 172 hunger strikers during the year. Two prisoners on hunger strike died during the year, bringing total deaths to 107 since the start of the strikes in 2000, according to HRF. The Government alleged that terrorist groups forced weaker members to conduct the hunger strikes and threatened family members of those who wanted to quit.

Human rights activists and attorneys for jailed PKK leader Abdullah Ocalan called on the Government to transfer Ocalan from his cell on Imrali Island in the Sea of Marmara to a mainland prison. They claimed Ocalan was being held in isolation and also said he was suffering from health problems. Relatives and attorneys were unable to visit Ocalan for 15 weeks from November 2002 to March; the Government said stormy weather grounded the boat shuttling visitors to the island. The ECHR ruled in March that Ocalan's prison conditions were not unlawful.

The trial against 1,615 persons on duty at Bayrampasi prison during the December 2001 hunger strike was ongoing at year's end. The related trial of 167 prisoners was also ongoing at year's end.

Human rights observers estimated that, at any given time, at least one-quarter of those in prison were awaiting trial or the outcome of their trial. Men and women were held separately. Despite the existence of separate juvenile facilities, at times juveniles and adults were held in adjacent wards with mutual access. According to the Government, detainees and convicts were held either in separate facilities or in separate sections of the same facility.

The Ministry of Justice, the General Directorate of Prisons, and the parliamentary Human Rights Committee regularly inspected prisons and issued reports. Prison Monitoring Boards—five-person visiting committees composed of nongovernmental experts such as doctors and lawyers—also conducted inspections. The 130 boards conducted 522 visits, prepared 1,638 reports, and made 3,664 recommendations for improvements to the Ministry of Justice. The Government reported that it took action on some of these recommendations, but lacked the funding to respond to others, including those related to crowding and lack of resources for activities. During the year, the 140 special prison judges received 11,923 petitions relating to prison conditions and sentences; they admitted 3,659 petitions, partially admitted 319, and rejected 7,945.

Human rights groups criticized the Government's selection of Monitoring Board representatives. Medical Association officials said the Government did not consult them on Board membership and selected only government-employed doctors for the bodies. The Society of Forensic Medicine Specialists reported that only two forensic specialists served on the Boards. Some bar associations also said that their preferred candidates were not selected.

The Government permitted prison visits by representatives of some international organizations, such as the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT); the CPT visited in February and September, and conducted ongoing consultations with the Government. Requests by the CPT to visit prisons were routinely granted; however, domestic nongovernmental organizations (NGOs) did not have access to prisons.

d. Arbitrary Arrest, Detention, or Exile.—The law prohibits arbitrary arrest and detention; however, the Government did not always observe these prohibitions in practice. During the year, police routinely detained demonstrators, including those

protesting prison conditions (see Section 2.b.). Police detained dozens of members of the legal pro-Kurdish party DEHAP on several occasions (see Section 3). Police continued to detain and harass members of human rights organizations and monitors (see Section 4). The Government continued to detain persons, particularly in the southeast, on suspicion of links to Hizballah.

The Turkish National Police (TNP), under Interior Ministry control, is responsible for security in large urban areas. The Jandarma, paramilitary forces under joint Interior Ministry and military control, are responsible for policing rural areas. The Jandarma are also responsible for specific border sectors where smuggling was common, although the military has overall responsibility for border control. There were allegations of police corruption.

The rarity of convictions and the light sentences imposed on police and other security officials for killings and torture continued to foster a climate of impunity. During the year, authorities opened investigations of 39 Jandarma personnel accused of torture. The investigations continued at year's end. Although the courts investigated most alleged unlawful killings by security forces, convictions and punishments remained rare. Punishment, when handed down, generally was minimal; monetary fines did not keep pace with the high rate of inflation, and sentences were sometimes suspended.

Legal, administrative, and bureaucratic barriers impeded prosecutions and contributed to the low number of torture convictions. In January, Parliament removed a legal barrier to such prosecutions by passing legislation allowing prosecutors to investigate police or Jandarma officers suspected of torture without receiving the permission of local government officials. However, such permission was still required to investigate other crimes, such as extra judicial killings and disappearances.

Parliament also passed legislation that prohibits judges from suspending sentences or converting prison sentences to fines in torture cases and extends the statute of limitations for torture cases. In July, Parliament adopted legislation requiring torture trials to continue during summer recess.

The TNP and Jandarma were effective and received specialized training in a number of areas, including counter-terrorism. Both police and Jandarma received human rights training.

The armed forces emphasized human rights in training for officers and non-commissioned officers throughout the year. Noncommissioned police officers received 2 years of training. Police and Jandarma also received human rights training. In April, the Government opened the Jandarma Human Rights Violations Investigation and Assessment branch to receive complaints about Jandarma.

The Government's Ten Year Human Rights Education Committee held regional seminars to educate civil servants and others on human rights problems. Regional bar associations and the EU held training seminars with police, judges and prosecutors in several provinces and in Ankara headquarters, focusing on EU human rights standards.

For a person to be taken into custody, a prosecutor must issue a detention order, except when police catch suspects in the commission of a crime. The maximum detention period for persons charged with individual common crimes was 24 hours. Persons charged with collective common crimes could be held for 48 hours.

Under the Criminal Code, detainees are entitled to immediate access to an attorney and to meet and confer with an attorney at any time. Under legal reforms adopted in January, these rights applied equally to defendants in state security cases. In practice, authorities did not always respect these provisions and most detainees did not exercise these rights, either because they were unaware of them or feared antagonizing authorities. Once formally charged by the prosecutor, a detainee is arraigned by a judge and allowed to retain a lawyer. After arraignment, the judge may release the accused upon receipt of an appropriate assurance, such as bail, or order him detained if the court determined that he is likely to flee the jurisdiction or destroy evidence.

Private attorneys and human rights monitors reported uneven implementation of these regulations, particularly attorney access. In September, the parliamentary Human Rights Committee released the results of an investigation indicating that police in Izmir were undermining the right of detainees to consult an attorney. The Committee reported that police in three Izmir detention centers were not informing detainees of their right to an attorney at no cost, and that police did not even know the phone number for requesting an attorney. The Committee stated that all 126 recorded detainees at the centers had waived their right to an attorney. According to HRA and a number of local bar associations, only approximately 5 percent of detainees consulted with attorneys. HRA claimed police intimidated detainees who asked for attorneys, sometimes telling them a court would assume they were guilty

if they consulted an attorney during detention. There were no procedures for confirming whether police had informed detainees of their right to an attorney, and no penalty for failing to inform. Failure by police to inform detainees of their rights did not affect the trial process.

Regulations on detention and arrest procedures require authorities to notify relatives as soon as possible of an arrest, and authorities generally observed this requirement. Human rights observers reported a major decrease in incommunicado detention, and said the practice was no longer common.

According to the Government, police and Jandarma detained 223,000 persons between January and October.

Lengthy pretrial detention was a problem. Although the Constitution specifies the right of detainees to request speedy arraignment and trial, judges have ordered that some suspects be detained indefinitely, at times for years. Many such cases involved persons accused of violent crimes, but there were cases of those accused of non-violent political crimes being kept in custody until the conclusion of their trials, generally in SSC cases. According to HRF, Huseyin Yildirim remained in detention during his trial throughout the year, despite being paralyzed from a traffic accident. HRF reported that Yildirim was arrested in 2001 for speech-related activities and charged with “attempting to change the constitutional order.”

As of November 30, there were 63,000 persons held in prisons, including 31,756 detainees and 31,244 convicts. Detainees could be held for up to 6 months during the preliminary investigation period. If a case was opened, the pretrial detention period could be extended for up to 2 years. If the detainee was charged with a crime carrying a maximum punishment of more than 7 years, a court could further extend the detention period.

Persons detained for individual crimes under the Anti-Terror Law had to be brought before a judge within 48 hours. Those charged with crimes of a collective, political, or conspiratorial nature could be detained for an initial period of up to 4 days at a prosecutor’s discretion and for up to 7 days with a judge’s permission, which was almost always granted.

International humanitarian organizations were allowed access to “political” detainees, provided the organization could obtain permission from the Ministry of Justice. With the exception of the CPT, which had good access, few such permissions were granted in practice (see Section 1.c.).

During the year, the ECHR ruled against the country in nine cases involving unlawful arrest and detention.

The Constitution prohibits forced exile, and the Government did not employ it. There were no new cases of internal exile during the year.

e. Denial of Fair Public Trial.—The Constitution provides for an independent judiciary, and the general law courts acted under a declared policy of independence; however, the judiciary was sometimes subject to outside influences. There were allegations of corruption in the judiciary.

The Constitution prohibits the Government from issuing orders or recommendations concerning the exercise of judicial power; however, the Government and the National Security Council (NSC), a powerful advisory body to the Government composed of civilian government leaders and senior military officers, periodically issued announcements or directives about threats to the State, which could be interpreted as general directions to the judiciary. The seven-member High Council of Judges and Prosecutors, which was appointed by the President and included the Minister of Justice (as chairman) and a deputy, selected judges and prosecutors for the higher courts and was responsible for oversight of those in the lower courts. Its decisions were not subject to review. The composition of the High Council was widely criticized as restricting the independence of the judiciary, since the Minister of Justice was part of the executive branch of the Government. Although the Constitution provided for security of tenure, the High Council controlled the career paths of judges and prosecutors through appointments, transfers, promotions, reprimands, and other mechanisms.

The judicial system was composed of general law courts, military courts, the SSCs, and the Constitutional Court, the nation’s highest court. The Court of Cassation heard appeals for criminal cases, including appeals from the SSCs. The Council of State heard appeals of administrative cases or cases between government entities. Most cases were prosecuted in the general law courts, which include civil, administrative, and criminal courts. In July, Parliament adopted a law under which children younger than 18 must be tried in juvenile courts; previously, only children under 15 were tried in juvenile courts.

The Constitutional Court examined the constitutionality of laws, decrees, and parliamentary procedural rules and heard cases involving the prohibition of political parties. If impeached, ministers and prime ministers could be tried in the Constitu-

tional Court. However, the Court could not consider “decrees with the force of law” issued under a state of emergency, martial law, in time of war, or in other situations with the authorization of Parliament.

Military courts, with their own appeals system, heard cases involving military law for members of the armed forces. Under legal reforms adopted in July, military courts could no longer try civilians accused during peacetime of attacking the honor of the armed forces or undermining compliance with the draft.

SSCs were composed of panels with three judges and one chief prosecutor, plus a substitute judge and support prosecutors. SSCs sat in eight cities and tried defendants accused of crimes such as terrorism, drug smuggling, membership in illegal organizations, and espousing or disseminating ideas prohibited by law, such as those “damaging the indivisible unity of the State.” These courts could hold closed hearings and admit testimony obtained during police interrogation in the absence of counsel. SSC verdicts could be appealed only to a specialized department of the Court of Cassation dealing with crimes against state security. During the year, the SSCs dealt mainly with cases under the Anti-Terror Law and sections of the criminal code relating to free expression. Human rights observers cited prosecutions of leaders of the political Islamic movement, political leaders associated with the Kurdish issue, and persons who criticized the military or the Government’s practices as evidence that the SSCs often served the primarily political purpose of silencing critics of the Government.

The law provides prosecutors far-reaching authority to supervise police during an investigation. Prosecutors complained that they had few resources to do so, and many called for “judicial police” to help investigate and gather evidence. Human rights observers and Justice Ministry officials noted that problems could arise from the police reporting to the Interior Ministry, not to the courts. Prosecutors also were charged with determining which law had been broken and objectively presenting facts to the court.

Defense lawyers did not have equal status with prosecutors. In SSCs and heavy penal courts, prosecutors sat alongside judges, while defense attorneys sat apart. In courts with computers, prosecutors were provided with computers and had access to the hearing transcript; defense attorneys were not provided computer access. Judges and prosecutors lived in the same government apartment complexes, and some defense attorneys claimed that the social bonds between judges and prosecutors disadvantaged the defense in court.

Defense attorneys were often subject to intrusive searches when visiting incarcerated clients. Prisoners also were searched before and after meeting their attorneys. Prison authorities and prosecutors suspected attorneys of acting as couriers for their clients, particularly those incarcerated for organized or terror crimes. Defense attorneys generally had access to the public prosecutor’s files only after arraignment and routinely were denied access to files that the Government asserted dealt with national intelligence or security matters, particularly in SSC cases.

Defense attorneys involved in politically sensitive cases sometimes faced harassment, though human rights organizations and bar associations said this has become less common than in the past. Attorneys could face criminal charges, threats, and other forms of harassment, particularly if they defended clients accused of terrorism or illegal political activity, pursued torture cases, or sought prompt access to their clients, which police often viewed as interference.

There is no jury system; a judge or a panel of judges decided all cases. The Constitution provides for the right to a speedy trial; however, at times trials lasted for years (see Section 1.d.). Trials for political crimes or torture frequently lasted for months or years, with one hearing usually scheduled each month. Proceedings against security officials often were delayed because officers did not submit statements promptly or attend trials. The law provides for exclusion of illegally gathered evidence. However, this rarely occurred and then only after a separate case determining the legality of the evidence was resolved. In practice, a trial based on a confession allegedly coerced under torture could proceed and even conclude before the court had established the merits of the torture allegations (see Section 1.c.).

By law, the Bar Association must provide free counsel to indigents who request it from the court. Bar associations across the country provided attorneys on call 24 hours a day; the Association covered the costs.

The legal system did not discriminate in law or in practice against ethnic, religious or linguistic minorities. However, legal proceedings were conducted solely in Turkish, with interpreting available sometimes, which seriously disadvantaged some defendants whose native language was not Turkish.

The Government recognized the jurisdiction of the ECHR. During the year, the ECHR ruled against the Government in 76 cases. Of these, 56 involved the right

to a fair trial. The Government accepted a friendly settlement in 45 cases, and the ECHR ruled in the Government's favor in 1 case.

The law allows ECHR rulings to be used as grounds for a re-trial in a Turkish court. The General Legal Council of the Court of Appeals must approve re-trial applications. In January, Parliament amended the law to make the right of re-trial retroactive to most cases prior to August 2002, the date of the original law's adoption.

On March 12, the ECHR ruled that jailed PKK leader Abdullah Ocalan did not receive a fair trial in his 1999 conviction in an Ankara SSC. The ECHR determined that the SSC was not an "independent and impartial tribunal," in part because a military judge sat on the three-judge panel at the start of the trial. However, the ECHR determined that Ocalan's prison conditions and the circumstances of his arrest were not unlawful. Both the Government and the defense appealed the ruling.

HRA estimated that there were approximately 8,000 political prisoners, including leftists, rightists and Islamists. Of these, approximately 1,500 were members of Hizballah or other radical Islamic organizations. The Government claimed that alleged political prisoners were in fact security detainees convicted of being members of, or assisting, terrorist organizations. According to the Government, there were 6,130 convicts and detainees held on terrorism charges at year's end.

International humanitarian organizations were allowed access to "political" prisoners, provided they could obtain permission from the Ministry of Justice. With the exception of the CPT, which generally had good access, such permission was seldom granted in practice.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The Constitution provides for the inviolability of a person's domicile and the privacy of correspondence and communication; however, at times the Government infringed on these rights.

With some exceptions, officials may enter a private residence and intercept or monitor private correspondence with a judicial warrant. If delay might cause harm to a case, prosecutors could authorize a search without a warrant.

The law permits wiretaps with a court order. However, in an emergency situation, a prosecutor may grant permission. A wiretap may last 3 months and may be extended twice for additional periods of 3 months each. The Constitution requires written authorization on national security grounds for searches and wiretaps. These regulations were generally respected in practice.

Defense attorneys continued to face intrusive searches when visiting incarcerated clients (see Section 1.e.).

The Government prohibits the wearing of religious head coverings in government offices, other state-run facilities, and universities (see Sections 2.b. and 2.c.).

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution provides for freedom of speech and of the press; however, the Government continued to limit these freedoms in some cases. The Government, particularly the police and judiciary, limited freedom of expression through the use of constitutional restrictions and numerous laws including: Penal Code articles 312 (incitement to racial, ethnic, or religious enmity); 159 (insulting Parliament, the army, republic, or judiciary); 160 (insulting the Turkish Republic); 169 (aiding an illegal organization); the Law to Protect Ataturk; and over 150 articles of the Press Law (including a provision against commenting on ongoing trials).

During the year, Parliament amended several of these laws. In July, it revoked Article 8 of the Anti-Terror Law, which prohibited the dissemination of separatist propaganda. However, the updated laws still restrict non-violent expression, and court cases were still being brought against writers and publishers. Prosecutors in some cases based speech-related charges on laws not included in the scope of the reforms. According to HRF, in the first 6 months of the year, courts tried at least 139 persons on charges relating to spoken or written expression. During that period, HRF reported that authorities detained 82 news correspondents, distributors, and editors, and arrested 8 journalists.

Individuals could not criticize the Government publicly without fear of reprisal, and the Government continued to restrict expression by individuals sympathetic to some religious, political, and Kurdish nationalist or cultural viewpoints. Active debates on human rights and government policies continued, particularly on issues relating to the country's EU membership process, the role of the military, Islam, political Islam, and the question of Turks of Kurdish origin as "minorities"; however, persons who wrote or spoke out on such topics risked prosecution.

In May, a Van court sentenced DEHAP parliamentary candidate Ruknettin Hakan to 6 months imprisonment for “making propaganda speeches in a language other than Turkish.” The case was under appeal at year’s end.

In June, authorities arrested and indicted teacher Hulya Akpinar for comments she made during a conference in Kilis Province on the alleged genocide of Armenians under the Ottoman Empire. Prosecutors also charged six other teachers for following Akpinar out of the conference. Akpinar was temporarily dismissed from duty following her arrest. A Kilis court acquitted Akpinar and the other six teachers in December.

At year’s end, the trial of Sefika Gurbuz, head of the Social Support and Culture Association for Migrants, continued in an Istanbul SSC on speech charges related to the organization’s 1999–2001 report on forced displacement.

During the year, the ECHR ruled against the country in six cases involving freedom of expression.

Independent domestic and foreign periodicals that provided a broad spectrum of views and opinions, including intense criticism of the Government, were widely available, and the newspaper business was extremely competitive. However, news items reflected a pro-authority bias. For example, persons killed by security forces during operations in the southeast often were described as “terrorists” without proof of terrorist activities.

Broadcast media reached almost every adult, and their influence, particularly that of television, was great. The Government owned and operated the Turkish Radio and Television Corporation (TRT). According to the High Board of Radio and Television (RTUK), there were 226 local, 15 regional, and 16 national officially registered television stations, and 959 local, 104 regional, and 36 national radio stations. Other television and radio stations broadcast without an official license. The wide availability of satellite dishes and cable television allowed access to foreign broadcasts, including several Turkish-language private channels.

Most media were privately owned by large holding companies that had a wide range of outside business interests. The concentration of media ownership influenced the content of reporting and limited the scope of debate.

RTUK monitored broadcasters and sanctioned them if they were not in compliance with relevant laws. Parliament elected the RTUK Council members (divided between ruling and opposition parties) and provided its budget. One member of the nine-person Council was chosen from among candidates nominated by the NSC, and two were chosen from among candidates nominated by the Higher Education General Board. Although nominally independent, RTUK was subject to some political pressures. RTUK penalized private radio and television stations for the use of offensive language, libel, obscenity, instigating separatist propaganda, or broadcasting programs in Kurdish. RTUK decisions could be appealed to the Provincial Administrative Court and then to the Council of State (Danistay).

RTUK reported that, during the year, it closed eight television stations for a period of 30 days each and seven radio stations for a period of 30 days each.

Prosecutors harassed writers, journalists, and political figures by bringing dozens of cases to court each year under various laws that restrict media freedom. However, judges dismissed many charges brought under these laws. Authorities often closed periodicals temporarily, issued fines, or confiscated periodicals for violating speech codes. Despite government restrictions, the media criticized government leaders and policies daily and adopted an adversarial role vis-a-vis the Government.

In April, an Istanbul court convicted the owner and editor of the daily *Ozgur Gundem* in connection with an article about jailed PKK leader Abdullah Ocalan. The court fined the journalists and ordered the newspaper to close for 5 days.

In May, an Istanbul court convicted editor Baris Baksi and writer Zulfikar Yildirim in connection with an article on Kurdish issues. The court fined the journalists and ordered the 15-day closure of the journal in which the article appeared.

In May, an Ankara SSC opened two cases against writer and scholar Fikret Baskaya for works originally published 10 years before. In August, the court acquitted Baskaya in one case, involving the eighth edition of his book, “Collapse of the Paradigm: An Introduction to the Criticism of the Official Ideology.” Baskaya was convicted in 1993 for the original publication of the book, on charges of propaganda “aimed at damaging the indivisible unity of the State,” and served 15 months in prison. The ECHR later ruled his conviction a violation of the European Convention on Human Rights. At year’s end, Baskaya continued to face charges in the second case, involving the re-publishing of an article he wrote in 1993.

In December, an Adana court sentenced Sabri Ejder Ozic, former director of *Radyo Dunya*, to a 1-year jail sentence for “insulting and mocking Parliament.” The court convicted Ozic for statements he made on the air in February. The case was under appeal at year’s end.

In July, RTUK ordered the 30-day closure of 5 television stations owned by the family of Cem Uzan, leader of the Genc Party, for allegedly supporting the family's business interests on the air. The stations broadcast a speech by Uzan in which he criticized Prime Minister Erdogan as "Godless." Prosecutors opened a case against Uzan for his comments, charging him with "insulting" the Government (see Section 3).

According to Reporters Without Borders, four journalists were in jail at the end of 2002 for speech violations. The Committee to Protect Journalists claimed there were 13 journalists in prison at the end of 2002. According to the Government, there were no journalists held on speech violations in either 2002 or the reporting period, although at year's end, there were 34 prisoners claiming to be journalists who were charged with a variety of crimes. The different figures reflected disagreement over which prisoners were legitimate journalists, and which were jailed for carrying out their journalistic duties.

Authorities sometimes used forms of censorship against periodicals with pro-Kurdish or leftist content, particularly in the southeast. Nedim Oruc, distributor of the Kurdish language weekly *Azadiya Welat* in Diyarbakir, claimed in May that police had repeatedly threatened him for distributing the newspaper and seized his list of subscribers. In June, an Istanbul court ordered the confiscation of the journal *Iktidar* for containing separatist propaganda. Journalists practiced self-censorship.

The law makes it illegal for broadcasters to threaten the country's unity or national security. In principle, the law allows broadcasts in the traditional languages of the country, other than Turkish, including Kurdish. However, implementing regulations set strict time limits on such broadcasts: 45 minutes per day, 4 hours per week on radio and 30 minutes per day, 2 hours per week on television. The regulations also require that non-Turkish radio programs be followed by the same program in Turkish and that non-Turkish television programs have Turkish subtitles. Early in the year, regulations limited broadcasts in traditional non-Turkish languages to the government-owned TRT; however, TRT did not produce any such broadcasts and filed a legal challenge to the regulation directing it to do so. In July, Parliament adopted legislation allowing private media outlets to broadcast in traditional non-Turkish languages. However, the Government had not approved implementing regulations for such private broadcasts by year's end.

In July, Parliament passed legislation to facilitate the establishment of language courses teaching traditional non-Turkish languages. However, by year's end, local authorities had not given permission for any such courses to open (see Section 5).

Kurdish-language audio cassettes and publications were available commercially, although the periodic prohibition of particular audio cassettes or singers continued, particularly in the southeast.

SSC prosecutors ordered the confiscation of numerous issues of leftist, Kurdish nationalist, and pro-PKK periodicals and prohibited several books on a range of topics. Police frequently raided the offices of publications. At year's end, the trial continued in the case of activists who were charged with supporting illegal organizations and separatism after publishing a new "Freedom of Thought" booklet in 2001.

The Government showed some signs of greater tolerance for the use of the Kurdish language. Unlike in past years, police in most instances did not interfere during the year when HRA put up banners with the motto "Peace at Home, Peace in the World" in both Turkish and Kurdish, although, in December, authorities in Van province did seize the banners. Also for the first time, police did not detain HRA members making statements in Kurdish on World Peace Day in September. In October, Kurdish singer Ciwan Haco spoke and sang in Kurdish during an appearance on a popular Istanbul-based television program.

Several actions, including police harassment, were taken against the pro-Kurdish DEHAP party (see Section 3). In September, police detained DEHAP Chairman Tuncer Bakirhan, singer Haluk Levent, and six others in connection with a concert in Germany during a Kurdish cultural festival. Concert participants reportedly displayed KADEK-related pictures and banners; authorities charged the detainees with separatist propaganda.

The Government did not restrict access to the Internet. However, the law authorizes the RTUK to monitor Internet speech and to require Internet service providers to submit advance copies of pages to be posted online. The law also allows police to search and confiscate materials from Internet cafes to protect "national security, public order, health, and decency" or to prevent a crime. Police must obtain authorization from a judge or, in emergencies, the highest administrative authority before taking such action.

In October, an Ankara court ordered the closure of the websites of the weekly *Ekmek ve Adalet* and the daily *Ozgur Politika* on the grounds that they insulted

the armed services. In April, an Istanbul court acquitted journalist Coskun Ak, who was charged in connection with a message posted by an unknown participant in an Internet forum moderated by Ak.

The Government did not restrict academic freedom; however, there reportedly was some self-censorship on sensitive topics.

b. Freedom of Peaceful Assembly and Association.—The Constitution provided for freedom of assembly; however, the Government sometimes restricted this right in practice. Significant prior notification to authorities was required for a gathering, and authorities could restrict meetings to designated sites.

In July, Parliament relaxed restrictions on assemblies and demonstrations. Under the new measures, authorities may only prohibit assemblies and demonstrations when there is “clear and present danger that a criminal offense will be committed.” The measures also reduce the length of time authorities may postpone gatherings under various conditions.

Authorities prevented some demonstrations. In January, the Diyarbakir governor refused permission for an anti-war demonstration organized by the Diyarbakir Democracy Platform. In March, Bursa authorities prevented DEHAP members from holding a press conference on the grounds that they were planning a demonstration in support of jailed PKK leader Abdullah Ocalan.

Police beat, abused, detained, and harassed some demonstrators. In June, Istanbul police reportedly used tear gas and beatings to break up a demonstration by 300 women protesting the alleged rape and torture of HADEP member Gulbahar Gunduz (see Section 1.c.). In August, Ankara police detained seven persons while breaking up a demonstration organized by the Confederation of Public Sector Trade Unions (KESK). Prime Minister Erdogan publicly called the demonstration “anti-democratic.”

In June, an Ankara court reduced the charges against police defendants from torture to maltreatment in the November 2002 beating of Veli Kaya during a protest against the Higher Education Council. The court sentenced the defendants to 6 months imprisonment but postponed the sentence on the grounds of good behavior during trial. The case was under appeal at year’s end.

During the March 21 Kurdish Nevruz (“New Year”) celebrations, there were significantly fewer clashes than in past years, according to the HRF. However, local authorities prohibited celebrations in a number of towns, and police arrested scores of persons participating in the celebrations. Authorities in some municipalities prohibited the use of the traditional Kurdish spelling “Newroz.”

According to HRF, unlike in past years, police and local authorities did not interfere in May Day (May 1) celebrations. The Bitlis governor postponed some of the celebrations.

In December, Kayseri police searched participants attending a meeting on human rights organized by the Prime Ministry Human Rights Presidency and the EU.

At year’s end, the trial continued for Alp Ayan—a psychiatrist with the HRF Izmir Treatment and Rehabilitation Center—and 67 others charged with “holding an unauthorized demonstration” after they participated in the funeral procession of one of the prisoners killed in the 1999 Ulucanlar incident.

The Constitution provides for freedom of association; however, there were some restrictions on this right in practice. Associations and foundations were required to submit their charters for lengthy and cumbersome government approval. The Government closed the HADEP Party on charges of separatism and supporting terrorism (see Section 3). The Act on Associations gives the Interior Ministry and local government officials broad authority to inspect the premises and records of associations at any time. The law also gives governors broad powers to suspend associations to protect “public order.” According to the Third Sector Foundation of Turkey, an NGO advocacy organization, the criteria for NGOs to obtain public benefit status, entitling them to certain tax exemptions, were restrictive and complicated.

In January and July, Parliament adopted measures that loosened restrictions on the right to form and join associations, as well as on association activities. Specific measures included: Revoking laws prohibiting those convicted under Article 312 of the Penal Code (incitement to racial, ethnic, or religious enmity) from forming or joining associations for a period of time; expanding university students’ rights to form associations by allowing artistic, cultural, and scientific student associations; requiring the Ministry of Interior to process applications for new associations in 60 days (down from 90 days); allowing associations to use non-Turkish languages for all purposes other than official, written communication with the Government; allowing associations to issue statements without prior approval from local government officials; and allowing associations to establish multiple branches.

In March, an Ankara SSC dismissed the October 2002 separatism and espionage charges against the leaders of the branches of five German foundations.

c. Freedom of Religion.—The Constitution provides for freedom of religion, and the Government generally respected this right in practice; however, the Government imposed some restrictions on Muslim and other religious groups and on Muslim religious expression in government offices and state-run institutions, including universities. The Constitution establishes the country as a secular state and provides for freedom of belief, freedom of worship, and the private dissemination of religious ideas. However, these rights were restricted by other constitutional provisions regarding the integrity and existence of the secular state. The Constitution prohibits discrimination on religious grounds.

The Government oversaw Muslim religious facilities and education through its Directorate of Religious Affairs (Diyanet). The Diyanet had responsibility for regulating the operation of the country's 75,000 mosques and employing local and provincial imams, who were civil servants. Some groups, particularly Alevis, claimed that the Diyanet reflected mainstream Sunni Islamic beliefs to the exclusion of other beliefs; however, the Government asserted that the Diyanet treated equally all those who requested services.

A separate government agency, the General Directorate for Foundations (Vakiflar Genel Mudurlugu), regulated some activities of non-Muslim religious groups and their affiliated churches, monasteries, synagogues, and related religious property. The Vakiflar also regulated Muslim charitable religious foundations, including schools, hospitals, and orphanages.

Secularists in the military, judiciary, and other government branches, as well as in academia, continued to wage campaigns against those they labeled as proponents of Islamic fundamentalism. These groups viewed religious fundamentalism, which they did not define clearly, as a threat to the secular republic; they asserted it was an attempt to impose the rule of Shari'a law in all civil and criminal matters. According to the human rights organization Mazlum-Der, some government ministries have dismissed or barred from promotion civil servants based on unsubstantiated allegations of anti-state or Islamist activities. There were credible reports that the Education Ministry has deemed that observance of Ramazan (Ramadan), which includes daytime fasting, qualifies as such an activity; some teachers allegedly have experienced harassment or reassignment to more difficult posts as a consequence. Additionally, reports by Mazlum-Der, the media, and others alleged that the military regularly dismissed religiously observant Muslims from the service. Such dismissals were based on behavior that military officials believed identified these individuals as Islamic fundamentalists, which they feared indicated disloyalty to the secular state. According to Mazlum-Der, the military has charged individuals with "lack of discipline" for activities that included performing Muslim prayers or being married to women who wore headscarves.

In March, an Ankara SSC postponed a verdict in the trial in absentia of Fetullah Gulen, an Islamic philosopher and leader who resided abroad. Gulen faced 5 to 10 years in prison after being indicted in 2000 under the Anti-Terror Law on charges of "attempting to change the characteristics of the Republic" by trying to establish a theocratic Islamic state. The prosecutor also charged Gulen with trying to "infiltrate" the military. Under the postponement ruling, the case against Gulen will be formally closed if he does not commit the crimes alleged in the indictment within 5 years. Attorneys for Gulen appealed the ruling and sought an acquittal. The appeal continued at year's end.

At year's end, there was no decision in the appeal of the June acquittal by an Istanbul court of 13 Ahmadi Muslims, who had been arrested in April 2002 and charged under Article 7 of the Anti-Terror Law for involvement with an organization "with terrorist aims."

At year's end, no conclusion had been reached in the October 2002 court case demanding the closure of the AK Party for being a center of activities "contrary to the principle of a secular republic." The party was charged with failing to abide by a Court ruling requiring Prime Minister Erdogan to resign as party chairman.

The Government interpreted the 1923 Lausanne Treaty as conferring special minority legal status on three non-Muslim groups—Greek Orthodox Christians, Armenian Orthodox Christians, and Jews. However, this did not extend to the religious leadership organs. The Ecumenical and Armenian Patriarchates, for example, continued to seek recognition of their legal status. Non-Muslim groups not recognized as Lausanne minorities lacked legal status, and their activities were subject to legal challenges.

In principle, the 160 minority foundations recognized by the Vakiflar may acquire property. It is not clear whether the regulations apply to other foundations. A number of foundations criticized the application process for acquiring property as lengthy and burdensome. The Vakiflar approved few applications. As of November,

out of 2,234 applications, the Vakıflar had rejected 622 as inadmissible and returned 910 as incomplete, while approving 274.

There were no developments in the efforts of the Ecumenical Patriarchate in Istanbul to obtain permission to reopen its seminary, closed since 1971, on the island of Halki in the Sea of Marmara. Under existing restrictions, including a citizenship requirement, the religious community remained unable to train new clergy.

There were an estimated 5 to 12 million Alevi, followers of a belief system that incorporates aspects of both Shi'a and Sunni Islam and draws on the traditions of other religions found in Anatolia as well. The Government considered Alevism a heterodox Muslim sect; however, some Turkish Alevi and radical Sunnis maintained Alevi were not Muslims. Many Alevi alleged discrimination in the Government's failure to include any of their doctrines or beliefs in religious instruction classes. Alevi also charged that there was a Sunni bias in the Diyanet since the directorate viewed Alevi as a cultural rather than a religious group and did not fund their activities. During a September visit to Germany, Prime Minister Erdogan told reporters that "Alevism is not a religion" and said Alevi Cem houses are "culture houses" rather than "temples."

In May, an appeals court upheld a lower court decision overturning a February 2002 ruling to close the Union of Alevi-Bektasi Organizations (ABKB) on the grounds that it violated the Act on Associations.

There were legal restrictions against insulting any religion recognized by the State, interfering with that religion's services, or debasing its property. However, some Christian churches have been defaced, including in the Tur Abdin area of the southeast where many ancient Syriac churches are found, and communities often have been unable to make repairs due to lack of resources.

Religious affiliation was listed on national identity cards. Some members of non-Muslim religious groups claimed that they had limited career prospects in government or military service as a result of their affiliation. Some non-Muslims and atheists said their religious affiliations were not among the options available for selection.

By law, religious services may take place only in designated places of worship, although non-Muslim religious services often took place in non-designated places of worship. Police occasionally barred Christians from holding services in private apartments and from proselytizing by handing out literature. These activities also occasionally led to police detention and trials. In June, Parliament amended the Act on Construction to replace the word "mosques" with "houses of worship," in theory removing a legal obstacle to the building of non-Muslim religious facilities. However, representatives of some non-Muslim groups said provincial authorities did not designate zones where houses of worship could be established, making it impossible to comply with the law. In September, local authorities closed a Protestant church in Mersin for zoning violations, while a Protestant church in Diyarbakir was unable to resolve a longstanding zoning problem.

In March, an Istanbul court acquitted seven Christians charged with holding illegal church and Bible study meetings in an apartment.

In 2001, the Ministry of Interior sent a circular to all provincial governors encouraging them to use existing laws (such as those that regulated meetings, religious building zoning, and education) to regulate gatherings of "Protestants, Baha'is, Jehovah's Witnesses, Believers in Christ (Christians), etc." On April 20, Mersin police arrested 12 members of Jehovah's Witnesses for allegedly holding an illegal meeting in a private home after being notified in 2002 that they would no longer be allowed to use a rented Kingdom Hall due to zoning laws. When the group planned in May to hold services in an old Kingdom Hall, police reportedly threatened to close down the Hall if it was used, then attended the next 17 meetings at the Hall, taking notes. A court acquitted the 12 members of Jehovah's Witnesses on September 30. On several occasions during the year, members of Jehovah's Witnesses in Mersin and Istanbul were fined for conducting religious meetings without permission.

In November, two synagogues in Istanbul were bombed in a set of apparent terrorist-related attacks that also struck the British Consulate and a bank (see Section 1.a.).

Members of a Protestant church in Kecioren, Ankara said local residents opposed to their presence repeatedly vandalized the church and harassed and threatened them. They said police were generally dismissive of their complaints. In September, church members opened a case against the alleged organizer of the harassment.

In October, four assailants in Bursa Province associated with the Nationalist Movement Party reportedly severely beat Yakup Cindilli, a recent convert to Christianity, after accusing him of distributing Bibles and "doing missionary work." Cindilli reportedly fell into a coma for 2 months. The trial against the alleged assailants continued at year's end.

In December, local authorities in Edirne rescinded an order to expropriate a sacred site of the Baha'i community.

There is no law explicitly prohibiting proselytizing or religious conversions; however, religious groups that proselytized occasionally were subject to government restrictions or harassment. Many prosecutors regarded proselytizing and religious activism on the part of evangelical Christians, as well as Islamists, with suspicion, particularly when such activities were deemed to have political overtones. Police sometimes arrested proselytizers for disturbing the peace, "insulting Islam," conducting unauthorized educational courses, or distributing literature that had criminal or separatist elements; courts usually dismissed such charges. If the proselytizers were foreigners, they could be deported, but they usually were able to reenter the country. On December 31, 2002, the Erzurum State Security Court dropped charges brought in 2002 against 12 Baha'is for "openly inciting hatred and enmity" by distributing materials on the Baha'i Faith.

State-sponsored Islamic religious and moral instruction in all public primary and secondary schools was compulsory. Upon written verification of their non-Muslim background, "minorities" recognized by the Government under the Lausanne Treaty were exempted by law from Muslim religious instruction. Other small groups, such as Catholics, Protestants, and Syriac Christians, were not exempted. Students who completed the 8-year primary school could study in government-sponsored imamhatip (preacher) schools, which provided courses in the Koran and Islamic theology in addition to the standard high school curriculum. The Government did not permit private Koran courses, though many functioned unofficially. According to Mazlum-Der, police conducted approximately 20 raids of illegal Koran courses in the first 6 months of the year. Only children 12 and older could register legally for official Koran courses, and Mazlum-Der reports that many of the police raids targeted illegal courses for younger children.

Government authorities continued to enforce a long-term prohibition on the wearing of religious head coverings at universities and by civil servants in public buildings. In October, Istanbul University prevented a foreign professor it had invited to a conference from entering the campus because she was wearing a headscarf. In November, a judge in Ankara ordered a defendant out of the courtroom because she was wearing a headscarf. Women who wore head coverings and persons who actively showed support for those who defied the prohibition were disciplined or lost their jobs in the public sector as nurses and teachers. Students who wore head coverings were not permitted to register for classes. Many secular women accused Islamists of using the headscarf as a political tool and said they feared that efforts to remove the headscarf prohibition would lead to pressure against women who chose not to wear a head covering. In October, President Sezer excluded the covered wives of government ministers and Members of Parliament from the guest list for the traditional presidential Republic Day reception.

Citizens who converted from Islam often experienced some form of social harassment or pressure from family and neighbors. Proselytizing socially was unacceptable. A variety of newspapers and television shows published anti-Christian messages. Several Islamist newspapers regularly published anti-Semitic material.

During the year, Bulent Bozdogen, a member of Jehovah's Witnesses, was reportedly tried on two separate occasions and sentenced to a total of 3 months in military prison on charges related to his refusal to serve in the military. During the period, he was reportedly beaten and mistreated numerous times. At the end of the year, three additional members of Jehovah's Witnesses were reported to be awaiting trial on similar charges.

For a more detailed discussion, see the 2003 International Religious Freedom Report.

d. Freedom of Movement within the Country, Foreign Travel, Emigration, and Repatriation.—The law provides for these rights; however, at times the Government limited some of these rights. The Constitution provides that a citizen's freedom to leave the country could be restricted only in the case of a national emergency, civic obligations (military service, for example), or criminal investigation or prosecution.

During the height of the PKK conflict from 1984 to 1990, the Government forcibly displaced a large number of residents from villages in the southeast. Many others left the region on their own. The Government reported that 378,000 residents "migrated" from the southeast during the conflict, with many others departing before the fighting. Various NGOs estimated that there were from 1 to 3 million IDPs. Although the Government lifted the state of emergency in the southeast in 2002, it maintained a heavy security presence in the region, including numerous roadway checkpoints. The Government estimated there were 4,500 to 5,000 armed PKK/KADEK/KHK militants across the border in northern Iraq, and another 1,000 in the southeast of the country.

In July, Parliament adopted a "Reintegration Law" offering reduced prison sentences to combatants belonging to the PKK/KADEK/KHK and other terrorist organizations as identified by the Government who agreed to lay down their weapons and provide information to authorities. The law offered full amnesty to those guilty of providing non-lethal support to terrorist organizations. At year's end, most of those who had applied for benefits under the law were already serving prison sentences; the Government reported that, as of December 19, 2,486 prisoners had applied for benefits under the law and 586 active militants had turned themselves in.

Citing security concerns, southeastern provincial authorities continued to deny some villagers access to their fields and high pastures for grazing, but have allowed other villagers access to their lands. Voluntary and assisted resettlements were ongoing. In some cases, persons could return to their old homes; in other cases, centralized villages have been constructed. Only a fraction of the total number of evacuees has returned. The Government claimed that 94,000 persons returned to the region from June 2000 to October. More than 400 villages and hamlets have reportedly been reopened with government assistance. These figures could not be independently verified.

According to human rights activists, villagers, and some southeast members of Parliament, the Government did not allow some displaced villagers to return unless they signed a document stating that they had left their homes due to PKK terrorism, rather than due to Government actions, and that they would not seek Government assistance in returning. Village guards have occupied homes abandoned by IDPs, and have attacked or intimidated IDPs attempting to return to their homes with official permission.

Foreign governments and national and international human rights organizations continued to criticize the Government's return efforts as secretive and inadequate. Francis M. Deng, the U.N. Special Representative for IDPs, visited the region in June 2002 and acknowledged a more open approach to returns on the part of the Government. Deng called on the Government to formulate a clear and transparent returns policy, establish focal points in the Government on IDPs, improve coordination within the Government and between the Government and the international community, and convene an international forum to develop return programs and strategies. In December, government officials discussed the IDP issue with representatives of U.N. agencies and the EU.

In October, an Adana court acquitted 14 members of the Migration and Humanitarian Aid Foundation (GIYAV)—a Mersin-based group whose declared purpose was to provide assistance to displaced persons—on charges of aiding and abetting an illegal organization. The court transferred the cases of seven co-defendants to a Mersin court. Prosecutors continued to seek to disband GIYAV on separate charges that the organization established relationships with foreign associations without seeking the required approval of the interior and foreign ministries. That case was not concluded at year's end.

An administrative regulation provides for the granting of refugee status or asylum to persons who meet the definition in the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol; however, upon ratifying the Convention in 1962, the Government exercised the option of accepting its obligations only with respect to refugees from Europe. In practice, the Government granted refugee status and asylum to some persons. According to the Government, Europeans recognized as refugees could remain in the country and eventually acquire citizenship; however, it was not clear how often this happened in practice. The number of Bosnian and Kosovar refugees declined to between 800 and 900, mostly due to voluntary repatriation. Approximately 260 Chechens who arrived in 2001 remained, mostly in Istanbul.

The Government offered non-European refugees temporary protection while they were waiting to be resettled in another country. The U.N. High Commissioner for Refugees (UNHCR) conducted refugee status determination for applicants from non-European countries and facilitated the resettlement of those recognized as refugees. According to UNHCR, through November there were 1,962 cases of (non-European) asylum seekers involving 3,512 persons. The vast majority of these applicants (89 percent) were Iranian and Iraqi nationals. During the same period, UNHCR recognized refugee status in 1,079 cases representing 2,169 persons.

Regulations require asylum seekers to apply within 10 days of their arrival and submit proof of identity in order to register as asylum seekers. An appeal could be lodged within 15 days of a decision by the authorities not to receive the asylum claim. After the appeal procedure, rejected applicants were issued a deportation order that could be implemented after 15 days. UNHCR intervened with the Government if it disagreed with a decision not to accept an individual asylum claim. The 10-day time limit presented an obstacle to many asylum seekers attempting to

legalize their status in the country. Approximately 15 percent of the asylum seekers who approached the UNHCR through November were unable to register with the Government on procedural grounds.

According to the UNHCR, through November, 48 refugees and asylum seekers were returned to a country where they feared persecution without being given access to a complete asylum determination process, or after being granted refugee status. Of these, 34 were able to re-enter Turkey shortly afterward. In addition, there were credible reports of further incidents in which the Government informally returned groups of refugees and asylum seekers to neighboring countries.

Detained illegal immigrants found near border areas were more likely to be questioned about their asylum status and referred for processing than those found in the interior of the country. UNHCR and Government authorities continued to work to resolve this problem and to find ways to allow greater access of all asylum seekers to processing. The country remained a transit and departure point for illegal migrants and asylum seekers of various nationalities who traveled in small groups utilizing land routes, small boats, and ships on the way to other European countries.

Since 1998, the UNHCR and the Government have cooperated in training border guards and other government officials responsible for asylum seekers and refugees. The training has led to increased contacts between the UNHCR and police, Jandarma, military, coast guard, civil society, and judicial authorities. The UNHCR also reported that incidents of refoulement have declined as a result of this training and credited the Government for its willingness to improve the functioning of the national asylum procedure.

The UNHCR worked with international and local partners, including the International Catholic Migration Commission, the Turkish Red Crescent Society, the Human Resources Development Foundation and the Hacettepe University School of Social Work to meet the basic needs of refugees during their stay in the country.

Section 3. Respect for Political Rights: The Right of Citizens to Change their Government

The Constitution provides citizens with the right to change their government peacefully, and citizens generally exercised this right in practice through periodic free and fair elections held on the basis of universal suffrage; however, the Government restricted the activities of some political parties and leaders. The country has a multiparty parliamentary system, in which national elections are held at least every 5 years, with mandatory universal suffrage for all citizens 18 years of age and over. The November 2002 elections featured 18 parties, 2 of which garnered enough votes to pass the 10 percent national vote threshold to enter Parliament. Parliament elects the president as head of state for a single term every 7 years or when the incumbent becomes incapacitated or dies.

In accordance with the Constitution, the NSC—a powerful advisory body to the Government composed of civilian government leaders and senior military officers and chaired by the president—played a significant role in shaping government policy. Under the Constitution, the NSC has nine civilian members and five military members. In July, Parliament reformed the NSC by allowing for a civilian to serve as NSC Secretary General, reducing by half the number of regular NSC meetings, and eliminating the NSC's authority to require other government agencies to submit documents to the NSC. In January, Parliament adopted an amendment revoking the authority of the NSC to name a representative to the Cinema, Video, and Musical Works Council. However, the NSC continued to name representatives to other civilian boards, such as the High Board of Radio and Television and the Higher Education General Board. Public debate on the role of the NSC intensified in August when the daily newspaper *Radikal* published portions of a longstanding secret regulation authorizing the NSC to conduct psychological operations in the country. Parliament reportedly revoked this authorization in July. In December, Parliament adopted legislation under which the regulation governing the NSC was no longer secret. There were press reports alleging that newly created provincial public relations offices were designed to carry out psychological operations in place of the NSC; Interior Minister Aksu rejected these claims.

The Government neither coerced nor prohibited membership in any political organization; however, the Court of Appeals Chief Prosecutor could bring cases seeking the closure of political parties before the Constitutional Court, which could close them for unconstitutional activities. In January, Parliament adopted legislation requiring a three-fifths majority of the 11-member Constitutional Court, rather than a simple majority, to close a party. The legislation also stipulates that parties could be closed only for reasons stated in the Constitution; previously, closures could also be based on the more broadly worded reasons cited in the Political Parties Law. The

law allows the Constitutional Court to deprive a party of state funds as an alternative to ordering closure.

In March, the Constitutional Court announced its decision to close HADEP on charges of supporting the PKK/KADEK and committing separatist acts (see Section 2.b.). The Court also prohibited 46 HADEP leaders from participating in political activity for 5 years. On the same day, the Supreme Court of Appeals Chief Prosecutor filed a case seeking the closure of the Democratic People's Party (DEHAP), a HADEP sister party, on similar charges. The Government also closed two of HADEP's predecessor parties in previous years. The case against DEHAP continued at year's end.

In September, the Supreme Court of Appeals upheld the conviction of five DEHAP leaders on charges of providing false documents while registering for the 2002 national elections. The court sentenced the defendants to 2-year prison terms.

In October 2002, the Supreme Court of Appeals Chief Prosecutor opened a court case demanding the closure of the AK Party (see Section 2.c.).

In October, a Bursa court began hearings in a case against Genc Party leader Cem Uzan, charged with "insulting" Prime Minister Erdogan in a June speech in which he referred to Erdogan as "Godless" (see Section 2.a.).

Leyla Zana, Hatip Dicle, Orhan Dogan and Selim Sadak—former members of Parliament from the pro-Kurdish independence Democracy Party—were granted a retrial in February under legal reforms allowing for a retrial for convicts who win their appeals to the ECHR. They remained in prison during the trial, which continued at year's end. Attorneys for the defendants and the Geneva-based International Commission of Jurists accused the court trying the case of pro-prosecution bias. In addition, the Council of Europe in October informed the Government of its concern that the conduct of the trial was not consistent with the fair trial provisions of the European Convention on Human Rights.

During the year, police raided dozens of DEHAP offices, particularly in the southeast, and detained hundreds of DEHAP officials and members. DEHAP members were regularly harassed by Jandarma and security officials, including verbal threats, arbitrary arrests at rallies, and detention at checkpoints. Security forces also regularly harassed villagers they believed were sympathetic to DEHAP. Although most detainees were released within a short period, many faced trials, usually for "supporting an illegal organization," "inciting separatism," or for violations of the Law on Meetings and Demonstrations. In March, police in Tarsus arrested local DEHAP chairman Alaattin Bilgic on charges relating to a speech he had made. He was charged with a crime, and the case against him continued at year's end. In August, police raided DEHAP offices in Bingol on allegations of "keeping illegal publications." Following the raid, prosecutors opened charges against five DEHAP members; a court convicted and fined them in December. According to DEHAP, between September and November, police detained more than 1,000 participants in a DEHAP campaign calling for an amnesty for PKK/KADEK members. Authorities released most of the detainees, but opened charges against more than 100.

Parties are required to have 10 percent of the nationwide vote to enter Parliament. During the year, politicians from several parties debated whether to lower the threshold. At year's end, the ECHR had not ruled on a September 2002 complaint filed by HADEP that the 10 percent threshold prevented 34 of its candidates from entering Parliament in 1999, despite having won elections in their districts.

There were 24 women in the 550-seat Parliament. There was 1 female minister in the 24-member Cabinet, and there were no female governors. Approximately 20 women were subgovernors. The Constitution calls for equal political rights for men and women, and many women were active politically.

There were no legal restrictions on political activities by minorities. Some minority groups were active in political affairs. Many members of Parliament and senior government officials were Kurds.

Section 4. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A number of domestic and international human rights groups operated in many regions, but faced government obstruction and restrictive laws regarding their operations, particularly in the southeast. The Government met with domestic NGOs (which it defined broadly to include labor unions), responded to their inquiries, and sometimes took action in response to their recommendations. The Act on Associations governing the activities of most NGOs (some fall under the Law of Foundations, and others incorporate themselves as businesses) contains restrictive provisions regarding membership, fundraising, and scope of activities.

The HRA had 34 branches nationwide and claimed a membership of approximately 14,000. The HRF, established by the HRA, operated torture rehabilitation

centers in Ankara, Izmir, Istanbul, Diyarbakir, and Adana and served as a clearing-house for human rights information. Other domestic NGOs included the Istanbul-based Helsinki Citizens Assembly, the Ankara-based Turkish Democracy Foundation, the Turkish Medical Association, human rights centers at a number of universities, and Mazlum-Der. Human rights organizations were represented on some provincial and subprovincial human rights councils.

Human rights organizations and monitors, as well as lawyers and doctors involved in documenting human rights violations, continued to face detention, prosecution, intimidation, harassment, and formal closure orders for their legitimate activities. HRA reported that prosecutors opened approximately 60 cases against the organization during the year. HRA also continued to face charges in numerous cases opened in previous years. In September, HRA reopened its Malatya branch, which the Government closed in 2000.

In May, police raided the national headquarters and Ankara branch offices of the HRA, seizing records and computers as part of an investigation for alleged support for terrorism. The investigation continued at year's end.

In July, Mus police arrested Sevim Yetkiner, chairman of the HRA Mus office, and charged her with "aiding and abetting an illegal organization" for allegedly shouting pro-PKK slogans at the funeral of a PKK member who died in prison. Her trial continued at year's end. Also in July, HRA reported that people identifying themselves as Jandarma made threatening phone calls to Ridvan Kizgin, chairman of the HRA Bingol office. The callers allegedly criticized Kizgin's statements on human rights issues and told him to come to the Jandarma base, which he refused to do.

At years end, the trial of HRA Chairman Husnu Ondul and 46 others continued on charges connected with a January 2001 raid of HRA headquarters. The defendants were charged with possessing 33 publications prohibited by confiscation orders and faced sentences of 3 to 6 months if convicted.

In March, an Ankara court acquitted former HRA Chairman Akin Birdal, who was tried for allegedly stating in 2000 that the Government "should apologize for the Armenian genocide," a statement he denied making.

Police in June raided a Turkish Medical Association training seminar (see Section 1.c.).

In March 2002, the Government gave permission to Amnesty International (AI) to form a legal association; AI's previous application was rejected in 2001. AI operated a headquarters in Istanbul and held meetings in Ankara, Izmir, and Diyarbakir. AI postponed plans to open branch offices due to lack of funds. The organization reported good relations with the Government during the year.

Representatives of diplomatic missions who wished to monitor human rights were free to speak with private citizens, groups, and government officials; however, security police routinely placed such official visitors in the southeast under visible surveillance. Visiting foreign government officials and legislators were able to meet with human rights monitors. There were no public reports that officials representing foreign governments were denied permission for such visits. However, police reportedly harassed and intimidated some human rights activists in the southeast after the activists met with foreign diplomats.

The parliamentary Human Rights Committee, which had a mandate to oversee compliance with the human rights provisions of domestic law and international agreements, investigate alleged abuses, and prepare reports, carried out inspections of detention centers.

The Government has established Human Rights Councils in all 81 provinces and 849 sub-provinces. The councils were designed to create a forum for human rights consultations among NGOs, professional organizations, and the Government. They investigated complaints and, when deemed appropriate, referred them to the prosecutor's office. They also produced monthly reports and organized conferences, training programs, and public information campaigns. In November, the Government adopted a new regulation changing the membership criteria of the councils. Under the new regulation, police and Jandarma representatives were eliminated from the councils and the number of lawyers, doctors, journalists, NGO members, and other nongovernmental members was increased. Human rights observers had criticized the previous regulation, under which the majority of council members were public officials. However, some human rights activists argued that, even under the new regulation, the councils were not independent because they remained under the chairmanship of un-elected governors and sub-governors. The new regulation also established application desks in all provinces and subprovinces for submitting complaints and outlined in detail the duties of the councils.

A Human Rights Presidency monitored the implementation of legislation relating to human rights, coordinated with NGOs, and educated public officials. The Presi-

gency was attached to the Prime Ministry; it did not have a separate budget, and its resources were limited. During the year, the Presidency developed a standard form for human rights-related complaints as a part of an effort to collect and distribute detailed data on human rights issues.

Parliament has established numerous bodies to monitor the human rights situation, including: The High Human Rights Board, an interministerial committee responsible for making appointments to human rights posts; a Human Rights Consultation Board, designed to serve as a permanent forum for the exchange of ideas between the Government and NGOs; and a Human Rights Investigative Board, a special body to be convened only in cases where lower-level investigations are deemed insufficient by the Human Rights Presidency. The Human Rights Investigative Board has never been convened.

Section 5. Discrimination Based on Race, Sex, Disability, Language, or Social Status

The Constitution provides that the country is a secular state, regards all citizens as equal, and prohibits discrimination on ethnic or racial grounds; however, societal and official violence and discrimination against women and minorities remained problems.

Women.—Violence against women remained a problem, and spousal abuse was serious and widespread. The law prohibits spousal abuse; however, complaints of beatings, threats, economic pressure, and sexual violence continued. Citizens of either sex could file civil or criminal charges for abuse but rarely did so. The Law for Protection of Family provides that victims of spousal violence may apply directly to a judge for assistance. The law authorizes judges to warn abusive spouses and order them to stay away from the household for 6 months. Judges may order further punishments for those who violate such orders. According to women's rights advocates, authorities enforced the law effectively, although outside of major urban areas, few spouses sought assistance under the law.

According to the Family Research Institute in the Prime Minister's office, beating in the home was one of the most frequent forms of violence against women. In March, Istanbul Bilgi University announced the results of a study involving a sample group of 6,440 married or divorced women in 25 provinces. According to the study, 31.5 percent of the women were beaten by their husbands; 21.5 percent were beaten by their fathers before being married; and 41 percent entered into arranged marriages. Approximately 35 percent of the group said they would file a complaint if their husbands beat them, up from 29 percent in a similar 1997 survey.

Spousal abuse was considered an extremely private matter involving societal notions of family honor, and few women went to the police. Police were reluctant to intervene in domestic disputes and frequently advised women to return to their husbands.

The law allows women to apply for restraining orders against their husbands and therefore to avoid having to leave their own homes. Observers and government officials noted that this provision has been very successful in some of the cities and rural areas of the country, but less so in the more traditional southeast. The law is limited to spouses and does not address some other sources of violence, such as in-laws.

The law prohibits rape; however, laws and ingrained societal notions made it difficult to prosecute sexual assault or rape cases. Women's rights advocates believed cases of rape were underreported.

According to women's rights advocates, there were nine government-operated guest houses and two NGO-operated shelters that provided services to battered women; in addition, the Child Protection and Social Services Agency provided legal services to victims of domestic violence through 53 community centers.

"Honor killings"—the killing by immediate family members of women suspected of being unchaste—continued in rural areas and among new immigrants to cities; according to media reports, there could be dozens of such killings every year. They were most common in conservative, Kurdish families in the southeast or among migrants from the southeast living in large cities. In July, Parliament revoked a law under which perpetrators of honor killings received reduced sentences. However, Parliament left intact another law allowing for reduced sentences for crimes committed "in the heat of anger" or under "unjust provocation." Women's rights advocates said perpetrators of honor killings continued to benefit from sentence reductions under this law. Because of sentence reductions for juvenile offenders, observers noted that young male relatives often were designated to perform the killing.

According to the women's advocacy group Flying Broom, honor killings and other problems confronting women were more intensely debated in the media and in society than in previous years. TRT television broadcast a 3-month series of daily programs on women's issues during the year.

In June, Semse Allak died from injuries suffered when she was stoned by relatives in Mardin Province for becoming pregnant by Halil Acil, who was killed in the same attack. Allak's unborn child also died. Two relatives were charged for the killings. The case continued at year's end. In November, a 15-year-old girl in Diyarbakir died after being attacked by her 16-year-old brother for becoming pregnant out of wedlock. The brother was detained, and the case continued at year's end.

Human rights organizations continued to report a high rate of suicides among young girls, particularly in the southeast and east. Observers said forced marriages and economic problems contributed to the suicides. A 2001 study in Batman Province concluded that an early marriage could be a catalyst to suicide for young girls with physical and psychological problems.

Unlike in previous years, HRF recorded no reports of forced "virginity testing." Prostitution was legal; however, police made numerous arrests involving foreigners working illegally as prostitutes. Trafficking in women was a problem (see Section 6.f.).

The Association of Turkish Female Lawyers and other women's rights advocates criticized some articles of the Penal Code as discriminatory to women. Discriminatory Penal Code articles provide that: Rape is considered a crime against society, rather than a crime against the individual; rape between spouses is not legally considered rape; rapists and kidnappers may avoid punishment if they marry their victims; and punishment for rape is greater if the victim is married, lesser if the victim is single, and even less if the victim is single and not a virgin. Ambassador Hansjorg Kretschmer, Head of the European Commission Representation to the country, said in a December speech that the Penal Code "fails to offer the basic necessary amendments needed to recognize and protect women's human rights."

Parliament has not revised its internal code to conform with its January 2002 overturning of a regulation that prohibited female civil servants from wearing pants in the workplace.

The Directorate General on the Status and Problems of Women, under the authority of the State Minister for Women's and Children's Affairs, was responsible for promoting equal rights and raising awareness of discrimination against women. The Government has not adopted organizing legislation for the Directorate General, which was set up in 1990; as a result, it has not been able to expand beyond its limited staff of 42.

Particularly in urban areas, women were well represented in the professions, business, and the civil service and constituted more than one-third of university students. However, they continued to face discrimination in employment to varying degrees. Women were generally underrepresented in managerial-level positions as well as in government (see Section 3). Women generally received equal pay for equal work in professional, business, and civil service positions, although a large percentage of women (as well as men) employed in agriculture and in the trade, restaurant, and hotel sectors worked as unpaid family labor.

According to a UNICEF report released during the year, the literacy rate for women in 2000 was 77 percent, compared with 94 percent for men. However, in rural areas the rate could be as low as 50 percent for women. One reason for the higher rate for men was that men must serve in the army; if they did not know how to read, they were taught upon entry. In addition, families in rural areas often attached greater importance to the education of boys than girls.

Independent women's groups and women's rights associations existed but have not significantly increased their numbers or activities, mostly due to funding problems. There were many women's committees affiliated with local bar associations. Other organizations included the Association for Supporting and Training Women Candidates (Ka-Der), Flying Broom, the Turkish Women's Union, and the Foundation for the Evaluation of Women's Labor. Women continued to be very active in ongoing debates between secularists and more religiously oriented women, particularly with respect to the right to choose whether to wear religious head coverings in public places, such as government offices and universities (see Section 2.c.).

Children.—The Government was committed to furthering children's welfare and worked to expand opportunities in education and health, including a further reduction in the infant mortality rate. The Minister for Women's and Family Issues oversaw implementation of the Government's programs for children. The Children's Rights Monitoring and Assessment High Council focused on children's rights issues.

Government-provided education through the age of 14 or the eighth grade was compulsory. Traditional family values in rural areas placed a greater emphasis on advanced education for sons than for daughters; the 8-year compulsory education requirement (implemented in 1998) has increased enrollment among girls. According to the Ministry of Education, 92 percent of girls and 100 percent of boys in the coun-

try attended primary school. However, in rural areas, the literacy rate for girls remained low, and many did not complete primary school. The literacy rate for boys, most of whom completed primary school, was higher. Some children in rural areas continued on to high school, for which they generally had to travel or live away from home.

The Government aimed to provide social security and health insurance for all its citizens, but gaps remained, leaving approximately 20 percent of families and their children without coverage. Persons not covered by insurance may use a special program to access public health care. Immunization rates in some eastern and southeastern provinces lagged behind the rest of the country. Infant mortality has declined rapidly. According to UNICEF, the infant mortality rate dropped to 36 per 1,000 in 2001.

There were reports of abuse of children. Children have suffered greatly from the cycle of violence in the southeast. In the past, the migration—forced or voluntary—of many families, past terrorism against teachers, and school closings uprooted children and moved them to cities that were hard pressed to find the resources to provide basic, mandatory services such as schooling.

Women's organizations criticized an article of the Penal Code whereby a mother who killed an illegitimate child to "protect family honor" received a reduced sentence.

Child labor was a problem (see Section 6.d.).

Persons with Disabilities.—There was no direct, specific discrimination against persons with disabilities, although they did suffer from a lack of economic opportunity. The law does not mandate access to buildings and public transportation for persons with disabilities. Persons with disabilities have some special privileges, such as the right to purchase products of the State Economic Enterprises at a discounted rate or acquire them at no cost.

According to a 2000 UNICEF report, welfare institutions provided "limited financial, employment and educational support to the handicapped." Although there were many state-run institutions for persons with disabilities, most attention to persons with disabilities remained at the individual and family level. The Administration of Disabilities office under the Prime Ministry has a mandate to develop cooperation and coordination among national and international institutions and to conduct research into issues such as delivery of services. During the year, Lokman Ayva, a blind member of Parliament, formed a parliamentary group to advocate for the rights of the disabled. Companies with more than 50 employees were required to hire persons with disabilities as 2 percent of their employee pool, although the requirement was not consistently enforced.

National/Racial/Ethnic Minorities.—The Constitution provides a single nationality designation for all Turks and thus does not recognize ethnic groups as national, racial, or ethnic minorities. Citizens of Kurdish origin constituted a large ethnic and linguistic group. Millions of the country's citizens identified themselves as Kurds and spoke Kurdish. Kurds who publicly or politically asserted their Kurdish identity or publicly espoused using Kurdish in the public domain risked public censure, harassment, or prosecution. However, Kurds who were long-term residents in industrialized cities in the west were in many cases assimilated into the political, economic, and social life of the nation, and much intermarriage has occurred over many generations. Kurds migrating westward (including those displaced by the conflict in the southeast) brought with them their culture and village identity, but often little education and few skills.

No official estimate of the Romani population existed, but it may be significant in regions near Bulgaria and Greece, and Roma were found in many cities throughout Anatolia. Human rights observers said many Roma did not disclose their ethnic identity for fear of discrimination. The European Roma Rights Center claimed that, at the end of February, police in Edirne beat and tortured with electric shocks a 14-year old Romani boy suspected of stealing a wallet. The Center reported abusive police actions, including police raids on Romani homes and coffee shops without a search warrant in Bursa. The Government revised the definition of "gypsy" in official dictionaries; the old definition had included terms such as "shameless" and "thief." However, the law states that "nomadic Gypsies" are among the four categories of people not admissible as immigrants.

During the year, the Turkish Sciences Academy and the History Foundation published the results of a survey of primary and secondary school textbooks focusing on human rights-related content. According to the survey, textbooks frequently contained discriminatory language. For example, one textbook stated, "Gypsies, with children in particular, do beg," while another claimed that during a certain historical period Armenians in Turkey "were neither innocent nor loyal to the State." A

textbook compared the Turkish and Greek languages by stating that, "Turkish does not have the repeated 's' letter like the hissing of a snake sound in the Greek language."

There were numerous reports of citizens of Kurdish origin being prevented from registering their newborn children with Kurdish names. In some cases, charges were filed against the parents. In August, authorities in Mersin reportedly refused to allow Ali Aksan to register his children with the names "Mihriyan," "Zozan," and "Berivan." In September, authorities in Istanbul reportedly prevented Sevkett Gasgar from naming his son "Deral."

In July, Parliament amended an article of the Census Law that had been used to prevent the use of Kurdish names. The amendment removed language that had prohibited the use of names contrary to the "national culture" or "customs and traditions," instead prohibiting names contrary to "moral norms" or names that "offend the public." The revised wording was intended to ease the restrictions; however, human rights advocates claimed local authorities failed to adjust their practices. In September, the Interior Ministry issued a circular notifying local officials of the new regulations. However, the circular prohibited the use of letters used in Kurdish but not found in Turkish. In December, the Diyarbakir Province Jandarma commander asked the Diyarbakir chief prosecutor's office to provide a list of persons who had applied to change their names under the amended law. The prosecutor's office reportedly complied. The Diyarbakir Bar Association protested the request. There were numerous restrictions on free expression in Kurdish and pro-Kurdish political parties (see Sections 2.a. and 3).

In May, a Diyarbakir SSC acquitted a juvenile on charges of "inciting hatred and enmity." The juvenile was accused of altering the traditional pledge of allegiance in school and reciting, "Happy is he who calls himself a Kurd."

Implementing regulations for 2002 reform laws allowing broadcasts and private courses in Kurdish and other non-Turkish languages "used by Turkish citizens in their daily lives" created some bureaucratic obstacles (see Section 2.a.). In July, Parliament adopted reforms designed to remove these obstacles. However, no non-Turkish broadcasts or courses were established under these reforms by year's end. Local authorities in Sanliurfa, Batman, and Van provinces withheld permission to open Kurdish language courses on a number of technical issues, including a requirement that the applicants change the names of the institutions.

The Ministry of Education tightly controlled the curriculum in schools. The small numbers of Greek-language students had little opportunity to continue their education in the country, and consequently many went to Greece, often never to return.

In April, the Education Ministry issued a circular urging all schools to have their fifth- and seventh-graders prepare a one-page essay arguing that allegations that the Ottomans committed genocide against Armenians are "baseless." The country's Armenian schools were included in the distribution. Leaders of the ethnic Armenian community criticized the measure, saying it put psychological pressure on Armenian students. The Ministry also asked schools to organize conferences on the issue, and police arrested seven teachers for comments made at one such conference (see Section 2.a.).

Section 6. Worker Rights

a. The Right of Association.—The Constitution provides workers, including civil servants with the exception of police and military personnel, the right to associate freely and form representative unions, and they did so in practice. However, there were some limits to the right of association. The Constitution stipulates that no one shall be compelled to become, remain a member of, or withdraw from a labor union. Unions were independent of the Government and political parties. Unions were required to obtain official permission to hold meetings or rallies and had to allow government representatives to attend their conventions and record the proceedings, although these requirements were not always enforced. Prosecutors could ask labor courts to order a trade union or confederation to suspend its activities or to go into liquidation for serious infractions, based on alleged violation of specific legal norms; however, the Government could not dissolve a union summarily.

About 16 percent of wage and salary earners were unionized. The labor force numbered approximately 24 million, with approximately 35 percent employed in agriculture. There were three confederations of labor unions: The Turkish Confederation of Workers Unions (Turk-Is), the Confederation of Unions of Workers' Rights (Hak-Is), and the Confederation of Progressive Trade Unions (DISK). There also were 4 public employees union confederations—the Confederation of Public Sector Trade Unions (KESK); Tukiye Kamu-Sen; Memur-Sen; and the Confederation of Independent Public Workers Unions (BASK)—and 27 independent unions. Unions and their officers have a statutory right to express their views on issues directly

affecting members' economic and social interests. The Constitution prohibits unions and confederations from activity against the basic democratic principles of the country. Unions may not receive financial assistance from public authorities or political parties; unions also may not use the name or emblem of a political party, or be involved in commercial activity.

The law prohibits anti-union discrimination and the Constitution prohibits pressuring a worker into becoming or refusing to become a union member; however, such discrimination occurred occasionally in practice.

The International Labor Organization (ILO) has urged the Government to take measures to ensure that workers have effective protection against anti-union discrimination. The law on trade unions stipulates that an employer may not dismiss a labor union representative without rightful cause. The union member may appeal such a dismissal to the courts, and if the ruling is in the union member's favor, the employer must provide compensation. These laws generally were applied in practice. However, private sector employers continued to try to eliminate unions.

With government approval, unions could form confederations and join international labor bodies, as long as the organizations were not hostile to the country or to freedom of religion or belief. Turk-Is, Hak-Is, DISK, and KESK were affiliated with the International Confederation of Free Trade Unions (ICFTU).

In May, Parliament passed a comprehensive labor law that includes job security elements. The law requires employers with 30 or more workers to give a valid reason for terminating a contract and set standards for notices of termination. The law also prohibits discrimination based on language, race, gender, or political and religious belief. Some labor union representatives criticized the new law, saying it is less extensive in some respects than the law it replaced.

b. The Right to Organize and Bargain Collectively.—All industrial workers have the right to organize and bargain collectively, and most industrial and some public sector agricultural workers were organized. Civil servants may also bargain collectively. Out of 9 million workers with labor contracts, approximately 1.3 million were in collective contracts.

The law requires that, in order to become a bargaining agent, a union must represent 50 percent plus one of the employees at a given work site, and 10 percent of all the workers in that particular industry. This requirement had the effect of favoring established unions, particularly those affiliated with Turk-Is, the confederation that represented approximately 80 percent of organized labor. The ICFTU reports that, as a result of the law, workers in many sectors of economic activity were not covered by a collective agreement.

The ILO has called on the Government to rescind the 10 percent rule, stating that it violates ILO Convention 98 on the rights to organize and collective bargaining. However, both Turk-Is and the Turkish Employers' Organization favor retention of the 10 percent rule, since each confederation has an established membership area. The Government has taken no action to amend the rule.

The constitutional right to strike was restricted. For example, the Civil Servants Act and the Penal Code do not permit strikes by civil servants; public workers engaged in the protection of life and property; and those in the mining and petroleum industries, sanitation services, national defense, and education. However, workers continued to violate these restrictions with general impunity. According to the Turkish Confederation of Employers Unions (TISK), there were 23 strikes during the year involving 1,535 workers. The majority of strikes during the year were illegal; while some illegal strikers were dismissed, in most cases employers did not retaliate.

Collective bargaining is required before a strike. The law specifies the steps that a union must take before it may strike or before an employer may engage in a lockout; non-binding mediation was the last of those steps. A party that failed to comply with these steps forfeited its rights. Unions were prohibited from engaging in secondary (solidarity), political, or general strikes or in slowdowns. Employers could respond to a strike with a lockout, but were prohibited from hiring strikebreakers or using administrative personnel to perform jobs normally done by strikers. The law governing collective bargaining, strikes, and lockouts prohibits employers from terminating workers who encouraged or participated in a legal strike. In sectors in which strikes were prohibited, disputes were resolved through binding arbitration. TISK reported that there were two lockouts during the year involving 888 workers, the first lockouts since 2000.

The law allows the Government to suspend strikes for 60 days for reasons of national security or public health and safety. Unions could petition the Council of State to lift such a suspension. If this appeal failed, and the parties and mediators failed to resolve the dispute, the strike was subject to compulsory arbitration at the end of the 60-day period. The ILO's Committee of Experts and the Committee on

the Application of Standards regarded the Government's application of the law as too broad, and they have called on the Government to limit recourse to compulsory arbitration to essential services in the strict sense of the term. The Government asserted that the law does not contradict the Committees' principles.

There are 21 free trade and export processing zones. Union organizing and collective bargaining were permitted in the zones. Workers inside the zones were paid in foreign currency, giving them some protection against inflation.

c. Prohibition of Forced or Bonded Labor.—The Constitution and law prohibit forced or bonded labor, including by children, though there were exceptions in cases of national emergency; however, there were reports that such practices occurred (see Section 6.f.). Some parents forced their children to work on the streets and to beg (see Section 6.d.).

d. Status of Child Labor Practices and Minimum Age for Employment.—The Constitution and law prohibit the full-time employment of children younger than 15, with the exception of those 13 or 14 years of age who could engage in light, part-time work if enrolled in school or vocational training. The Constitution also states that “no one shall be required to perform work unsuited to his/her age, sex, and capacity.” With this article and related laws, the Government undertook to protect children from work unsuited to their age and capacity, such as underground mining, or from working at night. According to the labor law, children who attended school could work no more than 7.5 hours a day, inclusive of school time. The Ministry of Labor effectively enforced these laws in workplaces that fell under the scope of the labor law, which included medium and large-scale industrial and service sector enterprises. Children working in agricultural workplaces with fewer than 50 employees, household-based establishments, establishments with 3 or fewer workers, and those working as domestic servants were subject to the Code of Obligations, which failed to provide a minimum age of employment. However, according to the Public Health Act, children under 16 could not work more than 8 hours a day.

Child labor was widespread, but appeared to be decreasing. The State Statistical Institute reported that the number of child laborers between the ages of 12 and 17 dropped from 1.5 million in 2001 to 948,000 in 2003.

Child labor was used most often in small-sized enterprises. According to a 2001 study on child labor conducted by Hacettepe University, 79.4 percent of children who were employed lived in rural areas, and 92.6 percent of those children were engaged in the agricultural sector.

In practice, many children worked because families needed the supplementary income. An informal system provided work for young boys at low wages, for example, in auto repair shops. Girls rarely were seen working in public, but many were kept out of school to work in handicrafts, particularly in rural areas. The bulk of child labor occurred in rural areas and often was associated with traditional family economic activity, such as farming or animal husbandry. It was common for entire families to work together to bring in the harvest.

The Government has sought the gradual elimination of child labor and has worked with the ILO to document its extent and determine solutions. The Ministry of Labor had trained 108 of 700 field inspectors on child labor issues. Many children worked in areas not covered by labor laws, such as agriculture or the informal economy, and were therefore beyond the reach of the inspectorate.

Small enterprises preferred child labor because it was cheaper and provided practical training for the children, who subsequently were preferred for future employment in the same workplace. If children employed in these businesses were registered with a Ministry of National Education Training Center, they went to the center once a week for training, and the centers were obliged by law to inspect their workplaces. There were 346 centers located in 81 cities; these centers provided apprenticeship training in 113 occupations. Only 22.8 percent of working children took advantage of these schools.

In accordance with ILO Convention 182 on the worst forms of child labor, the Government identified the worst forms of child labor as children working in the streets, in industrial sectors where their health and safety were at risk, and as agricultural migrant workers (see Section 6.f.). In cooperation with the ILO, the Government was preparing three surveys as part of a plan for eliminating child labor.

There were no reliable statistics for the number of children working on the streets nationwide. The Government operated 28 centers providing assistance to children working on the streets.

e. Acceptable Conditions of Work.—A tripartite government-industry-union body called the Minimum Wage Commission reviewed the minimum wage every 6 months. In December, the Commission set the monthly net minimum wage rate at \$216 (303 million lira). The minimum wage did not provide a decent standard of

living for a worker and family. However, most workers earned considerably more than the minimum wage. Turk-Is has unsuccessfully called on the Ministry of Labor to exercise its authority to waive income tax and social security deductions for minimum wage earners. Workers covered by the labor law, who constituted approximately one-third of the total labor force, also received a hot meal or a daily food allowance and other fringe benefits that, according to the Turkish Employers' Association, accounted for approximately 62.7 percent of total compensation.

The law establishes a 45-hour workweek, prescribes a weekly rest day, and limits the number of overtime hours to 3 per day, for up to 90 days in a year. The Labor Inspectorate of the Ministry of Labor effectively enforced wage and hour provisions in the unionized industrial, service, and government sectors, which covered approximately 12 percent of workers.

The law mandates occupational health and safety regulations, but in practice the Government did not carry out effective inspection and enforcement programs. The law allows for the shutdown of an operation if a five-person committee, which included safety inspectors, employee, and employer representatives, determined that the operation endangered workers' lives. In practice, financial constraints, limited safety awareness, carelessness, and fatalistic attitudes resulted in scant attention to occupational safety and health by workers and employers alike. The law allows workers to remove themselves from hazardous conditions without risking loss of employment.

f. Trafficking in Persons.—The law prohibits trafficking in persons; however, there were reports that persons were trafficked to and within the country for the purposes of sexual exploitation and labor. There were allegations that police allowed operation of informal brothels in Istanbul and could also be bribed by traffickers at ports of entry. There was at least one case of police being arrested on suspicion of involvement in trafficking.

The law designates human trafficking as a crime. Those convicted of human trafficking faced 5 to 10 years imprisonment, but the Government tended to treat trafficking in persons as a voluntary prostitution and illegal migrant issue. During the year, prosecutors opened 14 cases against alleged traffickers, charging a total of 46 suspects. Courts ruled for acquittal in three cases; the remaining cases were ongoing at year's end.

In August, Trabzon police conducted a sweep of hotels, cafeterias, and tea houses and detained 310 foreign women, including women from Russia, Ukraine, and Georgia. Police also detained 190 men, including hotel and cafeteria managers. Authorities deported 69 of the women who said they were voluntarily working as prostitutes, and investigated claims that others were trafficking victims. Police also opened investigations of 17 alleged traffickers in the case. The cases continued at year's end. According to press reports, authorities fired the Trabzon police chief in September following complaints that the raid hurt the tourism industry.

The Government had an Anti-Trafficking Task Force composed of officials from the ministries of Foreign Affairs, Health, Interior, Justice, and Labor, plus the Directorate General for Social Services and Child Protection, the Directorate General on the Status and Problems of Women, and scholars from Marmara University. In April, the Government adopted a National Action Plan developed by the Task force. The International Organization for Migration (IOM), ILO, and UNHCR worked with the Government to address the problem of trafficking.

The Directorate General on the Status and Problems of Women organized a seminar on trafficking in Ankara in December attended by law enforcement officials, NGO representatives, and journalists. The Justice Ministry and the Human Rights Presidency of the Prime Ministry held a number of seminars on human trafficking during the year for judges, prosecutors, journalists, government officials, and NGO representatives. IOM provided trafficking training for the Jandarma.

The country was a transit point and a destination country for victims of trafficking; reportedly there was almost no trafficking of women and girls out of the country. There were no government statistics on the number of trafficking victims. Women were trafficked to the country mostly from Romania, Georgia, Russia, Ukraine, Moldova, and Azerbaijan. It was also a transit country for the trafficking of women primarily from Central Asia, the Middle East, Africa, and the former Yugoslavia to other countries in Europe. Most trafficking activity occurred in Istanbul, Izmir, and Trabzon. Many women came to the country believing that they would be working as models, waitresses, or dancers and found themselves forced into prostitution. Women who attempted to escape their traffickers have been beaten, raped, or killed. There were reports that criminal syndicates forced women to sign work contracts that amounted to debt bondage. Russian and Ukrainian organized crime groups reportedly were the primary trafficking organizations, although

some reports by NGOs suggested that traffickers recruited in Eastern Europe, particularly Moldova.

According to an IOM study released in November, the Government has taken "remarkable steps" over the past 2 years to combat human trafficking, but lacked a consistent, comprehensive approach. The study noted that, until recently, the country had been a country of emigration, with liberal border control policies geared toward attracting tourists and enhancing foreign currency reserves. The study noted that the collapse of the Soviet Union, among other factors, increased the number of irregular migrants to the country. The Government had been unprepared for this change, and was now adjusting its policies. While doing so, it was focused primarily on the need to control illegal border crossings, treating human trafficking as a secondary concern, the study concluded.

Authorities generally detained and deported persons trafficked into the country without proper screening to determine whether they were victims of trafficking. Under the law, if a prostitute or a trafficker is a foreigner, the person is immediately deported. The law authorizes the Ministry of Interior, governors, and sub-governors to deport foreigners after 15 days notice. If the same person is reported again for the same offense, no further notices are made and the person may be deported immediately if detained again. Women were often re-trafficked back to the country after being deported.

There were credible reports that police corruption contributed to the trafficking problem. In July, Erzurum police arrested 11 persons on trafficking charges, including 3 police officers. In addition, prosecutors opened a related case against 13 police officers for alleged involvement in the crime. The case continued at year's end.

The Government did not have a system for victim identification and protection; however, according to the Ministry of Interior, seven foreign citizens exposed to trafficking were issued a humanitarian visa (1 month temporary residence permit). Five additional persons were offered the humanitarian visa but declined and left the country. In principle, government shelters for Turkish victims of domestic violence can be used for trafficking victims, but this had not yet occurred in practice. Some local law enforcement officers reportedly found accommodation for victims at their personal expense. The Government did not have a repatriation program, although authorities repatriated some trafficking victims on a case-by-case basis.

In December, the Government enacted a decree providing free medical care to trafficking victims.

In September, the Government signed a protocol with the Human Resource Development Foundation (HRDF), an Istanbul-based NGO. Under the protocol, the Foundation and the Government agreed to collaborate on a number of anti-trafficking measures, including: Providing shelters for trafficking victims; establishing a center to provide medical and legal assistance to trafficking victims; and raising public awareness of trafficking. By year's end, the Government had not provided funding to carry out the protocol, and the HRDF was in the process of acquiring funding from private and public sources. The HRDF did fulfill a protocol commitment to establish a regional network with NGOs in neighboring countries to coordinate on trafficking issues.

In July, the Tourism Ministry distributed a guide to the tourism industry notifying companies that the Government is obligated by international agreement to take measures against foreigners visiting the country for sex tourism.

A November IOM study reported that only 13 percent of foreigners with residence permits in the country held work permits. During the year, the Interior Ministry developed a new set of guidelines for the issuance of work permits to foreigners in the entertainment sector. Under the guidelines, work contracts must be prepared in Turkish and Russian (contracts in Turkish and French will no longer be accepted) and specify that the employer will pay for the return ticket of the foreign worker, pay at least the minimum wage, and provide the worker the right to contact the police or Labor Ministry. In February, Parliament adopted a new law on work permits for foreigners. The new law places the Labor and Social Security Ministry in charge of work permits for foreigners and establishes clear procedures for applicants. Under the law, foreigners are allowed to work in domestic service for the first time.

The Government has not developed any anti-trafficking information campaigns aimed at the general public.

TURKMENISTAN

Turkmenistan is a one-party state dominated by President Saparmurat Niyazov who exercised power in an authoritarian style by retaining his monopoly on political power and on the Democratic Party, which remained the sole legally recognized political party in the country. Niyazov has been President since independence in 1991, and legally may remain in office until 2010. In August, Niyazov was elected to a life term as Chairman of the People's Council, giving him a substantial say in the selection of any presidential successor. Government efforts continued to focus on fostering centralized state control and the glorification of the President. The 50-member unicameral Parliament (Mejlis) has no genuinely independent authority; in August, the Peoples' Council replaced it as the supreme legislative body. The President controlled the judicial system.

The Ministry of National Security (MNB), formerly the Committee on National Security (KNB), has the responsibilities formerly held by the Soviet Committee for State Security (KGB)—primarily to ensure that the Government remains in power through tight social controls and suppressing dissent. The Ministry of Internal Affairs (MVD) directed the criminal police, which worked closely with the MNB on matters of national security. Civilian authorities maintained effective control of the security forces. Both forces committed numerous, serious human rights abuses.

The country's economy remained dependent on central planning mechanisms and state control, although the Government has taken a number of small steps to make the transition to a market economy. The Government estimated the total population to be 6.1 million; reliable estimates put it at approximately 5 million. The Government claimed GDP was 22 percent; however, other sources claimed it was between 6 and 14 percent. Unemployment remained a serious problem. Some estimates placed unemployment in urban areas at 50 percent and 70 percent in the rural areas. Most of the workforce was engaged in agriculture, which accounted for nearly half of total employment.

The Government's poor human rights record worsened, and it continued to commit numerous serious abuses. Authorities severely restricted political and civil liberties; citizens did not have the ability to change their government. The human rights situation deteriorated markedly after an armed attack against President Niyazov on November 25, 2002, which the Government characterized as an attempt to assassinate the President and in effect a coup d'etat. The Government moved quickly against perceived sources of opposition at home and abroad, requesting that several foreign governments extradite alleged conspirators in the plot. There were widespread, credible reports of human rights abuses committed by officials in the course of investigating the attack, including credible reports of torture. Security forces continued to beat and otherwise mistreat suspects and prisoners. Authorities detained hundreds of relatives of those implicated in the plot, some of whom were tortured, physically abused, denied access to medical treatment, evicted from their homes, and dismissed from their jobs. There were numerous, systematic violations of due process under the law, including arbitrary arrest and detention. The Government denied all charges of abuse but did not provide regular access to foreign citizens accused of participating in the plot or to other prisoners. Both the criminal police and the MNB operated with impunity, abused the rights of individuals, and enforced the Government's policy of repressing the political opposition. The Government refused to facilitate visits by international envoys to investigate reports of human rights abuses, which were called for by the Organization for Security and Cooperation in Europe (OSCE) and the U.N.

Prison conditions remained poor and unsafe, and authorities refused all requests for access to prisons and prisoners by international observers. The denial of visitation rights and medical treatment for prisoners has contributed to several reported deaths in prison. The Government routinely forced its opponents into internal exile. Prolonged pretrial detention and unfair trials remained problems. The Government held at least one political prisoner. Interference with citizens' privacy remained a problem. The Government continued to demolish large numbers of private homes; many displaced homeowners received little or no compensation for their losses. The Government sought to limit marriages between citizens and foreigners.

The Government severely restricted freedom of speech and did not permit freedom of the press. The Government completely controlled the media, censored all newspapers and access to the Internet, and never permitted independent criticism of government policy. Academic freedom declined. The Government severely restricted freedom of assembly and association. The Government did not register any political parties during the year and continued to repress all opposition political activities. The Government intensified its restriction of the activities of nongovernmental

groups, including minority religious groups, most of which were unable to register with the Government. The Government passed an even more restrictive law on religion and exercised control over religious expression. Adherents of unregistered religions were subject to systematic harassment, including arrests, detentions, abuse, and administrative fines. The Government restricted freedom of movement and on March 1 reinstated an exit visa requirement for all citizens wishing to travel outside the country. There were no domestic human rights groups because of restrictions on speech and association. Domestic violence and societal discrimination against women were problems. The Government generally gave favored treatment to ethnic Turkmen over minorities and severely restricted labor rights.

RESPECT FOR HUMAN RIGHTS

Section 1. Respect for the Integrity of the Person, Including Freedom From:

a. Arbitrary or Unlawful Deprivation of Life.—There were no reports of political killings; however, Amnesty International (AI) reported the suspected death in custody of Amanmukhammet Yklymov in March. Relatives reported that he was tortured in the Ashgabat city police building following his arrest on November 25, 2002 (see Section 1.c.).

Some prisoners died due to malnutrition and untreated illnesses, reportedly as a result of authorities withholding food and medical care (see Section 1.c.).

In September, border guards shot and killed two individuals attempting to cross the border from Iran.

b. Disappearance.—There were no reports of politically motivated disappearances.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The Constitution prohibits such practices; however, there were widespread credible reports that security officials tortured, routinely beat, and used force against criminal suspects and prisoners to obtain confessions. There were credible reports that former government officials and others imprisoned for various alleged crimes, including those implicated in the November 2002 attack, were singled out for cruel treatment. An international NGO reported that a security official stated that authorities drugged and tortured more than 100 of those arrested after the attack. Security officials reportedly suffocated some to the point of unconsciousness, beat, and subjected them to electric shock torture and injections of psychotropic substances to coerce confessions during pretrial interrogations.

In April, another person detained for several months with prisoners held in connection with the November 2002 attack said officials routinely employed electric shock torture, beatings, and suffocation to the point of unconsciousness to elicit information. An individual held in connection with the attack and later released said authorities beat him and injected him with psychotropic substances to coerce his confession.

In March, police detained a man, broke his fingers, and severely beat him because they suspected him of illegally purchasing a passport from forgers. In November, assailants, believed to be members of the MNB, abducted and beat a local correspondent. The assailants threatened to kill the man if he continued to air interviews critical of the Government.

There were reports that MNB officers handcuffed to a door and beat Batyr Berdyev, former ambassador to the OSCE and former Foreign Minister, after his arrest in December 2002. In December 2002, authorities beat and used electric shock torture on an elderly man to coerce a confession of involvement in the November 2002 attack.

There were credible reports that authorities detained, tortured, and threatened relatives of those implicated in the attack to coerce confessions. Relatives were beaten with water bottles to avoid bruising, injected with psychotropic drugs, and subjected to electric shock torture; female relatives were sexually assaulted and threatened with rape.

There were reports that authorities detained and tortured at least six relatives or their associates of Saparmurad Yklymov, who was convicted as one of the primary plotters of the November 2002 attack (see Section 1.d.). These included five relatives—Aili, Esenaman, Orazmamed, Amanmukhammet, and Yklymov—and the sister and mother of a fifth brother's girlfriend. MNB officers allegedly used electric shock torture and severely beat them with rubber truncheons and plastic bottles filled with water, as well as threatening to torture their children. One brother was unable to walk and another was unable to hold a pen after their release.

Relatives reported that Amanmukhammet Yklymov was tortured in the Ashgabat city police building following his arrest in November 2002, resulting in the loss of sight in one eye and hearing in one ear and a broken arm. Authorities allegedly placed a plastic bag over his head to restrict his breathing, suspended him by his

arms, and forced him to wear a gas mask to which the air supply was cut off. AI reported his suspected death in March due to the injuries he sustained in custody.

MNB officers detained Esenaman Yklymov in November 2002 and beat him until his ears bled. In January, he was forced to denounce his parents on television and was sentenced to 5 years' imprisonment.

Orazmamed Yklymov confessed to his involvement in the November 2002 attack after law enforcement officers allegedly threatened to torture his son. There were reports that he appeared in court with injuries, including a dislocated arm, swollen eye, and partial hearing loss. On January 19, a court sentenced him to 20 years' imprisonment.

In December 2002, authorities detained relatives of an individual implicated in the November 2002 attack. Authorities beat an elderly male relative with water bottles to avoid bruising and injected a female relative with psychotropic substances, threatened to rape her, and arranged for her expulsion from university.

There were reports that law enforcement officers tortured and abused members of religious minorities (see Section 2.c.).

There were reports that prisoners needing medical treatment were beaten on their way to and from the hospital. Security forces also used denial of medical treatment and food, verbal intimidation, and placement in unsanitary conditions to coerce confessions.

In April, May, and July, there were reports that former high-level officials were denied proper medical treatment and suffered beatings while in detention (see Section 1.d.).

Conditions were poor in prisons, which were unsanitary, overcrowded, and unsafe. Disease, particularly tuberculosis, was rampant, in part because prisoners who were ill were often not removed from the general prison population. Food was poor and prisoners depended on relatives to supplement inadequate food supplies. Facilities for prisoner rehabilitation and recreation were extremely limited. Most prisoners could receive food and sundries once per month from relatives; those who did not suffered greatly. Prisoners held under the "Betrayers of the Motherland" law were unable to receive food, sundries, or visits by relatives (see Section 1.d.). Most were held in the newly constructed maximum security prison at Ovadan Depe, where access to prisoners was extremely limited. There were reports that officials beat prisoners who refused to swear an oath of allegiance to the "Rukhnama," President Niyazov's 2001 spiritual guidebook on the country's culture and heritage (see Section 2.c.).

There were three types of prisons throughout the country: educational-labor colonies; correctional-labor colonies; and prisons. Some prisoners, usually former government officials, were sent into internal exile. In the correctional-labor colonies, there were reports of excessive periods of isolation of prisoners in cells and "chambers." A new prison for hardened criminals and political prisoners at Ovadan Depe, near Ashgabat, was completed in June. Authorities allegedly threatened, harassed, and abused prisoners in an attempt to force some prisoners to renounce their faiths.

In Gyzylgaya prison, located in the Karakum Desert, prisoners were forced to work in a kaolin mine under hazardous and unhealthy conditions (see Section 6.c.).

Men were held separately from women, and juveniles were held separately from adults. Prisoners held in connection with the November 2002 attack were reportedly held separately at the Ovadan Depe prison. Former members of intelligence and security services were typically held in a dedicated facility at Akdash, near Turkmenbashi City. Pretrial detainees were usually held separately from convicted prisoners in detention centers; however, individuals held in connection with the November 2002 attack were held together with convicted prisoners in detention centers prior to their eventual imprisonment.

Some prisoners died due to the combination of overcrowding, untreated illnesses, and lack of adequate protection from the severe summer heat. In August, opposition websites reported that four prisoners implicated in the November 2002 attack had died in detention since the beginning of the year due to malnutrition. There were credible reports that a former high-ranking intelligence official at Akdash prison died in March, a civil society figure at Seidi labor colony died in April, and that others were near death, because prison officials denied them food and medical care. Most of the prisoners implicated in the November 2002 attack were denied visitation rights, which severely restricted their access to food, because families routinely supplied their relatives with additional food items during their visits.

Prison officials refused to respond to inquiries from family members and foreign diplomats about prisoners' whereabouts or physical condition, or to allow family members, foreign diplomats or international observers, including the International Committee of the Red Cross (ICRC), to visit detainees or prisoners, including political prisoners, by year's end. The Government claimed that granting access to pris-

oners would be an admission that there were problems with the country's penal system.

d. Arbitrary Arrest, Detention, or Exile.—The Constitution and law prohibits arbitrary arrest and detention; however, arbitrary arrest and detention were serious problems.

The MNB is responsible for ensuring that the Government remains in power and exercised wide discretion over issues such as exit visas and Internet access, and worked to limit personal freedoms. The MVD directed the criminal police, which worked closely with the MNB on matters of national security. The Minister of the MNB does not formally supervise other ministries; however, the MNB exercised control over personnel changes and enforced presidential decrees. Both the MNB and criminal police operated with impunity. The Government rarely investigated allegations of abuse and did not hold members of the security forces accountable for abuses. Corruption was a problem.

A warrant is not required for an arrest. The Chairman of the Cabinet of Ministers, a position held by the President, has sole authority for approving arrest warrants. Authorities may detain individuals for 72 hours without a formal arrest warrant, but legally must issue a formal bill of indictment within 10 days of detention.

On May 26, authorities arrested Deputy Defense Minister, Serdar Chariyarov, for his alleged involvement in the 2002 attack on the President.

Those expressing views critical of or different from those of the Government were arrested on false charges of economic crimes against the state and various common crimes (see Section 2.a.). Between November 2002 and March, authorities detained several hundred persons implicated in the November 2002 attack and their relatives secretly or arbitrarily, without warrants, and denied them access to legal counsel. A former member of the security service reported to an international NGO that police detained thousands for questioning after the attack, and arrested hundreds of them. Most were held without charge for their perceived political opinions and possible involvement in the attack.

Detainees are entitled to immediate access to an attorney once a bill of indictment has been issued; however, in practice they were not allowed prompt or regular access to legal counsel. Incommunicado detention was a problem. Authorities regularly denied prisoners visits by family members, who often did not know their whereabouts (see Section 1.c.).

In February, President Niyazov signed the "Betrayers of the Motherland" law, which characterizes any opposition to the government as an act of treason. Those convicted under the law face life imprisonment, are ineligible for amnesty or reduction of sentence, and may not receive visitors or food from outside sources. The Government has also made reference to the law to prevent relatives of those convicted in the November 2002 attack from traveling outside the country. By year's end, approximately 50 to 60 persons were arrested or convicted under the law.

In December 2002, authorities arrested Farid Tukhbatulin, on what appeared to be politically-motivated charges. On March 3, he was sentenced to 3 years in a general regime colony, and spent 100 days in detention before he was released on April 1. In his publicized letter of confession, he admitted his guilt of not alerting the MNB about the November 2002 attack, which he allegedly heard about while attending a human rights conference in Moscow.

The Government used house arrest without due process to prevent citizens from meeting with visiting foreign diplomats. In March, the Government placed as many as 100 individuals, including civil society leaders, under house arrest to prevent them from meeting with the visiting OSCE Chairman-in-Office. In July, officials detained NGO leaders, ethnic Russians, and Russian citizens to prevent them from meeting with a Russian delegation investigating the Government's attempt to unilaterally abrogate dual citizenship. In July, the Government confiscated NGO leaders' passports in Turkmenbashi City to prevent them from traveling to Ashgabat to attend the Independence Day reception at a foreign ambassador's residence.

The law provides that a person accused of a crime may be held in pretrial detention for no more than 2 months, which in exceptional cases may be extended to 1 year. In practice, authorities often exceeded these limits. Geldy Kyarizov, who was arrested in 2002 for numerous crimes reportedly because of his disagreements with President Niyazov's policies, remained in detention at year's end.

The Government held many political detainees, although the precise number was unknown. Several hundred relatives and associates of those implicated in the November 2002 attack were held without charge for their perceived political opinions and possible involvement in the attack.

The Government used forced exile and internal exile as punishment during the year. Numerous former ministers and government officials were dismissed from their positions, sent into internal exile, and placed under house arrest (see Section

1.f.). Human Rights Watch reported five cases of internal exile of political or religious dissidents between March and August. The President proposed that the officials, who were sometimes accompanied by their families, could work off their sentences in exile. Almost all prominent political opponents of the Government chose to move to other countries for reasons of personal safety; none returned during the year.

Religious leader Hoja Ahmed Orazgylychev remained in internal exile in Tedjen, after serving a prison term for unregistered religious activity.

e. Denial of Fair Public Trial.—The Constitution provides for an independent judiciary; however, in practice the judiciary was not independent. The President's power to select and dismiss judges subordinated the judiciary to the Presidency. The President appointed all judges for a term of 5 years. There was no legislative review of these appointments, except for the Chairman (Chief Justice) of the Supreme Court, and the President had the sole authority to dismiss all appointees before the completion of their terms.

The court system consists of a Supreme Court, 6 provincial courts (including 1 for the city of Ashgabat), and, at the lowest level, 61 district and city courts. Criminal offenses committed by members of the armed forces are tried in civilian courts under the authority of the Office of the Prosecutor General.

The law provides for the rights of due process for defendants, including a public trial, access to accusatory material, the right to call witnesses to testify on their behalf, a defense attorney, a court-appointed lawyer if they could not afford one, and the right to represent themselves in court. In practice, authorities often denied these rights, and there were few independent lawyers available to represent defendants. Lower courts' decisions may be appealed, and the defendant may petition the President for clemency.

In January, summary trials of those accused in the November 2002 attack began without public notice. Suspects were not afforded regular access to their attorneys, and their attorneys were not allowed to cross-examine other defendants in the case during the pretrial investigation. Attorneys for some defendants received notice that proceedings against their clients were beginning only 15 minutes before the trials (the norm is 1 week). Some defendants did not receive adequate legal counsel. Attorneys for a number of defendants expressed regret for defending their clients in their opening statements, which were broadcast on state-owned television, even though the trials themselves were not public. The Government refused to allow family members or foreign diplomats to observe the proceedings. AI reported that none of the defendants had an independent lawyer representing them during their trial.

Defendants were not allowed to confront or question witnesses against them. Defendants and their attorneys were denied access to government evidence against them; the Prosecutor General's office stated the evidence consisted of "state secrets." The defendants did not enjoy a presumption of innocence. Before the trials began, the Government publicly announced that the principal defendants were guilty and sentenced them to life imprisonment under the new "Betrayers of the Motherland" law. Sentences for those convicted of involvement in the November 2002 attack ranged from life imprisonment to forced resettlement. The systemic failure to observe due process in investigating and prosecuting prisoners implicated in the attack made it difficult to distinguish between those actually complicit in the attack and some who may be political prisoners convicted for their perceived political opposition views. An OSCE Rapporteur described the trials as "in breach of all the most elementary principles of the rule of law."

Courts allegedly ignored allegations of torture that defendants raised in trial. The court reportedly ignored the allegations of Amanmukhammet Yklymov that he was tortured in police custody following his arrest in November 2002 (see Section 1.c.).

In practice, adherence to due process in other cases was not uniform, particularly in the lower courts in rural areas. Even when due process rights were observed, the authority of the government prosecutor was so much greater than that of the defense attorney that it was very difficult for the defendant to receive a fair trial. In an October 2002 case against two former senior officials, the Ashgabat City Court refused to admit evidence critical to the defense, despite the fact that it appeared to be admissible under the law.

In general, observers were not permitted access to ostensibly open court proceedings. The Government physically prevented foreign diplomats from attending the trials of accused November 2002 attackers and of a civil society activist in March; however, foreign diplomats attended the trial of two former officials in October 2002 and of a member of Jehovah's Witnesses in May (see Section 2.c.).

Although the Penal Code prohibits a person from being sentenced twice for the same offense, there were two reports of members of Jehovah's Witnesses being convicted twice for their religious belief. In May 2002, Keston News Service reported

that Nikolai Shelekhov, a member of Jehovah's Witnesses, was convicted a second time for refusing conscription based on his religious beliefs; he remained in detention at year's end. Shelekhov had already served a full prison sentence for the same charge. Kurban Zakirov, a member of Jehovah's Witnesses, remained in detention for refusing to swear an oath of loyalty to the President, despite having served his full prison sentence. He was sentenced to 1 year in prison in 1999, but was reportedly twice denied release.

The Government published a list of 7,093 amnestied prisoners (6,946 citizens and 147 foreigners) in November who were to be released under the annual presidential amnesty; the actual number of prisoners released remained unknown. No former government officials sentenced for crimes committed during their tenures in office were eligible; no prisoners held for religious beliefs, political activities, or participation in the November 2002 attack were released.

At year's end, the Government held at least one political prisoner, Mukhametkuli Aimuradov, although his sentence was reduced by half in accordance with the 2001 prisoner amnesty. The Government variously claimed that it convicted and sentenced 56, 61, or 63 individuals for their involvement in the November 2002 attack. Estimates by other observers suggested the actual number was much higher. It was unclear how many of those convicted were actually involved in the attack.

The Government systemically failed to enforce the law with respect to restitution or compensation for confiscation of private property (see Section 1.f.).

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The Constitution prohibits such actions; however, authorities frequently violated these rights. Rules restrict searches of private homes; however, authorities violated these restrictions on a massive scale during the year to investigate the November 2002 attack against President Niyazov. There were credible reports that authorities forcibly searched the homes of the accused and their families without warrants. Authorities confiscated homes, vehicles, and possessions of hundreds of relatives of those implicated in the November 2002 attack, often without notice and a court order. Confiscated vehicles were given to officials as rewards for their work in the investigation into the attack. Relatives of some of those implicated in the attack were evicted several times from different homes. Some relatives were told that they would be forced to relocate to other areas of the country under the rubric of a new resettlement plan proposed by President Niyazov (see Section 1.d.). In numerous cases, the Government punished family members for alleged violations by other individuals (see Sections 1.c. and 1.d.).

In November, as the first anniversary of the November 2002 armed attack on the President's motorcade, authorities tightened security across the country. Authorities conducted widespread searches of individual's homes and vehicles of those they suspected as a possible threat to the Government.

There were credible reports that the Government targeted ethnic Russians for eviction from their homes in the wake of its attempt to unilaterally abolish dual Russian-Turkmen citizenship provisions.

The law does not regulate the conduct of surveillance by the state security apparatus, which regularly monitored the activities of officials, citizens, opponents and critics of the Government, foreign diplomats, other foreign residents, and visitors. Security officials used physical surveillance, telephone tapping, electronic eavesdropping, and the recruitment of informers. There was one government-controlled Internet service provider. The Government monitored citizens' e-mail and Internet usage and cut service for accounts used to visit sensitive sites. Critics of the Government, and many other persons, reported that their mail was intercepted before delivery. Mail taken to the post office must remain unsealed for inspection.

The Government engaged in forcible resettlement and has stated its intention to do so on a broad scale. In September, authorities abducted, beat, and forcibly resettled an elderly man in retaliation for his relative's political affiliation. In November 2002, the President issued a decree for resettlement of residents of Dashoguz, Lebap, and Ahal Velayats (provinces) to an area in the northwest of the country, stating that the plan would better distribute labor resources and prompt agricultural development of rural areas of the country. Observers suggested that the resettlement plan would principally affect ethnic Uzbeks living in those velayats (see Section 5). In January, the President called for accelerated implementation of the resettlement plan, stating that it would encompass those who had "lost the respect of the nation and disturbed social tranquility with their bad behavior," a remark widely interpreted as being directed at those implicated in the November 2002 attack and their relatives. The Government forced refugees to leave the country during the year (see Section 2.d.).

During the year, authorities dismissed children from school and removed adults from their jobs because of the political activities of relatives. Many relatives of those

implicated in the November 2002 attack lost their jobs in connection with the Government's investigation. School-aged children of suspects and their relatives were publicly shunned; university students related to those implicated in the attack were forced to withdraw under threat of public condemnation. Authorities also threatened families of political opposition members living abroad with loss of employment and homes (see Section 3). In September 2002, President Niyazov reiterated a call for background checks that would span three generations to determine the "moral character" of university applicants and potential government appointees (see Section 2.a.).

During the year, the Government continued to demolish large numbers of private homes in Ashgabat, including those to which residents had valid legal title, as part of a beautification program. The Government required many evicted families to pay for removal of the rubble of their destroyed homes. In some cases, authorities reportedly gave persons as little as 12 hours to collect their belongings and vacate their homes. Citizens who built their homes without governmental approval were not offered alternate accommodations, despite their personal investment in the property, their length of occupancy, or the degree of hardship they faced as a result. Many built homes with the acquiescence of officials, who extorted bribes to allow the construction. In some cases, the same officials ordered the subsequent destruction of the homes. The media reported that some homeowners failed to follow proper construction rules and therefore violated their construction permits. Others who had proper building permits were offered apartments or plots of land in compensation; however, such plots were often undeveloped and nonirrigated.

In May, the Government passed new regulations to control citizens operating their own vehicles, prohibiting loud music and smoking while driving. Drivers can be stopped and their vehicles searched if police suspect violations of the new rules.

A 2001 presidential decree prohibits foreigners or stateless persons from marrying citizens without meeting several requirements. The noncitizen must have been a resident of the country for a year, own a home, be at least 18 years of age, and must post a "divorce bond" of \$50,000 with the Government. There were no reports of such marriages in the country under the law; however, there were reports that some individuals married abroad to bypass the law. The requirements were purportedly instituted to protect citizen spouses and children.

On August 31, four MVD officers reportedly abducted Sazak Begmedov without a warrant, beat and kicked him, and forced him into internal exile, after his daughter founded the Turkmenistan Helsinki Federation in Bulgaria (see Section 4).

In a pattern of harassment of the relatives of Saparmurad Yklymov, who was convicted as one of the primary plotters of the attack, law enforcement officers reportedly forcibly evicted Edzhebay Yklymov, his 75-year-old wheelchair-bound mother, and several children in November 2002 and again on March 27 (see Section 1.c.).

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution provides for freedom of speech and of the press; however, in practice, the Government severely restricted freedom of speech and did not permit freedom of the press. In practice, those expressing views critical of or different from those of the Government were arrested on false charges of committing common crimes (see Sections 1.d. and 2.b.). Criticism of the Government could also lead to personal hardship, including loss of opportunities for advancement and employment (see Section 1.f.). In December 2002, the presidential spokesman criticized international media representatives for their reporting on the November 2002 attack against the President, urging them to base their reports solely on information released via official government channels. He threatened to deprive them of accreditation as journalists if they reported any "arbitrary phrases or evaluations" that were inconsistent with the Government's characterization of the event. The OSCE Representative on Freedom of the Media criticized the country's "absolute lack of any freedom of expression."

The Government funded almost all print media. The Government censored newspapers; the Office of the President's Press Secretary's approval was required for pre-publication galleys. There were 22 newspapers published in Turkmen, and only 1 official newspaper in Russian. Foreign newspapers from abroad were not easily obtainable; in July 2002, the Government prohibited delivery of all Russian-language newspapers into the country, citing high airmail delivery rates. The Government used newspapers to attack its critics abroad. To regulate printing and copying activities, the Government required all publishing houses and printing and copying establishments to obtain a license and register their equipment. The Government required the registration of all photocopiers and that a single individual be responsible for all photocopying activity.

All publishing companies were state-owned, and works by authors of fiction who wrote on topics that were out of favor with the Government were not published. The government-controlled Union of Writers in the past expelled members who criticized government policy, and libraries removed their works.

The Government completely controlled radio and local television. Owners of satellite dishes had access to foreign television programming, and use of satellite dishes throughout the country was widespread. Satellite-cable television was restored after the President cut service in July 2002; however, certain channels were no longer received and some service was cut again in September.

The Government required all foreign correspondents to apply for accreditation.

In July and September, Turkmen reporters with Radio Liberty stationed in Moscow were attacked and beaten in Moscow. Reports indicated that Turkmen intelligence was involved in both incidents. In September, MNB officers abducted a reporter in Ashgabat, detained and questioned him for 3 days, and threatened him with a life sentence in prison if he continued his reporting; his home telephone and Internet service were also disconnected. On November 14, unidentified assailants forcibly abducted, beat, and threatened to kill Radio Free Liberty/Radio Liberty (RFE/RL) correspondent Saparmurat Ovezberdiev. The assailants told Ovezberdiev they were "annoyed" by his reporting, particularly on civil society developments and human rights abuses in the country and cautioned that they were "warning" him. They demanded that he leave approximately \$909 (20 million manat) as "insurance" for his welfare at a shop near his home before leaving him blindfolded and without shoes in the cemetery.

The Government prohibited the media from reporting the views of opposition political leaders and critics, and it never allowed criticism of the President. Domestic journalists and correspondents for foreign news services engaged in self-censorship due to fear of government reprisal.

The obsessive focus of the media on President Niyazov continued during the year and amplified the cult of personality centered around him. Criticism of officials was only permitted if it was directed at those who had fallen out of favor with the President, and public criticism of officials was done almost exclusively by the President himself.

On numerous occasions in the past, the Government warned its critics and foreign diplomats against speaking with visiting journalists or other foreigners wishing to discuss human rights problems. In January, the Ministry of Foreign Affairs warned a foreign diplomat not to speak with opposition members living abroad or with their family members living in the country, characterizing them as "terrorists." Several government employees lost their jobs after attending receptions at a foreign ambassador's residence. The Ministry of Education had urged employees not to attend the receptions.

Intellectuals and artists reported that security officials instructed them to praise the President in their work and warned them not to participate in receptions hosted by foreign diplomatic missions. The Ministry of Culture's approval was required before plays opened to the public, ensuring that they did not contain anti-government or anti-presidential content. In 2001, the President closed the state-sponsored opera and ballet in Ashgabat, claiming that there was no place for such institutions in society. Foreign music was still taught and performed throughout the country; however, there was little or no official support for non-Turkmen music.

While Internet access was available, state-owned Turkmen Telecom was the sole Internet provider (see Section 1.f.). Internet access was prohibitively expensive for most citizens. There was evidence that the Government monitored access to opposition websites, based in Russia, through Turkmen Telecom.

During the year, the Government increased its already significant restrictions on academic freedom. It did not tolerate criticism of government policy or the President in academic circles, and it discouraged research into areas it considered politically sensitive, such as comparative law, history, or ethnic relations. No master's degrees or doctorates have been granted in the country since 1998. Since 2000 universities have reduced the period of classroom instruction from 4 years to 2 years in accordance with President Niyazov's declaration that higher education should consist of 2 years of classroom education and 2 years of vocational training. The President also decreed that foreign languages in the public education system could be taught only in special language centers and classes. Foreign language instruction was also available in private centers. Restrictions on instruction in non-Turkmen languages and limited availability of Turkmen-language textbooks contributed to the declining quality of education. The Government closed the Academy of Sciences in the 1990s, and has failed to create an acceptable alternative.

Since September 2002, each child is required to bring to school a personal copy of the Rukhnama. Teachers were discouraged from bringing alternative viewpoints

into the classroom. The works of several writers, poets, and historians were placed on a blacklist and withdrawn from public schools and libraries because their portrayal of Turkmen history differed from that of the Government.

In September 2002, President Niyazov reiterated the call for background checks that would span three generations in order to determine the “moral character” of university students prior to entry.

b. Freedom of Peaceful Assembly and Association.—The Constitution provides for freedom of assembly; however, the Government restricted this right in practice. Permits are required for public meetings and demonstrations; however, authorities never granted them. Unregistered organizations, particularly those perceived to have political agendas, were not allowed to hold demonstrations. There have been no demonstrations since the November 2002 attack. In May 2002, approximately 100 persons spontaneously demonstrated outside a Turkmenbashi courthouse protesting the guilty verdict of Khalmamed Durdiev (see Section 1.d.).

Students from Turkmen State University (TSU), who distributed leaflets criticizing the Government at markets and schools in 2002, remained in detention at year’s end.

The Constitution provides for freedom of association; however, the Government severely restricted this right in practice. A new law on public associations that took effect November 21 limits the ability of foreign donors to provide grants and assistance to civil society groups. Key provisions include: Requiring that all nongovernmental organizations (NGOs) register, making operation of unregistered groups a criminal offense, and requiring that all foreign assistance be registered with the State Agency for Investment, Ministry of Justice, and “coordinated” through the Ministry of Foreign Affairs.

No political groups critical of government policy were able to meet the requirements for registration (see Section 3). The only registered political party was the Democratic Party, the former Turkmen Communist Party. It was extremely difficult for new NGOs to register with the Government. The Beekeepers’ Association was the only NGO able to register during the year; it was the group’s seventh application. NGOs that could not register successfully with the Government often were forced to join an already registered NGO as a subgroup to gain the legal benefits of registered NGOs.

The Government does not prohibit membership in a political organization; however, in practice those who claimed membership in political organizations other than the Democratic Party of Turkmenistan were harassed in the past.

The law provides citizens the freedom to associate with whomever they please; however, authorities have fired or threatened to fire supporters of opposition movements from their jobs, removed them from professional societies, and threatened them with the loss of their homes (see Section 1.f.). In addition, some citizens with links to foreigners were subject to official intimidation. Officials questioned some representatives of NGOs and civil society activists after attending a reception in honor of International Human Rights Day at the residence of a foreign ambassador. On several separate occasions, security officials stopped vehicles and questioned citizens as to why they were traveling with foreign citizens.

c. Freedom of Religion.—The Constitution and the Law on Freedom of Conscience and Religious Organizations provide for freedom of religion; however, in practice the Government severely restricted these rights. On November 10, a new law took effect that provides a legal basis for the Government’s systematic harassment of religious minority groups. The law requires that all religious organizations register, making operation of unregistered religious organizations a criminal offense and further restricting religious education. Authorities have interpreted the law to control religious life tightly and to restrict severely the activities of all religions. There are no safeguards in the legal system that provide for remedy against violation of religious freedom or persecution by private actors. In April, the Government resumed systematic harassment of religious minorities, which had largely abated since June 2002.

There is no state religion, but the majority of the population is Sunni Muslim. The Government has incorporated some aspects of Islamic tradition into its efforts to redefine a national identity. However, the Government placed some restrictions on Muslims.

AI documented many instances of law enforcement officers torturing or abusing members of religious minorities.

Mosques were required to keep copies of Rukhnama. The President attempted to use these teachings in part to supersede other established religious codes, as well as historical and cultural texts, and thereby shape citizens’ religious and cultural behavior. In November, the MNB closed down a mosque that failed to place the Rukhnama on the same stand with the Koran for Friday prayer.

The law on religious organizations requires all congregations to register with the Government; however, to register, a congregation must have 500 citizens (all at least 18 years old) in each locality in which it wishes to register. Authorities have interpreted the law to mean that a congregation with 500 members throughout the country, but not in a single locale, cannot register. As a result of these requirements, the Government continued to deny registration to religious communities, except Sunni Muslims and Russian Orthodox Christians, most of whom have succeeded in registering. Despite the fact that they had more than the required 500 members, the Government refused to register the Jehovah's Witnesses. Certain smaller congregations of Russian Orthodox Christians were prevented from gathering despite the religion's registration with the Government.

Non-registered religious congregations were present in the country, including Bahai's, Baptists, Hare Krishnas, Jehovah's Witnesses, Pentecostals, and Seventh-day Adventists among others; however, the Government restricted their activities. Non-registered groups were officially prohibited from conducting religious activities, including gathering, disseminating religious materials, and proselytizing. This was a consequence of the Government's interpretations of the law, although the law itself does not prohibit non-registered religious groups from gathering. The Law on Public Associations specifically excludes its application to religious gatherings. Nevertheless, authorities regularly applied the Law on Public Associations when non-registered religious groups met, even if the meetings occurred in private homes. According to the country's administrative code, participants are subject to fines, administrative arrest, and criminal prosecution.

There was a significant increase in the reports of government harassment of all non-registered religions during the year. In March, authorities raided a meeting of a non-registered religious minority group and assessed each member administrative fines of approximately \$11 (242,000 manat), although a teenage boy and pensioner were exempted. In April, police raided a meeting of a non-registered religious minority group in Ashgabat and detained 11 adults and 13 children. Authorities held most for 6 hours, but they held three of the adults overnight and confiscated the group's bibles, saying they were contraband. Authorities have detained and threatened with loss of employment other members of a religious group located in Abadan. In September, November, and December authorities raided unregistered religious meetings, confiscated material and imposed stiff fines on members. In early December, the Government arrested members of the Balkanabad Baptists, who refused to register and were assessed increasing fines during the year for unregistered religious activity.

Ethnic Turkmen who converted to Christianity have been subjected to official harassment and mistreatment. Ethnic Turkmen members of unregistered religious groups accused of disseminating religious material received harsher treatment than members of other ethnic groups, particularly if they received financial support from foreign sources.

The Government controlled the establishment of Muslim places of worship and limited access to Islamic education. The state-supported Council on Religious Affairs (CRA) was part of the government bureaucracy and appeared to exercise direct control over the hiring, promotion, and firing of both Sunni Muslim and Russian Orthodox clergy, although the Law on Religion does not include this role among the CRA's duties.

In April, authorities closed an Islamic secondary school operating under the auspices of the sole remaining theological faculty, reportedly in part due to the refusal of school administrators and teachers to promote Rukhnama as an orthodox Islamic text. In January, the popular Mufti was demoted and replaced, reportedly because he declined to call for the death penalty for the perpetrators of the November 2002 attack against the President and he failed to promote the Rukhnama. Only one institution of Islamic education remained open, and the Government controlled the curriculum of this instruction. All annual classes of religious students were limited to between 15 to 20 students a year.

There were credible reports that authorities pressured Russian Orthodox priests in March to teach Rukhnama in their services in Turkmenabat and Ashgabat.

Foreign missionary activity is prohibited, although both Christian and Muslim missionaries were present in the country.

The Government attempted to restrict the freedom of parents to raise their children in accordance with their religious beliefs. There was no official religious instruction in public schools; however, students were required to study Rukhnama at all public schools and institutes of higher learning (see Section 2.a.).

Unregistered religious groups faced government harassment if they attempted to distribute religious literature.

After the Government officially reinstated the exit visa regime in March and restricted external movement by citizens, it prohibited members of unregistered religious groups from traveling to other countries for religious meetings without interference. During the year, the Government controlled the number of persons allowed to participate in the annual Muslim pilgrimage to Mecca (the Hajj), specifying that only 187 pilgrims would be allowed to journey to Mecca (out of the country's quota of 4,600).

Five members of the Jehovah's Witnesses remained in prison for refusing to swear an oath of loyalty by placing a hand on the Koran (see Section 1.e.).

The societal attitude toward conversion from Islam to any other religion generally was surprise, and often disapproval.

For a more detailed discussion, see the 2003 International Religious Freedom Report.

d. Freedom of Movement within the Country, Foreign Travel, Emigration, and Repatriation.—The Government severely restricted freedom of movement. In March, the Government reinstated the exit visa requirement and created a state service to control access to the country and regulate issuance of exit visas to citizens and monitor travel by foreigners within the country. The service is composed of representatives from security agencies and designed to limit foreigners' access to the country and track their movements after entry. The exit visa requirement is ostensibly designed to prevent criminals, people with knowledge of state secrets, and those who must serve or have other obligations to the state from traveling. In practice, the reimposition of exit visas severely restricted all citizens' rights to travel, work, and study abroad.

Citizens still carried internal passports, which were used primarily as a form of identification, rather than as a means of controlling movement. The Government tightened restrictions on travel to border cities and regions and maintained large parts of the country as restricted zones. Residence permits were not required, although the place of residence was registered and noted in passports. The Government confiscated the passports of political opponents to enforce internal exile during the year.

The Government refused to issue exit visas to some students selected for study abroad and exchange programs. In August, the Government refused to issue exit visas to participants in an agricultural exchange program. There were numerous, credible reports that individuals who succeeded in obtaining exit visas paid bribes to do so. The Government impeded operations of foreign embassies and international organizations by selectively refusing exit visas to local staff.

In April, the Government issued a unilateral decree giving Russian-Turkmen dual citizens 2 months to choose between citizenship in Russia or Turkmenistan. The decree violated a protocol the two countries signed in April to terminate dual citizenship only after both sides ratified the protocol and provided official notification. The decision to issue a unilateral decree affected up to 150,000 mostly ethnic Russians living in the country, prompting thousands of ethnic Russians to leave. There were reports that authorities harassed ethnic Russians and confiscated their property to hasten their migration. Observers believed that the presence of a large number of Turkmen opposition figures in Russia prompted the unilateral termination of dual citizenship.

Since 2002, there were restrictions for citizens traveling to Iran and Uzbekistan, purportedly to control narcotics trafficking and other smuggling. The Government charged a \$6.00 (132,000 manat) fee for travel and required individuals to register their travel, indicating the reason and duration of the trip and whom they intended to visit.

The Government discouraged immigration of ethnic Turkmen living in Iran, Iraq, Turkey, and other countries and immigration of non-Turkmen from the former Soviet Union (see Section 5).

The law provides for the granting of refugee or asylum status to persons who meet the definition in the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. The law establishes procedures and conditions for recognizing refugee status and sets the legal, economic, and social rights of refugees. In practice, the Government provided some protection against refoulement; however, the Government confirmed in December that it deported some ethnic Uzbek refugees to Uzbekistan in July. The Government granted refugee or asylum status to some ethnic Turkmen from Afghanistan. They also allowed some Tajik refugees and migrants to reside in the country. The country provided temporary protection to persons who did not qualify as refugees or asylees, if the person was recognized under the mandate of the U.N. High Commissioner for Refugees (UNHCR). During 2002, the Government granted temporary protection to 58 persons.

The Government cooperated with the UNHCR and other humanitarian organizations in assisting refugees. After the start of international military operations in Afghanistan, the Government agreed to increase its cooperation with the UNHCR, the International Organization for Migration (IOM), and other international refugee and relief agencies to assist refugees from Afghanistan. The Government also played an important role in facilitating the flow of humanitarian assistance for refugees who remained in Afghanistan.

Section 3. Respect for Political Rights: The Right of Citizens to Change their Government

Citizens did not have the ability to effect peaceful change in the Government and had little influence on government policy or decision-making. The Constitution declares the country to be a secular democracy in the form of a presidential republic. It calls for the separation of powers among the various branches of government, but vests a disproportionate share of power in the Presidency. In practice, the President's power over the state was absolute; despite the appearance of decision making by consensus, most decisions were made at the presidential level.

The 50-member Parliament (Mejlis) routinely supported presidential decrees and had no real independence. In April, elections for the People's Council, which became the supreme legislative body in August, and local council representatives were rescheduled at the last minute to accommodate the cotton harvest. The People's council, which includes elders, members of the Mejlis, and other state officials, has fully supplanted the Mejlis. It has the power to dissolve the Mejlis and is the primary forum where President Niyazov proposes and receives immediate approval for his new laws. Polling stations visited by foreign diplomats were nearly deserted, but the Government claimed that 99.8 percent of eligible voters participated. All candidates were members of the Democratic Party, the sole legally recognized political party in the country. Diplomatic observers noted extensive use of mobile ballot boxes and numerous instances of family voting.

In August, during the People's Council, President Niyazov stated publicly that he would retire in 2010 and discussed holding elections between 2006 and 2008. A constitutional amendment adopted in August prohibits persons over 70 from being elected President (Niyazov is 63). He was simultaneously made Chairman for life of the Peoples' Council, giving him substantial authority to approve any potential successor.

A 1994 national referendum, which was neither free nor fair, extended the President's term to 2002, eliminating the need for the scheduled presidential election in 1997. A 1999 law allowed an exception to the constitutionally mandated maximum of two 5-year terms for the President; however, the exception only applies to Niyazov, as the country's first president, effectively conferring on him a lifetime term in office.

The sole candidate in the 1992 presidential election was Saparmurat Niyazov, the incumbent and nominee of the Democratic Party. The Government announced the election barely a month before voting day, giving opposition groups insufficient time to organize and qualify to submit a candidate. The policy of the Democratic Party, according to its leadership, was to implement the policy of the President. Citizens must swear a national oath of personal allegiance to President Niyazov in particular, rather than just to the presidency as a general institution.

No political groups critical of the Government were able to register (see Section 2.b.). The only registered party was the Democratic Party. The Government used laws on the registration of political parties to prevent the emergence of potential opposition groups.

There were 14 women in the 50-member Mejlis. Women served in a few government positions, including Deputy Chair of the Mejlis, Chairman of the Central Bank, Prosecutor General, Ambassador to the U.N., and a provincial governor (Hakim). Women often occupied the position of deputy Hakim.

Preference was given to ethnic Turkmen in appointed positions in the Government but ethnic minorities occupied several high governmental positions. There were 48 ethnic Turkmen, 1 ethnic Russian, and 1 ethnic Tatar in the Mejlis. The largest tribe—the Teke—held the most prominent roles in cultural and political life.

Section 4. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

There were no domestic human rights monitoring groups, and government restrictions on freedom of speech, press, and association made it extremely difficult for international organizations to investigate and criticize publicly the Government's human rights policies. Officials were not cooperative and responsive to their questions regarding alleged human rights abuses. Several independent journalists based

in Russia reported on human rights in the Russian press and had contact with international human rights organizations. On numerous occasions in the past, the Government warned its critics against speaking with visiting journalists or other foreigners wishing to discuss human rights problems.

During the year, the Government increased pressure and harassment of non-political social and cultural organizations. Harassment of activists included physical mistreatment, imprisonment, detention, and routine summoning for questioning at security services. Authorities increased monitoring of NGOs and civil society groups around the country after the November 2002 attack. The Government closely monitored all visits by embassy officers to NGOs and warned NGO leaders to limit contact with foreigners. In August, an NGO lost its teaching facility and MNB officers questioned NGO leaders after they met with foreign diplomats. Farmers who allowed diplomats to visit their farms were told future visits must receive advance government approval.

The Government retaliated against members of human rights monitoring groups and their families (see Section 1.f.).

In September 2002, a local security officer closely questioned a Peace Corps local staffer about the activities of their organization's volunteers. In the wake of the November 2002 attack, authorities closely questioned host families about the activities of Peace Corps volunteers and stopped and searched a vehicle in which a Peace Corps volunteer was traveling.

There were no international human rights NGOs with an ongoing permanent presence in the country; however, international human rights groups monitored the situation during the year. For example, in August the Soros Foundation's Open Society Institute initiated its Turkmenistan Project, which monitored civil society and human rights developments. During the year, the Turkmenistan Helsinki Federation was founded in Bulgaria to report on human rights (see Section 1.f.).

In April, the U.N. Commission on Human Rights adopted a resolution criticizing post-November 2002 human rights abuses in the country and calling on the Government to facilitate visits by U.N. envoys. The Government rejected the resolution, saying the claims were untrue and that it had not been consulted before its adoption. The Government did not facilitate the visit of envoys called for in the resolution by year's end.

Responding to human rights abuses committed after the November 2002 attack, the OSCE invoked the Moscow Mechanism in January and designated a rapporteur to visit the country and investigate the situation. The Government denied the rapporteur's visit and refused to accept the credibility of the rapporteur's report. The Government also refused to grant the ICRC access to prisons (see Section 1.c.).

The Human Rights Institute, nominally headed by President Niyazov, oversaw the work of law enforcement agencies, the military, and the judiciary, but it appeared to have little real authority. The National Institute for Democracy and Human Rights (IDHR) continued to receive complaints during the year. The Institute's mandate is to support the democratization of the Government and society and to monitor the protection of human rights. The Institute maintained four full-time staff members to receive and resolve citizen complaints of arbitrary action. In principle, the Institute reviews complaints and returns its findings to the individual and the organizations involved; however, the Institute was not an independent body, and its ability to obtain redress was limited. Authorities sometimes physically denied individuals access to the IDHR who were seeking to register complaints.

Section 5. Discrimination Based on Race, Sex, Disability, Language, or Social Status

The Constitution provides for equal rights and freedoms for all, independent of nationality, origin, and language, and gender; however, cultural traditions and the Government's policy of promoting ethnic Turkmen identity limited the employment and educational opportunities of ethnic minorities.

Women.—Anecdotal reports indicated that domestic violence against women was common, but no statistics were available. The problem was not usually discussed in society, and the majority of victims of domestic violence kept silent, because they were either unaware of their rights or afraid of increased violence from their husbands and relatives. There were a few court cases and occasional references to domestic violence in the media. One official women's group in Ashgabat and several informal groups in other regions supported victims of domestic violence.

The law states that rape is illegal, and the law against rape was enforced effectively. Individuals held for religious offenses stated that authorities threatened to rape female family members if they continued their activities. There were credible reports that in December 2002, authorities raped and sexually molested female relatives of prisoners implicated in the November 2002 attack (see Section 1.c.).

Prostitution is illegal; however, it was a growing problem. There were unconfirmed and anecdotal reports that women traveled to other countries to work as prostitutes, some of whom may have been trafficked (see Section 6.f.).

There is no law that specifically prohibits sexual harassment, although a case could be tried under existing legislation. There were anecdotal reports that sexual harassment existed in the workforce; however, the Government did not discuss this topic publicly.

Women were underrepresented in the upper levels of state-owned economic enterprises and were concentrated in health care, education, and service professions. Women were restricted from working in some dangerous and environmentally unsafe jobs. Despite such restrictions, women were well represented in a variety of sectors. Additionally, the military academy graduated its first battalion of female cadets in June. The law provides women the same inheritance and marriage rights as men. However, in Turkmen traditional society, the woman's primary role was as homemaker and mother, and family pressures often limited opportunities for women seeking to enter careers outside the home and advance their education. Religious authorities, when proffering advice to practicing Muslims on matters concerning inheritance and property rights, often favored men over women.

There were only two officially registered women's groups, one of which was headed by the Deputy Chairperson of the Mejlis and dedicated in honor of the President's mother. Some NGOs also worked on women's issues. The Government did not acknowledge that women suffered discrimination and therefore had no specific program for rectifying their disadvantaged position in society.

Children.—The Government's social umbrella covered the welfare needs of children; however, the Government did not take effective steps to fully address the environmental and health problems that have led to a high rate of infant and maternal mortality.

The Government provides 9 years of basic education. There was little difference in the education provided to girls and boys. Primary and secondary education was free and compulsory; however, class sizes continued to increase rapidly, facilities deteriorated, and funds for textbooks and supplies decreased. Approximately 95 percent of children between the ages of 7 and 16 attended school on a regular basis; approximately 1.3 percent of school-age children did not attend school. Girls comprised an estimated 49.1 percent of the student population. The amount of classroom time dedicated to learning Rukhnama increased during the year, negatively affecting the overall quality of education.

A 2000 presidential decree continued to reduce the number of teachers, which exacerbated the problems of already crowded classrooms and overworked teachers and further reduced the quality of education in the country. Wages for teachers and administrators were in arrears in many districts and routinely paid 2 to 3 months late; this, coupled with low salaries, has caused some teachers to leave the field and seek jobs in the private sector, increasing the ratio of pupils to teachers.

There were a few reports of abuse of children, although there was no societal pattern of such abuse.

Child labor was a problem (see Section 6.d.).

Persons with Disabilities.—There was some discrimination against persons with disabilities in employment, education, and the provisions of state services. The Government provided subsidies and pensions for persons with disabilities, although they were inadequate to maintain a decent standard of living. Monthly pensions usually were approximately \$68 (1.5 million manat). Care for persons with disabilities was provided at the local level. Children with disabilities, including those with mental disabilities, were placed in boarding schools, in principle with educational and future employment opportunities provided if their condition allows for them to work; in practice neither was provided.

Legislation requires that new construction projects include facilities to allow access by persons with disabilities; however, compliance was inconsistent, and older buildings were not so equipped.

Although some societal discrimination existed, many citizens engaged in activities to assist persons with disabilities.

National/Racial/Ethnic Minorities.—The Constitution provides for equal rights and freedoms for all citizens. Approximately 77 percent of the population was Turkmen; Uzbeks comprised 9 percent; and Russians, 7 percent. There were smaller numbers of Kazakhs, Armenians, Azeris, and many other ethnic groups. At the People's Council meeting in August, the President declared that the country is multi-ethnic; however, he claimed that ethnic Turkmen comprised 95 percent of the population. Uzbeks reported discrimination, including a directive that only ethnic Turkmen can enter officer training at the military academy. There were reports that

ethnic Uzbeks experienced discrimination in job opportunities. In November 2002, President Niyazov issued a decree for resettlement of residents of Dashoguz, Lebap, and Ahal Velayats to an area in the northwest of the country (see Sections 1.f. and 2.d.), and in January he ordered that the plan be accelerated. Reports suggested that the resettlement plan would principally affect ethnic Uzbeks living in those velayats.

The Constitution designates Turkmen as the official language. It was a mandatory subject in school, although it was not necessarily the language of instruction. The Government closed most remaining Russian-language schools and continued to reduce classes taught in Russian to encourage use of the Turkmen language. Members of ethnic minorities feared that the designation of Turkmen as the official language placed their children at a disadvantage educationally and economically.

The Constitution also provides for the rights of speakers of other languages to use such languages. While Russian remained common in commerce and everyday life, the Government intensified its campaign to conduct official business solely in Turkmen. The President publicly criticized some high-ranking officials for their failure to speak Turkmen. Russian-language newspapers were not widely available (see Section 2.a.). The Government reportedly gave ethnic minority employees at ministries deadlines to learn Turkmen, and dismissed some government employees for failure to learn the language. During the year, the Government required employees of some ministries to pass tests demonstrating knowledge of the Rukhnama and dismissed those who failed.

Non-Turkmen complained that some avenues for promotion and job advancement were no longer open to them and only a handful of non-Turkmen occupied high-level jobs in the ministries. Non-Turkmen were often the first targeted for dismissal when layoffs occurred. As a result of these restrictions, ethnic Russians increasingly viewed their situation in the country as deteriorating and sought citizenship in Russia.

Section 6. Worker Rights

a. The Right of Association.—The Constitution and the law do not provide for nor prohibit the right of association, although there were some associations of workers.

The Constitution and the law do not provide for the right to form or join unions, although no law specifically prohibits the establishment of independent unions. There were independently registered unions of accountants, economists, entrepreneurs and leaseholders, as well as the Colleagues Union. The Colleagues Union claimed a membership of 1.3 million; its member unions were divided along both sectoral and regional lines. Unions may not form or join other federations.

The law does not prohibit anti-union discrimination by employers against union members and organizers, and there were no mechanisms for resolving such complaints.

There was no information available on union affiliation with international unions.

b. The Right to Organize and Bargain Collectively.—The Constitution and the law do not provide for the right to organize, and this right was restricted in practice.

The law does not protect the right of collective bargaining. In practice, in the state-dominated economy, the close associations with the Government of both trade unions and state-owned enterprises seriously limited workers' ability to bargain. The Ministry of Economics and Finance prepared general guidelines for wages and set wages in health care, culture, and some other areas. In other sectors, it allowed for some leeway at the enterprise level, taking into account local factors. The Government determined specific wage and benefit packages for each factory or enterprise. Workers, including teachers, often went months without pay or received their paychecks late (see Section 5).

The law neither prohibits nor permits strikes, and it does not address the issue of retaliation against strikers. Strikes were extremely rare, and no strikes were known to have occurred during the year.

There are no export processing zones.

c. Prohibition of Forced or Bonded Labor.—The Constitution prohibits forced or bonded labor; however, there were reports that prisoners were forced to work under hazardous and unhealthy conditions in a kaolin mine in Gyzylgaya prison, near Dashoguz (see Sections 1.c. and 2.b.). The law provides for labor as a component of prison sentences; the prison system includes educational-labor colonies and correctional-labor colonies.

The Government prohibits forced and bonded labor by children; however, there were reports that such practices occurred (see Section 6.d.).

The Government encouraged persons to work voluntarily, particularly on weekends, in manual labor positions on civic projects.

d. Status of Child Labor Practices and Minimum Age for Employment.—The minimum age for employment of children was 16 years; in a few heavy industries, it was 18 years. The law prohibits children between the ages of 16 and 18 years from working more than 6 hours per day (the normal workday was 8 hours). A 15-year-old child may work 4 to 6 hours per day but only with the permission of the trade union and parents. This permission rarely was granted.

The Government has not signed ILO Convention 182 on the worst forms of child labor.

Violations of child labor laws occurred in rural areas, particularly during the annual cotton harvest season, which typically lasts from mid-September to mid-November, when teenagers worked in the fields (see Section 5). The Government strongly encouraged children to help in the cotton harvest; families of children who did not help could experience harassment by the Government. Children as young as 10 years of age were allowed to help with the harvest for up to 2 months.

e. Acceptable Conditions of Work.—There is a minimum monthly wage. In January, the Government raised the average monthly wage in the state sector to approximately \$75 (1.5 million manat). While the Government subsidized the prices of many necessities and provided others free of charge, state sector wages did not provide a decent standard of living for a worker and family. Most households were multigenerational, with several members receiving salaries, stipends, or pensions; however, many persons lacked the resources to maintain an adequate diet.

The standard legal workweek was 40 hours with 2 days off. Individuals who worked fewer hours during the week or were in certain high-level positions could also work on Saturdays.

Industrial workers often labored in unsafe environments and were not provided proper protective equipment. Some agricultural workers were subjected to environmental health hazards. The Government recognized that these problems existed and took some steps to address them, but it did not set comprehensive standards for occupational health and safety. Workers did not always have the right to remove themselves from work situations that endangered their health or safety without jeopardy to their continued employment.

f. Trafficking in Persons.—The law does not prohibit trafficking in persons, and there were unconfirmed and anecdotal reports that a few women traveled to other countries to work as prostitutes, some of whom may have been trafficked.

The Penal Code prohibits prostitution, which is punishable by 2 years' imprisonment or hard labor. The penalty for involvement of a minor in prostitution or using force, threat, or blackmail to involve someone in prostitution is 3 to 8 years' imprisonment. The penalty for procuring persons for prostitution is 3 to 8 years' imprisonment with the possibility of confiscation of property.

There were unconfirmed and anecdotal reports of women from the country traveling to Turkey and the United Arab Emirates and working as prostitutes. There were no reports of trafficking within the country.

The Government did not have programs in place to combat trafficking in persons, but cooperated with the IOM in educational efforts on this topic.

UKRAINE

Ukraine is a mixed presidential and parliamentary republic governed by a directly elected President, a Prime Minister who heads a Cabinet of Ministers, and a unicameral Parliament (Rada). The Prime Minister is nominated by the President and approved by the Rada. The cabinet is nominated by the Prime Minister and approved by the President, but generally is under the President's direction. The March 2002 parliamentary elections were an improvement over previous elections in some respects, but important flaws persisted. Presidential elections in 1999 failed to meet a significant number of election-related commitments to the Organization for Security and Cooperation in Europe (OSCE). Presidential elections are scheduled for October 2004. By-elections and local elections during the year revealed serious shortcomings. The Constitution provides for an independent judiciary; however, the courts were subject to political interference and corruption and were inefficient.

There are two principal security agencies, which share responsibility for internal security: The Security Service of Ukraine (SBU), which is responsible for intelligence gathering and the Ministry of Internal Affairs, which controls the various police forces. The armed forces largely remained outside of politics; however, government agencies interfered indirectly in the political process through criminal and tax investigations of politicians, journalists, and influential businessmen. Civilian authorities generally maintained effective control of the security forces. Members of

the security forces committed human rights abuses. The extent to which the authorities were complicit or acquiescent in these abuses was uncertain.

The economy was mixed, with the private sector accounting for 65 to 70 percent of gross domestic product. The country had a total population of 47,745,000, reflecting a continued downward trend. After nearly a decade of constant decline, the economy continued the growth trend that began in 2000 and grew by 4.8 percent in 2002 and 8.5 percent during the year. The economy was burdened by wage nonpayment and arrears, and the shadow economy (defined as activity deliberately unreported for purposes of tax evasion) accounted for a significant proportion of real income. Wage arrears increased by approximately 1.3 percent in the first 6 months of the year, as compared with the same period in 2002. Wealth was concentrated in the political elite and among directors of the state-dominated sectors such as metals, oil, and gas.

The Government's human rights record remained poor; although there were some improvements in a few areas, serious problems remained. Seriously flawed local and parliamentary by-elections during the year, as well as administrative and other difficulties imposed to limit the organizational efforts and access to media of opposition parties, restricted citizens' right to change their government. There were some deaths in custody. Police and prison officials tortured and beat detainees and prisoners, and at least two detainees died under suspicious circumstances. Police abuse and harassment of racial minorities was a continuing problem. The beating of conscripts in the army by fellow soldiers was common and at times resulted in death. Prison conditions remained harsh and life-threatening, particularly because of prisoners' exposure to diseases such as tuberculosis. The Government rarely punished officials who committed abuses. Arbitrary arrest and detention from what appeared to be political motivation, were problems at times, as was lengthy pretrial detention in very poor conditions; however, the courts continued to release defendants from confinement pending trial. Long delays in trials were a problem and judges continued to readily grant most Procuracy requests for residential search and wiretap warrants.

Authorities interfered with the news media by harassing and intimidating journalists, censoring material, and pressuring them into applying self-censorship. There were some limits on freedom of assembly, and the authorities impeded the efforts of individuals to participate in some demonstrations. Freedom of association was restricted. There were some problems with registration and property disputes; however, the Government took steps to address the concerns of religious communities. There were reported instances of anti-Semitic acts, including desecration of synagogues. There were some limits on freedom of movement. Violence and discrimination against women, including sexual harassment in the workplace, were problems. Violence against children was a problem. Ethnic minorities and Muslims complained of harassment and frequent identity checks. The Government discouraged workers from organizing unions. Trafficking in women and girls for sexual exploitation was a serious problem, which the Government took steps to address.

RESPECT FOR HUMAN RIGHTS

Section 1. Respect for the Integrity of the Person, Including Freedom From:

a. Arbitrary or Unlawful Deprivation of Life.—There were no confirmed reports of political killings; however, six individuals, two in police custody, died under suspicious circumstances, and unidentified assailants killed one opposition party member.

On August 1, former Kiev criminal police officer Ihor Honcharov, the purported leader of the gang suspected of killing prominent journalist Heorhiy Gongadze in late 2000, died under suspicious circumstances while in police custody. Reportedly, Honcharov had information about the involvement of high-level officials in the kidnapping and killing of Gongadze and planned to testify in court about this involvement. His body was cremated on August 3 without an autopsy or official determination of the cause of death. No details of the investigation into Honcharov's death have been made public.

Abuse of prisoners and detainees and harsh prison conditions at times led to deaths (see Section 1.c.). According to the State Department for Execution of Punishments, during the year there were 696 deaths in prison and 130 deaths in detention facilities (compared to a combined total of 1,381 in 2001), many due to harsh conditions. Officials attributed this reduction in the number of prison deaths to a concerted effort to improve prison conditions, including health care and nutrition.

Human rights groups stated that soldiers continued to be killed during violent hazing events, although officials denied that any servicemen had died because of physical violence (see Section 1.c.). During the first 4 months of the year, 32 soldiers

died of unnatural causes. Officials cite one case where one soldier killed another by hitting him in the chest with an elbow. Death by hazing was frequently described as suicide. According to official statistics, in 2002, 29 military personnel, including 13 conscripts, committed suicide. It is unknown whether any were driven to suicide by violent hazing. As of May, 11 servicemen had committed suicide and 32 servicemen had died of unnatural causes.

On January 20, conscript Oleh Tkachuk allegedly committed suicide by jumping out of a second-floor window. Relatives believe he was beaten to death and thrown out of the window. Tkachuk's arms, nose, skull, and a finger had been broken; his hands had needle prick marks; his body had no cuts from the broken glass. Other soldiers reported that Tkachuk had been subject to violent hazing and that senior soldiers had raped him. However, the Association of Soldiers' Mothers reported that a military investigation into the incident concluded that Tkachuk's death was a suicide, and it would be unnecessary to open a criminal case in connection with his death.

The pervasiveness of corruption, connections between government officials and organized crime, and the political activities of organized crime figures often blurred the distinction between political and criminal acts. Politicians, politically connected businessmen, and journalists were the victims of attacks that sometimes were fatal and may have been politically motivated. According to officials, there were 12 contract killings as of May; police had solved 25 of the 41 contract killings in 2002.

On August 30, Ivan Havdyda, Deputy Head of the Ukrainian People's Party, was found dead one block from his apartment in Kiev. Initially, investigators reported that Havdyda died from a fractured skull sustained in a fall. An autopsy later revealed that Havdyda died from a blow to the head. Due to a lack of confidence in the procuracy, which was conducting an investigation of the incident, lawmakers established a commission to investigate Havdyda's death. Friends and colleagues asserted that Havdyda's death was a result of his political activities. A criminal investigation was ongoing at year's end; however, police declined to release any information either to the public or to the Parliamentary commission established to investigate Havdyda's death.

On November 28, local leader of the opposition party Reforms and Order (Our Ukraine bloc) in Khmelnytsky Oblast, Yuri Bosak, was found hanging in a forest on the outskirts of town. Police attributed his death to suicide and closed the case; however, relatives and colleagues believe that Bosak was killed and then hanged because of his political activity. Bosak's lawyer said that there was evidence that Bosak had been killed, and that he had experienced difficulties with the local police just prior to his death in connection with party activities. He was found with bruises on his wrists consistent with the forceful use of handcuffs, and the fingers on his left hand were broken.

Although officials reported in May that they had identified the killers of Ivano-Frankivsk Oblast Deputy Governor, Mykola Shkribliak, they had not released further information by year's end. Shkribliak, who was running for a constituency Rada seat, was shot on the day before the 2002 parliamentary elections. Police stated that criminal elements from Crimea might have been involved in the murder, and, in July, called for an international search for the two suspects. There was speculation that Shkribliak was killed because of his involvement in privatization issues related to the energy and fuel sector.

Serious allegations persisted that Ministry of Interior officials were involved in killings and kidnappings in previous years. The 2000 killing of journalist Heorhiy Gongadze remained unresolved, although it continued to be a subject of active domestic and international interest, including continuing accusations that senior officials in the Government were implicated. Gongadze's decapitated body was identified in November 2000, after his disappearance 2 months earlier. Former Prosecutor General Svyatoslav Piskun had declared the resolution of this case a major priority when he was appointed in 2002, and an evaluation of the investigation by the Council of Europe released in May concluded that his efforts had been sincere and in conformity with general standards in democratic societies. In October, the former head of the Interior Ministry's Department of Criminal Intelligence, Oleksiy Pukach, was arrested in connection with the killing of Gongadze. However, Piskun was fired on President Kuchma's orders on October 29 and Pukach was subsequently released. Piskun had been involved in a number of politically sensitive prosecutions; however, some observers concluded that his dismissal was linked to his aggressive prosecution of the Gongadze case.

The Government asserted that it was conducting a full-scale investigation into Gongadze's disappearance, but members of the media and the public seriously criticized the Government's handling of the case, while others accused the President and other senior officials of complicity. An audio recording allegedly existed that con-

tained conversations between President Kuchma and other senior government officials discussing the desirability of Gongadze's removal. One other recording, allegedly from the same source, had been judged to be authentic. Officially the investigation of Gongadze's killing remained ongoing at year's end.

In September, authorities arrested four individuals in connection with the July 2001 beating and subsequent death of Ihor Aleksandrov, a director of a Donetsk regional television station; however, some media reports alleged inconsistencies and claimed that the evidence against the suspects was fabricated. The Procuracy has attributed the killing of Aleksandrov, who had aired a number of critical reports about Donetsk-based politicians and was a noted critic of alleged corruption among local law enforcement authorities, to his professional activities. According to officials, the killing was ordered by a Donetsk businessman and was orchestrated by the businessman's brother, both of whom have links to organized crime. Two young associates of the brothers allegedly carried out the killing. There were no new developments in the case of the October 2001 arson-related deaths of five members of a Roma family in Malaya Kakhovka, Poltava region.

AKiev Court closed the case of Mykhailo Kolomiyets, a journalist who disappeared from Kiev in October 2002 and was found hanged in neighboring Belarus. The court ruled out foul play based on the results of independent examinations by international experts that eliminated the possibility of a violent death.

b. Disappearance.—There were no reports of politically motivated disappearances.

The Kirovohrad Oblast police continued to investigate the 2002 disappearance of Oleksandr Olynyk, an election monitor from the NGO Committee of Voters of Ukraine (CVU), who disappeared from Kirovohrad approximately 1 week after the March 2002 elections (see Section 3). Initial reports did not indicate that his disappearance was related to his monitoring activities; however, subsequent inquiries suggested that he might have received threats while observing the elections. There was no indication of progress regarding the November 2002 disappearance of Andriy Tatarchuk, Vice Chairman of the Reforms and Order Party of Odesa (Our Ukraine Bloc) and former city council candidate. Police in Odesa launched an investigation and reportedly detained two individuals; however, they later said that they did not have sufficient evidence to prove that the suspects killed Tatarchuk. By year's end, no suspects were in custody.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The Constitution prohibits torture; however, police and prison officials regularly beat detainees and prisoners, and there were numerous reports of torture. An October 2002 report by the European Committee for the Prevention of Torture (CPT) stated that individuals ran a significant risk of physical mistreatment while in prison or police custody. Alleged mistreatment included beatings, the use of electric shocks, pistol whippings, and asphyxiation.

Although human rights groups did not receive specific reports that special militia detachments known as Berkut ("Golden Eagles") tortured and beat inmates as part of regular training exercises, they believed that the practice continued. The media and human rights groups reported that police subjected detainees to various forms of physical torture, including the "swallow," in which officials place the detainee on his stomach and tie his feet to his hands behind him, forcing his back to arch. Another abuse was the "baby elephant," in which officials place a gas mask on the prisoner's head and slowly reduce the flow of oxygen. Detainees also were subjected to a method called the "monument," in which a prisoner is suspended by his hands on a rope and beaten. Human rights lawyers reported that requesting an attorney often leads to a worse beating, and detainees may be beaten until they waive their right to an attorney.

On February 26, the media reported that a suspect attempted to commit suicide by jumping through a fourth floor window of the police station in Kirovohrad. Allegedly, the suspect was driven to suicide by police torture that included the use of electric shocks. In April, both feet of Oleksandr Lobanov, a prisoner at Prison 120 in Volnovakha, Donetsk Oblast, were amputated because of gangrene. The gangrene allegedly resulted from a severe beating by riot police during a riot control exercise at the prison. Prison officials reportedly forced Lobanov to sign a statement that he had injured his feet himself while exercising during a walk in the prison yard. The Penal Department and Procuracy opened an investigation on this case. In December 2002, in Zaporizhzhya, a drug addict suspected of burglary died in custody from injuries sustained from an alleged beating. Police claimed that the detainee had been beaten before entering police custody, but no information was available by year's end whether anyone had been charged.

During the 5 years ending in July, the Office of the Ombudsman received more than 12,000 reports of torture. The Ombudsman also maintained that detainees who

were unable to pay a deposit for meals went hungry and that this qualified as another form of torture. The Ombudsman actively publicized reports of such practices; however, the Ombudsman had no enforcement authority.

Police abused Roma and harassed and abused dark-skinned persons. Representatives of these groups claimed that police officials routinely ignored, and sometimes abetted, violence against them (see Section 5). Police also harassed refugees (see Section 2.d.), and journalists (see Section 2.a.).

Despite extensive legislation on the protection of service member rights and official regulations concerning relations among military personnel, reports continued during the year of harsh conditions and violence against conscripts in the armed forces (see Section 1.a.). Senior conscripts often beat recruits, sometimes to death, and forced them to give up money and gifts that they received from home. According to human rights associations, garrison prosecutors often did not investigate complaints of physical harassment. Punishment administered for committing or condoning such activities was insufficient to deter further practice of such abuses. Although military officials reported that there were no deaths due to physical violence, human rights groups, including the Association of Soldiers' Mothers, reported that violent hazing continued to be widespread. They reported that in 2002, the procuracy opened 129 criminal cases pertaining to violent hazing. However, it was unknown how many of those resulted in convictions.

An officer was arrested during the year in connection with the August 2002 quarry landslide that claimed the lives of two conscript soldiers who were digging sand for the construction of a private garage for a junior military officer in Lviv Oblast. However, there was no information at year's end about further developments in the case.

Prison conditions remained harsh and life threatening. Although information on the physical state of prison walls and fences, as well as on pretrial detention blocks was officially considered to be a government secret, the press reported freely about harsh prison conditions. According to complaints received from the Office of the Ombudsman and human rights NGOs, prison officials intimidated and mistreated inmates. Due in part to severe economic conditions, prisons and detention centers were severely overcrowded and lacked adequate sanitation and medical facilities. Almost 25,000 individuals reportedly were held in prison cells with neither windows nor toilets. In the Zhytomyr region, the Human Rights Ombudsman investigated the misallocation of funds that had been earmarked to improve food standards for prisoners.

In April, the media reported that the European Court of Human Rights (ECHR) requested that the Government pay from \$1,000 to \$3,000 (5,300 to 15,900 hryvnya) to six citizens who had been in inhumane conditions in prisons before their death sentences were commuted to life imprisonment. Additionally, the ECHR found that some inmates were denied the right to worship in a prison in the Ivano-Frankivsk Oblast.

Men and women were held in separate facilities, and juveniles were held separately from adults. Additionally, pretrial detainees were always held separately from convicted prisoners. In theory, regulations require more space and some special accommodations, such as bathtubs, for women; however, in practice, conditions were equally poor for men and women in both pretrial detention centers and regular jails. The average space provided is 2 square meters per man and 2.5 square meters per woman or juvenile. The law does not recognize political prisoners as a separate category of detainee.

Prisoners were permitted to file complaints with the Ombudsman about the conditions of detention, but human rights groups reported that they were punished for doing so. In April, opposition UNA/UNSO prisoner Serhiy Halchyk, a deputy in the Rada, told the human rights Ombudsman that prison guards beat him with clubs and harassed him and other prisoners in the Lukianivska prison in Kiev where he was detained in 2002. He stated that guards deprived complaining prisoners of correspondence and food packages. Conditions in pretrial detention facilities also were harsh. Inmates sometimes were held in investigative isolation for extended periods and subjected to intimidation and mistreatment by jail guards and other inmates. Overcrowding was common in these centers. The total capacity of these facilities is 36,000, but approximately 40,633 detainees were held in them as of November. In April, officials announced that the SBU had closed its pretrial detention centers. Prison officials confirmed that all pretrial detainees were subsequently transferred to its facilities.

Conditions in the Corrective Labor and Treatment Centers for Alcoholics (LTPs), operated by the State Penal Department, where violent alcoholics were confined forcibly by court decision, differed little from those in prisons. The Government did not meet its earlier commitment to transfer all of the LTPs to the Ministry of

Health. Virtually no treatment for alcoholism was available in these centers. Despite a government decree directing the closure of LTPs by the end of 2000, two such centers continued to operate under the auspices of the State Department for Execution of Punishments.

According to official statistics from the Penal Department, there were 696 deaths in prisons during the year, and 130 deaths in pretrial facilities. Poor sanitary conditions resulted in 300 deaths from diseases such as tuberculosis and 13 from dysentery. On June 19, the Rada passed a resolution that expressed concern about the serious problem of tuberculosis in prisons. It was reported that as many as 14,000 inmates were infected with an active form of the disease as of year's end. Additionally, annually 1,000 prisoners died from tuberculosis, and approximately 3,000 fatally ill patients were granted early release and sent home to die.

According to human rights groups, a reorganization of the Penal Department to ensure greater independence of the penal system did not affect the Department's practices, and there was little civilian oversight of its activities. Although the Government implemented some programs for the retraining of prison and police officials, it punished only a small minority of those who committed or condoned violence against detainees and prisoners. According to prison authorities, no criminal proceedings involving torture or mistreatment of prisoners were opened during the year and no employee of the penitentiary system was disciplined for improper treatment of detainees. However, 15 criminal cases were opened against employees and 6,318 employees were disciplined in the first ten months of the year for other, unspecified, reasons. The Ombudsman continued to draw attention to the state of the penitentiary system by visiting prisons and raising prison-related issues in public. Following a visit to a detention facility in Crimea, officials built a courtyard to provide inmates, who previously were unable to exercise out of doors, with an area where they could engage in physical activity. In August, the new Criminal Penal Code, which was scheduled to be implemented in 2004, was signed into law. The new law is intended to regulate prison life and provide safeguards against the mistreatment of prisoners.

The Government continued to allow prison visits from human rights observers; however, some of them reported that at times it was difficult to obtain access to prisons to visit specific prisoners and they were not allowed full access to prison facilities.

In 2001, the Rada ratified the first and second protocols of the European Convention on Prevention of Torture, which mandates the inspection of prisons by international observers. While conditions remain below international standards, the media reported that monitors of the Council of Europe (COE) left with "a good impression" after their visit to prisons in the Zaporizhzhya Oblast. Additionally, a new pretrial facility has been built in Kharkiv, which reportedly meets European standards, and several cells with modern comforts were offered in a detention center in Dnipropetrovsk.

d. Arbitrary Arrest, Detention, or Exile.—The Constitution prohibits arbitrary arrest and detention; however, arbitrary arrest and detention remained problems.

The Minister of Internal Affairs is a member of the Cabinet of Ministers, while the SBU enjoys special status within the executive branch and reports directly to the President. The State Tax Administration, which is accountable to the President and the Cabinet of Ministers, also has law enforcement powers, which it exercises through the tax police. The Office of the Prosecutor General prosecutes criminal cases and is responsible for enforcement of court decisions in criminal cases. On July 29, legislation providing for civilian control over the army and law enforcement agencies was enacted and an implementation plan approved. The law authorizes parliamentarians to conduct investigations into national security and defense issues with subsequent public hearings. The law also significantly broadens the authority of the human rights Ombudsman to initiate investigations pertaining to the military's activities, as well as its law enforcement bodies. The law also assigns to the Audit Chamber of Ukraine control over national defense and security budget allocations. At year's end, there was not enough information to assess the impact of this legislation.

Prisoners and detainees addressed complaints to the Rada-elected Ombudsman for Human Rights. According to the Office of the Ombudsman, most of the complaints that it received centered on human rights. A significant percentage of these complaints were for civil violations by law enforcement personnel. Approximately 1,000 policemen have been dismissed for engaging in torture, and 164 have been convicted for torturing prisoners.

Authorities made some effort to end abuses, including disciplinary action against law enforcement authorities who committed abuses. According to authorities, as of May 1, there were 246 criminal cases considered against 272 police officers, includ-

ing 128 cases for exceeding authority and 53 cases for abuse of authority. Of that number, 48 criminal cases were opened. As of June, 27 former police officers were convicted and 1,225 were fired. Over a 4-year period ending in June, 400 law enforcement officers faced criminal charges for violence against detainees, and 168 were convicted. A new Criminal Code, which took effect in 2001, mandates 3 to 10 years of imprisonment for torture; however, human rights groups reported that, during the year, there were no prosecutions for torture under the new Criminal Code.

On July 11, the Parliament passed a law on amendments to the Law on Administrative Violations. The law states that non-compliance by state officials with regulatory requirements of the human rights Ombudsman, Audit Chamber, or a national deputy, or the creation of impediments to their work, may result in the imposition of fines. The law codified existing authorities; it was unclear at year's end whether it had had any effect on the role of the Ombudsman.

The Constitution provides for compensation for unlawful conviction and the law allows compensation for illegal arrests; however, these provisions rarely were invoked.

The law provides that authorities may detain a suspect for 3 days without a warrant, after which an arrest order must be issued. The courts may extend detention without an arrest warrant for an additional 10 days. Suspects who believe that further investigation may lead to their immediate exoneration may petition the court for an additional 15-day detention. The law further provides that pretrial detentions may not last more than 2 months. In cases involving exceptionally grave offenses, the Prosecutor General may petition a judge of the Supreme Court to extend the period of detention to 18 months. The law does not limit the aggregate time of detention before and during a trial. The law permits citizens to contest an arrest in court or appeal to the prosecutor. The Constitution requires that officials notify family members immediately concerning an arrest, but they often did not do so in practice. According to justice officials, changes in the administration of justice made in 2001 have resulted in a decrease of approximately 10 percent in arrest and pretrial detention warrants.

The Government occasionally employed such charges as criminal libel or tax evasion to detain persons (usually opposition activists or journalists) who were openly critical of the Government or challenged the interests of powerful business or political figures close to the Government (see Section 2.a.). On May 13, a panel of three judges of the Kiev Appeals Court closed all criminal cases against Yulia Tymoshenko, head of the opposition political group named after her, as well as against her relatives and colleagues. The Appeals Court also ordered the release from custody of individuals charged in the case, including Tymoshenko's father-in-law, who had been extradited from Turkey in 2002 at the request of the Government. One detainee, Yevhen Shaho, was released from the Zhytomyr pretrial facility under this decision; however, the procuracy subsequently charged him with escaping from prison. The Prosecutor General immediately appealed the Kiev Court's decision to the Supreme Court and filed new charges against the respondents in this case. On June 10, the Supreme Court suspended the May 13 decision by the Kiev Court pending a review of the Procuracy's appeal, and on October 7 rescinded the May 13 decision. Additionally, Tymoshenko's husband was declared a wanted person because he did not appear for questioning. Tymoshenko claimed that he had never been summoned for questioning. The trial of Tymoshenko's father-in-law and one colleague was underway in Kiev at the end of the year. In August, the Prosecutor General again asked the Rada to lift Tymoshenko's parliamentary immunity from prosecution, and on September 3, the procuracy completed its investigation into the criminal case against her. On October 6, the Rada Rules Committee rejected as unjustified the procuracy's August immunity request.

Borys Feldman, former vice president of Bank Slovyanskyy, which managed some of Yuliya Tymoshenko's business interests, continued to serve his 9-year prison sentence for tax evasion and financial mismanagement that was subsequently upheld by the Luhansk Appeals Court in 2002. Authorities continued to harass Andriy Fedur, the attorney for Borys Feldman. On May 15, he was detained for 3 hours by traffic police and later released; he was held for identification, although he claimed he produced his identification card and driver's license for police officers. On June 27, preliminary court hearings began on charges that Fedur forged his car lease contract. Fedur claimed that his prosecution on these charges was designed only to remove him from serving as defense attorney on politically sensitive cases, as he is barred under the law from practicing as an attorney while criminal proceedings are pending against him.

On March 21, the procuracy began a criminal case against former Deputy Prime Minister of Agriculture, Leonid Kozachenko. Kozachenko, who denied any wrongdoing, was charged with bribery and abuse of office following reports of grain short-

ages on the domestic market. Kozachenko claimed that the charges against him were politically motivated and that an attempt was being made to restore the inefficient command-administrative system of managing the agricultural sector. Reportedly, the charges that initiated the criminal case were made by high-level government officials and were aimed at discrediting Kozachenko as a politician and public figure. While detainees were frequently released from pretrial detention with travel bans, Kozachenko was only released on bond after several parliamentary appeals. Kozachenko's trial was ongoing at year's end.

Human rights groups reported that they continued to receive complaints from Roma regarding arbitrary detention and physical harassment by the police (see Section 5).

The law stipulates that a defense attorney must be provided without charge to an indigent detainee from the moment of detention or the filing of charges, whichever comes first. There were insufficient numbers of defense attorneys to protect suspects from unlawful and lengthy imprisonment under extremely poor conditions. Although the concept of providing attorneys from the state system exists in principle, public attorneys often refused to defend indigents for the low government fee. While in custody, a suspect or a prisoner is allowed by law to talk with a lawyer in private; however, human rights groups reported that prison or investigative officials occasionally denied the client-attorney privilege. To protect the defendant, each investigative file must contain a document signed by the defendant attesting that the charges against him, his right to an attorney, and his right not to give evidence against himself or his relatives have been explained to him. An appeals court may dismiss a conviction or order a new trial if this document is missing. As defendants increasingly became aware of their rights, they insisted on observance of these procedures; however, many persons remained unaware of these safeguards.

As a result of legal changes enacted in 2001, the prosecutor's office may no longer initiate new criminal investigations without prior court approval, with the exception of a number of serious offenses (see Section 1.e.).

By law, a trial must begin no later than 3 weeks after criminal charges have been filed formally with the court, but this requirement rarely was met by the overburdened court system (see Section 1.e.). Months may pass before a defendant finally is brought to trial, and the situation did not improve during the year. Complicated cases may take years to go to trial. Although an amendment to the Criminal Procedures Code provides for the imposition of monetary bail, it has been used rarely; many of the defendants cannot pay the monetary bail amounts imposed by law. Instead, courts imposed restrictions on travel outside a given area as an alternative measure to pretrial confinement. Approximately 70 percent of defendants awaiting trial—approximately 150,000 individuals—were released from pretrial confinement during the year, many of them under restrictive travel conditions. Defendants were released pending trial in increasing numbers.

Police arbitrarily detained persons for extensive document checks and vehicle inspections (see Section 1.f.). They routinely detained dark-skinned persons for arbitrary document checks (see Section 5).

According to authorities, as of November, the prison population was 186,982 persons, including 146,319 in prisons and 40,663 in remand centers. Many of the individuals in pretrial confinement were charged with serious violent crimes. Since only the courts may authorize the continuation of pretrial detention pursuant to 2001 amendments, they closely examined cases in which authorities confined the defendants for extended periods in pretrial detention based on previous authorization by prosecutors.

At times persons involved in property, inheritance, or divorce disputes were wrongfully diagnosed with schizophrenia and confined to psychiatric institutions.

The Constitution prohibits forced exile, and the Government did not employ it.

e. Denial of Fair Public Trial.—The Constitution provides for an independent judiciary; however, in practice, the judiciary was subject to considerable political interference from the executive branch and also suffered from corruption and inefficiency. The courts were funded through the Ministry of Justice, which controlled the organizational support of the courts, including staffing matters, training for judges, logistics and procurement, and statistical and information support. The Presidential Administration also reportedly continued the practice of telephoning justices directly to influence their decisions.

The law provides for an independent judiciary; however, the judiciary lacked sufficient staff and funds, which engendered inefficiency and corruption and increased its dependence on the executive, since the judicial system received all its funding from the Ministry of Justice. In a report to the Rada on April 18, the Ombudsman for Human Rights stated that judicial reform has not improved individuals' ability to protect their rights in court. The judiciary remains underfunded, overburdened,

and inefficient. In 2002, the Office of the Ombudsman received approximately 270,000 appeals, half of which concerned the denial of judicial protection. Almost half of the lawsuits that were considered by the courts were significantly delayed.

The authority and independence of the judicial system also were undermined by a lack of compliance with court decisions in civil cases. Provisions calling for criminal punishment for noncompliance with court decisions rarely were used. Compliance was particularly poor if the decision clashed with government interests. The Chairman of the Supreme Court, the chairmen of regional courts, and the chairman of the Kiev municipal court (or the deputies of these officials) have the authority to suspend court decisions, which led to interference, manipulation, and corruption. The Justice Minister was quoted as saying that, in 2002, slightly under 50 percent of court's decisions had been enforced. No subsequent statistics on enforcement were available.

The State Executive Service, with authority to execute court decisions, was authorized specifically to enforce judgments in civil cases, decisions in criminal and administrative courts involving monetary compensation, and judgments of foreign courts, the Constitutional Court, and other authorities. The number of court decisions involving monetary or material compensation referred to the department has grown substantially.

Critics claimed credibly that the Government abused its authority over officers of the court by selectively charging and dismissing politically unsympathetic judges. On February 5, the Supreme Judicial Council, allegedly under government pressure, requested that the Rada dismiss Yuriy Vasylenko, an independent judge of the Kiev Appeals Court and critic of President Kuchma. In October and November 2002, Vasylenko had opened two criminal cases against Kuchma, which were subsequently dismissed. The Council accused Vasylenko of violating his oath by unlawfully opening these criminal cases. On May 22, the procuracy opened a criminal case against the three judges of the Kiev Appeals Court who closed the criminal cases against Yuliya Tymoshenko and her husband (see Section 1.d.). The Supreme Court later rescinded this decision. The procuracy considered as falsification the differences in wording between the two copies of the May 13 decision by the Appeals Court that the procuracy received on May 20 and May 21. On September 25, the Zhytomyr Oblast Appeals Court closed the procuracy's criminal case on the grounds that it was unlawful. The procuracy stated that it would appeal this decision. Independent-minded judges also complained that they did not receive politically sensitive cases.

Legislation enacted in 2001 and 2002 introduced important reforms to the court system. The amendments provided for a unified system of courts consisting of a Constitutional Court, a system of courts of general jurisdiction that includes the Supreme Court and specialized commercial (formerly arbitration) courts, and military courts. General jurisdiction courts are organized on four levels: Local courts, regional appellate courts, specialized high courts (the High Commercial Court), and the Supreme Court. The arbitration courts were redesignated as commercial courts and were intended to operate as specialized courts within the single unified system of courts. As a result, the Supreme Court may review their judgments, including those rendered by the High Commercial Court. Military courts are specialized courts that hear only cases involving military personnel.

In February 2002, the Parliament passed a Law on the Judicial System of Ukraine, which the Government began implementing in the last half of the year. While the law helped modernize the judicial system, some observers contended that it granted excessive authority to the President. The law created a new State Judicial Administration (SJA), independent of the Ministry of Justice, to act as a central executive body overseeing the administration, including the finances, of the judicial system. Under the new law, the President also has the authority, with the agreement of the Ministry of Justice and the Chair of the Supreme Court or of a corresponding higher specialized court, to establish and abolish courts of general jurisdiction. The President is empowered to determine the number of judges within the courts, upon the recommendation of the SJA and with the agreement of the Chair of the Supreme Court. HE is authorized to appoint and remove chairs and deputy chairs of courts for 5-year terms (upon submission of the Chair of the Supreme Court, based on recommendation of the Judicial Council), and establish appellate commercial and appellate administrative courts. The President, upon the recommendation of the Prime Minister and concurrence by the Judicial Council, appoints the head of the SJA. The law also established a Judicial Academy to train new judges and continue the education of sitting judges. The new Court of Cassation was put in place in 2002, and the SJA and Judicial Academy began operations on January 1. In April, the Judicial Academy graduated its first group of judges. However, on December 16, the Constitutional Court declared that the Court of Cassation was not consistent with the Constitution.

Regional courts, including the Supreme Court of Crimea and the Kiev and Sevastopol city courts, serve as appellate courts for the lower-level courts. They may examine evidence independently in a case, call for additional witnesses or evidence, and overrule the judgment of a lower court.

The Constitutional Court consists of 18 members appointed for 9-year terms in equal numbers by the President, the Parliament, and the Congress of Judges. The Constitutional Court is the ultimate interpreter of legislation and the Constitution, and it determines the constitutionality of legislation, presidential edicts, cabinet acts, and acts of the Crimean Autonomous Republic. The President, at least 45 Members of Parliament, the Supreme Court, the Ombudsman, and the Crimean legislature may request that the Constitutional Court hear a case. Citizens may apply to the Constitutional Court through the Ombudsman, who started to exercise this right in selected cases. In some limited cases, the Constitutional Court can interpret law for individual citizens, when the applying citizen provides compelling proof that a constitutional provision was violated or that different government bodies interpreted it differently.

Many local observers regarded the Constitutional Court as the country's most independent judicial body. Human rights groups stated that the Constitutional Court generally maintained a balance of fairness. However, other observers continued to charge pro-presidential bias based on a number of decisions passed during the year. For example, on April 10, the Constitutional Court declared that parliamentarians do not have the right to unimpeded access to the President. This ruling was passed after a 2002 overnight vigil at the presidential administration by a group of opposition parliamentarians demanding an urgent audience with President Kuchma.

The Constitution includes procedural provisions to ensure a fair trial, including the right of suspects or witnesses to refuse to testify against themselves or their relatives; however, pending the passage of legislation to implement these constitutional provisions, a largely Soviet-era criminal justice system remained in place, which limited these rights. In April, the press quoted the head of the Supreme Judicial Council as attributing common miscarriages of justice in courts to the incompetence and irresponsibility of many judges. While the defendant is presumed innocent, conviction rates have changed little since the Soviet era, and nearly all completed cases resulted in convictions. According to official statistics, in the first half of the year there were 98,516 convictions and 264 acquittals. However, since judges frequently sent back to the prosecutor for "additional investigation" cases that lacked sufficient evidence to support the charges (which usually led to the dropping of the case), these statistics are somewhat misleading. In addition, there were indications that suspects often bribed court officials to drop charges before cases went to trial or to lessen or commute sentences.

On April 1, the head of the Zaporizhzhya District Court confessed to accepting a bribe of \$2,500 (13,250 hryvnya) for reducing a defendant's murder sentence by 5 years; an investigation of the incident was ongoing at year's end. In August, a municipal court judge in the Donetsk region was sentenced to 6 years in prison for bribery, and the head of the Justice Ministry's district department in the Cherkasy Oblast was sentenced to 3 years for bribery.

Under the existing court system, cases are decided by judges who sit singly, occasionally with two public assessors (lay judges or professional jurors with some legal training), or in groups of three for more serious cases. The Constitution provides for public adversarial trials, including a judge, public assessors, state prosecutor, defense, and jury (when required by law). With some exceptions, these requirements were respected in practice. The 2001 legislative amendments provide for a jury system; however, this system has not yet been implemented.

Complicated cases can take years to go to trial, and pretrial detention was a problem; however, in increasing numbers defendants were released from confinement pending trial (see Section 1.d.). The condition normally imposed by the court was non-monetary bail in the form of restrictions on travel. Many of the remaining defendants in pretrial confinement were awaiting trial for very serious criminal offenses.

Prosecutors, like the courts, are organized into offices at the rayon (district), oblast (regional), and national levels. They are responsible ultimately to the Prosecutor General, who is appointed by the President and confirmed by the Parliament for a 5-year term. Regional and district prosecutors are appointed by the Prosecutor General. Although, by law, prosecutors and defense attorneys have equal status, in practice prosecutors are more influential. Prosecutors, as well as defense attorneys, may file appeals. The Office of the Prosecutor General practiced selective prosecution and initiated investigations against the political or economic opponents of the President and his allies (see Section 1.d.). The Prosecutor General also ignored par-

liamentary and court requests for investigations into high-ranking persons if the accused were presidential allies. Before the 2001 amendments took effect, the procuracy at times used its judicial review powers to annul court decisions unfavorable to the administration's economic or political interests and ordered cases reexamined by a different court.

Legislative changes in 2001 curtailed prosecutors' authority greatly, limiting it to prosecution, representing the public interest in court, oversight of most investigations, and implementation of court decisions in criminal cases. However, prosecutors retained the right to conduct investigations in cases initiated before the amendments were implemented and in cases involving a range of serious offenses, including murder, corruption, and high economic crimes. The Procuracy no longer may initiate new criminal cases; its powers are limited to supervising the observance of laws by law enforcement agencies only. Citizens may challenge court actions by prosecutors and investigative agencies, as well as government actions regarding national security, foreign policy, and state secrets.

Criminal groups routinely used intimidation to induce victims and witnesses to withdraw or change their testimony. The law requires that a special police unit protect judges, witnesses, defendants, and their relatives; however, the unit had not yet been formed, and trial participants were vulnerable to pressure. A witness protection law was in abeyance because of lack of funding. The law provides that the names and addresses of victims and witnesses may be kept confidential if they request protection due to fear for their lives.

On September 12, Hanna Hryshchenko, former judge of the arbitration court in Kiev, was the victim of a contract killing. In July 2002, Judge Ihor Tkachuk of the Donetsk Oblast Commercial Court was found hanged at his dacha in Odesa Oblast. Initially, his death was ruled a suicide; however, investigators later concluded that he had been assassinated due to his professional activities in connection with litigation in the Odesa Oblast Commercial Court between the Odesa Port and a private company, Sintez Oil. Tkachuk also had previously participated in the Procuracy's investigation into plunder of the Black Sea Merchant Fleet.

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home or Correspondence.—The authorities infringed on citizens' privacy rights. Legislative amendments that took effect in 2001 provide that only courts may approve warrants for searches of residential properties and wiretaps; however, prosecutors retain the right to issue warrants for searches of nonresidential properties (see Section 1.e.).

The SBU may not conduct intrusive surveillance and searches without a court-issued warrant. The Office of the Prosecutor General has the constitutional responsibility to ensure that law enforcement agencies, including the SBU, observe the law; however, the extent to which the Prosecutor General used his authority to monitor SBU activities and to curb excesses by security officials was unknown. The Constitution provides citizens with the right to examine any dossier on them in the possession of the SBU and to sue for physical and emotional damages incurred by an investigation; however, necessary implementing legislation had not been passed, and the authorities did not respect this right in practice.

In May, a judge of the Kiev Appeals Court that closed criminal cases against Yuliya Tymoshenko and former officials of United Energy Systems complained that the judges in this case had been subject to phone tapping and surveillance (see Section 1.d.). In May, the newspaper Zerkalo Nedeli complained of phone tapping and surveillance. The press reported that government officials are prohibited from giving interviews to Zerkalo Nedeli. Reportedly, Volodymyr Yefremov, former director of the Dnipropetrovsk-based television station 11th Channel and regional representative of Reporters Without Borders, had been under surveillance prior to his July 14 death in a car accident (see Section 2.a.).

Some NGOs reported that authorities had opened and searched some of their mail during the year. The SBU also monitored the activities of certain NGOs active in democracy development projects. Journalists, whose reports were critical of the Government, or who covered opposition politicians and NGOs that engaged in non-partisan political activity, reported that SBU agents frequently followed them and that their telephones and offices were wiretapped (see Section 2.a.).

Under the law, the police have the right to stop and search a person based on a suspicion that the person has committed a criminal offense. A person suspected of committing an especially grave crime may be arrested and searched without a warrant, but the court must be informed of the arrest within 72 hours (see Section 1.d.). Legislation prohibits the police from stopping vehicles and levying immediate fines; only courts subsequently had the right to impose such fines. The law had an increasing deterrent effect on the police, who no longer could legally collect spot fines after stopping vehicles for alleged traffic violations, although abuses still regu-

larly occurred. However, the police may detain a person arbitrarily for up to 3 hours to verify identity (see Sections 1.d. and 1.e.). There were reports that police sometimes abused this right.

In 2001, the Constitutional Court ruled that the “propyska” mandatory registration system was unconstitutional; a new “informational” registration mechanism was planned, but had not been implemented by year’s end. Additionally, access to public services such as housing, pensions, medical care, and schooling were still based on the propyska system. In its report on the 2002 Parliamentary elections, the OSCE noted that authorities relied on the outdated propyska system to register voters, since no other system existed.

The law prohibits the abuse of psychiatry for political and other non-medical reasons and provides safeguards against such abuse; however, on a few occasions, persons involved in property, inheritance, or divorce disputes were diagnosed wrongfully with schizophrenia and confined to psychiatric institutions. The disputes often entailed the corruption of psychiatric experts and court officials. Human rights observers reported that procedures regarding the appropriate application of psychological treatment have not been determined, and the Soviet system of classifying mental illness remained in use. Persons diagnosed with mental illness risked being confined and treated forcibly, declared not responsible for their actions, and stripped of their civil rights without being present at the hearings or notified of the ruling. According to statistics available in October, there were approximately 1.2 million registered psychiatric patients in the country. These doctors must examine a patient within 3 days of his confinement. In April, an expert commission of the Association of Psychiatrists terminated its activities in this area due to lack of funding. According to the Ukrainian Psychiatric Association, the Health Care Ministry did not always cooperate with human rights groups attempting to monitor abuse of psychiatry.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution provides for freedom of speech and of the press; however, authorities often did not respect these rights in practice. During the year, the authorities took a direct role in instructing the media on events and issues it should cover and how they should be covered. The authorities continued to interfere with news media by intimidating journalists through the use of libel laws, although this practice declined in comparison with the previous year, by license revocations, and by investigations on tax matters. They continued to take steps to strengthen their control over the broadcasting sector.

Authorities did not generally respect freedom of speech, and there were numerous instances when they impeded citizens’ right to express their opinions. This interference often took the form of direct intervention, such as the confiscation of opposition newspapers and pamphlets and the refusal to provide television or radio airtime to opposition members. Additionally, freedom of speech was restricted through indirect means, such as influencing publishing houses to refuse or limit the publication of materials critical of the authorities. Authorities interfered with the media by issuing written and oral instructions about what events to cover.

According to the website of the State Committee on Television and Information Policy, there were 17,371 registered print publications and 800 television broadcasters in the country. Despite government pressure and media self-censorship, the numerous newspapers and periodicals on the market, each espousing the view of its respective sponsor, provided a variety of opinions.

Many major newspapers were financed by wealthy investors pursuing their own political and economic interests. These often favored the Government. This backing gave these newspapers an advantage over smaller, more independent, newspapers.

Broadcast media, the primary source of news for most citizens, were either state-owned or owned by oligarchs and powerful business interests. There were six national television stations. State-run television had the widest geographic coverage, but low viewership. Most other television stations were associated with political parties or powerful business interests; however, while the groups often did not agree on particular issues, they generally rallied behind the pro-presidential position on key issues dividing the Government and the opposition. In June, Alexander Zinchenko, who headed the number one television channel, Inter, was removed from his position when his views began to diverge from those of the administration.

Foreign newspapers and periodicals circulated freely.

The NGO Freedom House has downgraded the country’s rating from “partly free” to “not free” because of state censorship of television broadcasts, continued harassment and disruption of independent media, and the failure of authorities to adequately investigate attacks against journalists. In 2002, journalists formed an independent union, the Ukrainian Journalists’ Union (UJU), to resist censorship and

protect journalists from job loss or other forms of harassment. In October, the media reported that other journalists had decided to create another new union, the All-Ukrainian Association of Journalists, as alternative to the UJU.

There was a marked imbalance in the coverage of candidates on national television and radio channels during the campaigns both for the 1999 presidential election and the 2002 parliamentary election (see Section 3). Opposition candidates received limited and often negative coverage at the national level; however, opposition candidates had more success in obtaining access to smaller local and regional television channels. The OSCE reported that media coverage of the elections was "highly biased," with the state-funded national channel giving "disproportionate coverage to the pro-presidential candidates." While candidates' access to the media improved in those elections compared to earlier ones, an independent content analysis conducted in December by the Ukrainian Press Academy (funded by the International Renaissance Foundation) appeared to indicate that this trend was reversing itself as the October 2004 presidential election approached. According to the President of the Ukrainian Press Academy, leading television channels in the country demonstrate features typical of an authoritarian society. These characteristics include broadcasts on all channels portraying identical points of view, declining coverage of political parties and civil society organizations, and increasing coverage of pro-administration representatives.

During the year, some journalists were subjected to physical attacks that may have been related to their professional activities. The national affiliate of Reporters Without Borders reported that in 2002, 3 journalists died in connection with their professional activities, 54 were arrested, and 24 were subjected to aggression and intimidation. A letter from the Ministry of Internal Affairs to the Chairman of the Supreme Rada Committee for Freedom of Speech and Information claimed that the professional activity of the victims was not the motive in the majority of crimes perpetrated against journalists in the period 1995 to 2002. Journalists covering politics, corruption, and crime are allowed carry guns firing rubber bullets for their protection.

In April, in the town of Vynohradov, Trans-Carpathia, unidentified assailants threw a firebomb into the house of the local newspaper's editor, Volodymyr Mocharnyk. The device did not explode, and no one was injured. It was alleged that the attempt was in retaliation for the newspaper's criticism of the district government and local law enforcement officials. In April and July, respectively, unknown persons assaulted Oleksiy Yermolin and Andry Ivanets, both connected with the Crimean weekly newspaper Krymskiye Novosti. According to the newspaper, Yermolin had previously received threats. It was suspected that the assaults were connected with the newspaper's coverage of land privatization abuses on the southern shore of Crimea, as well as articles about the markets in Simferopol.

On June 17, three shots were fired into the house of Vasyl Koriaka, editor of the Lubny newspaper Tikhyy Uzhas, and two Molotov cocktails were thrown at the house. No one was injured. Koriaka believed that the attack was linked to his newspaper's critical publications about the Poltava Oblast's regional governor, Yevhen Tomin. Following the attack, President Kuchma instructed the procuracy to investigate the incident. On September 12, Koriaka killed an intruder who attempted to break into his garage. At year's end, the investigation had not ruled out the possibility that the June attack was linked to Koriaka's professional activities.

On July 14, Volodymyr Yefremov, former Director of the Dnipropetrovsk-based 11th Channel and Regional Representative of Reporters Without Borders, died in a car accident. Some media claimed that Yefremov died under suspicious circumstances, as he claimed to be under police surveillance prior to his death, had received suspicious phone calls, and had expressed a fear of "yet another tragic car accident." The police have not ruled out foul play, but would release no information pending the outcome of their investigation. Oleh Yeltsov, editor of the Internet newspaper Criminal Ukraine, who had been assaulted on several occasions, was in hiding outside the country in fear of his life. Yeltsov's newspaper was extensively involved in the Ihor Honcharov case and published Honcharov's statements as well as information relating to the investigation into Honcharov's death (see Section 1.a.).

On December 14, the body of Volodymyr Karachevtsev, leader of the UJU in Melitopol, acting deputy editor of the newspaper Courier, and writer for the Internet publication vlasti.net, was discovered hanging by his clothing from the metal door handle of his refrigerator. Krachevtsev had written on corruption among Melitopol officials, including the mayor. While police had not ruled out murder, investigators were inclined to believe that the death was accidental, a conclusion greeted with skepticism by many observers. No further information was available at the end of the year.

No suspect had yet been identified in the 2001 killing of Oleh Breus, the publisher of the regional weekly XXI Vek in Luhansk.

In 2002, Mykhailo Kolomiyets, a journalist who was editor of the Ukrainsky Novyny news agency, disappeared from Kiev. Based on the results of an independent examination, experts ruled out the possibility of a violent death, and the Prosecutor General closed the case.

No new information was available about the January 2002 attack by an unknown assailant who threw acid in the face of Tatiana Goryacheva, the chief editor of Berdyansk Delovoi, an independent newspaper based in Zaporizhzhya.

There was no new information about the February 2002 attack on Ivan Besiada, reporter of the Lviv-based newspaper Za Vilnu Ukrainu and an activist of Yushchenko's bloc, Our Ukraine. Besiada was assaulted in Lviv and sustained a broken jaw and a concussion. He said that the assault may have been linked to his journalistic activities. Additionally, no new information was available about the September 2002 assault of Petro Kobevko, editor of Chernivtsi-based opposition newspaper Chas. Local reporters alleged a link between the assault and the newspaper's criticism of the Chernivtsi Oblast governor.

Although the Tax Administration began publication of scheduled tax inspections in 2001 as an attempt at transparency, it continued to harass media outlets that exposed corruption, portrayed the Government negatively, or provided positive coverage to opposition figures. In 2002, the tax police raided the office of the Internet newspaper Obkom, confiscating computers and documentation in connection with an investigation into an unspecified criminal case. Obkom attributed the raid to its critical news stories about the head of the Local Tax Administration. Volodymyr Boyko, the author of many of these stories and of articles criticizing then Donetsk Oblast Prosecutor General, Hennadiy Vasylyev, who was appointed Prosecutor General in November, was jailed on charges of vagrancy, although his home was searched for evidence of alleged tax evasion. He was released after 10 days, and the charges against him for tax evasion were dropped.

In January, Obkom resumed publishing by using funds provided by the Renaissance Foundation. On April 15, the press reported that Obkom failed to prove the arbitrariness of the Tax Administration's closure in court, as well as the harassment of the newspaper's writer, Volodymyr Boyko, on charges of tax evasion. In July, Obkom complained that criminal police in Kiev were illegally collecting intelligence about the newspaper from its business partners. In October and November, Criminal Ukraine reprinted several of Boyko's articles about Vasylyev's alleged corruption, and, on November 11, the charges of tax evasion were reinstated against Boyko.

In 2002, the editor of the newspaper Svoboda, Oleh Lyashko, was charged with resisting arrest during a police raid on the publishing house Respublika, which printed the newspaper. Earlier that day, police stopped a van with approximately 100,000 copies of the newspaper on a highway in Cherkasy Oblast and threw the copies into a nearby river. The edition carried a statement by an opposition parliamentarian accusing the Prosecutor General of bribery. Police allegedly pushed the van driver into the back seat of the police car, face down on the seat, and then let him out of the police car onto the road several hundred meters away. The procuracy opened a criminal case against Respublika in connection with the "circulation of confidential information about citizens without their consent" and "abuse of office" while circulating such information. At year's end, the case remained open; however, no newspaper representatives had been summoned for questioning.

In April, the Rada enacted a law that prohibits authorities from interfering with the professional activities of journalists and prohibits the establishment of any body to control media information; however, credible allegations continued to surface that the Presidential Administration gave media publishers specific instructions on events to cover and how to cover them, as well as subjects not to cover. These instructions, known as temniki, reportedly included instructions for the media to portray President Kuchma favorably and avoid discussion of events that question his credibility. The Government reportedly contacted library directors to ascertain if the libraries subscribe to opposition periodicals. Directors who admitted to subscribing to such periodicals were told it was a misuse of government funding. In January, the press reported that the Parliamentary Assembly of the COE (PACE) supported an amendment to the report on Freedom of Speech in Europe that stated that the Government had interfered with the mass media's activities.

The Government at times directed key businesses either to purchase advertising from regional television stations or to withdraw from advertising contracts, depending on the news coverage the stations offered.

On October 3, the Rada reviewed the performance of national television and radio companies. Opposition factions criticized the performance of the national television

Channel 1, claiming it denied them the opportunity to present their agenda to the public and intentionally misinterpreted opposition arguments. They claimed that programs were under the close scrutiny of the head of the presidential administration.

The National Council for Television and Radio Broadcasting, which issues licenses and allocates broadcasting time, was comprised of Rada members and presidential appointees. This body exerted much government influence. The Government and the Rada each appoints half of the members of the Council. Council decisions continued to show bias in favor of business interests closely allied politically with the Government.

State-owned and independent channels were subject to the same rates for the majority of broadcasting fees; however, the Government rarely enforced fee payments for state-owned channels. Private and foreign companies also were required to obtain licenses in order to establish and operate their own transmission facilities. Thus, nongovernmental broadcast media were required to obtain two licenses—one for a transmitter and one for a frequency.

In 2002, the Council stripped the Kiev-based television company UTAR of its broadcasting license and awarded the frequency to television station Tabachuk. The press speculated that the license revocation related to the suspicion that opposition politician Yuliya Tymoshenko financially supported UTAR. UTAR stopped broadcasting after losing its license. The station appealed the decision and the Shevchenkivsky district court ruled in favor of UTAR; however, the decision had not been implemented by year's end.

Also in 2002, the National Council on Television and Radio Broadcasting signed a letter warning Radio Dovira that it was re-broadcasting Radio Liberty illegally. Dovira appealed the decision and applied for an expanded license that would allow it to continue re-broadcasting Radio Liberty. The case had not been officially closed at year's end; however, pending enactment of a new law on radio and television that addresses issues related to re-broadcasting, Dovira was allowed to continue these re-broadcasts.

Two television stations deprived of their licenses in 2002 remained off the air while their owners, who claimed they were being punished for criticizing local officials, waited for the appeals of the license revocations to be heard. The stations were the Fifth Channel private television station in the town of Nikopol and the Zaporizhzhya-based television station Khortytsia.

In late 2002, the Rada held public hearings on freedom of speech and media censorship. The hearings were broadcast live on television and received widespread media coverage. Some media executives complained that the Government wiretapped their offices. President Kuchma was cited in the press as suggesting that complaints about censorship were exaggerated; however, in April, the Prosecutor General launched a criminal case involving the media's publication of information that the procuracy claimed was aimed at undermining the authority of Kuchma and obstructing him in the performance of his duties. Several media outlets were also charged with publishing information that was insulting and libelous to the President. Kuchma claimed that he did not know that a criminal case against the press had been initiated and later requested the Prosecutor General to drop all charges.

The use or threat of civil libel suits continued to inhibit freedom of the press, but the number of cases during the year reportedly decreased. The Criminal Code eliminates any criminal penalty for libel and a 2001 Resolution of the Plenum of the Supreme Court mandates that, in order to prove civil libel, plaintiffs must demonstrate that journalists had prior knowledge of the falsity of information before publishing it; however, lower courts still may order that a publication's accounts be frozen pending an appeal of a civil libel case.

In recent years, government officials initiated more than 20 criminal and civil libel cases against Lyashko and his earlier publication *Polityka* (which was forced to close in 1999), asking for more than \$40 million (200 million hryvnya) in damages. On February 5, Lyashko was convicted of resisting police in connection with the 2002 incident, and fined \$50 (250 hryvnya). Lyashko appealed the conviction. At year's end, the Government was continuing its lengthy efforts to deprive Radio Kontinent and UTAR of their license to broadcast, with results that were inconclusive at year's end. In 2001, the Council decided against renewing the license of Radio Kontinent (RK), an independent radio station that rebroadcast news reports of the British Broadcasting Corporation (BBC), Voice of America (VOA), and Deutsche Welle. RK had been critical of the Government in its own broadcasts, and its owner had been highly critical of President Kuchma's relationship with the media. After a successful challenge to its initial rationale that RK's rebroadcasts of foreign stations were illegal, the Council cited a debt owed by the station to the Government as grounds for its decision. Subsequently, the Kiev Municipal Arbitration

Court denied RK's request to block the sale of the radio station's frequency. RK continued to operate pending further appeal, and the ECHR reviewed the case. No information was available about the results of that review. During the year, RK went off the air after the power company, Kievenergo, cut off electricity to the State University of Technology and Design, where RK rents office space.

On April 3, the Rada passed a law that set limits on the amount of damages that can be claimed in lawsuits for libel. The law requires that the plaintiff deposit a payment of 1 to 10 percent of claimed damages in the form of collateral, which is forfeited if the plaintiff loses the lawsuit. Additionally, the law waives press responsibility for inoffensive, non-factual judgments, including criticism. Despite these measures, the Office of the Ombudsman indicated concern over the 'astronomical' damages awarded for alleged libel.

In April, the media reported that a local court ordered Chas, a Chernivtsi-based newspaper, to pay \$9,500 (50,000 hryvnya) for moral damages based on the alleged defamation of a local official in 2001. Voicing concern that the fine would force it out of business, the newspaper announced that it would appeal the decision of the local court. An appeals court subsequently ordered Chas to pay a fine of \$4,750 (25,000 hryvnya). In May, the Pechersk Local Court in Kiev ordered the publishing house Stolichniye Novosti to pay \$570,345 (3 million hryvnya) for moral damages for calling the magazine "Personnel," a publication of the Interregional Academy of Personnel Management and the International Personnel Academy, anti-Semitic and neo-fascist. Two libel suits originally filed in 2001 against Radio Free Europe/Radio Liberty were reheard in 2002 for the third time due to a change in judges; however, no decision or settlement had been reached by year's end for either suit and no new information was made available about the cases.

Government entities used criminal libel cases or civil suits based on alleged damage to a "person's honor and integrity" to influence or intimidate the press. According to the Mass Media Institute (IMI), 46 actions were brought against the mass media and journalists for libel during the year. IMI estimated that government officials initiated 90 percent of these suits. Article 7 of the Civil Code allows anyone, including public officials, to sue for damages if circulated information is untrue or insults a person's honor or dignity.

The new Civil Code, enacted during the year and scheduled to take effect in 2004, provides that negative information about a person is considered untrue unless the person who spread the information proves to the contrary. Journalists and legal analysts have expressed concern that this code will have a negative impact on freedom of speech and the press.

The SBU had broad powers over the media in regard to the publication of state secrets, which included information on executions, the physical state of prison infrastructure, pretrial detention facilities, and centers for the forcible treatment of alcoholics; however, journalists reported that, in general, they were able to report about harsh prison conditions without any inhibition (see Section 1.c.).

The print media, both independent and government-owned, sometimes demonstrated a tendency toward self-censorship on matters that the Government deemed sensitive. According to a poll taken during the year, many journalists believed that criticism of the president (71 percent), local authorities (69 percent), the Presidential Administration (68 percent), or criminal organizations (77 percent) would result in negative consequences such as psychological pressure, economic sanctions, and physical attacks. Although private newspapers were free to function on a purely commercial basis, they were subject to various pressures, such as dependence on political patrons who could facilitate financial support from the State Press Support Fund and close scrutiny from government officials, especially at the local level. The dependence of some of the press on government patronage inhibited criticism, particularly at the local level. This type of pressure was particularly acute prior to and during the 2002 parliamentary elections.

There were instances in which the authorities restricted or banned some publications critical of governmental entities or officials. On May 5, the procuracy questioned the editor of the newspaper *Litsa* in connection with a criminal case on charges of publishing libelous information that obstructed the efforts of the President to carry out his duties. However, the editor was charged with printing passages that, in fact, the newspaper had not published. In 2002, *Litsa* complained about local government pressure following its publication of articles about the local government's interference in by-elections in Dnipropetrovsk Oblast.

The popularity of the Internet has surged in recent years. According to the State Communication and Information Committee, the number of Internet users increased by 50 percent during the year and totaled 8 percent of the population, compared to 5 percent in 2002. Additionally, there were approximately 28,800 web sites, an increase of just over 4 percent from 2002. Of the 300 Internet service providers (ISPs),

10 controlled approximately 80 percent of the market. The Internet attracts more urban and younger people and users are concentrated in the central and western parts of the country where civil society is strongest. A 2000 Presidential decree identified the development of the Internet as a priority of national information policy and instructed the Government to design a state program to develop the Internet network; however, human rights observers were concerned that the Government, particularly the SBU, intended to limit freedom of expression on the Internet, which featured a number of popular opposition web sites.

On December 15, President Kuchma signed legislation that further broadened the powers of the SBU to monitor Internet publications and e-mail. During public hearings on the draft of the legislation, which requires telecommunications operators to pay for and install monitoring equipment of 'authorized agencies,' the SBU announced that ten ISPs had already installed network monitoring equipment. The stated goal of the network was to fight corruption and further the country's integration into the European Community; however, human rights organizations expressed concern that this network has increased the SBU's ability to supervise citizens without cause. The Internet Association of Ukraine (InAU), a group of six Kiev-based ISPs, complained in a report to the OSCE that enactment of monitoring legislation could infringe on people's rights to privacy of correspondence under existing law.

In July, the Government moved to take control of the "ua" Domain, "ua" being the country's domain suffix. It successfully filed suit against the private firm that administers the "ua" domain and appealed to the Internet Corporation for Assigned Names and Numbers to approve the transfer to a joint Government-private venture. Human rights Observers suggested that this was a further move to exert control over Internet content.

Although limited in readership, Internet publications, in particular *Ukrayinska Pravda*, played a key role in covering the disappearance of Heorhiy Gongadze and the scandal surrounding allegations of presidential involvement in the case (see Section 1.a.).

While major universities are state-owned, they operated for the most part under full autonomy; however, academic freedom was an underdeveloped and poorly understood concept. Nepotism and bribery reportedly were common during entrance exams and also influenced the granting of degrees. Administrators of universities and academic and research institute directors possessed the power to silence colleagues by denying them the ability to publish, withholding pay and housing benefits, or directly terminating them. Restrictions by the Communications Ministry on the mailing of scientific documents also caused concern. The SBU maintained offices for the protection of state secrets in state scientific and research institutes, including those not conducting any classified research. Private and religiously affiliated universities operated without any reported state interference or harassment.

b. Freedom of Peaceful Assembly and Association.—The Constitution and law provide for freedom of assembly; however, there were some restrictions on this right. While the Constitution requires that demonstrators inform the authorities of a planned demonstration in advance, the law on public assembly stipulates that organizations must apply for permission to their respective local administration at least 10 days before a planned event or demonstration. The Criminal Code prescribes up to 2 months of corrective labor or a fine for repeatedly staging unauthorized demonstrations. Under the law, demonstrators are prohibited from inciting violence or ethnic conflict and from calling for the violent overthrow of the constitutional order. In practice, unlicensed demonstrations were common: Most, but not all, occurred without police interference, fines, or detention.

By year's end, 14 of the 18 prisoners of the National Ukrainian Assembly/Ukraine People's Self-Defense (UNA/UNSO), who had been convicted in connection with 2001 anti-Government demonstrations in Kiev, had been released after serving their prison terms. Of the remaining four, three were scheduled for release in March 2004.

The Constitution and law provide for freedom of association; however, there were instances when authorities impeded individuals' right to gather. For example, during the July Ukrainian-Polish summit in the Volyn Oblast, police briefly detained seven members of the small radical nationalist party, the Ukrainian Social National Party (SNPU), for circulating leaflets calling for a demonstration on July 6 in Lutsk to protest the Government's plans to erect a monument commemorating the 60th anniversary of the large-scale Ukrainian-Polish killings in the Volyn region during World War II and against the July 11 commemorative events in the Volyn Oblast which were attended by President Kuchma and the President of Poland. Police threatened to open a criminal case against SNPU activists on charges of fomenting inter-ethnic hatred; however, no criminal case was opened. On July 10–11, near the village where Kuchma and the Polish President were to meet, police blocked a bus-

load of demonstrators from nationalist youth groups, refusing to let the demonstrators out of the bus for several hours.

In other actions that appeared designed to block demonstrations or intimidate demonstrators, a cafeteria owned by businessman Stepan Marchenko, a leader of the Ukrainian People's Party and head of the local entrepreneurs' strike committee in Myrhorod, Poltava Oblast, was destroyed by arson on August 5, the same day, Marchenko and other entrepreneurs from Myrhorod had planned to go to Kiev to hold a demonstration outside the Presidential Administration in protest of harassment of businessmen in Myrhorod. The trip was cancelled because of the fire. Earlier, Marchenko had been summoned several times to the town hall, where it was suggested that he cancel his trip and the demonstration in Kiev. Marchenko's cafeteria had also been vandalized previously. On September 24 in Lviv, unidentified individuals pushed a group of supporters of the opposition party, SNPU, into a car and held them for several hours at a deserted location. The SNPU supporters had circulated leaflets calling for a September 25 demonstration in Lviv to protest an international agreement signed by the President and other policies.

Groups must register with the Government to pursue almost any purpose. Unregistered groups are prohibited from opening bank accounts, acquiring property, or entering into contracts. The registration law also gives the Government the right to inspect the activities of all registered groups. This law requires that a party specify all its activities in its charter, but it is not required to notify the authorities of each of their meetings. A change in the group's charter necessitates re-registration. In September the Government reregistered the offices of the National Democratic Institute (NDI) and the International Republican Institute (IRI); they had originally sought re-registration in September 2001. The Institute for Sustainable Communities was registered on April 21.

The law provides for restrictions on organizations that are considered dangerous, such as those that advocate violence or racial and religious hatred or which threaten the public order or health. The Government had not identified publicly any group as "dangerous" by year's end; however, far-right political organizations reported that they were subject to harassment and surveillance by government authorities.

There were some additional restrictions on political parties (see Section 3). They may not receive financial support from the state or any foreign patron. In accordance with the Constitution, the law also prohibits the establishment of political parties in the executive and judicial branches, military units, law enforcement organizations, state-owned enterprises, and other public institutions; however, this prohibition often was ignored in practice. The Supreme Court reserves the right to ban any political party upon the recommendation of the Ministry of Justice or the Prosecutor General.

The law requires that a political party maintain offices in one-half of the regions; however, in practice, regional parties existed. Ethnic minorities occupied leadership positions in national political parties (see Section 3).

c. Freedom of Religion.—The Constitution and the law provide for freedom of religion, and the Government generally respected this right in practice. Religious groups of all beliefs flourished. However, some local officials at times impeded attempts by minority and nontraditional religions to register and buy or lease property.

The Constitution and the law provide for the separation of church and state. There is no state religion. The largest church in the country, the Ukrainian Orthodox Church (UOC)-Moscow Patriarchate, predominated in the South and East with 10,310 registered communities, 360 of which were registered during the year. The UOC-Kiev Patriarchate was the second largest of the Orthodox Churches in the country, with 3,186 communities, 167 of which were newly registered during the year. It was strong in the central regions. The smaller Ukrainian Autocephalous Orthodox Church (UAOC), which has 1,107 communities, including 21 newly registered parishes during the year, was also strong in the central regions. The Greek Catholic Church, with 3,326 parishes of which 31 were registered during the year, predominated in the West, but sought renewed presence in Kiev. These churches exerted significant political influence at the local and regional levels. Each of these churches, within its respective sphere of influence, reportedly pressured local officials to restrict the activities of the others.

The law requires all religious organizations and non-secular institutions of education offering religious diplomas to register with the State Committee on Religious Affairs (SCRA). Registration is necessary to own property or carry out many economic activities, such as publishing religious materials and opening bank accounts. The UOC-Kiev Patriarchate reported delays in the registration of its parishes. Some minority religious organizations reported that, particularly at the local or regional

levels, officials of the SCRA delayed registration of their organizations for extended periods. However, there were fewer such reports during the year.

Representatives of the Progressive Jewish Communities claimed that local authorities and Chabad Lubavitch officials made statements against their community in the local press while the group was organizing communities in Dnipropetrovsk. The Progressive Jewish Community claimed not only that the Dnipropetrovsk Chabad Community opposed the registration of any Jewish community but itself in the region, but also that, under pressure from Chabad Lubavitch, it was denied registration in Dnipropetrovsk. The Progressive Community dropped its registration bid in 2002.

Representatives of the Muslim community noted that they have been unable to register a community in Kharkiv for the past 11 years. Local police often subjected Muslims to document checks.

Representatives of minority Christian communities expressed concern over instances of discrimination against their adherents, although such incidents appeared to be isolated. Evangelical churches, like many other religious communities, experienced difficulties in obtaining land plots.

Disputes continued among competing Orthodox Christian administrative bodies. The SCRA, although supportive of a unified, independent Orthodox Church for the country, has maintained neutrality in its relations with the various Orthodox churches. The UOC-Kiev Patriarchate and the Ukrainian Greek Catholic Church complained of harassment by local authorities in the predominantly Russian-speaking southern and eastern regions of the country. The UOC-Moscow Patriarchate complained that local governments ignored the appropriation of its churches by Greek Catholics in the western region.

The SCRA served as the Government's point of contact between the various organizational entities that provided logistical support and permits during the international conference of Jehovah's Witnesses, which drew considerably more than 100,000 faithful to the capital and regional cities. Approximately 20,000 Jewish pilgrims visited the Nachman tomb, 10,000 during Rosh Hashanah. Both events took place without incident.

Representatives of the UAOC cited instances of difficulties in providing religious services to soldiers and of the need to obtain approval from prison chaplains of the Moscow Patriarchate for prison ministry activities.

The Government generally permitted religious organizations to establish places of worship and to train clergy. The Government continued to facilitate the building of houses of worship by allocation of land plots for new construction and through restitution of religious buildings to their rightful owners. The Government provided funds to reconstruct houses of worship, including a mosque in Sakalinye.

Members of numerous religious communities encountered difficulties in dealing with the Kiev municipal administration to obtain land permits and building permits; however, problems were not limited to religious groups. A synagogue, which was used as a sports center during Soviet times, was restored and reopened in Kharkiv.

Under the law, all religions, faiths, and religious organizations are equal. The clergy, religious preachers, teachers, and other representatives of foreign organizations who are foreign citizens and are in the country temporarily, can preach religious faiths and perform religious rites or other canonical activity only in the religious organizations on whose invitation those individuals arrived and with official agreement of the state agency that registered the relevant religious organization. In practice, the Government has not used the law to limit greatly the activity of religious organizations.

The law restricts the activities of "nonnative," foreign-based, religious organizations ("native religions" are defined as Orthodox, Greek Catholic, and Jewish), and narrowly defines the permissible activities of members of the clergy, preachers, teachers, and other non-citizen representatives of foreign-based religious organizations; however, in practice there were no reports that the Government used the law to limit the activity of nonnative religious organizations. There were no reports that foreign religious workers encountered difficulties obtaining visas.

Sectarian religious instruction is prohibited in the public school curriculum. Schools run by religious communities can and do include religious education as an extracurricular activity. Government and UOC-Kiev Patriarchate attempts to introduce training in "basic Christian ethics" into the public schools has resulted in schools now having the right to include this subject in the curriculum at their own discretion. While the country's Jewish leaders also support the teaching of ethics and civics in school, they insist on a nonsectarian approach to this training.

A large number of high-level government officials continued to take part in the commemoration of the massacre at Babyn Yar in Kiev, the site of one of the most

serious crimes of the Holocaust directed against Jews and thousands of individuals from other minority groups. The Government commemorates it each September. Discussions continued among various Jewish community members about erecting an appropriate memorial, and possibly a heritage center, to commemorate the killings. The Government was generally supportive of these initiatives.

Outstanding claims for restitution remained among all of the major religious communities. The Government continued to return properties expropriated during the Soviet era to religious groups; however, not all groups regarded the pace of restitution as satisfactory, and all major religious communities continued to have outstanding restitution claims. During the year, religious communities received ownership of 358 premises (i.e. buildings or sections of buildings) converted into places of worship and another 524 religious buildings that were not designated for worship, such as former religious schools, hospitals, and clerical residences, totaling 2,388 and 1,313, respectively, since independence.

Intra-communal competition for particular properties complicated the restitution issue, both for some Christian and for some Jewish communities. Some groups asserted that restitution generally was progressing satisfactorily, although more could be done, while others that did not receive property reported a lack of progress. The slow pace of restitution was a reflection, among other things, of the country's difficult economic situation, which severely limited funds available for the relocation of the occupants of seized religious property. In September 2002, the Cabinet approved an action plan, drawn up at the instruction of President Kuchma, designed to return religious buildings to the religious organizations that formerly owned them. The Rada subsequently adopted the first reading of amendments to the Land Code that will allow religious organizations permanent use of designated property.

Friction involving various religious groups remained evident, particularly among the leadership of some religious organizations. A dispute between nationalists and Jews over the erection of crosses in Jewish cemeteries in Sambir, and Kiev, remained unresolved, despite efforts by Jewish and Greek Catholic leaders to resolve it. A local court ordered a halt in the construction of an apartment building at the site of an old Jewish cemetery in Volodymyr Volynsky. However, according to the Secretary of the Volodymyr-Volynsky Municipal Council, apartment construction was completed during the year and 90 percent of the units were occupied.

One Christian religious group complained that the UOC-Moscow Patriarchate made calls to local government officials in an attempt to derail land allotments for local religious building establishments. The same group alleged that the UOC-Moscow Patriarchate ordered the reprint of criticism of the group originally published in a Moscow newspaper.

Acts of anti-Semitism continued to be infrequent; however, some ultranationalist groups and newspapers continued to publish and distribute anti-Semitic tracts. The procuracy warned certain publications against publishing anti-Semitic material. Construction of a Ukrainian Greek Catholic Church cathedral in the capital and the planned transfer of the leader's residence to Kiev provoked the Ukrainian Orthodox Church-Moscow Patriarchate to speak out against the Greek Catholic's expansionist plans eastward.

In Kharkiv, the UAOC reported that unidentified perpetrators smashed its windows with a bat on February 15. Police suspected that the bat was thrown during a fight or by a passer-by. Church officials did not insist on further investigation of the incident.

Evangelical Christian missionaries reported some instances of societal discrimination against members of their churches, such as public criticism for betraying native religions, although there were no reports of harassment.

For a more detailed discussion, see the 2003 International Religious Freedom Report.

d. Freedom of Movement within the Country, Foreign Travel, Emigration, and Repatriation.—The Constitution provides for these rights, and the Government generally respected them in practice; however, there were some limitations. Until November 2001, the propyska system—a nationwide requirement to register at the workplace and place of residence in order to be eligible for social benefits—remained in place; access to certain social benefits was limited to the place where one was registered. The Government had not implemented a substitute informational register by year's end and, while fines for failing to register at a place of residence were no longer imposed, information was insufficient to determine whether individuals who had not registered had access to the social benefits that they previously had been denied. Police arbitrarily detained persons for extensive document checks and vehicle inspections (see Section 1.f.).

Citizens who wished to travel abroad generally were able to do so freely. Exit visas were required for citizens who intended to take up permanent residence in an-

other country, but there were no known cases of exit visas being denied to citizens during the year. The Government could deny passports to individuals in possession of state secrets, but those denied had the possibility of appealing.

A 2001 Citizenship Law provides the right to citizenship to all individuals who were born or lived in the country before independence and to their descendants who lived outside the country as of November 1991. Dual citizenship is not recognized. Under the terms of the Citizenship Law, refugees may acquire citizenship if they have lived legally in the country for 3 years (instead of 5 years for other foreigners) and can communicate in the Ukrainian language. Refugees do not have to formally terminate foreign citizenship with their home country unless the Government has signed a specific agreement with that country mandating such a procedure; they must only notify the authorities of their rejection of foreign citizenship. Since independence, more than 1.5 million individuals have returned to the country, while more than a million persons, mostly ethnic Russians, have left the country.

The Government has not supported a foreign-funded program to facilitate travel to the country of some emigrants who qualified for resettlement as refugees; however, more than 260,000 Crimean Tatars have returned from exile to Crimea, mainly from Central Asia. Citizenship law facilitates the acquisition of citizenship by Crimean Tatars, who were deported victims of political oppression, by waiving some of the usual residence and language requirements. According to the U.N. High Commission for Refugees (UNHCR), approximately 98 percent of the Tatar returnees have acquired citizenship. Crimean Tatar leaders have complained that their community has not received adequate assistance in resettling and that an onerous process of acquiring citizenship previously excluded many of them from participation in elections and from the right to take part in the privatization of land and state assets.

The Law on Refugees provides for the granting of refugee and asylum status to persons who meet the definition in the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. In practice, the Government provided protection against refoulement, but did not routinely grant refugee or asylum status. The law governs the treatment of refugees and entitles refugees to all of the benefits accorded to citizens. It also extends the term of refugee status from 3 months to 1 year. The Government cooperated with the UNHCR and other humanitarian organizations in assisting refugees. When the law on refugees took effect in 2001 the State Committee for Nationalities and Migration assumed authority for refugee adjudication. Regional centers began forwarding cases to the central authorities in July and August 2002; however, 2 years after the implementation of the law, there was still no adjudication mechanism for this body. This process has standardized decision-making; however it has also slowed the adjudication of cases. At year's end, the Government informed UNHCR that it would revise these procedures in order to address this problem. The number of individuals who received refugee status during the year increased but remained very small. UNHCR reported that 1,301 applications for 1,500 individuals were received as of September, and 31 people were granted refugee status.

According to UNHCR officials, the biggest obstacle to the implementation of the Government's commitments to the protection of refugees is that authorities strictly apply very short deadlines. The authorities refused to initiate asylum procedures for 70 percent of all asylum seekers prior to any substantive consideration of their application because they did not apply for refugee status within 3 working days of their illegal entry into the country. As a result, they remained undocumented and faced arrest, detention, and deportation.

Under the Citizenship Law, legally registered refugees may apply for citizenship after 3 years of permanent residence. As of July 1, according to statistics in the Government Courier newspaper, 2,961 persons had official refugee status. Under the Refugee Law, refugees are entitled to material assistance. The Cabinet allocates funds in the national budget for payment of refugee pensions and small allowances for indigent refugees, plus transportation fare to a refugee center. Refugee reception centers operated in Vynytsya and Odesa.

Police harassment of refugees of certain categories of individuals, particularly those with dark skin, and, to a lesser degree, Asians continued during the year (see Section 1.c.). They included at least one severe beating. The UNHCR issued beneficiary cards to persons it recognized as refugees. Presentation of this card to law enforcement authorities reportedly led to some reduction in harassment, although this procedure did not help the large numbers of unrecognized refugees. The UNHCR continued to hold training seminars for judges, border guards, and other law enforcement personnel that focus on preventing such behavior.

Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government

The Constitution provides citizens with the right to change their government peacefully through periodic elections; however, seriously flawed by-elections during the year, as well as administrative and other difficulties imposed to limit organizational and publicity efforts of opposition parties, restricted this right. The Constitution provides for universal suffrage for citizens at least 18 years of age and for by-elections every 4 years for the Rada and every 5 years for President. The OSCE noted some improvements in the March 2002 Parliamentary elections, but significant flaws persisted. By-elections and local elections during the year revealed serious shortcomings in which individuals opposing the Kuchma regime faced administrative obstacles, pressure to discourage sympathetic media coverage of government opponents, and interference in their organizational activities. The Rada is elected partially according to proportional representation and partially by direct constituency mandate. The most recent presidential election was held in October and November 1999. The next presidential election is scheduled for October 2004.

A number of by-elections during the year were marked by serious irregularities. For example, two elections monitoring organizations issued reports alleging serious irregularities in the conduct of the May 18 Sumy mayoral election campaign and balloting. These irregularities included fraudulent voting, lack of consistent access by media and election observers to the electoral process, and the disqualification of a major candidate shortly before the elections.

A report by a prominent election monitoring organization highlighted a number of irregularities in the June 8 parliamentary elections in Chernihiv. According to the report, some voters were not able to vote due to discrepancies in the voter lists. Additionally, there was a lack of openness on the part of the local electoral commission toward the press. As in the case of the Sumy mayoral election, a prominent candidate was disqualified just before the election was to be held.

There were numerous instances of abuse of the electoral process, the prosecutorial and judicial systems, and state resources during and after the June Mukacheve elections. On December 26, President Kuchma issued a decree dismissing the elected mayor of Mukacheve and appointing a pro-government individual as acting mayor. The decree was based on the decision of a Lviv court of first instance that declared the June election invalid and ordered new elections. A Mukacheve court ruled the decree illegal, but the appointed mayor has occupied city hall with a police escort. At year's end, the Supreme Court scheduled the Mukacheve court's decision for review. The human rights Ombudswoman requested that the Constitutional Court provide an opinion.

During the year, authorities placed a variety of obstacles in the way of the opposition Our Ukraine bloc, whose leader, Viktor Yushchenko, was the unofficial front-runner in the 2004 presidential elections. Efforts of Our Ukraine to hold its annual party conference in Donetsk in October were impeded by the initial refusal of airport authorities to permit Yushchenko's aircraft to land at the Donetsk airport, blocked exits from the airport upon arrival, large crowds of hostile demonstrators at each of Our Ukraine's stops, refusal by security authorities at the government-owned conference hall to permit Our Ukraine access prior to the official opening of the conference, and by the authorities' permitting a large crowd to occupy the conference hall, thereby preventing Our Ukraine from using the facility. The behavior of local officials, who declared that they were unable to evict those occupying the building, and the highly organized nature of the demonstrations, led to widespread charges that the authorities in Donetsk or in Kiev planned the obstructions. An effort by Our Ukraine to stage a rally in Sumy also faced obstacles. They were denied use of the city's larger indoor venues, and the outdoor event they were able to stage was interrupted by a large group of protesters, who threw eggs, firecrackers, and stones. According to Our Ukraine, a number of bus companies cancelled contracts to transport Our Ukraine supporters to Sumy. Smaller-scale disruptions were reported at several other Our Ukraine regional rallies. Following these events, Parliament established an ad hoc commission to monitor the observance of the rights of Rada deputies and citizens to hold meetings and rallies. The commission did not release any findings by year's end.

Improvements in the 2002 parliamentary elections that were noted by the OSCE monitoring mission included a new Election Law that took into account international recommendations and a civil society engaged in the electoral process. For example, extensive NGO monitoring of the pre-election and election processes and prompt release of exit polling immediately after the voting ended helped to improve the electoral process. However, a general atmosphere of distrust pervaded the pre-electoral environment due to factors that included flawed implementation of the legal framework, illegal interference by authorities in the electoral process, and

abuse of administrative resources, including alleged pressure on public employees to vote for certain candidates. Media coverage was highly biased, and opposition candidates did not have equal access to electronic media. The Government did not move in a proactive manner to ensure a level playing field for all political parties. Officials did not take steps to curb the widespread and open abuse of authority, including the use of government positions and facilities, to the unfair advantage of certain parties.

According to the OSCE report, voter lists were unreliable, including voters who had moved to other districts or left the country and deceased persons whose names remained on voter lists. During the parliamentary elections, there were numerous reports that the Government relied on local and regional authorities to pressure voters into supporting pro-presidential parties. Authorities also used administrative resources to support pro-presidential party campaigning activities. The OSCE noted a "surprising" contrast between the party-list vote and the single-mandate results. Election experts consider single district constituencies more easily manipulated than party list elections. There were many instances of harassment during campaigning and, as with previous elections, opposition candidates complained of voting irregularities, a lack of access to the media, and government pressure on behalf of pro-presidential candidates. Some violent incidents, including one killing in the 2002 pre-election period, may have been politically motivated (see Section 1.a.).

International observers noted violations of election day procedures in the 1999 presidential election, with more numerous and serious violations occurring in the second round of voting. A representative of the Parliamentary Assembly of the Council of Europe (PACE) declared that the election was "far from fair and democratic." However, because of President Kuchma's 18-point margin of victory, observers concluded that it was unlikely that these problems significantly altered the final outcome of the election.

A number of events took place toward the end of the year which were interpreted by political opponents of President Kuchma and by many human rights observers, including the special rapporteurs of the Parliamentary Assembly of the Council of Europe, as efforts to ensure the President's hold on power after the end of this term in office expired in 2004. The spokesmen for the Government denied these assertions, and the President vowed not to seek another term. In early December, the Constitutional Court approved three draft packages of constitutional changes initiated by the Presidential Administration and pro-presidential majority. While the packages ostensibly would increase the authority of Parliament, many critics state that the draft amendments were designed to strengthen the power of the President, alter future presidential elections, and prevent the opposition from gaining power. The two majority-sponsored packages proposed that the President be elected by Parliament. The legislation was under consideration in the Rada at year's end. On December 30, the Constitutional Court ruled that President Kuchma could run for a third term in 2004, stating that the Constitutional limit of two terms did not apply to President Kuchma's first term since it began before the new Constitution took effect in 1996.

Two opposition party members died under suspicious circumstances during the year (see Section 1.a.). No new information was made available about the NGO Committee of Voters of Ukraine's (CVU) election monitor Oleksandr Olynyk, who disappeared following the March 2002 elections (see Section 1.b.).

There were 21 women in the 450-seat Rada, down from 23 in the previous Rada. No women held ministerial posts. The 18-member Constitutional Court had 2 female members. Women occupied approximately 9.7 percent of regional council seats, according to statistics from the State Committee for Family and Youth.

The representation of Crimean Tatars continued to increase in local and regional councils. Crimean Tatars had the third largest representation on the Supreme Council of Crimea, due largely to citizenship laws that increased the number of eligible voters from the Crimean Tatar community.

Section 4. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A wide variety of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases and Government officials frequently were cooperative and responsive to the views of NGOs; however, human rights groups reported continued difficulties in investigating some human rights abuses.

On December 11, the Rada approved a resolution establishing an ad hoc commission to investigate foreign-funded NGOs. Human rights observers viewed this as an attempt by the Government to discredit NGOs in the eyes of the public and reduce possible sources of points of view contrary to its own.

The Parliamentary Commissioner on Human Rights is a constitutionally mandated, independent human rights Ombudsman. The incumbent was reelected on June 19 to a second 5-year term. The law provides the Ombudsman with unrestricted and unannounced access to any public official, including the President; unrestricted access to any government installation; and oversight of the implementation of human rights treaties and agreements to which the country is a party; however, the law provides no penalties for those who obstruct the Ombudsman's investigations, nor does it create sufficient enforcement authority for the Ombudsman. The law requires the Government to submit amendments to existing laws in order to establish a legal framework for the operation of the Ombudsman's office; however, although the Ombudsman noted the lack of effective mechanisms for protection of human rights in a November 2000 report to Parliament, that body had not enacted any such amendments by year's end. All citizens and residents can address their concerns to the Ombudsman, and the Ombudsman serves as an intermediary between citizens and the Constitutional Court, since citizens cannot address the Court directly (see Section 1.e.).

In 2002, the Ombudsman's office reported that it had received approximately 270,000 letters and other requests for information from individuals during the year. It is unclear how many of those requests were complaints of human rights violations. The office consisted of approximately 100 full- and part-time workers; however, according to the Ombudsman, underfunding of the office continued to hamper its activities. The Ombudsman continued to make the combating of trafficking in persons (see Section 6.f.) and improving prison conditions (see Section 1.c.) major priorities during the year.

Citizens have the right to file appeals with the ECHR about alleged human rights violations. The ECHR has described the country as the fourth largest contributor of complaints. Between 1997 and the end of 2002, approximately 4,000 applications were filed with the court from Ukraine. There were seven decisions during the year: Six cases resulted in the finding that human rights violations had been committed, and, in one case, the court delivered a ruling of just satisfaction and awarded the applicant approximately \$836,999 (550,000 euros) in monetary and non-monetary damages.

Section 5. Discrimination Based on Race, Sex, Disability, Language or Social Status

The Constitution prohibits discrimination on the basis of race, sex, and other grounds; however, the Government did not enforce these provisions effectively due, in part, to the absence of an effective judicial system.

Persons living with HIV/AIDS faced discrimination in the workplace; job loss without recourse to legal protection; harassment by law enforcement, prosecutorial, and judicial authorities, and social isolation and stigmatization within their communities.

Women.—Violence against women reportedly was pervasive. Spousal abuse is illegal, but the authorities often pressured women not to press charges against their husbands. On June 5, President Kuchma signed a law prescribing fines and arrest for domestic violence but it was too soon to evaluate its effects at year's end. The Criminal Code prohibits rape and "forced sex with a materially dependent person," which may allow prosecution for spousal rape. Official statistics on prosecutions for wife beating or on average sentences were not available; however, the Institute of Sociological Research reported in September 2000 that 12 percent of women under the age of 28 had been victims of domestic violence.

According to the State Bureau for Family and Youth, the Interior Ministry constantly monitored the 17,900 individuals officially charged with domestic violence. Of these, 13,600 were cases of physical abuse and 3,500 were cases of mental abuse. Prior to monitoring, individuals received first and second notices from authorities. As of October, 27,200 persons had been issued official warnings for the first time, and 3,500 received second warnings. According to authorities, the total number of registered domestic violence cases through October was 49,400, of which 19,000 were registered in the first half of the year.

While statistics compiled by the U.N. Development Program (UNDP) showed that the number of reported rapes and attempted rapes had decreased over the previous few years, surveys indicated that the majority of rapes and other cases of physical abuse went unreported. Past surveys by women's groups indicated that between 10 and 15 percent of women had been raped and that more than 25 percent were abused physically in their lifetimes. The International Helsinki Federation for Human Rights reported in 2000 that 20 percent of women aged 17 to 21 had faced attempted rape. In 2001, 1,051 rape cases were opened under Article 117 of the old Criminal Code and another 152 under the new Criminal Code. Information on convictions was not available.

Violence against women did not receive extensive media coverage despite the efforts of human rights groups to highlight the problem. State-run hot lines, shelters, and other forms of practical support for victims of abuse were few. Municipal authorities in Kiev ran a women's center, the only municipally supported shelter in the country. NGOs attempted to provide services for abused women through the establishment of women's support centers in nine cities (see Section 6.f.).

The country was a significant source and transit country for women trafficked abroad for sexual exploitation (see Section 6.f.).

Human rights observers and women's groups stated that discrimination against women continued to be a common problem in the workplace. The Government and private businesses regularly specified the gender of employees in their help-wanted advertisements, and employers frequently demanded information about a woman's family situation and subsequently used it to deny employment to women who were likely to become pregnant. Physical appearance and age were often taken into account in employment decisions involving women.

Women's groups reported that there was widespread sexual harassment in the workplace, including coerced sex. Apart from the law that prohibits forced sex with a "materially dependent person," which applies to employees, legal safeguards against harassment were inadequate. No statistics were available concerning the number of prosecutions for sexual harassment during the year.

Labor laws establish the legal equality of men and women, including equal pay for equal work, a principle that generally was observed; however, the economic decline of the past decade has harmed women disproportionately. Women were much more likely to be laid off than men. At the beginning of the year, according to the State Committee on Statistics, overall unemployment was 3.8 percent; however, experts state that the real unemployment rate is closer to 9.4 percent. Authorities said that, as of mid-year, the unemployment rate among women was 9.2 percent, compared to 9.7 percent among men. Industries that were dominated by female workers were also those with the lowest relative wages and the ones that were most likely to be affected by wage arrears problems. According to statistics from the State Committee for Family and Youth released in June, women's average pay was 17.5 percent lower than the average wage for men in 2002.

The Constitution and the Law on Protection of Motherhood and Childhood prohibit the employment of women in jobs that are hazardous to their health, such as those that involved heavy lifting; however, enforcement of these laws remained poor despite the implementation of a government program to combat dangerous labor. According to the Ministry of Labor, in 2002, 450,100 women were employed in hazardous jobs, a decline of more than 25 percent compared to 2001. Many women's rights advocates expressed concern that the law may be used to bar women from the best-paying blue-collar jobs. By law, pregnant women and mothers with small children enjoy paid maternity leave until their children reach the age of 3 years. This benefit is cited as a disincentive for employers to hire women for high-responsibility or career-track jobs. However, nearly 49 percent of the workforce consisted of women.

Few women attain top managerial positions in state and private industry. A 2000 business survey found that half of private-sector employees were women and that women ran 30 percent of private small businesses and 13 percent each of large and medium businesses. According to Government statistics, at the end of 2002, 75 percent of the country's approximately 216,949 civil servants were female (162,682), including 60.5 percent of those in managerial positions. However, women held only 8.3 percent of the highest, "first category," positions. (These numbers did not include the "power ministries"—the Ministries of Defense, Internal Affairs, Foreign Affairs, and the SBU—which had a substantially higher percentage of male employees at all levels.)

Educational opportunities for women generally continued to be equal to those enjoyed by men; however, the Government limited the number of women permitted to receive military officer training to 20 percent of the total number of students accepted. In addition, the military forces limited the role of women to certain functions, which limited their chances for promotion and training opportunities; women in the military generally occupied low-paying, routine positions.

Children.—The Government was publicly committed to the defense of children's rights, but budgetary constraints severely limited its ability to ensure these rights. There were few government bodies or NGOs that aggressively promoted children's rights, although the Ombudsman spoke publicly on the need to provide for youth. A 2001 law on child protection was designed to bring the country into conformity with international standards regarding children's safety and quality of life. In 2002, child and family protection laws were amended with the aim of helping to regulate

child-refugee protection and address financial assistance for families in need. There was no information available to evaluate the impact of these measures.

Education was free, universal, and compulsory until the age of 15; however, the public education system has deteriorated as a result of the Government's financial disarray. Teachers were paid their salaries during the year, but other monetary benefits due them were not paid in some localities. Increasing numbers of children from poor families dropped out of school, and illiteracy, which previously was very rare, became a problem. Of the nearly 6.5 million children attending school during the 2002–03 school year, 3.2 million were girls and 3.3 million were boys. Official statistics on the proportion of school-age children attending school were not available at year's end; however, according to a Ministry of Education sponsored organization, Vseobuch, more than 8,000 school-age children did not attend school. According to statistics released in June by the State Committee for Family and Youth, 10.7 million children younger than 18 years of age, including 456,000 children aged 7 to 17, worked. Of these, 87,000 were in the most vulnerable age group of 7- to 12-year-olds. The All-Ukrainian Committee for the Protection of Children reported that lack of schooling remained a significant problem among the rural population. The problem of growing violence and crime in and outside of schools persisted, particularly in the notoriously violent vocational schools. According to official statistics, 4,381 criminal cases were opened during the year against minors involved in criminal activity. The Government has ignored this problem.

Health care was provided equally to girls and boys, but economic problems worsened the overall quality of the health care system.

Violence and abuse against children remained a problem. According to a poll conducted by the State Institute of Family and Youth, 43 percent of minors said that they had been victims of some form of violence. By year's end, 300 additional criminal cases had been opened against parents for neglect of parental duties. The majority of complaints of abuse of children related to child prostitution, pornographic video sales, and child molestation.

Trafficking in children was a serious problem (see Section 6.f.).

The number of homeless children, who usually fled poor orphanages or poor domestic conditions, remained high. According to a 2000 press release from the Ministry of Internal Affairs, 100,000 children were registered as homeless; of those, 14 percent were under 7 years old. According to the Family/Youth Committee, the Government identified 2,600 homeless children during the year. Deteriorating conditions in the state orphanages has led the Government to encourage families to provide foster homes for orphans and to facilitate the establishment of family orphanages, where the parents are paid a salary, the state financially supports the children, and a house or apartment is provided. According to officials, there are currently 1,400 children living in family orphanages. On February 21, President Kuchma signed a decree that establishes a national program aimed at addressing the problem of homelessness among children. A priority of the program is the establishment of a country-wide hotline for children, and increased cooperation with the United Nations Children's Fund to improve socio-legal support for children and prevent homelessness.

Persons with Disabilities.—The law prohibits discrimination against persons with disabilities; however, the Government did little to support programs designed to increase opportunities for persons with disabilities. Legally mandated levels of employment of such persons at state enterprises were not observed. There were only five special vocational schools for persons with disabilities. As a result, according to one NGO, approximately 7,000 children with disabilities received an incomplete secondary education. Advocacy groups for persons with disabilities maintained that there was societal discrimination against such persons. In an effort to improve public perception of them, the Government made significant efforts to raise the profile of athletes with disabilities participating in international competitions, including the Winter Paralympics in March 2002. The law mandates access to buildings and other public facilities for persons with disabilities; however, the law was poorly enforced.

National/Racial/Ethnic Minorities.—The frequent harassment of racial minorities was an increasing problem. The police routinely detained dark-skinned persons for arbitrary document checks, whereas document checks of light-skinned individuals were rare (see Section 1.d.). Although the authorities disciplined police who engaged in this harassment when incidents were brought to their attention, such behavior remained common. There were increased reports of racially motivated violence against persons of African and Asian heritage. Representatives of these groups claimed that police officials routinely ignored, and sometimes abetted, violence against them.

Roma faced considerable societal discrimination. Opinion polls have shown that, among all ethnic groups, the level of intolerance is highest toward Roma. Roma continued to be subject to violence and abuse by police (see Section 1.c.). The Constitution provides for the “free development, use, and protection of the Russian language and other minority languages.” This provision expanded a 1992 law on national minorities that played an instrumental role in preventing ethnic strife by allowing individual citizens to use their respective national languages to conduct personal business and by allowing minority groups to establish their own schools. However, some pro-Russian organizations in the eastern part of the country complained about the increased use of Ukrainian in schools and in the media. They claimed that their children were disadvantaged when taking academic entrance examinations, since all applicants were required to take a Ukrainian language test. According to official statistics on languages used in schools, 16,532 taught in Ukrainian, 2,215 in Russian, 97 in Romanian, 68 in Hungarian, 9 in Moldovan, 10 in Crimean-Tatar, and 3 in Polish.

Ukrainian and Crimean Tatar minorities credibly complained of discrimination by the ethnic-Russian majority in Crimea and demanded that the Ukrainian and Crimean-Tatar languages be given a status equal to Russian. Crimean Tatar leaders continued to call for changes in the electoral law that would allow them to achieve greater representation in the Crimean legislature.

The Crimean Government, pleading insufficient funds, did not assent to requests from the Crimean Tatar community for assistance in reestablishing its cultural heritage through Tatar language publications and educational institutions. However, the Government continued to work with the UNDP, OSCE, and the International Organization for Migration (IOM) on support for the Crimean Tatar community. According to the UNHCR, 98 percent of the approximately 260,000 Crimean Tatars who returned to the country from exile in Central Asia have received citizenship. However, Crimean Tatar leaders complained that their community has not received adequate assistance in resettling and that the previously onerous process of acquiring citizenship excluded many of them from participating in elections and from the right to take part in the privatization of land and state assets (see Section 2.d.).

Romanians continued to call for university-level instruction in Romanian or the establishment of a Romanian technical college. There were 86 Romanian-language schools in the Chernivtsi Oblast.

Rusyns (Ruthenians) continued to call for status as an official ethnic group in the country, noting that they are accepted as minorities in neighboring countries. Representatives of the Rusyn community have called for Rusyn-language schools, a Rusyn-language department at Uzhhorod University, and for Rusyn to be included as one of the country’s ethnic groups. According to Rusyn leaders, more than 700,000 Rusyns live in the country.

Section 6. Worker Rights

a. The Right of Association.—The Constitution provides for the right to join trade unions to defend “professional, social and economic interests;” however, certain categories of workers, for example, nuclear power plant employees, are prohibited from doing so. Under the Constitution, all trade unions have equal status, and no government permission is required to establish a trade union. The Law on Citizens’ Organizations (which includes trade unions) stipulates noninterference by public authorities in the activities of these organizations, which have the right to establish and join federations on a voluntary basis. There were both official and independent trade unions.

To acquire national status under the amendments, however, a union must either have branches in more than half of the administrative regions or have branches in more than half of the administrative regions where the enterprises of this sector are located. The amendments also granted labor unions the status of “legal entities,” allowing them to acquire property and open bank accounts without being registered at the Ministry of Justice. The amended law still requires that a union be registered before engaging in collective bargaining or participating in the management of social insurance funds. The Justice Ministry can deny registration if the union does not meet the requirements.

There were no reports during the year that the Ministry had denied registration to unions not loyal to the Government. All unions affiliated with the Federation of Trade Unions (FPU), which maintained strong ties to the Government and inherited assets from the official Soviet unions, as well as several new, independent, labor unions, were registered. However, some independent unions, including the Independent Miners Union of Ukraine (NPGU), initially chose not to register because the courts had declared that the registration requirement was unconstitutional. After changes in 2002 and during the year to legislation that granted labor unions

the status of “legal entities” and required only “notification of registration,” the NPGU proceeded to register with the Ministry of Justice.

Although the FPU often coordinates its activity with the Government, it continued to work independently on some labor matters and advocated workers’ right to strike. The FPU has supported the protests of some professions over unpaid wages; however, most FPU affiliates worked closely with management. Enterprise managers were free to join the FPU. The FPU leadership has a political party, the All-Ukrainian Party of Workers.

Independent unions provided an alternative to the official unions in many sectors of the economy. At year’s end, there were 101 registered trade unions, including 42 traditional (FPU) and 59 new trade unions. According to the Confederation of Free Trade Unions of Ukraine (CFTU), the latter was comprised of 28 CFTU member organizations, while the remaining 31 were affiliated with neither the FPU nor the CFTU. The NPGU, whose member unions represented pilots, civil air traffic controllers, locomotive engineers, aviation ground crews, and others, operated either independently or within one of three national confederations. While exact membership figures were unknown, there were estimated to be fewer than 2 million non-FPU members (down from 3 million in 2002) and 12 million (down from 14.5 million in 2002) members of FPU-affiliated unions. The drop in union membership was attributed to general apathy and cynicism regarding the benefits of union membership, as well as the fact that membership was no longer required for certain benefits, such as sick leave.

Independent unions were denied a share of the former Soviet trade unions’ huge property and financial holdings, particularly the social insurance benefits funds, a Soviet-era legacy on whose boards FPU-affiliated unions held the majority of seats. Independent trade union leaders complained that state representatives sought to influence union votes and pressure members to report on union activities. Independent trade union leaders also reported that they and their family members were subjected regularly to surveillance by law enforcement authorities.

According to additional provisions of the law, management no longer is obligated to provide free accommodations and telephone lines to unions. However, the law gives unions a say in labor safety and in the allotment of newly built public housing. These aspects of the law have not been contested.

There were no official restrictions on the right of unions to affiliate with international trade union bodies. The NPGU was a member of the Federation of Chemical, Energy, Mine, and General Workers’ Unions.

b. The Right to Organize and Bargain Collectively.—As a result of amendments to trade union law, which took effect in June, trade unions are no longer required to register or to obtain certificates of legalization; however, the Independent Coal Miners Union experienced problems creating new branches of their organization. The authorities refused to recognize them and continued unlawfully to require legalization certificates for their operations (opening accounts, renting offices, employing staff, etc.).

In the past, some authorities interpreted a provision in the Law on Public Organizations stating that public organizations are created to protect the interests of their members to mean that public organizations may offer services only to their members. However, there were no reports that this requirement was used to restrict the activities of any group during the year.

According to the law, joint worker-management commissions should resolve problems concerning wages, working conditions, and the rights and duties of management at the enterprise level. The Law on Collective Bargaining provides the right to collective bargaining; however, overlapping spheres of responsibility frequently impeded the collective bargaining process, and the manner in which the collective bargaining law was applied prejudiced the bargaining process against independent unions and favored the official unions (affiliates of the FPU). Most workers were not informed that they were not obligated to join the official union. Renouncing membership in the official union and joining an independent union could be bureaucratically onerous and typically was discouraged by management. The law provides that an independent union may be removed easily from the collective bargaining process at the enterprise level. Under earlier legislation, if several unions at an enterprise failed to agree on joint representation, the larger union—that is the FPU—represented labor in the bargaining process. Neither the 1999 law nor the January amendments to the Trade Union Law addressed this problem.

The Government, in a negotiation with trade unions in which all unions were invited to participate, established wages in each industrial sector in the form of a General Collective Bargaining Agreement, last signed in April 2001. In 2002, the agreement was extended for another year and, since October, official and independent trade unions have been negotiating with the Government and employers on

the signing of a new agreement. The Law on Labor Disputes Resolution establishes an arbitration service and a National Mediation and Reconciliation Service to mediate labor disputes. According to official statistics, the service resolved 244 out of 409 labor disputes during 2002, in which 2,169,941 employees from 9,446 enterprises were involved. During the first 9 months of the year, the service resolved 63 out of 231 labor disputes, in which 2,579,522 workers from 6,468 enterprises participated. The collective bargaining law prohibits anti-union discrimination. Under the law, the courts must decide discrimination disputes involving a union that is barred from participating in a collective bargaining agreement. There have been cases in which such disputes were not settled in a fair and equitable manner.

The Constitution provides for the right to strike "to defend one's economic and social interests," but states that strikes must not jeopardize national security, public health, or the rights and liberties of others. The law prohibits strikes that jeopardize life, health, or the environment or that might hinder disaster, accident, or epidemic-related operations. The law does not contain a specific prohibition on strikes based on political demands; however, it prohibits strikes based on demands to change the constitutional order, state borders, or the administrative division of the country, as well as on demands that infringe on human rights. The law does not extend the right to strike to members of the procuracy, judiciary, armed forces, security services, law enforcement agencies, or public servants. The law extends the right to strike to employees of "continuing process plants" such as metallurgical factories, provided that they give 15 days' advance notice of their intent to strike. According to the International Confederation of Free Trade Unions (ICFTU) 1999 annual report, the Law on Transportation does not allow strikes in the transport sector. Workers who strike in prohibited sectors may receive imprisonment of up to 3 years.

The Government has relied on prosecutors and the courts to deal with strikes that it considered illegal. The law does not extend the immunity from discipline or dismissal to strikers who take part in strikes that later are declared illegal by the courts. A union that organizes an illegal strike is liable for strike-inflicted losses. During 2002, there were 19 strikes in which 97 enterprises and 9,344 workers took part. As of October 1, more than 4,200 employees from 13 enterprises had taken part in 13 strikes. These figures illustrated a significant drop in strike participation from 2000, when an estimated 20,600 workers from 76 enterprises participated in strikes.

There are no export processing zones.

c. Prohibition of Forced or Bonded Labor.—The Constitution and the Labor Code prohibit forced or bonded labor, including by children; however, there were reports that such practices occurred (see Sections 6.d. and 6.f.). Human rights groups described as compulsory labor the common use of army conscripts in the alternative service for refurbishing and building private houses for army and government officials (see Section 1.c.).

d. Status of Child Labor Practices and Minimum Age for Employment.—The minimum age for employment is 16; however, in certain non-hazardous industries, enterprises may negotiate with the Government to hire employees as young as 15 with the consent of one parent. Children aged 14 can legally work on a short-term basis in the social sector and agriculture with the consent of one parent. The State Department for Monitoring Enforcement of Labor Legislation within the Ministry of Labor and Social Policy is responsible for enforcing child labor laws and was generally effective; however, some children under the minimum employment age worked in the informal sector. According to research conducted by the Ukrainian Institute of Social Research in cooperation with the International Labor Organization, 6.8 percent of children between the ages of 7 and 17 work.

The Criminal Code prescribes up to 5 years in prison for involving children in criminal activities, drinking, begging, prostitution, gambling, or other exploitation. Children worked in the agricultural sector, and child labor was also a trafficking issue (see Section 6.f.). Begging by children existed, although it was limited. During the first quarter of 2002, the latest year for which statistics are available, police identified almost 1,500 offenders for involvement in child labor, 111 of them for involvement in begging.

e. Acceptable Conditions of Work.—Working conditions and pay levels reflected the overall poor state of the economy. The minimum monthly wage was approximately \$31 (165 hryvnya) in May. Legislation provided for an increase to \$44 (235 hryvnya) beginning in December. The Rada amended the Law on Pensions to increase the minimum pension to approximately \$13 (70 hryvnya) from \$4.50 (24 hryvnya) in 2002; however, the President vetoed the amendment and the minimum pension is now less than \$10 (50 hryvnya). The amendment was intended also to bring the minimum pension into line with the minimum subsistence level of \$64.60 (342

hryvnya) per month; however, all increases have been halted pending the implementation of pension reform. Pensioners also receive a supplementary social benefit of less than \$4 monthly (20 hryvnya).

On January 1, the minimum average monthly wage increased to approximately \$35 (185 hryvnya). In 2002, the nominal average monthly salary stood at approximately \$71 (376 hryvnya), and for the first half of the year increased to approximately \$80 (424 hryvnya). During the year, the average monthly salary for the first time exceeded the subsistence level, which is expected to increase to approximately \$67 (357 hryvnya) by the end of the year.

While the government sector has repaid wage arrears in most areas, in some parts of the country teachers were not paid monetary benefits (back holiday pay and service bonuses) owed to them. Although wage arrears decreased by approximately 7 percent in 2002, they remain substantial. In the first 6 months of the year, these arrears increased by 1.3 percent to approximately \$440 million (2.34 billion hryvnya), or 3.7 percent of the payroll. Most wage arrears accumulated in industry (58.3 percent), agriculture (18.5 percent), and construction (7.8 percent). They remained a problem in the private sector (which includes large enterprises in which the State was a shareholder). The national pension system repaid all arrears during 2000. Average wages were not as low as these statistics suggest, since the untaxed and unreported shadow economy was estimated to account for 50 percent of total economic activity. Activity in the shadow economy tended to be concentrated in retail trade and services but touched every sector and provided a means for individuals to supplement their often-meager salaries. In rural areas, where reported incomes tended to be the lowest, families subsidized their incomes by growing fruit and vegetables and raising livestock.

The Labor Code provides for a maximum 40-hour workweek, a 24-hour period of rest per week, and at least 24 days of paid vacation per year. Stagnation in some industries, for example in defense, significantly reduced the workweek for some categories of workers. The law contains occupational safety and health standards; however, these frequently were ignored in practice. In particular, illegal coal mines connected to organized crime and corrupt leaders operated in unsafe conditions, resulting in scores of deaths. Lax safety standards and aging equipment caused approximately 26,000 injuries on the job each year. During the year, 24,848 people were injured (1,320 fewer than in 2002), including 1,230 job-related fatalities (55 fewer than in the previous year). Also during the year, 10,841 miners (down from 12,606 in 2002) were injured in the coal sector, including 217 fatalities (down from 267 in 2002). In the coal-mining sector, it was estimated that, in the first 9 months of the year, there were 2.57 deaths (down from 3.52 in 2002) for every million tons of raw coal extracted.

In theory, workers have a legal right to remove themselves from dangerous work situations without jeopardizing continued employment; however, independent trade unionists reported that, in reality, asserting this right would result in retaliation or perhaps dismissal by management.

f. Trafficking in Persons.—The law prohibits trafficking in persons; however trafficking in men, women, and girls remained a significant problem. There were reports that some local officials were involved in trafficking.

The Criminal Code imposes firm penalties for trafficking in human beings, including for sexual exploitation and pornography. Article 149 mandates 3 to 8 years in prison for trafficking. Under some circumstances—for example trafficking of minors or groups of victims—traffickers may be sentenced to prison terms from 5 to 12 years, and traffickers of minors or members of organized trafficking groups may be sentenced to terms from 8 to 15 years.

The Government improved its investigation and prosecution of suspected traffickers. According to statistics supplied by the Ministry of Interior to the IOM, 289 cases were filed against traffickers during the year, up from 169 in 2002. Since 1998, a total of 604 criminal trafficking cases were filed; these did not include cases opened under other applicable laws, such as brothel keeping, organized crime, and fraud. During the first 6 months of the year, 33 cases were prosecuted, with 15 cases fully concluded. Of these cases, 13 resulted in convictions, and 20 defendants were sentenced.

Trafficking was a national priority for law enforcement agencies, but these agencies often lacked the financial and personnel resources to combat well-established criminal organizations that ran trafficking operations. The Ministry of Internal Affairs established special anti-trafficking units at the national and oblast levels. These units became operational in 2000, and had a growing impact, although they suffered from lack of adequate resources and often were tasked to work on cases involving other crimes. The Government reported that it regularly reviewed the licenses of domestic employment agencies.

The Government generally cooperated with other governments in the investigation and prosecution of trafficking cases; however, efforts were hampered by a number of factors, including insufficient investigative resources, the reluctance of victims to give evidence against traffickers, and, in some cases, a lack of cooperation from officials in destination countries. The law permits the extradition of foreign nationals charged with trafficking when appropriate bilateral agreements with the country in question have been signed, when the crime was committed within the jurisdiction of another country, and when trafficking is a crime under the laws of the requesting country; however, there have been no cases of extradition of trafficking suspects. The Constitution prohibits the extradition of citizens. Government cooperation with NGOs improved during the year. A June 2002 decree of the Cabinet of Ministers mandated that central, regional, and local administrations develop and approve measures to combat trafficking in persons and mobilize funds to implement actions. The oblast governments responded quickly to the decree. For the first time, almost all the local and regional authorities included NGOs as partner organizations in their regional action plans. The relevant authorities, however, had yet to budget for any new activities. The Inter-Ministerial Coordination Council for Combating Trafficking in Persons had not yet held a substantive meeting.

The country was a major country of origin and transit for women and girls trafficked abroad for sexual exploitation. There were reports of men and boys being trafficked abroad primarily for labor purposes; however, the overwhelming majority of trafficking victims were women. No reliable figures were available on the extent of the problem, and estimates varied widely. There were reports that individual government employees (both law enforcement and other personnel such as orphanage employees) facilitated trafficking in persons.

Between January 2000 and year's end, the IOM assisted 1,153 trafficking victims (including 525 during the year) to return to the country and reintegrate into society. From January 2002 to September, the NGO La Strada assisted an additional 96 victims to return home and reintegrate. These numbers represented a small percentage of the total number of women trafficked abroad. In 1999, La Strada estimated that 420,000 women had been trafficked abroad between 1991 and 1998. In unofficial estimates, Winrock representatives conservatively projected that between 8,000 and 10,000 individuals were trafficked abroad during the year.

Women and girls were trafficked to Central and Western Europe (including the Balkans, Austria, Italy, France, Germany, Switzerland, the Czech Republic, Hungary, Portugal, Spain, Poland, Greece, and Turkey), the United States, and the Middle East (including Israel, Lebanon, and the United Arab Emirates) for sexual exploitation. There also were reports that women and girls were trafficked to Australia, Japan, and South Africa.

Women who were trafficked out of the country often were recruited by firms operating abroad and subsequently were taken out of the country with legal documentation. They were solicited with promises of work as waitresses, dancers, or housemaids, or were invited by marriage agencies allegedly to make the acquaintance of a potential bridegroom. Once abroad, the women found the work to be very different from what was represented to them initially. There were credible reports of widespread involvement of organized crime in trafficking.

Men were trafficked for agricultural labor and factory work. The main destination countries were Hungary, Poland, the Czech Republic, Slovenia, Russia and Western Europe. Men were promised reasonable wages, but were not paid and were frequently turned over to the police in the destination countries as illegal aliens if they complained. The Ministry of the Interior opened criminal cases against the employment agencies who organized the trafficking when they had a specific complaint from a victim.

There were unconfirmed reports that local officials abetted or assisted organized crime groups involved in trafficking. NGOs reported that local militia and border guards received bribes in return for ignoring trafficking. Some reports alleged that local public officials abetted or assisted organized criminal groups in trafficking women abroad. In a 1999 report, the UNDP identified graft of officials and political corruption as two of the factors causing the spread of trafficking and prostitution; however, data on the possible disciplining or prosecution of law enforcement and border control authorities for their involvement in trafficking was unavailable.

Although 278 victims testified against traffickers during the year, victims often were reluctant to seek legal action against traffickers out of fear of reprisals or unwillingness to tell their stories publicly. Societal attitudes toward trafficking victims often were harsh, deterring women from pursuing legal action against traffickers. In addition, law enforcement officials did not provide sufficient protection to witnesses to encourage them to testify against traffickers, and traffickers were able to intimidate victims to withdraw or change their testimony. A witness protection law

existed but was not fully effective because of shortages of funding. Under the law, names and addresses of victims of crimes may be kept confidential if they request protection due to fear for their lives.

The Government ordered rehabilitation centers to be opened in each of the 27 oblasts; however, the authorities remained unable to assist all victims effectively, primarily due to lack of funds. NGOs such as the domestic affiliates of La Strada and Winrock International offered some support services for victims of trafficking, but these groups also suffered from a shortage of funds. The IOM's Kiev mission, in cooperation with its missions in destination countries, provided return and reintegration assistance to victims. The IOM and NGOs, particularly La Strada and Winrock International, worked closely with government officials; however, NGOs reported that the lack of activity by the central government authority on trafficking issues could be frustrating. With foreign government assistance, nine regional trafficking prevention and women's support centers were in operation at year's end in Donetsk, Lviv, Dnipropetrovsk, Chernivtsi, Kherson, Rivne, Odessa, Chernihiv, and Zhytomyr. The centers offered job-skill training and telephone hotlines and served as referral centers for health, legal, and psychological counseling. The IOM continued to operate a comprehensive medical center and shelter for victims of trafficking in Kiev. The center provided medical and psychological services, including vocational counseling, to 173 trafficking victims in 2002 and to 144 individuals during the first 9 months of the year. These centers, as well as additional NGOs funded by the IOM, also played an important role in facilitating good relations and cooperation between victims, communities, and law enforcement organizations in addressing trafficking issues.

NGOs also operated hotlines in Luhansk, Odesa, Kharkiv, Ternopil, and Sevastopol. During 2002, La Strada hotlines received 4,061 calls, 72 percent of which concerned consultation on working abroad. From January through September, 3,614 hotline consultations were provided. Since November 1997, La Strada has received more than 16,141 calls. Winrock International reported 9,000 calls to its hotlines during the first 9 months of the year; 20 percent of which concerned trafficking. The majority of the callers were between 19 and 30 years of age. The Government worked to improve assistance provided by its diplomatic missions to victims in destination countries.

The Deputy Prime Minister for humanitarian affairs is responsible for implementing all anti-trafficking programs. The National Coordinating Council for the Prevention of Trafficking in Human Beings increasingly has become an outspoken and leading advocate in the Government for raising public and international awareness of the trafficking problem; however, the Ombudsman's office lacked enforcement powers and did not demonstrate its practical effectiveness (see Section 4). In June 2002, the Cabinet of Ministers approved a National Action Plan to Counter Trafficking for 2002–2005.

During the year, several television stations broadcast documentary films and informational programs highlighting the danger of trafficking. Additionally, several international roundtable discussions and a major conference on trafficking were held in Kiev. NGOs conducted general awareness campaigns throughout the country and the region, often in cooperation with government entities. For example, a regional conference on trafficking involving law enforcement officials from Ukraine, Belarus, Moldova, and Russia took place in Minsk in May. On May 29, representatives from the Ministry of Internal Affairs and the Ministry's Anti-Trafficking Division, the Security Service of Ukraine, the State Committee for Family and Youth, Rada deputies, the Supreme Court of Ukraine, Cabinet ministers, IOM, La Strada, Winrock, several foreign embassies, and the head of the State Border Committee took part in a roundtable on combating trafficking in persons. The roundtable focused on reviewing implementation of the comprehensive national plan to combat trafficking, practical and legislative issues related to investigation and prosecution of cases, and internal and cross-border cooperation between law enforcement bodies. These activities, together with the constant attention to the trafficking problem by the Ombudsman, helped to raise public awareness.

UNITED KINGDOM

The United Kingdom of Great Britain and Northern Ireland is a longstanding constitutional monarchy with a democratic, parliamentary government. Some central government powers have been devolved to locally elected bodies in Wales, Scotland, and Northern Ireland. The judiciary is independent.

In Northern Ireland, the 1998 Good Friday Agreement established local government institutions, including a legislative assembly and a power-sharing executive. In October 2002, the Northern Ireland Assembly and Executive were suspended, and the Government temporarily re-instituted direct rule. Elections were held on November 26, and the Government began to work with local political parties and the Government of Ireland to reestablish a devolved government.

The 1998 Scotland Act created a Scottish Parliament with responsibility for justice, policing, prisons, health, education, the environment, local transportation, and economic development in Scotland. The Scottish Parliament met for the first time on July 1, 1999. Following elections on May 1, a new parliament and government were seated.

The Home Office is responsible for internal affairs in England and Wales, including the protection and security of the public. The Ministers of the Scottish Executive, who answer to the Scottish Parliament, have policy responsibility for law and order in Scotland. In Northern Ireland, the Police Service of Northern Ireland (PSNI) has responsibility for maintaining law and order. Civilian authorities maintained effective control of the police forces. There were some complaints that individual members of the police committed human rights abuses.

A highly developed, diversified, market-based economy with extensive social welfare services provides most of the 58.8 million residents with a high standard of living.

The Government generally respected the human rights of its citizens; although there were some problems, the law and judiciary provide effective means of dealing with individual instances of abuse. There were some complaints that individual members of the police and military occasionally abused detainees and other persons. Prison conditions remained a problem, including overcrowding and instances of mistreatment by prison officials. Asylum seekers, women, and ethnic minorities faced isolated instances of violence and discrimination, which the Government continued to combat. Trafficking of persons into the country remained a problem, which the Government took steps to address.

Although many paramilitary organizations in Northern Ireland continued to maintain a cease-fire in accordance with the Good Friday Agreement, killings and "punishment attacks" continued to occur in some areas under the influence of paramilitary groups. Some republican dissident groups committed acts of violence aimed at disrupting the peace process.

RESPECT FOR HUMAN RIGHTS

Section 1. Respect for the Integrity of the Person, Including Freedom From:

a. Arbitrary or Unlawful Deprivation of Life.—There were no reports of political killings by the Government or its agents.

In April, the Home Office introduced new guidelines for reporting deaths during or after police contact to distinguish whether police had "real or potential control" over the contact. According to the restated count in the Annual Report of the Police Complaints Authority (PCA), 30 persons died in police care or custody during the 12 months ending in March. At year's end, the PCA estimated that 22 persons died in police care or custody between April and December. The PCA reported that 11 of the deaths since 2002 were due to alcohol or drugs, 9 were from natural causes, 4 were suicides, and 6 from other causes. The Home Office and the Police Complaints Authority have initiated policies to eliminate such deaths, including: Safer custody facilities; improved training; closed circuit television (CCTV) monitoring; new technologies; and emphasis on better care, assessment, and monitoring of detainees. In July, the House of Commons Joint Committee on Human Rights began collecting evidence for an inquiry into deaths of individuals while in police custody.

After a coroner's inquest in September into the 1999 death of Roger Sylvester, a disciplinary hearing issued a finding of neglect of duty in the cases of a superintendent and two detective sergeants who had been responsible for investigating the death.

In April, a High Court ruling overturned the 2002 open verdict in the inquest into the 1999 police shooting of Harry Stanley. A new inquiry was scheduled for June 2004.

An independent inquiry into allegations of state involvement, collusion, or culpability in six selected Northern Ireland and Republic of Ireland killings was completed in October. At year's end, the Government was reviewing the results of the inquiry to decide whether further, separate judicial inquiries were required into the four killings committed in Northern Ireland. The Bloody Sunday Inquiry, which was examining the events of January 30, 1972, continued at year's end (see Section 1.e.).

The nongovernmental organization (NGO) British Irish Rights Watch (BIRW) reported that paramilitary groups were believed to be responsible for at least eight killings in Northern Ireland from January 1 through August 17.

In August, the Government announced that it would provide approximately \$1.4 million (800,000 pounds sterling) to families of victims of the 1998 Omagh bombing in order to help them pursue a civil action against five individuals suspected of being behind the bombing carried out by the Real Irish Republican Army (IRA).

b. Disappearance.—There were no reports of politically motivated disappearances. The Commission for the Location of Victims' Remains, established jointly by the UK and Irish governments in 1999 to locate the remains of nine victims of IRA paramilitary violence from the 1970s, did not locate any bodies during the year.

In September, the remains of Jean McConville, who was killed and secretly buried by the Provisional IRA in 1972, were found in the Republic of Ireland. The Provisional IRA relayed new information to authorities regarding the alleged location of the remains of Columba McVeigh, a teenager missing since 1975. The unsuccessful search for McVeigh's remains was abandoned after 2 weeks.

On May 11, Armagh resident Gareth O'Connor disappeared on his way to a meeting with his bail officer in the Republic of Ireland. His family repeatedly claimed that members of the Provisional IRA abducted and killed O'Connor. PSNI Chief Constable Hugh Orde stated that it was "highly likely" that members of Provisional IRA were involved in O'Connor's disappearance; O'Connor's body has not been found.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—The law prohibits such practices; however, there were complaints that individual members of the police and army occasionally abused detainees. Human rights organizations maintained that such abuse, while not widespread, was a matter of concern (see Section 1.a.).

Detainees who claimed physical mistreatment have the right to an immediate medical examination. A trial judge must examine such a claim. Confessions obtained by abusive treatment are not admissible in court, and judges can exclude even voluntary confessions.

There were 7,222 complaints filed against the police with the PCA from April 2002 through March. Of these, 3,547 were considered and finalized. In 26 percent of these cases, the PCA review resulted in some form of disciplinary or legal action.

The Independent Assessor of Military Complaints coordinates investigations into complaints of abuses committed by the Army in Northern Ireland. The Assessor's tenth annual report, released in July, noted that there were 534 complaints in 2002, a 21 percent reduction from the 676 complaints recorded in 2001. Twenty-five of the complaints recorded in 2002 were resolved through a formal reporting process, while the remaining complaints were resolved informally.

Human rights groups continued to call for an end to the use of plastic bullets, also known as baton rounds, which the police and military in Northern Ireland are permitted to use to control civil disturbances. The police have introduced safeguards on the use of plastic bullets, and the Police Ombudsman is required to review every instance when the police fire a plastic bullet. The Ombudsman's mandate does not extend to the army's use of plastic bullets. During the year, neither the police nor the army fired a plastic bullet. In each incident, investigators concluded that the discharge was justified and proportionate.

The Police Ombudsman for Northern Ireland, who has an independent staff, has extensive powers to investigate complaints in Northern Ireland filed against the police or referred by the PSNI Chief Constable, the Policing Board, or the Secretary of State for Northern Ireland. The Ombudsman is required to investigate cases involving death or serious injury where there may have been police involvement and may investigate all other cases of complaints against the police. The Ombudsman may recommend to the Director of Public Prosecutions (DPP) that charges be brought against officers, although the final decision rests with the DPP. The Ombudsman can direct the Chief Constable to take disciplinary action against police officers.

Between April 2002 and March, the Ombudsman received 4,325 allegations that led to 3,193 complaints. Forty percent of the complaints concerned oppressive behavior, down from 48 percent during the previous 12-month period. As of March 31, 2,267 complaint investigations were closed. The Ombudsman made 41 referrals for disciplinary action to the Chief Constable, and referred 185 cases to the Director of Public Prosecutions for possible legal action.

Both loyalist and republican paramilitary groups in Northern Ireland continued to intimidate or carry out killings or "punishment attacks" in areas under paramilitary influence. The attacks often were intended to maintain or extend the con-

trol of paramilitary groups in a region. The PNSI reported that, as of July 12, there were 289 "punishment attacks" in Northern Ireland. Of these, 152 were shootings and 137 were assaults (beatings). Human rights groups stated that available statistics underreported the casualties because many victims were too intimidated to report the attacks.

Prison conditions generally met international standards; however, instances of mistreatment by prison officials, overcrowding, and suicides occurred. According to the Home Office, as of July, there were 73,894 prisoners in England and Wales. In England and Wales, an independent Prisons and Probation Ombudsman, appointed by the Home Secretary, investigates complaints from prisoners and those subject to probation supervision. According to the Scottish Prison Service, as of October, there were 6,475 prisoners in Scotland. A 2002 report by the Prison Reform Trust warned that prisons in England and Wales suffered from overcrowding, resulting in prisoners being held in inhumane and degrading conditions. The Prison Service attempted to correct the problems of overcrowding and poor facilities by providing funding for 2,320 new places. The Scottish Prison Service also noted pressures caused by record numbers of prisoners during the year.

Several prison disturbances were reported during the year; all were relatively small and quickly resolved. Some of the disturbances resulted in minor injuries to prison officials. The largest disturbances took place at the Shotts Prison in Lanarkshire, Scotland in January and April. In January, five prison officers were injured in disturbances involving approximately 50 inmates at the Shotts Prison. The disturbance occurred in a special unit that provides accommodation for those having problems coping with mainstream prison life. In April, approximately 35 prisoners were involved in unrest after which one prison officer received hospital treatment for minor injuries.

Amnesty International (AI) again reported that authorities were not sufficiently protecting the human rights of incarcerated minors with respect to inter-prisoner violence, suicides, investigations into deaths in prison, bullying and racial abuse, segregation, and prison conditions. In July, the Commission on Racial Equality (CRE) reported that the Prison Service had failed to protect Zahid Mubarek sufficiently from a racially motivated attack while in prison in 2000. In October, the Appellate Committee of the House of Lords ordered the Home Office to conduct a public inquiry into Mubarek's death; the terms of the investigation were under discussion at year's end.

During the year, the European Court of Human Rights ruled that the Government had breached the European Convention on Human Rights relating to the 1994 death of Christopher Edwards who was beaten to death by his cellmate; both were diagnosed as mentally ill. The Court ordered the Government to compensate his family approximately \$71,200 (40,000 pounds sterling).

After an inspection of Dartmoor prison during the year, the Chief Inspector of Prisons observed "no incidents where staff referred to prisoners in . . . overtly disrespectful language" but reported that 21 percent of prisoners alleged verbal bullying by the staff.

Human rights groups have been particularly critical of Special Security Units (SSUs), which were used to hold prisoners deemed to pose an exceptional risk of escape. Human rights monitors have criticized small group isolation; the lack of adequate exercise, work, and educational opportunities; the lack of natural daylight; and the strict enforcement of noncontact visits through a glass barrier. At year's end, there was only one SSU in operation, holding a small number of prisoners. Prisoners held in the SSU were provided with all the facilities required under Prison Rules, although those facilities were delivered within the Unit and not in the main part of the prison. The SSU was subject to independent inspection by the Chief Inspector of Prisons.

The number of female prisoners continued to rise. There were four Mother and Baby units in England and Wales, the capacity of which increased to 78 places for mothers to keep their children with them while in prison.

In the prison system, women were held separately from men, juveniles from adults, and pretrial detainees from convicted prisoners. In a 2002 report to the U.N. Committee on the Rights of the Child, the Howard League for Penal Reform complained that juvenile prisoners faced high levels of assault and suicide that there were inadequate complaints procedures and protections.

People held solely under immigration legislation were accommodated in Immigration Service removal centers under detention center rules, unless they had completed a sentence of 12 months or more in a British prison or were held for reasons of security and control.

There were a number of deaths of incarcerated persons due to suicide and natural causes. The inquest into the 1996 death in prison of Jim McDonnell continued at year's end.

Separate and distinct prison regimes exist for Northern Ireland and Scotland, administered through the Northern Ireland Office and the Scottish Parliament, respectively. In Scotland, the Scottish Prisons Complaints Commissioner's Office deals independently with prisoners' complaints.

In September, John Steele, a former head of prisons in Northern Ireland, issued a report reviewing the safety of prisoners and jail staff in Maghaberry Prison. The report followed a violent clash in August between republican and loyalist inmates, threats against prison officers by both republican and loyalist paramilitary prisoners, and a "dirty protest" by five dissident republican paramilitary prisoners in which they smeared excrement on their cell walls. Based on Steele's report, the Government began a \$25 million (14 million pound sterling) renovation of two prison blocks that should hold up to 192 inmates, and separate loyalist and republican paramilitary prisoners from each other and from other inmates.

The Government permits independent human rights observers to visit prisons and immigration detention centers.

d. Arbitrary Arrest, Detention, or Exile.—The law prohibits arbitrary arrest or detention, and the Government generally observed these prohibitions. However, arrests may be made without judicial warrants, particularly in Northern Ireland, when police have reasonable cause to suspect wrongdoing and antiterrorism legislation gives authorities broad powers of arrest, detention, and interrogation.

In Great Britain, regional police forces are responsible for maintaining law and order. There are 44 regional police services covering England and Wales and 8 policing Scotland. In Northern Ireland, the PSNI has that responsibility. In some areas of Northern Ireland, because of the continuing threat of violence, army units reinforce the PSNI. There were approximately 13,400 British troops stationed in Northern Ireland, one of the lowest levels since the early 1970s.

There were isolated cases where police corruption was alleged. The authorities actively investigated these cases. Home Office figures for 2001–2002 revealed that 7 of the 898 substantiated complaints against police officers were related to corruption. The provisions of the 2002 Police Reform Act introduced a program for reforming a wide range of practices and powers. It requires the Government to produce an annual National Policing Plan and a nationwide Code of Practice for Chief Officers and institutes a new national system for responding to complaints against police officers.

Reports by official bodies and NGOs suggested that the public lacked confidence in existing procedures for making complaints against the police. The Police Reform Act provides that the Independent Police Complaints Commission (IPCC) will replace the PCA in April 2004. The legislation grants the IPCC its own body of civilian investigators with the power to investigate allegations of police misconduct completely separately from the police. The IPCC provides for: Greater involvement of the complainant in the investigation; greater openness in disclosing materials to the complainant; more effective powers to direct that disciplinary charges be laid against police officers; and greater independence of the person carrying out the IPCC investigation. All deaths in police custody will be referred to the IPCC. The Act also provides for a National Policing Plan to set priorities for policing and measures to ensure the most effective methods are used by all police forces.

The armed forces have a procedure to handle complaints of racial and other forms of harassment. Military personnel also have the right to submit complaints to employment tribunals. In 1998, the armed services entered into a 5-year agreement with the CRE to promote racial equality practices. In 2002, the Crown Prosecution Service entered into a partnership with the CRE designed to assist in its continued progress towards the elimination of racial discrimination.

In October, the Crown Prosecution Service released its first report on England and Wales under the Diversity Monitoring Project. The report's findings suggest that African Caribbean and Asian defendants tended to be prosecuted on the basis of weaker evidence than white defendants. The study recommended the appointment of specialist prosecutors for racist and religious crimes to oversee the prosecution and monitoring of such cases, as well as the establishment of a "common standard" to allow prosecuting advocates and Chief Crown Prosecutors to improve the quality of case review.

During the year, the Government began consultations to review, among other things, whether to extend hiring quotas in the PSNI. The quotas were scheduled to expire in March 2004. The Patten Report on Policing in Northern Ireland, released in 2000, established hiring quotas to increase Catholic representation in the PSNI, and also introduced new human rights standards and wider use of commu-

nity policing practices. Respect for human rights was part of the appraisal process for staff evaluation. A cross-community Policing Board holds the Chief Constable Hugh Orde and the police service accountable. Sinn Fein has refused to participate in the Board and has declined to encourage Catholics to join the police, as called for in the Patten Report.

In a December report, the Oversight Commissioner charged with reviewing the implementation of the 175 Patten recommendations which stated that “all of the institutions (involved in the policing of Northern Ireland) continued to make excellent progress in implementing a program of change in policing that may be the most sweeping and complex ever attempted in a modern society.” The Commissioner noted areas of progress such as the introduction of “a human rights-based approach to policing,” the establishment of District Policing Partnerships to help hold the PSNI accountable to citizens, the introduction of community policing, and “improved methods of public order policing.” However, the Commissioner criticized the failure to implement fully all sections of the Patten Report, and noted the lack of government funding to address the deteriorating conditions of police facilities, the lack of a “concrete plan for the implementation of an early warning system on police conduct,” and delays in restructuring the Special Branch. The Commissioner also stated that “there is no reasonable explanation for (the) delay in providing a new training center for police officers.”

In October, a North Wales Police officer, three Greater Manchester officers and a Cheshire officer resigned after the airing of a British Broadcasting Corporation (BBC) documentary program that included hidden-camera footage of the officers making explicitly racist statements and expressing hostility towards an Asian recruit. Another North Wales officer and two more from the Manchester force were suspended. All three police forces involved strongly condemned the behavior shown on the film and promised to do more to eliminate racism. Home Secretary David Blunkett said the footage was “horrendous” and urged better diversity training for recruits. The CRE opened an investigation into racism in the police service, which remained ongoing at year’s end.

The 2000 Terrorism Act, which entered into force in 2001, widened the definition of terrorism and extends mechanisms that deal with terrorism in Northern Ireland, to all of the United Kingdom. It provides for emergency powers specific to Northern Ireland for a period not exceeding 5 years, including special entry, arrest, search, and seizure authority without a warrant under certain circumstances.

Article 44 of the Terrorism Act allows senior police officers to designate areas where police have exceptional power to stop and search wherever a senior police officer considers it expedient for the prevention of acts of terrorism. The designation lapses after 48 hours unless confirmed by a Cabinet minister, such as the Home Secretary. There is no provision for judicial review of Article 44 designations and no requirement that the public be informed an area has been so designated until an actual search takes place. After protesters were stopped and searched in London’s Docklands, in September, Scotland Yard confirmed that all of greater London has been continuously under Article 44 designation since 2001. The NGO Liberty challenged Scotland Yard and the Home Secretary in court, arguing the designation is unlawfully broad; it remained pending at year’s end.

Police officers may only stop and search vehicles and pedestrians if a senior police officer “reasonably believes” it is expedient to do so to prevent acts of violence. Article 44 of the Terrorism Act provides law enforcement authorities with the power to detain without charge individuals suspected of having committed a terrorism-related offense for up to 48 hours. This period may be extended by court order for a maximum of seven days.

The Anti-Terrorism, Crime, and Security Act of 2001 includes provisions to cut off terrorist access to funds; ensure better information sharing between agencies; enhance police investigative powers, tighten security in relation to aviation, civil nuclear sites, and laboratories; prevent terrorists from abusing immigration and asylum laws; and enable swift action to implement European Union (EU)-agreed anti-terrorism measures.

This Act also allows for extended detention of immigrants and asylum seekers suspected of being terrorists but who cannot be removed from the country immediately. Human rights groups object to provisions of these laws, arguing that they reverse the burden of proof and provide inadequate safeguards against abuse by law enforcement officials. These objections focused on the broad definition of terrorism employed in the law, the proscriptive powers of the state, and the powers of arrest, detention, and interrogation. The Special Immigration Appeals Commission ruled in 2002 that these detention powers were unlawful and violated the Government’s obligation under the European Convention of Human Rights. The Government appealed

the ruling, and in 2002, the Court of Appeals ruled that the detention powers complied with the European Convention on Human Rights.

Defendants awaiting trial have a statutory right to bail except when there is a risk that they would flee, commit another offense, or in other limited circumstances. Defendants who are remanded into custody are covered by statutory custody time limits, which restrict the period for which they can be held while awaiting trial to a maximum of 16 weeks, unless the court grants an extension.

The law gives administrative detention power to immigration officers. There is no time limit to such detention, but detainees have the right to request a judicial review or an application for habeas corpus (see Sections 1.c. and 2.d.). The Government provided all immigration detainees with written notice specifying the reasons for their detention at the time they are detained and provided detainees with automatic monthly updates on their case. The law permits all detainees to apply for bail. There were no set levels of surety for bail, and surety was not required in every case.

While there is no law prohibiting forced exile, the Government did not employ it.

e. Denial of Fair Public Trial.—The law provides for an independent judiciary, and the Government generally respected this provision in practice. There are several levels of courts. In England and Wales, most criminal cases are heard by Magistrates' Courts, which were managed by locally based committees. Their decisions may be appealed to the Crown Courts, which also hear criminal cases requiring a jury trial, or to the High Courts. Crown Court convictions may be appealed to the Court of Appeal, which may in turn refer cases involving points of law to the House of Lords. The Appellate Committee of the House of Lords (which consists of senior judges and is functionally distinct from the legislative arm) is the final court of appeal. The Criminal Cases Review Commission operates as an additional appellate body in England, Wales, and Northern Ireland and considers cases after the judicial appeals process is exhausted and where there is significant new evidence that casts doubt on the conviction.

In Scotland, the High Court of Justiciary, established in 1672, acts as a court of first instance for serious crimes such as rape and murder. The High Court also serves as an appellate body. Forty-nine Sheriff Courts handle lesser crimes. Sheriff Courts have restricted sentencing power but can remit cases to the High Court for disposal if they so choose. District Courts sit in each local authority and handle crimes such as breach of peace, minor assaults, and petty theft. Civil matters can be handled in the first instance by either the Court of Session, which is the supreme civil court in Scotland, or by Sheriff Courts. The Court of Session also serves as the appellate court for civil matters. Decisions by the Court of Session can be appealed to the House of Lords.

The Criminal Justice Act, which took effect in November and applies to England and Wales, allows for: Criminal trials to take place without juries where the jury has been intimidated; allows double jeopardy in certain cases where "compelling new evidence" arises after a previous acquittal; and changes rules of evidence to allow introduction of evidence of a defendant's previous misconduct (including previous convictions). Human rights NGOs criticized the Act, claiming that its double jeopardy provisions potentially make any acquittal conditional, and that allowing evidence of prior misconduct could unfairly prejudice defendants.

The law provides for the right to a fair trial, and an independent judiciary generally enforced this right. Defendants enjoy a presumption of innocence until proven guilty, the right to question witnesses against them, and the right of appeal to successively higher courts. Indigent defendants have the right to free counsel of their choice, with some exceptions. The UNHCR reported that the right of asylum seekers to free legal advice was severely limited by a shortage of competent legal advisors outside of urban centers and a shortage of funding for legal advice in urban centers.

Criminal proceedings must be held in public except those in juvenile court and those involving public decency or security. In a trial under the Official Secrets Act, the judge may order the court closed, but sentencing must be public.

In England and Wales, the law empowers judges to instruct juries that they may draw an inference of guilt from a defendant's refusal to answer questions during interrogation or trial, although no conviction can be based solely on such an inference. Human rights groups and the U.N. Human Rights Committee have criticized this provision, which they considered an abrogation of the right against self-incrimination. A similar provision is in effect in Northern Ireland, but the law prohibits the drawing of an inference from silence when a suspect is questioned before being permitted access to an attorney. The European Court of Human Rights has ruled that, taken in isolation, drawing inferences from silence did not contravene the accused's right to a fair trial provided for by the European Convention on Human Rights and Fundamental Freedoms. However, the Court decided that the possibility of infer-

ences being drawn from the silence of an accused while he was denied access to legal advice constituted a breach of the requirement for a fair trial under the Convention. In Scotland, a trial judge may report to a jury that a defendant has refused to answer some or all of the investigating prosecutor's questions. However, the judge must mention this in a cautious manner, and generally does not instruct the jury on how to react toward the defendant's choice not to answer certain questions.

A small percentage of defendants faced lengthy pretrial detention (see Section 1.d.). The Crime and Disorder Act includes measures to reduce delays in criminal proceedings by introducing procedural reforms and further limiting the time allowed for the prosecution of cases.

The Criminal Procedures and Investigations Act reduced defense lawyers' access to potential evidence held by the prosecution, including information as to how the evidence was collected.

The 2000 Terrorism Act contains a provision for Northern Ireland whereby the opinion of a senior police officer that an individual is a member of a terrorist organization is admissible as evidence in criminal proceedings, although an individual cannot be charged or convicted solely on this basis. This provision of the Act is a temporary measure that requires annual renewal and has not been used to date (see Section 2.b.).

In Northern Ireland, trials for certain terrorist-related offenses are conducted automatically as "scheduled cases," also referred to as "Diplock cases," and are conducted without a jury unless they specifically are "scheduled out" for trial before a jury. If "Diplock" judges decide to convict, they must justify the decision in a document that becomes part of the court record. An Appellate Court may overturn the decision on either factual or legal grounds. From January 1 through August, 70 persons were listed as "scheduled cases," of whom 63 either pled or were found guilty. A person convicted in a "scheduled case" has an automatic right of appeal. Human rights groups widely criticized the Government's continued reliance on "scheduled cases." In July the Government repealed Section 76 of the 2000 Terrorism Act, which meant that the standard for admissibility of confession in the "scheduled cases" is now the same as that in ordinary criminal courts.

The PSNI introduced a Police Order regulating the relationship between police officers and defense lawyers. The NGO BRIW stated that some NGOs had reported that threats against lawyers had ceased due to new interview procedures, but that in non-interview situations some lawyers continued to receive threats. BRIW further stated that many lawyers were reluctant to take cases involving members of paramilitaries because of such threats.

In 2001, the UK and Irish Governments appointed the Honorable Judge Peter Cory to "establish the facts and report with further recommendations" regarding allegations of state involvement, collusion, or culpability in six Northern Ireland and Republic of Ireland killings. These cases included the killings of: Billy Wright in 1997, Robert Hamill in 1997, Pat Finucane in 1989, Rosemary Nelson, Lord Justice, and Lady Gibson in 1987, and police officers Harry Breen and Bob Buchanan in 1989. On October 7, Judge Cory turned over his reports to the British and Irish Governments. The Irish Government published two of the reports in December; the British Government is expected to publish the four reports that it received, after reviewing them for sensitive security information. The Government pledged to conduct a public inquiry into any of these cases if the judge recommended that it do so.

Hearings continued in the judicial inquiry into the events in Northern Ireland on January 30, 1972—"Bloody Sunday"—when 13 unarmed civil rights demonstrators in Londonderry/Derry were killed by British soldiers, but for which no member of the security forces was held accountable. The inquiry, which usually sits in Londonderry/Derry, heard testimony of military witnesses in London in the fall due to concerns for their safety.

The Human Rights Act and the Scotland Act require all public bodies to act in a manner compatible with the European Convention on Human Rights. The law provides citizens with the right to take alleged violations of the convention by a public authority into domestic courts.

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home or Correspondence.—The law prohibits such actions, and the Government generally respected these prohibitions in practice. Warrants normally were required for a police search of private premises. A police officer may enter and search without a warrant "any premises if he or she reasonably suspects a terrorist is to be found there." The Government compensated persons whose houses or property are damaged during house searches. Police stopped minorities for searches more often than whites (see Section 5).

Under the Regulation of Investigatory Powers Act (RIPA), the Government may monitor the content of private electronic communications after obtaining a warrant.

Law enforcement agencies may require individuals and businesses to disclose encryption keys under certain circumstances. Businesses may monitor the electronic communications of employees.

A case brought by three NGOs—BIRW, Liberty, and the Irish Council for Civil Liberties—before the European Court of Human Rights in 2002, stating the Government had intercepted their telephone calls to clients in Ireland without a warrant, remained pending at year's end.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The law provides for freedom of speech and of the press, and the Government generally respected these rights in practice. An independent press, an effective judiciary, and a functioning democratic political system combined to secure freedom of speech and of the press, including academic freedom. Viewpoints critical of the Government were well represented.

Press organizations and human rights groups continued to criticize 1981 legislation that allows courts to order a journalist to disclose a source if it is deemed to be in the interests of justice and 1984 legislation that compels journalists to give evidence in cases where police can prove it is necessary to their investigation. Journalists and open media advocates cited the Official Secrets Act as unduly restrictive by prohibiting the legal defense that the information provided by a source is already in the public domain or that its publication is in the public interest.

The print media was dominated by more than a dozen national daily and Sunday newspapers, all privately owned and independent (although often generally aligned with a political party). Approximately one-half of the electronic media was run by the BBC, which was funded by the Government but enjoyed editorial independence. Corporations under renewable government licenses operated the remainder.

The investigation into the 2001 drive-by shooting in Northern Ireland of journalist Martin O'Hagan continued at year's end. In a statement marking the second anniversary of O'Hagan's death, the National Union of Journalists (NUJ) claimed that O'Hagan was killed by members of the Loyalist Volunteer Force (LVF) to stop him from writing. The NUJ further alleged that the identity of O'Hagan's killers was known to the police, but lack of forensic evidence prevented them from arresting the perpetrators. In September, the NUJ issued a statement expressing concern at the lack of progress in the investigation into O'Hagan's murder. Journalists from the Sunday World—O'Hagan's employer—reported receiving death threats from loyalist paramilitaries.

In April, the PSNI arrested and briefly detained journalists Liam Clarke and his wife Kathryn Johnston under the Official Secrets Act, after the two revealed transcripts of tape-recorded telephone conversations between Mo Mowlam, then-Secretary of State for Northern Ireland, Jonathan Powell, the Prime Minister's chief of staff, and Martin McGuinness, Sinn Fein Member of Parliament. Police searched Clarke and Johnston's home, as well as Clarke's offices at the Sunday Times, seizing papers and computers that were later returned. Two other journalists at the Times and the Observer respectively were also questioned about the transcripts. A judicial proceeding regarding the PSNI action remained at the end of the year.

In July, police searched the home of journalist Anthony McIntyre and seized papers, a computer, mobile phones, and a digital camera because McIntyre was allegedly suspected of possessing stolen documents relating to the management of the prison service.

The Government did not restrict Internet access. The Internet Watch Foundation, a web industry self-monitoring group, worked with Internet providers to minimize the availability of illegal Internet content, particularly child abuse images.

b. Freedom of Peaceful Assembly and Association.—The law provides for the right of peaceful assembly; however, the Government may limit that right if it would impose a cost on public convenience.

In Northern Ireland, the annual "marching season" poses problems as residents in some Catholic communities perceive the parades as threatening and provocative. The Public Processions (Northern Ireland) Act grants responsibility for ruling on "contentious" marches to a Parades Commission. The Commission may not ban marches, but may only impose conditions on them, such as route restrictions. Of the 3,280 notified parades held between April 2002 and March, 191 were considered contentious; the Parades Commission imposed restrictions on 137. This was a reduction from the previous 12-month period, when 220 of 3,301 parades were considered contentious, and restrictions were imposed on 152 parades. According to the Parades Commission, the numbers of both contentious parades and restrictions imposed were somewhat distorted by the notification of a Drumcree return parade virtually every week, contributing about 40 parades to both the "contentious" and "imposed restrictions" categories. Some parades by the "Loyal Institutions" (i.e., the Royal

Black Preceptory, Orange Order, and Apprentice Boys), whose membership is almost exclusively Protestant, have been prevented from passing through nationalist areas because of public order concerns.

The law provides for freedom of association, and the Government generally respected this right in practice. Under the 2000 Terrorism Act, it is an offense, punishable by up to 10 years' imprisonment, to belong to or to profess to belong to a terrorist organization proscribed by the Home Secretary. Individuals also were subject to prosecution for supporting or inviting support for a proscribed terrorist organization, arranging or addressing meetings by proscribed organizations, or wearing clothing or carrying or displaying articles that would reasonably arouse suspicion of membership in a proscribed organization. The Act allows for the seizure and forfeiture of assets belonging to a person convicted of fundraising or otherwise assisting or supplying property to be used for the purposes of terrorism.

Civil liberty groups have complained that anti-terrorism legislation was wrongly used against peaceful demonstrators. In July, police arrested anti-war demonstrators under Article 44 of the 2000 Terrorism Act at the Royal Air Force Base at Fairford in Gloucestershire. The NGO Liberty called on the House of Commons Home Affairs Committee to investigate whether charges under the Terrorism Act were proper; the decision to investigate remained pending at year's end.

In September, police used anti-terror laws to arrest demonstrators at an arms fair in London. Home Secretary David Blunkett requested a report from the Metropolitan Police's Counterterrorism branch as to why the 2000 Terrorism Act was used rather than public order legislation. The report remained pending at year's end.

c. Freedom of Religion.—The law provides for freedom of religion, and the Government generally respected this right in practice. The Government at all levels strives to protect this right in full and does not tolerate its abuse, either by governmental or private actors. There were two established churches: The Church of England (Anglican) and the Church of Scotland (Presbyterian). There are no established churches in Wales or Northern Ireland. Two Anglican Archbishops and 24 Bishops receive automatic membership in the House of Lords, while prominent clergy from other denominations or religions are not afforded this privilege. Other than in the House of Lords, membership in a given religious group does not confer a political or economic advantage.

The Government did not recognize Scientology as a religion for the purposes of charity law. Scientology ministers were not considered ministers of religion for the purpose of immigration relations or facilitating prison visits. However, prisoners were free to register their adherence to Scientology; this is reflected on their records.

The law requires religious education in publicly maintained schools throughout the country. The shape and content of religious instruction is decided on a local basis and must be nondenominational and refrain from attempting to convert pupils. All parents have the right to withdraw a child from religious education, but the schools must approve this request.

In addition, schools have to provide a daily act of collective worship, which may be waived if a school's administration deems it inappropriate for some or all of the students. Under some circumstances, non-Christian worship may be allowed. Teachers' organizations have criticized school prayer and called for a government review of the practice.

While the majority of state-supported schools were Protestant or Roman Catholic, there were a number of state-supported Muslim, and Jewish schools, as well as two Sikh schools, one Greek Orthodox, and one Seventh-day Adventist school.

NGOs reported an increase in negative attitudes towards Islam and attacks against Muslims after September 11, 2001. Isolated incidents targeting Muslims, including assaults and acts of vandalism, occurred during the year. In June, anti-Muslim slogans were painted on walls at Birmingham's Central Mosque soon after the airing of a fictional BBC television program depicting the recruitment of suicide bombers in a Birmingham mosque. The Government condemned the violence.

According to the Community Security Trust, there were 116 anti-Semitic incidents reported in the first 3 months of the year, including 23 assaults. In May, vandals desecrated 386 graves at a Jewish cemetery in east London. Although public manifestations of anti-Semitism were confined largely to the political or religious fringes, religious leaders expressed concern that public statements of political "anti-Zionism" could cross the line into anti-Semitism.

The 1998 Good Friday Agreement aimed to create a lasting settlement to the conflict in Northern Ireland and a society based on equality of opportunity and human rights. However, fear of intercommunal violence has, over the years, contributed to a pattern of segregated communities in Northern Ireland. Many Protestant and Catholic families have moved away from mixed-religion or border areas.

The police in Northern Ireland reported approximately 150 attacks against both Catholic and Protestant churches, schools, and meeting halls through November. Such sectarian violence often coincided with heightened tensions during the spring and summer marching season (see Section 2.b.).

The Holy Cross girls primary school in the predominantly Protestant Glenbryn area of north Belfast received sporadic bomb threats. Violence occurred in other interface areas dividing predominantly Protestant and predominantly Catholic areas in North Belfast and in Short Strand. Notable incidents included bricks thrown at a school bus carrying students to the Girls' Model School, 11 of whom were hospitalized following the attack, a suspected arson attack on Strandtown Primary School, and armed men vandalizing and setting fire to cars in the parking lot of Our Lady of Mercy girls' school. Residents complained of uneven policing.

For a more detailed discussion, see the 2003 International Religious Freedom Report.

d. Freedom of Movement within the Country, Foreign Travel, Emigration, and Repatriation.—The law provides for these rights, and the Government generally respected them in practice. Citizens enjoyed freedom of movement within the country, foreign travel, emigration, and repatriation.

Paramilitary organizations in Northern Ireland continued to threaten individuals and families to compel them to leave the Province. For example, the family of Joseph McCloskey remained in exile in England after a Provisional IRA death threat in 2001 (see Section 1.a.). In another high profile incident, a feud between convicted terrorist Johnny "Mad Dog" Adair's faction of the Ulster Defence Association and other UDA members caused Adair's wife and a number of his associates and their families to flee to Scotland in February.

The law provides for the granting of asylum and refugee status to persons who meet the definition in the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. In practice, the Government provided protection against refoulement and granted refugee status or asylum. The Government also grants asylum based on fear of persecution by non-state actors where the authorities are satisfied that the asylee's home state is either unable or unwilling to offer protection. The Government cooperated with the office of the UNHCR and other humanitarian organizations in assisting refugees.

Applicants may apply for asylum or refugee status upon arrival or after entering the country. The law permits all asylum seekers to remain temporarily in the country at least until immigration authorities consider their application and, if they are refused asylum, until their rights of appeal are exhausted. Some asylum seekers were detained while the Government reviewed their cases. According to the Home Office, as of June, approximately 26,585 principal applications for asylum (excluding dependents) were made, and the Government granted asylum in 6,530 cases. At the end of June, decisions were pending in 31,800 asylum cases. During the first 6 months of the year, the backlog had fallen to its lowest level in over a decade.

In December, the Government introduced the Asylum and Immigration (Treatment of Claimants, etc.) Bill of 2004 to Parliament. The Bill, based on Home Office recommendations, contains provisions to limit asylum seekers' access to appeal; withdraw public support from failed asylum seekers; create a specific criminal offense of entering the country without a passport; and broaden the circumstances under which failed applicants may be deported to safe third countries. Parliament plans to continue consideration of the Bill in its 2004 session.

Guidelines for use by the courts in considering asylum claims by women urge judges to consider situations more likely to be faced by female asylum applicants, including female genital mutilation (FGM) and trafficking (see Sections 5 and 6.f.).

The Government also provides temporary protection to certain individuals who do not qualify as refugees or asylees. Approximately 6,545 persons were not recognized as refugees but were granted leave to remain in the country. In March, the Government began forced repatriations of persons denied asylum.

The Nationality, Immigration, and Asylum Act of 2002 reformed the asylum system by establishing a system of induction, accommodation, and removal centers to expedite the process and reduce abuses (see Sections 1.c. and 1.d.). NGOs have criticized the Act for its provisions to educate children of asylum seekers in accommodation centers rather than in local schools. The Government dispersed detainees throughout the country, in housing estates or government facilities. As of June 28, 1,230 asylum seekers were in reception or removal centers, and 125 were in prison establishments where they were held separately from convicted prisoners and those awaiting trial.

The treatment of asylum seekers continued to be the subject of media attention and political debate during the year (see Section 1.d.). The Yarl's Wood Center, which closed after a riot and fire in February 2002, admitted 60 single female asy-

lum seekers after reopening in September. In August, asylum seekers were convicted of violent disorder and sentenced to jail in connection with the fire and mass breakout at the center.

In September, the Prison Ombudsman began reviewing claims by some former detainees at Yarl's Wood that they were denied food for 3 days and were seriously injured by guards in the aftermath of the riot in February 2002. Several detainees also filed a civil case alleging abuse by the private firm responsible for security at the center. Decisions were pending at year's end.

In March, a court sentenced 18-year-old Steven Roberts to a life sentence for the 2002 murder of Iranian asylum seeker Payman Bahmani; the court treated the crime as having a racial motive.

Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government

Citizens have the right to change their government peacefully, and citizens exercised this right in practice through periodic, free, and fair elections held on the basis of universal suffrage.

The Government is formed on the basis of a majority of seats in the House of Commons, which are contested in elections held at least every 5 years. The upper chamber, the House of Lords, has the power to revise and delay, but not block the implementation of laws. Participation in the political process is open to all persons and parties. All citizens 18 years of age and older may vote. Other elected bodies such as the Scottish Parliament, the Welsh Assembly, and (prior to its dissolution in 2002) the Northern Ireland Assembly, have control over matters of regional importance, such as education, health, and some economic matters. Foreign affairs and defense continued to be the responsibility of the central government. As in the rest of the country, Northern Ireland has city and district councils but with fewer powers. England and Wales also have county councils.

In October 2002, the Northern Ireland Assembly and Executive were suspended. The suspension came in the wake of October 2002 raids on homes belonging to Sinn Fein members and a Sinn Fein office at the seat of Northern Ireland's devolved government, the Parliament Building. The raids were prompted by an alleged Sinn Fein/IRA spy operation inside the Northern Ireland Office in Belfast. The Government temporarily re-instituted direct rule headed by the Secretary of State for Northern Ireland and four ministers. The Government held new elections in Northern Ireland on November 26, and subsequently undertook efforts with local political parties and the Irish Government to reestablish devolved government.

The Scottish Parliament, which met for the first time on July 1, 1999, is led by a First Minister (similar to a prime minister) and a cabinet known as the Scottish Executive. The Parliament holds full responsibility in Scotland for justice, policing, education, health, local transport, the environment, economic development, agriculture, fisheries, housing, local government, and tourism. Under the 1998 Scotland Act, the Scottish Parliament is authorized to increase or decrease Scottish revenue by adjusting UK income tax rates for persons resident in Scotland by up to 3 percent in either direction.

The small number of remaining overseas British territories have an aggregate population of approximately 190,000. They enjoyed varying degrees of self-government based on the UK model, with appointed governors.

Women did not face any legal constraints on voting or holding office. Women constituted 18 percent of the members of the House of Commons, and 17 percent of the House of Lords. Twelve members of Parliament have identified themselves as members of minority ethnic groups.

Section 4. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A wide variety of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials were cooperative and responsive to their views.

Proceedings under the Human Rights Act—which incorporated the provisions of the European Convention on Human Rights into domestic law—may be brought only by victims of a breach of convention rights by a public authority. While cases may be taken to the European Court of Human Rights, all domestic remedies under the Human Rights Act must be exhausted first.

The Home Office has a human rights unit with responsibility for human rights policy and legislation in England and Wales. NGOs have criticized the Government for its failure to create a government-wide human rights commission. In 2001, the Scottish Executive announced that it would establish an independent and statutory

Scottish Human Rights Commission. During the period of this report, the Scottish Executive held consultations on the establishment of the commission.

In Northern Ireland, the Human Rights Commission was established as an outcome of the peace process to provide legal advice and assistance to citizens. The Commission continued to consult on a bill of rights specific to Northern Ireland, pursuant to the Good Friday Agreement, which also mandated wide-ranging reforms in policing and criminal justice. A summary of submissions for the Bill of Rights was published in July, and the Commission expected the consulting process to last at least 1 more year. Commissioner Patrick Yu resigned from the Commission in July, joining Christine Bell and Inez McCormack, who resigned in 2002. Two other commissioners have withdrawn from the Commission's day-to-day operations, but have not resigned their positions. The three former commissioners, as well as some Northern Ireland political parties, have criticized the Commission's work and cited the Government's failure to provide adequate resources. In November, another commissioner resigned to run for public office.

A number of international human rights NGOs were based in the country. The Government cooperated fully with international inquiries into alleged violations of human rights.

Section 5. Discrimination Based on Race, Sex, Disability, Language, or Social Status

The law prohibits incitement to racial hatred and discrimination on the basis of race, color, nationality, or national or ethnic origin; however, some groups continued to experience official and societal discrimination. The Fair Employment and Treatment Order extended the prohibition on discrimination to the provision of goods, facilities, services, and premises. The Northern Ireland Equality Commission oversees antidiscrimination policy. Section 75 of the Northern Ireland Act places all public authorities under a duty to promote equality of opportunity.

Women.—Violence against women continued to be a problem. According to Home Office statistics, from May 2002 through April, police recorded 11,441 rapes and 24,811 indecent assaults. Police and government action to support the victims of sexual offenses was likely to have increased the number of such offenses brought to the attention of police.

Criminal penalties for rape, including spousal rape, sexual assault, and domestic violence, are substantial, and these laws were enforced strictly; however, conviction rates for rape tended to be lower than for other crimes. The law provides for injunctive relief, personal protection orders, and protective exclusion orders (similar to restraining orders) for women who are victims of violence. The Government provided shelters, counseling, and other assistance for battery or rape and offered free legal aid to battered women who were economically reliant on their abusers. The law prohibits defendants themselves from conducting cross-examinations of complainants in rape and sexual offense trials. The Youth Justice and Criminal Evidence Act includes a provision that restricts the admissibility into evidence of a complainant's previous sexual history.

The Female Genital Mutilation Act, which took effect in October, makes it a crime to practice FGM, or to assist another person in its practice, either in the country or in another country. The extent to which the procedure took place was unknown, but NGOs reported that the practice continued in isolated incidents during the year.

Women continued to be trafficked into the country (see Section 6.f.).

No law specifically prohibits sexual harassment; criminal action for sexual harassment cases must be prosecuted under assault legislation. Women's groups have complained that civil suits concerning sexual harassment and discrimination on the basis of gender can take up to 3½ years to appear before an industrial tribunal.

The law provides for equal opportunity between the sexes; however, in practice, women experienced some discrimination. The law prohibits both direct and indirect discrimination in training, housing, and the provision of goods and services, as well as in employment. Women have equal rights regarding property and divorce. The Government's Equal Opportunities Commission supported persons who bring discrimination cases before industrial tribunals and courts and produced guidelines for employers. The Government's Women and Equality Unit reported that women's hourly earnings were, on average, 81 percent of men's. Women's issues were represented at the cabinet level by the Minister for Women, who headed the Women and Equality Unit. The Women and Equality Unit engaged in dialogue with women and advised the Government but had no authority for direct action.

Children.—The Government was strongly committed to children's rights and welfare; it amply funded a system of public education and medical care. The Government provided free, compulsory education until age 16 and further free education until age 18 if a student so desires. In June, the Government created the post of Minister of Children, Young People and Families within the Department of Edu-

cation and Skills. The Minister coordinates government policy concerning children and young persons, including: Policy on children's social service and child protection; children in state care; parental responsibility and the role of parents in education; careers service for young people; and protecting young people at risk, including homelessness and social inclusion. In Scotland, the Minister for Education and Young People and the Minister for Communities oversee similar programs.

The law prohibits corporal punishment in state schools. Corporal punishment is allowed at non-state schools in England and Wales provided it is not inhuman and degrading. Child welfare groups have called for all corporal punishment of children to be outlawed.

Although there were indications that child abuse was a problem, there was no pattern of abuse directed against children. A lack of reliable data made analysis more difficult.

Concern and publicity surrounding pedophiles continued to grow. As part of a government drive to protect children from child abusers, previously secret registers of pedophiles were available to any employer who runs an organization where persons under age 18 could be at risk (schools, children's homes, or voluntary organizations). In addition, suspected child abusers and convicted pedophiles were banned from working with children. Childcare organizations must consult a list of banned individuals before offering anyone a job, paid or otherwise, and it was illegal for them to hire anyone named on it. The Home Office strengthened the Sex Offenders' Register by giving police expanded powers to force those convicted of relevant sex offences outside the country to register as offenders in Britain. All sex offenders on the register must report to a police station in person every 12 months to confirm their whereabouts. The Government's Task Force on Child Protection on the Internet organized educational campaigns, developed proposals on stiffer penalties against pedophile activities, developed models and good practices for protection, and worked on a global strategy to combat the problem.

A 2002 joint report, "Safeguarding Children," issued by the Chief Inspectors of Social Services, concluded that, in the vast majority of cases, government agencies protected children from the risks of further harm, with good working relationships between agencies at all levels. However, the report noted concerns that the services were under pressure for resources and management on some levels and made numerous recommendations for further safeguards. Two NGOs, the Refugee Council and Save the Children, claimed in a 2001 report that many social services agencies provided inadequate care to unaccompanied minors seeking asylum.

Children have been trafficked into the country for sexual exploitation and forced labor (see Sections 6.d. and 6.f.). In December, Luan Plakici was convicted for procuring a teenager to have unlawful sex and incitement to rape, as well as other counts of kidnapping and trafficking (see Section 6.f.).

The Armed Forces accept recruits from age 16. NGOs including the Child Soldiers Coalition and Amnesty International have criticized this practice.

Under the 2000 Terrorism Act, the police may arrest and detain children as young as 10 years of age for up to 7 days, although no children were detained under the Act during the year.

Persons with Disabilities.—The Disability Discrimination Act (DDA) prohibits discrimination against persons with disabilities in the provision of access to public facilities by employers of more than 15 workers, service providers (apart from those providing education or running transport vehicles), and anyone selling or renting property. In addition, all businesses are required to accommodate customers with disabilities. Adaptations must be "reasonable," bearing in mind the circumstances and size of the business. The Education Act requires local education authorities to make provision for the special educational needs of children with disabilities.

The Government responded to a 2001 disability rights task force report by announcing new measures to cover nearly 7 million jobs previously excluded from the DDA, such as police, firefighters, and prison officers. At year's end, the Government was consulting on its plans for implementing these measures for implementation in 2004. This would significantly change the DDA, including ending the exemption of small employers and bringing within scope of the Act a number of new occupations such as fire fighters, police, and prison officers. The Special Educational Needs and Disability Act enhances civil rights for persons with disabilities in education.

The DRC provided a hotline for persons with disabilities and employers, legal advice and support for individuals, and policy advice to the Government. The DRC also has the power to conduct formal investigations, arrange conciliation, require persons to adopt action plans to ensure compliance with the law, and apply for injunctions to prevent acts of unlawful discrimination.

Government regulations require that all new buildings meet the access requirements of all persons with impaired mobility and that all taxis be wheelchair acces-

sible; similar regulations were in force for sensory-impaired persons. Access to many buildings, particularly older buildings, including transportation centers, remained inadequate. New measures introduced in March require all businesses to make “reasonable” modifications for persons with disabilities by 2004.

National/Racial/Ethnic Minorities.—Despite legal prohibitions against racial discrimination, persons of African and Afro-Caribbean, South Asian, or Middle Eastern origin, and Travellers— itinerant populations consisting of Roma, Irish, and other ethnic groups estimated to number 300,000 persons—faced occasional acts of societal violence and some discrimination.

Incitement to racial hatred is a criminal offense punishable by a maximum of 2 years’ imprisonment. The Government strictly enforced the laws and regulations in this area. Isolated incidents of racially motivated violence continued to occur.

In November, two youths were convicted of manslaughter for the death in May of 15 year-old Johnny Delaney. Delaney, who lived in a Travellers’ site in Liverpool, died after the youths attacked him and kicked him in the head. According to press reports, the court heard that one defendant said Delaney deserved the attack because “he was only a Gypsy.”

In June, a riot involving local youths and Kurdish asylees took place in Wrexham, North Wales, that left one Kurd injured. In April, approximately 15 persons attacked three Ghanaian men in a South Yorkshire village.

A complaint against the police in the inquest into the 1997 death of a young Asian, Lakhvinder “Ricky” Reel, found drowned in the Thames River in what his family believes was a racial attack, concluded in an open verdict. The Police Complaints Authority, who supervised the inquest, found that there was no proof that the police acted improperly in deciding not to investigate Reel’s death as a murder.

According to the Office of the Deputy Prime Minister by the end of July, there were approximately 300,000 Travellers, itinerant people often of Roma or Irish ethnicity, living in the country. They have experienced marginalization, educational discrimination, and police and societal harassment greater than that of the settled population, according to human rights groups. In June, the Scottish Parliament published a report citing evidence of institutional discrimination, racism, and harassment of Travellers in Scotland. The Race Relations (Northern Ireland) Order provided specific legal protection to minority ethnic groups in Northern Ireland, including the Traveller community. The Government also instituted the Gypsy Sites Refurbishment Grant to refurbish the existing network of local authority Gypsy sites. Since 2001, the Government has paid approximately \$30 million (17 million pounds sterling) for the Gypsy Site Refurbishment Grant to 150 successful bidders. The funds have been used to rehabilitate substandard facilities on existing sites and to improve derelict sites, which were abandoned due to acts of vandalism or due to poor onsite facilities, for use.

The CRE is government-appointed but independent; it provides guidelines on anti-discrimination practices, supports persons taking court action, and may initiate its own court actions. After investigating a complaint, the CRE may issue a notice requiring that the discrimination be stopped. The CRE monitors the response to such notices for 5 years. The CRE’s code of practice places a statutory duty on public authorities to promote racial equality. In January, the Scottish Parliament approved the Local Government in Scotland Bill that requires the government in Scotland to promote equal opportunity and anti-discriminatory practices at all levels.

Section 6. Worker Rights

a. The Right of Association.—The law provides for the right to organize and protects the rights of union members. Workers have the right to form and join unions, and workers exercised this right in practice. Just under 30 percent of the workforce was unionized. Coverage was most widespread in the public sector, where 60 percent of workers were organized. In contrast, 19 percent of private sector workers were unionized. Unionization of the work force is prohibited only in the armed forces, public sector security services, and police force. Unions, although often affiliated with political parties, were free of government control. The 1999 Employment Relations Act affords protection to union organizing efforts and sets minimum employment standards. Workers are protected by law against dismissal or other retaliation for campaigning or voting for or against recognition. The law also prohibits the compilation of lists of union members and labor activists for use by employers and employment agencies.

The law protects union members against “being subject to any detriment” due to union activity or membership, and this was generally observed in practice. The law also covers contract and part-time workers.

Unions may join federations and participate freely in international organizations. The largest federation was the Trades Union Congress. Former British union leaders frequently occupied leadership positions in international labor organizations.

b. The Right to Organize and Bargain Collectively.—Collective bargaining is a long-standing right and covers approximately 30 percent of the work force. Under the Employment Relations Act, labor-management contracts are enforceable legally.

Under the Act, unions may file a request for recognition, identifying the proposed bargaining unit to the Central Arbitration Committee (CAC), a tripartite group that includes representatives from government, business, and labor. The Act covers employers with more than 20 workers and encompasses an estimated two-thirds of all workplaces. Once the CAC determines the appropriate bargaining unit, it assesses whether a union is likely to have majority support. If union members already make up a majority of the bargaining unit, the CAC may issue a declaration that the union is recognized for collective bargaining without a ballot. In those instances where the CAC orders a ballot (typically, when the majority of bargaining unit employees are not already union members), the employer must cooperate by providing a list of names and giving the union access to the workplace to campaign. Unions win recognition when a majority of those voting agree, including at least 40 percent of those in the bargaining unit; these rules were enforced in practice.

Although the law encourages voluntary agreements between employers and unions, the CAC may, if necessary, impose a legally binding procedure for bargaining about pay, hours, and holidays.

The Employment Relations Act provides for the statutory right to strike and the law prohibits retaliation by strikers. Dismissed strikers were able to claim unfair dismissal if fired within 8 weeks of when they first undertook a legal strike or “trade dispute.” The law defines a “trade dispute” in great detail; in summary, a strike must be confined to workers and their own employers (“secondary boycotts” are illegal), the dispute must be wholly or mainly about employment-related matters (e.g., pay and conditions), workers must be properly and secretly balloted before striking (with notice to the employer), and mass picketing is prohibited. These rules were enforced in practice.

There are no export processing zones.

c. Prohibition of Forced or Bonded Labor.—The Government prohibits forced or bonded labor, including by children; however, there were reports that such practices occurred (see Section 6.f.).

d. Status of Child Labor Practices and Minimum Age for Employment.—Children under age 16 are not permitted to work in an industrial enterprise except as part of an educational course.

There were reports that children were trafficked into the country and forced to work as domestic servants, drug couriers, in sweatshops and restaurants, or as beggars or pickpockets (see Section 6.f.).

e. Acceptable Conditions of Work.—The adult minimum wage was \$8.00 (4.50 pounds) per hour after the latest increase on October 1. A separate minimum wage for 18- to 21-year-olds (the Development Rate) was also increased to approximately \$6.76 (3.80 pounds) per hour. The Development Rate may also apply to workers aged 22 and over who are receiving accredited training during the first 6 months in a new job. The Low Pay Commission also was reviewing proposals for a third tier for 16- to 17-year-olds and was expected to issue a report on its findings by February 2004. According to government figures released in October, 330,000 people were not receiving the adult rate. However, approximately 160,000 of those were employees in training status or receiving other types of subsidies. Trade union organizations estimated that only approximately 170,000 were cases of illegal underpayment; the Government has aggressively monitored employer efforts to bring pay practices into compliance. Unions and NGOs were also actively involved in ensuring employees are aware of their rights. The national minimum wage did not provide a decent standard of living for a worker and family; however, other benefits of the welfare state filled the gap. Of nearly 28 million workers, approximately 6 million (21 percent) benefit from a social insurance scheme, in addition to receiving free universal access to the National Health Service. The tax credits for working families and persons with disabilities were designed to ensure a working family a weekly income of \$319 (214 pounds), which constituted a living wage. No family earning less than \$380 (255 pounds) per week is obligated to pay income tax. The Government also provided a minimum income guarantee for low-income pensioners, which increased the basic state pension that all retired employees received.

Domestic legislation limits the workweek to 48 hours, in compliance with EU standards. However, an individual employee may agree through contract to work in excess of that limit under the terms of government derogation to the EU rules. Ex-

emptions allowing overtime were fairly common, but the Government's derogation was under review. The maximum compensation level for unfair dismissal claims was approximately \$89,000 (50,000 pounds). The Employment Act of 2002, major provisions of which took effect on April 6, expanded parental leave provisions, providing options for maternity, paternity and adoptive parent leave. It also allows employees to request flexible work and created company-level dispute resolution mechanisms.

The Health and Safety at Work Act stipulates that the health and safety of employees not be placed at risk, and in practice the Act was updated regularly to reflect new safety issues. The Health and Safety Executive effectively enforces regulations on these matters and may initiate criminal proceedings in appropriate cases. Workers' representatives actively monitored enforcement of the Act. Workers may remove themselves from dangerous work conditions without jeopardy to their continued employment.

Foreign workers are protected by the same labor laws and have the same rights as other workers, and foreign workers exercised these rights in practice. Some unions have outreach support and counseling programs specifically targeting foreign workers in the country who may be at higher risk of exploitation.

f. Trafficking in Persons.—The law specifically prohibits trafficking in persons for sexual exploitation; however, trafficking in persons for prostitution remained a problem. Besides the specific prohibition of trafficking for sexual exploitation, many other human trafficking offenses are punishable under existing laws.

The criminal penalty for trafficking in prostitution with a maximum sentence of 14 years was part of the Nationality, Immigration, and Asylum Act of 2002. The new Sexual Offences Act, which was passed in November, introduces three specific crimes of: "Trafficking into the UK for sexual exploitation," "Trafficking within the UK for sexual exploitation," and "Trafficking out of the UK for sexual exploitation." These crimes carry a maximum sentence of 14 years and are a crime if committed abroad by a British citizen or resident. Other sections of the law such as the crime of "Arranging or facilitating commission of a child sex offence," which carries a maximum penalty of 14 years, may also apply to trafficking situations. Other provisions of the Sexual Offences Bill and Nationality, Immigration and Asylum Act may be used in trafficking situations. Prior to the new legislation, traffickers, depending on the scope of their illegal activity, could be prosecuted under some provisions of the old Sexual Offences Act and Immigration Act, including such crimes as running a brothel and specific sexual offenses that might be committed against trafficking victims such as forcible rape. The maximum penalty for keeping brothels is 7 years and for forcible rape is life imprisonment.

During the year, the Government introduced a bill to Parliament that would criminalize bringing individuals into or sending individuals out of the country for purposes of exploitation, including forced labor or the provision of services under force, threat, or deception. The maximum penalty under the Bill would be 14 years in prison.

There have been prosecutions under the Sexual Offences Act of 1956 for human trafficking situations. Because there had been no specific offense of trafficking before the recent change in law, it was not possible to provide comprehensive statistics on prosecutions.

On December 22, a north London Court sentenced Luan Plakici, an Albanian immigrant, to a 10-year prison sentence for kidnapping and trafficking approximately 50 to 60 women and girls to the country from July 2000 to October 2002 (see Section 5).

In July, more than 200 police officers raided properties in London and arrested a gang of Nigerian persons suspected of bringing children and adults into the country illegally. A police investigation resulted in the arrest of 19 persons in connection with the 2001 discovery of the torso of a Nigerian boy's body in the Thames River. Authorities believed the boy may have been brought into the country and used in a ritual killing.

The cabinet level departments engaged in anti-trafficking efforts include the Home Office, Foreign and Commonwealth Office, Department of Trade and Industry, Department for Education and Employment, and the Department for International Development. Specific agencies involved include the Police, the National Criminal Intelligence Service, the National Crime Squad and the Immigration and Nationality Directorate. The Policing Organized Crime Unit in the Home Office has the lead on the issue of human trafficking, although due to the cross-cutting nature of the crime of human trafficking, other Home Office units and other government departments are also closely involved in developing a comprehensive response to the problem.

A task force called "Reflex" brought together all of the agencies involved in combating trafficking and migrant smuggling. These included the National Crime Squad, the National Criminal Intelligence Service, the Immigration Service, the Foreign and Commonwealth Office and the major police forces, including the Metropolitan Police and the British Transport Police. All operational initiatives combating organized immigration crime are targeted through Reflex. Reflex also worked with regional police forces to raise awareness about trafficking.

The Government participates in multinational and international working groups and efforts to prevent trafficking through EU, U.N. and Organization for Security and Cooperation in Europe (OSCE) mechanisms. The Reflex taskforce works closely with several EU partners and third countries. In line with an EU Council Resolution of 2001, the Government has placed Immigration Liaison Officers in other European countries where they work with local law enforcement to develop intelligence and disrupt the effort of organized criminal groups involved in migrant trafficking. From April through December, Reflex's work resulted in 67 arrests and 19 convictions for organized immigration crime, and has disrupted 27 organized criminal gangs.

The country was a destination for trafficking of women and girls for prostitution and in men and women for manual labor. There were no definitive figures on the extent of the problem. A report by the Home Office in 2000 estimated that less than 1,500 women were brought into the country each year. They were destined primarily for work in the sex industry. The trafficked population included children, though the numbers appeared to be small. The country was also a destination country for trafficked men who work in agriculture and industry. The country was not a country of origin for human trafficking, although there were some indications it played a minor role as a transit country.

Law enforcement authorities indicated that women were trafficked for sexual exploitation from Central and Eastern Europe (Albania, Kosovo, Romania, Bulgaria, Lithuania, Moldova, Russia). Some also come from East Asia (Thailand, China) and Africa (Nigeria, Liberia, Sierra Leone).

In July, UNICEF published a report on trafficking of children that indicated that "at least 250 children have been trafficked into the UK" since 1998. Because many cases may evade detection, the report concluded "there may well be literally hundreds, if not thousands, of children" who have been trafficked to the UK. The UNICEF report referred to incidents of trafficked children being used for sexual exploitation and forced to work as domestic servants, drug couriers, in sweatshops and restaurants, or as beggars or pickpockets. The establishment of Reflex has led to better coordination arrangements for police investigations into trafficking and also improvements in jointly working on child protection issues. For example, a child protection officer from the Kent Police force has been temporarily assigned to the Joint Immigration Service/Police Debriefing Team based in Dover.

Laborers were trafficked actively by China-based criminal gangs, called "snakeheads" and through deception. In general migrants paid high fees to enter the country; however, those who could not pay were forced into servitude, often in London sweatshops run by the gangs. Some also worked in agriculture. The problem of "gangmasters" exploiting illegal migrant laborers in the agricultural sector received attention in the press, and led to calls for better protection for migrant laborers.

Some female victims were lured into the country by deception. The victims often agreed to pay off the balance by working in the sex industry; however, upon arriving, they were required to perform sexual services that they had not agreed to, their documents were confiscated, they were forced to work a longer time than anticipated, and they were deceived into not seeking help. In addition, there was evidence that a small number of victims were forcibly abducted and brought into the country against their will.

The police suspected that international organized crime was behind much of the trafficking for commercial sexual exploitation but believed freelancers and small-time criminals were also involved. Victims often were subjected to threats against themselves and their families in the country of origin, coercion, and the withholding of travel documents.

The Government recognized the need to offer the victims of trafficking support to help them escape their circumstances and, in certain cases, help law enforcement tackle organized criminal gangs. The Government provided for special arrangements for their protection and considered whether it was appropriate to allow victims to leave or remain in the country. When victims were not entitled to remain, or wished to return to their country of origin, the Government assisted them to do so and provided them with initial counseling. The Government also ensured that victims had

suitable accommodation to return to, and helped with enabling them to reintegrate into their own community.

The Government implemented an outreach program that provided professional guidance for immigration officers, police, and others potentially dealing with trafficking and its victims to raise awareness of the difference between people who were trafficked into the country, and those who sought to enter the country illegally of their own will, as well as to help police, immigration officers, and community workers treat trafficking victims appropriately.

The Government assisted victims with a full range of social and health care services and provided temporary residence status. The Home Office has a comprehensive approach for victims of trafficking to protect them and to assist them in giving evidence against the traffickers who have exploited them. In December, the Government announced additional funding of approximately \$1.25 million (700,000 pounds) to extend a pilot program that supports victims of trafficking for sexual exploitation for an additional year. In conjunction with Social Services, safe accommodation, medical care, and other services were provided to child victims of trafficking. There were standard police procedures to prevent the intimidation and harassment of witnesses.

A number of NGOs assisted in anti-trafficking efforts. The authorities were responsive to NGOs regarding the development of anti-trafficking policy and legislation in the country. NGOs such as Anti-Slavery International and End Child Prostitution, Pornography and Trafficking (ECPAT UK) have published studies and critiques on legislation, policy, and practice in the country, which were widely disseminated. The Government also worked in conjunction with Eaves Housing, a voluntary organization providing specialist support to victims of domestic violence, in the establishment of a pilot project to support victims of trafficking. The Government has also worked closely with various NGOs in the production of an awareness raising 'toolkit' on trafficking in persons. NGOs that dealt specifically with the issue of individuals trafficked or smuggled into the country to perform labor, such as the NGO Kayalaan, continued to operate. The Foreign and Commonwealth Office also conducted campaigns abroad in countries of origin, primarily by disseminating anti-trafficking materials.

UZBEKISTAN

Uzbekistan is an authoritarian state with limited civil rights. The Constitution provides for a presidential system with separation of powers among the executive, legislative, and judicial branches; however, in practice, President Islam Karimov and the centralized executive branch that serves him dominate political life and exercise nearly complete control over the other branches. Following a January 2002 referendum judged to be neither free nor fair, the President's term in office was extended by 2 years. Previous elections were neither free nor fair. The Oliy Majlis (Parliament) consists almost entirely of officials appointed by the President and members of parties that support him. Despite constitutional provisions for an independent judiciary, the executive branch heavily influenced the courts in both civil and criminal cases and did not ensure due process.

The Ministry of Interior (MVD) controls the police and is responsible for most routine police functions. The National Security Service (NSS)—the former KGB—deals with a broad range of national security questions, including corruption, organized crime, and narcotics. Civilian authorities maintained effective control over the military. The police and the NSS committed numerous serious human rights abuses.

Progress towards economic reform was mixed, including implementation of commitments to transition to a free market. The country had a population of approximately 25,400,000. The economy was based primarily on agriculture and agricultural processing. The Government restored free convertibility of its currency in October. Restrictions on trade were severe, and interference with economic activity by the Government continued. The International Monetary Fund estimated that GDP growth was 1 percent. There were no reliable unemployment statistics, but the number of unemployed and underemployed was widely considered to be high and growing.

The Government's human rights remained very poor, and it continued to commit numerous serious abuses. Citizens could not exercise the right to change their government peacefully. Security force mistreatment likely resulted in the deaths of at least four citizens in custody. Police and NSS forces tortured, beat, and harassed persons. Prison conditions remained poor. Serious abuses occurred in pretrial detention. Those responsible for documented abuses rarely were punished. Police and

NSS arrested persons the Government suspected of extremist sympathies, although fewer than in previous years. Police routinely and arbitrarily detained citizens to extort bribes. Several human rights activists and journalists were arrested in circumstances that suggested selective law enforcement. The number of persons in prison for political or religious reasons, primarily individuals the Government believed were associated with extremist Islamic political groups but also members of the secular opposition and human rights activists, was estimated to be between 5,300 and 5,800. Police and NSS forces infringed on citizens' privacy.

The Government employed official and unofficial means to restrict severely freedom of speech and the press, and an atmosphere of repression stifled public criticism of the Government. Although the law prohibits formal censorship, the Government warned editors that they were responsible for the content of their publications, and new amendments to the media law encouraged self-censorship. Ordinary citizens remained circumspect in criticizing the Government publicly. The Government continued to ban unauthorized public meetings and demonstrations, and police forcibly disrupted a number of peaceful protests, although the number of peaceful demonstrations on specific grievances increased during the year. Although the Government registered one independent domestic human rights group during the year, it continued to deny other groups registration. The Government restricted freedom of religion and harassed and arrested well over 100 Muslims it suspected of extremism. The Government tolerated the existence of minority religions but placed limits on their activities. The Government restricted freedom of movement within the country; exit visas were required to travel abroad. The Government denied the registration applications of two opposition parties and harassed opposition members; however, three opposition parties were able to organize at the local level, conduct signature drives, and hold regional and party congresses. The Government harassed and abused members of domestic human rights groups. Societal violence against women was a problem. Trafficking in women and children to other countries for prostitution was a problem, which the Government took steps to address.

RESPECT FOR HUMAN RIGHTS

Section 1. Respect for the Integrity of the Person, Including Freedom From:

a. Arbitrary or Unlawful Deprivation of Life.—There were no confirmed reports of political killings; however, in three separate incidents in May and December, prisoners died in custody, apparently as a result of torture. Another suspicious death occurred in August.

On May 3, Otzama Gafarov, who was finishing a 7-year sentence on charges of stealing state property, died in Chirchik prison. Family members reported that the body showed signs of torture, including bruising and a large laceration on the head and severe bruises to the chest, ribs, and throat.

On May 15, Orif Ershanov, a member of the banned extremist Party of Islamic Liberation (Hizb ut-Tahrir), died at a hospital in Karshi as a result of beatings and torture suffered while in NSS detention. Photographs provided by relatives showed evidence of a severe beating: Bruises to the chest, legs, and soles of the feet, as well as broken ribs and wounds on the back and arm. There was also evidence that sharp objects had been inserted under the fingernails.

On August 1, the parents of Nodir Zamonov found his body in the family cowshed in Bukhara shortly after police detained him on charges of breaking a shop window. A picture taken by the father showed a wide diagonal abrasion across the throat. Local authorities contended that Zamonov hanged himself, while family members maintained that police killed him while he was in custody.

On December 6, Kamalodin Djumaniyozov, a 25-year-old man from Karakalpakstan, died in pretrial detention. A videotape of the body, taken by family members after an autopsy was performed and the body returned, appeared to show bruising on the right and left sides of the torso and on the right upper arm, as well as possibly on the right hip and upper chest. The right shoulder appeared to be dislocated. The videotape also showed two semi-circular indentations, with what appeared to be fresh lesions, on the corners of the temples.

Human rights observers believed that many more prisoners died as a result of poor prison conditions aggravated by severe mistreatment (see Section 1.c.). In some cases, law enforcement officials warned families not to talk about their relatives' deaths, which were often attributed by government officials to purely natural causes. The country's regulations require that a medical examiner investigate every death in custody; however, examiners' reports routinely misstated the cause of death or covered up abuses. In many cases (including death penalty cases), families were not told of their relative's death until after the body had been buried, making independent forensic investigation almost impossible. As a result, rumors of detainees

dying in custody as a result of mistreatment abounded but were generally impossible to confirm. In no case in which a death in custody appeared to be due in whole or in part to torture or other mistreatment was the death officially attributed to such causes. In the cases described above, authorities denied that any physical mistreatment had taken place and ascribed the cause of death to a heart attack (Gafarov), high blood pressure (Ershanov), and suicide (Djumanioyozov and Zamonov).

The Government reported that the MVD disciplined several officers in connection with Kamalodin Djumanioyozov's death. The officers associated with the Djumanioyozov death were punished for official negligence, not for murder or assault; the investigating authorities did not dispute the conclusion reached by local investigators that Djumanioyozov hanged himself in his cell. In late December, the Office of the General Prosecutor opened an official criminal investigation into Djumanioyozov's death. The investigation was continuing at year's end.

In December, the General Prosecutor reopened the investigation into Nodir Zamonov's death; however, no charges were filed by year's end.

By year's end, the Government did not bring charges against those responsible for the apparent torture deaths in custody during the year of Otzama Gafarov and Orif Ershanov.

During the year, there were no developments or investigations in the following 2002 deaths in custody: Mirzakomil Avazov and Khusnuddin Olimov, members of Hizb ut-Tahrir who were tortured to death in Jaslyk prison in Karakalpakstan resulting in extensive bruises and burns, the latter reportedly caused by immersion in boiling water; Izatulla Muminov, a taxi driver who was beaten to death while in police detention in Tashkent; and Musurmon Kulmuradov, who was beaten and tortured to death in front of his mother, wife, and two children while in police custody in Surkhandarya. However, Avazov's mother was arrested in October, allegedly for possessing extremist literature, a charge that she and her family disputed (see Section 1.d.).

An MVD investigation into the 2001 death in custody of Uzbek writer Emin Usman, the results of which were released in December, concluded that he committed suicide, reportedly because he regretted having translated Hizb ut-Tahrir literature. This contradicted the view of human rights activists and at least one family member, who claimed at the time that Usman had been tortured to death.

There were reports of at least seven deaths as a result of landmine explosions along the Tajik and Kyrgyz borders. Uzbek military forces placed landmines in a number of border areas after the Islamic Movement of Uzbekistan (IMU) staged armed incursions in August and September 2000. The Ministry of Defense asserted that all minefields were marked clearly and that it had informed the Tajik and Kyrgyz Governments of their locations, which local residents disputed.

During the year, border patrols killed one Kazakh citizen and injured another in shooting incidents along the border with Kazakhstan. There were credible reports that two Kyrgyz citizens were shot and killed in separate incidents in July and August along the border with the Kyrgyz Republic. The Government confirmed that on October 10 its border guards shot and killed two Uzbek citizens and injured a Kyrgyz citizen, who were trying to smuggle cotton across the border into the Kyrgyz Republic. Kyrgyz press reported that Uzbek border guards killed a total of eight Kyrgyz citizens during the year.

b. Disappearance.—On March 23, police in Chirchik detained Hasan Kambarov, a member of the opposition Erk party, and held him incommunicado until May 14. Relatives alleged that police subjected Kambarov to electric shock and suffocation. Family and associates in Erk report that he was re-arrested on May 22. On July 15, relatives reported meeting a man who claimed to have shared a cell with Kambarov and stated that he appeared to have been beaten. Officials later acknowledged that Kambarov had been in custody from July 10 to 15, allegedly serving an administrative sentence for insulting a shopkeeper in a bazaar. Officials filed no other charges against Kambarov and denied that he was in their custody at any other time. There were reports that Kambarov escaped custody in November and left the country.

Kyrgyz sources reported that members of the Uzbek security services abducted Sadykjan Rahmanov, a Kyrgyz citizen who served as the mullah of a mosque in a southern region of the Kyrgyz Republic. Rahmanov reportedly remained in Uzbek custody at year's end; however, the Government denied this allegation. Unconfirmed reports in the Kyrgyz media alleged that Uzbek security services kidnapped other Kyrgyz citizens, most of whom had earlier lived in Uzbekistan.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.—Although the law prohibits such practices, both police and the NSS routinely tor-

tured, beat, and otherwise mistreated detainees to obtain confessions or incriminating information. Police and the NSS allegedly used suffocation, electric shock, rape, and other sexual abuse; however, beating was the most commonly reported method of torture. Torture was common in prisons, pretrial facilities, and local police and security service precincts, and the severity of torture did not decrease during the year (see Section 1.d.). In November 2002, the U.N. Special Rapporteur on Torture, Theo Von Boven, visited the country and concluded in his February report that "torture or similar ill-treatment is systematic." The Government initially informed Von Boven that it had investigated all cases in his report and could not confirm any of the allegations. However, in a statement to the press on March 19, then State Advisor for Foreign Policy Abdul Aziz Kamilov acknowledged that serious abuses occurred in Uzbek prisons and pretrial detention facilities and pledged that the Government would "use all the resources in its possession" to combat abuses.

Authorities reportedly routinely beat and treated prisoners suspected of extremist Islamic political sympathies, particularly alleged members of Hizb ut-Tahrir, more harshly than criminals, regardless of whether investigators were seeking a confession. A majority of the cases over the past few years in which persons were likely tortured to death while in custody involved suspected Hizb ut-Tahrir members. Local human rights workers reported that common criminals—known as "prison boxers"—were often paid or otherwise induced to beat Hizb ut-Tahrir members.

There were numerous credible reports that authorities in several prisons mistreated Hizb ut-Tahrir members in connection with a series of prison demonstrations that took place during the month of Ramadan. According to relatives of prisoners and local human rights activists, well over 100 inmates jailed on charges of Hizb ut-Tahrir membership staged hunger strikes and other protests in October to demand that prison authorities adjust labor and eating schedules to accommodate the Ramadan fast. The protests began in the Jaslyk prison in Karakalpakstan, but spread to penal facilities in Karshi, Zarafshan, and Navoi. In response to these demonstrations, several prisoners were reportedly beaten in Jaslyk, while in Karshi more than 100 Hizb ut-Tahrir prisoners were placed in punishment cells, where the heat was turned off and the prisoners made to sleep on the floor; many of these prisoners were also reportedly beaten.

On January 21, NSS officers arrested Imam Toshmuhammad Abilov and seven other men in the town of Istikhan, near Samarkand. While in pretrial detention, NSS interrogators reportedly subjected them to regular beatings, some lasting several hours, in attempts to force the men to write letters implicating themselves and the Imam. Several other Hizb ut-Tahrir suspects held in the same facility were reportedly subjected to the same treatment. The men were later found guilty of violating several articles of the criminal code, including anti-constitutional activity and illegal religious activities, and sentenced to prison terms ranging from 4 to 11 years. As a result of the beatings and the prisoners' 11-month incarceration in damp concrete cells, the men suffered a number of health problems, among them chronic dizziness, damaged hearing, and heart, lung, and liver problems. The Imam suffered a broken bone in his chest following one of the beatings. The men were released in late December, when the Chairman of a regional court in Samarkand ruled that the charges under which they were originally convicted were groundless.

Human rights activist Akhmed Madmarov reported that his three sons, imprisoned in 1999, 2000, and 2001 on charges of Hizb ut-Tahrir membership, continued to be mistreated in prison; the eldest, Abdullo Madmarov, was held in solitary confinement in a Tashkent Oblast prison from May to October and was believed to be suffering from tuberculosis.

Allegations of torture also emerged in connection with the case of independent journalist and human rights activist Ruslan Sharipov (see Section 2.a.).

There were continued reports that police detained and in some cases beat members of the opposition Erk Party (see Sections 1.b. and 3).

There were reports that police beat journalists and members of Jehovah's Witnesses (see Sections 2.a. and 2.c.).

Authorities released human rights activists Elena Urlaeva in December 2002 and Larissa Vdovina on January 29, both of whom were detained for involuntary psychiatric treatment in 2002. The two women were detained for a number of hours on several occasions during the year in connection with their anti-government protests (see Section 2.b.). Urlaeva continued at year's end to fight government efforts to have her declared legally incompetent. Vdovina reportedly lost her appeals and left the country.

Defendants in trials often claimed that their confessions, on which the prosecution based its cases, were extracted by torture (see Section 1.e.).

In May, the Government formed an inter-agency committee, chaired by Akmal Saidov of the National Center for Human Rights, to develop an action plan to ad-

dress the recommendations made by the U.N. Special Rapporteur on Torture in his February report. In September and October, drafts of the action plan were discussed at meetings of foreign embassies and local and international nongovernmental organizations (NGOs). The Government did not release the final version of the action plan by year's end, despite its previous announcement that it would do so by the end of November. Nevertheless, the Government began to implement some of the Rapporteur's recommendations during the year. In August, Parliament passed an amendment to the section of the Criminal Code that deals with torture, encompassing a broader range of maltreatment and spelling out more precisely the subsequent punishments. According to information provided by the Ministry of Foreign Affairs, 15 law enforcement officers were convicted under the revised law. The MVD and the Ministry of Justice (MOJ) have established internal human rights bodies to vet promotions and to investigate specific instances of human rights abuse. It was unclear whether either body was involved in these convictions.

Prison conditions remained poor, and there continued to be reports of severe abuses in prisons. However, anecdotal evidence from former prisoners and local human rights workers suggested that there were limited improvements in some prisons, which they attributed to the international community's monitoring activities. Prison overcrowding was a problem, with some facilities holding 10 to 15 persons in cells designed for 4. Overcrowding may have been one of the reasons for annual large-scale amnesties since 2001, but the problem remained severe. Tuberculosis and hepatitis were epidemic in the prisons, making even short periods of incarceration potentially deadly. Reportedly there were shortages of food and medicines in several prisons, and prisoners often relied on visits by relatives to obtain both.

In the early part of the year, the Government completed an amnesty of 5,000 prisoners that was announced in December 2002 (see Section 1.e.). Most of these were ordinary criminals, but it is likely that a substantial number of the 4,400 to 4,900 individuals who had been arrested since 1999 for suspected religious extremism but convicted under other charges also received amnesty. Another amnesty was declared on December 1; by year's end, several thousand prisoners had been released. In all of these amnesties, prisoners were reportedly forced to sign letters of repentance to be released under the amnesty; there were allegations that some prisoners who refused to do so were subjected to physical mistreatment.

Conditions remained particularly poor in Jaslyk Prison, a maximum-security facility that held approximately 450 inmates. Authorities specifically built the prison to hold political or religious prisoners arrested since 1999. A large majority of Jaslyk's inmates were charged with membership in banned Islamic extremist organizations. The prison is located in a remote area of Karakalpakstan, where temperatures can exceed 120 degrees in the summer and 10 degrees in the winter. There were numerous reports of severe mistreatment at Jaslyk, the most serious of which involved the 2002 deaths of Mirzakomil Avazov and Khusnuddin Olimov, who were likely tortured with boiling water.

Men and women were held in separate facilities. Conditions were worse for male than for female prisoners, although a local human rights activist in frequent contact with the families of female prisoners reported that some held in a women's prison in the Tashkent area were in ill health as a result of unsanitary conditions. Juveniles were held separately from adults. Conditions in juvenile facilities were generally much better than in adult prisons, although there were reports of inmates working in harsh circumstances. Pretrial detainees were held separately from those convicted of crimes; many of the worst incidences of abuse occurred during pretrial detention. The Government also operated labor camps, where conditions of incarceration were reported to be less severe than in prisons.

There were reports, as in previous years, that inmates died of tuberculosis, attributable in large part to poor prison conditions.

The Organization for Security and Cooperation in Europe's Office for Democratic Institutions and Human Rights (OSCE/ODIHR) initiated a prison reform program in cooperation with the Ministry of Interior.

After a series of delays since 2001, the International Committee of the Red Cross (ICRC) began an intensive regime of prison visits in September 2002. In June, the ICRC reported that it was receiving satisfactory cooperation from authorities: The ICRC's visits were made on short notice and its teams of investigators were given adequate access to all prison facilities and could meet with prisoners without third parties. As of December, the ICRC had conducted more than 30 visits to prisons and other places of detention, including Jaslyk Prison in Karakalpakstan, and had conducted a number of repeat visits. Foreign observers have also gained access to prisons to meet with individual detainees.

d. Arbitrary Arrest, Detention, or Exile.—The law does not provide adequate protection against arbitrary arrest and detention, and these remained problems.

The MVD controls the police, which is organized regionally. Impunity remained a problem, and those responsible for abuses were rarely punished (see Sections 1.a. and 1.c.). However, the Government reported that it dismissed 22 investigative officers of the MVD during the year for violating citizens' constitutional rights. The Government undertook investigations and disciplinary actions in connection with the deaths in custody of Kamalodin Djumaniyozov and Nodir Zamonov and sentenced an MVD investigator in connection with the beating of Ravshan Tozhiev.

Corruption among security forces remained a problem. Police routinely and arbitrarily detained and beat citizens to extort bribes. Police in the past routinely planted narcotics, weapons, ammunition, or Islamic literature on citizens either to justify arrest or to extort bribes; however, the number of reports of such cases decreased during the year.

The law provides that police, MVD investigators, and the Procuracy may arrest a person suspected of committing a crime without formal charges being filed, and security forces continued to arrest and detain individuals arbitrarily, without warrants or just cause. A report showing the grounds for arrest must be drawn up immediately and forwarded to the prosecutor; however, the law provides for wide discretion as to what constitutes proper grounds for arrest. This initial period of arrest is limited to 72 hours, but the Prosecutor may extend it for an additional 7 days. At the end of this period, the person must be officially declared a suspect and charged with a crime, or he must be released. Once formal charges are filed, a suspect may be held at the Prosecutor's discretion while an investigation is conducted. At his discretion, the Prosecutor may release a prisoner on bond pending trial. In practice, authorities frequently ignored these legal protections. There is no judicial supervision of detention, such as habeas corpus.

Prosecutors enjoyed near total discretion over most aspects of criminal procedure, including pretrial detention; once charges are brought, suspects may be held in pretrial detention for up to a year. Persons under arrest have no access to a court to challenge the length or validity of pretrial detention. Even when no charges are filed, police and prosecutors sought to avoid restrictions on the length of time a person can be held without charges by claiming that the individual was being held not as a suspect, but as a potential witness, who can be held indefinitely. A defendant has a right to counsel from the moment of arrest, but in practice access to counsel was often denied.

As in previous years, there were reports that police arrested citizens to extort bribes from them or from their family members. On February 23, police arrested 15-year-old Ravshan Tozhiev on charges of colluding in a group robbery scheme at a Tashkent bazaar. Four days later, an officer from the Yunusabad District Police Station approached Tozhiev's mother at the station and reportedly demanded the equivalent of \$600 (600,000 soum). When she refused, Tozhiev was taken by two officers into another room, where they allegedly kicked him in the stomach and groin and made him wear a gas mask and stand leaning with his forehead against a wall, after which they hit him repeatedly on the back of the head. After an hour, his mother was brought into an adjoining office, where she could hear her son's screams; she then agreed to pay. On March 23, a third officer of the Yunusabad Station demanded another \$500 (500,000 soum) to secure Tozhiev's release. At that point, the mother took the case to the Tashkent City Procuracy, which investigated the allegations of police brutality and corruption. On May 27, one of the officers was sentenced to 7 years' imprisonment for attempted bribery; no charges were brought on the accusations of police brutality. On June 16, Tozhiev, who had been released on a suspended sentence, was re-arrested on charges of stealing a necklace. His mother claimed that when she arrived at the Yunusabad Police Station, she found that her son's torso was covered in bruises and that the right side of his face and neck showed long black and blue marks. Authorities later harassed the mother and threatened to arrest her, implying retribution for her successful complaint regarding police mistreatment of her son.

There were also reports that police arrested persons on falsified charges as an intimidation tactic to prevent them or their family member from exposing corruption or interfering in local criminal activities. On May 8, police arrested 17-year-old Chingiz Suleimanov, without a warrant, on charges of having been involved in a fight. (Suleimanov has mental disabilities, and his parents claimed that he was at home on the night the fight allegedly took place.) The parents speculated that the real reason for the arrest was that earlier in the year they had written to the prosecutor about alleged criminal activities taking place under the protection of local police. The parents stated that they arrived at the Akhangaran District Police Station in time to see their son, whose head was bleeding, being forced into a car.

Suleimanov screamed that he was being beaten and begged his parents to help. The parents reported that they were unable to meet with their son but that investigators told them that their son had been arrested to silence the family and would be beaten to death if they persisted in interfering in matters that were none of their concern or complained about their son's treatment. During his trial, Suleimanov maintained his innocence and that he had been beaten. The parents reported that the judge dismissed the allegations, responding that the country's police do not beat people (see Section 1.e.). On June 25, the judge sentenced Suleimanov to 5 years' imprisonment on charges of hooliganism and theft. Before transferring him to the Tashkent Youth Prison, authorities took him back to the Akhangaran Police Station on the judge's orders, where his parents claim he was beaten again.

In most ordinary criminal cases, police generally identified and then arrested persons who could be reasonably suspected of the crime; however, both the police and the NSS were far less discriminating in cases involving perceived risks to national security.

Authorities continued to arrest many individuals associated with Islamic groups that were not approved by the Government (see Section 2.c.). During the year, the Government arrested an estimated 300 to 500 persons on suspicion of Islamic extremism, a decrease from previous years. In general, the Government believed these individuals to be associated with Hizb ut-Tahrir, although often the individuals had merely attended Koranic study sessions with the group (see Section 2.c.). Since such sessions are an integral part of Hizb ut-Tahrir's recruitment mechanism, authorities made little distinction between actual members and those with marginal affiliation. Several young men testified at their trials that they attended the sessions only because they wanted to learn about Islam. Officially approved mosques were incapable of meeting the demand for Koranic instruction, and there were few other officially approved forums for such instruction. As in previous years, there were reports that authorities arrested and prosecuted persons based on the mere possession of Hizb ut-Tahrir literature, which observers claimed was often planted. Coerced confessions and testimony were commonplace. Even persons generally known to belong to Hizb ut-Tahrir stated that the cases against them were built not on real evidence, which would have been abundantly available, but on planted material or false testimony.

On October 19, after searching her house and allegedly discovering Hizb ut-Tahrir literature, police arrested Fatima Mukhadirova, the mother of Muzafar Avazov, who died in Jaslyk Prison in August 2002 after apparently being submerged in boiling water (see Sections 1.a. and 1.e.). Mukhadirova claimed that the materials were not hers. Persons familiar with the family maintained that authorities had warned her not to speak about her son's case. At year's end, Mukhadirova remained in prison, awaiting trial on charges of anti-constitutional activities and religious extremism.

Authorities continued to arrest and detain human rights activists arbitrarily. Many observers described the arrest and conviction of human rights activist and independent journalist Ruslan Sharipov as an example of selective prosecution (see Sections 1.c. and 2.b.). On August 28, four masked men abducted and severely beat Surat Ikramov, a prominent human rights activist who had been representing Sharipov. The Ministry of Interior launched a high-level investigation of Ikramov's beating; the results of the investigation were pending at year's end. On August 28, a court in Andijon arraigned Saidjahon Zainabitdinov, Chairman of the Andijon branch of the Human Rights Society of Uzbekistan (HRSU), on charges of criminal defamation in relation to two articles that he wrote about police corruption. His case was dismissed in December, and Zainabitdinov continued his active human rights advocacy, meeting frequently with international observers both in the country and abroad. Police have detained other human rights activists for short periods of time, and on occasion handled them roughly, in the course of public demonstrations (see Section 2.b.).

In early April, police arrested a farmer from Kashkadarya who had championed land reform initiatives and became active in rural human rights on charges of economic mismanagement. Numerous credible reports indicated that he, along with another prominent local activist, had run afoul of a politically connected collective farm manager. Later that month, neighbors of the second activist assaulted two of his brothers, sending them to the hospital with serious injuries. The neighbors reportedly were acting under orders from the collective farm manager. The first activist was released on appeal in July but immediately came under renewed pressure from local authorities. Facing harassment from local police and prosecutors, the two activists and several members of their families left the region.

The Government on occasion arrested, detained, and mistreated both immediate and extended family members of individuals wanted in connection with Islamic activities or already jailed in connection with those activities, even if there was scant evidence of their individual involvement (see Section 1.f.).

The Government released all six of the human rights activists whose conviction and imprisonment were reported in 2002. On January 3, the Government amnestied Yuldash Rasulov, an HRSU member who was sentenced in September 2002 to 7 years' imprisonment on charges of anti-constitutional activities and distributing extremist literature. On July 22, Norpolat Rajabov and Musulmonqul Hamroyev, HRSU activists from Kashkadarya who were sentenced in September 2002 to 4 and 6 years' imprisonment on charges stemming from their roles in organizing protests against a corrupt collective farm manager, were released from prison. Their colleague Jora Murodov, who was convicted at the same time and given a similar sentence, was released on August 22. HRSU activist Tursunbay Utamuratov, who was sentenced in November 2002 to 9 years' imprisonment for tax evasion, assault, resisting arrest, and forgery, was released on October 6. Human rights activists Elena Urlaeva and Larissa Vdovina, who had been committed in August 2002 to involuntary psychiatric treatment, were released in December 2002 and January 29, respectively (see Sections 1.c. and 2.b.) Jakhongi Shosalimov, a member of the Independent Human Rights Organization of Uzbekistan (IHROU) who was convicted in September 2002 of inciting public unrest and disobeying police orders, was released after 15 days' imprisonment (see Section 4).

During the year, pretrial detention for individuals suspected of Islamic extremism typically ranged from 2 to 4 months, a decline from previous years due in large part to reduced case loads. (Previously, pretrial detention was known to last as long as 2 years.) The number of such prisoners in pretrial detention was unknown.

Members of the opposition Erk Party were subject to severe harassment, including arbitrary detention, surveillance, and physical abuse (see Sections 1.c. and 3). On October 13, two prominent Erk activists, Oygul Mamatova and Abdulhashim Gafurov, were taken into detention after police discovered a large quantity of books written by Erk's exiled leader Muhammad Solih in their car. Police also confiscated from their homes a large sum of cash, as well as Erk Party literature, membership lists, computer hard-drives, and other material related to their political and human rights work. The two Erk activists were later released and staged brief hunger strikes to protest their detention and the seizure of party property. Authorities informed Mamatova and Gafurov that they would face prosecution for anti-constitutional activities; at year's end, no formal charges had been filed and the two remained free.

There were reports that authorities detained Judge Abduzhashe Alikulov under house arrest, after allegedly forcing him to resign because he dismissed charges against five persons accused of murder, on the grounds that testimony coerced during pretrial detention was inadmissible (see Section 1.e.).

Following fighting with the IMU in 2000, the Government forcibly resettled 5 villages in the Surkhandarya region and tried and convicted 73 villagers for crimes against the Constitution and aiding terrorists. The villagers were not released by year's end.

According to human rights activists, police arrested eight women during the year in connection with peaceful demonstrations protesting the imprisonment of their male relatives on charges of Hizb ut-Tahrir membership (see Section 2.b.). All were given suspended sentences and released, although one was re-arrested on an unrelated charge later in the year. Many more were detained briefly without charge and released soon after. There were reports that many of these women were given administrative fines.

Neither the Constitution nor the law explicitly prohibits forced exile; however, the Government did not employ it. Government harassment of the Erk and Birlik opposition political parties drove their leaders—including Mohammed Solikh and Abdurakhim Polat, respectively—into voluntary exile in the early 1990s (see Section 3). The de-facto leader of the newly formed Free Farmer's Party, Babur Malikov, remained in voluntary exile at year's end, as did the chairman of the HRSU, Abdumannob Polat, Abdurakhim's brother (see Section 4).

e. Denial of Fair Public Trial.—The Constitution provides for an independent judiciary; however, the judicial branch takes its direction from the executive branch, particularly the Office of the Procuracy, and had little independence in practice. Under the Constitution, the President appoints all judges for 5-year terms and has the power to remove judges. Removal of Supreme Court judges must be confirmed by Parliament. Judges may be removed for crimes or failure to fulfill their obligations. The process of appointing and removing judges is non-transparent and largely non-objective. Corruption among judges remained a problem.

Judges continued to have little independence. Judges deferred to the decisions of prosecutors, with relatively few exceptions such as the release of eight men convicted of Hizb ut-Tahrir membership and the dismissal of a case involving a member of the Jehovah's Witnesses (see section 2.c.). Legislative reforms aimed at strength-

ening the independence of the judiciary were enacted in 2000 and 2001 but have produced few results.

Courts of general jurisdiction are divided into three tiers: District courts, regional courts, and the Supreme Court. In addition, a Constitutional Court is charged with reviewing laws, decrees, and judicial decisions to ensure their compliance with the Constitution. Military courts handle all civil and criminal matters that occur within the military. There is a system of economic courts at the regional level that handles economic cases between legal entities. Decisions of district and regional courts of general jurisdiction may be appealed to the next level within 10 days of ruling. Crimes punishable by death are murder, espionage, and treason.

Three-judge panels generally preside over trials. The panels consist of one professional judge and two lay assessors who serve 5-year terms and are selected by either workers' collectives' committees or mahalla (neighborhood) committees. The lay judges rarely speak, and the professional judge often defers to the recommendations of the prosecutor on legal and other matters.

State prosecutors play a decisive role in the criminal justice system. They order arrests, direct investigations, prepare criminal cases, and recommend sentences. If a judge's sentence does not agree with the prosecutor's recommendation, the prosecutor has a right to appeal the sentence to a higher court. There is no protection against double jeopardy. In the past, judges whose decisions were overturned on more than one occasion could be removed from office. In 2001, Parliament repealed this provision of the law, but other institutional controls remained in place, such as the executive's authority to decide which judges to reappoint. Consequently, judges in most cases continued to defer to the recommendations of prosecutors. As a result, defendants almost always were found guilty.

Officially, most court cases are open to the public but may be closed in exceptional cases, such as those involving state secrets, rape, or young defendants, victims, or witnesses. Unlike in past years, when trials of alleged Islamic extremists were often closed, local and international trial monitors and journalists were generally permitted to observe court proceedings during the year.

Defendants have the right to attend the proceedings, confront witnesses, and present evidence. The accused has the right to hire an attorney, and the Government provides legal counsel without charge when necessary. However, state-appointed attorneys, whom the Government contracts and pays, routinely acted in the interest of the state rather than of their clients. Nonetheless, authorities often violated the right to an attorney in the pretrial stage, and judges in some cases denied defendants the right to their attorney of choice. Defense counsel was often incompetent, and effective cross-examination of even the most fatally flawed prosecution witnesses rarely occurred. In most cases, the role of defense counsel was limited to submitting confessions and pleas for mercy. Lawyers from the privately funded Legal Aid Society of Tashkent were much better trained, but their resources were extremely limited; their five lawyers typically only took more high-profile political cases. Prosecutors normally only attended those sessions of the court in which they were scheduled to speak. Court reporters tended to take poor notes and very often put down their pens when the defense was speaking. Some courts reportedly refused to allow defense counsel access to trial transcripts on appeal.

The Government announced trials, including those of alleged religious extremists, only at the court in which the trial was to take place and only a day or two before the trial began. International observers generally were allowed to attend even the most sensitive trials. However, during the trial of Ruslan Sharipov, the presiding judge closed the court to all but Sharipov's defense team and close family members, citing the need to protect underage witnesses and testimony (see Sections 1.c. and 2.a.).

Defendants often claimed that the confessions on which the prosecution based its cases were extracted by torture. On August 11, the Government tried 12 men at Tashkent's Akmal Ikramov District Court in connection with their alleged membership in Hizb ut-Tahrir. During the trial, which was attended by members of the diplomatic and NGO community, one of the principal witnesses recanted his previous written testimony, alleging in court that he had been forced to write his statement after being beaten severely at a local MVD office. Three of the defendants stated that they had been tortured in the course of their interrogations. A family member of a fourth defendant, Mukhammad Rashidov, later claimed that he had been badly beaten in pretrial detention (see Section 1.f.). The presiding judge did not follow up on these allegations and all 12 were convicted.

The presiding judge dismissed allegations of torture that emerged in the June trial of Chingiz Suleimanov (see Section 1.d.).

In other cases, particularly those of suspected members of Hizb ut-Tahrir, the prosecution failed to produce confessions and relied solely on witness testimony,

which was reportedly often coerced. The accused were almost always convicted. Typical sentences for male members of Hizb ut-Tahrir ranged from 7 to 12 years' imprisonment.

Lawyers may, and occasionally did, call on judges to reject confessions and to investigate claims of torture; however, in almost all cases, the judge simply ignored claims of torture, or dismissed them as groundless. The one reported exception to this occurred on March 10, when a court in Fergana City dismissed charges against five persons charged with murder on the grounds that testimony that had been coerced during pretrial detention was inadmissible under the law. However, the next day representatives of the administration apparently visited Judge Abduzhashe Alikulov and forced him to resign. There were reports that Judge Alikulov has been put under house arrest and that the prosecutor was also disciplined.

The Constitution provides a right of appeal to those convicted; however, appeals rarely, if ever, resulted in convictions being overturned in politically sensitive cases, such as those involving individuals accused of membership in Hizb ut-Tahrir. More often, a successful appeal resulted in a reduced sentence. An exception to this occurred in late December, when the chairman of a regional court in Samarkand released eight alleged members of Hizb ut-Tahrir imprisoned for long terms at the beginning of the year (see Section 1.c.). In releasing the men, the judge essentially ruled that the charges under which they were originally convicted were groundless.

Even in the rare instance when defendants were acquitted or win an appeal, no protection exists against double jeopardy. The five defendants acquitted of murder charges in Fergana City in March were reportedly under investigation once again for the same crime.

Unlike in past years, most persons arraigned on political crimes during the year were charged with the actual crime for which they were arrested, particularly anti-constitutional activity, involvement in illegal organizations, including banned religious or political groups, and the preparation or distribution of material threatening to public security. An estimated 5,300 to 5,800 political prisoners, including alleged members of Hizb ut-Tahrir, remained in prison at year's end. The ICRC conducted regular prison visits throughout the year and reported that it was given access to political prisoners (see Section 1.c.).

In late 2002 and early in the year, the Government released 923 political prisoners. The convictions of the political prisoners released in these amnesties were specifically for anti-constitutional activity. Their release came as part of a broader amnesty of approximately 5,000 prisoners (see Section 1.c.). An additional 391 political prisoners were released in the first month of a 3-month amnesty declared on December 1, the vast majority of whom were sentenced for membership in Hizb ut-Tahrir or other extremist groups labeled under the general rubric of "Wahabbi." More than half of these had originally been sentenced to jail terms exceeding 10 years. Although the December 1 decree lays out in strict terms which inmates were eligible for release, in practice, local prison authorities had considerable discretion in determining who was reviewed for amnesty. As in previous years, political prisoners were required to demonstrate that they had "firmly repented," usually expressed in the form of a letter. Many inmates reportedly refused to sign such letters, in spite of considerable pressure for them to do so. Prisoners released under the amnesty reported that imams had been sent to the prison to make the final determination as to which prisoners had truly repented; this decision was reportedly frequently taken in consultation with local mahalla committees.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.—The Constitution provides for the inviolability of the person and prohibits unlawful detentions and searches; however, in practice, authorities infringed on these rights. The law requires the issuance of a search warrant for electronic surveillance by the relevant Prosecutor; however, there is no provision for a judicial review of such warrants. There is an assumption that security agencies routinely monitor telephone calls and employ surveillance and wiretaps in the cases of persons involved in opposition political activities.

Government officials interfered with correspondence sent to and by members of the opposition Erk Party.

The Government continued to use mahalla committees, of which there were an estimated 12,000, as a source of information on potential extremists. Neighborhoods are tightly knit communities, where residents have few secrets. Shortly after the February 1999 Tashkent bombings, the President directed that each committee assign a "neighborhood guardian," or "posbon," whose job it was to ensure public order and to maintain a proper moral climate in the neighborhood. In practice, this meant in particular preventing young persons in the neighborhoods from joining extremist Islamic groups. According to a report on mahalla committees released by Human Rights Watch (HRW) in September, the committees kept extensive files on families

in the neighborhood and collected information on individual family members' religious practices. Mahalla committees frequently identified for police those residents who appeared suspicious. Some of these individuals were then arrested or detained, sometimes more than once.

The HRW report documented several instances in which local authorities forced relatives of alleged religious extremists to undergo public humiliation at assemblies organized for that purpose. Human rights activists in the Fergana Valley claimed that officials from the local MVD often joined mahalla committee members in these denunciation sessions.

The Government on occasion arrested, detained, and mistreated both immediate and extended family members of individuals wanted in connection with Islamic activities or already jailed in connection with those activities, even if there was scant evidence of their individual involvement (see Sections 1.c. and 1.d.). Local human rights activists reported that officials of the security service, acting under pressure to break up Hizb ut-Tahrir "cells," often targeted family members and close associates of suspected members, even if there was no direct evidence of their involvement. Seven male relatives of Imam Farhod Usmanov, a member of Hizb ut-Tahrir who died in pretrial detention in 1999, remained in jail at year's end. On August 11, Mukhammad Rashidov, Usmanov's 17-year-old nephew, was convicted with 11 other defendants on charges of Hizb ut-Tahrir membership (see Section 1.e.). Serious allegations of torture emerged, both in the course of court testimony and in discussions with family members (see Section 1.c.), with the principal witness denying that he had ever seen Rashidov.

Unlike in previous years, there were no reports that police arrested, detained, and beat family members of suspects they were seeking. However, there were numerous credible reports that police, employers, and mahalla committees increasingly harassed the family members of human rights activists, including those who participated in the EBRD meeting in May, (see Section 4). According to several sources, authorities harassed human rights advocates with less frequency than in previous years, focusing attention instead on their family members.

There were reports that on occasion police arrested, detained, and beat persons to intimidate family members to prevent them from exposing corruption or interfering in local criminal activities or for extortion (see Section 1.c.).

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press.—The Constitution provides for freedom of speech and the press; however, in practice, the Government continued to restrict these rights severely. Although the Government ended the formal requirement of press censorship in 2002, a number of new amendments to the press law passed shortly afterward hold editors and publishers responsible for the content of articles that appear in their publications.

The law limits criticism of the President. Ordinary citizens generally did not criticize the President or the Government on television or in the newspapers, although they continued to do so more freely in less public settings. The law also specifically prohibits stories that incite religious confrontation and ethnic discord or advocate subverting or overthrowing the constitutional order (see Section 2.b.).

The Cabinet of Ministers owned and controlled the country's three national daily newspapers, *Pravda Vostoka*, *Halq Sozi*, and *Narodnoe Slovo*. Their combined readership likely did not exceed 50,000. The Government owned or controlled several other weekly publications. Newspapers, which cost between 5 and 15 cents (50–150 soum), were too expensive for most citizens.

Private persons and journalist collectives may not establish newspapers unless they meet the media law's standards for establishment of a "mass media organ," including naming a board of directors acceptable to the Government. A small number of private newspapers containing advertising, horoscopes, and similar features, but no news or editorial content, were allowed to operate. There were three private national newspapers, *Novosti Uzbekistana*, *Noviy Vek*, and *Noviy Den*, and one publicly owned newspaper, *Hurriyat*. Circulation was no more than 3,000 each. At year's end, a fifth daily, *Mohiyat*, with a circulation of less than 2,000, was in the process of separating from the Government-controlled *Turkiston Press*. *Novosti Nedelya* and *Vremya I Mi* ceased operations during the year, reportedly for financial reasons. The last opposition newspaper to be published, the *Erk party's*, was banned but was published abroad and occasionally smuggled in. The opposition parties *Birlik*, *Erk*, and the *Party of Agrarians and Entrepreneurs* operated websites, to which the Government reportedly blocked access sporadically.

The Government controlled information even more tightly in the broadcast media than in print journalism. Four state-run channels that fully supported the Government and its policies dominated television broadcasting. A cable television joint ven-

ture between the state broadcasting company and a foreign company broadcast the Hong Kong-based Star television channels, including the British Broadcasting Company (BBC), Deutsche Welle, and Cable News Network World News, to Tashkent and a few other locations. Access to cable television was beyond the financial means of most citizens. There were between 30 and 40 privately owned local television stations and 7 privately owned radio stations. These broadcasters practiced self-censorship but enjoyed some ability to report critically on local government. For the most part, television programming consisted of rebroadcasting Russian programming.

The Government did not allow the general distribution of foreign newspapers and other publications; however, two or three Russian newspapers and a variety of Russian tabloids and lifestyle publications were available. A modest selection of other foreign periodicals was available in Tashkent's major hotels, and authorized groups could obtain foreign periodicals through subscription.

There were numerous cases of government harassment of editors and journalists in what appeared to be an effort to limit the publication of overly critical stories. As in the past, Uzbek authorities harassed members of the Independent Union of Journalists of Uzbekistan (IUJU). On May 29, police arrested the former head of the IUJU, Ruslan Sharipov, on allegations of sodomy, corruption of youth, and sex with underage persons, charges that many observers saw as either fabricated or selective prosecution. Sharipov himself maintained that prosecuting him was punishment for his critical articles. Sharipov claimed that at the time of his arrest, police denied him access to a lawyer, hit him several times, and threatened to rape him with a bottle. Sharipov maintained an active defense during the first stages of his trial, but on August 8 he dismissed his defense team and stated his intention to plead guilty. In letters published on the Internet after his trial, Sharipov claimed that his abrupt confession had been coerced and that he had been subjected to asphyxiation with a gas mask and a plastic bag and told that he would be infected with the AIDS virus. The chair of the panel of judges considering Sharipov's appeal took note of Sharipov's allegations, questioned prison guards and police with access to Sharipov, and ruled that the allegations had no merit.

On August 26, police detained and intensively questioned two of Sharipov's associates, Sukhrat Erzahnov and Alex Surapulov, about their connections to Sharipov. On August 28, masked assailants badly beat Surat Ikramov, a human rights activist who served on Sharipov's defense team; the case was under investigation by the Ministry of the Interior at year's end (see Section 1.d.).

On February 17, police in the Fergana Valley arrested Ergash Bobojanov, a member of the Birlilik party, on charges of criminal defamation for writing newspaper articles in 1999 and 2001 that criticized the Government and official corruption. On February 19, the editor-in-chief of the newspaper *Adolat*, Tuhtamurad Toshev, was arrested on charges of bribery; he was sentenced to 8 years' imprisonment. On May 12, a correspondent of the newspaper *Mulkdor*, Boimamat Jumaev, was arrested on similar charges; no verdict was reached by year's end. Observers speculated that these represented cases of selective prosecution.

On August 13, an unknown person flagged down Shahnazar Yormatov, a journalist from Koshkuyr in the Khorezm region, on the road near the house of Yormatov's late father. Yormatov stated that the person, who was later revealed to be an MVD officer, pulled Yormatov from his car, punched him in the face, and kicked him several times. After the beating, the officer searched Yormatov's car and pulled out a packet, which the officer stated was heroin. According to Yormatov, his assailant told him that the 15-year sentence that could result would be just punishment for a troublesome journalist. Shortly after, two other officers from the Koshkuyr MVD arrived on the scene and took Yormatov to the local police station. The prosecutor refused to prosecute the heroin charges, and Yormatov was released after 5 days' detention; however, he claimed that police continued to harass him.

A number of other journalists reported receiving threatening phone calls and e-mails throughout the year warning them to be cautious in how they report events. Several of these journalists signed an open letter to the European Bank of Reconstruction and Development (EBRD) criticizing human rights abuses in the country. Some journalists reported that they were warned not to cover demonstrations.

Journalists are responsible for the accuracy of the information contained in their news stories, which potentially subjects them to prosecution. The new amendments to the press law also established the right of the boards of directors of newspapers, whose appointment is effectively subject to government veto, to affect editorial content. The net effect of the changes was an abolition of prior censorship, tempered by new possibilities for both hostile board interference and legalized retribution against media outlets and their employees. Essentially, the burden of censorship shifted from the Government to the publishers and editors—and ultimately to the journalists themselves. Self-censorship was an inevitable byproduct.

Even with the end of official press censorship, information remained very tightly controlled. The Uzbekistan Information Agency cooperated closely with the presidential staff to prepare and distribute all officially sanctioned news and information. After the end of prior censorship, a new organization—the Press and Information Agency—replaced the State Press Committee and became responsible for observing all media. Most editors and journalists continued to express concerns about potential consequences of conducting serious investigative journalism.

Despite the evident risks, a number of print journalists have endeavored to push the boundaries of self-censorship with several critical pieces appearing in newspapers during the year on such topics as local corruption, official malfeasance, and economic difficulties. A few journalists have produced articles critical of the Government. The state-run *Pravda Vostoka* published articles on official malfeasance, prison conditions, and corruption in the Prosecutor General's office. *Vremya I My* has reported on the country's economic problems, trafficking in persons, and the inefficient management of the agricultural sector. The Uzbek-language newspaper *Mohiyat* has published articles criticizing district governors (*hokims*), bribery among the faculty of tertiary educational institutions, and trafficking in women. In March, another Uzbek-language newspaper *Fidokor* mentioned a foreign ambassador's critical comments on the slow pace of economic reform.

The Mass Media law established the Interagency Coordination Committee (MKK), which issues both broadcast and mass media licenses to approved media outlets. The law provides for a 1- to 5-year term of validity for broadcast licenses; however, mass media licenses, also required, must be renewed annually. The MKK is empowered to revoke licenses and close media outlets without a court judgment. Another government agency, the Center for Electromagnetic Compatibility, issues frequency licenses. No television stations applied for new licenses during the year. Unlike in previous years, there were few incidents in which independent television stations were forced to operate with expired licenses.

The Government refused to renew the registration of International War and Peace Reporting (IWPR), a London-based NGO dedicated to the training and protection of journalists in areas of real or potential conflict. In explaining its decision, the Government stated that the IWPR was engaged in journalism, not training. The Government later singled out personally IWPR's Project Director in the country with strong criticism. IWPR responded that training of journalists entails on-the-job reporting. Despite the NGO's ambiguous status, IWPR's Project Director continued to work with local and international journalists to produce critical stories about the country's politics, judicial system, and human rights practices. However, IWPR chose to pull its project director out of the country, following a scuffle with MVD officers that occurred as she was reporting on a very small demonstration calling for President Karimov's resignation and the Government's personal criticism of her.

Internews, a foreign funded organization working to enhance the capacity of independent media in the region, continued to provide training and support for independent media. However, its continued inability to obtain accreditation for its local journalists limited its ability to cover governmental functions.

The Government continued to refuse to allow Radio Free Europe/Radio Liberty (RFE/RL) and the Voice of America (VOA) to broadcast from within the country, despite the Government's agreement with RFE/RL to allow this activity. The Government has denied accreditation to RFE/RL and VOA's journalists. As a result, the radio stations relied on unaccredited stringers. Both stations broadcast on short-wave from outside the country. The Government allowed the organizations to hire local correspondents. The BBC World Service was permitted to broadcast on a very low FM frequency and only in the Fergana Valley, which limited the potential audience. The BBC, when it began operations, consented to restrictions that amounted to self-censorship; however, observers agreed that there was no evidence that the BBC actually engaged in self-censorship. The BBC's World Service was permitted to broadcast an additional hour per day, bringing the total to 3: Two 1-hour broadcasts per day in Uzbek, and two 30-minute broadcasts per day in Russian, 7 days per week.

On March 7, several assailants reportedly assaulted Husniddin Kutbiddinov and Yusuf Rasulov, journalists working for RFE/RL and the VOA, respectively, who were covering a demonstration in Tashkent's Old City. In May, Akhmadjon Ibragimov, a producer for the state television was allegedly fired from his job because his network aired footage of persons sleeping during President Karimov's speech to the EBRD; he was subsequently reinstated. On September 29, a group of 20 women, described as prostitutes, reportedly threatened to break the camera of cameraman Dilmurod Toshboyev; he and Internews correspondent Zohkiron Ibrohimov were interviewing a local man in Andijon who had been sacked from his

mahalla committee. In August, similar tactics were used to break up a demonstration in Fergana City (see Section 2.b.).

Although television and radio programming remained staunchly pro-government and broadcast journalists ran the same risks as their counterparts in the print media, there was on occasion some critical reporting. During the year, Radio Grand aired programs on topics such as the plight of collective farmers who did not receive their salaries and women whom the country's dire economic conditions forced to become prostitutes in the bazaar. Orbita, an independent television station operating in the Angren region, produced relatively objective reports on such topics as the trial of independent journalist Ruslan Sharipov. During the year, Internews began to produce a number of high-quality news programs such as Zamok, which was broadcast in Russian and Uzbek and patterned after the popular Russian program Vremya.

There were no private publishing houses. Generally state-owned printing houses printed newspapers. Religious writings required approval by the Religion Committee censor, which was regarded as being quite strict (see Section 2.c.).

On September 30, the Cabinet of Ministers issued a decree that applies the same requirements to bulletins and newsletters published by NGOs as to other publications. These bulletins and newsletters typically had extremely small print runs, seldom exceeding several dozen, but they were generally among the most critical in their coverage of human rights issues. The Government did not enforce this decree by year's end, but some observers speculated that it could potentially be used to keep unregistered NGOs from publishing information.

In October 2002, the Government formally ended its official monopoly of the Internet. In the past, all Internet service providers were required to route their connections through a state-run server, Uzpak, and the Government filtered access to content that it considered objectionable. The availability of Internet access expanded as the number of service providers and Internet cafes grew. Foreign embassies and local Internet users observed that Internet providers frequently blocked access to websites that the Government considered objectionable. Despite these restrictions, Internet users continued to find ways to defeat these attempts at censorship.

The Government granted academic institutions a degree of autonomy, but freedom of expression remained limited. University professors generally were required to have their lectures or lecture notes approved before the lectures were given; however, implementation of this restriction varied. University professors practiced self-censorship.

Representatives of foreign research organizations have been subject to harassment. On January 18, authorities deported Nikolai Mitrokhin, a researcher with the Moscow-based human rights organization Memorial who has done extensive work documenting the arrest and detention of political prisoners. On August 28, Azizulla Gaziev, an analyst for the International Crisis Group left the country after several hours of intensive questioning by the NSS. The NSS also harassed Gaziev's family for a short period; however, after the harassment stopped, his family was allowed to join him abroad.

b. Freedom of Peaceful Assembly and Association.—The Constitution provides for the freedom of peaceful assembly; however, it also states that authorities have the right to suspend or ban rallies, meetings, and demonstrations on security grounds. In practice, the Government often restricted the right of peaceful assembly. The Government required approval for demonstrations and did not routinely grant permits to demonstrators. Nevertheless, the number of peaceful protests, which ranged from less than a dozen participants for most human rights demonstrations to well over a hundred in demonstrations protesting economic conditions, increased considerably. In some cases, police forcibly disrupted demonstrations; however, members of the security service usually simply observed the demonstrations.

Authorities continued to detain women briefly for organizing protests demanding the release of their jailed male relatives accused of membership in Hizb ut-Tahrir or protesting the conditions of their detention (see Section 1.d.). On May 26, police forcefully broke up a demonstration of approximately 30 female relatives of suspected religious extremists. Police reportedly beat and detained the women in the Khamza District Police Station in Tashkent. Small groups of female relatives held sporadic demonstrations throughout the year in the oblasts of the Fergana Valley; local human rights activists reported that local authorities used pressure from mahalla committees to contain the protests.

On June 9, police in Fergana City forcefully dispersed a dozen or so female protestors, organized by Mutabar Tojibaeva. On August 20, more than two dozen women beat a group of female protestors in Fergana City calling for the resignation of a regional prosecutor. Media accounts describe the attackers as prostitutes hired by local authorities to disrupt the protest. The organizer of the demonstration,

human rights activist Mutabar Tojibaeva, reportedly suffered serious injuries to her head and was hospitalized for more than a week. Observers speculated that the August 20 attack was in retribution for Tojibaeva's role in the August 11 strike at the Fergana Oil Refinery (see Section 6.b.).

During the year, human rights activists held a number of very small demonstrations in Tashkent. The demonstrations, which typically numbered no more than a dozen protesters, addressed police abuse, official corruption, housing problems, and economic conditions. The protestors also picketed several times in support of Ruslan Sharipov, and on September 16 held a demonstration in front of the Russian embassy calling for the release of Bakhrom Khamroev, a former leading figure in the opposition Birlik party who was arrested in Moscow on July 20.

For the most part, the authorities appeared content to keep a watchful eye on the proceedings, although there were increased reports of rough handling in the lead-up to Independence Day celebrations on August 31 and September 1. On April 10 and 17, police took a small number of protestors into custody en route to demonstrations at the Presidential Administration; one protestor was beaten. Human rights activists Larissa Vdovina, Elena Urlaeva, and Yuri Konopulov have on more than one occasion suffered minor injuries as police broke up their demonstrations. Police prevented a number of protests, both by refusing to allow potential demonstrators to leave their homes and by blocking access to planned demonstration sites. Authorities effectively kept under house arrest individuals planning to take part in a protest at the Parliament building on the weekend of the Independence Day celebrations until the holiday was over. Police immediately rounded up the few protestors who made it to the demonstration site and detained them for several hours.

The Constitution provides for freedom of association; however, the Government continued to restrict this right in practice. The Constitution places broad limitations on the types of groups that may form and requires that all organizations be registered formally with the Government in accordance with procedures prescribed by law. While the Law on Political Parties permits the existence of independent parties and permits a wide range of fundraising, it also gives the MOJ broad powers to interfere with parties and to withhold financial and legal support to those opposed to the Government. There were five registered political parties, all controlled by the Government, and four opposition parties, none of which were registered at year's end (see Section 3).

The Government rejected attempts by the opposition Birlik Party and the Party of Agrarians and Entrepreneurs (PAPU) to register but allowed them to hold regional and national congresses during the year (see Section 3). On September 22, Birlik submitted its registration papers to the MOJ. The party resubmitted a revised application on November 24, after its first application was rejected. A final decision on the party's registration was pending at year's end. PAPU received notification on October 22 that its registration application was denied; the party chose not to resubmit its application. The Free Farmer's Party, a spin-off of PAPU, held a national congress on December 6 and gathered signatures in preparation for submitting its registration application. The Government effectively stripped the registration of opposition political party Erk in the mid-1990s, and the party has refused to attempt to reregister, insisting its previous registration remained valid. Erk held a national congress on October 22, its first public event in more than a decade.

The Law on Public Associations and the Law on Political Parties prohibit registration of organizations whose purpose includes subverting or overthrowing the constitutional order, as well as organizations whose names already were registered. In the past, officials used the latter provision to block human rights NGOs and independent political parties from registering by creating another NGO or party with the identical name. No such practice was reported during the year.

The process for government registration of NGOs and other public associations was difficult and time-consuming, with many opportunities for obstruction. Officials at the MOJ stated that the law on nongovernmental, noncommercial organizations, which provides for simple registration requirements, was fully implemented during the year. While NGOs verified that the mechanics of the registration procedure were greatly simplified, the Government clearly retained the ability to hamper registration of organizations that it deemed undesirable. On March 19, the Government officially registered the country's second independent human rights group, Ezgulik, following the 2002 registration of the IHROU.

Other human rights groups, such as the HRSU, Mazlum, and the Mothers Against the Death Penalty and Torture, have been denied registration. Although they did not exist as legal entities, they continued to function (see Section 4). Unregistered NGOs such as these continued to face difficulties operating their organizations during the year. In October, the HRSU resubmitted its registration application, its sixth; results were pending at year's end. The MOJ rejected the registration

application of Mothers Against the Death Penalty and Torture in February, reportedly because the organization's name was considered too controversial. The NGO's founder subsequently changed the name to Mothers Against Crimes Against the Individual, but the MOJ had not ruled on the NGO's application by year's end. A December 5 conference featuring the NGO was cancelled when the hotel where the meetings were to be located withdrew its facilities, citing the NGO's unregistered status. The NGO continued to advocate actively on behalf of families of executed prisoners.

A resolution passed by the Cabinet of Ministers on September 30 could potentially disrupt the work of NGOs that rely on newsletters and bulletins to publicize information on their activities. The resolution, which was not enforced by year's end, could also potentially be used to stop the publication of information by unregistered NGOs (see Section 2.a.).

Nonpolitical associations and social organizations usually were allowed to register, although complicated rules and a cumbersome government bureaucracy often made the process difficult. Some evangelical Christian churches and Jehovah's Witnesses congregations found it difficult to obtain registration (see Section 2.c.).

c. Freedom of Religion.—The Constitution provides for freedom of religion and for the principle of separation of church and state; however, in practice, the Government restricted this right.

The Government is secular, and there is no official state religion. Although the laws treat all religious confessions equally, the Government shows its support for the country's Muslim heritage by funding an Islamic university and subsidizing citizens' participation in the Hajj. The Government promotes a moderate version of Islam through the control and financing of the Muslim Board of Uzbekistan (the Muftiate), which in turn controls the Islamic hierarchy, the content of imams' sermons, and the volume and substance of published Islamic materials. A small but growing number of unofficial, independent mosques were allowed to operate quietly under the watch of official imams.

The Government continued its harsh campaign against unauthorized Islamic groups it suspected of extremist sentiments or activities. During the year, the Government arrested an estimated 300 to 500 alleged members of these groups, a decrease from previous years, and sentenced them to lengthy jail terms (see Sections 1.d. and 1.e.). The scarcity of independent media and the absence of a centrally located and readily accessible register of court cases made it difficult to determine how many persons were incarcerated for religious reasons. Most of these were suspected members of Hizb ut-Tahrir, a banned extremist party. Although Hizb ut-Tahrir maintained that it was committed to non-violence, the political party's strongly anti-Semitic and anti-Western literature called for secular governments, including in Uzbekistan, to be replaced with a world-wide Islamic government called the Caliphate.

Individuals arrested on suspicion of extremism often faced severe mistreatment, including torture, beatings, and particularly harsh prison regimens and conditions of confinement (see Sections 1.a., 1.c., and 1.d.), and were typically sentenced to between 7 and 12 years in jail. There were credible reports that one known member of Hizb ut-Tahrir died in custody as a result of torture and beatings during the year. Prison authorities reportedly continued to deprive many prisoners suspected of Islamic extremism of the right to practice their religion freely and did not allow them to own a Koran, to pray five times a day, or to observe the Ramadan fast. Those who persisted were reportedly subjected to punishment.

In March, a member of an evangelical Christian church in Karakalpakstan reportedly died of heart failure hours after police badly beat him at a police local station.

Authorities often harassed or arrested family members of individuals wanted in connection with Islamic activities, or already jailed in connection with those activities. Eight women were tried for participating in or organizing demonstrations demanding the release of male relatives jailed on suspicion of Islamic extremism; all of the women were convicted but received suspended sentences. This represented a decline from 2002, when more than 20 such women were convicted.

In late December, the Chairman of a regional court in Samarkand released eight alleged members of Hizb ut-Tahrir imprisoned for long terms at the beginning of the year, essentially ruling that the charges under which they were originally convicted were groundless (see Section 1.d.). One of these men was the Imam Khatib (head imam) of Samarkand's Istihkan District.

Other than the arrest of Toshmuhammad Abilov, there were no credible reports of security services arresting, detaining, or harassing Muslim leaders perceived to be extremists. However, the Government's campaign against suspected Islamic extremists had repercussions in the wider Muslim community. The Government did not consider repression of these groups to be a matter of religious freedom but, rath-

er, to be directed against those who allegedly wanted to foment armed resistance to the Government. Authorities, often acting on information provided by mahalla committees, remained highly suspicious of those who were more religiously observant than is the norm, including frequent mosque attendees, bearded men, and veiled women. In practice, this approach resulted in abuses against observant Muslims for their religious beliefs, rather than actions.

The Law on Freedom of Conscience and Religious Organization requires all religious groups and congregations to register and provides strict and burdensome criteria for their registration. Among its requirements, the law stipulates that each group must present a list of at least 100 citizen members to the local branches of the Ministry of Justice. This provision enabled the Government to ban any group simply by finding technical grounds for denying its registration petition. This has had the effect of suppressing the activities of those Muslims who sought to worship outside the system of state-sponsored mosques.

At year's end, the Government had registered 2,153 religious congregations and organizations, 1,965 of which were Muslim. Some churches continued to face obstacles in obtaining registration from the Government. Local authorities continued to block the registration of evangelical Christian congregations in Tashkent, Samarkand, Guliston, Gazalkent, Andijon, Nukus, and Novaya Zhizn.

Jehovah's Witnesses in Tashkent have still been unable to obtain registration, and their members throughout the country claimed that they were subjected routinely to police questioning, search, and arbitrary fines. Police beat a 17-year-old member of the Jehovah's Witnesses in Bukhara region in March. In May, in two separate instances, four members of the Jehovah's Witnesses were detained in Kogan (Bukhara Province) while proselytizing door to door; they later claimed that city police beat them. In early October, the Jehovah's Witnesses reported that a Tashkent high court overturned the conviction for inciting religious hatred of 27-year-old Marat Mudarisov, whom authorities allegedly targeted due to his membership in the Jehovah's Witnesses.

Any religious service conducted by an unregistered religious organization is illegal. Police occasionally broke up meetings of unregistered groups and, according to news reports, members of some Christian evangelical congregations were detained during the year (see Section 1.c.). In August, authorities arrested five men and three women members of the unregistered Baptist Church in the village of Khalkabad in Namangan. The men were sentenced to 10 days' imprisonment for attending services in a private home and reportedly made to pay for the costs of their time in jail. The women were fined \$7 (6,770 soum).

Religious groups are prohibited from forming political parties and social movements (see Section 2.b.).

The religion law prohibits proselytizing and severely restricts activities such as importing and disseminating religious literature. Christians who tried to convert Muslims or who had among their congregations members of traditionally Muslim ethnic groups often faced official harassment, legal action, or, in a number of cases, mistreatment. Christians who avoided any association with proselytizing generally had no problems, and Jews generally were able to practice their religion.

The teaching of religion in schools, as well as to minors without their parents' permission, has been banned since early Soviet times. During the year, the Government began a small religious education pilot program in elementary schools and, in a very limited number of schools around the country, instruction of Islam and Arabic several times a week.

The Government requires that the religious censor approve all religious literature and controls the publication, importation, and distribution of religious literature. The Government discouraged and occasionally blocked the production or importation of Christian literature in the Uzbek language, although Bibles in many other languages were available in Tashkent bookstores. The Muftiate sporadically issued an updated list of all officially sanctioned Islamic literature. Possession of literature deemed extremist might lead to arrest and prosecution. Religious literature imported illegally was subject to confiscation and destruction. Hizb ut-Tahrir leaflets were categorically prohibited. The Government controlled the content of imams' sermons and the substance of published Islamic materials.

The Government's harsh treatment of suspected religious extremists has generally tended to suppress outward expressions of religious piety. A vague provision of the Religion Law, which did not appear to have been enforced during the year, may serve to suppress outward expressions of religious belief. Nevertheless, women were seen wearing the hijab (the headscarf many local Muslims associate with female modesty) and, less frequently, the veil on the street. Most female university students did not wear the hijab, although there were no known expulsions of women wearing headscarves during the year. There were reports that at least one univer-

sity had begun readmitting women who were expelled in 1997 and 1998 for wearing the hijab; however, many of the women expelled for wearing religious clothing continued to encounter difficulty gaining readmission. Most young men did not wear beards, which the Government regarded as a sign of extremism.

There was no pattern of discrimination against Jews: Synagogues functioned openly and Hebrew education, Jewish cultural events, and the publication of a community newspaper took place undisturbed. Many Jews have emigrated to Israel and the United States, but this is most likely because of bleak economic prospects and connections to families abroad rather than because of anti-Jewish sentiment. Hizb ut-Tahrir distributed anti-Semitic fliers, the text of which generally originated from abroad; however, these views were not seen as representative of the feelings of the vast majority of the country's population. Christians were generally very well tolerated, provided they did not engage in active proselytizing. However, there were reports of discrimination against Muslims who converted to Christianity.

For a more detailed discussion, see the 2003 International Religious Freedom Report.

d. Freedom of Movement within the Country, Foreign Travel, Emigration, and Repatriation.—The Constitution provides for free movement within the country and across its borders; however, the Government severely limited this right in practice. Permission from local authorities was required to resettle in a new city. The Government rarely granted permission to those who wished to move to Tashkent, and local observers reported that a \$100 bribe (97,500 soum) was necessary to obtain the required registration documents. The Government required citizens to obtain exit visas for foreign travel or emigration, but it generally granted these permits routinely for approximately \$5 (4,875 soum). However, during the year several persons whom the Government considered politically sensitive and their families experienced difficulties obtaining visas. An exit visa was not required for travel to most countries of the former Soviet Union; however, beginning in December 2002, the Government severely restricted the ability of its citizens to travel overland to the neighboring countries of the Kyrgyz Republic and Kazakhstan. Overland travelers to Turkmenistan also faced restrictions, while the border with Afghanistan remained closed to ordinary citizens. Citizens attempting to cross the border to neighboring Tajikistan continued to experience significant delays and some restrictions.

All citizens have the right to a passport, and the Government did not restrict this right. Passports serve as both internal identity cards and, when they contain an exit visa, as external passports. Every citizen must carry a passport when traveling inside or outside the country. Police occasionally confiscated these documents. In the past, authorities were more likely to confiscate the passports of political opponents than other citizens. There were no reports during the year of confiscation of political opponents' passports. After International Crisis Group analyst Azizulla Gaziev fled the country on August 28, members of the NSS briefly threatened to confiscate the passports of his family; Gaziev's wife refused to surrender her or her children's passports, and authorities eventually gave the family exit visas and allowed them to leave the country (see Section 2.a.).

Movement within the country by foreigners with valid visas generally was unrestricted; however, visitors required special permission to travel to certain areas, such as Termez, in Surkhandarya Province on the Afghan border.

The Law on Citizenship stipulates that citizens do not lose their citizenship if they reside overseas; however, since the country does not provide for dual citizenship, those acquiring another citizenship lose Uzbek citizenship. In practice, the burden was on returning individuals to prove to authorities that they did not acquire foreign citizenship while abroad.

Following the summer 2000 fighting with the IMU in the Surkhandarya region, the Government forcibly resettled residents of a number of villages from the mountainous border area (see Section 1.d.). The villagers faced permanent impediments to returning to their homes, and the Government built permanent structures in several new settlements approximately 120 miles away. International observers reported that conditions were acceptable in all of the villages but Sherabad, where one half of the village required outside assistance.

The population includes large numbers of ethnic Tajiks, Kyrgyz, and Kazakhs, as well as ethnic Koreans, Meskhetian Turks, Germans, Greeks, and Crimean Tartars deported to Central Asia by Stalin during World War II. Russians and other Slavs also are well represented. These groups enjoyed the same rights as other citizens.

There is no law that provides for the granting of asylum or refugee status to persons who meet the definition in the 1951 Geneva Convention Relating to the Status of Refugees and its 1967 Protocol. In practice, the Government provided some protection against refoulement but forcibly returned some persons to a country where they feared persecution, and it did not grant asylum. In August 1999, the Govern-

ment agreed that it would not force persons given refugee status by the UNHCR to leave the country. Nonetheless, the Government forcibly returned 11 Afghans who had registered with the UNHCR. Of these, 6 were UNHCR mandated refugees and 5 were asylum seekers.

There were no official statistics, but observers, including the U.N. High Commissioner for Refugees (UNHCR), estimated that there were 6,000 to 7,000 Afghans resident in the country, 2,500 of whom the UNHCR recognized and registered as refugees. Afghans comprised almost all of the UNHCR's refugee caseload. Although the Government in general tolerated the presence of Afghan refugees, the population faced protection problems. The UNHCR reported 32 Afghans in detention, of whom 19 were released after the UNHCR intervened, 2 remained in detention, and the remaining 11 were deported. The UNHCR reported that Afghan refugees had no access to the legal labor force and therefore limited means to earn a livelihood. The UNHCR reported that police rarely harassed mandated refugees.

The UNHCR estimated that there were an estimated 39,000 Tajik refugees in the country. The Government considered asylum seekers from Tajikistan and Afghanistan to be economic migrants and subjected them to harassment and bribe demands when seeking to regularize their status. Such persons could be deported if their residency documents were not in order. The overwhelming majority of the Tajik refugees were ethnic Uzbeks; unlike their Afghan counterparts, the Tajiks were able to integrate into and were supported by the local population. Although most Tajik refugees did not face discrimination and were generally tolerated by the Government, a great number of them only carried their old USSR passport and, under Uzbek and Tajik law, faced the possibility of becoming officially stateless.

Section 3. Respect for Political Rights: The Right of Citizens to Change their Government

The Constitution provides citizens with the right to change their government; however, in practice, citizens could not change their government through peaceful and democratic means. The Government severely restricted freedom of expression and repressed opposition groups and individuals (see Sections 1.c., 1.d., and 2.a.). No independent opposition political parties participated in government or were registered, although the Government allowed unregistered opposition political parties to hold regional and national congresses during the year. The Government is highly centralized and is ruled by a strong presidency. President Karimov and the executive branch maintained control through sweeping decree powers, primary authority for drafting legislation, and control of all government appointments, most aspects of the economy, and the security forces. The Parliament (Oliy Majlis) is constitutionally the highest government body. In practice, despite assistance efforts by international donors to upgrade its ability to draft laws independently, its main purpose was to confirm laws and other decisions drafted by the executive branch.

President Karimov was elected in a limited multi-candidate election in 1991. A 1995 referendum and subsequent parliamentary decision extended his first term until 2000. He was reelected in 2000 to a second term with 92.5 percent of the vote. The OSCE declined to monitor the presidential election on the grounds that the preconditions did not exist for it to be free and fair. Following a January 2002 referendum, which multilateral organizations and foreign embassies refused to observe, the term of the presidency was extended from 5 to 7 years.

The OSCE and many international observers concluded that the 1999 legislative elections were neither free nor fair because the voters lacked a choice. Local and regional governors (hokims), whom the President appointed, exerted a strong influence on the selection of candidates and the conduct of campaigns. Nearly half (110 out of 250) of those elected were not from party lists but were either hokims themselves or were nominated by the hokims' local assemblies. Citizens' initiative groups nominated only 16 of the 250 candidates who won. These candidates generally were allowed on the ballot only if the hokims approved them. Elections for a new bicameral legislature are scheduled for December 2004.

Four registered government-controlled political parties held the majority of the seats in Parliament, and government officials held most remaining seats. These four parties, created with government assistance and loyal to President Karimov, were the only ones permitted to participate in the 1999 parliamentary elections, which did not represent a real choice for voters. Many government officials were members of the People's Democratic Party of Uzbekistan, formerly the Communist Party and still the country's largest party. The party did not appear to play a significant role in the Government, and the President resigned his chairmanship of the party in 1996. A fifth pro-government, pro-Karimov party—the Liberal Democratic Party of Uzbekistan (LDPU)—was formed during the year and quickly registered. There

were reports that government employees were under pressure to support the newly founded LDPU.

The laws that govern the conduct of parliamentary and presidential elections and the Law on Political Parties make it extremely difficult for opposition parties to develop, nominate candidates, and campaign. The procedures to register a candidate are burdensome and the Central Election Commission (CEC) has authority to deny registration. A presidential candidate is prohibited from campaigning before being registered but must present a list of 150,000 signatures to be registered. Under the law, the CEC must deny registration of presidential candidates who are found to "harm the health and morality of the people." There is no appeal to the Supreme Court for candidates whose parties were denied registration. The MOJ has the right to suspend parties for up to 6 months without a court order.

Citizen initiative groups of 100 members or more may nominate candidates to Parliament by submitting signatures of at least 8 percent of the voters in the electoral district. Organizations other than those registered as political parties or initiative groups were prohibited from participating in campaigns, and candidates were allowed to meet with voters only in forums organized by precinct election commissions. The law prohibits parties from funding their candidates' campaigns directly; parties must turn over all campaign money to the CEC, which then distributes the funds equally among the candidates. Only the CEC may prepare and release presidential campaign posters.

According to the Law on Political Parties, judges, public prosecutors, NSS officials, servicemen, foreign citizens, and stateless persons (among others) cannot join political parties. The law prohibits formation of parties based on religion or ethnicity; those that oppose the sovereignty, integrity, and security of the country and the constitutional rights and freedoms of citizens; or those that promote war, or social, national, or religious hostility. Political organizations that seek to overthrow the Government or incite national or racial hatred are prohibited.

Membership in unregistered political organizations is not officially prohibited (see Section 2.b.). During the year, the Birlik opposition political party held a series of regional and national congresses and gathered more than 5,000 signatures. According to Birlik officials, unlike previous years, the party encountered only occasional resistance from local officials. The party had not held a congress since 1991, and harassment by security forces drove its leaders into voluntary exile in the early 1990s (see Section 1.d.). In September and November, the party applied for registration, which the MOJ rejected (see Section 2.b.).

The Government also permitted the newly constituted PAPU to hold a series of regional congresses throughout the country, culminating on August 2 in a national congress, where the party approved a charter and elected an executive committee. Like Birlik, PAPU encountered only minor obstacles in its organization campaign and was able to gather more than 10,000 signatures, more than twice the number required by law for registration. In October, the MOJ rejected PAPU's registration application (see Section 2.b.).

After significant difficulties, Erk held its party congress on October 22. This, along with a press conference held on October 2, was Erk's first public event in a decade. Media reports alleged that the Government forced Erk to postpone its most recent party congress. Erk party members continued to face arrest and physical mistreatment, as well as surveillance (see Sections 1.b. and 1.d.). On August 18, two masked assailants beat Tashpulat Yuldashev, a prominent Erk party member, in his home, resulting in a concussion and bruising; police called to the scene reportedly were interested only in asking about Yuldashev's political activities. General Secretary Atanazar Arifov and other Erk members reported receiving telephone calls warning them not to attend Erk meetings. There were no developments in the case of Erk member Ilkhom Salayev and his wife Khovajon Bekjanova, who were arrested in September 2002 in connection with a civil complaint; Bekjanova was reportedly raped and beaten, and her husband, who was forced to watch, committed suicide. Erk did not apply for registration, believing its previous registration remained valid (see Section 2.b.).

On December 6, the Free Farmers Party, an opposition party that broke away from PAPU, held its organizing congress. The party reported difficulties in securing a venue for its congress, although it was eventually able to meet in a restaurant. The Free Farmers had not submitted registration papers by year's end.

The leaders of three of the four unregistered opposition political parties—Mohammed Solikh of Erk, Abdurakhim Polat of Birlik, and Babur Malikov of the Free Farmers Party—went into voluntary exile in the early 1990s. After the February 1999 Tashkent bombings, government targeting of members of these groups intensified. The Government repeatedly accused Solikh, who ran against Karimov for the presidency in 1992, of being a leader of the terrorist plot behind the bombings.

Solikh was 1 of 9 defendants tried in absentia in a 2001 trial of 12 alleged conspirators. He was convicted and sentenced to 15 years in prison. Two of Solikh's brothers—Komil and Rashid—remained in prison at year's end. In February, the Government amnestied a third brother, Muhammed Bekjonov (a.k.a. Bekzhon); a fourth brother lived in exile with Solikh abroad.

Traditionally, women participated much less than men in government and politics. There were 20 female deputies among the 212 members serving in Parliament. There was one woman among the 28 members of the Cabinet: Dilbar Gulyamova, who held the rank of Deputy Prime Minister, was charged specifically with women's issues.

In the 250-member parliament, there were 190 ethnic Uzbeks, 5 Karakalpaks, 4 Russians, 4 Tajiks, 3 Kazakhs, 3 Ukrainians, 1 Armenian, and 1 Korean.

Section 4. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A number of domestic and international human rights groups operated in the country; however, security forces continued to harass and abuse domestic human rights activists. Several human rights activists reported significant harassment during the year; some were detained and beaten (see Sections 2.b.). During the year, the Government arrested and convicted human rights activist and independent journalist Ruslan Sharipov, and unknown persons abducted and beat his defense advocate Surat Ikramov, who is also a prominent human rights activist (see Sections 1.c, 1.e., and 2.a.). During the year, several persons the Government considered politically sensitive and their families experienced difficulties obtaining exit visas (see Section 2.d.).

There were numerous credible reports that several human rights activists who participated in the May meeting of the EBRD were harassed. The security services prevented a number of activists from attending meetings, effectively placing them under house arrest. Activists who did attend the meetings reported being followed by members of the security services. There was speculation that the eldest son of Human rights activist Akmadjon Madmarov, in jail for alleged Hizb ut-Tahrir membership, was sent into an isolation cell as retribution for his father's participation in the meeting.

The following human rights activists, arrested in 2002, were released and remained free at year's end: Jakhongir Shosalimov, Tursunbay Utamuratov, Yuldash Rasulov, Musulmonqul Hamroyev, and Jora Murodov (see Section 1.d.).

In March, the Government registered a second independent human rights organization, Ezgulik. This followed the March 2002 registration of the IHROU (see Section 2.b.). Two other organizations that work on human rights issues, the Committee for Protection of Individual Rights (CPRI) and the Legal Aid Society (LAS), continued to operate as registered groups. CPRI was formed with government support in 1996, and some of its members have cooperated with the HRSU, Ezgulik, and IHROU. The LAS shifted its focus from low-level police abuse and government corruption cases and took on more high-profile human rights cases during the year, including the defense of Ruslan Sharipov and the mother of Khusnuddin Olimov.

The leadership of Ezgulik and Mazlum overlap with those of Birlik and Erk, respectively, although the two human rights groups for the most part functioned independently of the opposition parties. The CPRI, which was registered as the Uzbek affiliate of the Germany-based International Society for Human Rights, has been engaged in legitimate human rights work, although it was careful not to criticize the Government. Observers from time to time questioned the CPRI's independence from the Government; its former leader, Marat Zakhidov, had for a time engaged in progovernment propaganda. Zakhidov was serving as the Chairman of PAPU. The IHROU went through a bitter internal struggle in the spring and early summer, with a large number of its members accusing the IHROU's long-serving leader Mikhail Ardzinov of an authoritarian management style and increasingly pro-government leanings. Nevertheless, many IHROU members—both those who supported Ardzinov and a larger number who opposed him—continued to do human rights work, particularly in the regions outside Tashkent.

Other human rights groups, such as the HRSU, Mazlum, and the Mothers Against the Death Penalty and Torture have faced problems with registration but have continued to function, albeit with some difficulty (see Section 2.b.). Renting office space and conducting transactions in an unregistered NGO's name can be legally problematic; and opening bank accounts was impossible, making receiving funds from overseas very difficult. Activists of unregistered organizations tended to encounter more difficulties with authorities than their colleagues at registered NGOs. Unregistered NGOs also had problems finding venues for public events, as occurred when the hotel originally booked to host a seminar on the death penalty

scheduled for December 3 abruptly cancelled, citing the unregistered status of the NGO organizing the event. International and local journalists met frequently with members of these organizations, but state-controlled media rarely mentioned them.

The Government generally did not obstruct the work of international human rights NGOs. HRW maintained an office and operated independently in the country. Freedom House, which began operations in Tashkent in 2002 and opened a branch office in the Fergana Valley in June, continued to be active in training human rights defenders; in July, it began a program to provide legal assistance to local human rights defenders. The Government was increasingly willing to work with international governmental organizations such as the OSCE, which has been involved in such human rights problems as prison reform and combating trafficking in persons, as well as with foreign embassies, the ICRC and UNHCR. At the end of December, the Government informed a number of international NGOs that they must reregister with the MOJ, rather than with the Ministry of Foreign Affairs (MFA), as they had done previously. At year's end, it remained unclear what impact this would have, although some NGO representatives voiced concern that apparently burdensome reporting and coordination requirements associated with the MOJ's new registration procedures would make it difficult for the NGOs to work effectively.

After the U.N. Special Rapporteur on Torture released his report in February stating that torture was systematic in the country and State Advisor for Foreign Policy Kamilov's public statements in March on abuses in prisons and pretrial detention facilities, officials from the MVD met with foreign ambassadors and U.N. officials to discuss the Rapporteur's recommendations (see Section 1.c.).

A human rights Ombudsman's office affiliated with the Parliament may make recommendations to modify or uphold decisions of government agencies, but the recommendations are not binding. The Ombudsman is prohibited from investigating disputes within the purview of courts. The Ombudsman has eight regional offices outside Tashkent. During the year, the Ombudsman's office handled hundreds of cases, a large majority of which dealt with contested court decisions, abuse of power, and various labor and social welfare issues. The Ombudsman published reports identifying the most serious violations of human rights by government officials; the majority of these involved allegedly unjust court decisions and claims of abuse of power by police and local officials. Most of the successfully resolved cases appeared to have been relatively minor.

The National Human Rights Center of Uzbekistan, created by presidential decree, is responsible for educating the population and government officials about the principles of human rights and democracy, as well as for ensuring compliance with its international obligations in providing information on human rights.

Section 5. Discrimination Based on Race, Sex, Disability, Language or Social Status

Both the Constitution and the law prohibit discrimination on the basis of sex, language, or social status; however, societal discrimination against women persisted.

Women.—Violence against women was a problem and spousal abuse was common, although no statistics were available. Wife beating was considered a personal family affair rather than a criminal act; such cases usually were handled by family members or elders within the community (mahalla) and rarely came to court. Emphasis was placed on reconciling husband and wife, rather than addressing the abuse. The law punishes physical assault; however, no legal provisions specifically prohibit domestic violence. Police often discouraged women from making complaints against abusive husbands and abusers were rarely taken from home or jailed. A September HRW report on mahalla committees concludes that although neighborhood committees played no formal role in divorce proceedings, in practice, women frequently were unable to obtain a divorce without the committee's approval, which was seldom granted even in cases of obvious abuse.

A 2000 NGO study on domestic violence in the country concluded that domestic violence was widespread. Winrock International, which helps develop women's organizations in the country, noted that public officials were willing to speak openly about the problem of domestic violence. Most NGOs who worked on domestic violence issues reported that local government cooperation on education programs had increased, with a number of initiatives taken to increase cooperation with mahalla committees. Some police participated in NGO training on this issue.

The law prohibits rape. Marital rape appears to be implicitly prohibited under the law, but no known cases have been tried. Although statistics were unknown, cultural norms discouraged women and their families from speaking openly about rape.

Although the law prohibits prostitution, it was a problem in the country, and many observers believed that deteriorating economic conditions led to an increase in prostitution. There were more ethnic minorities engaged in prostitution. Police enforcement of laws against prostitution was uneven, and some police officers used

the threat of prosecution and other forms of harassment to extort money from prostitutes.

The Government made progress in combating trafficking in women to other countries for the purpose of prostitution (see Section 6.f.).

The law does not prohibit sexual harassment. Social norms and the lack of legal recourse made it difficult to assess the scope of the problem.

Although the law prohibits discrimination against women, traditional, cultural, and religious practices limited their role in everyday society. For these reasons, women were severely underrepresented in high-level positions. In accordance with tradition, women—particularly in rural areas—usually married before the age of 20, bore many children, and confined their activities to within the family. In rural areas, women often worked in the cotton fields during the harvest season. However, women were not impeded formally from seeking a role in the workplace, and women who opened businesses or sought careers were not hindered legally. Women were underrepresented in the industrial sector; however, they were fairly well-represented in the agricultural and small business sectors. A deputy prime minister at the cabinet level was charged with furthering the role of women in society and also was head of the National Women's Committee.

Several dozen NGOs addressed the needs of women. NGOs in Tashkent, Termez, and Fergana conducted seminars on sexual harassment, domestic violence, and the legal rights of women. Another NGO in Tashkent operated a hotline for women involved in prostitution. A center in Samarkand operated a crisis hotline and provided educational services on alcoholism, sexually transmitted diseases, and family counseling. The American Bar Association operated programs that focused on protecting women's legal rights in the Fergana region. A women's group in Surkhandarya worked with women with disabilities and promoted their rights. Another organization, Women's Integrated Legal Literacy, worked in the following areas: Legal literacy training, small grants for women's NGOs, cultural events to educate women on their rights, and advocacy on women's issues.

In parts of the country, some women and girls resorted to suicide by self-immolation. There were no reliable statistics on the extent of this problem because most cases went unreported. After marriage many women or girls moved into the husband's home, where they occupied the lowest rung on the family social ladder. A conflict with the husband or mother-in-law, who by tradition exercised complete control over the young bride, usually was the stimulus for suicide. The NGO "Umid" (also known as the Interregional Rehabilitation Center) in Samarkand ran a shelter for victims of self-immolation. UMID also worked with trafficking victims and was involved in the rehabilitation of commercial sex workers. The NGO reported varying degrees of cooperation from individual officials and local governments.

A 1997 research study indicated that the number of women enrolling in higher education was diminishing; women's enrollment in the finance and banking institute dropped from 65 percent in 1991 to approximately 25 percent in 1997. The report stated that university faculty "steer" women into occupations traditionally performed by females and suggested that administrators may have deliberately barred entrance to women in some fields. A steep, government-mandated increase in university fees enacted in 2002 forced many more families to decide which, if any, of their children they would educate, possibly affecting women's access to higher education. This trend has continued as the number of "contract students," those who pay full tuition at universities, continued to grow.

Children.—The Constitution provides for children's rights, stating that parents are obliged to support and care for their children until they reach age 18. Traditional values reinforced the cohesion of families; in most cases, several generations of a family lived together. Article 41 of the Constitution provides for free compulsory education through secondary school; however, in practice, shortages and budget difficulties meant that many expenses related to education must be paid for privately. Likewise, teachers, who earned extremely low salaries, routinely demanded regular payments from students and their parents. Twelve years of formal schooling are compulsory, and the average length of schooling is more than 11 years. According to the Government, 98.1 percent of children completed secondary school. Anecdotal evidence indicated that more children continued to drop out of high and middle schools as economic circumstances continued to deteriorate. There also was evidence that earlier marriages among young rural women contributed to a higher drop out rate for young women. The Government granted monetary allowances to families based on their number of children. The country had a very high birth rate; more than one-half of the population was under the age of 18.

There were reports of abuse of children. Child abuse was generally considered an internal family matter, although elders on mahalla committees frequently took an interest at the local level. There were no government-led campaigns against child

abuse, although efforts to combat human trafficking involved the protection of underage victims.

There were reports that some girls were trafficked from the country for the purpose of prostitution (see Section 6.f.). Teenage girls were engaged in prostitution. During the harvest, some school children, particularly in rural areas, were forced to work in the cotton fields (see Section 6.c.).

Information on displaced children was difficult to obtain. There were reports of displaced persons, including children, in Surkhandarya, along the border with Tajikistan (see section 1.d.). Conditions in these villages reportedly have improved, and children had access to schooling.

Persons with Disabilities.—The law provides for support for persons with disabilities and is aimed at ensuring that these persons have the same rights as other citizens; however, little effort was made to bring persons with disabilities into the mainstream. There was some societal discrimination against persons with disabilities. Children with disabilities were generally segregated into separate schools. The Government cared for the persons with mental disabilities in special homes. The Government has not mandated access to public places for persons with disabilities; however, there was some wheelchair access throughout the country.

National/Racial/Ethnic Minorities.—Government statistics dating from 1992 show that the population was approximately 71 percent Uzbek, 8 percent Russian, 5 percent Tajik, 4 percent Tatar, and 3 percent Kazakh, with many other ethnic groups represented as well. During the year, the percentage of Russians and Tatars decreased through emigration, but a number of Russians returned to the country. Exact percentages of ethnic minorities were unknown but were certainly lower than in 1992. Available statistics almost certainly underestimated the actual number of ethnic Tajiks; the figures treated ethnic Tajiks whose native language was Uzbek as ethnic Uzbeks. In addition, some members of other ethnic groups chose for a variety of reasons to declare themselves to be ethnic Uzbeks.

Ethnic groups other than Uzbeks, particularly Russians, frequently complained that job opportunities were limited for them. Senior positions in the government bureaucracy and business generally were reserved for ethnic Uzbeks, although there were numerous exceptions to this rule.

The citizenship law does not impose language requirements for citizenship; however, the language issue remained very sensitive. Uzbek was declared the state language, and the Constitution requires that the President speak Uzbek; however, the language law provides for Russian as “the language of interethnic communication.” Russian was spoken widely in the main cities, and Tajik was spoken widely in Samarkand and Bukhara. The law originally required that Uzbek would be the sole method of official communication by 1998 but subsequently was modified to remove a specific date. The Government also began the process of replacing the Cyrillic alphabet with the Latin alphabet; however, realizing the difficulties for Uzbeks and minorities alike, the Government delayed the full transition to both the Uzbek language and the Latin alphabet to 2005.

In the past, the Government’s suppression of groups and individuals tied to the IMU included a small number of Uighur separatists, primarily from China, who fought with the IMU in Afghanistan. However, as a group, the Uighurs have not suffered harassment or social or political discrimination based on their ethnic identity. Linguistically, Uighur is extremely close to Uzbek. Inter-marriage was common, and the Uighurs were widely considered to be quite prosperous. There were no barriers professionally, including in government service. The Government has been generally supportive of Uighur cultural activities.

Section 6. Worker Rights

a. The Right of Association.—The law specifically provides that all workers have the right to form and join voluntarily unions of their choice and that trade unions themselves may associate voluntarily by geographic region or industry sector; however, workers did not do so in practice. Membership in trade unions is optional. The law declares all unions independent of governmental administrative and economic bodies (except where provided for by other laws); it also states that trade unions should develop their own charters, structure, and executive bodies and organize their own work. However, in practice, the overall structure of trade unions has not changed significantly since the Soviet era. Trade unions remained centralized hierarchically and dependent on the Government. No alternative union structures or independent unions exist.

There were a few professional associations and interest groups, such as a union of entrepreneurs, a union of renters, and an association of private physicians and pharmacists. There also were registered professional associations for judges and lawyers, both of which were quasi-governmental. The main activity of all registered

associations was professional development. They did not license members and had no formal role in advocating the interests of members in relation to the Government.

According to the law, the Council of the Federation of Trade Unions (CFTU) has a consultative voice in the preparation of all legislation affecting workers and is entitled to draft laws on labor and social issues. Trade unions are described legally as organizations that defend the right to work and to protect jobs, and emphasis is placed on the unions' responsibility for "social protection" and social justice—especially unemployment compensation, pensions, and worker retraining.

The law prohibits discrimination against union members and their officers.

The law on unions provides that unions may choose their own international affiliations; however, none have done so.

b. The Right to Organize and Bargain Collectively.—Unions and their leaders were not free to conduct their activities without interference from the Government. Although laws exist to safeguard the right to organize and to bargain collectively, they were not adequate to protect this right in practice. Trade unions were state-organized institutions and had little influence, although they did have some input on health and work safety issues.

Trade unions may conclude agreements with enterprises; however, progress in privatization was very limited and collective bargaining did not occur. As a result, there was no experience with negotiations that could be described as adversarial between unions and private employers. The State was still the major employer, and the state-appointed union leaders did not view themselves as having conflicts of interest with the State. The Ministry of Labor and the Ministry of Finance, in consultation with the CFTU, set the wages for various categories of government employees. In the small private sector, management established wages or negotiated them with those who contract for employment.

The trade union law does not mention strikes or cite a right to strike; however, the law does give the unions oversight for both individual and collective labor disputes, which are defined as those involving alleged violations of labor laws, worker rights, or collective agreements.

Unlike previous years, there were at least two major strikes. On July 21, approximately 300 female employees of a rubber plant in the industrial city of Angren staged a 1-day strike to protest unpaid wages. The Government reacted by paying the strike leaders, who then persuaded the workers to return to their jobs. On August 11, between 2,000 and 4,000 workers from the Fergana Oil Refinery staged what was reported to be the largest mass protest in the country's history. The workers claimed that they had not been paid in 6 months. National authorities took a cautious approach to the workers, agreeing to pay at least part of their back wages, but there were reports that many unresolved issues remained and that the situation remained tense at year's end.

In August and September, bazaar vendors, who were not organized into unions, held strikes throughout the country. The vendors were upset about newly implemented tax laws and stall rental prices.

There are no export processing zones.

c. Prohibition of Forced or Bonded Labor.—Article 77 of the Constitution specifically prohibits forced or bonded labor, including by children, except as legal punishment or as specified by law; however, there were reports that such practices occurred (see Sections 6.d. and 6.f.).

d. Status of Child Labor Practices and Minimum Age for Employment.—Article 77 of the Labor Code, dedicated to child labor, mandates that the minimum working age is 14. Work must not interfere with the studies of those under 18. Children between the ages of 14 and 16 may only work 20 hours per week when school is not in session and 10 hours per week when school is in session. Children between the ages of 16 and 18 may work 30 hours per week while school is not in session and 15 hours per week while school is in session. In rural areas, younger children often helped to harvest cotton and other crops (see Section 6.c.).

The Government has not ratified International Labor Organization (ILO) Convention 182 on the worst forms of child labor; however, as a member of the ILO, the country is subject to overlapping obligations such as Article 29 concerning forced labor.

The large-scale compulsory mobilization of youth and students to help with the cotton harvest during the fall—a practice that dates back to Soviet days—continued to occur in some areas. Student labor in the cotton fields was paid poorly, and students sometimes were required to pay for their food. Human rights activists reported that local officials beat some teachers who objected to their students being removed from class to participate in the harvest.

The prosecutor's office and the Ministry of Labor (MOL) were the principal bodies responsible for enforcing child labor laws. The MOL maintained a system of inspectors who were responsible for reporting violations to the prosecutor's office. The law provides for a range of criminal and administrative sanctions to punish violators; however, these were not adequate to punish or to deter violations related to the cotton harvest. There were no reports of prosecutions or administrative sanctions resulting from such inspections.

e. Acceptable Conditions of Work.—The Ministry of Labor, in consultation with the CFTU, sets the minimum wage. By year's end, the minimum wage was approximately \$5.40 per month (5,400 soum). The minimum wage did not provide a decent standard of living for a worker and family. Average government salaries were approximately \$35 to \$40 (35,000–45,000 soum).

The standard workweek was set at 41 hours and required a 24-hour rest period. Some factories apparently reduced work hours to avoid layoffs. Overtime pay exists in theory but was not usually paid in practice. Payment arrears of 3 to 6 months were not uncommon for workers in state-owned industries, and the problem appeared to be growing, including among government office workers and officials.

The Labor Ministry establishes and enforces occupational health and safety standards in consultation with the unions. The local press occasionally published complaints about the failure of unions and government authorities to do enough to promote worker safety. Although written regulations may provide adequate safeguards, workers in hazardous jobs often lacked protective clothing and equipment. Workers are permitted to leave jobs that are hazardous without jeopardizing their employability in other jobs; however, in practice, high rates of underemployment made such action difficult.

f. Trafficking in Persons.—The law prohibits trafficking in persons; however, trafficking in women and girls from the country for the purpose of prostitution was a problem. A few NGOs reported that some local officials were involved in trafficking on a limited basis.

The law prohibits all forms of trafficking, including of minors, and provides for penalties, including prison sentences of 5 to 8 years for international trafficking. Recruitment for trafficking is punishable by 6 months' to 3 years' imprisonment and fines of up to approximately \$900 (900,000 soum). The recruitment charge could be levied against international or domestic traffickers. All law enforcement agencies are charged with upholding the anti-trafficking provisions of the criminal code. By year's end, law enforcement reported they had investigated several dozen cases of trafficking and convicted a total number of 80 persons for trafficking-related crimes.

The Government took significant measures to combat trafficking in persons, including establishing an inter-agency working group, producing an action plan on combating trafficking, actively cooperating with NGOs and the OSCE on anti-trafficking training for law-enforcement and consular officials, and working with NGOs to produce an effective public awareness campaign. In addition, the Government, in cooperation with NGOs and international organizations, began to train law enforcement and mahalla officials in identifying and protecting victims of trafficking. The national police assisted in the formation of an anti-trafficking NGO run by retired police officers and dedicated to researching the issue. The Government directed border guards at airports to give more scrutiny to unaccompanied young women traveling to Turkey, the United Arab Emirates (UAE), South Korea, Malaysia, and Indonesia; it authorized them to deny such women permission to leave the country.

The country was primarily a source for the trafficking of women and girls for the purpose of prostitution. However, there were also reports of men being trafficked to illegal labor markets in Kazakhstan and Russia, mainly in the construction and service sectors. There were no reliable statistics on these problems, and it did not appear to be widespread, although anecdotal reports from NGOs indicated that the number of young women from the country who were trafficked into prostitution abroad was growing. Many women were unwilling to come forward due to both societal pressure and the fear of retaliation from their traffickers. There were credible reports that women traveled to the Persian Gulf, Malaysia, South Korea, Thailand, Turkey, and Western Europe for the purpose of prostitution; some of them reportedly were trafficking victims. Some transit of trafficked persons may also have taken place from neighboring countries and to or from countries for which Uzbekistan was a transportation hub (Thailand, Malaysia, Indonesia, India, Korea, and the UAE).

Traffickers most often targeted young women between the ages of 17 and 30. Agents in nightclubs or prostitution rings solicited these women, many of whom previously engaged in prostitution. In large cities such as Tashkent and Samarkand, newspaper advertisements for marriage and work opportunities abroad were con-

nected to traffickers. Travel agencies promising tour packages and work in Turkey, Thailand, and the UAE also solicited prostitutes. There were reports that in some cases traffickers recruited women with fraudulent job offers abroad, including as dancers or waitresses in nightclubs or restaurants, and in some cases they may have confiscated travel documents once the women reached the destination countries.

Some local officials working at the MVD, Customs, and Border Guards reportedly accepted bribes in return for ignoring their instructions to deny exit to young women they believe to be traveling abroad to work as prostitutes. According to local sources, officials were involved in document fraud and accepted bribes from persons attempting to travel illegally or from the traffickers themselves. One NGO reported that some local officials, operating on a relatively small scale, were helping women, some of whom may have been trafficked, obtain false passports to travel to Dubai to work as exotic dancers or prostitutes.

The Consular Department of the Ministry of Foreign Affairs reported that it began developing an assistance and repatriation program designed to make it easier for trafficking victims abroad to return. One NGO reported that police, consular officials, and border guards began to notify it of any women returning from abroad who appeared to be possible trafficking victims. The NGO was also allowed to assist groups of women returning from abroad at the airport and help them through entry processing.

Two NGOs specifically addressed trafficking in persons, and other NGOs attempted to collect information to combat trafficking. The OSCE Tashkent office, in cooperation with foreign embassies, NGOs, and the Government, was very active in combating trafficking. OSCE held a series of training seminars for Uzbek government law enforcement, including officers from the NSS, MVD, MFA, Customs, Border Guards, and the Officer of the General Prosecutor. It also provided training for several trafficking-focused NGOs, organized roundtables to discuss project ideas, and provided small-grant funding to various NGOs. In September, OSCE organized a study tour to Ukraine for government officials to exchange ideas and experiences in combating human trafficking.

An increased number of targeted newspaper articles discussing trafficked women and prostitution appeared in state-controlled newspapers; however, advertisements soliciting women's participation in such schemes appeared in these same publications. The state radio also continued airing a weekly call-in show for women who were involved in the sex trade. State-owned television stations worked with local NGOs to air public announcements on trafficking and to advertise seven regional hotlines run by NGOs to counsel victims and potential victims of trafficking. The Government likewise worked with NGOs to design posters on the dangers of trafficking and to place these posters on public buses and in passport offices and consular sections abroad.